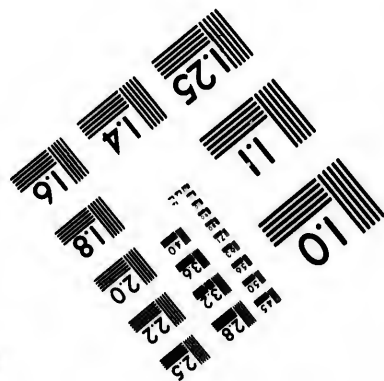
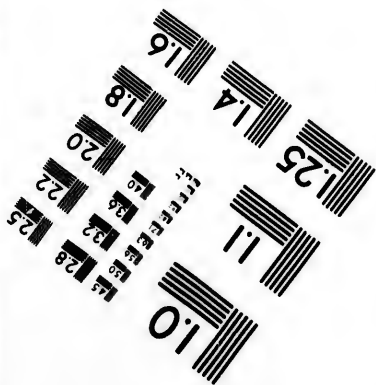
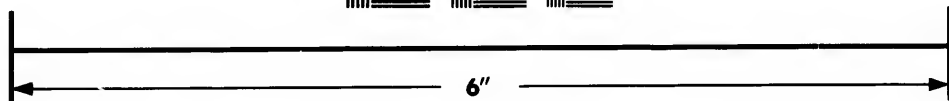
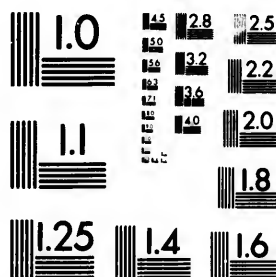


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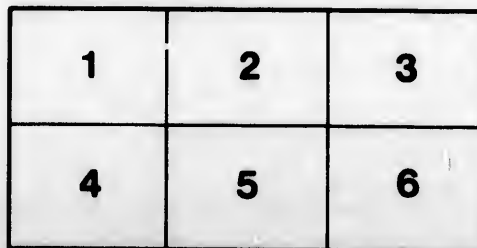
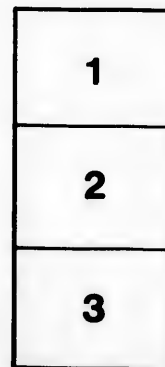
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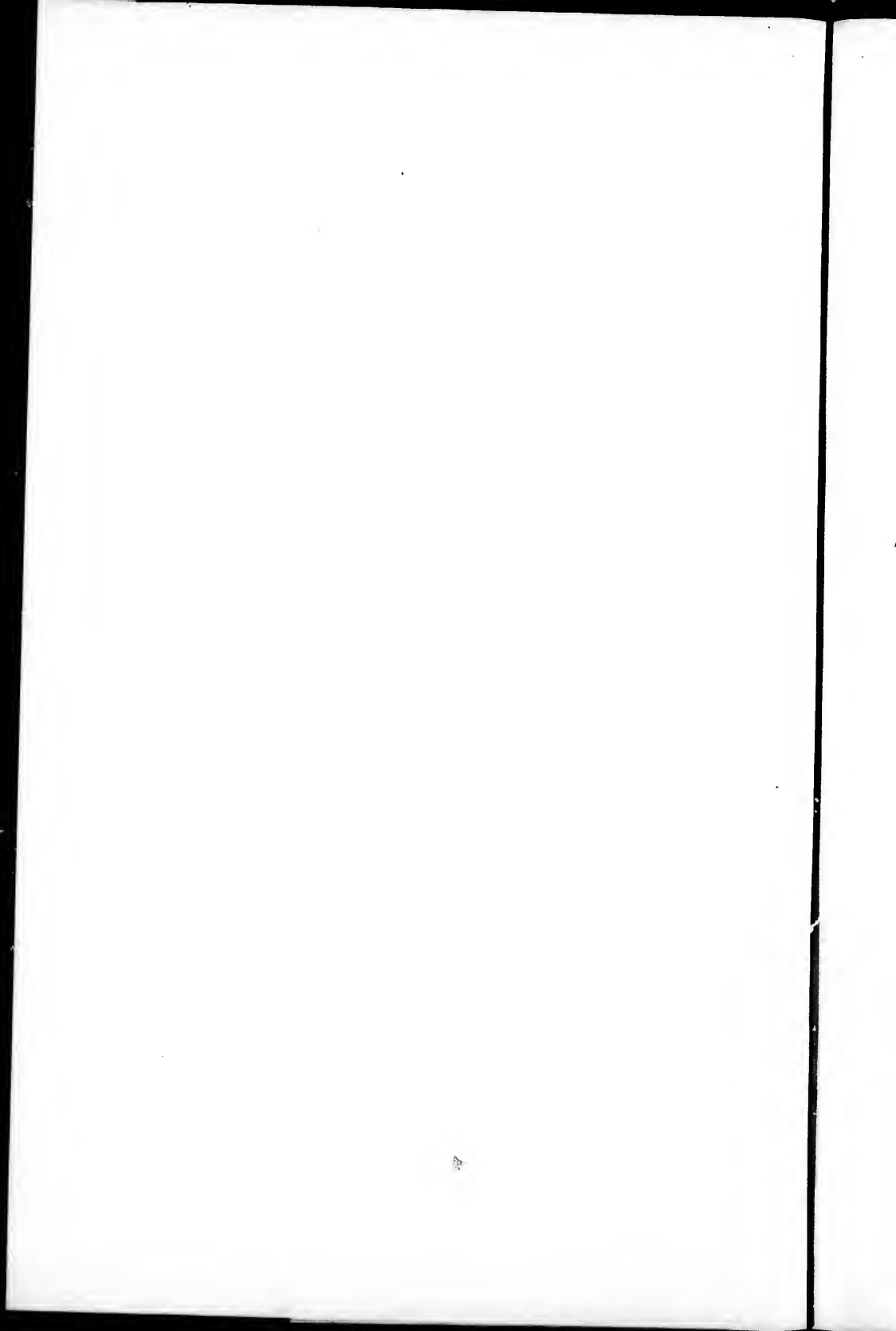
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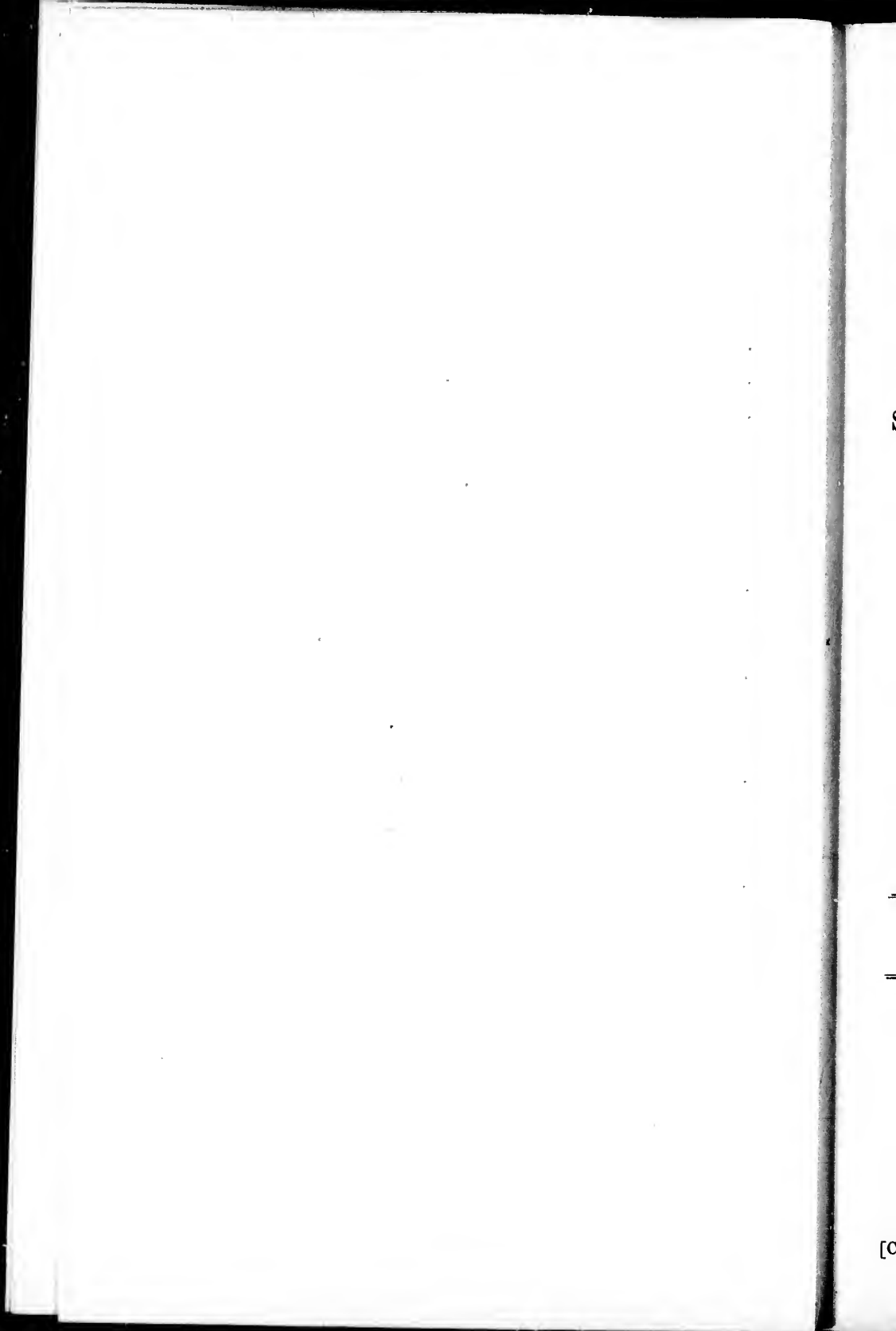
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RUSSIA. No. 1 (1890).

CORRESPONDENCE

RESPECTING THE

SEIZURE OF THE BRITISH SCHOONER "ARAUNAH,"

OFF

COPPER ISLAND,

BY THE

RUSSIAN AUTHORITIES.

*Presented to the House of Lords by Command of Her Majesty.
June 1890.*

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Correspondence respecting the Seizure of the British Schooner
 "Araunah," off Copper Island, by the Russian Authorities.

No. 1.

Mr. Trench to the Marquis of Salisbury.—(Received October 25.)

My Lord,

Tōkiō, September 17, 1888.

I HAVE the honour to report to your Lordship that the captain and crew of the schooner "Araunah," of Victoria, British Columbia, captured by the Russians, off Copper Island, at the commencement of July last, and taken to Vladivostock, arrived at Nagasaki on the 25th ultimo, and were handed over by the Russian Consul at that port to Mr. Consul Enslie, who sent them on to Her Majesty's officiating Consul at Kanagawa. Captain Siewerd and his crew left Yokohama for Vancouver on the 1st instant by the Canadian Pacific steam-ship "Batavia."

It is unnecessary for me to trouble your Lordship with a detailed statement of the circumstances connected with the seizure of the "Araunah," as full particulars have already been given in a letter addressed by Captain Siewerd to Her Majesty's Chargé d'Affaires at St. Petersburg, to whom the complaint was addressed.

I have, &c.

(Signed) P. LE POER TRENCH.

No. 2.

Mr. Siewerd to the Marquis of Salisbury.—(Received November 19.)

Sir,

Victoria, British Columbia, October 29, 1888.

WHEN seized on the 1st July, 1888, in the British sealing-schooner "Araunah," of this port, 8 miles off south extreme of Copper Island, by the Russian merchantman "Alexander II," and when I protested against this seizure, claiming to be beyond the gun-shot limit, the Russian officer, M. Grebnitzky, replied: "I would seize you 100 miles further south if found with seal-hunting outfit abroad."

As the American side of Behring's Sea is closed to us, and I have been of opinion that when south of the islands (Copper and Behring's) I was in the open waters of the North Pacific Ocean, the above reply has prompted me to ask of you the kindness to give me the boundary-lines of the Russian possession adjacent to the North Pacific Ocean, Copper and Behring's Islands included, as construed by your Department.

As your compliance with my request may avoid serious loss of property the coming season, as I contemplate to hunt again in those waters, I pray that your Honour will favour me with an immediate reply,

I am, &c.

(Signed) H. F. SIEWERD,
 Late Master of Schooner "Araunah."

No. 3.

Sir R. Morier to the Marquis of Salisbury.—(Received November 19.)

My Lord,

St. Petersburg, November 14, 1888.

WITH reference to your Lordship's despatch of the 7th instant, respecting the seizure of the "Araunah,"* I have the honour to state that the case is in the hands of

* Inclosing copy of No. 1.

Her Majesty's Embassy, a sworn affidavit, dated the 27th August, together with a protest by the captain and a declaration by the Superintendent of the Commodore Islands, who seized the ship, having been forwarded to Mr. Dering, from Nagasaki, in a letter from the master of the ship, transmitted by the owners, asking that no action should be taken until they have sent in their statement of claims and a legal opinion on the entire case.

Until they do so I deem it best not to trouble your Lordship with the correspondence on the subject.

I have, &c.
(Signed) R. B. D. MORIER.

No. 4.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office,
November 28th)

My Lord,

Government House, Ottawa, November 6, 1888.

I HAVE the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting a communication from Messrs. Hall, Goepel, and Co., Victoria, British Columbia, the owners of the British schooner "Araunah," together with certain documents and facts in connection with the seizure of that vessel on the 1st July last, for an alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, by the Russian merchant-steamer "Alexander II," whilst in the prosecution of her legitimate calling as a sealing schooner in the Behring's Sea.

Your Lordship will observe that a statement of this case has already been forwarded by Captain Siewerd, his mate and crew, to Her Britannic Majesty's Chargé d'Affaires at St. Petersburg.

My Government desire that a remonstrance may be made to the Russian Government for so unwarrantable an act as that committed by the commander of the "Alexander II," and a claim made for the loss and damage sustained by the owners of the "Araunah" in consequence of this seizure in the open sea.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 1 in No. 4.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on October 22, 1889.

ON a Report dated the 20th October, 1888, from the Minister of Marine and Fisheries, stating, with reference to the communication, dated the 21st September, 1888, of Messrs. Hall, Goepel, and Co., Victoria, British Columbia, the owners of the British schooner "Araunah," that it appears from the statements accompanying the communication, that the vessel in question was seized on the 1st day of July last by the Russian merchant-steamer "Alexander II" for an alleged violation, in that part of the North Pacific Ocean known as Behring's Sea, of the Hunting Laws of the Russian Government.

At the time of the seizure the "Araunah" was pursuing a legitimate calling in waters which are open to vessels of all nations.

It further appears that a statement of this case has already been forwarded by Captain Siewerd, his mate and crew, to Her Britannic Majesty's Chargé d'Affaires at St. Petersburg.

The Minister recommends that a copy of Messrs. Hall, Goepel, and Co.'s letter, with its inclosures, be forwarded, through the proper channel, to Her Majesty's Government.

The Committee concurring, advise that your Excellency be moved to forward copies of the papers herewith to the Right Honourable the Principal Secretary of State for the Colonies for transmission to the Foreign Office, in order that remonstrance may be made to the Russian Government for so unwarrantable an act as that committed by the commander of the "Alexander II," and a claim be made for such a reparation for the wrong done as may be commensurate with the loss and damage

sustained by the owners of the "Araunah" in consequence of this seizure in the open sea.

All which is respectfully submitted.

(Signed)

JOHN J. MCGEE, Clerk,
Privy Council.

Inclosure 2 in No. 4.

Messrs. Hall, Goepel, and Co. to the Hon. J. A. Chaplean.

*Government House, Victoria, British Columbia,
September 21, 1888.*

Sir,

WE have the honour to transmit herewith certain documents and facts in connection with the seizure of our schooner "Araunah," on the 1st July last, for alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, by the Russian merchant-steamer "Alexander II," whilst in the prosecution of her legitimate calling as a sealing-schooner in the Behring's Sea, and which we respectfully urge is a part of the North Pacific Ocean, and open to the vessels of all nations. The clear and comprehensive letter statement on protest of Captain Siewerd, his mate and crew, addressed to Her Britannic Majesty's Chargé d'Affaires at St. Petersburg, and sworn to before Her Britannic Majesty's Consul at Nagasaki, Japan, clearly sets forth an epitome of the circumstances attending the illegal seizure of our vessel, properly registered as a Canadian vessel, and flying the British flag, and leaves but little for us to add in connection therewith.

Inclosed will also be found copies of the telegrams that passed between the master of our vessel and the British Embassy at St. Petersburg, and by which we are assured that steps would be taken, with least delay possible, in the direction desired, and that the Russian Government had been duly apprised of the seizure and its circumstances.

Although everything has been done by the master that could reasonably be expected to place the matter in the proper and most direct channel for investigation, restitution, and protection of British interests upon the high seas, still we deem it expedient to promptly report to the Federal Government at Ottawa, through you, the fact of the seizure (and what has been done to date) of our schooner whilst registered under the laws of the Dominion of Canada, with the full belief that his Excellency the Governor-General in Council will cause such steps to be taken as will grant the relief and restitution which it is our pride and privilege to claim as loyal subjects of Her Majesty.

In due course we shall forward a statement of claim of our loss against the Russian Government or whom it may concern.

We have, &c.
(Signed) HALL, GOEPEL, AND CO.,
Owners of Schooner "Araunah."

Inclosure 3 in No. 4.

Telegrams from Mr. Siewerd, Master of Schooner "Araunah," to the British Embassy at St. Petersburg, and the Replies to same.

(1.)

Vladivostock, August 9, 1888.

SEALING schooner "Araunah," of Victoria, was set during a heavy fog and calm by current within 6 miles of southern extreme of Copper Island, when seized by Russian merchantman "Alexander II." Left here with crew. among them twelve Vancouver Indians, unprovided. Please advise.

Answer.

Your telegram received. Steps will be taken with least delay possible.

(2.)

Vladivostock, August 15, 1888.

Will forward protest sworn to before Consul at Nagasaki: also all documents pertaining to seizure. Please advise if necessary to protest here. Also of other steps required here. Owners' names: Hall and Goepel, Victoria.

Answer.

Your case has been brought to the notice of Russian Government, who have telegraphed to inquire into it. You might protest locally. Forward all documents here.

Inclosure 4 in No. 4.

Diagram illustrating Position of Schooner "Araunah" at time of Seizure.

Inclosure 5 in No. 4.

Mr. Siewerd to Mr. Dering.

Dear Sir,

August 27, 1888.

REGARDING the seizure of the British sealing schooner "Araunah," of Victoria, British Columbia, by M. Grebnitzky in the Russian merchantman "Alexander II," for alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, of which I informed you in my telegraphic despatch of the 9th August, 1888, from Vladivostock, I now respectfully submit the following facts:—

On the 1st July, 1888, at 6:30 A.M., during a heavy fog and calm, I calculated the schooner's position to be 16 miles south by west of the southern extremity of Copper or Medney Island. Judging myself in the open waters of the North Pacific Ocean, I ordered the canoes for hunting. At about 7:30 A.M. the fog lifted, when the schooner was found to be east by south, about 6 to 8 miles distant from the southern extremity of the island, with the canoes out to the south and west of the schooner. When in this position a steamer was sighted, which bore at once down upon us, proving the Alaska Commercial Company's steamer "Alexander II," flying at peak the Russian merchant ensign, and at maintop a green flag with white cross.

When near, the schooner was hailed, and I, the master was asked to come aboard the steamer, which I did. When on steamer's deck, I was informed by M. Grebnitzky that he would confiscate the schooner for being within the limit. This I denied, but was answered that the boundary ran from Cape Lopatka to the Island of Atton, and that I could protest against the seizure to authorities at Vladivostock, where the case would be forwarded.

As the officer produced no documentary evidence of his authority, I asked upon what authority the seizure was made, in answer to which the officer pointed to the flag at maintop, saying, "There is my authority."

The officer and crew of schooner were then made prisoners, and transferred aboard steamer "Alexander II." The schooner was towed to the Settlement Glinka on Copper Island, where the skins, 133, were landed at Company's warehouse. Here I had to deliver the schooner's papers to Officer Grebnitzky. Before doing so I demanded a paper stating the reason of confiscation, which I forward herewith, and a copy of which I was asked to sign after it having been translated to me by M. J. Mallinvensky to read in substance.

That this day the schooner "Araunah" had been confiscated for hunting within the limits of the Russian possessions.

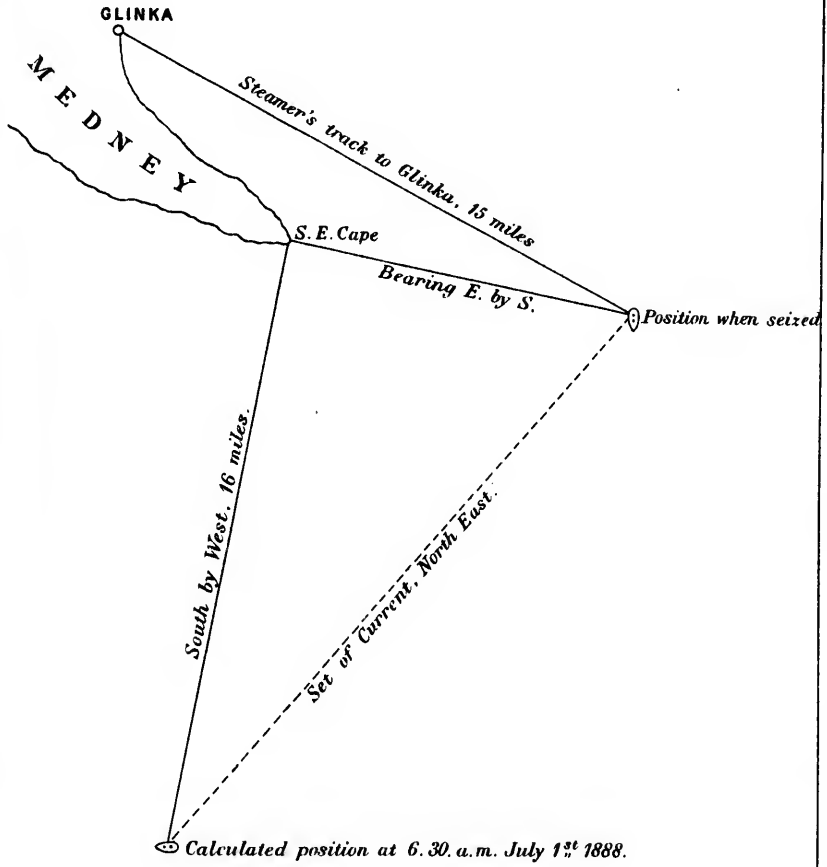
I hereby notified M. Grebnitzky, in presence of M. J. Mallinvensky, of my protest against the seizure, which protest I would make before the nearest Representative of Her Britannic Majesty's Government, and, in accordance with advice in your telegraphic despatch of 15th August, 1888, have protested to Admiral and Governor of Vladivostock, the certified copy of which I send herewith.

The schooner was then brought to Petropaulovski by a crew of the steamer "Alexander," where, upon the arrival of the schooner, the salt, stores, provisions, and also part of personal property of crew, were sold by M. Grebnitzky without the confiscation having been declared legal by any authority other than his own. I must add that we had no intention whatever to violate the laws of the Imperial Russian Government, but intended to follow the hunting in the waters of the North Pacific

DIAGRAM
ILLUSTRATING POSITION
OF
SCHOONER "ARAUNAH"

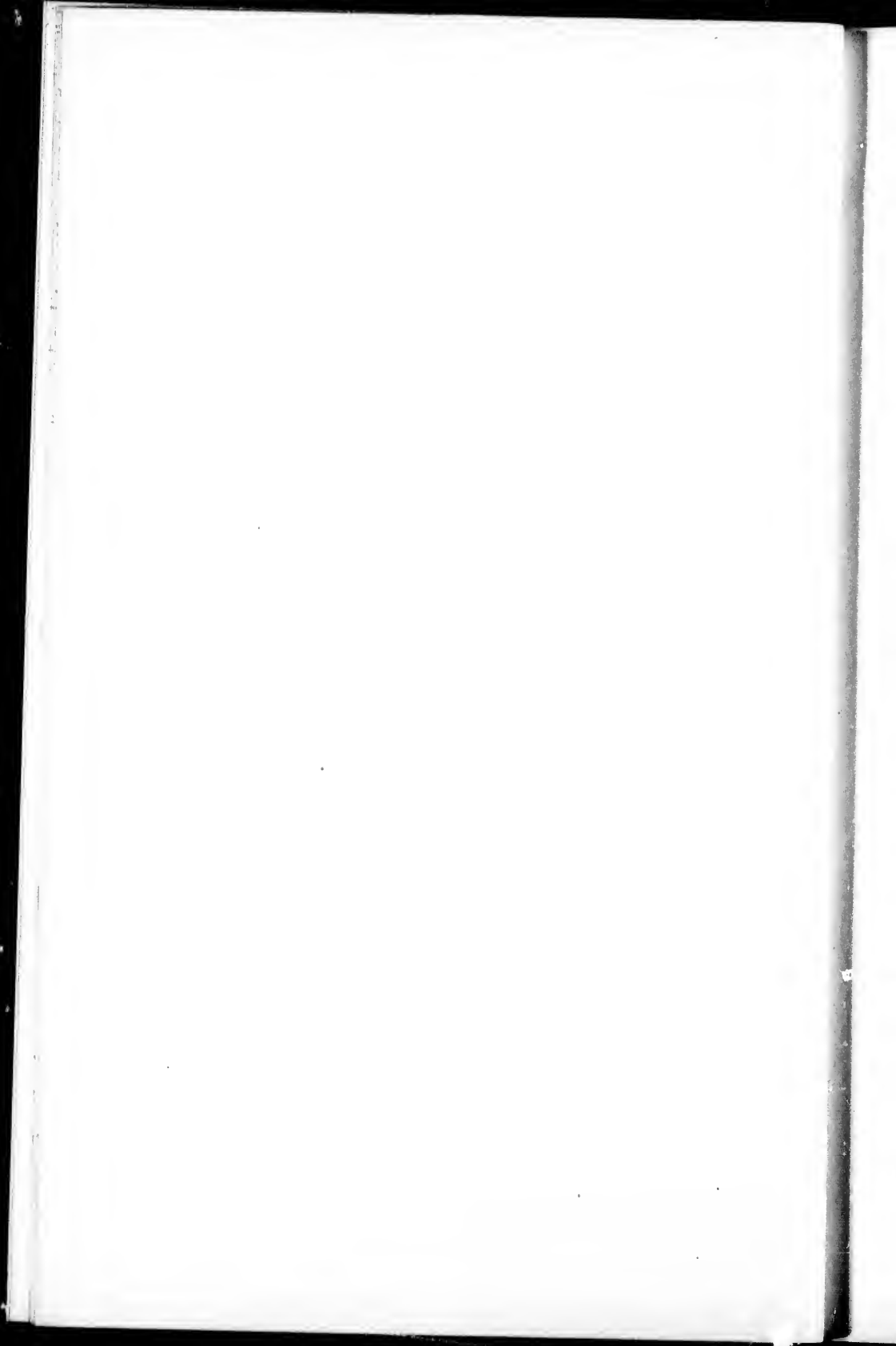
AT TIME OF SEIZURE.

S^d H. F. Seward, Master.



Scale of Miles





Ocean; neither had we any means to do otherwise, as the hunting outfit consisted of six Indian canoes manned by two Vancouver Indians each. Had no fire-arms aboard save three old muzzle-loading shot-guns, being the property of some of the Indians; also one shot-gun and one rifle, being the property of some of the members of the crew.

From the foregoing it will be seen that the schooner was set by an unknown current, not marked upon the chart, to the north and east of her course, and the canoes having left the schooner during the fog, when there was no land in sight, nor any visible sign to prove the calculated position erroneous, will explain the position of the canoes at the time of seizure.

Also that the schooner was not less than the estimated 6 miles from land is clearly proven by the "Alexander" steaming two hours and forty minutes at the rate of 6 knots per hour (see steamer's engineer's log) from point of seizure to Glinka, which is 7 miles from south point of the island. This can be demonstrated on chart or diagram herewith, showing that it was impossible for schooner to have been, as alleged, within the 3 miles of gun-shot limit. As to the 133 seal-skins found on board, I refer to the schooner's fishing log, now in the hands of the Imperial Russian Government.

I also beg to call attention to the fact that the steamer "Alexander II" is owned by the Alaska Commercial Company, who are also the lessees of Copper and Behring's Islands.

As to the reliability of the statement of M. Grebnitzky as to the true position of schooner at time of seizure, I will say that M. Grebnitzky is no mariner, and consequently no competent judge to personally determine the exact position of schooner. Furthermore, I learned while prisoner aboard the "Alexander," that neither the first nor second officers of the steamer had been called upon by Captain Gronberg, of steamer, to witness or verify the bearing and distance of schooner, so that the judgment of the schooner's actual position at time of seizure is but the guesswork of Captain Gronberg, of steamer "Alexander II," and of him alone, as a consultation on this serious point might have resulted in proving the schooner beyond the limits.

In submitting the above facts to your careful consideration, I beg that you will use every means in your power to effect a restitution of the unjustly and illegally confiscated property, and payment of damages incurred thereby.

Very, &c.

(Signed) H. F. SIEWERD, *Master.*

The above sworn to before Her Britannic Majesty's Consul at Nagasaki by myself.

(Signed) N. P. BONDE, *Mate.*
W. STANDISH, *Steward.*
G. BRUM, } *A.B.*
P. DOERING, }

and forwarded, together with all documents, by Consul Mr. Enslie to St. Petersburg.

No. 5.

Foreign Office to Mr. Siewerd.

Sir,

Foreign Office, November 23, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 29th ultimo, relative to the seizure of the British schooner "Araucani" off Copper Island by the Russians in July last.

I am to forward you a copy of the Treaty between Russia and the United States of the 30th March, 1867,* and to inform you that the details connected with the seizure of your vessel have not yet reached Her Majesty's Government.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

* See "State Papers," vol. lvii, p. 452.

Sir R. Morier to the Marquis of Salisbury.—(Received December 5.)

My Lord,

St. Petersburg, November 30, 1888.

WITH reference to my despatch of the 14th instant, I have the honour to state that I have now received the complementary information from the master of the "Araunah" which enables me to deal with the case.

Before addressing the Russian Government on the subject, however, there are two or three points on which I should be glad to receive guidance from your Lordship; and I think, therefore, that I cannot do better than to make a statement of the case, so that its doubtful points may be properly submitted to your consideration.

The "Araunah," a British schooner, of British Columbia, master F. H. Siewerd, equipped for seal hunting, found herself, in accordance with the statement of the master, on the 1st July, 1888, at 6:30 A.M., in a heavy fog and calm, 16 miles south by west of the southern extremity of Copper Island. Judging himself to be in the open waters of the North Pacific Ocean, the master ordered the canoes out for hunting. At about 7:30 A.M. the fog lifted, when the schooner was found to be east by south about 6 or more miles distant from the south point of the island, with the canoes out at various distances to the south and west of the schooner, about 2 miles away from her, the most distant being about 3 miles from the ship. When in this position a steamer was sighted, which bore at once down upon her. This proved to be the "Alexander II," a ship belonging to the Alaska Commercial Company of San Francisco. She was flying at the peak the Russian merchant ensign, and at the maintop a green flag with white cross. The name of her master was Gronberg, that of the chief officer Arlen, and of the second officer Imberg; but besides these there was on board a M. Grebnitzky, not a naval man, who described himself as Superintendent of the Commander Islands. By his orders the "Araunah" was hailed, and her master, Mr. H. F. Siewerd, brought on board the "Alexander II." M. Grebnitzky then informed him that he would confiscate the schooner for fishing too near the land. Mr. Siewerd then asked him on what authority he acted. M. Grebnitzky produced no documentary evidence, but pointed to the flag at the maintop, saying that there was his authority.

The officers and crew of the "Araunah" were then transferred on board the "Alexander II," by which the British vessel was towed to the Settlement Glinka, on Copper Island.

Here the skins, 136 in number, were landed, and the ship's papers delivered to M. Grebnitzky. The schooner was then brought by a crew of the "Alexander II" to Petropaulovski, and upon her arrival the salt, stores, and provisions, and also part of the personal property of the crew, were sold by M. Grebnitzky, without the confiscation having been declared legal by any authority but by his own. On the 16th August Mr. Siewerd, master of the "Araunah," entered a protest before the Governor of Vladivostek, and another on the 27th at Nagasaki before Her Majesty's Consul there. The facts above stated are taken from these two protests.

The latter, moreover, contains a diagram showing the position of the "Araunah" at the time of capture, and explains her position there on the hypothesis that she must have drifted from where she was at 6:30 to where she found herself at 7:30 under the impulse of a current not marked on the chart.

In addition to these two documents, the master of the "Araunah" produces an affidavit signed by himself and a Captain Butler, whom he seems to have taken with him as a witness of a conversation held on the 16th October at San Francisco with Gronberg, the master of the steam-ship "Alexander II." For Siewerd, on hearing that the "Alexander II" had proceeded to San Francisco, went there to obtain a copy of that vessel's log. Gronberg, however, refused to give him one, but volunteered to give him a verbal account of what took place. Siewerd, in addition, asked various questions of Arlen, the chief officer, and Imberg, the second officer. The following are the facts that were obtained by this process. Gronberg declared that he had taken no regular bearings, but had only made a rough approximate guess; that he had had no letter of marque at the time of the capture, but that, not wanting trouble, he had got one the same day after the capture. On being asked whether he remembered M. Grebnitzky saying to Siewerd, "I would seize you if you were 100 miles south of the islands," he replied, "Yes, I heard M. Grebnitzky say this."

To the questions put to him, M. Arlen, chief officer, replied that he had no idea whatever respecting the distance and bearing of the "Araunah" at the time of her

capture, as his opinion had not been asked, and he did not trouble about it. The entry made by him in the log was what the captain had given him.

In the opinion of M. Imberg, the second officer, the schooner was from 5 to 7 miles distant from the land.

I collect the following further facts from a letter, dated the 25th October, addressed by Mr. Siewerd to Her Majesty's Embassy:—

1. That the steamer "Alexander II" being the property of the Alaska Commercial Company of San Francisco, who are the lessees of the seal trade in the North Pacific Ocean, including Copper and Behring's Islands, and that Company treating its servants exceptionally well and providing them with liberal pensions, due caution should be taken in accepting Gronberg's evidence, as that of a servant of the Company, as regards the position of the ship, on which alone the whole case of the captors depends.

2. That the following conversation took place between Siewerd and M. Grebnitzky at the time of the capture. The former called the attention of the latter to the fact that he considered himself, when south of the island, in the open waters of the North Pacific Ocean. "I would take you," replied Grebnitzky, "100 miles south of the Commander Islands if found with seal-hunting outfit on board," thus claiming jurisdiction to the parallel of Atton Island.

Mr. Siewerd states that it is evident that M. Grebnitzky made the seizure in this belief.

3. Mr. Siewerd states that M. Grebnitzky is a civil officer, not a naval officer, that he is Inspector of the Commander Islands, that he receives a salary of 1,200 roubles per annum, that he is well fed by the Alaska Commercial Company, and that he does everything to further their interests, and to assist them in accomplishing their object, which is the extermination of private sealers, and the obtaining of a monopoly in this industry.

Lastly, I received a letter, dated the 25th October, from Messrs. Hall, Goepel, and Co., the owners of the ship, dated Victoria, British Columbia, the 25th October, in which those gentlemen assess their damages at 21,852 dol. 78 c., with recurring damages at the rate of 10,500 dollars per annum, should their claims not be settled by the 15th February next.

The points of law and others on which I am anxious to take advice before writing to the Russian Government are the following:—

1. What are the minimum formalities required to constitute the legal capture of a foreign ship for acts rendering such ship liable to capture? If the statements of the master of the "Araunah" are correct, the latter was captured by a ship belonging to a San Francisco private Company, with no Representative of the capturing Government on board but a Civil Inspector; and with no evidence of his holding a commission.

When challenged to show his authority he is unable or unwilling to show papers, and only points to a green flag with a white cross, flying from the maintop, as his authority.

I have ascertained that this flag was at one time the Russian Customs flag, that it is no longer so used, and has been superseded by a blue one; but I have not yet been able to ascertain when the supersession took place, which, of course, may turn out a point of capital importance.

2. What is the meaning of "letter of marque" in the sense used in the statements of the master of "Araunah"?

3. The master of the "Araunah" deposes to the sale by M. Grebnitzky at Petropaulski of the salt, stores, and provisions of the vessel, and of part of the personal property of the crew, without the confiscation having been declared legal by any authority but that of Grebnitzky himself.

It is nowhere stated that the schooner was disposed of, or that any steps were taken to have her condemned by a regular constituted Court. I have written to the owners to ascertain whether they have any knowledge on this subject. In the meantime, I presume I may assume that the sale of the ship's stores and the portion of the personal property of the crew on the sole authority of the captor was illegal.

4. How does the matter stand as regards the presumed assumption by Grebnitzky that Russia had a jurisdiction of 100 miles south of the Commander Islands? I regret to say that I am not *au fait* as to the present state of the controversy in regard to Russian claims to a *mare clausum* in the North Pacific.

Before concluding, I must allow myself an observation with reference to the description given by the master of the "Araunah" of the position of his ship at the

time of her capture, and of the circumstances which caused her being there. He says that at 6:30 A.M. he calculated that the schooner's position was 16 miles south by west of the southern extremity of Copper Island. At this time, there being a heavy fog and calm, he ordered the six canoes out for hunting. At 7:30 A.M., that is, an hour afterwards, the fog lifted, and the schooner is found at 6 miles distant from the south point of the island, with the canoes to the south and west of the schooner, at a distance, with one exception, of not more than 2 miles from her. The inference of the master is that he was carried by an unknown current from the spot at which he was at 6:30 to that at which he was captured at 7:30. If the diagram annexed to the affidavit taken before Her Majesty's Consul at Nagasaki is correct, this distance would be $17\frac{1}{2}$ miles. It would, of course, not be fair to assume too great accuracy in a diagram of this kind. Nevertheless, the distance cannot be estimated at less than between 10 and 17 miles.

I do not know whether such currents exist, but, if they do, it seems strange that the master and crew of the "Araunah" should not have been fully aware of the fact from the beginning, and still stranger that the six seal canoes should have placidly carried on their hunting operations under its impulse, which they must have done, seeing that when the fog lifted, they were within a 2 miles radius of the ship.

I transmit the correspondence herewith.

I have, &c.
(Signed) R. B. D. MORIER.

P.S.—Since the above despatch was written for signature, I have gone carefully through the papers once more, and have noted two points which had previously escaped me:—

1. That in the certificate given by Grebnitzky he distinctly states the cause of the arrest of the "Araunah" to be that of seal-catching within the Custom-house limit near Medney (Copper) Island.

2. That in the protest addressed to the Governor of Vladivostock, which differs in some respects from the declaration made before Her Majesty's Consul at Nagasaki, the whereabouts of the canoes is entered upon, but not dealt with, as it appears to me, in a satisfactory manner, for Mr. Siewerd admits that the schooner being 6 miles off, one at least of her canoes was 3 miles away from her, which might bring it dangerously near, if not actually on the Custom-house limit; but then, further on, he admits hypothetically that the canoes might have been found within the Custom-house limits, and gives what he considers satisfactory explanations for their being there.

Lastly, he protests against the accusation made against the schooner that she was within the Custom-house limits, whereas the charge made by Grebnitzky is not that she (the schooner) was within those limits, but that she was seal-catching within them; an operation performed not by herself, but by the canoes sent out by her.

Under these circumstances I consider that the charge brought by Mr. Siewerd against M. Grebnitzky of having captured the schooner on the ground of her having been within 100 miles of Commander Isles need not be regarded as serious, seeing that we have to deal with a written declaration, bearing Grebnitzky's signature, to the effect that he captured the "Araunah" for catching seals within the Customs limits.

Accordingly it appears to me that all I can do at present is to inquire of the Russian Government whether the schooner has been condemned by a proper Court, if not, when and where her trial will take place, and what facilities will be afforded to the owners for defending themselves, and, in case she has been tried and condemned, to request that I may be furnished with the evidence on which the condemnation took place. Of course I should also inquire into the alleged sale of the ship's stores and provisions before she had been formally condemned.

This final consideration of the case suggests a very important legal question.

Supposing, which I strongly suspect would be found to be what actually happened, that the schooner was outside the 3-mile limit, but one or more of the canoes inside it, would a Russian ship have had a legal right to capture the "Araunah" outside the limit, that is on the high seas, for an infraction of Russian Fishing Laws by her canoes within the limit?

R. B. D. M.

Inclosure 1 in No. 6.

Mr. Siewerd to Mr. Dering, August 27, 1886.

[See Inclosure 5 in No. 4.]

Inclosure 2 in No. 6.

Petition.

(Translation.)

To his Excellency the Military Governor of Vladivostock.

The Petition of H. F. Siewerd, master of the British schooner "Araunah."

AFTER the capture of the British seal-catching schooner "Araunah," belonging to the port of Victoria, in British Columbia, Messrs. Hall and Goepel owners, for a certain infringement of the laws of His Imperial Majesty, I, the undersigned master of the above-mentioned schooner, feel myself bound to state as follows.

On the 1st July (N.S.) of the present year, about 6:30 A.M., and during a dense fog and calm, considering myself to the south-west and at a distance of 16 miles from the southern extremity of Medney Island, and thinking that I was in the open waters of the Pacific Ocean, I sent canoes for seal-hunting [*lit.*, "sporting."—J. M.].

About 7:30 the fog began to clear off, and it appeared that the schooner was east by south of the above point, and at a distance of 6 miles and more from it; the canoes were to the south-west of the schooner, and about 2 miles away from her, the most distant canoe being about 3 miles away from the ship.

While in this position I observed a steamer bearing down straight on us, and she proved to be the Russian merchant-steamer "Alexander," flying the Russian commercial flag at her gaff, and a green flag with a white cross at her maintopgallant mast.

She hailed the schooner, and I, the master, was ordered to come on board. When I got on board the steamer I was told by an officer who was on board (I subsequently discovered it was M. Grebnitzky) that the schooner was confiscated because she was too near to the coast. I wanted, and endeavoured to explain the reason of this, but was told that I could protest to the authorities at Vladivostock, whither an explanation of the circumstances of the case would be sent. As this officer, however, did not exhibit any documents establishing his identity, I asked him what was his authority for seizing the schooner, upon which M. Grebnitzky, pointing to the flag flying at maintopgallant mast, replied that was his authority. After this the officers and sailors of the crew were arrested and transferred on board the steamer. The schooner was towed to the Settlement of Medney Island, to which 133 of our seized seal-skins were conveyed.

Of these 133 skins, two were obtained during the fog of the 1st July, and the remaining 131 skins were procured on the north-western coast of America and on those of the North Pacific Ocean. After this the schooner was sent to Petropaulovski, where the salt, crew's provisions, &c., were sold by M. Grebnitzky.

Having described the circumstances of the case, I have the honour to state to your Excellency that I protest against the accusation made against the schooner that she was within the Custom-house limit, *i.e.*, less than 3 miles from the shore. The following may serve as proofs.

During the fog and calm the schooner was carried by an unknown current to the north and east from her course; the canoes were dispatched to hunt, as already stated, during the fog and calm, because I considered I was 16 miles from the shore. If the canoes were found within the Custom-house limits, the foregoing circumstances would explain their presence there. The principal proof that the schooner was not less than 6 miles from the nearest point of the coast, and even more, is afforded by the fact that the steamer occupied two hours and forty minutes in steaming from the place of the schooner's seizure, which is situated to the east and south from the southern point to Glinka Settlement (the Settlement is north-west of the point, at a distance of 7 miles from it), the steamer towing the schooner at the rate of 6 miles an hour; measuring by the chart, it is evident that the schooner was at a greater distance than 6 miles from the nearest shore, *i.e.*, from the southern extremity of Medney Island; hence it follows

that the canoes could not have been within the limits of jurisdiction of the Custom-house.

In addition to this, I beg that the fact may be taken into consideration that there was no intention to infringe the laws of the Imperial Russian Government in any form soever, and that I was fishing [*lit.*, "hunting"], in accordance with the instructions of my owner, in the open waters of the Pacific Ocean. I would also add that I verbally informed M. Grebnitzky that I was bound to protest in the nearest British Government Office [*lit.*, "institution"], of which protest this Petition is a copy.

I, therefore, have the honour to request your Excellency not to leave the above-described case without examination, as also to convince yourself of the truth of my assertions by examining my crew under oath.

I request that a copy may be issued to me of this Petition.
Vladivostock, August 6, 1858.

I attest the correctness of this copy of the original.

(L.S.)

(Signed)

C. P. MUTZ (*sic*),

Rear-Admiral.

(Signed)

II. POPOFF,
Chief of Chancery.

Inclosure 3 in No. 6.

Diagram.

[See Inclosure 4 in No. 4.]

Inclosure 4 in No. 6.

Certificate.

(Translation.)

THIS 19th day of June, 1858, by decision of the Superintendent of the Commodore Islands, in accordance with the Order of the Governor-General and the Notice issued by the Imperial Russian Government against illegal hunting and fishing within the limits of Russian territories in the Pacific Ocean, has been confiscated the schooner "Araunah," Siewerd master, for seal-catching near Medney Island, within the Customs limit

In proof of which this certificate, with seal attached, has been issued to Mr. Siewerd.

(Signed)

GREBNITZKY,

Superintendent of Commodore Islands.

Victoria, British Columbia, June 19, 1858.

(Seal of Superintendent of Commodore Islands.)

Inclosure 5 in No. 6.

Mr. Siewerd to Mr. Dering.

Sir,

Victoria, British Columbia, October 25, 1858.

THE Russian steamer "Alexander II" arrived at San Francisco, California, from Petropaulovski, Kamtschatka, on the 12th October, 1858. I went to San Francisco for the purpose of obtaining a copy of the steamer's logs, by which I could prove the schooner's position at the time of seizure, as stated in my protest, and the contents of these logs had been shown to me privately both by the chief officer and chief engineer of steamer.

Upon consulting Her Britannic Majesty's Consul at San Francisco, California, I found that we had no power to compel the master of a Russian vessel in an American port to produce his logs; I therefore concluded to formally demand same of the master

of the steamer "Alexander II," the result of which you will see from inclosed affidavit.

In connection with the facts already submitted to you in the official documents, I take the liberty to bring to your notice a few remarks which I did not deem prudent to insert in the protest.

1. The steamer "Alexander II" is the property of the Alaska Commercial Company of San Francisco, California, the lessees of the seal islands in the North Pacific Ocean, including Copper and Behring's Islands.

The "Alexander II" hails from Vladivostock, and is commanded by Captain Gronberg, a resident of Oakland, California, who has been in the service of the Company for the past fourteen years.

The Alaska Commercial Company pays its servants well, and when after a term of years they are unfit for service, gives them a liberal pension; this liberality, of course, makes the employés, with perhaps few exceptions, pliable tools of the Company.

I mention this as the authority as to the schooner's position, &c., at time of seizure on the part of the Russian Government will be principally that of Captain Gronberg alone, and on account of the above facts should be taken with due caution.

2. At time of seizure I called attention of M. Grebnitzky to the fact that I considered myself in the open waters of the North Pacific Ocean when south of the islands, when he replied, "I would take you 100 miles south of the Commander Islands if found with seal-hunting outfit aboard," claiming jurisdiction to the parallel of Atton Island, and it is evident that he made the seizure in this belief.

3. As to M. Grebnitzky, the Representative of the Imperial Russian Government, I will briefly say what I learned about him.

Grebnitzky is a civil officer (no naval officer), is Inspector of the Commander Islands, said to receive a Government salary of 1,200 roubles per annum. It is an open secret that he is well fed by the Company and sees that everything is done to further the wishes and interests of the Alaska Commercial Company, one of which is the extermination of private sealers by either foul or fair means, and to obtain the monopoly of this industry.

The Russian Government will have no trouble to convince itself of the true character of Grebnitzky, as Dr. Grenevitzky, a military physician, who resided two years on Copper and Behring's Islands, has returned to Vladivostock on the 18th August, 1888, to report to his Excellency Governor-General Korff about the state of affairs on the islands and the relations of the Government's servant Grebnitzky to the Alaska Commercial Company. From this source sufficient can be learnt to prove beyond doubt that the seizure, although made by the person Grebnitzky as a Russian official, it was practically made by order and in the interest of the Company.

I have endeavoured to give you the undisguised facts of the case in my own way and language; I now here rest my case, and again earnestly pray you to use every means in your power to secure a restitution of the so unjustly and illegally confiscated property, and payment of the damages incurred.

I am, &c.

(Signed) F. H. SIEWERD,
Late Master of the British Schooner "Araunah."

Inclosure 6 in No. 6.

Mr. Siewerd to Mr. Dering.

Sir, Port of San Francisco, California, October 18, 1888.

IN order to obtain the proof of the assertions made in my protest against the illegal seizure of the British sealing-schooner "Araunah," which protest I forwarded to you from Nagasaki, Japan, I called upon Captain Gronberg on board the Russian merchant-steamer "Alexander II," now lying at this port, and in presence of the undersigned witness, Captain George Ball, asked Captain Gronberg for a copy of the steamer's logs of the day 1st July, 1888, on which day said steamer "Alexander II," of which said Captain Gronberg was then master, captured the British sealing-schooner "Araunah," off Copper Island. Captain Gronberg flatly refused to give any copy of the logs, but volunteered to give me a verbal account.

Captain Gronberg states, "The schooner bore at time of capture about east by south-half-south, distant 3 miles from south-east point of island."

I asked, "By what method did you determine this distance, by cross bearings or four point bearings?"

Captain Gronberg replied, "I just made a rough guess."

Captain Ball, the witness, spoke, "Your judgment as to distance is then only by an approximation?"

Captain Gronberg replies, "Yes, Sir."

I then asked of Captain Gronberg, "Had you a letter of marque at the time you captured the 'Araunah'?"

Captain Gronberg answered, "No, Sir, but I got the letter the same day after the capture as I did not want any trouble."

I asked, "Do you remember having heard M. Grebnitzky say, 'I would seize you if you were 100 miles south of the islands?'"

Captain Gronberg replied, "Yes, I heard M. Grebnitzky say this."

I next asked M. Arlin, chief officer, "Do you know the distance and bearing of the 'Araunah' at the time your steamer captured her?"

M. Arlin replied, "I have no idea whatever; as my opinion was not asked, I did not trouble about it."

I asked, "Did you not make the entry in the ship's log?"

M. Arlin replied, "Yes, I copied what the captain gave me."

I also questioned M. Truber, second officer, as to his knowledge as to the bearing and distance of the "Araunah" at time of capture.

M. Truber states, "In my opinion the schooner was about 5 to 7 miles from the land."

We, the Undersigned, solemnly swear that we have carefully read over the foregoing, and that it is a true and correct statement of the interview which took place on board the Russian merchant-steamer "Alexander II" on Tuesday, 16th October, 1888.

(Signed) H. F. SIEWERD, *late Master of British Schooner "Araunah."*

(Signed) GEORGE BALL.

Subscribed and sworn to at the British Consulate, San Francisco, this 18th day of October, 1888.

Before me,
(Signed) DENIS DONOHOE, *Consul,*
San Francisco.

(Consular Stamp.)

Dominion of Canada, Province of British Columbia:

I, John Joel Austin, a Notary Public duly commissioned for the Province of British Columbia, hereby certify that I have carefully examined the document hereto annexed, contained on three folios, with the original sworn declaration and letter, and declare that the annexed is a true and correct copy of said original letter and all attestations thereto.

In witness whereof I have herunto set my hand and seal of office at Victoria, this 25th day of October, 1888.

(Signed) JNO. J. AUSTIN, *a Notary Public in*
and for the Province of British Columbia.

(Seal.)

Inclosure 7 in No. 6.

Messrs. Hall, Goepel, and Co. to Mr. Dering.

Dear Sir,

October 25, 1888.

WE last had the honour of addressing you on the 27th ultimo [?], copy of which has already gone forward. We now have the pleasure of inclosing affidavit, made before the British Consul at San Francisco, California, of Captain H. F. Siewerd and Captain Ball, relative to an interview had with the captain of the "Alexander II" (steamer) on his arrival at that port, *re* position of schooner "Araunah" at the time of seizure. The document we think explains itself, and greatly strengthens our case, taking into consideration the impossibility of making Gronberg produce his log-book, which is the private property of the Alaska Commercial Company. We also inclose

statement of claim amounting to 21,852 dol. 75 c. We have made this claim as clear as possible without exaggerating values, which will save a good deal of writing asking for explanation. The cost of schooner we have put at her market value ready for sea.

The outfit for sealing cruize is actual, for which we have vouchers.

The estimated catch of 2,100 skins, at per net profit 5 dollars per skin, we arrive at as follows:—

	Dol. c.
Gross value of skins at	7 50
Less allowed Indians per skin, and part of outfit, consumed in the shape of provisions, &c.	2 50
	<u>5 00</u>

The items following in Statement are actual. The foot-note also explains itself. The account bears interest at the rate of 10 per cent. per annum until paid. Also if we are not in a position on the 15th February, 1889 (the day on which the next season commences) to send out a schooner sealing, we shall incur the same amount of loss next year, and consequently are entitled to the same amount of damages, viz., the net profit on the catch, 10,500 dollars. The same for every ensuing year. We trust these explanations are clear to you, and that you will have no difficulty in placing our claim before the Russian Government. We inclose a letter from Captain Siewerd, promised in his to you of the 26th ultimo, which may, we think, be of assistance in establishing our claim. We can only ask you to do all in your power on our behalf, and thanking you for the trouble you have already been put to in this matter.

Awaiting your advice, we have, &c.

(Signed) HALL, GOEPEL, AND Co.

Inclosure 8 in No. 6.

STATEMENT of Claim made by Messrs. Hall, Goepel, and Co., of Victoria, British Columbia, owners of the British schooner "Araunah," against the Imperial Russian Government, for illegal seizure of said schooner "Araunah" by the steamer "Alexander II," in the open waters of the Behring's Sea, on the 1st day of July, 1888.

	Dol. c.
Cost of schooner ready for sea	8,000 00
Outfit for sealing cruize	2,032 62
Estimated catch of seals (2,100), at per net profit 5 dollars	10,500 00
Moneys laid out by master while in hands of Russian Government, for subsistence charges incurred	180 00
Wages to master and crew	860 13
Fare of master and crew from Vancouver to Victoria, British Columbia	30 00
Cost of transporting (? Indian) crew to west coast of Vancouver Island	250 00
Total	<u>21,852 75</u>

Bearing interest at the rate of 10 per cent. per annum, and recurring damages from loss of schooner of 10,500 dollars if not paid by the 15th February, 1889, and the same amount for every ensuing year.

(Signed) HALL, GOEPEL, AND Co.,
Owners of British Schooner "Araunah."

October 25, 1888.

No. 7.

The Marquis of Salisbury to Sir R. Morier.

Sir, Foreign Office, December 11, 1888.

I HAVE received your Excellency's despatch of the 30th ultimo relative to the seizure of the British schooner "Araunah" by a vessel belonging to the Alaska Commercial Company, and to the detention of the ship and sale of her stores at Petropaulovsk.

I am of opinion that the proper course will be that you should in the first instance, as you suggest, address a note to the Russian Government, inquiring

whether the schooner has been condemned by a proper Court, and, if so, requesting to be furnished with the evidence on which the condemnation took place; but, if not, requesting to be informed when the trial will take place, and what facilities will be afforded to the owners for their defence; and further inquiring into the alleged sale of the ship's stores and provisions before she had been formally condemned.

Upon receipt of the reply of the Russian Government, any points of law which may arise upon it can, if necessary, be referred to the Law Officers of the Crown.

Judging from the evidence at present in the possession of Her Majesty's Government, the proceedings would seem to call for the fullest inquiry. But it would be premature to do more than claim such inquiry before the statement of the opposite party has been received.

I am, &c.
(Signed) SALISBURY.

No. 8.

Sir R. Morier to the Marquis of Salisbury.—(Received December 17.)

(Extract.)

St. Petersburg, December 12, 1888.

WITH reference to previous despatches, and to your Lordship's of the 4th instant, transmitting copies of correspondence with the Canadian Government on the subject of the seizure of the schooner "Araunah," I have the honour to inclose copy of a letter which I have addressed to Messrs. Hall and Goepel, the proprietors of the ship.

I confess that the more I have looked into the case the more I have inclined to the belief that, though the schooner herself was outside the territorial waters, the hunting canoes were either inside the limit or dangerously near to it.

Inclosure in No. 8.

Sir R. Morier to Messrs. Hall, Goepel, and Co.

Gentlemen,

St. Petersburg, November 30, 1888.

HAVING received the final communication which you had announced from the master of the "Araunah," I have submitted the whole case to a careful examination, with a view to submitting it to the Russian Government. In doing so, however, I have found that there are some points which require elucidation, and respecting which, therefore, I have to request you to give me further information.

1. As regards the positions of the schooner at 7:30. In Mr. Siewerd's declaration it is stated that at 6:30 A.M. he was distant 16 miles south by west of the southern extremity of Copper Island, at which time he ordered the canoes out for hunting. At 7:30 A.M., that is, an hour afterwards, the fog having lifted, the schooner was found to be east by south 6 miles distant from the south point of the island, with the canoes out at 2 miles distant from the sloop, one only being as far as 3 miles. A diagram giving these positions approximately accompanies Mr. Siewerd's declaration, and according to this declaration the space traversed by the schooner between 6:30 and 7:30 A.M., that is, one hour, must have been 17½ miles, and as the canoes had remained in proximity to the ship, they also, whilst carrying on their hunting operations, must have been drifting at the rate of between 15 and 17 miles an hour. The tremendous rapidity of this current, which it is stated appears upon no chart, and of which the master of the sloop does not seem to have been aware, though carried along at this great rate of speed, requires some explanation.

2. Much is made by Mr. Siewerd of the statement of Grebnitzky that he would have seized the "Araunah," had she been fitted out with apparatus for seal-catching, anywhere within 100 miles south of Commander Islands. Had he assigned this as his true motive for capturing the ship, the case would be a very grave one, but as he has given his motives for capturing the ship in a written declaration, we are bound to go by that, and are not at liberty to go outside this declaration and supersede a document signed and sealed by anything he may have said *videlicet*.

It appears to me that it is of extreme importance to note the exact words of the certificate, which does not state that he confiscated the schooner for being within the Customs limit, but for seal hunting within the Customs limit of Medney Island.

Now, it appears from the descriptions given by Mr. Siewerd that the seal hunting is not performed by the seal schooners themselves, but by the canoes which are dispatched from them, and I take it that the point that will have to be determined will be whether any of the canoes were within the Customs limit. On this point it appears to me that the Petition addressed by Mr. Siewerd to the Governor of Vladivostock is far from clear. He admits that one of his canoes was 3 miles away from the ship, while the ship was 6 miles away from the land, which might bring it dangerously close if not actually on the Custom-house limit. In another portion of the Petition, however, he seems himself in doubt upon the subject, for he says, "If the canoes were found within the Custom-house limits, the foregoing circumstances would explain their presence there." I would further add with regard to this Petition that Mr. Siewerd protests "against the accusation made against the schooner that she was within the Custom-house limits, *id est*, less than 3 miles from the shore." As before stated in the only official document which has been forwarded to me, namely, M. Grebnitzky's certificate, this accusation is not made the motive assigned for her seizure, but that she was seal hunting within those limits, that is, that the canoes were within those limits. The conversation between Siewerd and Captain Gronberg, of which an affidavit is given in Mr. Siewerd's letter of the 18th October, throws no light upon the subject, because all that Captain Gronberg vouchsafes to say is that the schooner was about east by south and a half south, distant 3 miles from the south-east point of the island, which might leave her just inside or outside the limit. It is therefore perfectly clear that the ground they will take up will be that the canoes and not the schooner were within the limits. You must, therefore, be prepared with all the evidence you can procure to disprove the presence of the canoes there.

3. Mr. Siewerd states, in both his declaration and Petition, that the stores, salt, &c., of the "Araunah" were sold at Petropaulovski on no other responsibility than M. Grebnitzky's. No mention, however, is made of the schooner itself, and I have therefore to request you to inform me whether it is within your knowledge that she has been brought, or that it is intended to bring her, before a Court for condemnation, and, in that case, before what Court?

I will, in conclusion, call attention to a slight discrepancy as regards the number of the seal-skins landed at Copper Island, which, in the declaration before Her Majesty's Consul are described as being 130, and in the Petition to the Governor of Vladivostock as 133.

I am, &c.

(Signed) R. B. D. MORIER.

No. 9.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office, January 5, 1889.)

My Lord,

Government House, Ottawa, November 27, 1888.

REFERRING to my despatch of the 6th instant, I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting copies of further correspondence on the subject of the seizure of the British schooner "Araunah" in Behring's Sea by the Russian merchant-steamer "Alexander II."

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 1 in No 9.

Certified Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council on the 26th November, 1888.

ON a Memorandum, dated the 22nd November, 1888, from the Minister of Marine and Fisheries, recommending that copies of further correspondence on the subject of the seizure of the British schooner "Araunah" in Behring's Sea by the Russian merchant-steamer "Alexander II" be also forwarded, through the proper channel, to Her Majesty's Government, in conjunction with the Minute of Council of the 22nd October last, on the same subject, the Committee advise that your Excellency

be moved to forward copies of the papers herewith to the Right Honourable the Secretary of State for the Colonies, for transmission to the Foreign Office, in further support of the claim to be preferred.

All which is respectfully submitted.

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

Inclosure 2 in No. 9.

Messrs. Hall, Goepel, and Co. to Mr. J. A. Chapleau.

Sir, *Victoria, British Columbia, October 26, 1888.*
WE last had the honour of addressing you on the 21st ultimo, and have since received your letter of the 1st instant acknowledging same, stating that the seizing of the schooner "Araunah" by the Imperial Russian Government will receive consideration at the hands of your Government. We now have the honour to inclose copy of a letter forwarded yesterday to H. N. Dering, Esq., St. Petersburg, Russia; also copy of statement of claim; as also notarial copy of affidavit made in San Francisco, California, before the British Consul, by the late captain of the schooner and Captain Ball.

We trust these papers, which complete our evidence, will also receive the consideration of your Government, and that you will be able to urge our claim against the Russian Government.

We have, &c.
(Signed) HALL, GOEPEL, AND Co.

Inclosure 3 in No. 9.

Mr. Siewerd to Mr. Dering, October 18, 1888.

[See Inclosure 6 in No. 6.]

Inclosure 4 in No. 9.

Certificate.

[See Inclosure 6 in No. 6.]

Inclosure 5 in No. 9.

Messrs. Hall, Goepel, and Co. to Mr. Dering, October 25, 1888.

[See Inclosure 7 in No. 6.]

Inclosure 6 in No. 9.

Statement of Claim.

[See Inclosure 8 in No. 6.]

No. 10.

Sir R. Morier to the Marquis of Salisbury.—(Received January 14, 1889.)

My Lord,

St. Petersburg, December 30, 1888.

I HAVE the honour to transmit herewith copy of a letter which I have addressed to M. de Giers on the subject of the seizure of the "Araunah," in compliance with the instructions contained in your Lordship's despatch of the 11th instant.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 10.

Sir R. Morier to M. de Giers.

M. le Ministre,

St. Petersburg, December 30, 1888.

I HAVE the honour to call your Excellency's attention to the following statement with reference to an incident which occurred off the southern extremity of Copper Island on the 1st July of the present year.

The "Araunah," a British schooner from British Columbia, master F. H. Siewerd, equipped for seal hunting, found herself on the date in question, at 6 30 A.M., in a heavy fog and calm, 16 miles south by west off the southern extremity of Copper Island. Judging himself to be in the open waters of the North Pacific Ocean, the canoes out at various distances to her south and west, and at about 2 miles away from her, the most distant being 3 miles off. When in this position a steamer was sighted, which bore at once down upon the schooner. This proved to be the "Alexander II," a ship belonging to the Alaska Commercial Company of San Francisco. She was flying at the peak the Russian merchant ensign, and at the maintop a green flag with a white cross. The name of her master was Gronberg, that of the chief officer Arlin, and of the second officer Imberg, all of them servants of the American Company; but besides these there was on board a M. Grebnitzky, a civilian, who described himself as "Superintendent of the Commander Islands." By his orders the "Araunah" was hailed, and her master brought on board the "Alexander II." M. Grebnitzky then informed him that he would confiscate the schooner for fishing too near the land. Mr. Siewerd asked him on what authority he acted. M. Grebnitzky produced no documentary evidence, but pointed to the flag at the maintop, the green one with a white cross, saying that that was his authority. The officers and crew of the "Araunah" were then transferred on board the "Alexander II," by which the British vessel was towed to the Settlement of Glinka on Copper Island. Here the seal-skins, 136 in number, were landed, and the ship's papers delivered to M. Grebnitzky. The schooner was then brought by a crew from the "Alexander II" to Petropaulovski, and upon her arrival the salt stores and provisions, as well as a part of the personal property of her crew, were sold by M. Grebnitzky, without the confiscation having been declared to be legal by any authority but his own.

I have been instructed by Her Majesty's Government to request your Excellency to cause an inquiry to be made by the proper authorities into the circumstances of the seizure of this schooner, which, upon the evidence at present before them, seems to have been of an arbitrary, not to say illegal, character. I have specially to inquire whether she has been condemned by a proper Court, and, if so, to request that your Excellency will kindly furnish me with the evidence on which the condemnation took place, or, in the case of her not yet having been condemned, that I may be informed when her trial will take place, and what facilities will be afforded to the owners for their defence. I have at the same time the honour to request you to furnish me with information with respect to the alleged sale of the ship's stores and provisions before she had formally been condemned.

I have, &c.

(Signed) R. B. D. MORIER.

No. 11.

Sir R. Morier to the Marquis of Salisbury.—(Received August 30.)

(Extract.)

St. Petersburg, August 26, 1889.

I HAVE the honour to transmit herewith the inclosed copy of a note from the Russian Government, dated the 4th (16th) instant, in reply to my note of the 18th (30th) December, respecting the case of the schooner "Araunah," confiscated by the Russian authorities for unlawful seal-hunting in the proximity of Copper Island.

The case is too full of legal points for me to undertake to reply to the Russian note before it has been submitted to your Lordship's consideration.

Inclosure in No. 11.

M. de Giers to Sir R. Morier.

Ministère des Affaires Étrangères, Saint-Petersbourg,
le 4 (16) Août, 1889.

M. l'Ambassadeur,

J'AI exactement reçu la note de votre Excellence en date du 13 (25) [? 18 (30)] Décembre, 1888, relative à l'affaire du schooner Anglais "Araunah," confisqué par les autorités Russes pour s'être livré à la chasse des otaries à proximité de l'Île Medney.

Votre Excellence ayant demandé de recevoir communication des informations que les autorités Impériales auraient été, de leur côté, en mesure de fournir sur cette affaire, j'ai l'honneur de vous faire part des données que m'a transmises à cet égard M. le Gouverneur-Général de l'Amour.

Vous voudrez bien en relever, j'espère, M. l'Ambassadeur, que la conduite de l'autorité Russe en cette circonstance a été tout à fait régulière.

En ce qui touche d'abord l'essence même de l'affaire, c'est-à-dire la confiscation du bâtiment Anglais, cette mesure se trouve entièrement justifiée par le fait que "l'Araunah" se livrait à la chasse des otaries dans la limite de nos eaux territoriales. Les pièces du dossier communiqué par M. le Gouverneur-Général et notamment le Rapport de l'autorité qui a constaté le flagrant délit, c'est-à-dire ici M. Grebnitzky, Intendant des Îles du Commandeur, ne laissent aucun doute à cet égard. L'impossibilité pour M. le Capitaine de "l'Araunah" de dénier aujourd'hui le caractère régulier de la saisie résulte d'ailleurs d'un document également joint au dossier; c'est l'acte de confiscation dressé par M. Grebnitzky et sur lequel Mr. Siewerd a opposé sa signature sans protestation, bien qu'il ait été averti par l'Agent Russe, ainsi qu'il ressort d'une attestation écrite sur le dit acte par un citoyen Américain présent sur les lieux, M. Malovansky, qu'en apposant sa signature, le capitaine Anglais devait faire mention des réclamations qu'il pourrait avoir à élever; faute de quoi aucune réclamation ultérieure de sa part ne serait admise.

Plus tard, sans doute, malgré cet avertissement, Mr. Siewerd a adressé une protestation au Gouverneur de Vladivostock dans laquelle il a prétendu que les canots du schooner confisqué, lancés à la mer pour la chasse des otaries, ne se trouvaient pas à une distance de moins de 3 milles du rivage. Mais, indépendamment de la question de savoir si c'est à une portée de 3 milles seulement que doivent être étendues les eaux territoriales, cette déclaration du capitaine Anglais perd sa valeur:—

1. Par le fait qu'elle est postérieure à la signature par lui de l'acte de confiscation dressé dans les conditions énoncées plus haut;

2. Parce que dans sa même protestation le Sieur Siewerd semble admettre lui-même, quelques lignes plus loin, que les canots de son bâtiment avaient pu être trouvés par M. Grebnitzky en deça de la ligne Douanière des eaux Russes;

3. Attendu que M. l'Intendant des Îles du Commandeur affirme catégoriquement que deux chaloupes du schooner confisqué se trouvaient à une distance d'une demi-mille du rivage, et qu'à bord du schooner se trouvaient deux otaries non encore éventrées.

En général, les allégations du capitaine de "l'Araunah" par rapport à la position qu'occupaient en mer le schooner et les canots sont assez vagues et ne sont rien moins que prouvées. Une considération qui dépose en outre contre lui, est que son journal de bord, tenu jusqu'à là, à ce qu'il semble, régulièrement, s'arrête à la date du 5 Juin, ce qui enlève la possibilité pour lui d'établir juridiquement ses dires et soutenir qu'à la veille de la confiscation et au matin de ce jour-là il se croyait en pleine mer. Quant au cahier, trouvé également parmi ses papiers et qui semble lui avoir servi, par intervalles, de brouillon pour la tenue de son journal de bord, il ne saurait être reconnu comme pièce ayant une qualité juridique obligatoire.

Votre Excellence ayant bien voulu demander d'être renseigné sur la sanction qu'avait pu recevoir ultérieurement l'acte de confiscation prononcé par M. Grebnitzky, je crois devoir vous faire part de ce qui suit.

M. Grebnitzky s'étaient empressé de présenter un Rapport détaillé de l'affaire, avec les pièces à l'appui, à M. le Gouverneur-Général de l'Amour; celui-ci, après examen, a reconnu que la conduite tenue par cet Agent avait été tout à fait régulière, et en vertu des pouvoirs qui lui appartenaient, a donné à la mesure de confiscation la sanction de l'autorité administrative supérieure.

Pour ce qui est de la vente faite par M. Grebnitzky des provisions de bord,

trouvées par lui sur "l'Araunah," cet Agent expose dans son Rapport qu'il y a été pour les motifs suivants.

N'ayant pas à sa disposition la somme nécessaire pour expédier à Vladivostock: l'équipage de "l'Araunah," M. Grebnitzky a dû vendre aux enchères, en remplissant les formalités voulues, les dites provisions; avec une partie de l'argent retiré de cette vente il a payé le transport de l'équipage, et le reste a été remis à la Trésorerie locale.

Telles sont, M. l'Ambassadeur, d'après les données fournies par l'autorité locale, les conditions dans lesquelles s'est accomplie cette affaire. En terminant je me permettrai de relever encore ce qui suit.

Le Gouvernement de Sa Majesté Britannique n'ignore pas que les bâtiments se livrant sans permission dans ces parages à la chasse des otaries causent à l'industrie locale des dommages incalculables. Il a reconnu lui-même l'urgence des mesures destinées à mettre fin à un pareil état de choses, et il est à regretter que les négociations entamées à Londres sur cette matière n'aient pas abouti jusqu'à présent.

En portant ce qui précède à votre connaissance, je saisis, &c.

(Signé) GIERS.

(Translation.)

M. l'Ambassadeur, *Foreign Office, St. Petersburg, August 4 (16), 1889.*

I RECEIVED in due course your Excellency's note dated the 13th (25th) [? 18th (30th)] December, 1888, respecting the affair of the British schooner "Araunah," confiscated by the Russian authorities for being engaged in sealing in the neighbourhood of the Island of Mednoy.

Your Excellency having requested to be provided with such information as the Imperial authorities may be able to furnish upon this point, I have the honour to communicate to you the facts which have been transmitted to me by the Governor-General of the Amour with regard to the matter.

Your Excellency will, I hope, be convinced by them that the conduct of the Russian authorities was perfectly regular.

First, as regards the pith of the whole matter, viz., the confiscation of the British ship, this proceeding is entirely justified by the fact that the "Araunah" was engaged in sealing within the limits of our territorial waters. The file of papers communicated by the Governor-General, and especially the Report of the officer who proved that the vessel had been captured in the act, viz., M. Grebnitzky, the Superintendent of the Commander Islands, leave no doubt upon this point. Besides, another document belonging to the same file renders it impossible for the captain of the "Araunah" now to deny the regular nature of the seizure: I mean the deed of confiscation, which was drawn up by M. Grebnitzky and countersigned, without any protest, by Mr. Siewerd, though, as is proved by a statement written on the said deed by Mr. Malovansky, an American citizen, who was present at the time, he had been warned by the Russian Agent that on affixing his signature, he (the English captain) must mention any claims which he might have to raise, as no later claim would be recognized, if this formality was not fulfilled. It is true that Mr. Siewerd, in spite of the warning, subsequently addressed a protest to the Governor of Vladivostock, in which he asserted that the canoes of the confiscated steamer, which had put to sea after fur-seals, were not within a distance of 3 miles of the shore. But, apart from the question whether territorial waters only extend to a distance of 3 miles, the English captain's declaration is valueless for the following reasons:—

1. Because it is subsequent to the signature by him of the act of confiscation drawn up under the conditions stated above.

2. Because in this same protest Mr. Siewerd himself seems to admit, a few lines further on, that the canoes may have been within the Customs line of the Russian waters.

3. Because the Superintendent of the Commander Islands affirms categorically that two boats of the schooner were at a distance of half-a-mile from the shore, and that two seals not yet disembowelled were found on board the schooner.

Generally, the statements of the captain of the "Araunah" as to the position on the sea occupied by the schooner and the canoes are very vague and very far from being proved. Besides, an argument against him is that the log-book, which seems till then to have been regularly kept, stops at the date of the 5th June, which makes it impossible for the captain to establish his assertions judicially, and prove that on the eve of the confiscation, and on the morning of the day, he believed himself to be on

the high sea. As for his diary, which was also among his papers, and seems to have been occasionally used by him for rough copies of the entries in the log-book, that cannot be admitted as a document having any obligatory judicial weight.

The following is in answer to your Excellency's request to be informed what sanction the deed of confiscation pronounced by M. Grebnitzky subsequently received.

M. Grebnitzky lost no time in presenting a full Report of the matter, with documentary evidence in support, to the Governor-General of the Amour; and the latter, after examination, declared the Agent's behaviour to have been absolutely regular, and, in virtue of his powers, gave to the deed of confiscation the sanction of the superior administrative authority.

For the sale by M. Grebnitzky of the provisions which he found on board the "Araunah," the Agent gives in his Report the following reasons:—

As he had not at his disposal the sum necessary for sending the crew of the "Araunah" to Viadivostock, M. Grebnitzky had to sell the said provisions by auction, after going through the proper formalities. With part of the proceeds he paid the journey of the crew; the remainder was paid into the local Treasury.

Such, M. l'Ambassadeur, according to the statements of the local authorities, are the conditions under which the affair took place. I take the liberty, in conclusion, of calling attention to the following point:—

The Government of Her Britannic Majesty are well aware of the incalculable damage done to local industry by vessels engaging without permission in fur-sealing in these waters. They have themselves recognized the urgent need for measures to put an end to such a state of things, and it is to be regretted that the negotiations commenced with regard to this matter in London have till now remained without result.

Having thus brought these facts to your notice, I take, &c.

(Signed)

GIERS.

No. 12.

The Marquis of Salisbury to Sir R. Morier.

Sir,

Foreign Office, October 3, 1889.

I DULY received your Excellency's despatch of the 26th August, containing the reply of the Russian Government to the note which you had addressed to them on the 30th December last respecting the case of the schooner "Araunah," which was confiscated in July 1888 by M. Grebnitzky, the "Superintendent of the Commodore Islands," for unlawful seal-hunting in the proximity of Copper Island.

Before Her Majesty's Government can form any decided opinion as to their future action in the case, it is necessary that they should be furnished with fuller information than they now possess on the following points:—

1. As to the legal position and authority of M. Grebnitzky. It appears that he described himself in the certificate dated the 19th June (1st July, 1888), as "Superintendent of the Commodore Islands," acting "in accordance with the order of the Governor-General, and the Notice issued by the Imperial Russian Government against illegal hunting and fishing within the limits of Russian territories in the Pacific Ocean," and in M. de Giers' note, inclosed in your despatch under reply, the "Araunah" is spoken of as "confisqué par les autorités Russes." I should be glad to know the exact position of this official, and under what authority he acted throughout in the matter.

2. What were the grounds and authority upon which the seizure of the "Araunah" was made by the "Alexander II"? This latter vessel is described as a steamer belonging to the Alaska Commercial Company of San Francisco. She is stated to have been flying the Russian merchant ensign at the peak, and a green flag with white cross at the main. I should be glad to know whether this latter flag, which is now superseded by a blue one, had ceased to be the Russian Imperial Customs flag at the time the seizure was effected, viz., July 1, 1888, and what was the actual date on which the change was made.

3. I should also be glad to be furnished with a copy of the Russian Law, if such exists, conferring upon the Governor-General of Amour the power of pronouncing a Decree of Confiscation upon vessels seized on similar grounds to the "Araunah,"

without the intervention of any legal Tribunal, or regular hearing of the parties implicated.

And, finally, I should wish to see a translation of any fishing or hunting Laws or Customs Regulations which the Russian Government may inform you are applicable to the case.

I have to request your Excellency to endeavour to obtain the information and documents mentioned above, together with any further explanations which you may think useful, with a view to obtaining an opinion from the Law Officers of the Crown on the legal aspect of the case.

I am, &c.
(Signed) SALISBURY.

No. 13.

The Marquis of Salisbury to Sir R. Morier.

Sir,
Foreign Office, February 14, 1890.
I SHOULD be glad to know whether your Excellency has been able to obtain the further information in connection with the case of the "Araunah" asked for in my despatch of the 3rd October last.

I am, &c.
(Signed) SALISBURY.

No. 14.

Sir R. Morier to the Marquis of Salisbury.—(Received February 24.)

My Lord,
St. Petersburg, February 19, 1890.
WITH reference to your Lordship's despatch of the 14th instant, I have the honour to state that I have as yet failed to obtain from the Russian Foreign Office the additional information your Lordship asks for respecting the case of the "Araunah." I wrote a *note verbale* on the subject upon receipt of your Lordship's despatch of the 11th December, 1888, and after an interval I left a Memorandum on the subject with M. de Giers. I shall now address a formal note on the subject, with, I hope, better results.

I have, &c.
(Signed) R. B. D. MORIER.

No. 15.

Sir R. Morier to the Marquis of Salisbury.—(Received March 24.)

My Lord,
St. Petersburg, March 19, 1890.
WITH reference to previous correspondence, I have now the honour to transmit to your Lordship herewith copies of the *note verbale* which I addressed to M. de Giers on the 21st October last, embodying the queries respecting the "Araunah" contained in your Lordship's despatch of the 3rd October last, and of a note from M. de Giers, dated the 15th instant, in which answers to these queries are furnished. Your Lordship will perceive that query No. 3 of my *note verbale*, in which I ask to be furnished with the text of the Russian Law conferring upon the Governor-General of the Amour the power of pronouncing a Decree of Confiscation upon vessels seized on similar grounds to the "Araunah," apparently without the intervention of any Court of Law, is left unanswered, and that there is only the statement of fact that "toutes les causes résultant de l'application des règlements ci-dessus mentionnés sont du ressort du Gouverneur-Général de l'Amour qui en décide en dernière instance."

It can be safely asserted that the investiture of the Governor-General with these prerogatives rests upon no law properly speaking, but is the result of administrative arrangements emanating directly from the Sovereign in the exercise of his executive power.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure 1 in No. 15.

Note Verbale.

HER Britannic Majesty's Ambassador has the honour to present his compliments to his Excellency the Imperial Minister for Foreign Affairs, and to inform him that he has received a despatch from Her Majesty's Secretary of State respecting the confiscation of the schooner "Araunah," in which the Marquis of Salisbury states that Her Majesty's Government do not feel able to appreciate the considerations put forward by the Imperial Government in their note of the 4th (16th) August last without fuller information than they at present possess on the following points:—

1. What is the exact position of M. Grebnitzky, described as "Superintendent of Commander Islands," and under what authority he acted throughout in the matter?

2. What were the grounds and authority upon which the seizure of the "Araunah" was made by the "Alexander II"? This latter vessel is described as a steamer belonging to the Alaska Commercial Company of San Francisco. She is stated to have been flying the Russian merchant ensign at the peak, and a green flag with a white cross at the main. Lord Salisbury would be glad to know whether this latter flag, which is said to be now superseded by a blue one, had ceased to be the Russian Imperial Customs flag at the time the seizure was effected, viz., the 1st J^u, 1888, and what was the actual date on which the change was made?

3. Lord Salisbury would also be glad to be furnished with the text of the Russian Law conferring upon the Governor-General of the Amour the power of pronouncing a decree of confiscation upon vessels seized on similar grounds to the "Araunah," without apparently the intervention of any Court of Law, or regular hearing of the parties implicated.

Her Britannic Majesty's Ambassador has accordingly the honour to request his Excellency the Minister of Foreign Affairs to be good enough to enable him to furnish Her Majesty's Government with the information they desire, and Sir Robert Morier seizes the opportunity to renew to M. de Giers the assurance, &c.

British Embassy, St. Petersburg, October 9 (21), 1889.

Inclosure 2 in No. 15.

M. de Giers to Sir R. Morier.

M. l'Ambassadeur, *Saint-Petersbourg, le 3 (15) Mars, 1890.*

VOTRE Excellence a bien voulu me remettre à la date du 9 (21) Octobre dernier une note verbale dont il résulte que le Gouvernement de Sa Majesté la Reine est désireux d'obtenir des informations supplémentaires au sujet de la saisie de la goélette "Araunah." Les points sur lesquels le Gouvernement de la Reine tiendrait à être renseigné étant spécifiés dans la note en question, je me fais un devoir de vous communiquer ce qui suit:—

1. M. Grebnitzky, en sa qualité d'Intendant des Iles du Commandeur, est chargé de l'administration de ce territoire, et il relève directement du Gouverneur Militaire de la Province Maritime. C'est à lui aussi qu'incombe le devoir de veiller à l'application des Règlements qui interdisent aux navires étrangers, qui ne seraient pas munis d'une autorisation spéciale émanée du Gouverneur-Général de l'Amour, d'exercer le commerce, la chasse, ainsi que la pêche dans les eaux territoriales des Iles du Commandeur.

2. A défaut de navires de guerre, l'autorité locale a le droit d'employer, pour faire respecter les Règlements ci-dessus mentionnés, des navires marchands, qui, dans ces cas, ont à leur bord une garde militaire, et sont munis d'instructions spéciales. Le bateau à vapeur "Alexandre II," à bord duquel se trouvait M. Grebnitzky au moment de la saisie de "l'Araunah," était justement chargé à cette époque de la surveillance dans les eaux des Iles du Commandeur.

3. Le pavillon Douanier Russe n'a pas été changé; et

4. Toutes les causes résultant de l'application des Règlements ci-dessus mentionnés sont du ressort du Gouverneur-Général de l'Amour, qui en décide en dernière instance. Conformément à cet Article les pièces relatives à la saisie de "l'Araunah" ont été transmises à M. l'Aide-de-camp Général Baron Korf, qui, après avoir examiné les procès-verbaux dressés par M. Grebnitzky, ainsi que les requêtes du capitaine du

navire en question, a reconnu que la saisie avait été opérée dans les conditions prévues par les Règlements, et a prononcé la confiscation de "l'Araunah."

Enfin, pour satisfaire au désir exposé dans la note verbale de votre Excellence du 9 (21) Octobre dernier, je me fais un devoir de vous transmettre ci-après une traduction Anglaise du Règlement relatif à la prohibition du commerce, de la chasse, et de la pêche dans les eaux territoriales Russes de l'Océan Pacifique. Dans le but de prévenir des infractions à ce Règlement le Gouvernement Impérial a eu soin de le faire publier en 1882, par l'intermédiaire de ses Agents Consulaires, à San Francisco, ainsi que dans les ports du Japon ouverts au commerce étranger.

Veillez, &c.
(Signé) GIERS.

(Translation.)

M. l'Ambassadeur,

St. Petersburg, March 3 (15), 1890.

YOUR Excellency was pleased to communicate to me on the 9th (21st) October last a *note verbale* stating that Her Majesty's Government is desirous of obtaining further information on the subject of the seizure of the schooner "Araunah." As the points on which Her Majesty's Government wish to be furnished with information are specified in the note in question, I have the honour to communicate to you the following:—

1. M. Grebnitzky, in his quality of Superintendent of the Commander Islands, is charged with the administration of that territory, and he is directly responsible to the Military Governor of the Maritime Province. It is also his duty to see to the application of the Regulations which prohibit foreign ships, without a special authorization from the Governor-General of the Amour, from trading and hunting, as well as fishing, in the territorial waters of the Commander Islands.

2. In default of ships of war, the local authority has the right of employing, to enforce the above-mentioned Regulations, merchant-ships, which, then, have on board a military guard, and are furnished with special instructions. The steamer "Alexander II," on board which M. Grebnitzky was at the moment of the seizure of the "Araunah," was so charged at this time with the police of the waters of the Commander Islands.

3. The Russian Customs flag has not been changed.

4. All the legal cases arising out of the application of the Regulations above mentioned are within the jurisdiction of the Governor-General of the Amour, who decides on them in the last instance.

Conformably to this Article, the documents relating to the seizure of the "Araunah" were sent to Aide-de-camp General Baron Korf, who, after having examined the *procès-verbaux* drawn up by M. Grebnitzky, as well as the demand of the captain of the vessel in question, decided that the seizure had been made under the conditions provided for by the Regulations, and pronounced the confiscation of the "Araunah."

Finally, to satisfy the desire expressed in the *note verbale* of your Excellency of the 9th (21st) October last, I have the honour to transmit to you an English translation of the Regulation relative to the prohibition of trading, hunting, and fishing in the territorial waters of Russia in the Pacific Ocean. With the object of preventing infractions of this Regulation, the Imperial Government took care to publish it, in 1882, through their Consular Agents in San Francisco, as well as in the Japanese ports open to foreign commerce.

Accept, &c.
(Signed) GIERS.

Inclosure 3 in No. 15.

Notice.

THE Russian Imperial Government hereby publishes for general knowledge the following:—

1. Without a special permit or licence from the Governor-General of Eastern Siberia, foreign vessels are not allowed to carry on trading, hunting, fishing, &c., on the Russian coast or islands in the Okhotsk and Behring's Seas, or on the north-east coast of Asia, or within their sea boundary-line.

2. For such permit or licences foreign vessels should apply at Vladivostock exclusively.

3. In the port of Petropaulovski, though being the only port of entry in Kamtchatka, such permits or licences shall not be issued.

4. No permits or licences whatever shall be issued for hunting, fishing, or trading at or on the Commodore and Robben Islands.

5. Foreign vessels found trading, fishing, hunting, &c., in Russian waters without a licence or permit from the Governor-General, and also those possessing a licence or permit who should infringe in the existing bye-laws on hunting, shall be confiscated, both vessels and cargoes, for the benefit of the Government. This enactment shall be enforced henceforth, commencing with A.D. 1882.

6. The enforcement of the above will be intrusted to Russian men-of-war, and also to Russian merchant-vessels, who for that purpose will carry military detachments and provided with proper instructions.

No. 16.

The Marquis of Salisbury to Mr. Gosling.

Sir,

Foreign Office, May 9, 1890.

I HAVE carefully considered, in communication with Her Majesty's Secretary of State for the Colonies, Sir Robert Morier's despatch of the 19th March last, and the note of M. de Giers inclosed therein, furnishing further information in regard to the seizure and confiscation of the British schooner "Araunah," when engaged in seal-hunting in the neighbourhood of Copper Island, a possession of the Russian Empire in the neighbourhood of Behring's Sea.

The whole of the correspondence which has passed in regard to this case has been submitted to the Law Officers of the Crown for their opinion upon the points of law involved.

It would appear from M. de Giers' note of the 3rd (15th) March that the Government of the Province of Amour, in which the Commander Islands (Copper Island forming one of that group) are included, is a purely military one, and that, subject to the supervision of the Governor-in-chief, the Intendant of the islands is the sole judicial as well as executive officer.

Her Majesty's Government are advised that a private vessel, with a duly authorized officer on board, and flying a proper flag, and under special instructions, may lawfully make a seizure such as the seizure made in this case by M. Grebnitzky.

They are further advised that there is nothing inconsistent with international law in the establishment by the Russian Government of such Tribunals as those indicated by the procedure in the case of the "Araunah."

So far, therefore, as the mode of proceeding is concerned, there appears to be no sufficient ground on which a protest or claim for compensation could be based.

With regard to the grounds on which confiscation was decreed, it is to be remembered that the master of the "Araunah" does not deny the statement of M. Grebnitzky that he signed the act of confiscation, which involved an admission of the alleged offence, and this without any intimation that he intended to protest against the decision, although he was duly warned that he ought then to submit any protest which he intended to make.

The evidence as to the actual position of the "Araunah" and her canoes at the time of the seizure is very conflicting. The master of the vessel says in his letter of the 29th October, 1888, that his ship was 8 miles off the southern extremity of Copper Island, but in his earlier telegram of the 9th August, 1888, he speaks of being within 6 miles of the southern extremity of the island. The captain of the "Alexander II" says that the "Araunah" was within 3 miles of the island, while the second officer of the first-mentioned vessel puts the distance at from 5 to 7 miles.

The canoes were out to the south and west of the vessel, that is to say, between it and the island, one of them, at least, at a distance of not more than 3 miles from it, and in M. de Giers' note of the 4th August, 1889, it is stated that M. Grebnitzky categorically affirms that two of the canoes were within half-a-mile of the shore.

Her Majesty's Government are of opinion that, even if the "Araunah" at the

time of the seizure was herself outside the 3-mile territorial limit, the fact that she was by means of her boats carrying on fishing within Russian waters without the prescribed licence warranted her seizure and confiscation according to the provisions of the municipal law regulating the use of those waters.

They do not, therefore, as at present advised, propose to address any further representation to the Russian Government in regard to this case.

I am, &c.
(Signed) SALISBURY.

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May 9, 1890.
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Correspondence respecting the Seizure of the
British Schooner "Armanak," off Copper Island,
by the Russian Authorities.

*Presented to the House of Lords by Command of
Her Majesty. June 1890.*

LONDON:
PRINTED BY HARRISON AND SONS.

TREATY SERIES. No. 16.

1892.

CONVENTION

BETWEEN

GREAT BRITAIN AND THE UNITED STATES OF AMERICA

RESPECTING THE

BOUNDARY BETWEEN THE TWO COUNTRIES.

(ALASKA AND PASSAMAQUODDY BAY.)

Signed at Washington, July 22, 1892.

Ratifications exchanged at Washington, August 23, 1892.

*Presented to both Houses of Parliament by Command of Her Majesty.
February 1893.*

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[O.—6952.] *Price 3d.*

Correspondence respecting the Seizure of the
British Schooner "Atanah," off Copper Island,
by the Russian Authorities.

CONVENTION
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[Ratifications]

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PRINTED BY HARRISON AND SONS.

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CONVENTION BETWEEN GREAT BRITAIN
AND THE UNITED STATES OF AMERICA
RESPECTING THE BOUNDARY BETWEEN
THE TWO COUNTRIES. (ALASKA AND PESSA-
MAQUODDY BAY.)

Signed at Washington, July 22, 1892.

[Ratifications exchanged at Washington, August 23, 1892.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being equally desirous to provide for the removal of all possible cause of difference between their respective Governments hereafter in regard to the delimitation of the existing boundary between Her Majesty's possessions in North America and the United States in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of Treaties heretofore concluded, have resolved to conclude a Convention in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Michael H. Herbert, Chargé d'Affaires *ad interim* of Great Britain; and

The President of the United States, John W. Foster, Secretary of State of the United States;

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

ARTICLE I.

The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary-line of the Dominion of Canada and the United States of America dividing the Province of British Columbia and the north-west territory of Canada from the Territory of Alaska, from the latitude of 54° 40' north to the point where the said boundary-line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissions to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary-line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia.

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Application will be made without delay to the respective Legislative Bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two Governments shall meet at Ottawa within two months after said appropriation shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final Reports thereof within two years from the date of their first meeting.

The Commissions shall, so far as they may be able to agree, make a joint Report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

Each Government shall pay the expenses of the Commission appointed by it.

Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissions, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that, as soon as practicable after the Report or Reports of the Commissions shall have been received, they will proceed to consider and establish the boundary-line in question.

ARTICLE II.

The High Contracting Parties agree that the Governments of Her Britannic Majesty in behalf of the Dominion of Canada and of the United States shall, with as little delay as possible, appoint two Commissioners, one to be named by each party, to determine upon a method of more accurately marking the boundary-line between the two countries in the waters of Passamaquoddy Bay in front of and adjacent to Eastport, in the State of Maine, and to place buoys or fix such other boundary marks as they may determine to be necessary.

Each Government shall pay the expenses of its own Commissioner, and cost of marking the boundary in such manner as shall be determined upon shall be defrayed by the High Contracting Parties in equal moieties.

ARTICLE III.

The present Convention shall be duly ratified by Her Britannic Majesty and by 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 at Washington within twelve 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 22nd day of July, one thousand eight hundred and ninety-two.

(Signed)	(L.S.)	MICHAEL H. HERBERT.
(Signed)	(L.S.)	JOHN W. FOSTER.

RUSSIA. No. 1 (1893).

CORRESPONDENCE

RESPECTING

AN AGREEMENT FOR THE PROTECTION OF
RUSSIAN SEALING INTERESTS

IN THE

NORTH PACIFIC OCEAN

DURING THE YEAR 1893.

Presented to both Houses of Parliament by Command of Her Majesty.
June 1893.

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No. 1.

Colonial Office to Foreign Office.—(Received January 6.)

(Extract.)

Downing Street, January 6, 1893.

I AM directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a telegram from the Governor-General of Canada, inquiring on behalf of the Canadian sealers in what part of the North Pacific, especially on the Asiatic side, they may pursue their industry during the season for which preparations are now in progress.

Inclosure in No. 1.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.)

December 31, 1892.

OWNERS of sealing-vessels and others engaged in sealing industry in Canada ask for views of Her Majesty's Government touching their rights as to sealing during next season: they desire to know what waters of North Pacific Ocean are open to them for sealing purposes, especially on Asiatic side, and within what limits they may count upon protection. Answer urgently required, if possible by telegram, as time for fitting out vessels is now at hand. Despatch follows by mail.

No. 2.

Colonial Office to Foreign Office.—(Received January 17.)

Sir,

Downing Street, January 17, 1893.

WITH reference to the letter from this Department of the 6th instant respecting the inquiry of the British Columbia Sealers' Association as to the limits within which they may pursue their industry during the approaching season, I am directed by the Marquis 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 an approved Minute of his Privy Council on the subject of the Memorial of the sealers.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 2.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord,

Government House, Ottawa, December 31, 1892.

I HAD the honour to send to your Lordship to-day a telegraphic message as follows, a translation of which is subjoined:—

[See Inclosure in No. 1.]

I have now the honour to inclose a copy of an approved Minute of Council on which the above telegram was based.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 2.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 26th December, 1892.

ON a Report, dated the 23rd December, 1892, from the Minister of Marine and Fisheries, submitting the appended communication from owners of sealing-vessels and others interested in the sealing industry, it will be observed that it was originally intended by the writers to send the communication to the High Commissioner for Canada, to whom it was addressed.

The Minister observes that the sealers refer to the restrictions which have been placed upon their industry. They describe the limited range for their occupation consequent upon the closure of Behring Sea, and express their uncertainty touching the extent to which the Asiatic waters may be used in consequence of the action of the Russian authorities during the past season entailing the loss of property and sacrifice of personal liberty.

They may, therefore, possibly be limited, in fact, to the coast catch, with, they say, the alternative of entirely abandoning the industry, which, they show, would entail the loss of capital, income, material and commercial connections to the owners, and the still more serious loss to the masters and crews and their families.

The Minister, touching the character of these memorialists, cheerfully testifies his opinion to be that they are law-abiding subjects of Her Britannic Majesty, and entitled to every reasonable consideration in the protection of their rights. They are naturally anxious to know authoritatively the views of Her Majesty's Government touching their rights, in order that they may be enabled to judge, in the approaching season, whether not their vessels may safely be fitted out for the purpose of sealing. They desire especially to be informed within what limits they may now count upon protection.

The Committee, on the recommendation of the Minister of Marine and Fisheries, who states that, in his opinion, the request is most reasonable, advise that your Excellency be moved to cable Her Majesty's Government the substance of the communication from the sealers, with the request that your Excellency be advised speedily of the opinion of Her Majesty's Government.

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

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

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

Sir,

Victoria, November 30, 1892.

The Undersigned owners of sealing schooners, and others interested in the sealing industry, have the honour to lay before you the following statement, which should, perhaps, with more propriety, be forwarded through the officials at Ottawa. The next season is, however, near at hand, and time is precious; so to avoid the inevitable delay incident to formal transmission through official channels, we have thought fit to address you direct, trusting you will not consider that we have taken an unwarrantable liberty.

We would draw your attention to the fact that not only has much capital been invested in sealing schooners, their outfits, and the machinery necessary to deal adequately with the season's catch, when it has been safely brought to port, all of which is necessarily idle and unprofitable while the existing conditions are maintained, but that a large number of men, with their families and those dependent upon their exertions, are at present deprived of any opportunity of earning their living; for the coast catch, which is all that is now open to us, without the fear of seizure of our vessels and sacrifice of our personal liberty constantly before our eyes, is too limited in extent, and uncertain in nature, to enable us, without absolutely certain loss, to fit out vessels to engage in it alone. Even at the best it can never afford subsistence to a tithe of the fleet.

We are now debarred by the terms of the *modus vivendi* from operating in Behring Sea, and recent events on the Russian side have shown that the present limits are not clearly defined. We are therefore limited to the coasts of the Province of British Columbia and Alaska up to the Behring Sea, with the one alternative of going out of the industry altogether, and all that such a step entails, the loss of capital, income, material and commercial connections to the owners, and, what is still more serious, the loss of even their daily bread to the captains and crews, not to speak of their families and dependents, who, it goes without saying, can ill afford to bear such a reverse.

We are well aware that the public of Canada and England, far away from the scene of action, have been induced by the untiring efforts of interested persons in the United States, exerted through the newspaper press and by other means, to accept a distorted account of our proceedings, and that we are too generally looked upon as adventurers engaged in an illegal pursuit, to whom the protection of English law should be extended but scantily, if at all. It is not necessary to remind you, Sir, that these are far indeed from the facts; that we are, and always have been, law-abiding citizens, desirous to do nothing which might conflict with the maritime laws of England, the United States, or Russia, and particularly of that broader law known as the law of nations; that sealers as a class are peace-loving and orderly in their conduct, anxious only to earn an honest living in a straightforward fashion; and that, in the face of most difficult and disheartening circumstances, they have ever endeavoured to keep within the provisions of international law, always at their peril, and too often at their cost.

We are deeply interested to know what will be the attitude of the British Government next season, and whether we may safely fit out vessels for the purpose of sealing outside of Behring Sea; we are desirous of ascertaining the limit within which we shall be protected in the North Pacific Ocean, the Sea of Okhotsk, and the waters on the Russian side. In short, we wish to know where we can go, and where we cannot go, as at present there is great uncertainty on those points. It is of the utmost importance that we should know our position before the season commences in January next. We therefore beg that you will endeavour to obtain definitions of limits, and, if possible, assurances of protection from the British Government, and, for the benefit of all concerned, cause a telegram to be sent at the earliest possible moment to the Lieutenant Governor here, stating the result of your action.

We are deeply conscious that, in making this request, we are asking a good deal. The great importance of the question to us and ours must be our excuse.

We have, &c.

(Signed)

E. B. MARVIN AND CO.
HALL, GOSPEL, AND CO.
C. J. KELLEY.
ELFORD E. SMITH.
A. D. LAING.
W. WALKER.
D. URQUHART.
BROWN BROS.

The Hon. Sir Charles Tupper, Bart., G.C.M.G., C.B., &c.,
High Commissioner, London.

No. 3.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, January 18, 1893.

I TRANSMIT to your Excellency herewith copies of letters from the Colonial Office* relative to a Memorial received from the owners of sealing-vessels, and others in Canada engaged in the sealing industry, asking to be informed in what waters of the North Pacific Ocean, especially on the Asiatic side, they will be at liberty to pursue their fishing operations during the season for which preparations are now being made.

You are aware that the Russian Government declined to join in the arrangement come to between Great Britain and the United States in 1891, and renewed in 1892, for the suspension of sealing in a portion of Behring Sea, and Her Majesty's Government gathered from the language used at that time, and from previous published utterances of the Russian Government, that Russia made no claim to prohibit sealing in the waters adjacent to her territories, except within the ordinary and recognized territorial limit of 3 miles from the coast.

But the seizures of British vessels by the Russian authorities in Behring Sea during the course of last year, at considerable distances from land, render it expedient to arrive at some definite understanding of the attitude of the Russian Government in this respect.

I have therefore to request that your Excellency will inform the Russian Government of the application that has been made by the Canadian sealers. You will state that, in the opinion of Her Majesty's Government, which they doubt not will be shared by that of

* Nos. 1 and 2.

Russia, the memorialists ought in justice to receive early information as to the limits within which they may lawfully and safely pursue their industry.

As at present advised, Her Majesty's Government propose to inform them that the *modus vivendi* agreed upon between Great Britain and the United States having been prolonged during the pendency of the Arbitration on the questions in dispute between those two Powers, sealing will be entirely prohibited during the next season in the waters affected by that agreement, but that outside those waters sealing-vessels will be at liberty to pursue their avocation, provided that they are careful not to infringe the Russian Regulations, which strictly prohibit the pursuit of seals and other similar animals within 3 miles of the Russian coasts and islands.

Before making this communication, Her Majesty's Government think it right to inform the Russian Government, as a matter of courtesy, and in order to avoid the risk of misunderstanding.

They would wish to receive the earliest intelligence if the Russian Government make any objection to its terms, and I should be glad therefore to receive a Report from your Excellency on the subject by telegraph.

I am, &c.
(Signed) ROSEBERY.

No. 4.

Sir R. Morier to the Earl of Rosebery.—(Received January 31.)

My Lord,

St. Petersburg, January 25, 1893.

I HAVE the honour to transmit to your Lordship herewith a copy of the note I addressed to M. Chichkine on the 23rd instant with regard to sealing in the waters of the North Pacific Ocean, in compliance with the instructions contained in your Lordship's despatch of the 18th instant.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 4.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé,

St. Petersburg, January 11 (23), 1893.

I HAVE been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to state to your Excellency that Her Majesty's Government have received a Memorial from certain sealing captains actually engaged in preparations for the impending sealing season in the Behring Sea. These persons wish to be informed what waters of the North Pacific Ocean are open to them for sealing purposes, especially on the Asiatic side, and within what limits they may count upon protection. Her Majesty's Government are of the opinion, which they do not doubt the Russian Government will share, that these memorialists ought in justice to receive early information as to the limits within which they may safely pursue their industry.

As at present advised, Her Majesty's Government propose to inform them that the *modus vivendi* agreed upon between Great Britain and the United States having been prolonged during the pendency of the arbitration on the questions in dispute between these two Powers, sealing will be entirely prohibited to their respective subjects and citizens during the next season in the waters affected by that agreement; but that outside those waters sealing vessels will be at liberty to pursue their avocation provided they are careful not to infringe the Russian regulations, which strictly prohibit the pursuit of seals and other similar animals within 3 miles of the Russian coasts and islands.

Before making this communication to the memorialists, Her Majesty's Government think it right to inform the Imperial Government as a matter of courtesy, and in order to avoid the risk of misunderstanding.

Should the Russian Government make any objection to the terms of this reply, Her Majesty's Secretary of State would wish to receive the earliest intelligence of such objection, and I would therefore beg your Excellency to communicate with me on the subject at your earliest possible convenience.

I avail, &c.
(Signed) R. B. D. MORIER.

No. 5.

Sir R. Morier to the Earl of Rosebery.—(Received January 31.)

My Lord,

St. Petersburg, January 25, 1893.

I CALLED upon M. Chichkine to-day, and asked him whether he was in a position to give me an answer to the note I had addressed to him on Monday respecting the Memorial addressed to Her Majesty's Government by certain sealing captains, who inquired what waters of the North Pacific Ocean would be open to them for sealing purposes this season. His Excellency said that he would not be able to do so until my note had been returned from the Ministry of Domains, which was the Department which dealt with the question of sealing, and to which it had been sent. He would press its return, but there could be no doubt what the answer would be. The Russian Government were not at present raising the pretension of prohibiting seal fishing on the high seas, but were only determined to stop the resolute and organized attacks made upon the rookeries within her territorial waters. I said that the strongest warning would be given to British sealers to abstain from violating Russian territorial waters, and that Her Majesty's cruisers would be instructed accordingly.

His Excellency stated, incidentally, that he believed that in the case of the sealers captured last season, it would be found that none of them had been taken illegally, for if they had been seized outside territorial waters, it was after the clearest proof that they had just emerged from them. I said this was a matter of evidence in each particular case, which I could not attempt to judge; but that from the statements made by the Russian cruisers themselves, it was difficult to admit that the captures were lawful.

I am, &c.

(Signed) R. B. D. MORIER.

No. 6.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, February 4, 1893.

I HAVE received your Excellency's despatch of the 25th ultimo, forwarding copy of a note which you have addressed to M. Chichkine on the subject of the limits within which sealing in Behring's Sea should be carried on during the approaching season.

The note which you have addressed to the Russian Minister on this question is approved by Her Majesty's Government.

I am, &c.

(Signed) ROSEBERY.

No. 7.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, February 4, 1893.

I HAVE received your Excellency's despatch of the 25th ultimo, recording a conversation with M. Chichkine, in which you pressed for an answer to your inquiry as to the limits in which sealing might be carried on during the approaching season in the eastern portion of Behring Sea.

The language held by your Excellency on this occasion is approved by Her Majesty's Government.

I am, &c.

(Signed) ROSEBERY.

No. 8.

Colonial Office to Foreign Office.—(Received February 22.)

Sir, *Downing Street, February 21, 1893.*
 I AM directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch and its inclosures from the Governor-General of Canada respecting the inquiry of the British Columbian sealers as to the limits in the North Pacific, within which they may pursue their industry during the approaching season.

As the sealers will very soon be clearing from British Columbia, it is important that Her Majesty's Government should be in a position to return a reply to their inquiry at an early date, and I am to suggest that Her Majesty's Ambassador at St. Petersburg should be instructed to press for an early intimation of the views and intentions of the Russian Government.

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

Inclosure 1 in No. 8.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, *Government House, Ottawa, January 20, 1893.*
 I HAVE the honour to transmit herewith copy of an approved Report of the Privy Council, submitting a communication from the British Columbia Sealers' Association, inquiring within what distance of the Russian side of the Behring Sea it is permitted to take seals, together with copy of the reply returned to the Association by the Minister of Marine and Fisheries.

Your Lordship will observe that Ministers would be glad to know what further reply Her Majesty's Government would wish to be given to this inquiry.

I have, &c.
 (Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 8.

Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 17th January, 1893.

ON a Report, dated the 11th January, 1893, from the Minister of Marine and Fisheries, submitting a copy of a communication received from the British Columbia Sealers' Association of Victoria, British Columbia, and of his reply thereto, relative to the limit within which Canadian sealing-vessels must not approach the (so-called) Japanese or Russian side of Behring Sea, the Minister in this connection desires to call attention to the Minute of Council, dated the 23rd September, 1892, in reference to a communication from the Sealers' Association, touching the recent seizures of Canadian sealing-vessels by Russian cruisers, and matters connected therewith.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward this correspondence to the Right Honourable the Principal Secretary of State for the Colonies, with the request that Her Majesty's Government will be pleased to intimate what further reply may be given to the question raised by the Sealers' Association.

All which is respectfully submitted, for your Excellency's approval.
 (Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

Appendix I.

Sir, *100, Government Street, Victoria, British Columbia, January 3, 1893.*
 REFERRING to our letter of the 8th September, 1892, in which we requested that the Imperial Government would define our rights in the so-called Russian or western portion of Behring Sea, and also afford us armed protection in the exercise of those rights, and to your reply of the 16th of the

same month, in which you informed us that under the Treaty of 1825 between Russia and Great Britain we were free to pursue our voyages and seal-hunting in those waters, we now have the honour, on behalf of the British Columbia Sealers' Association, to bring under your notice two paragraphs which have recently appeared in the Victoria "Daily Colonist" on the same subject.

We are now outfitting for the ensuing season's voyage, and as, owing to the American *modus vivendi*, we are excluded from the eastern portion of Behring Sea, we have no alternative but to proceed to the Japanese and Russian side of the sea.

We would therefore respectfully ask you to say what the limit is within which we must not approach Japanese and Russian territory. Is it 1 league—3 nautical miles, or is it 3 leagues—9 nautical miles?

We take leave, at the same time, again most urgently to urge that we may be afforded naval protection in the exercise of our rights. If not preventing seizures, it would be a great advantage to us that there should be disinterested and official witnesses of our proceedings, and would at least protect us from insult and robbery such as we suffered in 1892.

We have, &c.

(Signed) JOHN G. COX,
President, British Columbia Sealers' Association.
(Signed) RICHARD HALL,
Secretary, British Columbia Sealers' Association.

The Hon. the Minister of Marine and Fisheries, Ottawa,
&c. &c. &c.

From Victoria, British Columbia, "Daily Colonist" of January 3, 1893.

Of Interest to Sealing-men.

Japanese papers received by the Northern Pacific liner "Tacoma" contain the following Notice, which will be read with interest by all identified with the sealing industry:—

"Masters and owners of British vessels are, by instruction of Her Majesty's Government, hereby warned that vessels attempting to pursue seals or fur-otters in the Russian territorial waters without special licence are liable to seizure and confiscation, and go at their own risk."

(Signed) JAMES TROUP,
Her Britannic Majesty's Consul.

British Consulate, Yokohama,
December 10, 1892.

From the Victoria, British Columbia, "Daily Colonist" of December 14, 1892.

The San Francisco correspondent of the "Fur Trade Review" (New York) prints the following in the December issue of that well-known trade magazine:—

"That was quite a sensational story which was brought out at Victoria to the effect that Captain de Levron, of the cruiser 'Zabiaka,' the vessel which made nearly all of the seizures on the Russian coast this year, had been declared insane and relieved of his commission. It was interpreted by some of the Victoria sealing men as an effort on Russia's part to shift the responsibility for the Captain's actions, and as a clear evidence of backdown.

"They are in great hopes of receiving compensation from Russia for the seizures made, but it will not be long before they realize that there is no such good luck in store for them.

"In the first place, Captain de Levron is not insane (as his arrival here a few days ago fully established), and he was not removed on account of having made too many seizures, but for the reason that he neglected his duty in not having gathered in more of the illegitimate hunters.

"It was proven against him that on two distinct occasions he ran into harbour, once for ten days, and again for fifteen days, during the height of the sealing season, when the poachers were as thick as bees on the forbidden grounds.

"This offence has been considered so great in the eyes of the Russian Government that De Levron's commission has been permanently revoked, and he will never again be given command of any vessel sailing under the Russian flag. The Captain arrived in this city on the steamer "City of Peking" from Japan, and will go direct to St. Petersburg."

The same correspondent also gives the catch of the American sealing-fleet for 1892 as follows:—

City of San Diego	..	..	..	..	..	..	..	..	..	559
Louis G. Olsen	..	..	..	..	..	..	..	..	..	1,342
Rose Sparks	..	..	..	..	..	..	..	..	..	457
E. E. Webster	..	..	..	..	..	..	..	..	..	2,172
Active	..	..	..	..	..	..	..	..	..	41
Yushoo	..	..	..	..	..	..	..	..	..	1,287
C. O. White	..	..	..	..	..	..	..	..	..	388
Sophie Sutherland	..	..	..	..	..	..	..	..	..	1,603
Matter T. Dyer	..	..	..	..	..	..	..	..	..	1,187
Lille L.	..	..	..	..	..	..	..	..	..	580
Bowhead	..	..	..	..	..	..	..	..	..	1,613

Emma and Louise	1,009
Henry Dennis	1,900
Kate and Annie	1,232
La Niña	341
Willard Almsworth	899
Anaconda	650
Undaunted	328
Dawn	128
Emmet and Feliza	400
Allie I. Alger	1,712
Marla III	150
Anaconda	700
George White	60
C. H. White (seized).	1
San Diego	2,067
Total	23,695

Appendix II.

Gentlemen,

January 10, 1893.

I have the honour to acknowledge the receipt of your communication of the 3rd, in which you refer to your letter of the 8th September, 1892, in which you requested that the Imperial Government would define your rights in the so-called Russian, or western, portion of Behring Sea.

I have read the paragraphs from the "Daily Colonist" to which you call my attention, and I note that you propose proceeding to the Japanese and Russian side of Behring Sea, so-called.

Touching the question which you put to me as to what the limit is within which you must not approach Japanese or Russian territory, I can only say that, while in the opinion of the British Government the exclusive authority of Japan or Russia extends for 3 nautical miles from their respective coasts, I am of the opinion that, in view of the disputes now pending, and the past actions of Russia and the United States, it is impossible to ignore the fact that risk attends any sealing-vessel approaching the coasts of Russia or Japan.

I shall, however, bring your communication to the notice of his Excellency the Governor-General, in order that it may, with your previous letter, be submitted to Her Majesty's Government.

I have, &c.

(Signed) CHARLES H. TUPPER.

John G. Cox, Esq., President,
British Columbia Sealers' Association.
Richard Hall, Esq., Secretary,
British Columbia Sealers' Association.

No. 9.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, February 22, 1893.

WITH reference to my despatch of the 18th ultimo respecting the limits in which sealing will be permitted in the North Pacific during the approaching season, I transmit to your Excellency a despatch, and its inclosures, from the Governor-General of Canada,* reporting fresh inquiries which have been made by the British Columbia Sealers' Association on this subject.

The Secretary of State for the Colonies, in forwarding Lord Stanley's despatch, points out that, as the sealers will very soon be clearing from British Columbia, it is important that Her Majesty's Government should be in a position to return a reply to their inquiry at an early date; and I must accordingly request your Excellency, in view of the urgency of the question, to again endeavour to obtain from the Russian Government some expression of their views and intentions on this subject.

I am, &c.

(Signed) ROSEBERY.

Sir R. Morier to the Earl of Rosebery.—(Received February 28)

My Lord,

St. Petersburg, February 25, 1893.

WITH reference to my despatch of the 25th ultimo, I have the honour to transmit to your Lordship herewith a copy of a note I have just received from the Russian Government, in reply to mine of the 11th (23rd) ultimo, on the subject of sealing in the North Pacific.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure in No. 10.

M. Chichkine to Sir R. Morier.

Ministère des Affaires Étrangères,
le 12 (24) Février, 1893.

M. l'Ambassadeur,

PAR votre note du 11 (23) Janvier, vous avez bien voulu m'informer que plusieurs capitaines de navires destinés à la chasse des otaries dans la Mer de Behring ayant demandé à être renseignés sur les limites dans lesquelles il leur serait loisible de pratiquer leur industrie, le Gouvernement Britannique se proposait de leur répondre que la chasse aux otaries resterait jusqu'à nouvel ordre complètement interdite dans les limites de la ligne de démarcation convenue en 1891 entre l'Angleterre et les États-Unis d'Amérique, mais qu'elle était libre en dehors de ces limites, sauf les eaux territoriales de la Russie. En même temps, votre Excellence m'a demandé de lui communiquer les objections éventuelles que le Gouvernement Impérial pourrait être dans le cas de former contre cette déclaration.

Tout en vous remerciant, M. l'Ambassadeur, de cette démarche dont le Gouvernement Impérial prend acte, je m'empresse de vous informer que la question des mesures à prendre pour empêcher la destruction de la race des otaries ayant été depuis quelque temps mise à l'étude, j'ai dû attendre les résultats préliminaires de ce travail pour répondre à la note que vous avez bien voulu m'adresser.

En abordant aujourd'hui la question de la chasse aux otaries, je crois devoir, avant tout, faire observer à votre Excellence que l'insuffisance de la stricte application en cette matière des règles générales du droit des gens relative aux eaux territoriales, a été démontrés par le fait même des négociations ouvertes dès 1887 entre les trois Puissances principalement intéressées dans le but de convenir des mesures spéciales et exceptionnelles.

La nécessité de telles mesures a été, depuis, confirmée par l'entente Anglo-Américaine établie en 1891.

En se prêtant à ces pourparlers et à cette entente, le Gouvernement Britannique à lui-même admis l'opportunité d'une dérogation éventuelle aux règles générales du droit international.

Un point sur lequel il importerait ensuite d'attirer tout particulièrement l'attention du Gouvernement Britannique est celui de la situation absolument anormale et exceptionnelle créée pour les intérêts Russes par les stipulations Anglo-Américaines. Au fait, la prohibition de la chasse dans les limites tracées par le *modus vivendi* convenu en 1891 a eu pour résultat d'augmenter la destruction des otaries sur les côtes Russes dans une proportion telle que la disparition complète de cette race n'y serait plus qu'une question de peu de temps, si des mesures de protection efficaces n'étaient prises sans retard.

Les chiffres suivants le démontrent clairement :—

Le nombre des otaries à tuer annuellement étant fixé par l'Administration proportionnellement à leur quantité, les années de 1889 à 1890, avant l'établissement du *modus vivendi* Anglo-Américain, ont donné les chiffres de 55,915 et 56,833, tandis que pour les années 1891 et 1892, après l'entente susmentionnée ces chiffres sont tombés à 30,689 et 31,315. D'autre part, d'après les données statistiques que le Gouvernement Impérial a pu se procurer, la quantité des peaux d'otaries, de provenance Russe, livrées par les chasseurs sur le marché de Londres s'est par contre accrue pendant ces deux années dans une proportion infiniment plus considérable. Le nombre des navires s'occupant de la chasse et aperçus dans les alentours des Îles Komandorsky et Tulénov

1,009
1,900
1,232
541
890
650
328
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400
1,712
150
700
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January 10, 1893.
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(Robben Island) aurait aussi augmenté considérablement, selon les observations faites par l'Administration locale. Les procédés sauvages et illicites de ces chasseurs ressortent d'ailleurs du fait avéré par les saisies que plus de 90 pour cent des peaux d'otaries emportées par eux sont celles d'otaries femelles qui ne s'éloignent guère à une grande distance de la côte pendant la saison de la chasse et dont la destruction entraîne celle de tous les petits qu'elles nourrissent. Le nombre d'otaries blessées ou abandonnées sur la côte ou dans les eaux territoriales et retrouvées ensuite par les autorités locales constate également le caractère destructeur de la chasse.

Dans cet état de choses, nous nous croyons justifiés, M. l'Ambassadeur, en exprimant notre entière confiance que le Gouvernement Britannique admettra l'urgence de mesures restrictives en attendant qu'une réglementation internationale de la chasse aux otaries puisse être établie entre les Puissances principalement intéressées.

Le Gouvernement Impérial pour sa part n'hésite pas à reconnaître que la protection ne saurait être exercée d'une manière vraiment efficace qu'à la suite d'un tel accord. En conséquence il est disposé, dès à présent, à entrer dans ce but en pourparlers avec les Gouvernements de la Grande-Bretagne et des États-Unis d'Amérique; mais il reconnaît en même temps la nécessité absolue de mesures provisoires immédiates tant à cause de la proximité de l'ouverture de la saison de chasse, que pour être à même de répondre, en temps utile, à la question posée dans la note de votre Excellence du 11 (23) Janvier.

À cet effet, et d'après un examen approfondi, le Gouvernement Impérial a cru nécessaire d'arrêter les mesures suivantes qui seraient applicables pour l'année 1893:—

1. La chasse aux otaries sera prohibée pour tout navire n'étant pas muni d'une autorisation spéciale, à une distance de 10 milles le long de tout le littoral appartenant à la Russie.

2. Cette zone prohibée sera de 30 milles autour des Îles Komandorsky et Tulénew (Robin Island) selon les cartes officielles Russes, ce qui implique la fermeture pour les navires s'occupant de la chasse aux otaries du détroit entre les Îles Komandorsky.

Ces mesures seraient justifiées en ce qui concerne la zone de 10 milles le long du littoral par ce fait que les navires s'occupant de la chasse aux otaries stationnent généralement à une distance de 7 à 9 milles de la côte, mais que leurs chaloupes et leur équipage se livrent à la chasse tant sur la côte même que dans les eaux territoriales; aussitôt qu'un croiseur est signalé au loin, les navires prennent le large, et tâchent de rappeler leurs embarcations en dehors des eaux territoriales.

Pour ce qui concerne la zone de 30 milles autour des îles, cette mesure est motivée par la nécessité de protéger les bancs désignés par les chasseurs sous le nom de "sealing grounds" qui se trouvent autour des îles et ne sont pas suffisamment précisés sur les cartes. Ces bancs servent dans certaines saisons de station aux femelles dont la chasse est particulièrement destructive pour la race des otaries à l'époque de l'année où les femelles nourrissent leurs petits ou vont leur chercher la nourriture sur les bancs dit "sealing grounds."

En vous priant, M. l'Ambassadeur, de porter ce qui précède à la connaissance du Gouvernement Britannique, je crois utile d'insister sur le caractère essentiellement provisoire des mesures susmentionnées, qui sont arrêtées sous la pression de circonstances exceptionnelles, pouvant être reconnues comme un cas de force majeure et assimilées aux cas de défense légitime.

Il n'entre, bien entendu, en aucune façon dans l'intention du Gouvernement Impérial de contester les règles généralement reconnues quant aux eaux territoriales. Dans sa pensée, loin de porter atteinte à ces principes généraux du droit des gens, les mesures qu'il croit nécessaire de prendre doivent, au contraire, les confirmer comme l'exception confirme la règle.

Le poids des arguments ci-dessus développés n'échappera certainement pas à l'appréciation éclairée du Gouvernement Britannique, et j'ai la ferme confiance qu'il ne se refusera pas de prendre relativement aux navires Anglais destinés à la chasse des otaries des dispositions conformes aux mesures que le Gouvernement Impérial se propose de prendre pour l'année 1893.

De son côté, le Gouvernement Impérial ne manquera pas de donner à ces mesures, en temps utile, la publicité qu'elles comportent.

En outre et afin de prévenir dans la mesure du possible, des malentendus et des contestations en cas d'infraction aux mesures provisoires ci-dessus ainsi qu'aux règles générales du droit des gens, les croiseurs de la marine Impériale aussi bien que les autorités locales seront munis d'instructions précises définissant nettement les cas où

le droit de poursuite, de visite et de saisie des navires en contravention devrait être exercé.

Comme il a été avéré que tout en se tenant en dehors des eaux territoriales et quelquefois même à une distance dépassant les 10 milles, les navires destinés au trafic des otaries envoient une partie de leur équipage et leurs chaloupes sur la côte même dans les eaux territoriales ou à proximité, il sera prescrit par les instructions susmentionnées de poursuivre et de soumettre à la visite tout navire dont les embarcations ou l'équipage auront été aperçus ou saisis se livrant à la chasse aux otaries sur la côte ou dans la zone prohibée par les mesures provisoires pour l'année 1893.

Une forte présomption résultant du fait même de la présence d'embarcations près de la côte ou dans la zone prohibée lors même qu'au premier abord il aurait été impossible de constater si ces embarcations se livraient ou non à la chasse des otaries ; il sera loisible de poursuivre et de soumettre à la visite les navires auxquels appartiendraient ces embarcations.

La saisie sur les navires soumis à la visite d'instruments spécialement employés pour la chasse des otaries sur la côte même ainsi que des peaux d'otaries dont la plus grande partie seraient celles de femelles constituerait des présomptions suffisantes pour la saisie du navire, attendu que les otaries femelles ne s'éloignent guère du rivage à plus de 10 milles (à l'exception des bancs situés autour des îles) pendant la saison où elles nourrissent leurs petits.

En informant les capitaines des navires Anglais destinés à la chasse des otaries des mesures provisoires arrêtées pour l'année 1893 le Gouvernement Britannique jugera peut-être utile de leur faire connaître également la teneur sommaire des instructions dont les croiseurs Russes seront munis, en ajoutant que le droit de surveillance sera également confié aux navires de la côte sur le grand mât desquels le Gouverneur des Îles Komandorsky hissera le pavillon Douanier de la Russie lorsqu'il se trouvera à bord dans l'exercice de ses fonctions.

Veuillez, &c.
(Signé) CHICHKINE.

(Translation.)

M. l'Ambassadeur,

Ministry of Foreign Affairs, February 12 (24), 1893.

IN your note of the 11th (23rd) January, you were good enough to inform me that several captains of vessels destined for the seal fishery in Behring Sea had asked for information as to the limits within which they would be permitted to carry on their industry, and that Her Majesty's Government proposed to reply to them that until farther notice sealing would remain entirely prohibited within the line of demarcation agreed upon in 1891 by Great Britain and the United States of America ; but that it might be freely carried on beyond that line, except within the territorial waters of Russia. Your Excellency requested me at the same time to communicate to you any objections which the Imperial Government might find it necessary to make to this announcement.

While thanking you, M. l'Ambassadeur, for this action, of which the Imperial Government takes note, I hasten to inform you that the question of the measures to be adopted to prevent the destruction of the seal species has been under consideration for some time past, and that I have been obliged to await the preliminary results of this investigation before replying to the note which you were so good as to address to me.

In approaching, on the present occasion, the question of the seal fisheries, I must first of all point out to your Excellency that the insufficiency of the strict application to this matter of the general rules of international law respecting territorial waters has been proved by the mere fact that negotiations were commenced in 1887 between the three Powers principally concerned, with the object of agreeing upon special and exceptional measures.

The necessity for such measures has been more lately confirmed by the Anglo-American Agreement of 1891.

Her Majesty's Government, by taking part in these negotiations and in this Agreement, have themselves admitted the propriety of a possible departure from the general rules of international law.

A further point to which it would seem important to call the special attention of Her Majesty's Government is the absolutely abnormal and exceptional position in which Russian interests are placed by the stipulations of the Anglo-American Agreement. The prohibition of sealing within the limits agreed upon in the *modus vivendi* of 1891 has, in fact, caused such an increase in the destruction of seals on the Russian coast,

that the complete disappearance of these animals would be only a question of a short time unless efficacious measures for their protection were taken without delay.

The following figures clearly show this:—

The number of seals to be killed annually is fixed by the Administration in proportion to the total number of seals. In the years 1889 and 1890, before the establishment of the Anglo-American *modus vivendi*, the catch amounted to 55,915 and 56,833, while for the years 1891 and 1892 (after the above-mentioned Agreement) the figures fell to 30,689 and 31,315. On the other hand, according to the statistical information which the Imperial Government has been able to obtain, the quantity of seal-skins of Russian origin delivered by the sealers to the London market, increased during those two years in an infinitely greater proportion. According to the observations made by the local Administration, the number of vessels engaged in sealing and seen in the neighbourhood of the Commander Islands and Tulénew (Robben) Island has also increased considerably. The barbarous and illicit proceedings of these sealers are also proved by the fact, established by seizures, that more than 90 per cent. of the seal-skins carried away by them are those of female seals, who are hardly, if ever, found far from the shore during the sealing season, and whose destruction entails that of all the young which they are suckling. The destructive character of the fishery is also shown by the number of seals wounded or abandoned on the shore or within territorial waters, and afterwards found by the local authorities.

Under these circumstances, we think ourselves justified, M. l'Ambassadeur, in expressing our entire confidence that Her Majesty's Government will admit the urgent necessity of restrictive measures pending the establishment of international sealing regulations between the Powers principally concerned.

The Imperial Government on their side do not hesitate to recognize the fact that protection cannot be carried out in a really satisfactory manner unless it is preceded by some such agreement. Accordingly, they are disposed to enter into negotiations at once with the Governments of Great Britain and of the United States of America; but they recognize at the same time the absolute necessity of immediate provisional measures, both on account of the near approach of the sealing season and in order to be in a position to reply in good time to the question contained in your Excellency's note of the 11th (23rd) January.

With this object, and after thorough investigation, the Imperial Government has thought it necessary to decide on the following measures to be in force during the year 1893:—

1. No ship unprovided with a special authorization shall be permitted to hunt for seals within a distance of 10 miles along all the coast belonging to Russia.

2. This prohibited zone shall be 30 miles wide around the Commander Islands and Tulénew (Robben) Island according to the Russian official maps, which implies that the passage between the Commander Islands will be closed to vessels engaged in sealing.

With regard to the 10-mile zone along the coast, these measures will be justified by the fact that vessels engaged in the seal fishery generally take up positions at a distance of from 7 to 9 miles from the coast, while their boats and crews engage in sealing both on the coast itself and in territorial waters. As soon as a cruiser is sighted, the ships take to the open sea and try to recall their boats from territorial waters.

With regard to the 30-mile zone around the islands, this measure is taken with a view to protect the banks, known by the sealers as "sealing grounds," which extend round the islands, and are not shown with sufficient accuracy on maps. These banks are frequented during certain seasons by the female seals, the killing of which is particularly destructive to the seal species at the time of year when the females are suckling their young, or go to seek food on the banks known as "sealing grounds."

While requesting you, M. l'Ambassadeur, to bring the foregoing considerations to the knowledge of Her Majesty's Government, I think it important to insist on the essentially provisional character of the above measures adopted under pressure of exceptional circumstances which may be regarded as a case of *force majeure*, and analogous to cases of legitimate self-defence.

It does not, of course, enter at all into the intention of the Imperial Government to dispute the generally recognized rules with respect to territorial waters. In their opinion, far from attacking these general principles of international law, the measures which they think necessary to take must be regarded as confirming them, as the exception proves the rule.

The force of the arguments set forth above will certainly not escape the enlightened appreciation of Her Majesty's Government, and I am firmly convinced

that they will not refuse to take steps with regard to the English sealing-vessels, in accordance with the measures which the Imperial Government propose to take for the year 1893.

On their side, the Imperial Government will not fail to give to these measures, in good time, the publicity which they require.

Besides this, and in order to prevent as far as possible any misunderstandings and disputes in case of infraction of the above provisional measures, as well as of the general rules of international law, the cruisers of the Imperial Government and also the local authorities will receive precise instructions, clearly laying down the cases in which the right of pursuit, of search, and of seizure of offending vessels should be exercised.

As it is affirmed that the sealing-vessels, while themselves remaining outside territorial waters and sometimes more than 10 miles from shore, dispatch a portion of their crews and their boats to the coast, and within, or very nearly within, territorial waters, the above-mentioned instructions will prescribe the pursuit and search of all vessels whose boats or crews shall have been observed or seized while sealing on the coast, or within the zone prohibited by the provisional measures for 1893.

As a strong presumption results from the mere fact of the presence of boats near the coast or within the prohibited zone, even when it has been impossible at first to decide whether these boats were engaged in sealing or not, it shall be permissible to pursue and search the vessels to which such boats belong.

The seizure on board vessels thus searched, of special implements employed in sealing on shore, as well as of seal-skins the greater part of which are those of females, will constitute sufficient grounds for the seizure of the vessel, in view of the fact that the female seals, during the season of suckling their young, rarely, if ever, depart further than 10 miles from the shore, excepting on the banks around the islands.

When informing the captains of English sealing-vessels of the provisional measures drawn up for the year 1893, Her Majesty's Government will perhaps think it advisable to communicate to them likewise a summary of the instructions which will be given to the Russian cruisers, and to add that the right of surveillance will also be given to vessels belonging to the coast on the mainmast of which the Governor of the Commander Islands hoists the Russian Custom-house flag when he is on board in the discharge of his duties.

Accept, &c.
(Signed) CHICHKINE.

No. 11.

The Marquis of Ripon to Lord Stanley of Preston.—(Received at Foreign Office, March 3.)

(Telegraphic.)

Downing Street, March 3, 1893.

HER Majesty's Government desire you to acquaint Collectors of Customs at British Columbian ports, that Her Majesty's Government have received proposal from Russian Government for establishment of protective zone round islands and coasts of Russia, and that they should warn sealers clearing for North Pacific to arrange for ascertaining provisions which may be agreed to before proceeding to neighbourhood of Russian territory.

No. 12.

The Earl of Rosebery to Mr. de Bunsen.

(Telegraphic.)

Foreign Office, March 10, 1893.

NORTH Pacific sealing.

The Russian Government have proposed to Her Majesty's Government the establishment of a zone round their coasts and islands for the protection of seal life. Steps should be taken by you to warn British sealers clearing for North Pacific from Japanese ports that, before proceeding to neighbourhood of Russian territory, they should take measures for ascertaining provisions which may be agreed to on this subject.

No. 13.

The Earl of Rosebery to Sir R. Morier.

(Telegraphic.)

Foreign Office, March 13, 1893.

I HAVE to state to your Excellency that information has been given to the Collectors of Customs at ports in British Columbia of a proposal having been made to Her Majesty's Government by that of Russia for the establishment of a protective zone round the coasts and islands belonging to that Power.

The Collectors of Customs have been instructed to warn sealing-vessels clearing for the North Pacific that they should make arrangements, before they proceed to the vicinity of Russian territory, to ascertain what provisions may be agreed upon between the two Governments for carrying the Russian proposal into effect.

As the sealing-vessels are starting for their cruise in the more southerly portions of the North Pacific Ocean, and do not return to port before they proceed in the summer to Behring Sea, it was necessary that some warning should be given to the above effect.

A warning in the same sense will also be conveyed to sealers clearing from Japanese ports by Her Majesty's Chargé d'Affaires at Tôkiô.

A reply to M. Chichkine's note of the 12th (24th) ultimo is under the consideration of Her Majesty's Government, and I hope shortly to be able to send it to you.

No. 14.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, March 17, 1893.

HER Majesty's Government have given their most careful consideration to the note of M. Chichkine of the 12th (24th) ultimo, inclosed in your Excellency's despatch of the following day, and stating the measures which the Russian Government deem necessary for the protection of their sealing interests in the North Pacific during the approaching fishery season, and which are submitted to Her Majesty's Government for consideration with a view to their acceptance.

Those measures consist in—

1. The prohibition of sealing to vessels not specially authorized within a zone of 10 miles from the Russian coast.
2. The extension of this prohibitive zone to a distance of 30 miles round Robben Island and the Commander Islands.

For the purpose of securing the due observance of these restrictions, it is proposed that the Russian cruisers should be authorized to pursue and seize all vessels whose boats or crews have been found fishing for seals within the prohibited limits, and further to pursue and search any vessels whose boats have been seen within those limits whether actually employed in seal hunting or not. In the latter case the presence on board of instruments specially employed in seal hunting or of seal-skins, the majority of which are those of females, is to be held to afford sufficient presumptive evidence to justify seizure.

Her Majesty's Government take note of the statements made in M. Chichkine's note, that the Russian Government have no intention of disputing the generally recognized rules of international law as to territorial waters, that these measures, of an exceptional and provisional nature, are designed to meet a pressing emergency, and that Russia is desirous of entering at once upon discussions with the Governments of Great Britain and the United States with a view to an agreement between the Powers principally interested for the proper control of the sealing industry.

While Her Majesty's Government have not committed themselves to a decided opinion as to the absolute necessity of any particular class of regulations for the preservation of the seal species, they have more than once expressed their willingness to take part in the framing of a general scheme for the protection of the seals which shall have due regard to the various interests concerned.

They quite recognize that the provisions of the *modus vivendi* agreed upon between Great Britain and the United States tends to drive the sealing-vessels of both those nations, which have been accustomed to resort to the eastern part of Behring Sea, to the waters adjacent to the Russian coasts, and the reduced number of seals which it

has been deemed advisable to take on the Russian rookeries in 1892 is, undoubtedly, evidence that, according to the observation of the local authorities, a substantial decrease has occurred in the seals frequenting those rookeries.

Her Majesty's Government could not admit that Russia has therefore the right to extend her jurisdiction over British vessels outside the usual territorial limits, but they are anxious to afford all reasonable and legitimate assistance to Russia in the existing circumstances. They are ready to enter at once into an agreement with the Imperial Government for the enforcement of the protective zones proposed in M. Chichkine's note on conditions similar to those of their *modus vivendi* with the United States, which it will be observed are of a reciprocal character. The terms of the agreement would be as follows :—

Her Majesty's Government would issue the necessary enactments prohibiting British subjects from seal fishing within the zones specified by M. Chichkine, and would instruct the Commanders of British vessels of war cruising in the North Pacific to co-operate with the Russian cruisers in enforcing the prohibition. The Russian Government would engage to hand over to the British cruisers, or to the nearest British authority, any British vessels seized by Russian cruisers, outside the 3-mile limit, for infraction of the Regulations, in order that such vessels might be duly adjudicated on by the British Courts. The British naval officers would similarly hand over to the Russian Government any Russian vessels so seized by them.

The Russian Government would further engage that the number of seals to be killed on the Russian seal islands should be limited to a certain specified number to be agreed upon beforehand, or to a certain proportion, to be equally agreed upon, of the total number of seals estimated to have resorted to the islands in the season.

The Russian Government would further allow an Agent of the British Government to land upon the islands for the purpose of consulting with the Russian authorities on the working and observed results of the arrangement.

If these proposals should, as I hope, be agreeable to the Russian Government, I should be glad to learn at the earliest moment their views as to the limitation which they would agree to place on the number of seals to be killed on the islands. The Reports of the British Commissioners as to the care that, as a rule, has heretofore been taken to prevent any excess in this respect on the Komandorski Islands, lead me to believe that there would be no difficulty in arriving at an agreement on this point.

The legislation at present in force in this country only enables Her Majesty's Government to enact the contemplated measures in the waters of Behring Sea, but in the event of an agreement being concluded between the two Governments, Her Majesty's Government would at once apply to Parliament for the necessary powers to extend its provisions to such other portions of the North Pacific as would be affected by it. They would also be ready to concert with the Russian Government as to the precise instructions to be furnished to the Commanders of the cruisers of the two nations. They think it better to reserve until then any criticisms of detail upon some of the Russian proposals in this respect.

Her Majesty's Government assume that this arrangement does not in any way affect the facilities hitherto enjoyed by British vessels when resorting to Russian ports for shelter, repairs, and supplies.

It would of course also be understood that the arrangement would have no retroactive effect, and that the cases of the British vessels seized last year will be considered and dealt with according to the ordinary Rules of international law.

In view of the fact that the sealing-vessels are already starting on their voyages, Her Majesty's Government have caused a notice to be issued at once at the ports of British Columbia, warning the owners and masters of such vessels that negotiations on this subject are in progress.

Your Excellency will read this despatch to M. Chichkine, and leave a copy of it with him.

I am, &c.
(Signed) ROSEBERRY.

No. 15.

Colonial Office to Foreign Office.—(Received April 5.)

Sir,

Downing Street, April 4, 1893.

WITH reference to previous correspondence, 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 despatch, and its inclosures, from the Governor-General of Canada, respecting the issue of a warning notice to sealers clearing for the North Pacific.

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

Inclosure 1 in No. 15.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord,

Government House, Ottawa, March 14, 1893.

WITH reference to your Lordship's telegram of the 3rd instant, requesting that sealers clearing from British Columbian ports for the North Pacific should be warned that Her Majesty's Government had received a proposal from the Russian Government for the establishment of a protective zone round the islands and coasts of Russia, I have the honour to inclose copy of an approved Minute of the Privy Council, from which it will be learned that a Circular letter embodying the substance of the telegram in question has been addressed to Collectors of Customs in British Columbia.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 15.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 13th March, 1893.

THE Committee of the Privy Council have had under consideration a telegram, hereto attached, dated the 3rd March, 1893, from Lord Ripon, requesting that Collectors of Customs in British Columbian ports be advised that Her Majesty's Government have received a proposal from the Russian Government for the establishment of a protective zone around the islands and coast of Russia, and that they should warn sealers clearing for the North Pacific to arrange for ascertaining the provisions which may be agreed to before proceeding to the neighbourhood of Russian territory.

The Minister of Trade and Commerce, to whom the matter was referred, states that he directed the issue, through the Customs Department, of a Circular letter to all Collectors of Customs in British Columbia, copy hereto attached, embodying the substance of the telegram in question.

The Committee advise that your Excellency be moved to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted.

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

Inclosure 3 in No. 15.

The Marquis of Ripon to Lord Stanley of Preston.

[See No. 11.]

Inclosure 4 in No. 15.

Memorandum.

IN accordance with a request from the Right Honourable the Secretary of State for the Colonies, I have to acquaint you that Her Majesty's Government has received a proposal from the Russian Government for the establishment of a protective zone around the islands and coast of Russia. You will therefore warn masters of all sealing-vessels clearing for the North Pacific to arrange for ascertaining the provisions which may be agreed to by the two Governments before proceeding to the neighbourhood of Russian territory.

(Signed) N. C. WALLACE.

Department of Customs, Ottawa,
March 6, 1893.

To Collectors of Customs,
Ports in British Columbia.

No. 16.

Colonial Office to Foreign Office.—(Received April 8.)

Sir,

Downing Street, April 7, 1893.

WITH reference to the letter from this Department of the 4th instant respecting the steps taken by the Government of Canada to inform Canadian sealers of the proposal of the Russian Government for establishing a protective zone round the coasts and islands of Russia, I am directed by the Marquis of Ripon to transmit to you, for the information of the Earl of Rosebery, a copy of a further despatch from the Governor-General of Canada, with its inclosures, on the subject.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 16.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord,

Government House, Ottawa, March 20, 1893.

IN continuation of my despatch of the 14th instant, notifying your Lordship of the steps taken by this Government to inform Canadian sealers of the proposal of the Russian Government for establishing a protective zone round the coasts and islands of Russia, I have the honour to forward copy of a further approved Minute of the Privy Council, detailing additional measures which have been taken to give publicity to this proposal, and submitting a list of Canadian vessels which have already cleared from Victoria for the purpose of sealing in the North Pacific.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 16.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 17th March, 1893.

ON a Report, dated 15th March, 1893, from the Minister of Trade and Commerce, submitting, with reference to the telegraphic despatch, copy of which is attached for convenience of reference, of the 3rd March instant, from the Marquis of Ripon, advising that Her Majesty's Government had received a proposal from the Russian Government for the establishing of a protective zone around the islands and coast of Russia, and asking that Collectors of Customs in British Columbia should warn sealers for the North Pacific accordingly, a copy of a letter received on the 13th March instant from the Collector of Customs at Victoria, British Columbia, bearing date the 4th March instant, in which he states (referring to the sealing fleet) that the vessels all cleared early this season, fifty-one having cleared prior to writing, of which twenty-four cleared for the North Pacific and Japan, and twenty-seven for the North Pacific, leaving at that time but two in port.

The Minister states that the Collector of Customs at Victoria, British Columbia, was thereupon further instructed by telegraph of the 14th March instant, as per copy herewith, to deliver a copy of the Controller of Customs telegram of the 7th March instant to the President of the Sealers' Association, so that those interested might understand the responsibility involved in any non-observance of the warning, and the Collector answered under same date, as per copy also herewith, which came to hand this day, that owners had been given copies of the Controller's telegram, and that copies had been sent to the west coast, and that publicity had been given through the press, but that copies had not yet been sent via Japan.

The Committee, on the recommendation of the Minister of Trade and Commerce, advised that your Excellency be moved to forward a certified copy of this Minute, together with copies of the telegrams and of the letters referred to, and its accompanying list of vessels, to the Right Honourable the 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.

Downing Street, 7th March 3, 1893.

Her Majesty's Government desire you to acquaint Collector of Customs at British Columbia ports that Her Majesty's Government have received proposal from Russian Government for establishment of protective zone round islands and coast of Russia, and that he should warn sealers clearing for North Pacific to arrange for ascertaining provisions which may be agreed to before proceeding to neighbourhood of Russian territory.

(Signed) RIPON.

March 14, 1893.

Letters of 4th instant *re* sealers received.

Deliver copy of Controller of Customs' telegram of 7th instant to President of Sealers' Association, so that those interested may understand the responsibility involved in any non-observance of the warning.

(Signed) M. BOWELL.

A. R. Milne, Esq., Collector of Customs,
Victoria. B.C.

Victoria, B.C., March , 1893.

Owners given copies of Controller's telegram of 7th instant. Copies sent to west coast; also every publicity given in press. Has not yet been sent via Japan.

(Signed) A. R. MILNE

Hon. M. Bowell,
Minister of Trade and Commerce,
Ottawa.

Sir,

Customs, Canada, Victoria, B.C., March 4, 1893.

I have the honour to forward herewith a statement giving the names of vessels, date cleared, names of masters, &c., of the sealing fleet, 1893, which have left port this spring.

I beg to state that the vessels all cleared early, few vessels having been added to the number this year, and none, so far, have come round Cape Horn from the eastern provinces.

A number of American schooners have gone from San Francisco to Japan water, and I fear that the large number of vessels there will incite the Japanese to harass their operations for protection of the industry, which I understand is leased by the Japanese Government to Companies.

There is no doubt but that all our vessels will observe the *modus vivendi* this year, and no attempt will be made to enter Behring Sea eastward of the line of demarcation.

I have, &c.

(Signed) A. R. MILNE, Collector.

W. G. Parmelee, Esq.,
Deputy Minister of Trade and Commerce,
Ottawa.

SEALING FLEET, SESSION 1893.

Date of Clearance.	Vessels.	Tons.	Crews.		Boats.	Cannons.	Masters.	Cleared for—
			White.	Indians.				
1893								
Jan. 11	Triumph ..	98	10	28	4	14	C. N. Cox ..	North Pacific Ocean.
" 11	Walter P. Hall ..	90	23	..	7	..	J. B. Brown ..	North Pacific Ocean and Japan.
" 13	May Belle ..	58	20	..	5	..	C. J. Harria ..	North Pacific Ocean.
" 16	Otto ..	86	8	26	3	13	M. Keefe ..	Ditto.
" 16	Pioneer ..	66	6	24	3	12	J. McLeod ..	Ditto.
" 17	Esdras ..	66	5	24	2	12	D. Macaulay ..	Ditto.
" 18	Casco ..	63	19	..	5	..	O. Buckholz ..	Ditto.
" 18	Sea Lion (New Diana)	50	19	..	5	..	A. Neilson ..	Ditto.
" 19	Enterprise ..	69	21	..	7	..	J. W. Todd ..	North Pacific Ocean and Japan.
" 20	Geneva ..	92	26	..	8	..	W. O. Leary ..	North Pacific Ocean.
" 21	Penelope ..	70	20	..	5	..	F. Cole ..	Ditto.
" 21	E. B. Marvin ..	117	27	..	8	..	Isaac Gould ..	North Pacific Ocean and Japan.
" 21	C. H. Tupper ..	99	24	..	7	..	W. E. Baker ..	Wrecked.
" 21	Carlotta G. Cox ..	78	23	..	7	..	W. Byers ..	North Pacific Ocean and Japan.
" 21	Agnes McDonald ..	107	25	..	7	..	M. F. Cutler ..	North Pacific Ocean.
" 21	Oinoko ..	74	8	26	3	13	G. Hester ..	North Pacific Ocean and Japan.
" 21	Ocean Belle ..	63	26	..	7	..	T. O'Leary ..	Ditto.
" 24	City of San Diego ..	46	18	..	5	..	M. Pike ..	Ditto.
" 24	Sadie Turpel ..	56	23	..	6	..	C. Le Blanc ..	Ditto.
" 24	Viva ..	92	23	..	6	..	J. W. Anderson ..	North Pacific Ocean.
" 25	Vera ..	60	19	..	5	..	W. Shields ..	Ditto.
" 26	Brenda ..	100	26	..	7	..	C. E. Locke ..	Ditto.
" 26	Sapphire ..	109	8	3	3	12	William Cox ..	Ditto.
" 26	Umbrina ..	98	24	..	7	..	C. Campbell ..	Ditto.
" 26	Mermaid ..	73	23	..	6	..	W. H. Whiteley ..	Ditto.
" 26	Mascot ..	40	11	20	3	10	H. P. Seward ..	Ditto.
" 26	Rosie Olson ..	39	5	24	2	12	A. B. Whiddem ..	Ditto.
Feb. 2	Aristia ..	86	24	..	7	..	A. Douglas ..	Ditto.
" 6	Maud S. ..	97	24	..	7	..	R. E. McKial ..	Ditto.
" 6	Annie C. Moore ..	113	26	..	7	..	J. Daley ..	Ditto.
" 6	Libbie ..	83	23	..	8	..	F. Hackett ..	Ditto.
" 9	Teresa ..	63	20	..	5	..	E. Lorens ..	Ditto.
" 10	Dora Seward ..	94	26	..	8	..	R. O. Lavender ..	North Pacific Ocean and Japan.
" 10	Mary Ellen ..	65	23	..	6	..	W. O. Hughes ..	Ditto.
" 13	Fawn ..	59	5	22	3	11	L. Magnusen ..	Ditto.
" 13	W. P. Seward ..	60	7	20	3	10	G. Frey ..	North Pacific Ocean.
" 14	Venture ..	48	4	16	2	8	G. McDonald ..	North Pacific Ocean and Japan.
" 14	Katharine ..	82	6	24	2	12	W. D. McDougal ..	Ditto.
" 15	Annie E. Palet ..	82	22	..	6	..	A. Bisset ..	Ditto.
" 16	Walter A. Parke ..	68	23	..	6	..	Theo. Magnusen ..	Ditto.
" 16	Mary Taylor ..	46	18	..	5	..	E. Shields ..	Ditto.
" 17	Labrador ..	25	11	..	..	..	J. J. Whiteley ..	Ditto.
" 19	Borealis ..	37	6	20	2	10	G. Meyer ..	Ditto.
" 25	Favourite ..	80	7	26	3	13	T. McLean ..	Ditto.
" 27	Victoria ..	68	6	20	2	10	H. V. Hughes ..	Ditto.
" 27	Milne ..	46	8	20	2	10	V. Jacobson ..	Ditto.
Mar. 1	Walter L. Rich ..	76	24	..	7	0	S. Balcom ..	Ditto.
" 2	Wanderer ..	25	4	16	1	8	H. Paxton ..	Ditto.
" 3	Mountain Chief ..	23	1	19	..	9	L. F. Gopfel ..	Ditto.
" 2	Ocean and Hattie ..	81	24	..	6	..	W. E. Baker ..	Still in port.
" 2	San José ..	31	4	16	2	8	R. Crowell ..	Ditto.

Cleared for North Pacific and Japan 24
Cleared for North Pacific 27

Total number of vessels up to date 81

Sir R. Morier to the Earl of Rosebery.—(Received April 22.)

My Lord,

St. Petersburg, April 18, 1893.

I HAVE this moment received, only a few hours before my departure for the Crimea, the note on the subject of the seal fisheries, of which I have the honour to inclose a copy herewith, in reply to my note of the 9th (21st) March, transmitting a copy of your Lordship's despatch of the 17th of the same month.

As far as a very cursory examination of the note allows me to judge, it seems to me fairly satisfactory, with the exception of the paragraph stating the impossibility of the Imperial Government to accept the condition of having to deliver up their captures to our cruizers or to the nearest British authority.

The grounds on which they refuse to do this, however, being of a practical nature, and based on the physical impossibility, with their very limited number of cruizers, to give up watching for poachers in order to hunt for British cruizers or to undertake a voyage of 3,000 miles to get within reach of a British authority, are not easy to refute. But it seems to me that the difficulty may be turned, and I have therefore, in a private letter which I have addressed to M. Chichkine, in order at once to guard against the supposition that we should hand over our crews to Russian jurisdiction, pointed out to him that there might be practical ways of turning the difficulty, such, for instance, as our stationing a cruizer at Petropavlovsk or Vladivostock to take charge of the captures.

I have the honour to transmit herewith a copy of this letter.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure 1 in No. 17.

M. Chichkine to Sir R. Morier.

Le 6 (18) Avril, 1893.

M. l'Ambassadeur,

EN réponse à ma note du 12 (24) Février, votre Excellence a bien voulu me faire parvenir copie de la dépêche de Lord Rosebery en date du 17 Mars, par laquelle le Gouvernement Britannique propose d'établir immédiatement un *modus vivendi* sur les bases suivantes :—

1. Le Gouvernement Britannique interdimit à ses sujets la chasse aux otaries dans les zones de 30 et de 10 milles, et offrirait la coopération de ses croiseurs pour l'exécution de cette mesure. Le Gouvernement Impérial s'engagerait à livrer aux croiseurs Anglais, où à la plus proche autorité Britannique les navires Anglais capturés en dehors des eaux territoriales dans les zones susmentionnées, tandis que les croiseurs Anglais, par réciprocité, livreraient les navires Russes capturés dans les mêmes conditions.

2. Le Gouvernement Impérial limiterait à un chiffre à déterminer le nombre des otaries qui seraient tués sur les îles.

3. Le Gouvernement Impérial autoriserait un Agent du Gouvernement Britannique à se rendre sur les îles, afin de conférer avec les autorités locales sur le fonctionnement et le résultat de l'arrangement.

4. Il resterait entendu que cet arrangement n'affecterait en rien les facilités accordées jusqu'ici dans les ports Russes aux navires Anglais pour refuge, réparation, ou approvisionnement.

5. L'arrangement n'aurait pas de force rétroactive, plus particulièrement en ce qui concerne les navires Anglais capturés l'année dernière.

Je ne saurais entrer en matière, M. l'Ambassadeur, sans avoir au préalable attiré votre attention sur ce fait, que ma note du 12 (24) Février avait pour but de prévenir le Gouvernement Britannique de certaines mesures de défense légitimes imposées provisoirement par des circonstances exceptionnelles, et non pas de poser les bases d'un *modus vivendi* proprement dit, c'est-à-dire, d'une transaction bilatérale, susceptible d'être prolongée jusqu'au règlement définitif de la question.

Il s'agissait simplement d'un *minimum* de mesures protectrices destinées à prévenir la disparition de l'objet du litige avant même l'ouverture des négociations à son sujet.

Vu la proximité de la saison de la chasse, déjà ouverte en ce moment, le Gouvernement Impérial estimait à la date de ma note que le temps matériel ferait défaut pour

débatte et pour établir un *modus vivendi* qui toucherait nécessairement, non pas seulement à des questions d'intérêt, mais encore à des questions de principe.

S'il s'était agi de poser les bases d'un tel *modus vivendi*, le Gouvernement Impérial n'eût pas manqué de faire valoir qu'une restriction des droits territoriaux, c'est-à-dire, l'engagement de limiter le nombre des otaries à tuer sur terre, devrait équitablement avoir pour corollaire la suspension complète de la chasse pélagique en pleine mer. Il aurait surtout cru indispensable de faire ses réserves pour ce qui concerne le règlement définitif de la question des otaries, afin de garder son entière liberté d'appréciation quant aux mesures à convenir dans le but de la conservation de la race des otaries, soit par la prohibition ou la réglementation de la chasse en pleine mer, soit par l'extension des droits spéciaux de protection de cette race au delà des diverses distances communément désignées comme limites des eaux territoriales.

Cependant, ces observations faites, je suis autorisé, M. l'Ambassadeur, à informer votre Excellence que le Gouvernement Impérial, étant désireux de venir au devant de toute proposition conciliante du Gouvernement Britannique, est prêt à accueillir celle qui a été faite dans la dépêche de Lord Rosebery, sauf quelques modifications au premier point.

Ainsi le Gouvernement Impérial serait disposé à limiter pour l'année courante le nombre des otaries à tuer sur les îles au chiffre *maximum* de 30,000, réduisant ainsi de 20,000 le chiffre moyen de 50,000 prévu dans son contrat avec la Compagnie d'exploitation.

Il n'objecterait pas à ce qu'un Agent du Gouvernement Britannique se rendît sur les îles afin de s'aboucher avec les autorités locales et recueillir d'elles des renseignements sur le fonctionnement et les résultats de l'arrangement. Le lieu et l'époque de cette visite devraient, comme de raison, être fixés ultérieurement.

Il n'y aurait, bien entendu, aucune modification quant aux facilités dont les navires Anglais jouissent dans les ports Russes pour refuge, réparations, ou approvisionnements.

L'arrangement convenu n'aurait pas de force rétroactive, attendu que les différents cas de captures effectués l'année dernière ont été déjà examinés par une Commission *ad hoc* sur la base des principes généraux du droit des gens.

Enfin, pour ce qui concerne le premier point de la proposition contenu dans la dépêche de Lord Rosebery, le Gouvernement Impérial est d'avis qu'il ne serait guère possible d'appliquer intégralement, du moins dans les conditions données pour la saison de chasse actuelle, notamment quant à l'engagement de livrer aux croiseurs Anglais ou à la plus proche autorité Britannique les navires Anglais pris en contravention en dehors des eaux territoriales dans les zones prohibées de 30 et de 10 milles.

Il se pourrait que par la suite l'on trouvât d'un commun accord moyen de remédier aux inconvénients pratiques que présenterait un tel engagement ; mais pour le moment il est hors de doute qu'il paralyserait complètement l'action des croiseurs de la marine Impériale, et rendrait illusoire la surveillance qu'ils devraient exercer le long de la côte et autour des îles.

Au fait, tout croiseur Russe ayant capturé un navire Anglais serait placé devant l'alternatif soit de se mettre à la recherche d'un croiseur Anglais—ce qui pourrait durer longtemps, vu l'extension du littoral—soit d'entreprendre un trajet de 3,000 milles pour conduire au port le plus proche, celui de Victoria en Colombie, le navire capturé.

Les croiseurs Russes seraient ainsi exclusivement occupés à chercher les croiseurs Anglais ou à faire le voyage à Port Victoria aller et retour, pendant toute la saison de la chasse, et la "coopération" des croiseurs des deux nations ne pourrait donc être que nominale.

Dans cet état de choses, et tout en ne s'arrêtant pas pour le moment sur un autre point essentiel—celui du manque absolu de réciprocité dans la proposition Britannique, vu qu'il n'y a pas et qu'il ne saurait y avoir, de navires sous pavillon Russe destinés à la chasse des otaries—le Gouvernement Impérial estime que pour l'année courante il serait plus simple et plus pratique de soumettre les nouvelles zones prohibées de même que c'est le cas pour les eaux territoriales, à la surveillance exclusive des croiseurs de la marine Impériale, qui continueraient jusqu'à une entente ultérieure à conduire à Pétropavlovsk tous les navires arrêtés en contravention.

En acceptant quatre points sur cinq de la proposition Anglaise, et en n'objectant qu'à l'application intégrale et immédiate de l'un des cinq points, le Gouvernement Impérial croit prouver son désir sincère de voir les pourparlers pendants aboutir à une entente d'une manière suffisante pour que son objection partielle basée sur des considérations purement géographiques ne puisse être interprétée comme un acte de méfiance.

Si le Gouvernement Britannique de son côté acceptait comme j'en ai le ferme espoir, l'ensemble du *modus agendi* développé ci-dessus, l'on pourrait considérer toute complication éventuelle pour la saison courante de chasse comme étant écartée, et l'on aurait gagné, d'autre part, le temps nécessaire pour s'entendre sur un *modus vivendi* plus défini.

Veuillez, &c.
(Signé) CHICHKINE.

(Translation.)

M. l'Ambassadeur,

April 6 (18), 1893.

IN reply to my note of the 12th (24th) February, your Excellency was good enough to send me a copy of Lord Rosebery's despatch of the 17th March, in which the British Government proposes to establish at once a *modus vivendi* on the following bases:—

1. The British Government would forbid their subjects to fish for seals within zones of 30 and 10 miles, and would offer the co-operation of their cruisers to carry out that measure. The Imperial Government would engage to hand over to the English cruisers or to the nearest British authority the English vessels seized outside territorial waters in the above-mentioned zones, whilst the English cruisers would, in reciprocity, hand over the Russian vessels seized under the same circumstances.

2. The Imperial Government would limit to a specified number the amount of seals to be killed on the islands.

3. The Imperial Government would authorize an Agent of the British Government to proceed to the islands in order to confer with the local authorities as to the working and result of the arrangement.

4. It would be understood that this arrangement should in no way affect the facilities hitherto afforded in Russian ports to English vessels for refuge, repairs, or supplies.

5. The arrangement would not have any retrospective effect, more especially as regards the English vessels seized last year.

I cannot discuss the subject, M. l'Ambassadeur, without calling your attention in the first instance to this fact, viz., that the object of my note of the 12th (24th) of February was to warn the British Government of certain legitimate measures of defence necessitated for the moment by exceptional circumstances, and not to lay down the bases of a regular *modus vivendi*, that is to say, of a bi-lateral arrangement, which might be prolonged until the question was definitively settled.

The only idea was to provide a minimum of protective measures, intended to prevent the disappearance of the subject of the dispute, even before the negotiations with regard to it were commenced.

In view of the near approach of the fishing season, which has now already begun, the Imperial Government considered at the date of my note that there would not be sufficient time to discuss and to establish a *modus vivendi*, which would necessarily affect not only questions of interest, but also questions of principle.

If it had been intended to lay down bases of a *modus vivendi* of this kind, the Imperial Government would not have failed to claim that a restriction of territorial rights, that is to say, the engagement to limit the number of seals to be killed on land, should in equity carry with it the corollary of a complete suspension of pelagic sealing in the open sea. They would have especially regarded it as indispensable to make their reservations as regards the definitive settlement of the seal question, in order to retain their entire freedom of view as to the measures to be agreed upon for the preservation of the seal species, whether by the prohibition or regulation of sealing in the open sea, or by the extension of special rights of protection of that species beyond the various distances commonly designated as the limits of territorial waters.

Yet, after making these observations, I am authorized, M. l'Ambassadeur, to inform your Excellency that the Imperial Government, being anxious to meet half-way any conciliatory offer on the part of the British Government, are ready to accept the proposal made in Lord Rosebery's despatch, with the exception of some modifications on the first point.

Thus, the Imperial Government would be disposed to limit for the current year the number of seals to be killed on the islands to a maximum of 30,000, reducing thus by 20,000 the average of 50,000 provided for in their contract with the Sealing Company.

They would not object to an Agent of the British Government coming to the

islands in order to discuss matters with the local authorities, and to obtain information from them as to the working and results of the arrangement. The place and the time of his visit should of course be fixed hereafter.

There would certainly be no modification as regards the facilities which English vessels enjoy in Russian ports for refuge, repairs, or supplies.

The arrangement agreed upon would have no retrospective force, because the different cases of seizures effected last year have been already examined by a special Commission on the basis of the general principles of international law.

Finally, in regard to the first point of the proposal contained in Lord Rosebery's despatch, the Imperial Government are of opinion that it would be quite impossible to apply it as it stands, at any rate under the circumstances existing for the present fishing season, especially as to the engagement to hand over to the English cruisers or to the nearest British authority the English vessels caught trespassing outside territorial waters within the forbidden zones of 30 and 10 miles.

It may be that means may hereafter be found by common consent to remedy the practical difficulties in the way of such an undertaking; but for the moment, there is no doubt that it would completely paralyze the action of the cruisers of the Imperial navy, and render illusory the supervision which they should exercise along the coast and round the islands.

In practice, any Russian cruiser which had captured an English vessel would have to choose between the alternatives of searching for an English cruiser, which might take a long time, considering the extent of the coast, or else of undertaking a voyage of 3,000 miles to conduct the captured vessel to the nearest port, that of Victoria in Columbia.

The Russian cruisers would thus be exclusively occupied in looking for the English cruisers, or in making voyages to Port Victoria and back throughout the fishing season; and the "co-operation" of the cruisers of the two nations could, therefore, only be a nominal one.

Under these circumstances, and without insisting for the moment on another essential point—that of the absolute absence of reciprocity in the British proposal, as there are not, nor can there be, any vessels under the Russian flag engaged in sealing—the Imperial Government consider that for the current year it would be more simple and practical to submit the new prohibited zones, as is the case as regards territorial waters, to the exclusive supervision of the cruisers of the Imperial navy, who would continue to conduct to Petropaulovsk all vessels caught trespassing until the conclusion of an ulterior agreement.

By accepting four points out of five in the English proposal, and by only objecting to the complete and immediate application of one of the five points, the Imperial Government give evidence of their sincere wish to see the pending negotiations result in an understanding sufficient to prevent their partial objection, based upon purely geographical considerations, from being interpreted as a sign of mistrust.

If the British Government on their side should accept, as I firmly hope, the whole of the *modus agendi* explained above, it might be considered that provision had been made against all possible complications for the current sealing season, and, on the other hand, the necessary time would have been gained for the negotiation of a more definite *modus vivendi*.

Accept, &c.
(Signed) CHICHKINE.

Inclosure 2 in No. 17.

Sir R. Morier to M. Chickkine.

Chère Excellence,

St. Petersburg, April 6, 1893.

I HAVE just received your note on the subject of the seals, and have only a few moments before my departure within which to give you my first impressions.

I perfectly understand the practical difficulties in the way of the Russian cruisers delivering their captures to the British cruisers or at a British port. On the other hand, I think I may state confidently that Her Majesty's Government would not consider themselves justified in handing over British subjects and property captured outside of *bond fide* territorial waters to the jurisdiction of any Government but their own. But there ought to be some way of turning the difficulty, such, for instance, as a British cruiser being stationed at Petropavlovsk or Vladivostock.

I have, &c.
(Signed) R. B. D. MORIER.

The Earl of Rosebery to Mr. Howard.

Sir, *Foreign Office, May 3, 1893.*
 HER Majesty's Government have had under their careful consideration the note from M. Chichkine, forwarded in Sir R. Morier's despatch of the 18th ultimo, relative to the proposed arrangement for the protection of Russian sealing interests in the North Pacific Ocean during the present year.

They note with satisfaction that their proposals for this purpose are accepted by the Russian Government with one exception, and they trust that the difficulty in regard to this single point will be removed by the suggestion which has since been made, that any British vessels which may be seized by Russian cruisers on the charge of contravening the Agreement shall be delivered at Yokohama for adjudication by the British Consular Court there.

In the hope that this matter will have been satisfactorily settled before this despatch reaches you, I inclose herewith the draft of an Agreement embodying the principles of the arrangement, which you are empowered to sign at once with M. Chichkine or any other member of the Russian Government who may be similarly authorized to that end.

In case of any alterations being suggested in the wording of the Agreement, you will report them by telegraph.

You will impress upon the Russian Government that a speedy conclusion is of capital importance, in order that the necessary legislation may be at once obtained from Parliament, and public notice given to all concerned.

For this reason, I defer for the present any discussion on the claim which appears to be advanced in M. Chichkine's note, of a right on the part of Russia to take of her own motion, and without previous agreement with other Powers concerned, the measures contemplated in the arrangement now under negotiation. It will be necessary, however, that in presenting the draft Agreement, you should intimate clearly that Her Majesty's Government cannot admit such a claim, and that they must reserve to themselves full freedom to object to any interference with British vessels outside Russian territorial waters, according to the usual acceptance of the term, which is not based on an express Agreement between the two Governments.

I am, &c.
 (Signed) ROSEBERY.

Inclosure in No. 18.

Draft Agreement between Great Britain and Russia relative to the Seal Fisheries.

WITH the view to avoid difficulties in regard to the seal fisheries, and to aid in the preservation of the seal species, the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the Emperor of All the Russias, have concluded the following Agreement:—

I.

During the year ending the 31st December, 1893, Her Britannic Majesty's Government will prohibit British subjects from killing or hunting seals within the following limits:—

(a.) Within a zone of 10 marine miles following the sinuosities of the Russian coasts which border on Behring Sea and any other part of the North Pacific Ocean.

(b.) Within a zone of 30 marine miles round the Komandorsky Islands, and round Tulenew (Robben Island).

II.

Her Britannic Majesty's Government engage to co-operate, with British cruisers, in preventing British subjects from killing or hunting seals within the aforesaid limits.

III.

British vessels engaged in killing or hunting seals within the aforesaid limits may be seized either by British or Russian cruisers; but, if seized by the latter, they shall forthwith be handed over at Yokohama, or at any port in the British possessions, or to the Commander of any British ship of war, for trial by the British authorities.

IV.

The Imperial Russian Government engage to limit to 30,000 the number of seals which may be killed during the whole of the year 1893 upon or around the said Islands of Komandorsky and Tulénew (Robben Island).

V.

It is agreed that a British Agent may, when so desired by Her Britannic Majesty's Government, visit the said islands to confer there with the authorities, and to inquire into the working and results of the present Agreement.

VI.

The present Agreement will in nowise affect the facilities hitherto accorded in Russian ports to British vessels as regards refuge, repairs, obtaining supplies, or other matters for which they may properly require access.

VII.

It is understood that the present Agreement relates solely to the year 1893. It has consequently no retroactive force or effect—more especially as regards the British vessels captured previously by Russian cruisers.

In witness whereof, the Undersigned, duly authorized to that effect, have signed this Agreement, and affixed thereto the seal of their arms.

Done at, &c.

No. 19.

Mr. Howard to the Earl of Rosebery.—(Received May 16.,

My Lord,

St. Petersburg, May 12, 1893.

I HAVE the honour to transmit herewith a copy of the note which, in obedience to your Lordship's instructions, I have addressed to the Russian Government in reply to the communication from M. Chichkine to Her Majesty's Ambassador of the 6th (18th) April last, relative to the proposed arrangements for the protection of Russian sealing interests in the North Pacific Ocean during the present year.

I have, &c.

(Signed) HENRY HOWARD.

Inclosure in No. 19.

Mr. Howard to M. Chichkine.

M. le Conseiller Privé,

St. Petersburg, April 30 (May 12), 1893.

IN obedience to instructions received from the Earl of Rosebery, I have the honour to inform your Excellency that Her Majesty's Government have had under their careful consideration the note which you addressed to Sir Robert Morier on the 6th (18th) April relative to the proposed arrangement for the protection of Russian sealing interests in the North Pacific Ocean during the present year, and that they note with satisfaction that their proposals for this purpose are accepted by the Russian Government with one exception.

I am desired to express the hope of Her Majesty's Government that the difficulty in regard to this single point may be removed by an arrangement which I am now instructed to propose: that any British vessels which may be seized by Russian cruisers on the charge of contravening the Agreement shall be delivered to Her

Majesty's cruisers at Yokohama, or at some place of rendezvous to be settled hereafter. I have been likewise instructed to transmit to your Excellency the inclosed draft of an Agreement embodying the principles of the arrangement, which I am empowered to sign at once with your Excellency or any other member of the Imperial Government who may be similarly authorized to that end; but I am requested at the same time to state that, should the Russian Government prefer it, Her Majesty's Government are ready to consent to the Agreement being recorded in an exchange of notes.

Finally, I am to add that, in view of the capital importance of a speedy settlement, Her Majesty's Government refrain from any discussion of the propositions advanced in your Excellency's note of the 6th (18th) April to Her Majesty's Ambassador, but that it must be understood that they cannot admit any claim on the part of Russia to take measures of the nature contemplated in the arrangements of her own motion, and without previous agreement with other Powers concerned, and that Her Majesty's Government must reserve to themselves full freedom to object to any interference with British 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 avail, &c.
(Signed) HENRY HOWARD.

No. 20.

Mr. Howard to the Earl of Rosebery.—(Received May 26.)

My Lord,

St. Petersburg, May 23, 1893.

I HAVE the honour to transmit herewith a copy of the reply of the Russian Government to the note which, in obedience to your Lordship's instructions, I addressed to them on the 12th instant on the subject of the proposed Arrangement for the protection of Russian sealing interests in the North Pacific during the present year.

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

Inclosure in No. 20.

M. Chichkine to Mr. Howard.

M. le Chargé d'Affaires,

St. Pétersbourg, le 10 (22) Mai, 1893.

EN réponse à votre communication en date du 30 Avril (12 Mai) j'ai l'honneur de vous informer que le Gouvernement Impérial, tout en acceptant le projet d'Arrangement annexé à cette communication, préfère lui donner le caractère d'un échange de notes pour les raisons suivantes:—

Parce que la rédaction trop concise du projet susmentionné laisserait la porte ouverte à certains malentendus, et peut-être même à des complications qu'il serait désirable d'éviter;

Parce que le Gouvernement Impérial ne saurait adhérer au projet en question sans quelques réserves destinées à sauvegarder sa liberté d'appréciation dans l'avenir.

Il est bien entendu que l'entente à établir entre nos deux Gouvernements laisserait intacts tous les droits de la Russie dans les eaux territoriales.

Quant à nos réserves, elles porteraient sur les points ci-dessous.

1. En consentant à livrer aux autorités Britanniques les navires Anglais qui s'occupent de la chasse des otaries dans les zones prohibées, nous ne voulons nullement préjuger, en général, la question des droits d'une Puissance riveraine d'étendre sa juridiction territoriale dans certains cas spéciaux au delà de ses eaux territoriales proprement dites.

2. Le Gouvernement Impérial entend garder son entière liberté quant au choix, dans l'avenir, entre les deux systèmes de protection des otaries, soit au moyen d'une zone prohibée, soit au moyen d'une défense complète de la chasse pélagique ou de sa réglementation en pleine mer.

3. L'Arrangement actuel ne pourrait servir à aucun titre de précédent et n'aurait à nos yeux qu'un caractère essentiellement provisoire pour le cas présent.

Ces réserves faites, nous adhérons à la proposition Britannique dans les termes suivants :—

1. Pendant l'année prenant fin le 31 Décembre, 1893, le Gouvernement Anglais défendra à ses sujets la chasse aux otaries dans une zone de 10 milles maritimes sur toutes les côtes Russes de la Mer de Behring et de l'Océan Pacifique du Nord; ainsi que dans une zone de 30 milles maritimes autour des Iles Komandorski et Tuliniew (Robbin Island).

2. Les navires Anglais qui se livrent à la chasse des otaries dans les zones susmentionnées en dehors des eaux territoriales de la Russie, peuvent être arrêtés par les croiseurs Russes pour être remis aux croiseurs Anglais, ou bien aux autorités Britanniques les plus proches. En cas d'empêchement ou de difficulté, le Commandant du croiseur Russe peut se borner à saisir les papiers de bord des navires susmentionnés, afin de les remettre à un croiseur Britannique, ou de les expédier aux autorités Anglaises les plus voisines, à la première possibilité.

3. Le Gouvernement Britannique s'engage à faire juger par les Tribunaux ordinaires et offrant toutes les garanties nécessaires les navires Anglais qui seraient arrêtés comme s'étant occupés de la chasse défendue dans les zones prohibées en dehors des eaux territoriales Russes.

4. Le Gouvernement Impérial limitera à 30,000 têtes le nombre des otaries à tuer sur les côtes des Iles Komandorski et Tuliniew (Robbin Island) dans le courant de l'année 1893.

5. Un Agent du Gouvernement Britannique pourra être admis sur les îles susmentionnées (Komandorski et Tuliniew) afin de recueillir auprès des autorités locales toutes les informations nécessaires sur le fonctionnement et les résultats de l'entente convenue, mais en ayant soin d'informer préalablement ces autorités du lieu et de l'époque de sa visite, qui ne saurait d'ailleurs se prolonger au delà de quelques semaines.

6. L'arrangement actuel n'aura pas de force rétrospective quant à la saisie des navires Anglais arrêtés antérieurement par les croiseurs de la marine Impériale.

Ces points étant basés sur les notes précédemment échangées entre nos deux Gouvernements ainsi que sur le texte des dernières propositions Anglaises, nous espérons, M. le Chargé d'Affaires, que le Gouvernement de Sa Majesté Britannique jugera désormais l'entente entre nous comme entièrement établie quant au régime de la pêche aux otaries pour le courant de l'année présente.

Veuillez, &c.
(Signé) CHIOCHKINE.

(Translation.)

M. le Chargé d'Affaires,

St. Petersburg, May 10 (22), 1893.

IN reply to your communication of the 30th April (12th May), I have the honour to inform you that the Imperial Government, while accepting the draft arrangement annexed to that communication, prefer to give it the character of an exchange of notes, for the following reasons :—

Because the too concise wording of the above-mentioned draft would leave room for certain misunderstandings, and perhaps even for complications, which it would be desirable to avoid ;

Because the Imperial Government could not agree to the draft in question without some reservations designed to safeguard their freedom of judgment in the future.

It is understood that the agreement to be arrived at between our two Governments will leave intact all the rights of Russia in her territorial waters.

As to our reservations, they refer to the points mentioned below :

1. In consenting to hand over to the British authorities the English ships engaged in sealing within the prohibited zones, we do not wish to prejudice, generally, the question of the rights of a riverain Power to extend her territorial jurisdiction in certain special cases beyond waters properly called territorial.

2. The Imperial Government desire to preserve complete liberty of action as to choosing in the future between the two systems of protecting seals, either by the method of a prohibited zone, or by the method of entirely prohibiting polagic sealing, or regulating it in the open sea.

3. The present arrangement cannot in any manner be considered as a precedent, and will be looked upon by us as of an essentially provisional nature, intended to meet present circumstances.

With these reservations, we accept the British proposal in the following terms :—

1. During the year ending the 31st December, 1893, the English Government will prohibit their subjects from hunting seals within a zone of 10 marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean; as well as within a zone of 30 marine miles round the Komandorsky Islands and Tulénév (Robben Island).

2. English vessels engaged in hunting seals within the aforesaid zones beyond Russian territorial waters may be seized by Russian cruisers, to be handed over to English cruisers or to the nearest British authorities. In case of impediment or difficulty, the Commander of the Russian cruiser may confine himself to seizing the papers of the afore-mentioned vessels, in order to deliver them to a British cruiser, or to transmit them to the nearest English authorities, on the first opportunity.

3. Her Majesty's Government engage to bring to trial before the ordinary Tribunals, offering all necessary guarantees, the English vessels which may be seized as having been engaged in sealing within the prohibited zones beyond Russian territorial waters.

4. The Imperial Government will limit to 30,000 the number of seals which may be killed during the year 1893 on the coasts of the Islands of Komandorsky and Tulénév (Robben Island).

5. An Agent of the British Government may visit the afore-mentioned islands (Komandorsky and Tulénév) in order to obtain from the local authorities all necessary information on the working and results of the agreement arrived at, but care should be taken to give previous information to these authorities of the place and time of his visit, which should not be prolonged beyond a few weeks.

6. The present arrangement has no retroactive force as regards the British vessels captured previously by the cruisers of the Imperial Marine.

These terms being based upon the notes previously exchanged between our two Governments, as well as upon the text of the latest English proposals, we hope, M. le Chargé d'Affaires, that Her Britannic Majesty's Government will consider the understanding between us to be entirely established from this time forward as regards the regulation of seal fisheries during the present year.

Accept, &c.
(Signed) CHICHKINE.

No. 21.

The Earl of Rosebery to Mr. Howard.

(Telegraphic.)

Foreign Office, May 29, 1893.

I HAVE received your despatch of the 23rd instant, inclosing a note from M. Chichkine, defining the terms of the arrangement for the protection of the Russian seal fisheries during the present year, to which the Russian Government are prepared to agree.

I have to instruct you to address a note to the Russian Government in reply, stating that this arrangement is accepted by Her Majesty's Government as a temporary agreement for the current year, and that they will take immediate steps to procure the legislation necessary for carrying it into execution.

With regard to the reservations made in M. Chichkine's note, you will state that Her Majesty's Government have taken note of them, but do not at present propose to discuss them; that, on the other hand, they must adhere to the reservation previously made by them, and contained in your note of the 12th of this month, and that it is understood that the rights and position of either Power are in no way affected by the conclusion of this provisional arrangement.

You should inform the Russian Government, at the same time, that we propose to lay the correspondence at once before Parliament.

Sir R. Morier to the Earl of Rosebery.—(Received May 30, 9:45 P.M.)

(Telegraphic.)

St. Petersburg, May 30, 1893, 6:12 P.M.

IN pursuance of your Lordship's instructions as conveyed in your telegram of yesterday, I have this day addressed a note to the Russian Government in the following terms:—

"Your Excellency's note of the 10th (22nd) instant on the subject of the seal fisheries in the North Pacific was forwarded without delay to Her Majesty's Principal Secretary of State, and I am now instructed by Her Majesty's Government to state that they accept, as a provisional agreement applying to the present year only, the arrangement for the protection of the Russian sealing interests as defined in that note. They will forthwith invite Parliament to enact the legislation which is necessary to carry the Agreement, so far as it binds Great Britain, into effect.

"With reference to the general reservations contained in your Excellency's note, Her Majesty's Government, while taking note of them, have instructed me to abstain from discussing them at present, but to inform the Imperial Government that they, on their side, maintain to the full the reservations made by them as formulated in Mr. Howard's note to your Excellency of 30th April (12th May). It is understood, therefore, that the rights and position of neither Power are in any way prejudiced by this provisional arrangement."

WHICHKINE.

May 29, 1893.

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Correspondence respecting an Agreement for the
Protection of Russian Sealing Interests in the
North Pacific Ocean during the year 1893.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. June 1893.*

LONDON:
PRINTED BY HARRISON AND SONS

RUSSIA. No. 2 (1893).

CORRESPONDENCE

RESPECTING THE

SEIZURES OF BRITISH SEALING VESSELS
BY RUSSIAN CRUIZERS

IN THE

NORTH PACIFIC OCEAN.

*Presented to both Houses of Parliament by Command of Her Majesty.
June 1893.*

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Consentance respecting an Agreement for the
Protection of Russian Sealing Interests in the
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**Correspondence respecting the Seizures of British Sealing Vessels
by Russian Cruizers in the North Pacific Ocean.**

No. 1.

Admiralty to Foreign Office.—(Received September 1.)

Sir, *Admiralty, September 1, 1892.*
I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, copy of a telegram, dated the 1st instant, from the Commander-in-chief, Pacific Station.

I am, &c.
(Signed) **EVAN MACGREGOR.**

Inclosure in No. 1.

Rear-Admiral Hotham to Admiralty.

(Telegraphic.) *Victoria, B.C., September 1, 1892.*
BRITISH schooners "Ariel," "Willie McGowan," "Rosie Olsen," seized by Russian cruizers "Zabiaka" and "Kotik," 26th to 28th July. Crews brought here by American barque from Petropavlovsk.
An American schooner was also seized.

No. 2.

Foreign Office to Colonial Office.

Sir, *Foreign Office, September 2, 1892.*
WITH reference to the telegram received by the Admiralty, and forwarded in my letter of yesterday, I am directed by the Earl of Rosebery to inquire whether any other information has reached the Colonial Office in regard to the reported seizure of five British sealing-vessels by Russian cruizers off the Copper Islands; and I am to suggest, for Lord Ripon's consideration, whether it might not be desirable to request the Canadian Government to telegraph any news which they may have received.

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

No. 3.

Colonial Office to Foreign Office.—(Received September 6.)

Sir, *Downing Street, September 5, 1892.*
I AM directed by the Marquis of Ripon to acknowledge the receipt of your letters of the 1st* and 2nd instant relative to the seizure of Canadian sealing-schooners by Russian cruizers.

I am to request that you will inform the Earl of Rosebery that Lord Ripon has telegraphed to the Governor-General of Canada for particulars respecting these seizures, on receipt of which it will be necessary to consider what steps should be taken by Her Majesty's Government.

I am to point out that if the facts are correctly stated in the public press they have a bearing on the arbitration now pending with the Government of the United States.

I am, &c.
(Signed) **EDWARD FAIRFIELD.**

No. 4.

Colonial Office to Foreign Office.—(Received September 14.)

Sir,

Downing Street, September 13, 1892.

WITH reference to the letter from this Department of the 5th instant, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a telegram from the Governor-General of Canada respecting the British Columbian sealing-vessels seized by the Russians.

Lord Ripon desires me to suggest, for Lord Rosebery's consideration, that inquiry should be made of the Russian Government as to whether the crews of the sealers are detained in prison, and, if so, that their immediate release should be asked for.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 4.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.)

September 13, 1892.

REFERRING to seizure of sealing-vessels by Russians, Minute of Council further says families belonging to the crews of seized vessels residing in Nova Scotia are distressed in consequence of capture and detention of the men. Reports indicate that they are in prison or suffering on the Siberian coast. Anxiety is intensified, as few vessels frequent Russian ports. My Government request information as to the condition and treatment of captives, as well as presentment of strong protest against interference with British subjects outside of ordinary territorial limits.

No. 5.

Colonial Office to Foreign Office.—(Received September 14.)

Sir,

Downing Street, September 14, 1892.

WITH reference to the letter from this Department of the 5th instant, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, copies of telegrams from the Governor-General of Canada respecting the seizure of British sealing-vessels by the Russians in Behring Sea.

I am at the same time to transmit a copy of a Memorandum from the Admiralty, stating the distances from the nearest Russian territory of the positions where these vessels were seized.

I am to request that you will call the attention of Lord Rosebery to the despatch of M. de Giers to Mr. Hoffman of the 8th (20th) May, 1882, printed at p. 262 of the United States' White Book, Ex. Doc. 106, H. R. 1889,* where it is laid down that the prohibition of hunting and fishing in the Russian waters of the Pacific extends "strictly to the territorial waters of Russia only," and to suggest that the attention of the Russian Government should at once be called to the matter, and that they should be informed that if the

* *M. de Giers to Mr. Hoffman.*

(Translation.)

Ministry of Foreign Affairs, Asiatic Department,

Sir,

May 8 (20), 1882.

Referring to the exchange of communications which has taken place between us on the subject of a Notice published by our Consul at Yokohama relative to fishing, and to trade in the Russian waters of the Pacific, and in reply to the note which you addressed to me, dated 15th (27th) March, I am now in a position to give you the following information:—

A Notice of the tenour of that annexed to your note of the 15th March was, in fact, published by our Consul at Yokohama, and our Consul-General at San Francisco is also authorized to publish it.

This measure refers only to prohibited industries and to the trade in contraband; the restrictions which it establishes extend strictly to the territorial waters of Russia only. It was required by the numerous abuses proved in late years, and which fell with all their weight on the population of our seashore and of our islands, whose only means of support is by fishing and hunting. These abuses inflicted also a marked injury on the interests of the Company to which the Imperial Government had conceded the monopoly of fishing, hunting ("exportation"), in islands called the "Commodore" and the "Seals."

Beyond this new Regulation, of which the essential point is the obligation imposed upon captains of vessels who desire to fish and to hunt in the Russian waters of the Pacific to provide themselves at Vladivostock with the permission or licence of the Governor-General of Oriental Siberia, the right of fishing, hunting, and of trade by foreigners in our territorial waters is regulated by Article 560, and those following, of vol. xii, Part 2, of the Code of Laws.

Informing you of the preceding, I have, &c.

(Signed) GIERS.

further information confirms the statement that these seizures were made outside the territorial waters of Russia, Her Majesty's Government have no doubt that the Government of Russia will at once release the vessels, and compensate the owners and crews for the loss and injury sustained.

I am also to suggest, for Lord Rosebery's consideration, that the Russian Government should be asked to telegraph such instructions as will prevent their officers making further similar seizures.

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

Inclosure 1 in No. 5.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.)

September 5, 1892.

MINISTER of Marine, Ottawa, has received telegrams from Collector of Customs, Victoria, to effect that Russian cruizers seized schooners "Ariel," "Willie McGowan," and "Rosie Olsen" about 40 miles from Copper Island, Russian side; also one American; all taken distressed. Crews, eighty-four men, arrived Victoria the 31st August by sailing-vessel from Petropavlovsk. British Columbia Sealers' Association fear more seizures by Russians; express anxiety for distressed crews; few vessels frequenting Russian ports; fear long detention and harsh treatment unless relieved. I have telegraphed for statutory declaration or affidavits in support of above.

Inclosure 2 in No. 5.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.)

September 6, 1892.

REFERRING to my telegram of the 5th September, Minister of Marine informs me that he expects affidavits daily.

Inclosure 3 in No. 5.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.)

(Received September 9, 1892.)

QUEBEC: Following telegram received from Minister of Marine:—

"Have just received from Collector, Victoria, following telegraphic synopsis affidavits, Russia seizures, Behring Sea:

" "Willie McGowan," of Shelburne, Nova Scotia, Daby, master, twenty-three crew, seized by Russian cruiser "Zabiaka," the 18th July last, latitude 52° 50' north, longitude 167° 50' east, south from Copper Island, vessel and outfit, and seventy-six skins, taken to Petropavlovsk by prize crew, there confiscated. Schooner "Rosie Olsen," of Victoria, Keef, master, crew, six whites, sixteen Indians, seized by Russian Fur Company's steamer "Kotik," commanded by Governor of Behring Island, on the 26th July, latitude 54° 24' north, longitude 165° 40' west of Behring Island, 377 skins landed at Behring Island, vessel and outfit taken to Petropavlovsk, there confiscated. Schooner "Ariel," of Victoria, McLeod, master, twenty-four crew, seized by Russian cruiser "Zabiaka," on the 28th July last, latitude 54° 10' north, longitude 167° 40' east, south of Copper Island, 207 skins, vessel and outfit taken to Petropavlovsk, there confiscated. Distressed crews of schooners returned to this port by barque "Majestic," from Petropavlovsk."

"Affidavits will follow; am preparing official Report to your Excellency; meantime, send present information."

Inclosure 4 in No. 5.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.)

(Received September 10, 1892.)

FOLLOWING telegram received from Prime Minister this morning, inclosed in letter which had been delayed for a week in transmission:—

* See note on Inclosure 6.

"American barque 'Majestic' arrived here yesterday from Petropavlovsk, bringing sixty-nine whites and Indians, crews of three Victoria sealers seized in open sea 30 miles from land off Copper Island; two schooners seized by Russian cruiser, the other by Commercial Company's steamer 'Kotik.' Schooners towed to Petropavlovsk; crews state that they were landed and left on beach without shelter, being allowed 7 cents per day for food, and half-clothed, crews' clothing having been looted by Russian cruiser. Russian Captain informed them that he would seize all schooners, whether sealing within 1 or 1,000 miles from Copper Island, and started out again with intention of so doing; affidavits written in Russian, but verbally translated into English, stating that they were sealing in Russian waters, were signed by sealing captains under protest, when threatened with banishment to Siberian mines. Board strongly protest against seizures, and request that immediate steps be taken for relief of crews of other schooners now sealing in Asiatic waters, and liable to similar treatment; winter approaching, and men, if not rescued, will probably perish.

(Signed) "THOMAS B. HALL, President,
"British Columbia Board of Trade."

Affidavits for which I asked have not yet arrived.

Inclosure 5 in No. 5.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.)

(Received September 12, 1892.)

FOLLOWING telegram received from Minister of Marine to-day:—

"Collector of Customs, Victoria, telegraphs me affidavits re seizure of three schooners by Russians forwarded yesterday. Since arrived schooner 'Annie C. Moore,' reporting seizure of the boat 'Marvin,' one 'Sayward,' three sealing boats seized; crews taken prisoners by Russians."

Inclosure 6 in No. 5.

Memorandum.

"WILLIE McGOWAN."—Latitude 52° 50' north, longitude 167° 50' east = 103 miles from nearest Russian territory, viz., Medni, or Copper Island.

"Rosie Olsen."—Latitude 54° 24' north, longitude 165° 40' east = 33 miles from nearest Russian territory, viz., Behring Island.

"Ariel."—Latitude 54° 10' north, longitude 167° 40' east = 25 miles from nearest Russian territory, viz., Medni, or Copper Island.

(Signed) T. W. TIZARD,
Assistant Hydrographer.

Admiralty, September 13, 1892.

No. 6.

The Earl of Rosebery to Mr. Howard.

(Telegraphic.)

Foreign Office, September 15, 1892.

FROM intelligence received from Victoria, British Columbia, it appears that the "Willie McGowan," "Rosie Olsen," and "Ariel," British schooners, have been seized at distances of 103, 33, and 25 miles respectively from nearest Russian coast by Russian vessels "Zabiaka" and "Kotik."

The captured vessels were towed to Petropavlovsk, and the crews, who have reached Victoria by sailing-vessel in a distressed condition, assert that they were put on shore and left on the beach with insufficient food and clothing, and without shelter, and that the captains, under threats of deportation to mines of Siberia, were induced to sign, under protest, affidavits stating that they were sealing in Russian waters.

Further captures of sealing-vessels are now announced, and apprehensions are entertained that the crews are imprisoned, or exposed to hardships, on the coast of Siberia.

You should at once call the attention of the Russian Government to these reports. If the circumstances are as stated, Her Majesty's Government do not doubt that they will at once set the vessels and crews at liberty, and that compensation will be offered.

* Corrected in affidavit (in Colonial Office of October 13, No. 26 in this collection) to 53° 50'.

Her Majesty's Government trust that, in any case, instructions to prevent any similar acts will be sent by telegraph.

If it seems unlikely that vessels will be immediately released, ascertain, as few vessels frequent the Russian ports, what steps can be taken to insure the humane treatment of the crews and their expeditious conveyance to Victoria.

In a note which M. de Giers addressed to the United States' Minister in 1882, and which is published by the United States' Government, he expressly stated that the notice of prohibition of fishing and hunting in Okhotsk and Behring Seas applied strictly to the "territorial waters of Russia only."

In M. de Giers' note of the 14th June last year respecting the *modus vivendi* in the Behring Sea, the same principle was admitted by him.*

No. 7.

Colonial Office to Foreign Office.—(Received September 16.)

Sir,

Downing Street, September 15, 1892.

WITH reference to the letter from this Department of the 14th instant respecting the seizure of British sealing-vessels by the Russians in Behring Sea, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a paraphrase of a further telegram from the Governor-General of Canada, urging Her Majesty's Government to take immediate steps to relieve those British subjects who have been illegally taken from their ships, and such other necessary measures as they may think advisable.

I am, &c.

(Signed) EDWARD FAIRFIELD.

Inclosure in No. 7.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.)

September 15, 1892.

WITH reference to my telegram of the 10th instant, respecting the seizure of sealing-vessels by Russian cruisers, you will see that further arrests of British subjects and seizures of British property have occurred. These proceedings may be expected to be repeated, as there probably are a large number of the British sealing fleet in that portion of the Pacific where these acts of molestation have been committed. My Government earnestly request that Her Majesty's Government will take immediate steps to relieve those British subjects who have been illegally taken from their ships, and that they will adopt such other necessary measures as they may think advisable.

No. 8.

Mr. Howard to the Earl of Rosebery.—(Received September 16.)

(Telegraphic.)

St. Petersburg, September 16, 1892.

AS I was unable to see M. Chichkine, I communicated to Count Kapnist the substance of your Lordship's telegram of yesterday's date respecting the seizure of Canadian sealers by a Russian man-of-war. His Excellency replied that the Russian Government had received no report of any kind on the subject, but promised that the proper authorities should be communicated with by telegraph to furnish full details. It was impossible, he said, to know what had taken place or what would occur until the details of the incident were received, but he thought that probably these Canadian sealers had been seen fishing in territorial waters, and that they had been seized beyond the same after having been chased.

No. 9.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, September 20, 1892.

THE Russian Chargé d'Affaires informed me to-day that he had received no information with regard to the seizure of Canadian sealing-boats in the Behring Sea by Russian

* See "United States No. 3 (1892)," No. 97, p. 58.

cruizers, although he believed there was telegraphic communication between St. Petersburg and Petropaulovski. He had, however, consulted the Naval Attaché to the Embassy, who stated that, it being the breeding season, the boats must have taken the seals close to the shore; that great depredations had been made on the young seals during the last season; and that he surmised the captures had occurred in consequence of this reckless coast fishing.

I am, &c.
(Signed) ROSEBERRY.

No. 10.

Foreign Office to Admiralty.

Sir,

Foreign Office, September 20, 1892.

I AM directed by the Earl of Rosebery to transmit, for the information of the Lords Commissioners of the Admiralty, copies of telegrams which have been received from the Governor-General of Canada respecting the seizure of British sealing-schooners by Russian vessels in Behring Sea.*

It will be seen that these seizures are alleged to have been effected outside the 3-mile territorial limit, and that the crews of the vessels are said to have been subjected to severe treatment. Apprehensions are expressed as to what may befall those of other vessels which are reported to have been subsequently captured.

I also transmit paraphrases of telegraphic correspondence with Her Majesty's Chargé d'Affaires at St. Petersburg,† from which it appears that the Russian Government have no information on the subject, but have promised to make inquiry by telegraph.

I am to request that you will state to the Lords Commissioners that Lord Rosebery thinks it would be of advantage if one of Her Majesty's ships, with a Russian interpreter on board (if one can be obtained), could visit Petropavlovsk in order to make inquiry into the facts with regard to the seizures, to ascertain the condition of any British seamen who may still be detained there, and to provide, if necessary, for their relief and conveyance to a British port.

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

No. 11.

The Earl of Rosebery to Sir R. Morier.

(Telegraphic.)

Foreign Office, September 21, 1892.

MY telegram of 16th September: British sealers seized by Russians.
Have you received any answer to your representations?

No. 12.

Sir R. Morier to the Earl of Rosebery.—(Received September 23.)

(Telegraphic.)

St. Petersburg, September 23, 1892.

THE arrival at Vladivostock of the Canadian ships which had been captured by the Russians for seal-hunting is announced in to-day's newspapers. I have therefore requested M. Chichkine, in a private note, to furnish me as soon as possible with answers to the inquiries which Mr. Howard made of Count Kapnist on Friday last, and have also asked him to let me know whether the local authorities have been instructed to abstain from such treatment as has been complained of by the crews of the sealers in the event of any further captures being made.

On the receipt of this note M. Chichkine immediately called on me, and the result of our conversation was as follows:—

We agreed not to discuss the international question until an exact account of what

* Inclosures in Nos. 4, 5, and 7.

† Nos. 6 and 8.

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During my conversation the language used by M. Chichkine was of the most conciliatory nature, and there can be no doubt that he wished the question settled in a friendly spirit.

No. 13.

Mr. Herbert to the Earl of Rosebery.—(Received September 26.)

My Lord,

Newport, Rhode Island, September 16, 1892.

I HAVE the honour to inclose an article from the "New York Times" (Democratic) in regard to the recent seizures near Copper Island by the Russian cruiser "Zabiaka."

The Government newspapers have been altogether silent upon this question, and the few Democratic papers which have mentioned the subject appear to be at a loss to know what line to take in regard to it.

I have, &c.

(Signed) MICHAEL H. HERBERT.

Inclosure in No. 13.

Extract from the "New York Times."

THE "ZABIKA'S" SEIZURES.—The all-important feature in the recent captures of the Victoria sealing-vessels "Rosie Olsen," "Ariel," and "Willie McGowan," and the San Francisco schooner "C. H. White," is the place at which those captures were made. The Russian cruiser "Zabiaka" is said to have seized them at a distance of 40 or 50 miles from the Commander Islands; and allowing for any exaggeration by the angry masters and crews who have returned to Victoria from Petropavlovsk, whither their vessels were taken for confiscation, it can hardly be questioned that the captures occurred far beyond the distance of a marine league from Russian territory. The Governor of Behring Island took part with the Fur Company's steamer "Kodiak" in the "Zabiaka's" cruise, while the Captain of the latter vessel is said to have asserted the jurisdiction of Russia up to the water boundary of the Treaty of 1867 made with the United States.

This, of course, is a novel element in the Behring Sea question. The capture and confiscation of sealing-schooners by Russia are not new, but they have not hitherto, we believe, been of a sort to create the indignation now manifested. In other words, they have been captures of predatory vessels guilty of raiding upon the Russian seal rookeries themselves. The American schooner "J. H. Lewis," captured last year by the Russians, was a veteran poacher on both sides of the sea, and in 1880 had been warned by the "Rush," but had successfully concealed the skins she had on board at the time. On another occasion she was chased and boarded by the Russian steamer "Alexander," while hovering near Copper Island, but again escaped seizure. Last year, in company with the "San Diego" and the "Geneva," she again began operations around Copper Island. According to the account brought by the "San Diego," a great number of boats landed from these and other vessels, and on two successive days raided the rookeries on the island, killing hundreds of seals. On the second day the Russian guards fired on them while thus engaged, and afterwards, when they had escaped to their schooners, the Russian cruiser "Aleut" chased them and captured the "Lewis," which was sent to

Vladivostock for confiscation. The American schooner had been seized beyond the marine league, yet in view of the facts just referred to this did not seem a clear assumption of jurisdiction beyond that distance, but rather the pursuit and capture of a lawless vessel guilty of an extremely grave offence. In the present instance, however, if it is correctly reported, the captures were made so far from Behring and Copper Islands, which constitute the Commander group, as to raise a different question.

There is still a possibility that the captured craft had been actually raiding the Russian islands and had been immediately pursued and captured at a distance not so great therefrom as they assert. In former years Russia's practical claim to jurisdiction, as defended by seizures, has been extended to 5, or even, according to one report, 9 miles from her coast-line. The "C. H. White" is, we presume, the American schooner of that name whose boats were fired upon during a previous season while attempting to land at Copper Island. As they then entered what are unquestionably Russian waters, it is easy to suppose that they may have attempted the same thing this year. The captured crews of this and the other schooners would probably admit nothing, that might divert public sympathy from them, whatever offences they may have been guilty of. The facts in the case will probably only come out when the formal British protest and claim for damages are sent to Russia, and the latter country replies. For the present, however, the statements seem to show an intent on the part of Russia to assert jurisdiction over all the waters west of the Treaty boundary of 1867, which runs midway between the Island of Atton and Copper Island. Whether this is a claim to absolute sovereignty over the waters, on the "closed sea" theory, or only to that modified jurisdiction for the purpose of protecting seal life which Mr. Blaine has tried to establish in the eastern half of Behring Sea, cannot yet be determined. But the "Zabiaka" incident appears to mark a new stage in the controversy. For, whereas hitherto this controversy has adversely concerned only Great Britain and the United States, Russia, suggestively refraining from any seizures which could be objected to by the former, now seems to be entering the lists on the side of the United States. It is perhaps fortunate for the peace of the region that the news of the seizures reached Victoria only near the end of the sealing season. Of course, the Washington authorities would have nothing to say against Russia's doing precisely what they have long been doing and still claim the right to do. But the British Government might feel bound, in the absence of an agreement with Russia, to send a cruiser to the western portion of Behring Sea to prevent other seizures, were it not that the present season is substantially over, or would be over before Behring Sea could be reached. Between now and the opening of the next season there will be a chance for official correspondence, and perhaps the outcome may be a *modus vivendi* similar to that which was effected with our country, pending the submission of the whole subject to arbitration.

No. 14.

The Earl of Rosebery to Sir R. Morier.

(Telegraphic.)

Foreign Office, September 26, 1892.

INFORM Russian Government that in consequence of great anxiety felt by families of British Columbian sailors who are embarked on sealing-schooners, we are ordering Her Majesty's ship "Lennox" to proceed from Hakodate to Petropavlovsk, in order to make arrangements for the return of any seamen of captured sealers who may be awaiting shipment.

This is the more necessary as we understand that the port is but little frequented.

Ask that the Commander may receive all necessary facilities from the Russian authorities.

No. 15.

Mr. Howard to the Earl of Rosebery.--(Received September 30.)

My Lord,

St. Petersburg, September 17, 1892.

M. CHICHKINE was engaged yesterday afternoon, so Count Kapnist received me, and I handed to him a paraphrase of your Lordship's telegram respecting the seizure of

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British sealers by Russian cruisers.* His Excellency said that, although he had seen the case mentioned in the press, no reports of any kind had been received on the subject from the Imperial authorities concerned. He was sure that the facts, whatever they might be, must be exaggerated, especially as regards the threat respecting the Siberian mines; he would, however, telegraph to the proper authorities for full details, and let me know the result.

I said that surely sealers could not be seized at the distance named from the coast, as M. de Giers had informed the United States' Minister in May and June 1882 that the prohibition to hunt and fish only applied to the territorial waters of Russia, and that his Excellency had virtually repeated the same statements in his communication to Sir Robert Morier of the 14th June last year. Count Kapnist replied that he was no lawyer, and could not therefore offer a legal opinion on the subject, although he thought that I was probably correct in this particular; and that, although there was but little use to discuss matters the details of which were wanting, he would point out to me that the telegram only mentioned that the seizures took place at certain distances from the coast, and it was quite possible that the sealers in question had been sighted poaching within territorial waters, and after being chased had eventually been seized at the distances named, although he doubted the statement as to the 103 miles. He then spoke at some length on the subject of the poaching propensities of the sealers, and cited the case of two vessels caught in the act of poaching last year, of which one had, after capture and while being towed by the Russian cruiser, escaped during a storm to Yokohama, where the case had been made the subject of a judicial inquiry by the British Assistant Judge; and he added that the papers in this case had been sent to M. de Staal.

I said that, if the sealers had been guilty of poaching, it did not seem to me to be usual to imprison them, and I trusted that they would be released, properly cared for, and conveyed speedily to Victoria, as there were but few vessels trading with the Russian ports in that region. Count Kapnist answered that it was impossible to know what the sealers had done, and that he could not say how they could be sent home. I replied that they could certainly not be turned out on the shore, as it was alleged had been done in the case of the crews of the sealers who had arrived at Victoria, and he told to swim to British Columbia or get there as best they could; surely they might be conveyed by one of the Russian cruisers.

His Excellency, after stating that he doubted the cruisers being available for such a purpose, remarked that I seemed to consider the case in a very serious light; and on my replying that I certainly thought it a serious one, and that he could see by the telegram I had handed him that your Lordship was evidently of the same opinion, he said that it was impossible for him to inform me of what could or would be done until the Reports of the Russian authorities had been received; and that all he could now state officially was that a complaint having been preferred, the Imperial Government would inquire into the same, and would communicate the result of such inquiry to me at the earliest possible date.

I have, &c.

(Signed) HENRY HOWARD.

No. 10.

Sir R. Morier to the Earl of Rosebery.—(Received September 30.)

My Lord,

St. Petersburg, September 23, 1892.

ON receipt of your Lordship's telegram of the 21st instant, inquiring whether my answer had yet been received to the representations made by Mr. Howard in reference to the seizure of British sealers and the treatment of their crews at Petropavlovsk, I thought it right to ascertain beyond a doubt how far telegraphic communication extended, and whether it was physically possible for an answer to have been received. As I had expected, the telegraphic wire does not extend to Petropavlovsk, but only to Saghalien, and it was clear that it would take many days before a reply could be obtained from the former place.

This morning, however, the Russian newspapers announced the arrival of the four ships—three British and one American—at Vladivostock from Petropavlovsk. I accordingly addressed to M. Chichkine, whom I had not yet seen, the private letter of which I have the honour to transmit a copy herewith.

His Excellency called upon me immediately on the receipt of this letter. He said he had just received my note, and was glad of the opportunity of at once having a talk

with me on this incident. He said that, supposing the sealers had been captured in the open sea, would not the Russian cruizers have been justified if they had caught them in *flagrante delicto* in territorial waters, and pursued them thence into the open sea until they overtook and captured them? If you detected a burglar in your house, said his Excellency, and he rushed out by the window, could not you follow him into the street and lay hands on him there? I said this belonged to the side of the question which had to deal exclusively with the rules of international law which governed the subject, and that I thought it would be perfectly useless to enter upon this side of the question until we had all the facts of the several cases in an official and authentic form before us.

The point of immediate importance was the alleged treatment of the crews of the ships by the officers in command of the capturing vessels. I was perfectly ready to admit the possibility of exaggeration. It was in the nature of things there should be such, and from previous cases of sealing troubles in those waters, I was aware what very hard swearing there could be on both sides. In the present case, however, the number of witnesses was so great—eighty-four in number—and composed not of British subjects only, but of Americans also, that I could not resist the conviction that they must have been treated with exceptional hardship, and what appeared inhumanity. M. Chichkine then said, "M. l'Ambassadeur, you who have been amongst us for so many years, can you honestly accuse the Russian people of inhospitality and cruelty?" I said most assuredly not. I regarded the Russians as the most tender-hearted and hospitable race in existence. I had had exceptional opportunities of judging of these admirable qualities, and the dark record of my countrymen's sufferings at Petropavlovsk was lighted up by an episode which bore an eloquent testimony to these very qualities. Some of them would have starved but for the kind-heartedness of some poor mujiks, who shared with them their black bread and salt fish. This was the universal character of the Russian mujik, but it was not necessarily that of Russian officials trusted with unlimited power in out-of-the-way places beyond reach of supervision. Whatever may have been the amount of hardship which the ships' crews may have suffered, the point of immediate interest was to make sure that the crews of the ships which had been announced as having been captured and about to be brought into Russian ports should not be subjected to similar treatment. I had consequently received urgent telegraphic instructions from your Lordship to learn whether the wish expressed by Mr. Howard to Count Kapnist, that instructions should be sent to the local authorities which would absolutely preclude the repetition of such treatment (assuming the account given by the crews to be true), had been complied with. His Excellency said he had not yet got an answer from the Minister of Marine, but that he knew that Admiral Tchikhatchoff had declared himself profoundly hurt ("lésé") at the idea of sending instructions to officers of the Imperial navy to abstain from acts of barbarism and inhumanity. He declared them incapable of such conduct, and to assume that they were capable would be to insult them. I observed to this that I quite understood his Excellency's feelings, which did him honour, but that these feelings could hardly be expected to satisfy Her Majesty's Government, who complained on what seemed satisfactory evidence of particular acts of inhumanity committed by certain commissioned officers of the Imperial navy. M. Chichkine said that Admiral Tchikhatchoff would institute a searching and severe inquiry into the conduct of the Commanders of the "Zabinka" and "Kotik," but that this was a very different thing from assuming their guilt, and issuing a general instruction upon it. I said I was quite ready to admit this, and that as long as Her Majesty's Government obtained the certainty that British subjects would run no risk of being again similarly treated, it would be indifferent to them how this certitude was obtained. I said, "Would your Excellency, for instance, speaking in the name of the Russian Government, give me the positive assurance that, always supposing that harsh and inhuman treatment had been exercised, there would be no repetition of it?" M. Chichkine unhesitatingly gave me this assurance.

To prevent the possibility of any misunderstanding, I said I would send him the exact terms of the telegram I should send to your Lordship on the subject, and I have the honour to inclose herewith copy of the private letter which I have addressed to his Excellency this evening.

I should add that on my asking how soon it would be likely that the inquiry would commence in regard to the proceedings of the cruizers, M. Chichkine answered that this was extremely uncertain, as the "Zablaka" and "Kotik" had, immediately after bringing the captured sealers to Vladivostock, put to sea again.

His Excellency in the course of conversation suggested that he thought it would be a useful and friendly act on behalf of the British Government to publish a severe warning to

British sealers against fishing in Russian territorial waters. I said I had every reason to believe that this was done in a most conscientious and thorough manner, no sealer being allowed to leave a British port without being warned to strictly abstain from taking seals within the distance of 3 miles from any Russian island or coast.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure 1 in No. 16.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé,

Saint-Petersbourg, le 11 (23) Septembre, 1892.

APPRENANT que les vaisseaux Anglais capturés sous le prétexte de s'être livrés à la chasse des otaries dans des eaux regardées par la Russie comme territoriales, sont arrivés de Petropavlovsk à Vladivostock, j'ai l'honneur de vous informer que j'ai reçu de mon Gouvernement un télégramme urgent me mandant de m'enquérir quand le Gouvernement Impérial sera à même de donner les explications demandées par le Comte de Rosebery dans le télégramme dont Mr. Howard a laissé copie avec le Comte Kapnist Vendredi, le 4 (16) dernier. Vladivostock étant en communication télégraphique avec Saint-Petersbourg, il me paraît qu'il n'y aurait pas de difficultés à obtenir des renseignements dans un bref délai.

J'ai aussi également chargé de prier votre Excellence de bien vouloir me dire si, d'après le vœu exprimé par M. le Comte de Rosebery, les instructions nécessaires ont été envoyées pour empêcher la répétition de procédés pareils à ceux dont, selon les données fournies par les équipages des vaisseaux capturés, ils auraient été victimes.

Je veux bien espérer que votre Excellence me mettra à même de télégraphier à mon Gouvernement une réponse rassurante à ces deux questions. L'affaire, telle qu'elle se présente actuellement, a un aspect grave et sérieux, mais je ne puis douter que le Gouvernement Impérial ne partage l'espoir de celui de Sa Majesté, que cet incident, après examen impartial, se trouvera exagéré dans ces détails, et que, quant aux principes internationaux qui paraîtraient s'y être mêlés, il n'y aura pas de différence entre la manière de voir des deux Gouvernements.

Veuillez, &c.

(Signé) R. B. D. MORIER.

P.S.—Je prierai votre Excellence de bien vouloir fixer l'heure à laquelle je pourrais me rendre au Ministère Lundi. J'attends des instructions importantes de mon Gouvernement par le courrier qui arrive Dimanche, et il m'importe d'avoir le temps nécessaire de préparer mes réponses pour mon courrier qui retourne Jeudi.

R. B. D. M.

(Translation.)

M. le Conseiller Privé,

St. Petersburg, September 11 (23), 1892.

HAVING heard that the English vessels which were seized on suspicion of having been engaged in sealing in waters regarded by Russia as being territorial have arrived at Vladivostock from Petropavlovsk, I have the honour to inform you that I have received an urgent telegram from my Government directing me to ascertain how soon the Imperial Government will be in a position to give the explanations which were asked for by the Earl of Rosebery in the telegram of which Mr. Howard left a copy with Count Kapnist on Friday, the 4th (16th) of this month. As Vladivostock is in telegraphic communication with St. Petersburg, it seems to me that there would be no difficulty in obtaining information within a short space of time.

I am likewise instructed to ask your Excellency to be good enough to tell me whether the necessary instructions have been sent, in pursuance of the wish expressed by Lord Rosebery, to prevent the repetition of such acts as those of which the crews of the captured vessels are stated, in the evidence supplied by them, to have been the victims.

I trust that your Excellency will enable me to send a reassuring telegram to my Government in reply to these two questions. The affair as it now stands has a grave and serious aspect, but I cannot doubt that the Imperial Government shares the hope of that of Her Majesty, that the details of this incident will prove, after impartial examination, to be exaggerated, and that there will be no divergence of view between the two

Governments as to the principles of international law which would seem to be involved in it.

I have, &c.
(Signed) R. B. D. MORIER.

P.S.—I should be glad if your Excellency would kindly fix an hour for me to come to the Ministry on Monday. I expect important instructions from my Government by the messenger who arrives on Sunday, and it is desirable that I should have sufficient time to prepare my answers for the messenger who goes back on Thursday.

R. B. D. M.

Inclosure 2 in No. 16.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé, *Saint-Petersbourg, le 11 (23) Septembre, 1892.*

VOICI, comme je vous l'ai promis, le texte du télégramme que j'ai envoyé à mon Gouvernement pour lui rendre compte de notre conversation d'aujourd'hui :—

"Nous nous sommes mis d'accord pour ne pas discuter la question internationale avant d'avoir entre les mains un relevé exact des faits qui ont eu lieu. Quant au mauvais traitement qu'auraient, d'après leur récit, subi les équipages des vaisseaux capturés et l'envoi d'instructions pour prévenir, le cas échéant, les renouvellements de pareilles mesures, son Excellence remarqua que le Ministre de la Marine avait repoussé avec indignation l'idée que des officiers de la Marine Russe aient pu agir de la manière décrite par les équipages, mais qu'il ouvrira une enquête sévère pour arriver à savoir le vrai sur la conduite de ces officiers, mais que cela serait une insulte aux autorités locales que de leur envoyer des instructions de s'abstenir de pareils méfaits. Sur quoi j'observai que ce que mon Gouvernement demandait c'était d'obtenir la certitude que les officiers subordonnés locaux ne pourraient dans aucun cas se livrer dans l'avenir à des procédés semblables à ceux que les équipages leur reprochaient. Son Excellence pourrait-elle me donner, au nom du Gouvernement Impérial, l'assurance que, dans le cas où d'autres vaisseaux seraient capturés, de pareils procédés n'auraient pas lieu? M. Chichkine, sans hésitation, donna cette assurance."

Agréé, &c.
(Signé) R. B. D. MORIER.

(Translation.)

M. le Conseiller Privé, *St. Petersburg, September 11 (23), 1892.*

IN accordance with my promise, I send you herewith the text of the telegram which I dispatched to my Government reporting our conversation of to-day :—

"We agreed not to discuss the international question until an exact account of what had taken place had been laid before us. With respect to the ill-treatment which, according to their statements, the crews of the captured vessels had suffered, and to the issue of instructions for preventing the recurrence of such treatment in the event of further seizures, his Excellency remarked that the Minister of Marine had indignantly repudiated the idea that officers of the Russian navy could have acted in the manner described by the crews, that he would institute a searching inquiry to arrive at the truth as regards the conduct of the officers, but that it would be an insult to the local authorities to send them instructions to abstain from such offences. Upon this I observed that what my Government desired was to feel assured that the subordinate local officers would in no case commit such acts hereafter as those of which they were accused by the crews. Could his Excellency give me an assurance in the name of the Imperial Government that, in case other vessels were seized, such acts would not take place? M. Chichkine gave this assurance without hesitation."

I have, &c.
(Signed) R. B. D. MORIER.

No. 17.

Sir R. Morier to the Earl of Rosebery.—(Received September 30.)

My Lord,

St. Petersburg, September 27, 1892.

WITH reference to your telegram of the 26th instant, I have the honour to inclose herewith to your Lordship a copy of a note which I have this day addressed to the Russian Government, in obedience to your Lordship's instructions.

I avail, &c.

(Signed) R. B. D. MORIER.

Inclosure in No. 17.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé,

St. Petersburg, September 15 (27), 1892.

I HAVE been instructed by Her Majesty's Government to inform your Excellency that, in consequence of the great anxiety felt by families of British Columbian sailors embarked on sealing-schooners, Her Majesty's Government have ordered Her Majesty's ship "Leander" to proceed from Hakodute to Petropavlovsk in order to make arrangements for the return of any seamen of captured sealers who may be awaiting shipment. This course is the more necessary as it is understood that the port of Petropavlovsk is but little frequented.

Her Majesty's Government ask that the Commander of Her Majesty's ship "Leander" may receive all necessary facilities from the Russian authorities.

As it would seem difficult for the Commander to give the notice of his arrival requested by the Imperial Government in M. Bouténiéff's note of the 10th (22nd) February, 1887, I have to express the hope that the present notification may be regarded as that agreed upon as necessary between the two Governments with reference to ships of war visiting their respective ports.

I avail, &c.

(Signed) R. B. D. MORIER.

No. 18.

Sir R. Morier to the Earl of Rosebery.—(Received October 3.)

(Telegraphic.)

St. Petersburg, October 3, 1892.

I AM informed in a note from the Russian Government that such of the crews of the sealers which were captured last August who had not been already repatriated, and for whose conveyance homo Her Majesty's ship "Leander" has been dispatched, have been sent to Nagasaki by the local authorities.

No. 19.

Sir R. Morier to the Earl of Rosebery.—(Received October 3.)

My Lord,

St. Petersburg, September 27, 1892.

WITH reference to correspondence respecting the recent seizure of British sealers by Russian cruisers in the Behring Sea, I have not failed to endeavour to ascertain what steps have been taken by the American Government respecting the capture of the "Cap. Horn Pigeon," which was seized some distance from Ishurup Island, at the mouth of the Sea of Okhotsk.

The American Chargé d'Affaires told Mr. Howard that he received a telegram from the captain of the schooner relating the circumstances of the capture, and stating that he had been landed on the shore near Vndivostock without food or shelter. Mr. Wurts immediately repeated this telegram to Washington, and has had no answer but a simple acknowledgment of the receipt. He had consequently made no representation respecting the legality of the seizure, but had addressed a note to the Imperial Government on his own responsibility respecting the treatment accorded to the crew. He avoided using any

such phrase as cruelty or inhumanity, but asked that the crew might receive adequate food and shelter.

It was evident that Mr. Wurts did not wish to press the incident, doubtless for fear of raising some contention which might be inconsistent with American claims against Great Britain in the Behring Sea. He said he considered the Sea of Okhotsk a *nunc clausum*, because, though part of the Kurile Islands were occupied by Japan, that Power had signed a Convention with Russia agreeing to close the sea. He also said he did not much believe in the captain's complaints of ill-treatment, for if he was really destitute he would not have had money enough to send so long a telegram.

I have, &c.
(Signed) R. B. D. MORIER.

No. 20.

Sir R. Morier to the Earl of Rosebery.—(Received October 4.)

My Lord, *St. Petersburg, October 1, 1892.*
I ENCLOSE herewith M. Chichkine's reply to my note, addressed to him in compliance with your Lordship's telegram of the 26th ultimo, respecting the visit of the "Leander" to Petropavlovsk, and my acknowledgment.

Your Lordship will perceive it is of a very courteous kind.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 20.

M. Chichkine to Sir R. Morier.

M. l'Ambassadeur, *Le 18 (30) Septembre, 1892.*
A LA suite de votre note du 15 (27) de ce mois, je n'ai pas manqué d'informer le Ministère Impérial de la Marine que le croiseur Anglais le "Leander" avait reçu du Gouvernement Royal Britannique l'ordre de se rendre à Pétropavlovsk. Nos autorités ont été invitées à prendre toutes les mesures nécessaires pour faciliter à ce bâtiment l'entrée du port en question et des ordres ont été expédiés télégraphiquement au Commandant de notre escadre du Pacifique à Vladivostock. Toutefois, je crois devoir prévenir votre Excellence que vu l'absence d'une ligne télégraphique allant jusqu'à Pétropavlovsk et la difficulté des communications, surtout dans cette saison de l'année, un malentendu serait possible dans le cas où le "Leander" se présenterait devant cette place avant que son Commandant eût reçu les ordres qui lui ont été expédiés. Cette éventualité n'aurait été entièrement évitée que par l'accomplissement des formalités communiquées au Gouvernement de Sa Majesté Britannique par la note de l'Ambassade Impériale à Londres du 10 (22) Février, 1887.

Je saisis, &c.
(Signé) CHICHKINE.

(Translation.)

M. l'Ambassadeur, *September 18 (30), 1893.*
ON receipt of your note of the 15th (27th) instant, I did not fail to inform the Imperial Ministry of Marine that the English cruiser "Leander" had received orders from the British Government to visit Petropavlovsk. Our authorities have been requested to take all the necessary measures to facilitate the entry of this vessel into that port, and orders have been sent by telegraph to the officer in command of our Pacific squadron at Vladivostock. I think it right, however, to warn your Excellency that, owing to the absence of a telegraph line to Petropavlovsk, and to the difficulty of communicating with that place, especially at this season of the year, it is possible that a misunderstanding may arise in case the "Leander" should arrive off the town before the Commandant has received the orders which have been sent to him. This contingency could only have been entirely obviated by carrying out the formalities which were notified to Her Britannic

Majesty's Government in the note of the 10th (22nd) February, 1892, from the Imperial Embassy in London.

I am, &c.
(Signed) CHICHKINE.

No. 21.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, October 5, 1892.*
I HAVE received Mr. Howard's despatch of the 17th ultimo, recording a conversation with Count Kapnist respecting the seizure of British sealers by Russian cruisers in Behring Sea.

The language held by Mr. Howard to the Russian Minister on that occasion is approved.

I am, &c.
(Signed) ROSEBERY.

No. 22.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, October 5, 1892.*
I HAVE received your Excellency's despatch of the 23rd ultimo, reporting a conversation which you have held with M. Chichkine respecting the seizure of British sealers by Russian cruisers in Behring Sea, and the treatment of their crews at Petropavlovsk.

The language held by your Excellency on that occasion to M. Chichkine is approved by Her Majesty's Government.

I am, &c.
(Signed) ROSEBERY.

No. 23.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, October 10, 1892.*
I HAVE received your despatch of the 27th ultimo, inclosing copy of the note which you addressed to the Russian Government notifying that Her Majesty's ship "Leander" had been ordered to proceed to Petropavlovsk.

The terms of your note are approved by Her Majesty's Government.

I am, &c.
(Signed) ROSEBERY.

No. 24.

Admiralty to Foreign Office.—(Received October 11.)

Sir, *Admiralty, October 10, 1892.*
I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, the decypher of a telegram, dated this day, from the Captain of Her Majesty's ship "Leander."

A similar communication has been made to the Colonial Office.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure in No. 24.

Captain Castle to Admiralty.

(Telegraphic.)

"Leander," at Hakodate, October 10, 1892.

SEVEN schooners, six British, one American, seized since July in Behring Sea, neighbourhood Komandorski Island. Four crews sent Puget Sound in the American barque "Majestic;" one left in the schooner "Priz," late "Rosie Olsen;" remaining two crews taken by Russian Admiral to Vladivostock; no portion of crew detained Petropavlovsk. Schooners' guns, papers, and skins all confiscated. Six schooners left for Vladivostock with Russian prize crew. No seizures made in Okhotsk Sea. Russian Sealing Company's steamer "Kotik," with Governor of Komandorski aboard, seized one schooner; others seized by cruiser "Zabiaka," reported cruising off Behring Sea.

No. 25.

Colonial Office to Foreign Office.—(Received October 13.)

Sir,

Downing Street, October 13, 1892.

WITH reference to previous correspondence respecting the seizure of British sealing-vessels in the North Pacific by the Russian authorities, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a despatch, and its inclosures, forwarding affidavits respecting the circumstances connected with the seizures, and other documents.

I am also to inclose a copy of a Memorandum received from the Admiralty as to the position of the "Ariel" and "Willie McGowan" at the time when they were sighted and seized according to the Protocol drawn up and signed by the seizing officer and the masters of the vessels seized.

It appears from these papers that neither of these vessels was within Russian territorial waters when sighted, and therefore, even if they had at some previous time engaged in sealing within such waters, their pursuit and capture could not be justified according to the acknowledged principles of international law, as it is not alleged that the pursuit was begun whilst the vessels were still within the 3-mile limit.

The Regulations of 1883, under which the vessels are said to have been seized, are not amongst the papers forwarded, but they are presumably the same as those of 1881, which were republished in 1882, and will be found at pp. 23 and 24 of the correspondence presented to Parliament in 1890 respecting the case of the "Araunah."

The prohibition against sealing in these Regulations is confined to the Russian coasts or islands, or within their sea boundary-line, and as already pointed out in the letter from this Department of the 14th September, that sea boundary-line has been officially declared by the Russian Foreign Minister to be the ordinary territorial limit of 3 miles.

In view of these circumstances, the fact that the masters of the seized vessels were induced by threats to sign a declaration that they were sealing within Russian waters could not in any way justify the seizure of the vessels on the high seas, and as the masters did not understand the terms of the documents, they were compelled to sign, and protested on the face of it against any admission that they had infringed the Russian Regulations, it is obvious that no weight whatever can be attached to these declarations.

It is to be noted also that though these declarations were accompanied by the protests of the masters, no investigation as to the truth of the statements of the masters appears to have been made by the Russian authorities before carrying out the confiscation of the vessels which was decreed by the officer of the seizing vessel; though it would appear from M. de Giers' note of the 3rd (15th) March, 1890, respecting the case of the "Araunah," that the confirmation of the Governor-General of the Amoor is necessary to the Decree of Confiscation, and as the documents showed on the face of them that the statements of the captor were not admitted, Lord Ripon can scarcely believe that such confirmation can have been given without that careful inquiry and examination which justice demanded.

The statements as to the ill-treatment of the crews of the vessels, to which the attention of the Russian Government was called in Lord Rosebery's telegram of the 15th ultimo, are fully borne out by the affidavits now forwarded, and Lord Ripon cannot doubt that when the facts are brought to the notice of the Russian Government, they will

will not fail to mark their sense of the cruelty perpetrated by their officers, and to compensate fully those who suffered by it.

The claims for compensation which accompany these papers do not contain any claim on this account, nor for the loss of the personal effects of the crew, but Lord Ripon presumes that Lord Rosebery will agree with him that the facts disclosed as to the treatment of the crews at the time of seizure, when on shore at Petropavlovsk, and in the manner of their shipment on board the "Majestic," justify such a claim, and his Lordship would suggest that the Russian Government should be informed that such a claim will be made in due course.

I am to request that Lord Stanley's despatch, and its inclosures, which are sent in original, may be eventually returned to this Department.

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

Inclosure 1 in No. 25.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord,

Citadel, Quebec, September 23, 1892.

WITH reference to previous correspondence relative to the recent seizures by Russian cruizers of Canadian sealing-vessels, I have now the honour to inclose a certified copy of a Report of Council, dated the 23rd instant, to which are attached the affidavits referred to in my telegrams of the 5th and 10th September, as well as certain other Annexes in which the facts regarding the seizures in question are detailed.

Your Lordship will observe from the statements set forth in these documents that the crews of the seized vessels appear to have been treated with unusual harshness and severity.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 25.

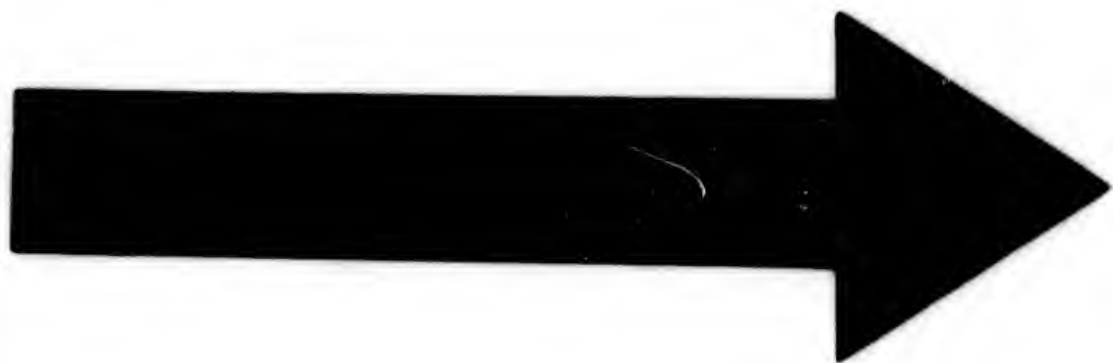
Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 23rd September, 1892.

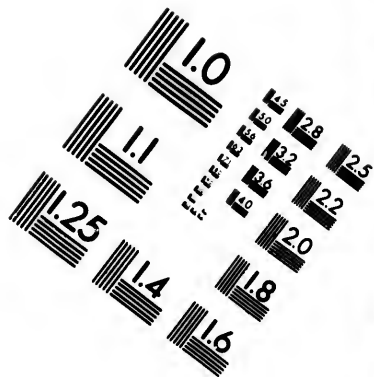
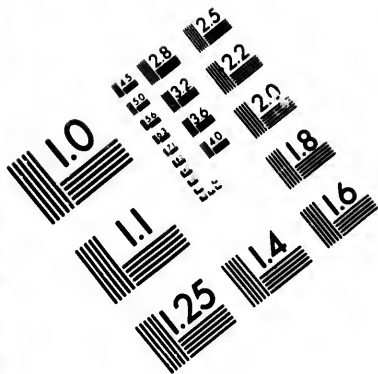
ON a Report dated the 17th September, 1892, from the Minister of Marine and Fisheries, submitting, on the subject of the seizure of British ships in the waters of the North Pacific Ocean, that the circumstances attending the seizures were most fully set out, and the question of jurisdiction referred to at considerable length in the following Minutes of Council, dated respectively 13th September, 1892, 15th September, 1892, 23rd September, 1892, and 23rd September, 1892.

The Minister observes that the Minute of Council dated the 23rd September, 1892, advised that formal affidavits on the subject had been obtained from the interested parties, and were in course of transmission through the mails, and it was stated that, immediately upon their receipt, they would be communicated for the information of Her Majesty's Government.

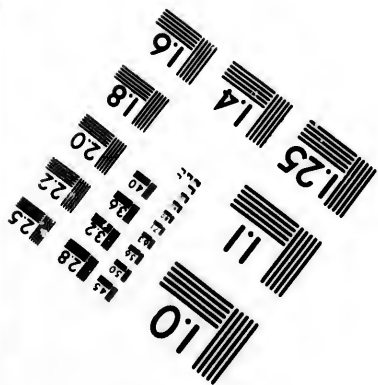
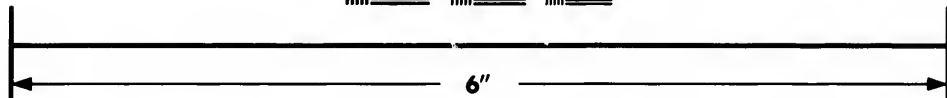
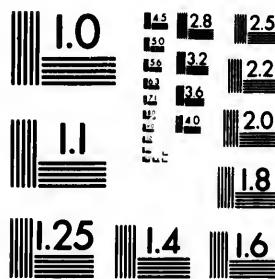
The Minister submit: the following documents now to hand, as follows:—

1. Letter from Collector A. R. Milne, of Victoria, British Columbia, forwarding—
2. Note of protest, schooner "Ariel," sworn to before A. R. Milne, 6th September, 1892, by John McLeod, master.
3. Deposition of Jos. Campbell Stratford, mate of the schooner "Ariel," sworn to before A. R. Milne, 8th September, 1892.
4. Certificate of measurement of position of vessels when seized by Jas. Gaudin and J. C. Cox. (Chart retained.)
5. Claim on behalf of the "Ariel," amounting to 18,746 dol. 50 c.
6. Certificate of seizure of schooner "Ariel" by Russian officer.
7. Order for deposition of vessel, cargo, and crew by Russian officer.
8. Protest at time of seizure by master of the "Ariel."
9. Report "outwards," schooner "Ariel."
10. Extract from log-book of "Ariel," being certificate of Lieutenant Williams, of





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Her Majesty's ship "Daphne," that he had warned the vessel against proceeding to Behring Sea for the purpose of taking seals under pain of seizure.

11. Declaration of John McLeod, master of schooner "Ariel," before Arthur G. Smith, 5th September, 1892.

12. Declaration of James Campbell Stratford, mate of the schooner "Ariel," before Arthur G. Smith, 7th September, 1892.

13. Declaration of Melville Collinson, "boss hunter" of the "Ariel," before Arthur G. Smith, 5th September, 1892.

14. Affidavit of John Daley, master of schooner "Willie McGowan," sworn to before A. R. Milne, 6th September, 1892.

15. Affidavit of Thomas F. B. Moore, mate of the "Willie McGowan," sworn to before A. R. Milne, 8th September, 1892.

16. Certificate of measurement of position of vessels when seized, by James Gaudin and J. C. Cox.

17. Claim in behalf of the "Willie McGowan," amounting to 18,546 dol. 26 c.

18. Report "outwards" of the "Willie McGowan."

19. Declaration of John Daley, master of the "Willie McGowan," sworn to before Arthur G. Smith, 5th September, 1892.

20. Certificate of seizure of "Willie McGowan."

21. Order for deposition of vessel, cargo, and crew.

22. Agreement with master of United States' barque "Majestic" for the transport of the men of the three vessels from Petropavlovsk.

23. Protest of John Daley, master of the "Willie McGowan," at Petropavlovsk.

24. Declaration of Charles H. White, seal-hunter of "Willie McGowan."

25. Declaration of Thomas Frederic Bernard Moore, mate of the "Willie McGowan," before Arthur G. Smith, 8th September, 1892.

26. Affidavit of Michael Keefe, master of the "Rosie Olsen," sworn to before A. R. Milne, 6th September, 1892.

27. Protest of Michael Keefe at Petropavlovsk.

28. Report "outwards" of schooner "Rosie Olsen."

29. Claim on behalf of schooner "Rosie Olsen," amounting to 18,916 dollars.

30. Declaration of Michael Keefe, master of the schooner "Rosie Olsen," before Arthur G. Smith, 6th September, 1892.

31. Declaration of John James Campbell, mate of the "Rosie Olsen," sworn to before Arthur G. Smith, 5th September, 1892.

32. Declaration of William Twomey, hunter on board "Rosie Olsen."

The Minister desires to invite attention to the claims included in these papers on behalf of the owners of the respective vessels as follows:—

							Dol. c.
"Ariel"	..	..	..	..	..	..	18,746 50
"Willie McGowan"	..	..	..	..	..	..	18,546 26
"Rosie Olsen"	..	..	..	..	..	..	18,916 00

The details of the seizures, the treatment of the crews, the hardships endured, and the appropriation by the crew of the Russian cruisers of the property of the sealers, as set forth in these declarations, do not differ from those already reported upon, and which furnished the subject of the Minute of Council of the 13th September instant.

The Minister observes that in each case the declarations state that the masters of the seized vessels were informed by both British and American cruisers that while they would be seized if found in the Behring Sea east of the line of demarcation, they were not likely to incur danger to the west of that line in the territorial jurisdiction of Russia.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy hereof, together with its Appendices, to the Right Honourable the Principal Secretary of State for the Colonies, with the request that speedy steps may be taken in the direction of previous requests in this matter, and that representations may be made to the Russian Government with a view to obtain prompt recompense for all loss and damages sustained, and an early settlement of the claims herein advanced.

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

(Signed)

JOHN J. McGEE,

Clerk of the Privy Council.

Sir, *Customs, Canada, Victoria, B.C., September 9, 1892.*

I have the honour to acknowledge the receipt of your telegram of the 5th instant, also a letter from Deputy Minister of Marine and Fisheries, requesting affidavits with full facts of the seizures of the British schooners "Ariel," "Willie McGowan," and "Rosie Olsen," by the Russian cruiser "Zabiaka."

I beg to state, in compliance with your instructions, that I have herewith forwarded affidavits taken before me, and other papers in connection therewith, also Chart, which I have had examined by two nautical men, and who have certified to the distance that each schooner would be from land when seized, according to the position given.

The Honourable the Attorney-General of the province, Mr. Davie, a few days ago, also took some declarations from the same parties, which I have also herewith transmitted.

To-day another schooner has arrived and entered, from the Asiatic side, the vessel's name being the "W. P. Sayward," reporting three boats belonging to her seized by a Russian cruiser, while the boats were out sealing at a distance from her; this vessel reports a catch of 900 skins, another vessel is reported outside with over 2,000 skins, also from the Asiatic side.

I shall endeavour to place before you as promptly as possible all information available in regard to the sealing industry.

At present it is an anxious time with our people interested, there being a large number of our vessels on the Russian side of the sea, and it is feared there are more seizures not yet reported.

I have, &c.

Hon. Charles H. Tupper, (Signed) A. R. MILNE, Collector.
Minister of Marine and Fisheries, Ottawa.

In the matter of the seizure of the schooner "Ariel."

Note of Protest.

On the 6th day of September, in the year of our Lord 1892, personally appeared and presented himself at the office of Alexander Roland Milne, Collector of Customs at the port of Victoria, British Columbia, John McLeod, master of the British schooner "Ariel," official No. 88612, and registered at the said port of Victoria, British Columbia, in the Dominion of Canada.

By the instrument of protest hereinafter contained:

Be it known and made manifest that John McLeod, master of the schooner "Ariel," belonging to the port of Victoria, British Columbia, doth duly and solemnly swear and state as follows, that is to say:—

That the said British schooner "Ariel," a vessel of 74.49 tons registered tonnage, schooner rigged, and having a crew of twenty-four persons, the vessel being tight, staunch, and strong, well manned, victualled, and sound, and in every respect fit to perform the intended voyage.

That the said British schooner "Ariel" was regularly cleared in due form at the port of Victoria, British Columbia, in accordance with the laws of the Dominion of Canada, on the 14th May, 1892, for a voyage to the North Pacific Ocean and Okhotsk Sea, and having on board ballast and stores and hunting outfit.

That the said schooner "Ariel" sailed away under every prospect of a successful voyage, that she proceeded to cruise on the waters of the North Pacific Ocean, pursuing her legitimate hunting on the open ocean far beyond any limitation to hunting or fishing on the open high seas.

That on the voyage northwards the said schooner "Ariel" was boarded by Lieutenant Williams, of Her Majesty's ship "Daphne," who warned the master of the said schooner "Ariel" not to enter Behring Sea eastward of the line of demarcation as set forth in the Order in Council, "Behring Sea Act, 1891;" that the said Lieutenant Williams, of Her Majesty's ship "Daphne," informed the master of the said schooner "Ariel" that there would be no interruption to his voyage to the westward of the line of demarcation, providing the master of the said schooner "Ariel" kept sufficient distance from the land, which was understood to be 3 leagues.

That the master of the schooner "Ariel," being desirous of obeying the law, and on the information conveyed to him by Lieutenant Williams, after cruising along the coast, sailed away to the westward with the intention of entering Behring Sea to the westward of the line of demarcation.

That the said schooner "Ariel," on the morning of the 28th day of July last, at 4:30 A.M., while lying-to in latitude 54° 10' north, and longitude 167° 40' east, between 30 and 40 miles off the south-east end of Copper Island, Komandorski group, was boarded by officers and armed boats' crews sent from the Imperial Russian cruiser "Zabiaka."

The officer in charge of the armed boat's crew ordered the master and crew of the said schooner "Ariel" to go on board the cruiser "Zabiaka," and the master to take the ship's papers with him.

All the crew were turned out of their berths by armed marines with fixed bayonets, and ordered into the boat of the cruiser "Zabiaka," with the exception of the mate and one man, who were ordered to remain on board.

That in coming on board the cruiser "Zabiaka," the chief officer in command, Captain de Levron, informed the master of the said schooner "Ariel" that he had seized his vessel, and, in reply to the protest of John McLeod, master of the said schooner "Ariel," that he was on the high seas, and outside any limits over which the Russian Government had or could have any jurisdiction, Captain de Levron said that he would seize any vessel with a sealing outfit, or even salt on board, if found within 1 or 1,000 miles from the Russian possessions.

That the said schooner "Ariel" was taken in tow by the said Russian cruiser "Zabiaka," and on the early morning of the 29th July the towing-line of the said schooner "Ariel" parted during a dense fog, and the said cruiser "Zabiaka" steamed away for Petropavlovsk with the master and crew of the said schooner "Ariel," with the exception of the mate and one man, as already mentioned, who had been left on board the schooner "Ariel," which, with a prize crew of nine men and two officers, the said schooner "Ariel" started under sail for Petropavlovsk on the 29th July, arriving at that port on the 6th day of August last.

That when the officers of the boat's crew of the cruiser "Zabiaka" boarded the schooner "Ariel," their first act was to haul down the flag and trample it on the deck.

That shortly after coming on board the cruiser "Zabiaka," the master of the said schooner "Ariel," John McLeod, was ordered to sign a paper written in Russian and translated into English by Captain de Levron, the substance of which paper as translated by him being an acknowledgment that the said John McLeod, master of the said schooner "Ariel," with his vessel and crew, were hunting seals in Russian waters.

That John McLeod, master of the said schooner "Ariel," protested against signing a paper written in a language which he did not understand. Then Captain de Levron informed him that, unless he signed the document, he would be sent to Vladivostock and there court-martialled, and from thence probably to the mines. Under this threat and menace of punishment John McLeod, for himself and in behalf of his crew, signed the document under protest.

That at the early hour of 4:30 A.M. the crew of the said schooner "Ariel" were hunted out of their berths in scanty clothing by the marines and officers of the cruiser "Zabiaka" without being allowed to clothe themselves against the weather.

On arrival at Petropavlovsk they were turned on shore, and marched under the charge of an officer along the beach through the mud and wet grass to an old building, and told that they could remain there with the crew of the "Rosie Olsen," which had likewise been seized.

That the crew of the said schooner "Ariel," as well as the crews of the other schooners seized, were in a deplorable condition for want of food and clothing, until relieved by the charity of Messrs. Malvansky and Linquest, resident foreign merchants.

That John McLeod, master of the said schooner "Ariel," on behalf of himself and crew, requested to know what would become [sic] on arrival at Petropavlovsk. Captain de Levron informed him that an American barque was there, and that vessel might take them to some part of America for 10 or 15 dollars each.

That at Petropavlovsk the master of the American barque "Majestic" found he could not get ready money, drew up a paper, which was signed by the officers and crew of each of the captured schooners, by which the master of the American barque "Majestic" agreed to take them to Puget Sound, and land them at some British or American port.

That the stores which were to provision the crew on board the barque "Majestic" were given from the stores of the seized schooners by the captain of the cruiser "Zabiaka," as well as water, cooking utensils, two stoves, boats and oars; the number of boats being taken from the seized schooners were eight and two Indian canoes.

That after being in Petropavlovsk eleven days, during which time the master of the schooner "Ariel" and his crew, in company with the crews of the British schooner "Rosie Olsen" and the "Willie McGowan," suffered every privation for want of food,

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clothing, and shelter, and, in a deplorable condition, were ordered on board the American barque "Majestic" by Russian marines with rifles and fixed bayonets, and in this condition sailed away for Puget Sound.

That, deprived of their clothing, and having no blankets or other covering, were compelled to sleep in the hold and other places on the ship as would afford them shelter.

That the treatment on board the American barque "Majestic" was not such as would be given to distressed mariners returning to their homes helpless and destitute.

That on the arrival of the barque "Majestic" in Royal Roads, Victoria, British Columbia, the master of the said barque "Majestic" claimed the eight boats, two canoes, two stoves, and all the extra provisions remaining unconsumed as his property, which he compelled the distressed crews to sign over to him to become his property.

That the said master of the American barque "Majestic" intends to claim some compensation from the British Government, to which the master of the said British schooner declares he is not in justice entitled under the circumstances.

That John McLeod does solemnly and sincerely declare that the foregoing statement is correct and contains a true account of the facts and circumstances attending the seizure of the said British schooner "Ariel," of Victoria, British Columbia.

Wherefore, the said appearer, John McLeod, master of the said British schooner "Ariel," on behalf of the owners of the said vessel, and on behalf of himself and crew, doth protest against the illegal interruption of his voyage and seizure and confiscation of the said British schooner "Ariel," her boats, guns, ammunition, small-arms, appurtenances, provisions, and seal-skins then on board.

That the Schedule hereunto annexed, and marked (A), is a true inventory and valuation of the actual loss sustained by the forcible seizure and confiscation, and on behalf of the owners and all concerned, the said John McLeod, master of the said British schooner "Ariel," appeals for restitution and damages to full amount of the loss sustained.

(Signed) JOHN McLEOD.

Sworn to before me, at Victoria, British Columbia, this 6th day of September, 1892.

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

In the matter of the seizure of the British schooner "Ariel," of Victoria, British Columbia, by the Russian cruiser "Zabiaka."

Port of Victoria, British Columbia.

James Campbell Stratford, of the city of Victoria, Province of British Columbia, personally appeared, and doth depose and say:—

That he was mate of the British sealing-schooner "Ariel," belonging to the port of Victoria, British Columbia, of which John McLeod was the master, and which cleared at the port of Victoria, British Columbia, on a voyage to the North Pacific Ocean and Okhotsk Sea.

That, after voyaging to and fro on the waters of the North Pacific Ocean pursuing the legitimate calling of hunting on the open ocean, beyond any limitation to hunting or fishing on the high seas [sic].

That on the 28th day of July last, at 4:30 A.M., whilst the vessel was south-east from Copper Island, Commandorski group, the morning being clear, and could see a very long distance, Copper and Behring Islands being in sight, and he would judge that the vessel was about 35 miles from south-east end of Copper Island, it being well known in that locality that the distance of observation is very great.

That in that position the vessel, headed south-east, it being dead calm, was boarded by an armed boat's crew from the Russian cruiser "Zabiaka."

That the master and crew, with the exception of the deponent, were ordered on board the cruiser "Zabiaka."

That the officer in charge of the prize crew went to the haulyards and pulled down the flag from the mainmast head and stamped with his feet upon it.

That the said schooner "Ariel" was taken in tow by the Russian cruiser "Zabiaka," and continued towing the said schooner "Ariel" about twenty-five hours; the hawser parted at about 5 A.M., during a thick fog and heavy breeze.

That there were nine men and two officers comprising the prize crew.

That, after the tow-line parted, the schooner was navigated under sail, and arrived at Petropavlovsk, arriving at that port on the 6th day of August, 1892.

That the same day that the said schooner "Ariel" arrived at Petropavlovsk the deponent was put on shore to take his chances with the other crews of vessels that had been likewise seized.

That the deponent, having read the statements of John McLeod, the master of the said schooner "Ariel," indorses the same as being true in every particular in regard to the treatment of the distressed crews at Petropavlovsk, as well as the treatment which was given to them on board the barque "Majestic," which was not such as might be given to distressed seamen returning to their homes helpless and destitute.

(Signed) J. C. STRATFORD.

Sworn before me this 8th day of September, 1892.

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

Sir,

Victoria, B.C., September 8, 1892.

As requested by you, we have measured the distance on the Chart of Behring Sea, as given by you, showing the exact [] where the three British schooners were seized by the Russian cruiser "Zabiaka."

Schooner "Willie McGowan," latitude 53° 50' north, longitude 167° 50' east, a distance of 42½ miles from Copper Island, the nearest land.

Schooner "Rosie Olsen," latitude 54° 24' north, longitude 165° 40' east, a distance of 38 miles from Behring Island, the nearest land.

Schooner "Ariel," latitude 54° 10' north, longitude 167° 40' east, a distance of 30 miles from Copper Island, the nearest land.

Yours respectfully,
(Signed) JAS. GAUDIN.
J. C. COX.

To the Collector of Customs,
Victoria, B.C.

[Chart inclosed.]

(A.)

PARTICULARS of Claim, Schooner "Ariel," 74 tons register, of Victoria, British Columbia, seized by the Russian Imperial cruiser "Zabiaka," on the 28th July, 1892, in latitude 54° 10' north, and longitude 167° 40' east.

Schooner—					Dol. c.	Dol. c.
Value of schooner .. .. .	..	..	..	..	..	10,000 00
Boats—						
7 boats, at 110 dollars each .. .. .	..	..	..	..	770 00	
Outfits to ditto, 7 at 20 dollars .. .. .	..	..	..	..	140 00	
						910 00
Outfit of schooner—						
Provisions .. .. .	..	..	..	..	1,000 00	
Salt, 10 tons, at 14 dollars per ton .. .. .	..	..	..	..	140 00	
Ammunition .. .. .	..	..	..	..	250 00	
Insurance, 10,000 dollars, at 4 per cent. .. .. .	..	..	..	..	400 00	
Coal, 10 tons, at 7 dol. 25 c. per ton .. .. .	..	..	..	..	72 50	
Slop chest .. .. .	..	..	..	..	169 00	
Ship-chandlery .. .. .	..	..	..	..	300 00	
						2,331 50
Guns—						
3 rifles, at 25 dollars each .. .. .	..	..	..	..	75 00	
8 Parker shot guns, at 60 dollars each .. .. .	..	..	..	..	480 00	
1 cannon .. .. .	..	..	..	..	60 00	
						615 00
Wages—						
Paid master, hunters, and crew .. .. .	..	..	..	..	..	1,992 00
Seal-skins—						
On board when seized, 207, at 14 dollars each .. .. .	..	..	..	..	..	2,898 00
Total claim .. .. .	..	..	..	..	..	18,746 50

(Signed) JOHN McLEOD.

(B.)

Protocol drawn up on the Cruiser of the 2nd Class "Zabiaka," on the 16th July, 1892.

(Translation.)

We, the Undersigned, witness that this 16th day of July, 1892, at 3 o'clock A.M., when we found ourselves in north latitude 54° 26', longitude 167° 36¼' east, near Copper Island, in a dead calm, we noticed in the direction of south 25° from the cruiser, in the distance of 6 miles, an English canvas schooner "Ariel," which had all her canvas on.

The sloop that was sent from the cruiser with Lieutenant Staal and Midshipman Zelenetsky to search the schooner reported that there were seal-skins on board. The captain of the schooner, McLeod, explained that he had taken 200 seals, and also that he considered he had a right to take seals in the place where the cruiser found him.

The ship's papers and log-book were taken away, and the captain and his crew of twenty-three men were taken on board the cruiser, and the captain was told that they were all under arrest, and that the schooner was confiscated.

After that a crew, under the aforesaid officers, was put on the schooner, and she was taken in tow to Petropavlovsk.

No resistance was offered to the seizure of the schooner.

It appears from the ship's papers that the schooner "Ariel" was built in 1884, at Bridgwater, and that her tonnage is 74.49, her length is 70 ft. 5 in., her width 22 ft. 5 in., and her depth 8 ft. 4 in. She left Victoria on the 15th (27th) May, to take seals and fish in the northern part of the Pacific Ocean and in the Sea of Okhotsk.

(Signed)

NAZONOV, *Lieutenant.*
LICHTEEN, *Lieutenant.*
BEZKROVNY, *Lieutenant.*
ARNOUTOV, *Lieutenant.*
DE LEVERON, *Captain, 2nd Class.*
JOHN McLEOD, *Master, Schooner "Ariel."*

A true copy :

Auditor of the 2nd Class Cruiser "Zabiaka,"
(Signed) BEZKROVNY, *Lieutenant.*

(C.)

Protocol drawn up on the 2nd Class Cruiser "Zabiaka," in the Roadstead of Petropavlovsk.

(Translation.)

Whereas a Protocol was drawn up on the 16th July last by a Commission appointed by my order on the 28th June (No. 60), in regard to the search of the schooner "Ariel;" and whereas a Notice was published by the Imperial Russian Government in 1881; and whereas Regulations were issued by the Governor-General of Eastern Siberia on the 1st November, 1883 (No. 1171); and whereas instructions were given to the cruiser by the Commandant of the port of Vladivostock on the 22nd April, 1892 (No. 1425): I, Bois Karlovitch de Levron 3rd, a Captain of the 2nd Class, and Commander of the aforesaid cruiser, have ordered as follows, on this 18th day of July, 1892:—

1. The schooner "Ariel" is to be confiscated and sent to Vladivostock under the command of Lieutenant Staal.
2. The master and the crew are to be sent into the town of Petropavlovsk, and allowed to return to their native country.
3. A complete inventory of the schooner is to be drawn up on her arrival at Petropavlovsk [sic].
4. Everything on board that would spoil by keeping, as well as the spare boats and tackle, shall be sold by auction at Petropavlovsk for the benefit of the Government.
5. The seal-skins shall be handed over to the Head of the District of the Commander Islands, against his receipt.
6. This Order shall be communicated to the proper authorities.
7. Captain McLeod shall be given copies of the Protocol and of the present Order.

(Signed) DE LEVRON 3rd, *Captain of the 2nd Class,*
in Command of the Cruiser of the 2nd Class
"Zabiaka."

A true copy :
(Signed) BEZKROVNY, *Lieutenant, Auditor.*

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2,898 00

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HN McLEOD.

(D.)

Protest.

Be it remembered that I, John McLeod, master of the British schooner "Ariel," registered at Victoria, British Columbia, Dominion of Canada, of the registered tonnage of 74 tons, which was seized and captured by the Imperial Russian cruiser "Zabiaka" on the 28th day of July, A.D. 1892, in latitude 54° 10' north, and longitude 167° 40' east, or thereabouts, do hereby most earnestly and solemnly protest:—

1. Against the seizure of the said schooner upon the high seas.
2. Against the retention by the said cruiser, or her Commander or officers, of the said schooner "Ariel," her outfit, furniture, or cargo.
3. I also specially and particularly protest against the seizure and retention by the said "Zabiaka," or her officers, of any of the personal effects of myself, my officers, or crew.

Dated at Petropavlovsk, this 5th (24th) August, 1892.

(Signed) JOHN McLEOD,
Master of schooner "Ariel."

I have this day, 25th July, 1892, received a copy of this protest at Petropavlovsk.
(For the Head Officer of the District),

(Signed) AVDOTENKO, *Assistant.*

(E.)

Report Outwards.

No. 929.—*Port of Victoria, British Columbia.*

Contents in the schooner "Ariel," registered tonnage 74.

Registered in port of Victoria, British Columbia, with twenty-four men, John McLeod master, for this present voyage for North Pacific Ocean and Okhotsk Sea.

Cargo , tons weight , tons measurement .

, *Agent.*

Marks and Numbers.	Shippers.	Quantity and Description of Goods.	Value.	Consignee.
		Ballast and stores and brnting outfit.		

I, John McLeod, master of the vessel above named, do declare that the contents above written, now tendered and subscribed by me, is a just and true account of all the goods laden on board my vessel for the present voyage, and of the names of the respective shippers and consignees of the said goods, and of the marks and numbers of the packages containing the same.

(Signed) JOHN McLEOD,
Master or Purser.

Signed, sealed, and delivered before me at the Custom-house, port of Victoria, British Columbia, the 24th day of May, 1892.

(Signed) J. ARMSTRONG, *Collector.*

*Copy of the Notice which is written in the Official Log-book of the British schooner
"Ariel."*

"Daphne," at Sea, June 24, 1892.

I certify that I have this day warned this vessel against proceeding to Behring Sea for the purpose of taking seals, under pain of seizure.

(Signed)

AYLMER C. GAMMEL WILLIAMS,

Lieutenant.

I, the Undersigned, certify that the above written copy is correct, the 21st July (2nd August), 1892.

(Signed)

B. DE LEVRON,

Captain of His Imperial Russian Majesty's
Cruizer "Zabiaka."

In the matter of the seizure of the schooner "Ariel" on the 28th July, 1892, by the Russian cruizer "Zabiaka."

I, John McLeod, of the city of Victoria, ship captain, do solemnly declare as follows:—

I am master of the sealing-schooner "Ariel," of 74 tons register, owned in Victoria, British Columbia, by H. F. Bishop and others.

The "Ariel" was fitted out in Victoria in May 1892 for a sealing cruise, and cleared on the 14th May, 1892, for a cruise in the North Pacific Ocean and Okhotsk Sea. She had on board captain, mate, seven white hunters, thirteen sailors, a cook, and a boy, being twenty-four all told. We sailed along the coast of British Columbia and of Alaska, and on the 24th June, being then somewhere off Cherikoff Island, were spoken by Her Majesty's ship "Daphne," and boarded by an officer who pointed out to me the line of demarcation on my Chart, and handed me the Proclamation and warning against sealing in Behring Sea. We were also spoken by United States' cutter "Rush" on the same day. After this we continued our cruise until the 28th July, at 4 o'clock A.M. At that time the schooner was in latitude 54° 10' north, and longitude 167° 40' east. This position is estimated from an accurate observation which I obtained at noon on the preceding day. At this time I was nearer to Russian shores than I had been at any time during the cruise, except on one occasion about five days previous when I had lost a boat in a thick fog, and in searching for it came within about 14 miles of the shore. After finding the boat I put on sail and went to sea about 80 miles. The above calculated position is between 35 and 40 miles from shore, the nearest point being the south-east end of Copper Island. We had on board at this time 207 seal-skins. At 4 o'clock on the morning of the said 28th July, lying-to in the above position with the British flag hoisted, I being on deck sighted the Russian steam cruizer "Zabiaka" of sixteen guns. We were alone with no vessels in sight. The cruizer came alongside and the Captain hailed me, asked me, "What are you doing there?" I told him, "You can see for yourself what we are doing." He then said, "Hoist your sails down." I asked him, "What for?" He then said that he was a man-of-war and he wanted to see my papers. I then told him I was in the North Pacific Ocean. He said, "No, you are in Russian waters." During the conversation a boat had been lowered from the opposite side of the steamer and came around her stern, being filled with sailors and marines with fixed bayonets, and with two or three officers in charge. The whole boat boarded us, and the senior officer in charge told me his Captain wanted to see my papers. This conversation was carried on by him in broken English. The Captain spoke English well. I went below and got all the papers, and just as I was going down the cabin I saw one of (I think) the officers pulling down my flag, and when it was down he placed it on the poop and jumped on it. He then hoisted the Russian flag. The officer on my return said, "Take your crew with you likewise, the Captain wants to see them." While I was talking to him the marines and sailors went down below and were driving my crew on deck with fixed bayonets. I asked the officer what he intended to do, was he going to seize me? He said, "I don't know, I don't think so, Captain wants to see the papers and the crew, by-and-bye it will be all right." Then all of us but the mate, J. C. Stratford, and one of the crew, Jos. Martin, went on board the "Zabiaka."

When we got on board the cruizer, the Captain (De Leveron) called me on to the bridge, saying that he wanted to see my papers. I handed them to him, and as he read

them he saw where I had cleared for, and said, "Ah! Okhotsk Sea; I wish I catch you in Okhotsk Sea." I asked him then, "Are you seizing my vessel?" He said "Yes." I asked him what he was seizing her for. He said, "You are in Russian waters, and also in these straits," pointing to the straits between Behring and Copper Islands, the former of which was scarcely visible. I asked him, "What do you call the straits?" saying that there were no straits marked upon my charts. He then said, "I don't care about your charts; it is my Russian charts." He then said, "No matter; Americans claim one side of the line of demarcation; we claim the other." During this conversation the "Zabiaka" had taken the "Ariel" in tow, and the Captain told me the schooner was confiscated, and he was going to take it to Petropavlovsk, to which place we were steaming. After twenty-four hours the hawser parted, and we steamed to Petropavlovsk, and leaving the "Ariel" to follow by sail, I and the crew were landed on the beach, with nothing but what we had on us, and there left to shift for ourselves. Captain de Levron told me to go on board the American barque "Majestic," then taking in ballast, and see if I could make any arrangements. The captain of the "Majestic" required me to guarantee him 10 dollars a man, which I could not do. In the afternoon Captain de Levron sent my crew ashore to an old decayed hospital. When we arrived at Petropavlovsk there were already in port the schooners "Willie McGowan," of Victoria, and "C. H. White," of San Francisco. The "Rosie Olsen," of Victoria, arrived before the "Ariel." All three had been seized, the two former by the "Zabinka," and the latter by the "Kodink," belonging to the Russian Commercial Fur Company.

My crew had a little money, with which they provided themselves with food, and, afterwards, the agent for the Fur Company (an old resident of Victoria, M. Molavansky) interested himself, and obtained for us some provisions, and through him the Russian official in charge of the post was persuaded to make to each of my crew the usual prison allowance for maintenance of 14 kopecks (equal to 7½ cents) a-day, which was collected by the captains of the ships and entirely exhausted in provisions, prices for the same at that distance being very high. When the "Ariel" arrived in port we were granted permission to go on board her and get our personal effects. On availing ourselves of this permission, I found that all my clothes which were of any value had been taken; all that was left were my dirty clothes. Among what was taken were half-a-dozen suits of underclothes, which had cost me 4 dol. 50 c. a suit; a pair of gum boots, value about 6 dollars, and a number of other articles of clothing. About 100 dollars in gold and silver, which had been left in a drawer, was gone. I was not allowed to take my nautical instruments, which were in my cabin, as also were all my books. The ship's log, articles, and all papers were retained, and I was only allowed to take a copy of the "Daphne's" warning from the official log. The effects of the crew were in the same condition as mine, and they had also lost money. None of the provisions of the "Ariel" were handed over to us. An arrangement had been made between Captain de Levron and Captain Lorentzen, of the barque "Majestic," by which we were to be brought on the "Majestic" to any port on Puget Sound, either British or American. The Russian captain then supplied the "Majestic" with stores and boats from the captured schooners, the amount of supplies being regulated according to the Russian schedule.

On the 8th day of August, about 8 o'clock at night, the "Majestic" was ready for sea, and hoisted her flag. This was the signal for us to go on board, and a party of marines from the "Zabiaka" came on shore under arms and visited the cabins and places where the crews were lodged. Then then hurried the men on board at the point of the bayonet, scarcely giving them time to collect the articles which they had, and being particularly rough with the last few to come on board. After we were all on board, we four captains protested against the sufficiency of the provisions to Captain Lorentzen, who told us to take our boats and provisions, and we could go ashore if we did not like it. He said this at the very time when the boat was surrounded by the armed marines. At last it was arranged that 40 dollars, which some of the crew had earned by loading ballast, should be spent on provisions, and this we were allowed to do. The marines followed us while we went on shore and until we returned on board again. In the barque the captain drew up an agreement (being Exhibit (C) to the declaration of John Daley made this day), under which all stores left over were to belong to the "Majestic," and the crews were stowed away between decks, where the captains were also told to stow themselves. We, however, found accommodation in the carpenters' shops and a hatch house. The accommodation between decks was wretched and dangerous to the men, one result of which was that J. C. Stratford, mate of the "Ariel," broke two ribs by falling down an open ballast hatch. There were, exclusive of the captains, eighty men between decks. We arrived at Victoria on the 30th August, and were put on shore, Captain Lorentzen retaining the balance of the provisions and the boats. At no time during my

cruize up to the time of seizure were any of my boats engaged in scaling within 12 miles of any Russian territory.

I reported all above facts to the Collector of Customs. The above account of the seizure is correct in every particular, and there are many details which could be added, all of which would aggravate the injuries and ill-treatment which we received at, and as a result of, our seizure as above stated.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-Judicial Oaths."

(Signe) JOHN McLEOD.

Declared before me, at the city of Victoria, in the Province of British Columbia, this 5th day of September, 1892.

(Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

(Seal.)

In the matter of the seizure of the schooner "Ariel" by the Russian cruiser "Zabiaka" on the 28th July, 1892.

I, James Campbell Stratford, of the city of Victoria, British Columbia, do solemnly declare as follows:—

I was mate on board the sealing-schooner "Ariel" on her recent cruize. I have read over the statement of John McLeod, captain of the "Ariel," declared on the 5th September instant, and from personal knowledge confirm the same up to the time I was left with Jos. Martin on board the "Ariel" while the captain and the rest of the crew went on board the "Zabiaka." After that I saw that preparations had been made to tow us, and a line was taken on board. During the day the prize crew on board used our provisions, I being forced to show where they were to be found. I was not allowed to communicate with Martin at all.

At evening the prize crew tried to signal to the "Zabiaka" to slacken speed, but with no success. About 5 o'clock in the morning I was called and told that the hawser had parted, and had to show them how to make sail. For the next ten days we made for Petropavlovsk, I having been told by the officers that it was doubtful whether the schooner would be seized, did my best to keep the schooner from harm. During our trip the prize crew threw thirty-six seals, which we intended skinning, overboard. On the trip I saw both officers and men helping themselves to gum boots, gum coats, and other articles of clothing. They took possession of the captain's state-room and all other quarters of the ship. The only thing I saved for the captain was his pocket-book containing his master's certificate and a little money.

In regard to our treatment and events after our arrival at Petropavlovsk, my experience was the same as the captain's, whose account I entirely confirm. Respecting my injuries received on board the "Majestic," I can only add that I am at present suffering from them, and am still under medical treatment, and will be so for some time to come.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-Judicial Oaths."

(Signed) J. C. STRATFORD.

Declared before me, at the city of Victoria, in the Province of British Columbia, this 7th day of September, 1892.

(Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

(Seal.)

In the matter of the seizure of the British schooner "Ariel" by the Russian cruiser "Zabiaka."

I, Melville Collinson, of Plumper's Pass, Mayne Island, British Columbia, do hereby solemnly declare:—

I shipped as boss hunter on above-mentioned schooner "Ariel." I have read the declaration of John McLeod, master of said schooner, dated the 5th day of September,

1892, and so far as the facts as therein declared are within my personal knowledge, the said declaration is true and accurate in every respect.

I further say that at no time during the cruise of the said schooner up to the time of the seizure by the "Zabiaka" was I myself, or any of the hunters on board the said schooner, engaged in sealing within 12 miles of any Russian territory.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-Judicial Oaths."

(Signed) MELVILLE COLLINSON.

Declared before me, at the city of Victoria, in the Province of British Columbia, this 5th day of September, A.D. 1892.

(Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

(Seal.)

In the matter of the seizure of the schooner "Willie McGowan."

Affidavit.

On the 6th day of September, in the year of our Lord 1892, personally appeared and presented himself at the office of Alexander Roland Milne, Collector of Customs at the port of Victoria, British Columbia, John Daley, master of the British schooner "Willie McGowan," official No. 85487, of the port of Shelburne, Nova Scotia.

By the instrument of affidavit hereinafter contained:

Be it known and made manifest that John Daley, master of the schooner "Willie McGowan," belonging to the port of Shelburne, Nova Scotia, doth duly and solemnly swear and state as follows, that is to say:—

That the said British schooner "Willie McGowan," a vessel of 115 tons, registered tonnage, schooner rigged, and having a crew of twenty-three persons all told, the vessel being tight, staunch and strong, well manned, victualled, and sound, and in every respect fit to perform the intended voyage.

That the said British schooner "Willie McGowan" was regularly cleared in due form at the port of Victoria, British Columbia, in accordance with the laws of the Dominion of Canada, on the 14th day of May, 1892, for a voyage to the North Pacific Ocean and Okhotsk Sea, and having on board ballast and stores and hunting outfit.

That the said schooner "Willie McGowan" sailed away under every prospect of a successful voyage; that she proceeded to cruise on the waters of the North Pacific Ocean, pursuing her legitimate hunting on the open ocean, far beyond all limitation to hunting or fishing on the open high seas.

That on the voyage northwards the said schooner "Willie McGowan" was boarded by Lieutenant Williams, of Her Majesty's ship "Daphne," who warned the master of the said schooner "Willie McGowan" not to enter Behring Sea eastward of the line of demarcation, as set forth in the Order in Council, "Behring Sea Act, 1891;" that the said Lieutenant Williams, of Her Majesty's ship "Daphne," informed the master of the said schooner "Willie McGowan" that there would be no interruption to his voyage to the westward of the line of demarcation, providing the master of the said schooner "Willie McGowan" kept sufficient distance from the land, which was understood to be 3 leagues.

That the master of the said schooner "Willie McGowan," being desirous of obeying the law, and on the information conveyed to him by Lieutenant Williams, after cruising along the coast, sailed away to the westward, with the intention of following his vocation to the westward of the line of demarcation.

That the said schooner "Willie McGowan," on the evening of the 18th July last, while being in latitude 53° 50' north, and longitude 167° 50' east, between 40 and 50 miles off the south end of Copper Island, Commandorski group, was boarded by officers and an armed boat's crew sent from the Imperial Russian cruiser "Zabiaka."

The officer in charge of the armed boat's crew ordered the master and crew of the said schooner "Willie McGowan" to go on board the cruiser "Zabiaka," and the master to take the ship's papers with him.

The crew were turned out of the berth by armed marines with fixed bayonets, and ordered into the boat of the cruiser "Zabiaka," with the exception of the mate, who was ordered to remain on board.

That in coming on board the cruiser "Zabiaka," the chief officer in command, Captain de Levron, after examining the ship's papers, informed the master of the said schooner "Willie McGowan" that he had seized his vessel, and in reply to the protest

of John Daley, master of the said schooner "Willie McGowan," that he was on the high seas, and outside any limits over which the Russian Government had or could have any jurisdiction, Captain de Levron said that he would seize any vessel found with a sealing outfit, or even salt on board, if within 1 or 1,000 miles from the Russian possessions.

That a prize crew from the cruiser "Zabiaka" was put on board, and the schooner being towed for ten hours, the tow-line parted, the cruiser "Zabiaka" steamed away for Petropavlovsk, the schooner following under sail, arriving at that port on the 27th July last.

That shortly after coming on board the cruiser "Zabiaka," the master of the said schooner "Willie McGowan," was ordered to sign a paper, written in Russian and translated into English by Captain de Levron, the substance of which paper, as translated by him, being as understood an acknowledgment that the said John Daley, master of the said schooner "Willie McGowan," with his vessel and crew, were hunting seals in Russian waters.

That the master of the said schooner "Willie McGowan," John Daley, protested against signing a paper written in a language which he did not understand. Then Captain de Levron informed him that unless he signed the document that he would be sent to Vladivostock and there court-martialled, and from thence probably to the mines, as he said, there being no British Consul there to take his part. Under this threat and menace of punishment, the master, John Daley, for himself and in behalf of the safety of the crew, signed the document under protest.

That on arrival at Petropavlovsk they were turned on shore, Captain de Levron stating that he had nothing more to do with the crew of the schooner "Willie McGowan."

That the master, John Daley, went to the Governor of the place, who, after considerable delay, agreed to give them a small room in the rear of the gnoI, and in company with the crew of the American schooner "C. H. White," likewise distressed, and which was gladly accepted.

That the crew of the said schooner "Willie McGowan" were in a deplorable condition for want of food and clothing until relieved by the charity of Messrs. Malvansky and Linquest, resident foreign merchants.

That the master of the said schooner "Willie McGowan," on behalf of himself and crew, requested to know what would become of them on their arrival at Petropavlovsk. Captain de Levron informed him that an American barque was there, and that probably that vessel might take them to some part of America for 10 or 15 dollars each, providing a guarantee was made for payment.

That at Petropavlovsk the master of the American barque "Majestic," finding that he could not get ready money, drew up a paper, which was signed by the officers and crews of each of the captured schooners, by which the master of the American barque "Majestic" agreed to take them to Puget Sound, and land them at some British or American port.

That the stores which were to provision the crew on board the barque "Majestic" were given from the stores of the seized schooners by the captain of the cruiser "Zabiaka," as well as four boats were given belonging to the said schooner "Willie McGowan." There were four other boats and two canoes from the other seized schooners.

That after being in Petropavlovsk nineteen days, during which time the master and crew of the said schooner "Willie McGowan," as well as the crews of the other seized schooners, which arrived later on, suffered every privation for want of food, clothing, and shelter, and in a deplorable condition were ordered on board the American barque "Majestic" by Russian marines with rifles and fixed bayonets, and in this condition sailed away for Puget Sound.

That deprived of their clothing and other proper covering, were compelled to sleep in the hold and other uncomfortable places on board the American barque "Majestic."

That the treatment on board the American barque "Majestic" was not such as should be given to distressed mariners returning to their homes helpless and destitute.

That on the arrival of the barque "Majestic" in Royal Roads, British Columbia, the master of the said barque "Majestic" claimed the four boats of the said schooner "Willie McGowan," as well as the other boats and all extra provisions remaining unconsumed, which he had compelled the masters and the distressed crews to sign over to him, to become his property.

That the said master of the American barque "Majestic" intends to claim some compensation from the British Government, to which the master of the said schooner "Willie McGowan" declares he is not in justice entitled to under the circumstances.

That the master, John Daley, does solemnly and sincerely declare that the foregoing statement is correct, and contains a true account of the facts and circumstances attending the seizure of the said British schooner "Willie McGowan," of Shelburne, Nova Scotia.

Wherefore the said appearer, John Daley, master of the said British schooner "Willie McGowan," on behalf of the owners of the said vessel, and on behalf of himself and crew, doth protest against the illegal interruption of his voyage, and seizure and confiscation of the said British schooner "Willie McGowan," her boats, guns, ammunition, small-arms, appurtenances, provisions, and seal-skins then on board.

That the schedule hereunto annexed, and marked (A), is a true inventory and valuation of the actual loss sustained by the forcible seizure and confiscation of the said schooner; and on behalf of the owners and all concerned, the said John Daley, master of the said British schooner "Willie McGowan," appeals for restitution and damages to the full amount of the loss sustained.

(Signed) JOHN DALEY,
Master, schooner "Willie McGowan."

Sworn before me at Victoria, British Columbia, this 6th day of September, 1892.

(Signed) A. R. MILNE, Collector of Customs,
Port of Victoria, B.C.

In the matter of the seizure of the schooner "Willie McGowan."

Affidavit.

Port of Victoria, British Columbia.

Thomas F. F. Moore, a native of North Sydney, Nova Scotia, and whose present residence is Victoria, British Columbia, personally appeared, and doth depose and say as follows:—

That he joined the British schooner "Willie McGowan" at Cape Tonki to serve in the capacity of mate.

That the schooner "Willie McGowan" is a British schooner, registered at Shelburne, Nova Scotia, and the master being John Daley, a native of Cape Breton, Nova Scotia, but whose present domicile is Victoria, British Columbia.

That the said schooner "Willie McGowan" was manned with a crew of twenty-three persons all told, and staunch, strong, and well provisioned.

That the voyage was without interruption until the said schooner "Willie McGowan" was to the westward of the line of demarcation as laid down under the Order in Council, "Behring Sea Act, 1891."

That on the evening of the 18th July last, whilst the said schooner "Willie McGowan" was under full sail and steering a course of south-east by south, no land being in sight, the weather being sufficiently clear to see at least 10 miles, saw a vessel at first supposed to be a schooner, but which, on approaching nearer, proved to be a steamer.

That the steamer was the Imperial Russian cruiser "Zabiaka" which fired a gun, the cruiser being then astern of the said schooner "Willie McGowan," the schooner's head sail was hauled down, the cruiser coming alongside within 50 yards, and hailed the said schooner "Willie McGowan," demanding the schooner to lower her sails.

That an armed boat's crew was sent from the Russian cruiser "Zabiaka," which, on boarding the schooner, searched the vessel throughout, and ordered the master and the rest of the crew to hurry quickly into the boat of the cruiser "Zabiaka," and those of the crew who were slow were shoved and pushed over the vessel's rail in a rough manner by the marines, who were armed with rifles, bayonets, and revolvers.

That the crew of the said schooner "Willie McGowan" were taken on board of the Russian cruiser "Zabiaka," and the deponent, being mate, compelled to remain by the prize crew sent on board the said schooner "Willie McGowan" from the Russian cruiser "Zabiaka."

That the said schooner "Willie McGowan" was taken in tow by the cruiser "Zabiaka," which towed the said schooner "Willie McGowan" for about ten hours; the tow-line parting, the cruiser "Zabiaka" steamed away.

The said schooner "Willie McGowan" with the prize crew on board and the deponent who was compelled to help navigate the said schooner, arrived at Petropavlovsk on the 27th July last.

That the next morning the deponent was ordered on shore by the officer in command of the prize crew on board the said schooner "Willie McGowan," and on landing hunted

up the master of the schooner, John Daley, who informed the deponent that things were very rough, for they had nothing to eat, and that the men were on the point of starvation, and things were hard with the deponent until he got temporary employment filling water tanks and barrels for the American barque "Majestic," getting nothing as wages, but only received enough to eat and a place to sleep.

That the rest of the crew of the schooner "Willie McGowan" found some temporary employment in digging ballast from the hill for the American barque "Majestic," getting about 80 cents per day, which was to go to buy provisions to feed the crews, which were suffering for want of food.

That the prize crew on the said schooner "Willie McGowan" appropriated the personal clothing of the crew and the deponent, such clothing being worn by the prize crew.

That the condition and treatment of the distressed crews at Petropavlovsk was as bad as it could be.

(Signed) THOMAS F. B. MOORE.

Sworn before me, this 8th day of September, 1892.

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

Sir,

Victoria, B.C., September 8, 1892.

As requested by you, we have measured the distance on the Chart of Behring Sea, as given by you, showing the exact [*sic*] where the three British schooners were seized by the Russian cruiser "Zabiaka."

Schooner "Willie McGowan," latitude 53° 50' north, longitude 167° 50' east, a distance of 42½ miles from Copper Island, the nearest land.

Schooner "Rosie Olsen," latitude 54° 24' north, longitude 165° 40' east, a distance of 38 miles from Behring Island, the nearest land.

Schooner "Ariel," latitude 54° 10' north, longitude 167° 40' east, a distance of 30 miles from Copper Island, the nearest land.

Yours respectfully,
(Signed) JAS. GAUDIN.
J. C. COX.

To the Collector of Customs,
Victoria, B.C.

(A.)

PARTICULARS of Claim made by the owners of the Schooner "Willie McGowan," of Shelburne, Nova Scotia, 115 tons register, which vessel was seized on the 18th July, 1892, in latitude 53° 50' north, longitude 167° 50' east, by the Imperial Russian Cruiser "Zabiaka."

	Dol. c.	Dol. c.
Value of the schooner	10,000 00
7 bonta, value 120 dollars each	840 00
Outfits for bonta, oars, sails, &c., 7 outfits at 20 dollars	140 00
		980 00
Outfit of schooner—		
Salt, 10 tons, at 14 dollars per ton	140 00
Coal, 10 tons, at 7 dol. 25 c. per ton	72 50
Ammunition	182 30
Slop chest	145 00
Chronometers, 1 at 100 dollars, 1 at 125 dollars..	225 00
Insurance on 12,000 dollars, at 4 per cent.	480 00
Provisions	2,000 00
Ship-chandlery and ship's stores	416 89
		3,661 69
Guns—		
2 rifles, at 25 dollars each	50 00
13 Parker shot-guns, at 60 dollars each	780 00
1 brass cannon	100 00
		930 00
Wages—		
Paid master, hunters, and crew	1,952 57
Seal-skins—		
73 on board when schooner seized, at 14 dollars each	1,022 00
		18,546 26
Total claim	18,546 26

(Signed) JOHN DALEY, *Master.*

Report Outwards.

No. 927.—Port of Victoria.

Contents in the schooner "Willie McGowan," registered tonnage 115.
Registered in port of Shelburne, Nova Scotia, with twenty-three men, J. Daley, master,
for this present voyage for North Pacific Ocean and Okhotsk Sea.
Cargo tons weight, tons measurement.
(Signed) R. P. RITHET AND Co. (Limited), Agents.

Marks and Numbers.	Shippers.	Quantity and Description of Goods.	Value.	Consignees.
		Ballast and stores and hunting outfit.		

I, John Daley, master of the vessel above named, do declare that the contents above written, now tendered and subscribed by me, is a just and true account of all the goods laden on board my vessel for the present voyage, and of the names of the respective shippers and consignees of the said goods, and of the marks and numbers of the packages containing the same.

(Signed) JOHN DALEY,
Master or Purser.

Signed, sealed, and delivered before me, at the Custom-house, port of Victoria, the 13th day of May, 1892.

(Signed) J. ARMSTRONG, Collector.

In the matter of the seizure of the British schooner "Willie McGowan" by the Russian cruiser "Zabiaka."

I, John Daley, of the city of Victoria, in the Province of British Columbia, master of the above-named schooner "Willie McGowan," do hereby solemnly declare:—

My vessel is a British vessel, registered at Shelburne, Nova Scotia, at 115 tons; cannot tell date. It is owned by W. H. Moore and Co., of North Sydney, Cape Breton. Have been in command of said schooner since leaving North Sydney, from which port I cleared on the 2nd December, 1891, bound for Victoria, British Columbia. Arrived at said port about the 2nd May, 1892. Cleared at the Customs at said port on the 16th May for a voyage of hunting and sealing in the North Pacific Ocean, with a crew of twenty-three, all told. I sailed along the Vancouver Island coast, spoke several vessels along this coast while so doing, and about the 21st June was hailed by Her Majesty's ship "Daphne," was boarded by officer Williams (Lieutenant) of that ship, who showed me the line marked on the chart as to the disputed limits of the jurisdiction of the American Government in Behring Sea. He also warned me in writing in my official log-book not to enter said sea under penalty of seizure. I asked him what about that part of the sea westward of the seas in dispute between the English and the Americans. He said, "Provided you keep the proper limits I don't know of any danger." I understood by that, and by what the Customs authorities at Victoria told me, that if I kept outside the 3-league limit of the Russian territory I would be safe in sealing from molestation by the Russian Government. I then sailed towards the Commander Islands, which are Copper and Behring Islands, in the North Pacific Ocean.

On the 18th day of July, 1892, about 5:40 P.M., latitude 53° 50' north, and longitude 167° 50' east, or near thereabouts, a Russian cruiser (man-of-war), called the "Zabiaka," fired a shot alongside, she being in the rear, and overtaking us, and brought us to, came alongside (about 50 yards off), and an officer on board of her spoke to me and told me to lower all my sails, and I then lowered my sails (at the time that the order was given I saw that it was a Russian vessel by her flag) without resistance or delay.

The officer then had a boat lowered, which being filled with officers and marines (having fixed bayonets and revolvers) came alongside us, and all boarded my vessel so

armed. I asked the first man who boarded, who was an officer, in English, if he wanted to see the ship's papers, and what business he had with me. In answer, he said, in English, that I would have to take my ship's papers and the crew on board the "Zabiaka." I asked him if he intended to seize my vessel. He said he didn't think so, but I would have to go aboard and see the Captain.

In the meantime the officers and marines were putting my crew down by force into the boat without giving them time to get their clothes or anything else belonging to them. I went to my cabin and got the ship's papers and put them into my pocket, and while doing so some officers and marines came to my cabin, and, being armed, hurried me off, saying, "Get up, go into the boat." I got into the boat, asking them what was wanted on board the "Zabiaka," when an officer in the boat said, in broken English, that he didn't think the Captain was going to detain me.

All my crew and myself were forced aboard the boat except the mate, who was kept on board my vessel, and a prize crew was left with him in charge of the vessel. We were all rowed over to the "Zabiaka," forced on board of her, and the Captain of the "Zabiaka" sent for me as being the master. I was conducted along the deck by armed officers and marines to his office, my crew being sent along forward.

He (in English) first asked me if I was the master of the vessel. I said "Yes." He then asked me for the ship's papers. I gave him them, and he looked at the clearance and articles, and said I was sealing in Russian waters. I told him I was not sealing in Russian or disputed waters, that I was sealing in the Pacific Ocean. I told him I had papers from Her Majesty's ship "Daphne" showing the disputed waters. I handed them to him, he took them, read them, and never returned them to me.

After he read the papers, I asked him if he intended to seize the vessel, claiming to be 50 miles south of the Copper Island, which was the nearest land.

He said "Yes; it makes no difference, I will seize from 1 to 1,000 miles anywhere around the Russian territories." He repeated this statement then once, and afterwards three or four times.

He further said: "It is no use saying anything; you have no business here." He then said, without giving me a chance to say anything, "Go to your room," and spoke in Russian (which I do not understand) to some one of the officers or marines. Some officers and marines then took me away to a room near the Captain's office, which was then occupied by the master of the "C. H. White" (an American schooner seized by the "Zabiaka"), and left me there with a guard of armed marines at the doors and windows. About a half-hour elapsed between the time of boarding and the time that my vessel was taken in tow, which was being done while I was talking to the Captain.

My crew was kept forward on one side of the deck and the American's schooner's crew on the other, and the two crews were kept separate, not allowed to mix, as I am informed, and I was kept from communicating with my crew.

My vessel was then towed towards the westward in the direction of Petropavlovsk, a Russian port, for about ten hours, when the hawser parted, the sea being very rough. I saw the vessel break adrift from the "Zabiaka," which then steamed on, leaving the vessel behind with the prize crew.

The "Zabiaka" got to Petropavlovsk on the evening of the 20th July, 1892, and the schooner arrived about eight days later. Before we got to Petropavlovsk, on the same day, the Captain summoned me to his cabin and then showed me the paper marked "A," written in Russian, which he translated into English, the purport of it being, by his reading, that I was seized as having been caught sealing in Russian waters. He then demanded that I should sign the paper marked "A," which I at first refused to do, not understanding it. He said, "If you don't sign it or make any protest, I will send you to Vladivostock, where you will get court-martial, there is no British Consul there to take your part, and probably you will go to Siberia, the mines." He made several other threats of much the same nature. I then said, "I will sign under protest," to which he replied, "Well, I will allow it." I then signed a paper written in Russian which he told me was a duplicate of the paper marked "A," and which looked like a duplicate. He put the paper I signed into the desk. Then I was allowed to see the crew (before we got to Petropavlovsk), who had not much to say, being hungry and cold.

On the 21st July I asked the Captain (I think after we got to Petropavlovsk) what he intended to do with me and my crew. He told me he was done with me; for his part, he intended to land me and my crew on the beach; that perhaps the "Gubernik" (which is the Governor of Petropavlovsk, as I believe) might do something for me.

Then my crew and myself were landed on the beach (myself in the morning, and my

crew about 2 P.M.), with nothing but what we stood in. I myself had only a shirt and rubber boots and overcoat on, and I believe the others were as poorly, or worse, off, all of us having been hurried off our vessel at the time of seizure before we got anything.

I called with the captain of the American schooner (he and his crew having been landed at the same time with my crew) upon the Ispravnik or Governor, who told us (through an interpreter) that he could do nothing for us, and that we would have to see the Captain of the "Zabiakn." We informed him that the Captain of the "Zabiaka" refused to do anything for us. He then consented to give us a little back room off the gaol that was in the town. We accepted the offer, being very glad to get it, but, on going over to see it, found it to be about 10 by 18 feet in size. We were in all (that is, the joint crews) thirty-eight men. All that could get in, got in; the rest would stay outside, all of us taking it in turn to be in and out.

There was nothing in the room—no furniture of any kind, that I remember, but plenty of lice, vermin, and dirt. There were two cosspools next the room, accessible from the room, which stunk horribly, and appeared as if they had been in a foul condition for years.

The weather at this time was rainy and foggy, and afterwards very hot in the latter part of July. I did not sleep in the room myself. I believe some of the men did, but most of them, I think, slept outside in the open air in the fog and rain.

A barque, called the "Majestic," an American vessel, was in the harbour when we got there discharging cargo for the Russian Fur Company. I slept aboard this vessel, got some meals on her, and elsewhere wherever we could get anything on invitation.

The Ispravnik did not give us anything from the 21st July, the date of landing, up to the 3rd August, on which day an allowance was granted us each of 15 kopecks a-day, which is equal to 7½ cents.

A few days after landing I asked Captain de Levron (the Captain of the "Zabiaka") if he would allow us any provisions for our trip down on the "Majestic" if we went that way, which was the way he talked of sending us back. He said, "When the schooners arrive" (i.e., the "C. H. White" and "McGowan") "if there is enough provisions, I will allow you enough to take yourselves and crews down." This was said at the same time to myself and Captain Firman, of the American schooner "C. H. White."

When the schooners arrived he told us to make out the usual English allowance to crews. Firman and myself made out the schedule of allowances, as requested, for forty-five days, which, I was informed and believed, was the average length of time that the passage back to the Straits of Fuca takes for schooners and barques, and the captain of the "Majestic" also said that it would take him about that time to get back. De Levron said that it was too much, that he would allow us according to the Russian schedule. So when the schooner arrived he sent aboard the "Majestic" about thirty days' rations at a very scanty allowance per day. We also asked for sufficient boats to take with us in case of accident; he gave us eight sealing-boats and two canoes (for eighty-four men). He told us that he was giving them to us. After the captain (Lorentzen) of the "Majestic" got these boats, canoes, and provisions on board, he told me, in presence of the other three captains of the seized vessels, that he had bought them from De Levron.

He then drew up an agreement to be signed by the officers and crews of the seized vessels. We (the four captains) did not know at this time whether De Levron was going to allow us to go this way or whether he was going to send us by way of Vladivostock, or what other way, if at all.

The paper now shown to me, and marked "C," is what I was informed, and believed to be, a copy of the agreement that was signed by us, the four captains, and the crews of the seized vessels. It is, I believe, in the handwriting of Captain Lorentzen's daughter. We were obliged to sign this agreement in order to get passage back, being told by Captain Lorentzen that if we did not sign he would not take us back.

Shortly after the signing, which was done on shore, De Levron surrounded ourselves and crews with armed officers, marines, and Cossacks, and drove us on board of his own boats and thence on board the "Majestic." We (the four captains) thinking that we had not enough rations to bring our men back safely, went ashore to buy some more provisions with some money we had amongst us, as well as to get some clothes.

The Cossacks and marines at first prevented us from landing, but afterwards were persuaded to allow us to land and get our clothes and some provisions, which we did.

On the next day, the 9th August, the barque "Majestic" set sail for some Puget Sound port, according to the agreement.

When we got to within 6 miles of Victoria three of us captains (myself being one) and Captain Lorentzen, with four men, came ashore in a boat, when we there got a tug,

and towing Lorentzen's boat back, returned with ourselves and crews ashore, which was on the evening of the 30th August, 1892.

On arrival, I and the other masters reported to the Collector of Customs at Victoria, Mr. Milne, the seizure and confiscation of our vessels, skins, and tackle by the "Zabiaka," our detention at Petropavlovsk, add the manner of our return to Victoria, all as herein contained.

At no time during the whole voyage was my vessel nearer to Russian territory than 30 miles, nor at any time (on the day of seizure or otherwise) did I myself or my men or any of them engage in sealing or attempt to do so within 20 miles of any Russian territory.

Now shown to me, and marked Exhibit (B), is a paper which was given to me by the Captain of the "Zabiaka," at the same time that he gave me Exhibit (A), saying that it was a copy of a statement drawn up by him as to the seizure.

Now shown to me, and marked Exhibit (D), is a document written by a hunter on board of the "Ariel," under my instructions, and is a protest duly signed by me at Petropavlovsk against the seizure and confiscation of the schooner "Willie McGowan," her tackle and skins, as therein appears, a copy of which I gave to the Governor. At the end of Exhibit (D) is an acknowledgment, written in Russian, of the receipt of a copy of said protest, signed by a clerk or deputy of the Governor of Petropavlovsk.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-Judicial Oaths."

(Signed) JOHN DALEY.

Declared before me, at the city of Victoria, in the Province of British Columbia, this 5th day of September, A.D. 1892.

(Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

(A.)

This is Exhibit (A) to the declaration of John Daley, taken before me at the city of Victoria, British Columbia, this 5th day of September, A.D. 1892.

(Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

Protocol drawn up on the 6th July, 1892, on board the Cruiser "Zabiaka."

(Translation.)

On the 6th July, 1892, at 5:50 P.M., in latitude 54° 30' north, and longitude 167° 27' east, there was seen on the horizon, two points to the right of the course of the cruiser "Zabiaka," which was going in the direction of point 74° south-east, and at a distance of from 5 to 6 miles from the cruiser, a sailing-vessel under easy sail, and the Commander of the cruiser, Captain of the 2nd Class Boris Karlovitch de Levron, gave orders to make for her. In a short time it was noticed by the cruiser that the vessel was setting more sail and was making away from her with little wind. The cruiser increased her speed to 11 knots, and a blank shot was fired from a 9-pounder; but the vessel continued her course. At 7 P.M., when within half-a-mile of the vessel, a second blank shot was fired, after which the vessel's topsail and storm staysail were lowered and she turned to the wind, running up the English merchant flag. Fifteen minutes later the cruiser was within a cable's length of the vessel. A boat with Lieutenant Panjeroff, Midshipmen Kuzin and Zelenetsky, and an armed crew was sent to the vessel, on which Lieutenant Panjeroff, Midshipman Kuzin, one quartermaster, and ten men were left to take her to the port of Petropavlovsk, while the master and the greater part (twenty-one) of the crew were taken into the boat and brought to the cruiser by Midshipman Zelenetsky, who reported that the vessel had been sealing off the shores of Copper Island, and that a certain number of skins had been found in the hold. The Commander elicited from the master that there were on board his vessel seal-skins which had been obtained off the shores of the Commander Islands, but the master said that he had never been told by any one that sealing was not allowed in Russian waters. In reply to the Commander's question as to why he tried to escape from the cruiser by putting on more sail, the master said, "I thought an American cruiser was after me."

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The Commander informed the master that he was under arrest and that his vessel was seized. The vessel was taken in tow, and the cruiser made for Petropavlovsk. The ship's papers were taken from the master. The following particulars are taken from them:—

The two-masted schooner "Willie McGowan," 115 tons, under the British flag, and commanded by John Daley, left Victoria, British Columbia, on the 3rd June, to fish in Behring Sea and the Sea of Okhotsk. The crew consisted of twenty-two men besides the captain. Seven of these received no regular pay, but were to be paid according to the number of seal-skins obtained.

The captain and crew offered no opposition.

(Signed) Lieutenant L'ASONOFF.
 " LAKHTIN.
 " BEZKROVNY.
 " ARNANTOFF.
 Captain (2nd Class) DE LEVRON.
 JOHN DALEY.

Declaration of the Master, John Daley.

(Translation.)

Not having been aware that I was doing injury [or "had done injury"] to any Government, and being at the time of my arrest in latitude 53° 50' north and longitude 167° 50', and not understanding this paper, I record my protest.

(Signed) JOHN DALEY,

Master of the captured Schooner "Willie McGowan."

July 20, 1892.

A true copy:

(Signed) Lieutenant BEZKROVNY,
 Auditor of the 2nd Class Cruiser "Zabiaka."

(B.)

This is Exhibit "B" to the declaration of John Daley, taken before me at the city of Victoria, British Columbia, this 5th day of September, A.D. 1892.

(Signed) ARTHUR G. SMITH,
 Notary Public, British Columbia.

Order drawn up on board the 2nd Class Cruiser "Zabiaka," in the Roadstead of Petropavlovsk.

(Translation.)

Whereas a Protocol was drawn up on the 6th July last by a Commission appointed by my order on the 28th June (No. 60), in regard to the search of the schooner "Willie McGowan;" and whereas a Notice was published by the Imperial Russian Government in 1881, and whereas Regulations were issued by the Governor-General of Eastern Siberia on the 1st November, 1883 (No. 1171), and whereas instructions were given to the cruiser by the Commandant of the port of Vladivostock on the 22nd April, 1892 (No. 1425), I, Boris Karlovitch de Levron 3rd, a Captain of the 2nd class, and the Commander of the aforesaid cruiser, have ordered as follows, on this 18th day of July, 1892:—

1. The schooner "Willie McGowan" is to be confiscated and sent to Vladivostock under the command of Lieutenant Panjeroff.
2. The master and crew are to be sent into the town of Petropavlovsk, and allowed to return to their native country.
3. A complete inventory of the schooner is to be drawn up on her arrival at Petropavlovsk.
4. Such part of the cargo as would spoil by keeping, as well as the spare boats and tackle, shall be sold by auction at the port of Petropavlovsk, for the benefit of the Government.
5. The seal-skins shall be handed over to the Head of the District of the Commander Islands against his receipt.

6. The present Order is to be communicated to the proper authorities.
 7. Captain Daley shall receive copies of the Protocol and the present Order.
 (Signed) DE LEVRON 3rd, *Captain of the 2nd Class,
 Commander of the 2nd Class Cruiser
 "Zabiaka."*

A true copy :
 (Signed) Lieutenant BEZKROVNY, Auditor.

(C.)

This is Exhibit "C" to the declaration of John Daley, taken before me at the city of Victoria, British Columbia, this 5th day of September, A.D. 1892.
 (Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

Port of Petropavlovsk, Kamshatka, Russia.

This agreement is hereby made and entered into by and between N. C. Lorentzen, of the American barque "Majestic," of San Francisco, party of the first part, and officers and crews of the Canadian schooners "Willie McGowan," of Shelburne, "Rosie Olsen" and "Ariel," of Victoria, now captured by a Russian cruiser and detained in this port, parties of the second part:—

1. The said master of the barque "Majestic" agrees to receive on board the said barque, as passengers, the said parties of the second part, and convey them to some Puget Sound port (American or Canadian), at the option of the master of the barque "Majestic."

2. The said master of the barque "Majestic" does not agree to furnish said passengers with any other accommodation than as may be found in the hold of said barque, nor with any provisions, water, or other stores, except such as have been or shall yet be put on board by said passengers, or for their benefit and behoof by the Commander of the cruiser "Zabiaka," their captor.

3. If through any stress of weather or other accident incidental to the danger of navigation, the master of said barque should deem it necessary to put in and land said passengers at any other port, the said barque or her owner shall not be held responsible to said passengers for anything.

4. As the said officers and crew of said schooners "Willie McGowan," "Ariel," and "Rosie Olsen" are left in this port destitute and distressed, and as there is no Representative of the Government here, or within the reach of communication, they do hereby most earnestly request and petition the Government of the Dominion of Canada to pay the owner of said barque "Majestic," or his order, such sum as may be right for their passage home.

5. The said passengers hereby bind themselves to the said master of the barque "Majestic," or to whoever shall go as master, to submit respectfully to be governed by such orders and commands as he may give for the peace, safety, and good order of all on board, and at all times to give their aid in preserving order, or doing anything he (the master) may deem necessary for the common good.

Also to abide by his directions for the serving out of provisions and water, and never to take any provisions or water except as served out to them.

Also to regard all provisions put on board for the benefit of captured crews as belonging alike to each and all.

6. In case of any crimes or disturbances occurring on board by any of said passengers, the matter shall be decided by a Board of three, composed of the master of said barque and two of the officers of the captured schooners, to be appointed by him; and any decision given by such Board we do hereby promise and agree to abide by without any appeal or recourse to any Court, and without holding said barque or her owner responsible therefor hereafter.

7. The water-casks, stoves, cooking-vessels, boats, and oars now on board said barque "Majestic," and furnished by said cruiser "Zabiaka" out of the captured sealers, are the property of said barque "Majestic," as also any stores that may remain over when the voyage is ended.

Here then follow the signatures of master, officers, and crew of "Willie McGowan," "Ariel," and "Rosie Olsen."

Dated at Petropavlovsk, 8th August, 1892.

(Signed)

N. C. LORENTZEN,
Master of the Barque "Majestic."

(D.)

This is Exhibit (D) to the declaration of John Daley, taken before me at the city of Victoria, British Columbia, this 5th day of September, A.D. 1892.

(Signed)

ARTHUR G. SMITH,

Notary Public, British Columbia.

Be it remembered that I, John Daley, master of the British schooner "Willie McGowan," registered at Shelburne, Nova Scotia, Dominion of Canada, of the registered tonnage of 115 tons or thereabouts, which was seized and captured by the Imperial Russian cruiser "Zabiaka" on the 18th day of July, A.D. 1892, in latitude 53° 50' north, and longitude 167° 50' east, or thereabouts, do hereby most earnestly and solemnly protest:—

1. Against the seizure of said schooner upon the high seas.
2. Against the retention by the said cruiser, or her Commander or officers, of the said schooner "Willie McGowan," her outfit, furniture, or cargo.
3. I also specially and particularly protest against the seizure and retention by the said "Zabiaka," or her officers, of any of the personal effects of myself, my officers, or crew.

Dated at Petropavlovsk, Kamtchatka, this 5th day of August (24th July).

(Signed)

JOHN DALEY, Master,
British Schooner "Willie McGowan."

(Translation.)

I have received a copy of this protest this day, 25th July, Petropavlovsk.

(For the Head Officer of the District),

(Signed)

AVDOTENKO, Assistant.

In the matter of the seizure of the schooner "Willie McGowan" by the Russian cruiser "Zabiaka."

I, Charles H. White, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare as follows:—

I was engaged as a seal-hunter on board the said schooner. On the 18th day of July, 1892, about 5 p.m., I sighted a steamer following us. We put on all sail, but the steamer kept overtaking us and fired a blank shot, but in what direction I do not know. The Captain (Daley) then came up and told us to go below, so as not to make a big crowd on deck. We went below, and about ten minutes afterwards I heard a sharp shot, then I heard the captain giving orders to heave-to. Then I came on deck and the vessel was hove up head to the wind, and the steamer came up on our weather bow, close enough to hail us, probably about 50 yards or so away. An officer on the bridge of the steamer, which was Russian by her flag, sung out to us to lower all sails, which was done immediately. Then a boat came over from the steamer with three officers and about fifteen marines on board, all armed with rifles and bayonets, upon our lee side, boarded us, and two of the officers went down into the cabin and the marines scattered along the deck.

The officers came up and told Daley to come down and show them the hold, and when they came up, which was about five or ten minutes afterwards, one of the officers spoke in Russian to the officer left on the boat. Then the officer on the boat, beckoning to Daley, said, "Captain, your papers;" to which Daley answered, "You want my papers?" To which the officer replied, "Yes, and yourself also." Then we were all driven off the deck by the marines with fixed bayonets into the boat and taken over to the steamer without being allowed to take anything but what we had on. We were then all formed in line on deck and counted, and the marines, ordered by the officer as I believe, searched all of us and took away our knives and matches, which were near

of "Willie McGowan,"

LORENTZEN,
Barque "Majestic."

re me at the city of
A.D. 1892.

ish schooner "Willie
McGowan," of the registers
numbered by the Imperial
Government, latitude 53° 50' north,
longitude 158° 30' west, most
earnestly and solemnly

or officers, of the said

and retention by
of myself, my officers

4th July).
ALEX. LEY, Master,
"Willie McGowan."

Petrovlovsk.

the Russian cruiser

of British Columbia.

On the 18th day of
September, 1892, I
put on all sail, in the
direction I do not
know, so as not to make
any noise. Towards
midnight I heard a sharp
knock on the deck and
the Russian weather bow,
close to the bridge of the
schooner, which was done
by the officers and about
four on the lee side, boarded
the schooner and scattered
along the

them the hold, and
one of the officers
of the boat, beckoning
me, "You want to
go." Then we were
taken over the
board. We were then
by the officer asked
for the keys, which were never

returned to me or some of the others. We were then all marched forward, except the captain, where we stayed on deck about one hour, not being allowed to go below. Then one of the petty officers beckoned to us to follow down below between decks, which we did, and there found the crew of the "C. H. White," from whom we got something to eat, which was all we got that night. We slept on the lockers, some of us on coats loaned us by the crew of the steamer, and some on boards.

The next day we got only hard rye bread and weak coffee for breakfast; for dinner, soup, with grease stewed in it, salt beef, and hard tack; for supper a sort of porridge was given us, which none of us could eat. The above was the daily fare until we got to Petrovlovsk, and until we got ashore.

All my property that I had on board, to the value of about 60 dollars, outside of some clothes that I managed to get together, it having been taken out of my berth and scattered around by the Russians, was, I believe, stolen or appropriated by the "Zabiaka's" officers or marines.

The account of the treatment that we received at Petrovlovsk and on board the "Majestic," as appears by the statement, made the 5th day of September, of John Daley, our master, which I have read, is correct and accurate in all particulars.

At no time during the whole voyage up to the time of seizure did I myself or any of the other members of the crew engage in sealing, or attempt to do so, within at least 15 miles of Russian territory.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-Judicial Oaths."

(Signed) CHARLES H. WHITE.

Declared before me at the city of Victoria, in the Province of British Columbia, this 6th day of September, 1892.

(Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

(Seal.)

In the matter of the seizure of the British schooner "Willie McGowan" by the Russian cruiser "Zabiaka."

I, Thomas Frederick Bernard Moore, of North Sydney, Cape Breton, do solemnly declare as follows:—

I shipped as mate on the above-named schooner. I have read the declaration of John Daley, master of the above-named schooner, made the 5th day of September, 1892, and hereby confirm the first two pages thereof as being true and accurate in all respects, and the remainder thereof, as far as the facts therein stated, are within my personal knowledge.

I was the only member of the crew of the "Willie McGowan" that was left on the schooner with the Russian prize crew.

On the way to Petrovlovsk, after the hawser parted (as stated in the said declaration of John Daley), I had a conversation with the officer who was second in command of the prize crew, and who was the only one of the said crew who could speak English so as to be understood by each other. I asked him by what right the schooner had been seized, and he replied that he didn't know. I asked what the limits of the Russian waters were, and he said, "All the Kamtchatka Sea." At this time we had before us a Russian Chart of the North Pacific Ocean, and he pointed out on the Chart as the Kamtchatka Sea what on our Charts is marked as part of the North Pacific Ocean. As he pointed them out on the Chart, the limits of this Kamtchatka Sea embraced the waters between the line inclosing the disputed waters known as the Behring Sea and the Russian mainland, and as far south as the Kurile Straits. He said that these waters were all Russian, and he further said that the Russians would seize all schooners found within those limits.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-Judicial Oaths."

(Signed) THOMAS F. B. MOORE.

Declared before me at the city of Victoria, in the Province of British Columbia, this 8th day of September, A.D. 1892.

(Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

(Seal.)

In the matter of the seizure of the schooner "Rosie Olsen."

Affidavit.

On the 6th day of September, in the year of our Lord 1892, personally appeared and presented himself at the office of Alexander Rowland Milne, Collector of Customs at the port of Victoria, British Columbia, Michael Keefe, master of the British schooner "Rosie Olsen," official No. 97152, and registered at the port of Victoria, British Columbia.

By the instrument of affidavit hereinafter contained—

Be it known and made manifest that Michael Keefe, master of the schooner "Rosie Olsen," belonging to the port of Victoria, British Columbia, doth duly and solemnly swear and state as follows, that is to say: that the said British schooner "Rosie Olsen," a vessel of 39 tons registered tonnage, schooner rigged, and having a crew of six white men and sixteen Indians, the vessel being tight, staunch, and strong, well manned, victualled, and sound, and in every respect fit to perform the intended voyage.

That the said British schooner "Rosie Olsen" was regularly cleared in due form at the port of Victoria, British Columbia, in accordance with the laws of the Dominion of Canada, on the 4th day of February, 1892, for a voyage to the North Pacific Ocean, and having on board ballast and stores, and hunting outfit.

That the said schooner "Rosie Olsen" sailed away under every prospect of a successful voyage, and that she proceeded to cruise on the waters of the North Pacific Ocean, pursuing her legitimate hunting on the open ocean, far beyond any limitation to hunting or fishing on the open high seas.

That on the 6th day of June the said schooner "Rosie Olsen" was boarded by a Lieutenant from the United States' cruiser "Adams," who warned the master of the said schooner "Rosie Olsen" not to enter Behring Sea, and showed the master of the said schooner "Rosie Olsen" a Chart of the Behring Sea, with the line of demarcation marked in red, and if caught sealing to the east of said line his vessel would be seized; and when the master of the said schooner "Rosie Olsen" informed the Lieutenant of the said United States' cruiser "Adams" that he was going over to the west of the line towards the Commander Islands, and was then informed by the Lieutenant of the said United States' cruiser "Adams" that he thought there was no danger of seizure by the Russians providing the master of the said schooner "Rosie Olsen" did not get too near the shore, and when asked what the limit was, the said Lieutenant replied, "Go where you like as long as you keep clear of the east of that line, or outside the 3-mile limit of the Aleutian Islands."

On the 9th day of June last the master of the said schooner "Rosie Olsen" was hailed by the United States' steamer "Mohican," and warned in the same way.

That the said schooner "Rosie Olsen," on the 26th July last, whilst lying-to in latitude 54° 24' north, and longitude 165° 40' east, about 38 miles off the west coast of Behring Island, was hailed by the Russian Fur Company's steamer "Kotik," which had on board the Governor of Behring Island, whose name is Grebnitzky; was ordered to come on board the said steamer "Kotik," and bring his papers with him, which, after being examined, the said Governor of the Behring Island informed the master of the said schooner "Rosie Olsen" that he was going to land and confiscate the skins, as having been taken in Russian waters, but that he would not confiscate the vessel.

That the said schooner "Rosie Olsen" was taken in tow by the said Russian Fur Company's steamer "Kotik," and after steaming around to pick up the crew of the said schooner "Rosie Olsen," which were out in the boats, proceeded to Behring Island.

That whilst on board the said steamer "Kotik," the master of the said schooner "Rosie Olsen," the Governor of Behring Island drew out a paper, written in Russian, which he asked the master, Michael Keefe, to sign, and if the master of the said schooner "Rosie Olsen" refused to, he would be sent to Vladivostock to stand trial for illegal sealing in Russian waters, and also that the said master, Michael Keefe, could protest if he liked, but that if any lengthy protest was made he would have to stand trial, and the less he said the better; under this threat and menace of punishment, the master of the said schooner "Rosie Olsen" signed the document under protest.

That the master of the said schooner "Rosie Olsen," as well as his crew, with the exception of two men who were left on the said schooner, were ordered on board the said steamer "Kotik," which steamer then steamed for Petropavlovsk, arriving at that port on the 28th day of July last.

That on arrival at Petropavlovsk the said master of the schooner "Rosie Olsen"

Olsen."

, personally appeared
Collector of Customs
the British schooner
of Victoria, British

the schooner "Rosie
duly and solemnly
owner "Rosie Olsen,"
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"Rosie Olsen"

requested to know what would be done with them, and the answer was that the Governor did not know or care what became of them after they were put on shore.

That the master and crew of the said schooner "Rosie Olsen" were informed that they would have to go to a room at the back of the gaol where the crews of the other seized schooners were, numbering in all thirty-eight men, and as the crew of the said schooner numbered twenty, the master of the said "Rosie Olsen" saw there would not be room for all the crews. The master, Michael Keefe, then went to M. Malvanonsky, who, on being informed that there was no accommodation for them all, went to the Mayor, who, after considerable delay, allowed the master of the said schooner "Rosie Olsen," as well as his crew, two small buildings, one for the Whites and the other for the Indians.

That the skins of the said schooner "Rosie Olsen" were landed at Behring Island, numbering 377, and the master of the said schooner "Rosie Olsen" was informed by the Governor of Behring Island, who was in charge of the Russian Fur Company's steamer, that the skins would be sent to London, and sold for the benefit of the Russian Government.

That the Governor of Behring Island did not exhibit or show any document or paper purporting to be any authority from the Russian Government, and the vessel appeared to the said master, Michael Keefe, to be only a trading vessel, but with a crew sufficiently large to overpower the crew of the said schooner "Rosie Olsen," no resistance being shown by the said schooner, as the master was informed by the officer in command of the said Russian Fur Company's steamer "Kotik" that if resistance was shown his vessel would be run down.

That sufficient provisions were taken out of the schooner at Behring Island to supply the crew of the schooner until they reached Petropavlovsk, at the earnest request and solicitation of M. Malvanonsky, a resident foreign merchant, and who formerly resided at Victoria, British Columbia.

That the Russian Fur Company's trading steamer "Kotik," with the master and crew of the said schooner "Rosie Olsen" arrived at Petropavlovsk, on board of which was M. Malvanonsky, who, on arrival there, went on shore to see the Governor, leaving the master and crew of the said schooner "Rosie Olsen" on board. On returning M. Malvanonsky reported that the Governor did not seem to know or care what became of them on going on shore.

That the master, Michael Keefe, of the said schooner "Rosie Olsen," was threatened with personal violence by officials of the Russian Government at Petropavlovsk if he did not deliver up his chronometer, nautical instruments, charts, and other personal property and effects for the use and benefit of Captain de Levron, the commanding officer of the Imperial Russian cruiser "Zabiaka," on threats of being flogged (declined to deliver them up).

That the crew of the said schooner "Rosie Olsen," while in Petropavlovsk, were in a deplorable condition for want of food and clothing, and got no supplies from the Russian officials, subsisting only on the food they brought with them on leaving their schooner.

That on arrival of the master and crew at Petropavlovsk, on the information and intercession of the before-mentioned M. Malvanonsky, a foreign resident merchant, who waited on the Governor of Petropavlovsk, who, for some reason best known to him, declined to take cognizance of the seizure, and would have nothing to do with the seized schooner, her master, crew, and outfit. On further representation being made by the commander of the Russian Fur Company's trading steamer "Kotik" to the Commander, De Levron, of the Russian cruiser "Zabiaka," who also declined to have anything to do with the seized schooner, her master, crew, or outfit, but placed a man-of-war's man on board, and prevented the master and any of the crew going on board the said seized schooner "Rosie Olsen."

That at Petropavlovsk, after enduring hardship, and being desirous of reaching home, the crew being poorly clad, without shelter and little food, the master of the said "Rosie Olsen," conjointly with the masters of the other seized schooners, made an arrangement with the master of the American barque "Majestic" to grant passage to some Puget Sound or British port.

That as they had no ready money, and the master of the American barque "Majestic" being very exacting, drew up a paper, which was signed by the officers and crew of each of the captured schooners, which in fact they were ready to give away anything, and almost everything, to enable them to return to their homes.

That after being at Petropavlovsk twelve days, were peremptorily ordered on board the American barque "Majestic" by Russian marines, with rifles and bayonets.

That the stores which were given to provision the crews on board the barque

"Majestic" were given in from the stores of the seized schooners by the order of the Captain of the cruiser "Zabiaka," and did not cost the master of the American barque, "Majestic" one cent, and the seized crews even filling his water tanks and barrels sufficient for a voyage of forty-five days, and that also one boat and two canoes were taken for the seized schooner "Rosie Olsen," also one stove and other articles.

That the crews deprived of portions of their clothing were compelled to sleep in the hold and other uncomfortable places on board the barque "Majestic," and the treatment whilst on board that vessel was not such as might be given to distressed mariners returning to their homes helpless and destitute.

That on the arrival of the barque "Majestic" in Royal Roads, Victoria, British Columbia, the master of the said barque "Majestic" claimed all the boats, stoves, and all extra provisions remaining unconsumed after a short passage of twenty-one days (he being provisioned for forty-five), having stipulated in writing with the crew that those articles would become his property, and which agreement was arranged as the distressed crews had no other course to pursue.

That the master, Michael Keefe, does solemnly and sincerely swear that that the foregoing statement is correct, and contains a true account of the facts and circumstances attending the seizure of the said British schooner "Rosie Olsen," of Victoria, British Columbia.

Wherefore the said appearer, Michael Keefe, master of the said British schooner "Rosie Olsen," on behalf of the owners of the said vessel and on behalf of himself and crew, doth protest against the illegal interruption of his voyage, and seizure and confiscation of the said British schooner "Rosie Olsen," her boats, guns, ammunition, small-arms, appurtenances, provisions, and seal-skins then on board.

That the schedule hereunto annexed and marked (A) is a true inventory and valuation of the actual loss sustained by the forcible seizure and confiscation of the said schooner; and on behalf of the owners and all concerned, the said Michael Keefe, master of the said British schooner "Rosie Olsen," appeals for restitution and damages to the full amount of the loss sustained.

(Signed) MICHAEL KEEFE, *Master,*
Schooner "Rosie Olsen."

Sworn to before me, at Victoria, this 6th day of September, 1892.

(Signed) A. R. MILNE, *Collector of Customs,*
Port of Victoria, British Columbia.

Be it remembered that I, Michael Keefe, master of the British schooner "Rosie Olsen," registered at Victoria, British Columbia, Dominion of Canada, of the registered tonnage of 40 tons or thereabouts, which was seized and captured by the Russian Fur Company's steamer "Kotik," in charge of the Governor of Behring Island, on the 26th day of July, A.D. 1892, in latitude 54° 24' north, and longitude 165° 40' east, or thereabouts, do hereby most earnestly and solemnly protest:—

1. Against the seizure of said schooner upon the high seas.
2. Against the retention by the said steamer, or the said Governor of Behring Island, or the Commander or officer of said steamer, of the said schooner "Rosie Olsen," her outfit, furniture, and cargo.
3. I also specially and particularly protest against the seizure and retention by the said steamer "Kotik," or the said Governor of Behring Island, or the Commander or officers of the said steamer, of any of the personal effects of myself, my officers or crew.

Dated at Petropavlovsk, Kamtchatka, this 5th August (24th day of July).

(Signed) MICHAEL KEEFE, *Master,*
Schooner "Rosie Olsen."

(Translation.)

I have received a copy of this protest, the 25th July, 1892, Petropavlovsk.

(For the Head Officer of the District),
(Signed) AVDOPENKO, *Assistant.*

Report Outwards.

No. 650.—Port of Victoria, British Columbia.

Contents in the schooner "Rosie Olsen," registered tonnage 39.
Registered in port of Victoria, British Columbia, with six men, M. Keefe, master, for
this present voyage for North Pacific Ocean.

Cargo tons weight, tons measurement.

, Agent.

Marks and Numbers.	Shippers.	Quantity and Description of Goods.	Value.	Consignees.

I, Michael Keefe, master of the vessel above named, do declare that the contents above written, now tendered and subscribed by me, is a just and true account of all the goods laden on board my vessel for the present voyage, and of names of the respective shippers and consignees of the said goods, and of the marks and numbers of the packages containing the same.

(Signed) MICHAEL KEEFE, Master.

Signed and delivered before me at the Custom-house, port of Victoria, the 1st day of February, 1892.

(Signed) J. ARMSTRONG, Collector.

PARTICULARS of Claim by the Owners of the Schooner "Rosie Olsen," of Victoria, British Columbia, 40 tons register, seized on the 20th July, 1892, by the Russian Imperial Cruiser "Zabiaka," in latitude 54° 24' north, longitude 165° 40' east.

Schooner—		Dol. c.	Dol. c.
Value of schooner .. .. .		..	8,000 00
Boats—			
2 boats at 110 dollars each		220 00	
Outfits to ditto, at 20 dollars.. .. .		40 00	
			260 00
Canoes—			
9 canoes at 25 dollars each		225 00	
Outfits to ditto, 9 at 17 dol. 50 c. each		157 50	
			382 50
Outfit of schooner—			
Provisions	1,000 00		
Ammunition	150 00		
Insurance premiums paid	200 00		
Salt, 8 tons at 14 dollars per ton	112 00		
Slop-chest and goods for trading	1,200 00		
Coal, 6 tons at 7 dol. 25 c.	43 50		
Ship chandlery	220 00		
			2,925 50
Guns—			
10 shot-guns, at 35 dollars each	350 00		
1 ditto	55 00		
1 ditto	45 00		
			450 00
Wages—			
Paid to captain, hunters, and crew		1,620 00	
Seal-skins—			
377 skins on board when seized, at 14 dollars each			5,278 00
			18,916 00
Total claim			18,916 00

(Signed) MICHAEL KEEFE, Master,
Schooner "Rosie Olsen."

In the matter of the seizure of the schooner "Rosie Olsen" by the Russian steamer "Kotik."

I, Michael Keefe, master of the above vessel, do solemnly declare as follows:—

My vessel is a British vessel, registered at Victoria, British Columbia, at about 40 tons, in January 1891, owned by Andrew Gray, of Spratt and Gray, machinist, Victoria. Have been master of said vessel since January 1892. On the 8th February 1892, I set sail with said schooner, having cleared from Victoria on the 4th February, on a sealing voyage, with a crew of six white men. Went to Esperanza Inlet, on the west coast of Vancouver Island, and there took on sixteen Indian seal-hunters. Left the inlet on the 5th May, after having sealed on the coast, for the North Pacific Ocean, for which I had my clearance from the Collector of Customs at Victoria.

After sealing along the British Columbian and Alaskan coasts, on the 6th June I was hailed by the United States' cruiser "Adams," ordered to heave-to, which I did, and an officer (a Lieutenant) boarded my vessel and gave me papers warning me not to enter Behring Sea, and wrote on my register that he had done so. He showed me on a Chart of Behring Sea a red line, to the east of which he said was the disputed waters, and, further, that I would not be allowed to seal there, and if I was caught sealing there my vessel would be seized by either the English or Americans. I then told that I was going over the west of the line towards the Commander Islands, and I asked him if he thought there was any danger of seizure by the Russians. He said he thought not, provided I kept clear of the shore. I understood by that if I did not land at the rookeries I would be all right.

I asked him what the limit was, and he replied that he didn't know whether there was any, and if any, what limit. In conclusion, he said, "Go where you like as long as you keep clear of the east of that line, or without the 3-mile limit of the Aleutian Islands."

On the 9th June, afterwards, I was hailed by the United States' cruiser "Mohican," and warned in the same way.

I also understood before setting out from Victoria, from several persons, including the President of the Sealing Association, that I was safe in sealing outside the disputed waters and outside 9 miles from any Russian territory.

When hailed by the "Mohican" I was near Kadiak Island. Then I went into harbour, and having taken on water, left on the 20th June, on a course towards the Commander Islands. I sailed around them, at no time being nearer than 20 miles, generally a greater distance, and on the 26th July I was lying-to in latitude 54° 24' north, and longitude 165° 40' east, about 20 miles off the west coast of Behring Island, when I was hailed by the Russian steamer "Kotik," which had on board the Governor of Behring Island, whose name was Grininiski. He asked me in English to come on board and show him my papers. I did so, not thinking that there was any objection to doing so, and that perhaps, he was going to warn me not to come too close to the islands.

He examined my papers. I asked him if they were all right, and he said "Yes." I then asked if he was done with me, and if I could return to my schooner. He said that he was done with me, but that he would go with me on board my schooner to see if I had any fresh skins on board. Then, changing his mind, he said he would leave me at the "Kotik" while he went aboard my schooner to examine. This was done, and he came back, and upon my asking him what he was going to do, he said he was going to tow the schooner into Behring Island. I asked him what for, and if he was going to seize her, and he replied "No," but that he was going to stop me from sealing. I then asked him why he was taking the vessel to Behring Island, and he said he was going to land and confiscate the skins as having been taken in Russian waters, but that he would not confiscate the vessel.

He then had the vessel taken in tow, and after steaming around to pick up my crew, which were out in the boats, proceeded to Behring Island. On the way he drew out a paper, written in Russian, which he translated to me, stating the time of seizure, but nothing as to the place (except the number of hours the steamer was coming to me after sighting me), and the number of skins I had on board, which was 377. There was also in it some extract or other from a Law, issued by the Governor-General of Eastern Siberia, prohibiting sealing and trading in Russian waters without a licence. There was more in it that I do not recollect. He then asked me to sign it, which I refused to do, protesting against the seizure. He said that if I didn't sign it he would have to send me to Vladivostock to stand my trial for sealing illegally in Russian waters, and, further, that I could protest if I liked, but that if I made any lengthy protest I would have to stand my trial, and the less I said the better it would be for me.

I signed the document after having written on it a protest to the effect that I admitted the number of seal-skins that were on board, but nothing as to sealing in Russian waters.

or as to the Governor-General's Proclamation, and stated that I was in the North Pacific Ocean at the time of the seizure.

Griminiski read what I had written after I had signed, and remarked that there was no North Pacific Ocean there, that it was all Russian waters, to which I said nothing. No further talk took place between us until we got to Behring Island, which was about 11 p.m. He then ordered myself and my crew (except two of my men, who were left on the schooner) to go on board the schooner "Kotik" with our belongings to go to Petropavlovsk, and said that the schooner would also go there. He said to take enough provisions out of the schooner to last me and my crew about ten days, and that the balance would, by request from him to the Governor of Petropavlovsk, be returned to us on the arrival of the schooner. He also said that he would pay the Indians for their eight canoes, and that all our personal property would be given to us. These promises he made through the intervention of a M. Malvonosky, a former resident of Victoria.

The "Kotik" then set out at 12 p.m. for Petropavlovsk, where we arrived on the 28th July, and the captain and Malvonosky went ashore to see the Governor, leaving us on board. When they got back I asked Malvonosky what we were to do, and he said that we had to go ashore, and that the Governor did not seem to know or care what would become of us after we got ashore.

We understood, and Malvonosky told us that we would have to go to the room at the back of the gaol where the crews of the other vessels that had been seized were; there were thirty-eight men in these two crews. I went to said room with my men (to the number of twenty) with all our baggage, and looked at the place and saw at once that there was no room for us. I then went to Malvonosky and told him that there was no accommodation, and he went to the Mayor (as he told us) and brought him to me, and explained to him in Russian, and after a good deal of talk we were allowed by the Mayor to go to an old disused hospital where the Indians went and stayed, while M. Malvonosky allowed the Whites among us to use a store owned by him. We then returned to Victoria by the "Majestic," and having read Mr. John Daley's declaration dated the 5th day of September, 1892, of how we came to get on board of her, and the treatment that was accorded to us by Captain Lorentzen, I corroborated the same in all respects. The paper marked (C) was given me by Captain Lorentzen.

Before leaving Behring Island on board the "Kotik," Griminiski promised that I should have, on the arrival of the schooner at Petropavlovsk, my chronometer (worth 200 dollars) and other nautical instruments and charts and other personal effects. On the arrival of the schooner at said port I went aboard and took all these effects, with all my white crew, who also took their belongings, the officer in command who was put in charge at Behring Island being present, and making no objection, as he knew about Griminiski's promise.

The day after this officer came to me and stated that he was sent by the Captain of the "Kotik" to get my chronometer, as the Captain of the "Zabiaka" (De Levron), a Russian cruiser in port, wanted it. I declined to give it up until I saw further about it. Shortly after the Captain of the "Kotik" came to me himself and demanded the chronometer, through an interpreter, saying that De Levron wanted it. I refused to give it, saying that Griminiski had allowed me to take it, and that I was going to keep it unless it was taken from me by force. The Captain then said he had no doubt that force would be used, and perhaps flogging. I said, "I won't give it up." Then an officer in charge of the schooner came to me two or three times afterwards, and asked me for the chronometer for De Levron. I refused. I also heard that De Levron had threatened to have me and my effects searched for it, and that I would be flogged. No attempt, however, was made to take it from me by force.

At no time during the voyage was my vessel within 15 miles of Russian territory, nor when my boats were out engaged in sealing was my vessel within 20 miles of Russian territory, nor did I or any of my men engage in sealing at any time up to the said time of seizure within 20 miles of Russian territory, it having always happened that my schooner was nearer to land than my boats when out sealing.

(Signed) MICHAEL KEEFE.

Declared before me, at the city of Victoria, in the Province of British Columbia, this 6th day of September, 1892.

(Signed)

ARTHUR G. SMITH,
Notary Public, British Columbia.

(Seal.)

In the matter of the seizure of the British schooner "Rosie Olsen," by the Russian steamer "Kotik."

I, John James Campbell, of the city of Victoria, mate of said schooner, do solemnly and sincerely declare:—

I shipped on said vessel as mate. On the 26th day of July, 1892, we lowered our boats about 10 A.M. to go hunting seals. About 2 P.M., being on one of the boats, I saw the colours flying on the schooner, by which I knew that all hands were wanted on board. Before getting to the schooner I saw the steamer "Kotik," a Russian vessel, steaming towards the schooner from the land. I got to the schooner before the steamer got close by. I heard our captain being ordered by the steamer's officer to heave-to and come aboard and show his papers, and bring his log-book with him. We then lowered a boat, and the captain and two sailors got into it, and went on board the "Kotik." After they got on board, the "Kotik" lowered a boat, which went out to meet a canoe which was ours, and took it to the "Kotik," and afterwards those on board the boat boarded us, among whom was the Governor of Behring Island, of the name of Griminiski, I believe, and M. Malvonosky.

The Governor demanded to be shown down into the hold, and one of his men went down with me to examine the skins to see if any were fresh. After the examination the man addressed the Governor in Russian, who was on deck standing by the hatchway, to which the Governor replied in Russian. The man then asked me in English if those were all the skins that we had on board; told him "Yes." Then we went on deck, and the Governor asked me in English how many skins we had; I said "377."

He then asked me for a list of the crew, which I gave him. Then I asked him if he was going to seize the vessel. He said he didn't know; it would have to be looked into. Then he and his men returned to the "Kotik," and a short time afterwards the boat came back with a tow-line, and the man in charge asked me in English to fasten the tow-line. I asked him what he was going to do, and he replied that we were to be towed into Behring Island village. I then fastened the tow-line, and the steamer proceeded to meet the canoes that had not yet got back to the schooner. After they were picked up, we were towed to the village.

After the steamer had anchored, the Governor, Captain, and officers of the steamer, and M. Malvonosky and Captain Keefe came on board the schooner, leaving two sailors on board the "Kotik." The captain (Keefe) then told us we had to pack up our belongings and go on board the "Kotik," which we did.

The Governor told us in our cabin that we could take all our personal property except the guns, which we did. Keefe asked the Governor about his chronometer, when the Governor told him to leave it on board the schooner for use in going to Petropavlovsk, and that he (Keefe) could have it on the arrival of the schooner at Petropavlovsk.

We were treated well enough as regards food and bedding through the intervention of M. Malvonosky and the first mate of the steamer until we reached Petropavlovsk.

After we got to Petropavlovsk we fared better than the other crews owing to the kindness of M. Malvonosky and M. Lindquist, who is, I believe, a brother of the first mate of the steamer.

On the day of seizure and, so far as I know, at all time during the voyage, there was no sealing done or attempted to be done by any of our men within 10 miles of Russian territory, and as far as I could learn, we were seized for being where we were at the time.

I have read the declaration of John Daley, dated the _____ day of September, A.D. 1892, about the agreement, a copy of which is marked "C," that was signed by officers and crews, and which I signed myself, and the said declaration as far as concerns the said agreement is accurate and correct.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "An Act respecting Extra-Judicial Oaths."

(Signed) JOHN J. CAMPBELL.

Declared before me at the city of Victoria, in the Province of British Columbia, this 5th day of September, A.D. 1892.

(Signed) ARTHUR G. SMITH,
Notary Public, British Columbia.

In the matter of the seizure of the British schooner "Rosie Olsen" on the 28th July, 1892, by the Russian steamer "Kotik."

I, William Twomey, of the city of Victoria, a hunter on board the sealing-schooner "Rosie Olsen," do solemnly and sincerely declare:—

That I have read the statement of John Campbell, mate of the said vessel, made the 5th day of September, A.D. 1892, and the same is to my personal knowledge correct. The only variation in my experience was respecting the sealing guns, two of which belonging to me were fastened together by the Governor's orders and given in charge of the second mate of the "Kotik" who had charge of the "Olsen," with the promise to me that I should receive them at Petropavlovsk, which promise was kept.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of "An Act respecting Extra-Judicial Oaths."

(Signed) WILLIAM TWOMEY.

Declared before me at the city of Victoria, in the Province of British Columbia, this 9th day of September, A.D. 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Inclosure 3 in No. 25.

Captain Vizard to Colonial Office.

(Extract.) *Hydrographic Department, Admiralty, October 10, 1892.*

(a.) "When we found ourselves in north latitude $54^{\circ} 26'$, longitude $167^{\circ} 36\frac{1}{4}'$ east, near Copper Island in a dead calm, we noticed in the direction of south 25 degrees from the cruiser at the distance of 6 miles an English canvas schooner 'Ariel.'" By this account the "Ariel" would be then in latitude $54^{\circ} 21'$ north, longitude $167^{\circ} 31'$ east, or 20 miles off Copper Island.

When in latitude $54^{\circ} 10'$ north, longitude $167^{\circ} 40'$ east, she would be 27 miles off Copper Island.

(b.) The "McGowan" when first seen would be by the Russian account in latitude $54^{\circ} 26'$ north, longitude $167^{\circ} 33\frac{1}{2}'$ east, and 15 miles off Copper Island.

When in latitude $53^{\circ} 50'$ north, longitude $167^{\circ} 50'$ east, she would be 43 miles off Copper Island.

No. 26.

Admiralty to Foreign Office.—(Received October 18.)

Sir, *Admiralty, October 17, 1892.*

WITH reference to my communication of the 10th instant, I am commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, the paraphrase of a telegram, dated the 17th instant, from the Captain of Her Majesty's ship "Leander."

A similar communication has been addressed to the Colonial Office.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure in No. 26.

Captain Castle to Admiralty.

(Telegraphic.) *"Leander," at Yokohama, October 17, 1892, 2.15 P.M.*

The two remaining British schooners' crews arrived at Nagasaki from Vladivostock. Thirty-nine men shipped "Empress of Japan," Vancouver. Five men sent to Hong Kong. Three joined American man-of-war "Palos."

No. 27.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, October 18, 1892.

WITH reference to previous correspondence respecting the seizure of British sealing-vessels in the Northern Pacific by the Russian authorities, I now transmit to your Excellency a copy of a letter from the Colonial Office,* inclosing protests and depositions from the masters, mates, and others on board of the British vessels "Ariel," "Willie McGowan," and "Rosie Olsen," respecting their capture and subsequent treatment.

If the statements made in these papers are true—and they bear every mark of authenticity—it is clear that the seizures were altogether illegal, as the vessels had at no time been fishing or seal-hunting within Russian territorial limits. The condemnation of the vessels seems also to have been arbitrary and irregular, and the crews while on shore at Petropavlovsk suffered considerable hardships.

You will communicate the evidence to the Russian Government, who have already taken steps for investigating the facts. The observations contained in the letter from the Colonial Office, in which I entirely concur, will enable you to discuss the matter with the Acting Minister for Foreign Affairs if you should think it desirable.

But you will state that Her Majesty's Government prefer to await the result of the inquiries which are being made before advancing any definite claim on behalf of the owners and crews, and that they have too much confidence in the equity and humanity of the Russian Government not to suppose that the Government will offer immediate and adequate reparation if the proceedings of the Russian officers should prove to be correctly described in these papers.

I am, &c.
(Signed) ROSEBERY.

No. 28.

Sir R. Morier to the Earl of Rosebery.—(Received October 19.)

My Lord,

St. Petersburg, October 16, 1892.

I RECEIVED last night a note from M. Chichkine, of which I have the honour to transmit the inclosed copy herewith, on the subject of the Canadian sealers captured in the Behring Sea, from which it would appear that nothing could have exceeded the kindness and courtesy shown to the officers and crews of the captured ships, who had requited this exceptional treatment by acts of drunkenness and insubordination.

On the all-important point of the localities where the ships were captured, beyond stating generally that it was proved that they had poached in Russian waters, nothing is said, and I have accordingly addressed this day a note to M. Chichkine, of which I have the honour to inclose a copy, in which I ask for information on this point.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure 1 in No. 28.

M. Chichkine to Sir R. Morier.

Ministère des Affaires Étrangères, Saint-Petersbourg,
le 3 (15) Octobre, 1892.

M. l'Ambassadeur,

L'AMIRAL KREMER, gérant temporairement le Ministère Impérial de la Marine, vient de me faire parvenir un Rapport que le Commandant de notre escadre du Pacifique lui a adressé par le télégraphe, et où se trouvent exposées toutes les circonstances ayant accompagné la capture de quelques bâtiments de pêche Canadiens qui se livraient au braconnage dans les eaux de la Sibérie Orientale. Je m'empresse de communiquer à votre Excellence ces données, qui contredisent absolument les récits mensongers faits par les équipages des schooners capturés.

Ces embarcations étaient au nombre de six : le "Willie McGowan," "l'Ariel," le "Vancouver Belle," la "Rosie Olsen," la "Mary," et le "Carmolite." Il n'y eut de

• No. 25.

capturés que les schooners convaincus, après inspection de leurs livres de bord, d'avoir pêché dans nos eaux territoriales. Encore trois d'entre eux en ont-ils été quittes pour un avertissement. Tous ces navires avaient cessé de tenir leurs journaux de quart depuis un laps de temps variant de un à quatre jours. Dans les cales de plusieurs d'entre eux on découvrit de peaux fraîches, dans d'autres des otaries qui n'avaient pas encore été écorchées. Sur les cartes marines se trouvaient marqués divers points des côtes de nos îles et des eaux environnantes. Une circonstance digne de remarque c'est que les documents de tous ces schooners, sans exception, portaient en note l'injonction, signée par des officiers de croiseurs Américains et Anglais, de quitter les eaux situées du côté Américain de la ligne de démarcation établie par la Convention de 1867, et de ne plus repasser cette ligne sous peine de prise. Leurs habitudes de braconnage étaient donc connues des autorités Britanniques.

Pendant les perquisitions, les procédés de nos officiers ont été des plus corrects. Transportés sur nos navires, les capitaines et leurs seconds ont été logés à part et traités à l'égal de nos officiers, tandis que les équipages recevaient la portion de matelot, y compris l'eau-de-vie, le thé, et le café réglementaire.

Ils n'ont élevé aucune prétention durant leur séjour à bord et n'ont eu, au contraire, que des expressions de gratitude. Les capitaines de la "Mary" et du "Carmolite" n'ont pas voulu quitter le croiseur de la flotte Impériale, "Vitas," sans y avoir laissé des remerciements écrits pour la façon dont ils avaient été traités à bord de ce bâtiment, et plus tard, le Capitaine de Frégate de Livron, Commandant du "Zabiaka," reçut une lettre dans le même sens du capitaine du "Vancouver Belle."

Après leur débarquement à Pétropavlovsk, la conduite des équipages de "l'Ariel," du "McGowan," et de la "Rosie Olsen," c'est-à-dire, des trois schooners mentionnés dans le télégramme de Lord Rosebery à Mr. Howard en date du 4 (16) Septembre, année courante, a été scandaleuse. Ces hommes, à qui nos autorités avaient assigné, pour leur entretien, une allocation journalière égale à celle que reçoivent nos marins, se livraient à des actes d'ivrognerie, accompagnés de voies de fait, d'insultes aux habitants, et même à des officiers. On ne put en venir à bout qu'en requérant l'aide du Commandant du "Zabiaka." Il fit rétablir l'ordre sans autre acte de rigueur que de faire éloigner par la force le capitaine de la "Rosie Olsen," qui était venu l'insulter dans sa cabine.

Ainsi, non seulement les imputations injurieuses dirigées contre nos officiers se trouvent fausses, ce qui ne pouvait, d'ailleurs, souffrir aucun doute, mais encore les témoignages les moins suspects attestent qu'ils ont usé envers des équipages pris en fraude une courtoisie dont la valeur est assurément doublée par cette circonstance. Quant au droit indiscutable de nos autorités de réprimer des désordres et des violences, elles n'en ont fait usage qu'avec une extrême modération.

Enfin, sans entrer dans des considérations de principes, je me permettrai de faire observer à votre Excellence que nos croiseurs ont le devoir d'autant plus strict d'exercer la protection qui leur est confiée, par tous les moyens efficacement employés contre les rapines sur mer, que les braconniers Canadiens, gênés du côté de l'Amérique, se sont visiblement rabattus sur nos eaux. Leurs méfaits ont déjà porté de graves préjudices aux pêcheries Russes de la Mer de Behring, dont le rendement a considérablement diminué pendant l'année courante.

En portant ce qui précède à votre connaissance, je saisis, &c.

(Signé)

CHICKKINE.

(Translation.)

M. l'Ambassadeur,

Foreign Office, St. Petersburg, October 3 (15), 1892.

ADMIRAL KREMER, temporarily in charge of the Imperial Ministry of Marine, has just communicated to me a telegraphic Report addressed to him by the officer in command of our Pacific Squadron, which contains a statement of all the circumstances which attended the seizure of certain Canadian fishing-vessels engaged in poaching in the waters of Eastern Siberia. I hasten to place your Excellency in possession of these facts, which entirely contradict the untruthful accounts given by the crews of the captured schooners.

These vessels were six in number: the "Willie McGowan," the "Ariel," the "Vancouver Belle," the "Rosie Olsen," the "Marie," and the "Carmolite." The only schooners seized were those which, after an inspection of their logs, were convicted of having fished in our territorial waters; and three of these were let off with a warning. All these ships had ceased to make any entries in their log-books for a period varying from one to four days. In the holds of several of the ships fresh skins were discovered, and on board others seals which had not yet been skinned. Various points on the

coasts of our islands and in the surrounding waters were marked on the charts, it is a circumstance worthy of notice that on the papers of all these schooners, without exception, was an order, signed by the officers of the American and British cruisers, requiring them to leave the waters situated on the American side of the line of demarcation fixed by the Convention of 1867, and not to recross that line on pain of seizure; their habit of poaching was therefore known to the British authorities.

Nothing could be more regular than the action of our officers while engaged upon the search. The masters and their seconds in command, who were brought on board our ships, were given separate quarters and treated on equal terms with our officers, whilst the crews received sailors' rations, including the regulation allowance of brandy, tea, and coffee.

They made no complaint while they remained on board, but, on the contrary, expressed their gratitude. The masters of the "Mary" and the "Carmolite" would not leave the cruiser without leaving a written expression of thanks for the way in which they had been treated on board that vessel, and Captain de Livron, commanding the "Zabiaka," subsequently received a letter in the same sense from the master of the "Vancouver Belle."

The conduct of the crews of the "Ariel," "McGowan," and "Rosie Olsen," the three schooners mentioned in Lord Rosebery's telegram to Mr. Howard of the 4th (16th) September of this year, after they had landed at Petropavlovsk, was scandalous. These men, to whom our authorities had allotted a daily subsistence allowance equal to that received by our sailors, gave themselves up to intoxication, committed acts of violence, and insulted the inhabitants, and even the officers. The only means of dealing with them was to call in the assistance of the officer commanding the "Zabiaka;" he restored order without taking any severe measure except the forcible removal of the captain of the "Rosie Olsen," who had come into his cabin to insult him.

Not only, therefore, are the injurious imputations brought against our officers found to be groundless, as to which there could, indeed, have been no doubt, but the most unimpeachable evidence bears witness to the fact that they treated crews which were taken in the act of poaching with a courtesy which certainly has a double value owing to this circumstance. As regards their undeniable right to repress disorder and violence, our authorities only exercised it with extreme moderation.

In conclusion, without entering into questions of principle, I venture to draw your Excellency's attention to the fact that our cruisers are bound to carry out the duty of protection with which they are charged all the more strictly, and by all the means which are employed against depredations by sea, because the Canadian poachers, being interfered with on the American side, have clearly fallen back upon our waters. Their misdeeds have already had a most prejudicial effect on the Russian seal fisheries in Behring Sea, the yield of which has considerably decreased during the present year.

In bringing the above to your knowledge, I avail, &c.

(Signed)

CHICHKINE.

Inclosure 2 in No. 28.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé,

St. Petersburg, October 4 (16), 1892.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 3rd (15th) October, containing the reply of the Acting Head of the Imperial Ministry of Marine to Mr. Howard's *aide-mémoire* of the 4th (16th) September respecting the capture of certain sealers in the Behring Sea by His Imperial Majesty's cruisers, and I shall not fail to transmit this important document at once to Her Majesty's Principal Secretary of State for Foreign Affairs.

I must observe, however, that the note states that in the report of the Commander of the Pacific Squadron all the circumstances connected with the capture of the said Canadian sealers are explained. In Mr. Howard's *aide-mémoire*, however, a point of primary importance, that of the distance from the Russian coast, viz., 103, 33, and 5 miles respectively, at which these captures were said to have been effected, is specially insisted on as requiring explanation. To this point no reference is apparently made in the telegram received by Admiral Kremer. I should be obliged, therefore, to your Excellency

If you will let me know exactly the degrees of latitude and longitude in which the three vessels respectively were captured.

I avail, &c.
(Signed) R. B. D. MORIER.

No. 29.

Admiralty to Foreign Office.—(Received October 20.)

Sir, *Admiralty, October 19, 1892.*
WITH reference to previous correspondence respecting the British schooners seized by the Russians, I am commanded by my Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, copy of a telegram from the Commanding Officer of Her Majesty's ship "Leander," dated this day, from Yokohama.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure in No. 29.

Captain Castle to Admiralty.

(Telegraphic.) "Leander," at Yokohama, October 19, 1892, 9:35 A.M.
REMAINDER schooners' crew from Vladivostock arrived in "Empress Japan;" leave immediately for Vancouver.

No. 30.

Colonial Office to Foreign Office.—(Received October 20.)

Sir, *Downing Street, October 19, 1892.*
WITH reference to the letter from this Department of the 13th instant, I am directed by the Marquis of Ripon to transmit to you, for the information of the Earl of Rosebery, copies of two further despatches from the Governor-General of Canada respecting the seizure of British sealers by the Russians in the North Pacific.

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

Inclosure 1 in No. 30.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, *The Citadel, Quebec, September 28, 1892.*
WITH reference to previous correspondence on the subject of the recent seizures of Canadian sealing-vessels by Russian cruizers in the North Pacific, I have the honour to forward copy of an approved Minute of the Privy Council, submitting a communication from the British Columbia Sealers' Association, representing the hardship and distress inflicted upon the owners and crews of the vessels in consequence of these seizures, together with copy of the reply addressed to the Association by the Minister of Marine and Fisheries.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 30.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 23rd September, 1892.

ON a Report, dated the 13th September, 1892, from the Minister of Marine and Fisheries, inviting attention to the communication (copy hereto annexed) from the British Columbia Sealers' Association of Victoria, British Columbia, relative to the recent seizures of Canadian sealing-vessels by Russian cruisers and matters connected therewith, and to the reply addressed by the Minister of Marine and Fisheries to the above communication, a copy of the reply is also hereto annexed.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy hereof 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 Privy Council.

Annex (A).

Sir,
WE have the honour to respectfully bring under your consideration the following facts:—

The British Columbia Sealers' Association represents sixty-three schooners, owned by about 250 sharcholders, representing an invested capital of about 750,000 dollars, and an annual expenditure in wages, provisions, insurance, &c., of approximately 400,000 dollars, and employing fully 1,300 men afloat, principally British subjects, mainly Whites, with about 25 per cent. British Columbia Indians, and a very few Americans and Scandinavians. It may be fairly estimated that, including the families of the above, fully 5,000 persons are directly dependent upon the business, to say nothing of the very large number of tradesmen affected by it. It is scarcely necessary to add that so large an industry is of vital importance to the city of Victoria and British Columbia generally, and its interruption is now one of the principal factors in the present depression of trade.

Previous to the prohibition of hunting in the eastern portion of Behring Sea, these vessels and crews were employed on an average for eight months in the year. Many of the vessels having sailed before the renewal of the *modus vivendi*, not, as has been falsely stated, at an earlier date than usual, but at the same period as in previous years—indeed, if anything, rather later than the average—the Association chartered the steamer "Coquitlan" to take up notice to the various vessels of the renewal of the *modus vivendi*, excluding them from Behring Sea, and also to convey provisions and stores to some of the schooners. As you are already aware, the "Coquitlan" has been seized by the American Government, and several of the Association's vessels have in consequence been compelled to abandon their voyages, and to return to port and pay off their crews.

On the renewal of the *modus vivendi* only two courses were open to the owners of the vessels: either to abandon their voyages, as some have done, or to find some other employment for their crews. We may explain that it is a great object with us to keep our experienced crews together by employing them as long as possible, instead of discharging them, and thus forcing them to scatter in search of other employment, and so compelling us to replace them with inexperienced men, which would greatly jeopardize the result of our future ventures.

Under these circumstances, many of the owners, believing that, in the absence of notice from their own Government to the contrary, all other parts of the high seas were lawfully open to them, directed their vessels (forty-three in number) to sail to the westward of the prohibited waters, and to pursue their voyages in that part of Behring Sea and in the Sea of Okhotsk.

The result is known to you. Russian cruisers have already seized three vessels, and it is only too probable that others may share the same fate.

Our position is thus one of extreme difficulty and perplexity, involving probable ruin and bankruptcy to some of our members, and we therefore appeal to you for definite advice and directions as to our future operations.

It is our desire that the Imperial Government should assume the responsibility of defining our rights, and either affording us armed protection in their exercise, or compensating us for their suspension, and we therefore respectfully beg of you to bring the whole facts of our case under the consideration of the Secretary of State for the Colonies, together with such recommendations on the part of the Dominion Government as you may be pleased to consider desirable.

We may, at the same time, remind you of the appeal we have already made through the British Columbia Board of Trade for assistance in rescuing any of our crews who may at this time be Russian prisoners

We have, &c.
(Signed) JOHN G. COX, *President*,
RICHARD HALL, *Secretary*,
British Columbia Sealers' Association.

The Minister of Marine and Fisheries.

Annex (B).

Ottawa, September 16, 1892.

Gentlemen,

I have the honour to acknowledge the receipt of your communication of the 8th instant with reference to the recent seizures of sealing-vessels by Russia, and to matters connected therewith.

The facts touching the seizure of the "Coquitlan," and the seizures by the Russians referred to, have been fully reported upon by me to his Excellency the Governor-General, and for some time have been before Her Majesty's Government.

I am daily expecting information as to the steps Her Majesty's Government propose to take under the circumstances, and as soon as I am able to communicate the result of the earnest appeal of the Canadian Government I shall advise you.

Touching your rights in Behring Sea, the Canadian Government has not ceased to claim that this sea is open to the world for purposes of navigation, hunting, and fishing.

Her Majesty's Government have supported this contention, and have protested against the interference in the past on the part of the United States with our sealers in those waters.

You are aware that this subject is now submitted to arbitration.

Pending this arbitration, Great Britain and the United States have agreed to prohibit sealing in that part of Behring Sea east of the line of demarcation mentioned in the Treaty of Cession between Russia and the United States of 1867.

In the other portion of Behring Sea, and in all other parts of the North Pacific Ocean, it is, of course, claimed that our vessels are free to pursue their voyages and seal hunting.

In view of the Treaty of 1825 between Russia and Great Britain, and the action of the Russian Government ever since the date of that Treaty, touching the question of jurisdiction either in Behring Sea or off other parts of the coast of the North Pacific Ocean, I was surprised to learn of the reported action of the cruisers of that country near the Copper Islands.

If the facts are as represented, it is clear that the Russian Government is endeavouring to support the claim now put forward on the part of the United States to the right of property in seals being vested in the nation upon whose territory the seals may happen to breed.

I am not aware, as I have already stated, what action Her Majesty's Government propose to take in the case of the "Coquitlan," or in the case of the recent seizures near the Russian coast.

Nevertheless, from what has happened, you will observe that until these serious questions are finally settled between the Governments concerned, namely, Russia, the United States, and Great Britain, the pursuit of the industry which so deeply concerns your Association and its members is attended with grave risk and peril.

You express the desire that the Imperial Government should assume the responsibility of defining your rights, and you seek armed protection or compensation for the suspension of these rights, and you ask me to bring the whole facts of your case under the consideration of the Secretary of State for the Colonies, together with such recommendations on the part of the Dominion Government as it may be pleased to consider desirable.

I feel at liberty to say to you, in reply, that from the beginning of the distressing circumstances to which you have referred, the Canadian Government has not ceased to

press upon the attention of Her Majesty's Government the wrongs that have been perpetrated and the damage that has been done, and I am sure that your present request will receive the earnest consideration and prompt attention of the Canadian Government.

I have not received the communication from the British Columbia Board of Trade upon this subject to which you refer, but the request for assistance in the rescuing crews who may at this time be Russian prisoners has been for some time in the hands of Her Majesty's Government.

I have, &c.
(Signed) CHARLES H. TUPPER.

John G. Cox, President, and Richard Hall, Secretary,
British Columbia Sealers' Association, Victoria, B.C.

Inclosure 3 in No. 30.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, *The Citadel, Quebec, September 28, 1892.*
REFERRING to my despatch of even date herewith on the subject of the seizure of Canadian sealers by Russian cruisers, I have the honour to inclose copy of an approved Minute of the Privy Council, submitting a further communication from the British Columbia Sealers' Association, together with copy of the reply returned thereto by the Minister of Marine and Fisheries.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 4 in No. 30.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 23rd September, 1892.

ON a Report, dated the 17th September, 1892, from the Minister of Marine and Fisheries, submitting with reference to a Minute of Council, dated the 23rd September, 1892, bearing on a communication received from the Sealers' Association of British Columbia on the subject of the recent seizures by Russian cruisers off the Asiatic coast of Canadian sealing-vessels, and the reply of the Minister of Marine and Fisheries to that communication mentioned, a further letter received from Mr. John G. Cox, the President of the said Association, urgently requesting that the Imperial Government should be moved to take action for the relief of the Canadians who may be on the Russian shores as prisoners.

The Minister also submits the annexed copy of the reply addressed by him to the Association in question.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy hereof, together with copies of the Annexes hereto, to the Right Honourable the Principal Secretary of State for the Colonies for submission to Her Majesty's Government, and that Her Majesty's Government be moved to take such early action thereon as to them may seem proper.

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

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

Inclosure 5 in No. 30.

British Columbia Sealers' Association to Mr. Tupper.

Sir, *Victoria, B.C., September 10, 1892.*
ON the 1st instant we appealed to you through the British Columbia Board of Trade for assistance to rescue the crews of any of our vessels that might be seized by Russian vessels.

The fears which we then expressed have proved to be only too well founded. By the sealing schooner "E. B. Marvin," which arrived here yesterday, we learn that the schooner "Vancouver Belle," of Vancouver, British Columbia, and four other British schooners, names unknown, have been seized, and as the cruisers have been chasing other schooners, it is all but certain that some, perhaps many, of the fleet of forty schooners known to be in those waters will also fall victims to Russia.

When captured these vessels are all taken to Petropavlovsk, a remote part entirely removed from ordinary routes of mercantile vessels, and so far north as to have a climate of Arctic severity.

It is most improbable that so many men as are likely to be made prisoners will be likely to find any escape before winter sets in, and, robbed of nearly all their clothing, as those who have already arrived have been, miserably fed and wretchedly lodged, it is almost certain that unless prompt relief is sent many must perish of cold and hunger.

Under these circumstances, we beg respectfully but urgently that you will again request the Imperial Government to immediately send a man-of-war to the relief of the worse than shipwrecked crews, and, if not too late, put a stop to the further confiscation of our property.

I have, &c.

(Signed) JOHN G COX,

President of the British Columbia Sealers' Association.

Inclosure 6 in No. 30.

Mr. Tupper to British Columbia Sealers' Association.

Sir,

Ottawa, September 17, 1892.

I HAVE the honour to acknowledge the receipt of a communication from you, dated the 10th September.

I have received no appeal from you through the British Columbia Board of Trade, though you refer to one forwarded on the 1st instant.

The facts referred to in your communication, however, relative to the crew of the "E. B. Marvin," have already been brought to my attention, and are now in the possession of Her Majesty's Government.

I have also requested the High Commissioner in London to press upon the Imperial Government your desire that a gun-boat should be sent to the relief of the Canadians, who may be on the Russian coast.

I have, &c.

(Signed) CHARLES H. TUPPER.

No 31.

Colonial Office to Foreign Office.—(Received October 21.)

Sir,

Downing Street, October 20, 1892.

WITH reference to the letter from this Department of the 13th instant respecting the seizure of British sealers by the Russian authorities in the North Pacific, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a further despatch from the Governor-General of Canada, inclosing an affidavit by the master of the sealing-schooner "W. P. Sayward," respecting the seizure by the Russians of three of the boats belonging to that vessel.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 31.

Lord Stanley of Preston to the Marquis of Ripon.

Lord,

Government House, Ottawa, October 5, 1892.

WITH reference to previous correspondence relative to the seizures of British vessels and property by Russian authorities in the North Pacific Ocean, I have the honour to

transmit to your Lordship a copy of an approved Minute of the Privy Council, submitting a sworn statement of George R. Ferey, master of the British schooner "W. P. Sayward," from which it appears that while in the vicinity of Copper Island, about 20 miles to the south-east thereof, three of his sealing-boats, each being manned with a hunter and two seamen, were seized by a Russian steam-launch.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 31.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 1st October, 1892.

ON a Report, dated the 27th September, 1892, from the Minister of Marine and Fisheries, submitting, in reference to the seizure of British vessels and property by Russian authorities in the North Pacific Ocean, a sworn statement of George R. Ferey, master of the British schooner "W. P. Sayward," from which it appears that while in the vicinity of Copper Island, about 20 miles to the south-east thereof, three of his sealing-boats, each being manned with a hunter and two seamen, were seized by a Russian steam-launch.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy of this affidavit to the Right Honourable the Principal Secretary of State for the Colonies, for submission to His Majesty's Government, in connection with previous papers of a similar character.

All of which is respectfully submitted.

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

Inclosure 3 in No. 31.

Deposition of Mr. George R. Ferey.

Port of Victoria, British Columbia :

GEORGE R. FERREY, of Victoria, British Columbia, master of the British schooner "W. P. Sayward," belonging to the port of Victoria, British Columbia, official No. 8344, personally appeared, and doth depose and say—

That he cleared the said schooner "W. P. Sayward" in the regular way, and in accordance with the laws of the Dominion of Canada, on the 14th day of January last and sailed from the said port on the 16th day of the same month, for a voyage to the North Pacific Ocean, and having on board ballast and stores and hunting outfit.

The said schooner "W. P. Sayward" sailed away under every prospect of a successful voyage, and proceeded to cruise on the waters of the North Pacific Ocean, pursuing her legitimate hunting, beyond any limitation to hunting or fishing on the open big seas.

That on the voyage northwards the said schooner "W. P. Sayward" was boarded by an officer and armed crew of the United States' ship "Adams," on the 7th June last whilst the said schooner "W. P. Sayward" was 50 miles from Cape Clear, the nearest land, the master of the said schooner being warned by the said officer of the United States ship "Adams" that the vessel must not enter Behring Sea eastward of the line of demarcation as set forth in the Order in Council ("Behring Sea Act, 1891").

That the master of the schooner "W. P. Sayward," being desirous of obeying the law, after cruising along the coast, sailed away to the westward, with the intention of entering Behring Sea westward of the line of demarcation ("Behring Sea Act, 1891").

That the said schooner "W. P. Sayward" on the evening of the 12th August last and being then about 20 miles to the south-east of the most southerly point of Copper Island, Commandorski group, the boats of the said schooner, in number five, each being manned with a hunter and two seamen, two of the boats returned about 3 o'clock in the afternoon, and reported to the master of the said schooner that three of the boats were seized by a Russian steam-launch which came from the westward, and the same evening about 5 P.M. the master of the said schooner "W. P. Sayward" sighted a Russian

crossing steamer, also approaching from the westward, the said schooner "W. P. Sayward" remaining in about the same position, and burning a torch for the guidance of the missing boats, as it was not quite certain whether they were all seized, and following morning cruized backward and forward in some hopes of recovering the lost boats, and at noon on the same day proceeded for home.

That on the following day the schooner "Victoria" was spoken, cruising, and the master of the said schooner "W. P. Sayward" informed the master of the said schooner "Victoria" of the seizure of the three boats, and having sighted a Russian cruizer, and advised him that it would be well to return home.

That the said schooner "W. P. Sayward" had at this time 900 seal-skins on board, and proceeded directly homeward on her voyage.

That the following are the names of the persons who were taken prisoners: Neal Morrison, hunter; Andrew McGarva, hunter; Charles Copeland, hunter; Harry Brown, Alexander McKenzie, John Rose, Ernest Welch, Morris O'Connor, Sam, a Japanese, all seamen.

That the following is the value of the property taken:—

	Dollars.
3 boats, at 100 dollars each	300
6 guns, at 45 dollars each	270
1 rifle	20
Ammunition	20
Total	610

(Signed) GEO. R. FEREY.

Sworn to before me, at Victoria, British Columbia, this 15th day of September, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

No. 32.

The Earl of Rosebery to Sir R. Morier.

Sir,
I HAVE received your Excellency's despatch of the 16th instant, inclosing copy of the reply of the Russian Government to the representations made by Mr. Howard in regard to the seizure of Canadian sealing-vessels by Russian cruizers, and I approve your note to M. Chichkine, copy of which is also inclosed in your despatch, and in which you asked to be supplied with precise information as to the localities where the three vessels specially referred to were seized.

I am, &c.
(Signed) ROSEBERY.

No. 33.

Admiralty to Foreign Office.—(Received October 24.)

Sir,
I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State, copy of a communication from the Commander-in-chief on the Pacific Station, dated the 26th ultimo, forwarding copies of two Reports by the Captain of Her Majesty's ship "Melpomene" and its inclosures, respecting his proceedings in the Behring Sea and the seizure of British schooners by Russian cruizers, also respecting the co-operation and good feeling existing between the American and British ships of war employed in the Behring Sea.

I am to add that a similar communication has been addressed to the Colonial Office.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 33.

*Rear-Admiral Hotham to Admiralty.**"Warspite," at Esquimault, September 26, 1892.*

SUBMITTED for the information of their Lordships, observing that I have the pleasure in bringing to their notice the manner in which Commander Evans, of the United States' ship "Yorktown," Senior American Naval Officer, and Captain Parr, co-operate in carrying out their duties in connection with the *modus vivendi*, and the cordial relations and good feelings which existed between the officers and men of both nations reflects great credit on all concerned. I also beg to call their Lordships' attention to paragraphs 5 and 6 of Captain Parr's letter of the 17th instant.

Captain Parr has carried out the duties of Senior Officer in Behring Sea very much to my satisfaction.

(Signed) CHARLES F. HOTHAM.

Inclosure 2 in No. 33.

*Captain Parr to Rear-Admiral Hotham.**"Melpomene," at Sanborne Harbour, Shumagin Islands, September 17, 1892.*

Sir,

I HAVE the honour to report that I left Ounalaska on the 27th August, having been detained one day by bad weather, and shaped course for the Commander Isler with Mr. Macoun, the British Commissioner in the Behring Sea, on board.

2. He wished to make some inquiries at Behring Island, as well as obtain some observations of seals on the Siberian coast further north, and I wanted to ascertain what the Russian authorities had done with respect to the sealing schooners, and also warn him that I might come across against going to the Settlement at Attu for wood and water, as was within the prohibited area.

3. After a southerly gale and strong head winds, we reached the neighbourhood of Copper Island, on the afternoon of the 31st August, where we passed the Russian cruise "Zabiaka," but it was then thick, and a south-westerly gale was coming on, so I lay steaming as slow as possible to the southward.

4. The 1st September was thick, with strong wind and heavy sea, but on the 2nd cleared a little, so I ran under the lee of Behring Island and steamed slowly round, but when we got round the north-west point the ship knocked about considerably there; on the morning of the 3rd the weather was clear enough to make the anchorage, and the sea had gone down sufficiently to enable a landing to be effected.

5. The Governor had left, and the only person in charge was one of the officers of the Company, but from him I learned that six schooners in all (five British and one United States) had been seized for sealing within the 9-mile limit, and also four boats belonging to a schooner that had escaped. The vessels had been condemned, the skins ordered to be sold for the benefit of the Russian Government, and some of the crews had been sent over to San Francisco in a barque, while the others were waiting at Petropavlovsk to be forwarded to the same place.

6. The "Zabiaka" and "Yahout" had been cruising round the islands, though they did not begin till late in the season, and the Company's steamer also made seizures provided there is a Government official on board. The idea seems to be that next year the number of cruisers will be increased, and that much greater activity will be displayed.

7. I left the anchorage on the morning of the 4th September, and steered for Karaginski Island, where we arrived next day, and where Mr. Macoun wanted to obtain a specimen of a seal if possible, but a thick fog came on at midday so that nothing could be done in the afternoon, and the next day had to be devoted to this object, though with no satisfactory results. In the evening I carried out the night firing practice.

8. We then steered to pass within 10 miles of Cape Olintorski, but the weather came on thick and a strong easterly wind sprang up which on the 8th increased to the force of a gale from the northward, and on the 9th the sea was so heavy that I lay-to for some hours, being then about 250 miles from St. Paul Island.

9. About 10 P.M. on the 10th September, having got into 12 fathoms of water, we anchored, it having been thick nearly all day, and, according to our reckoning, we ought

to have been on the south side of St. Paul Island, but at daylight we found that we were off the north side instead. We then weighed and anchored off the village, where the landing was safe.

10. In the evening the swell began to set in more heavily, so that before dark I had everything that was necessary settled with the shore, and on the morning of the 12th, as there was no landing possible, I left for Ounalaska.

11. We arrived at 8:30 A.M. on the 13th September, and went alongside the pier in the inner harbour at once, and commenced coaling, which was completed next afternoon, and on the morning of the 15th I left for this harbour, having the schooner "Oscar and Hattie" in tow.

12. The barometer was falling rapidly, and there was every appearance of bad weather, but the master of the schooner wanted to get out, so we came through the Unalga Pass, and on getting clear of the land we found that a southerly gale was blowing. At noon, although I had eased down to about $3\frac{1}{2}$ knots, the $3\frac{1}{2}$ -inch steel wire hawser that I was towing with parted, and the schooner made sail, having then plenty of sea-room.

13. As this ship was rolling heavily I lay-to for four hours, and then continued our course, though shipping a good deal of water, and arrived here at 6 P.M. on the evening of the 16th.

14. We are now overhauling the machinery preparatory to a full-power run and passage trial to Esquimalt, and by the time we are ready I hope that the bad weather will have finished, though it has been very persistent of late.

I have, &c.
(Signed) A. A. C. PARR.

Inclosure 3 in No. 33.

Captain Parr to Commander Evans, U.S.N.

Sir, "Melpomene," at Ounalaska, September 14, 1892.

I HAVE the honour to inform you that I have just returned from a cruise during which a visit was paid to Behring Island.

2. All the officials in the service of the Company had left, with the exception of one, and from him I learned that six schooners had been seized by the Russian cruizers, five being British, and one belonging to the United States, viz., the "C. H. White." (These initials do not seem to be correct.)

3. The sealing season being practically at an end, I propose to leave Behring Sea to-morrow morning on my return to British Columbia. Should, however, any further captures of British schooners be made, I have to request that you will take from them their papers and such part of their sealing equipment as will make it impossible for them to take any more seals, and order the vessel to proceed at once to Victoria, British Columbia, there to report to the Collector of Customs.

4. The papers should be forwarded to the Senior British Naval Officer at Esquimalt, and the outfit to the care of the Collector of Customs at Victoria, British Columbia.

5. I also have the honour to inclose a track of the "Daphne's" cruizes within the Behring Sea, and also that portion of ours in the neighbourhood of the Pribyloff Islands, with a few additional soundings which were obtained, and information as to a bank which appears to exist off the south end of Karaginski Island.

6. I take this opportunity to thank you, on behalf of myself and the officers who have served under my orders, for the extreme kindness and courtesy which we have experienced from all the United States' officials, whether naval officers or civilians, with whom it has been our good fortune to have any dealings, and to express my pleasure at the extremely cordial relations which have existed between us.

I have, &c.
(Signed) A. A. C. PARR.

Inclosure 4 in No. 33.

Commander Evans, U.S.N., to Captain Parr.

U.S.S. "Yorktown," 3rd Rate, Ounalaska, Alaska,
September 14, 1892.

Sir,

I HAVE the honour to acknowledge the receipt of your communication of this date with three inclosures.

Permit me to thank you for the valuable information furnished me relative to the seizure of British and American sealing-schooners by the Russian fleet, the hydrographic information about the shoal in the neighbourhood of Karaginski Island, and the true charts of the "Melpomene" and "Daphne."

Should any further seizures of British sealing-schooners be made by any of the vessels under my command, I will take pleasure in complying with your request that the papers be forwarded to the Senior British Naval Officer at Esquimalt, the sealing out to the care of the Collector of Customs at Victoria, British Columbia, and the vessels themselves ordered to report to the latter official.

It has always been a source of gratification to me, as I know it has been to all the officers of the American squadron, to do all in our power to cultivate the friendly relations with the British officers. All our endeavours in this direction have been cordially received that, in spite of all our efforts, we still remain debtors for your invariable courtesy and kindness.

With reference to my own duties, your cordial co-operation with me in efforts to prevent sealing has made my work much easier and pleasanter.

Very respectfully,
(Signed) R. D. EVANS.

No. 34.

Sir R. Morier to the Earl of Rosebery.—(Received October 26.)

My Lord,

St. Petersburg, October 21, 1892.

THE official Gazette of to-day contains an article of some length on the late seizure of British sealers in the Behring Sea. It refutes the allegations of the masters and crews of those ships as to the ill-treatment these represent the vessels as having suffered at the hands of the Russian officers, but it admits that the captures were effected at distances varying from 20 to 8 miles from the shore.

I have the honour to transmit herewith a full translation of this article to Mr. Wardrop, my Private Secretary.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 34.

Extract from the "Pravitelstvenny Vestnik" (Official Gazette) of October 9 (21), 1892.

(Translation.)

ON the 19th September (n.s.) the "Times" published an article from a correspondent in Ottawa, in which, on the authority of the skippers and seamen of the schooners captured by our gun-boats near the Commander Islands, and afterwards sent back, with our assistance, to British Columbia, attention was drawn to a flagrant violation of international law supposed to have been committed by us, and various revolting details were given concerning the action of our officers and crews, with an account of the persecutions to which these unjustly captured men had been subjected.

Not satisfied with printing this article, the "Times," on the following day, supplemented it by a leading article, in which these charges were not only confirmed, but set forth in language still less decent than that in which the hatred of the coarse pirates who had been disappointed in their hope of gain found vent. Unfortunately, a certain section of the European press repeated the accusations made in the "Times." The first to defend the honour of Russian sailors were English naval officers, whose paper, the "Army and Navy Gazette" (of the 1st October), while sharing the general dissatisfaction of

Englishmen at the seizure of English ships, nevertheless thought it right to protest in the strongest terms against "the unjust and insulting attack" of the "Times," declaring that it was shameful that the leading English paper should presume in such an unworthy manner to malign officers with whom the officers of the British fleet maintain "courteous" relations, and in whom they have always met brave and noble foes in time of war.

The "Army and Navy Gazette" expressed its conviction that the "Times" would recognize the necessity of apologizing for its unjust and impolitic accusations, which, doubtless, it was not in a position to substantiate. In conclusion, the "Gazette" draws attention to the fact that the men upon whose evidence the aforesaid abominable calumnies are based belong to the lowest classes of society. Such a declaration, equally honourable to the officers of the British and Russian fleets, furnishes an example of true gentlemanliness which will not be forgotten by anybody in Russia.

The substance of the complaints expressed in the "Times" amounts to this: that the schooners were captured outside of our territorial waters, and that after they had been taken to Petropavlovsk the crews were left on the coast without shelter, food, and clothing; that the skippers, under threats of exile to the Siberian mines, were forced to sign a declaration that they had fished in Russian waters, that their clothing, money, and valuables were stolen by Russian officers, who dragged down the British flag from the schooners and trampled it under foot. For Russian readers, a denial of these assertions is unnecessary; their flagrant absurdity is patent. But, for the sake of the foreign press, it is indispensable that the first authentic information received by telegraph should be communicated.

It is manifest that on the fundamental question of the violation of international law the reports of the English skippers are wholly untrustworthy, for their log-books were carelessly kept, and not up to date, while their chronometers had not been corrected for some time. According to the English accounts of the affair, the three schooners "Willie McGowan," "Ariel," and "Rosie Olsen," were captured 41, 30, and 32 miles respectively from the nearest Russian coast; as a matter of fact the distances were 21, 22, and 13 miles. Three other schooners, "Vancouver Belle," "Maria," and "Carmolite," were, in the same way, captured 18, 8, and 8 miles from the coast. It is not surprising that almost all the arrests took place outside of our territorial waters, for as soon as the gun-boat was sighted they put about and hoisted sail, so that in some cases they had to be chased for more than an hour and a-half at the rate of 13 knots. Those schooners only were confiscated whose log-books showed that they had fished in our waters, and confirmation of the fact was found in their charts, on which points were marked on the coasts and round the islands. On some vessels were found skins still unsalted, and not even removed from the animal. Three schooners were released with a warning. On the papers of all those which were captured may be seen indorsements by American and English officers, ordering the ships to leave American waters, to cross the line of demarcation, and not return under pain of seizure. The protocols were signed by the skippers, in two cases with reserves, which are, however, acknowledged to be unworthy of consideration. No declaration was made which might have been taken to show that reprehensible treatment had been resorted to. The conduct of our officers during the search was in every case irreproachable. The accusation concerning the insult to the flag is equally false; the British flag was not replaced by the Russian until the ships had been declared to be confiscated. On board the gun-boats the skippers and mates had separate quarters, and an officers' mess; the crews had seamen's rations—tea and coffee. The crews of the schooners behaved very well on board the gun-boats, expressed thanks for the care that had been taken of them, and made no complaints. The skippers of the schooners "Maria" and "Carmolite" testified to this in writing. The skipper of the "Vancouver Belle" sent a letter of thanks to the Commander of the "Zabiaka," Captain de Livron.

On reaching the coast the crews received from the local authorities board-money, at the rate of 15 kopecks a-day. In Petropavlovsk the conduct of the crews of the "Ariel," "Willie McGowan," and "Rosie Olsen" was disgraceful; they got drunk, committed assaults, insulted the inhabitants, and even the officers. The local police force being too weak to cope with them, armed assistance from the gun-boat "Zabiaka" was necessary to quell the disorder. The skipper of the "Rosie Olsen," in consequence of his impudence to the Commander of the gun-boat "Zabiaka," was forcibly removed from the cabin. There were no other misunderstandings. The small yield of the seal fishery on Copper Island this year confirms the information already received, viz., that the rookeries have been half ruined by pirates, chiefly English.

Unalaska, Alaska,
1892.

Communication of this date

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respectfully,
R. D. EVANS.

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October 21, 1892.
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of this article by

B. D. MORIER.

tele. (11), 1892.

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Sir R. Morier to the Earl of Rosebery.—(Received October 28.)

My Lord,

St. Petersburg, October 25, 1892.

WITH reference to my despatch of the 16th instant, inclosing a copy of a note which I had addressed on that day to M. Chichkine inquiring at what distances from the shore the capture of the Canadian sealers was effected by the Russian cruizers, I have now the honour to transmit herewith to your Lordship a copy of the reply from the Russian Government, the inclosure in the note being a French translation of the *Communiqué* in the "Official Messenger,"* a translation of which I had the honour to transmit to your Lordship in my despatch of the 22nd instant.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 35.

M. Chichkine to Sir R. Morier.

Ministère des Affaires Étrangères,

le 12 (24) Octobre, 1892.

M. l'Ambassadeur,

LE "Messenger Officiel" a publié à la date du 9 (21) Octobre un article qui relate de la façon la plus circonstanciée tous les faits se rapportant à la capture par nos croiseurs de quelques schooners Canadiens qui se livraient au braconnage dans nos eaux territoriales. Cet article spécifie, entre autres, à quelle distance de nos côtes la capture a eu lieu. Votre Excellence ayant bien voulu m'exprimer, par son office du 4 (16) courant, le désir de recevoir cette indication, je m'empresse de lui communiquer, en traduction Française, celle que le "Journal de Saint-Petersbourg," les données en question, qui complètent sous ce rapport ma note du 3 Octobre année courante.

Veillez, &c.
(Signé) CHICHKINE.

(Translation.)

M. l'Ambassadeur,

Ministry for Foreign Affairs, October 12 (24), 1892.

THE "Messenger Officiel" published on the 9th (21st) October an article stating in the most circumstantial manner all the facts relating to the seizure by our cruizers of some Canadian schooners who were poaching in our territorial waters. Amongst other things the article specifies the distances from our shores at which the seizure took place. As your Excellency expressed a wish in your letter of the 4th (16th) instant to possess this information, I hasten to communicate to you, in French translation, taken from the "Journal de Saint-Petersbourg," the particulars in question, which complete in this respect my note of the 3rd October of the present year.

I have, &c.
(Signed) CHICHKINE.

No. 36.

Colonial Office to Foreign Office.—(Received November 2.)

Sir,

Downing Street, November 1, 1892.

WITH reference to previous correspondence respecting the seizure of British sealers by the Russians near Copper Island, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch and its inclosures from the Governor-General of Canada respecting the alleged seizure of three boats belonging to the "W. P. Sayward" and one belonging to the "E. B. Marvin."

It will be observed that the affidavit of the master of the "E. B. Marvin" is accompanied by a claim for the loss of the boat belonging to his vessel.

I am, &c.
(Signed) JOHN BRAMSTON

Inclosure 1 in No. 36.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord,

Government House, Ottawa, October 12, 1892.

WITH reference to previous correspondence on the subject of the seizure of British sealing-vessels and property by Russian authorities in the North Pacific Ocean, I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting further documents touching that question.

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 36.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 1st October, 1892.

ON a Report, dated the 19th September, 1892, from the Minister of Marine and Fisheries, submitting, with reference to certain previous Minutes of Council, dated the 12th September, 1892, 13th September, 1892, 13th September, 1892, on the subject of the seizure of British sealing-vessels and property by Russian authorities in the North Pacific Ocean, the following documents since received touching that question:—

1. Letter from A. R. Milne, Collector of Customs, Victoria, 10th September, 1892.
2. Sworn statement of Clarence N. Cox, master of the British schooner "E. B. Marvin," detailing the loss of one of his sealing-boats on the 5th August, 1892, containing William Shields, hunter; Walter Tennison, boat-steerer; and James Gallager, boat-puller. The boat and its occupants he believes were forcibly taken by the Russian Government.

3. Extract from the "Daily News," 10th September, 1892, announcing further seizures by Russian authorities.

4. Extract from "Daily Colonist" newspaper, the 10th September, 1892, announcing capture of three boats of the "W. P. Sayward," and referring to probable further seizures.

The Minister observes that Collector Milne's letter, though covering a sworn statement on the case of "E. B. Marvin," only states that the master of the "Annie C. Moore" reported the loss of two boats which were taken by the Russians while out sealing, and that the master of the "W. P. Sayward" reports having lost three boats and crews, also taken by the Russians. He further states that he will endeavour to procure a statement from the master of each schooner upon arrival.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy of this Minute and its Appendices, 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, Privy Council.

Inclosure 3 in No. 36.

Mr. Milne to Mr. Tupper.

Sir,

Customs, Canada, Victoria, B.C., September 10, 1892.

I HAVE the honour to transmit herewith a statement, sworn to before me, of Clarence N. Cox, master of the British schooner "E. B. Marvin," belonging to this port.

The master of the schooner "Annie C. Moore" reported on entering that he had lost two boats and crews, which he states were taken while out sealing by the Russians.

The master of the British schooner "W. P. Sayward," which arrived last evening, reports having lost three boats and crews, which were also taken by the Russians in the neighbourhood of Copper Island.

The master of the British schooner "E. B. Marvin," which arrived last night and

reported to me this morning as having lost one boat and boat's crew, also in the neighbourhood of Copper Island, by the Russian cruisers, or servants of the Russian Fur Company.

I beg to inclose the statement of the master of the schooner "E. B. Marvin," and will endeavour to send you a statement from the master or mate of each schooner as they arrive, although it is somewhat difficult to get hold of them for a day or two after a long cruise.

I have, &c.
(Signed) A. R. MILNE, *Collector.*

Inclosure 4 in No. 36.

Affidavit of Clarence N. Cox.

Port of Victoria, British Columbia :

ON the 10th day of September, in the year of our Lord 1892, personally appeared and presented himself at the office of Alexander Roland Milne, Collector of Customs, at the port of Victoria, British Columbia, Clarence N. Cox, master of the British schooner "E. B. Marvin," official number 94810, belonging to the port of Victoria, British Columbia, and being a vessel of 117 tons, registered tonnage.

By the affidavit hereinafter contained :

Be it known and made manifest that Clarence N. Cox, master of the said schooner "E. B. Marvin," doth duly and solemnly swear and state as follows, that is to say, that the said British schooner "E. B. Marvin" was regularly cleared in due form at the port of Victoria, British Columbia, in accordance with the laws of the Dominion of Canada, on the 19th day of January last, and sailed away on the following day for a voyage to the North Pacific Ocean, and to the westward of the line of demarcation, as set forth in the Order in Council, "Behring Sea Act, 1891."

That on the voyage northwards the vessel proceeded to cruise on the waters of the North Pacific Ocean, pursuing her legitimate hunting on the open ocean, far beyond any limitation to hunting or fishing on the open high seas.

That whilst so engaged, on the 7th day of June last, was boarded by the United States' steam-ship "Mohican," and served with a warning, and a Chart was exhibited defining the limits of the prohibited waters, in accordance with "The Behring Sea Act, 1891."

That the master of the said schooner "E. B. Marvin," being desirous of obeying the law, and on the information conveyed to him, sailed away to the westward to pursue his legitimate voyage.

That the said schooner "E. B. Marvin," on the morning of the 5th day of August, while on the high seas, and to the westward of the line of demarcation, as laid down in "The Behring Sea Act, 1891," while the vessel was under easy sail, and while enveloped in a thick fog, the boats being out sealing, the master of the said schooner "E. B. Marvin," by observation, found that the vessel was drifting to the westward, by a strong current setting in that direction, and the master of the said schooner "E. B. Marvin" found that he had drifted fully 20 miles in twenty-four hours.

That on the morning of the 5th August last, there being a dense fog, the boats went out as usual for the day's hunt, without any thought or fear of interruption, and the customary return was looked for as usual.

That on that day all the other boats returned, numbering four, each boat having a hunter and two boatmen; the fifth boat did not return, and on board of which was the following named persons: William Shields, hunter; Walter Tennison, boat-steerer; and James Gallagher, boat-puller.

That several days were lost in waiting and watching anxiously for the return of the missing boats, fearing that some accident had befallen them, and it was expected they might have fallen in with some other vessel, who might have picked them up in the dense fog, and it was not until the master of the said schooner "E. B. Marvin" spoke the British schooner "Victorian" on the 19th August last, when she informed the said Clarence N. Cox, master of the said schooner "E. B. Marvin," that three boats of the British schooner "W. P. Sayward," of Victoria, British Columbia, had been taken by a Russian steamer.

That, being short of provisions and fuel, the master of the said schooner

"E. B. Marvin" proceeded homeward, arriving at Victoria, British Columbia, on the 9th day of September, 1892.

That the master of the said schooner "E. B. Marvin" thoroughly believes that the missing boat from his schooner was forcibly taken by some representative of the Russian Government or emissaries of the Russian Fur Company in the neighbourhood of Copper Island, Commandorsky group, and truly believes that the missing boat's crew is held by them as prisoners, and the boat and other property belonging to the said schooner "E. B. Marvin" has been confiscated.

That the property of the missing boat belonging to the said schooner "E. B. Marvin," and other property on board the same, cost at Victoria as follows:—

	Dollars.
One boat, value	100
Two guns, 80 dollars each	160
Ammunition	15
One rifle	25
Boat's gear	20
Total	320

That Clarence N. Cox, master of the said schooner "E. B. Marvin," doth solemnly and sincerely swear that the foregoing statement is correct, and contained a true account of the facts and circumstances attending the loss or seizure of the missing boat belonging to the before-mentioned vessel.

(Signed) CLARENCE N. COX.

Sworn to before me at Victoria, British Columbia, this 10th day of September, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Inclosure 5 in No. 36.

Extract from the "Daily News" of September 10, 1892.

FOUR more sealing-vessels, including three Canadians and one United States' craft, have been seized by the Russians in the vicinity of Copper Island, and several missing boats are supposed to have met with the same misfortune. This news was brought by the sealers "E. B. Marvin" and "W. P. Sayward," which arrived in port yesterday, and renewed the excitement created in Victoria by the first intelligence of the Russian outrages. The names of the vessels latest seized have not yet been ascertained, except that the "Vancouver Belle" from Vancouver is known to be one of them; the other Canadians are supposed to be the "Maud S.," "Geneva," or "Dora Seward"—two of these three—though this is not positively known. The owners of the "Marvin" and "Sayward" were amongst the happiest men in Victoria yesterday when they learned that their smart little craft were at the entrance to the harbour.

The "Sayward" was sighted by the tug "Lorne," becalmed off Cape Flattery, on Thursday evening. Andrew Lang, her owner, caught sight of her from the outer wharf about noon yesterday, and the "Lorne" was soon dispatched to tow her in. She arrived about 5 o'clock.

The first intimation from the "E. B. Marvin" came in a very welcome telegram sent by Captain Clarence Cox from Otter Point yesterday morning. The tug "Falcon" was engaged to tow her in, and at 3 o'clock left the outer wharf, carrying Captain J. G. Cox, Captain William Cox, G. C. Gerow, and Frank Adam, all interested in the vessel, together with a "news" reporter. The tug met the "Marvin" beyond the Race Rocks Lighthouse, and she arrived in the harbour about 8 o'clock.

Captain Clarence Cox brought very interesting information of the absent vessels, the most important of which he had gleaned from Captain Minor, of the San Francisco schooner "Kate and Anne." Captain Minor reported that the Captain of the cruiser "Rasbonic" had boarded the "Kate and Anne," and taken possession of all the skins on board, as well as provisions, and other articles that fell under his observation. After carefully examining the schooner, the Russian told Captain Minor that she was so old and weather-beaten that she was not worth the trouble of towing to Petropavlovsk, and the best thing the Captain could do was to get out of that vicinity as fast as possible. Captain Minor hastened to take the advice. The Russian told him that they had seized British schooners and two Americans. The names of the six he could not remember,

except the "Vancouver Belle," of Vancouver, the "Ariel," of Victoria, and the "C. H. White," of San Francisco. As she lay alongside of the "Rasbonic," the "Kate and Anne" was spoken by men from the boats' crews lost from various sealing-schooners. They asked for biscuits and other provisions, as they were half-starved by the Russians. The appearance of these men confirmed the impression hitherto formed, that the lost crews had made the land on Copper Island, and were there made prisoners. They were supposed to be now at Petropavlovsk.

Captain Clarence Cox was not aware that the Russians were seizing schooners until the 17th August, when the captain of the "Henry Dennis" made the above report. In conversation last evening, he said: I did not see a Russian man-of-war during my cruise in the so-called Russian waters. After losing my boat with Willie Shields and his crew, I sailed around trying to pick them up, thinking they had made one of the schooners sealing in the neighbourhood. I noticed, one day, a small cutter come out a short distance from shore and turn back. I did not like the way she behaved, and made sail to get away from the shore, being then 3.5 miles to the westward of Copper Island. I spoke several schooners, and inquired if they had picked up my crew.

I had quite a chase after the "W. P. Hall," who mistook me for a cruiser. She did not see or hear of any of the seizures, and Captain Brown was willing to give all steamer a wide berth. The "Hall" was spoken the 6th August.

On the 3rd August the schooners "Maude S.," "Geneva," and "Dora Seward" were sealing close to where I was. They had no intention to leave, but after a fog, which lasted but one night, the schooners had disappeared. There were plenty of seal about, and as the vessels must have been doing well, it looked as if they must have been taken prisoners. Something unusual happened to make them get away as they did. Perhaps a Russian man-of-war was only sighted in their neighbourhood.

The schooner "Maria" was spoken on the 11th August. She knew nothing of the seizures, and had had fairly good luck. The schooner "Victoria" was spoken on the 19th August, and was making for Atu. She fell in with the "Agnes McDonald," who reported having been chased by one of the men-of-war. A good breeze was blowing at the time, and the clipper schooner won the day. Captain Cutler stated that three sealing-schooners were passed while racing from the cutter. He felt quite safe when these three were between him and the Russians, but how they fared is not yet known. One of them he made out to be the "Sea Lion." Captain Cutler did not lose any time just then, being anxious to have lots of room between the cutter and his craft.

The schooner "Victoria" left for home the same day as the "E. B. Marvin," but being short of water she called in at Atu for a supply, and perhaps ran in danger by so doing. The "Penelope" was also on her way home.

Captain Miner, of the "Henry Dennis," sailed for Sand Point on the 19th August, having landed his coast catch there before going across. He told Captain Cox to wire his owners at Seattle that he would be home in a few days.

No sails were sighted by the "Marvin" on the voyage home, which was a pleasant one, and made in twenty days. This schooner has for her season's catch 2,050 skins, which is the largest reported up to date for any schooner sailing out of port. The men in the boat she lost are W. Shields, hunter; Angus McDonald, boat-puller; and Tension, boat-steerer. No anxiety is felt on their account, as they must have made shore or been picked up.

The "Sayward."

The schooner "W. P. Sayward," Captain George R. Ferry, which arrived last evening from the Russian side, heard nothing of the seizures. The "Sayward" came home short three of her boats with nine men. The five boats left the schooner on the 8th August, and were hunting, when a fog came up. Only two of the boats came back, and the others must have made for shore. "I sailed around," said Captain Ferry, "for a number of days in hopes of picking them up, but failed. I am positive the men are all safe, as no wind came up. They must have been picked up or landed on Copper Island. It was no use for me to remain there with only two boats, and I made my way home, leaving the Russian side on the 14th August. The trip home was a pleasant one until reaching Cape Veale, where the wind and fog detained me for six days. I have for my season's work 1,100 skins. I spoke the schooner "Kate and Anne" on the 22nd August, with 130 skins. She had been sailing on the Japan coast, and had a catch of 1,200 skins, which she shipped from Hakodate to London." "A lucky thing for her," said the captain, when he was informed that she had been boarded by the Russians the next day. "The Russians must have been close on to my heels. I did see a large steamer one day, but thought it was the

Victoria, and the "Kate" as sealing-schooners, captured by the Russians, informed, that the lost prisoners. They were out a short distance. I spoke several a cruiser. She did to give all steamers and "Dora Seward" but after a fog, which plenty of seal about, st have been taken they did. Perhaps a knew nothing of the was spoken on the es McDonald," who e was blowing at the d that three sealing- life when these three et known. One of any time just then, "E. B. Marvin," but an in danger by so n the 19th August. Captain Cox to wit- hich was a pleasant ason's catch 2,03 g out of port. The d, boat-puller; and st have made shore arrived last evening " came home short on the 8th August, back, and the others "for a number of are all safe, as no island. It was no use home, leaving the until reaching Cape my season's work gust, with 130 skins, which she shipped- tain, when he was The Russians must t thought it was the

best steamer St. Paul, and paid no attention to her. She could have caught me easily at the time, as no wind was blowing. I am glad to be home; eight months is a long cruise."

The crews lost were:—

1. Neil Morrison, hunter; A. Brown, steerer; A. McKenzie, puller.
2. Andrew McGarva, hunter; Maurice O'Connor, steerer; Ernest Walsh, puller.
3. Charles Copeland, hunter; Sam, a Jap, steerer; John Rose, puller.

Following are the schooners spoken by the "W. P. Sayward" and "E. P. Marvin," with their catches on the Russian coast, which are very small. The captains complain of the terrible weather on that coast, alternating between gales of wind and fog and rain.

The "W. P. Sayward" got 400 skins on the Russian side, the "E. B. Marvin" 430, the "Carmolite" 300, the "Agness McDonald" 240, "Fretis" 400, "Victoria" 191, "W. P. Hall" 190, "Maria" 280, "G. R. White," of San Francisco, 150, "Henry Dennis" 420, "Kate and Anne" 130, "Brenda" 210. The schooner "Ainsworth," of Seattle, was spoken, but did not report, having only just come across.

The schooners "Geneva," "Maude S.," and "Dora Seward" did not report their catches, but claim to be doing well. Mostly, all these schooners were spoken between the 1st and 10th August.

The "Maggie Mac."

A question anxiously asked every incoming vessel for months past has been, "Have you seen the 'Maggie Mac'?" This little vessel left on a sealing voyage in April last, and shortly afterwards it was reported that some wreckage found in the vicinity of Queen Charlotte Island was all that was left of her. Subsequently, a whaler reported having sighted a vessel supposed to be the "Maggie Mac." Nothing further being heard of her, it was feared that the whaler was mistaken, and that the first bad news was correct.

Yesterday, however, something of a more cheerful nature was heard. Captain Clarence Cox, of the "E. B. Marvin," reported having heard from several sealers at different times that the "Maggie Mac" had been spoken in the vicinity of Copper Island, apparently all well. He had not heard anything more definite, but feels positive that no mishap has befallen her.

Inclosure 6 in No. 36.

Extract from the "Daily Colonist" of September 10, 1892.

A SCHOONER was, yesterday morning, sighted in the Straits, and thinking that she was some craft passing up or down, but little attention was paid to her. Soon afterwards, however, a ship's boat was seen heading for the harbour, and then it was that interest began to centre in the unknown one. As the boat neared the shore she was recognized as a scaler, and when the men landed they told the brief tale:—

"From the 'Sayward,' three of our boats seized by the Russians."

They at once made for Mr. Laing's house close by, and reported to him as the principal owner. There was a dead calm at the time, and Mr. Laing hastened into town, and, getting on board the "Lorne," steamed out to welcome the "Sayward" and tow her in. Within a couple of hours the schooner was safely anchored in James' Bay, a boat lowered, and Captain Perry put ashore. He proceeded direct to the Custom-house, where he reported to Collector Milne. When he entered the office he found the captains of the recently seized schooners, whom he had met off the Russian coast, perfecting their evidence, which a few hours afterwards was forwarded to Ottawa. The meeting was a happy one, and Captain Perry was congratulated by all upon his safe return.

A "Colonist" reporter was, of course, on hand, and to him Captain Perry gave the following account:—

"I left Victoria on the 16th January last, on my sealing cruise, with eighteen hands on board all told. With one exception all were white men. The exception was a Jap we called Sam. My coast catch, about 200 skins—185 I think it was—I sent down by the 'Maude,' and then went on to the seas. Seal were plentiful, but they were awfully

wild and hard to catch. On the 12th August I was 21 miles south-east of Copper Island. The weather is peculiar there—very foggy at times, but it clears up and comes on again suddenly. On that date five boats put out, and as there was some talk as to the 3-mile or 3-league limit, I particularly cautioned the men not to go within 10 miles of the shore. The weather was then clear. I had heard that one of the 'Marvin's' boats had been captured by the Russians, and I was very cautious. I saw a Russian man-of-war—I don't know her name—that evening. She was about 10 miles off, and I had also heard that her steam-launch was out. I saw the smoke of the launch, but I did not see the launch herself.

"Towards night two of the boats returned and reported that they had seen the launch making in the direction of the other boats, but could not say that they had been taken. I remained all night signalling and flaring up (burning torches), in the hope of getting the three boats back, but there was no sign of them. The next day I also kept about looking out for them, and, there being no sign, I came to the conclusion that I could not continue with but two boats available for hunting. I thought I saw the Russian making for me, but he changed his course."

"How do you account for that?" was asked. "Had you heard of the other seizures, and the impression here that they would seize all the sealers found in those waters?"

The captain proceeded to explain. "One of the missing hunters," said he, "told me that should he fall in with Russians he would put him off; he would not tell him what his vessel was, nor where she was. My idea is that they thought they were sure of me, and went after the boats, thinking that, with nearly all hands out, I could not work. However, seeing there was no chance of the men turning up, I sailed for home. I have 900 skins on board."

"You believe the men to have been captured?"

"I do," said Captain Perry. "The weather was fine at the time, and the steam-launch was about. There were three boats, with three men in each, the names being—Neil Morrison, hunter; Harry Brown, steersman; Alec McKenzie, boat-puller. Charles Copeland, hunter; John Rhodes, steersman; Sammy (Jap), boat-puller. Andrew McGory, hunter; J. Welsh, steersman; Maurice O'Connor, boat-puller."

Captain Perry reported having seen the "Annie C. Moore" and the "Ariel." He had also seen the "Victoria" on the 14th August, with 480 skins on board; the "Agnes McDonald" on the 10th, with 800 skins, 60 miles off Copper Island; the "Aretis" on the same day, and in the same neighbourhood, with 1,000 skins, and several others which he did not speak. He also spoke the "E. B. Marvin" on the 10th, and, parting company with her, thought she would have been home before him. He saw her in the Straits coming in.

Asked as to the probable fate of the other schooners about Copper Island, Captain Perry shook his head significantly, and proceeded to the sealers' head-quarters to report.

The "E. B. Marvin," with Captain Clarence Cox in command, passed through the bridge in tow yesterday evening, from the sealing grounds. She also was minus several of her crew, one of her boats having been seized off Copper Island, a few days before the men from the "Sayward" came to grief. The five boats, well manned, were sent off from the ship's side in the morning, and when evening came but four reported; the fifth evidently had fallen into the hands of the Russians. The "Marvin" kept firing her guns, and otherwise signalling all through the night, with the view of getting her men back should they have but strayed away. They did not, however, return, and Captain Cox, having cruised about for a couple of days, determined to return. He reports having spoken the "Victoria," the "Aretis," the "Sayward," the "Henry Dennis," the "Favourite," and the "W. P. Hall." A small schooner, the "Kate and Anne," was taken in by the Russians, and, having been relieved of her skins, was let go again, her captors not thinking her worth holding. The missing men from the "Marvin" are: Billy Shields, hunter; Walter Tennison and James Gallagher, boat-pullers. The "Marvin" had 440 skins on board, making her total catch for the season close on 2,000.

No. 37.

*The Earl of Rosebery to Sir R. Morier.**Foreign Office, November 4, 1892.*

Sir, WITH reference to my despatch of the 18th ultimo, I inclose copy of a letter from the Colonial Office,* containing the affidavit from the master of the "W. P. Sayward" in regard to the seizure of that vessel's boats by a Russian steam-launch.

I am, &c.
(Signed) ROSEBERY.

No. 38.

*Admiralty to Foreign Office. (Received November 23.)**Admiralty, November 22, 1892.*

Sir, I AM commanded by my Lords Commissioners of the Admiralty to transnit herewith, for the information of the Secretary of State, copy of a letter from the Captain of Her Majesty's ship "Leander," dated the 19th ultimo, and of its inclosures, giving an account of the proceedings and seizure of the British sealing-schooners "Maria" and "Carmolite" in the Behring Sea, and of the subsequent disposal of their crews.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 38.

*Captain Castle to Admiralty.**"Leander," at Yokohama, October 19, 1892.*

Sir, IN confirmation of my telegrams of the 17th instant, I now forward, for the information of the Lords Commissioners of the Admiralty, the statements made to me by the captains of the late British schooners "Maria" and "Carmolite," giving all the facts connected with the seizure of these ships while sealing in the Behring Sea.

2. I also append a track chart showing the relative positions of the sealing-schooners at the time of capture.

3. In accordance with instructions received from Vice-Admiral the Honourable Sir E. R. Fremantle, K.C.B., C.M.G., the Commander-in-chief, from Peking on the 13th October, 1892, "to use my own discretion as to the disposal of the captains and crews, and to consult my Lordships," I decided to permit the captains and crews, as it was too late to wire to Admiralty, to proceed in the "Empress of Japan," on board which ship they were shipped as distressed British subjects by Her Britannic Majesty's Acting Consul at Nagasaki to Victoria, a British port.

I have further instructed them to present themselves before the Senior British Naval Officer at Esquimalt, or in his absence to the Governor of that province, the Commander-in-chief having instructed me to keep them under navel control.

4. I have written to the Senior Naval Officer at Esquimalt and to the Governor to inform them of these men's movements. I have also telegraphed to them to let them know when they may be expected.

I have, &c.
(Signed) W. McC. F. CASTLE.

Inclosure 2 in No. 38.

Statement made by Captain S. Balcam, of Sealer "Maria."

THE captain stated that his schooner the "Maria" was registered at Maitland, Nova Scotia, tonnage 95 tons, crew twenty-five in number, composed of English and Canadians.

Sailed on the 27th April from Victoria on a sealing expedition, having cleared a custom-house with papers for Pacific Ocean. Had sixteen guns on board. Commenced sealing off Cape Flattery on the 1st May, 1892, and continued operations up coast Vancouver and Alaska from 20 to 150 miles off shore and along south side of Aleutian Islands. Killed about 148 seals on the coast of Vancouver, and 449 off Copper Island (Kommandorski group), making 597 in all.

He was captured off Copper Island, on the east side, close inshore, 9½ miles E.N.E. of south-west extremity, as computed by the captain of the "Kotik" (a Russian trading steamer), which ship had the Governor of Kommandorski Islands on board. The sealer's boats, six in number, were out fishing; also a canoe. The Governor steamed alongside the "Maria," and hailed the captain to bring his papers. He took them on board; the Governor looked over them, and said Captain Balcam could not return to his schooner, as he had been taking seals in Russian waters. The captain stated he had been fishing outside 3 leagues of the coast, and therefore thought himself quite safe. The Governor replied he was in Russian waters directly he crossed the boundary between American and Russian seas.

The Russian Governor also said that the Russian waters extended to the parallel of Cape Lopatku.

A prize crew was placed on board the "Maria," consisting of the second officer of the "Kotik" and ten men.

The "Kotik" anchored off the village in Peschanni Bay, also the schooner. They were allowed to take their personal effects with the exception of slop-chests, charts, and instruments. They remained on board the "Kotik" one week, cruising round the Behring group, and finally anchored in Petropavlovsk on the 29th August.

The "Maria" arrived two days before them.

The authorities at Petropavlovsk gave the crews a shed to live in, and they took sufficient provisions for use from the schooner, also their bedding.

M. Malinwanski, the agent for the Fur Company, gave the captain a comfortable house, which he occupied with his mate, Mr. Dexter. When Captain Hughes, of the "Carmolite," arrived, he also was taken in there. The women of the house cooked for them; no charge was made. The crew were given a shed so small and uncomfortable that some of them preferred living in the town in native houses. They sold their clothes to pay for lodging; they had no money; Captain Balcam had about 10 dollars; the authorities did not interfere with them.

Mr. Lindhurst, of the firm of Kelly, Walsh, and Co., of Yokohama, behaved very kindly. They left clear of debt.

The "Kotik" also seized three men in the vicinity of Copper Island—the boat's crew of the "Annie Moore," which ship, however, was not seen by the "Kotik."

About the 30th August, Captain Hughes, of the sealer "Carmolite," which was captured on the 28th August, arrived in the Russian corvette "Vitiaz."

The "Vitiaz" sailed from Petropavlovsk for Vladivostock on the 5th September, the "Maria" being in tow of her. After steaming through the Amphitrite Straits the "Maria" was cast off, and she subsequently captured on the west side of Oneknton Island the American whaling barque "Cape Horn Pigeon." The prize crew of the "Maria" were placed on board the "Cape Horn Pigeon," and the crew of the "Cape Horn Pigeon" on board the "Maria," and they proceeded to Vladivostock.

The "Vitiaz" reached Vladivostock on the 21st September. Forty-nine men were landed and placed in a small shed suitable for about twenty-five; they had a provision allowance made them of half-a-rouble a-day; those who could not find room in the shed lived in cheap lodgings.

The two captains and two mates paid 1 rouble a-day for one room, and slept on the floor.

During their stay the captains called on the Russian Governor and asked for some documents to certify that they were the masters of the captured vessels. He replied that the papers would be sent to the Russian Consul at Nagasaki for the information of the British Consul. Apparently none were sent.

The crews left Vladivostock on the 28th September, and arrived at Nagasaki on the 30th October, being ordered passages by the Russian authorities in the "Tokio Maru" and the "Genkai Maru."

At Nagasaki the British Consul placed them in a boarding-house as distressed British subjects, and finally, on the 15th October, embarked them on board the "Empress of Japan" for Vancouver.

None of the schooners were sold before they left; the "Carmolite" had not arrived. At the time of their leaving Vladivostock no seamen of captured sealing-schooners were detained by the authorities on shore.

This statement is correct.

(Signed) **SPROTT BALCANI,**
Master of Sealing-schooner "Maria."

Witnessed by—
(Signed) **W. McC. F. CASTLE,**
Captain and Senior Officer, Japan Division.
J. WRIGHT, Clerk.

Yokohama, October 19, 1892.

Inclosure 3 in No. 38.

Statement by Captain William Hughes, of Sealer "Carmolite."

THE "Carmolite" was registered at Liverpool, Nova Scotia, official No. 02322, of 99 tons; carried seven boats, six used solely for sealing; crew twenty-three, all told—sixteen Canadians, five English, and two Japanese; previous to sailing from Victoria, received no warning of Russian limits in regard to Behring Sea; cleared at Victoria Custom-house on the 1st February with papers for Pacific Ocean; armament on board consisted of fourteen guns and ammunition; started sealing at Cape Flanco about the 5th February and continued right over to Copper Island; sent 879 seals to Victoria by schooner called "Libbey" (Canadian) from Kodiak Island on Alaskan coast, thence proceeded to Copper Island, where arrived about the 10th July; continued sealing 60 miles to northward and 60 to 120 miles to southward, till the 28th August, when seized by Russian corvette "Vitiaz" about 25 miles east of south end of Copper Island as computed by Russian officer; previous to being seized "Carmolite" was about 12 miles east of south end of Copper Island when first sighted by Russian man-of-war and then was chased and captured.

Russian officer asked captain reasons for being so close to Copper Island, who stated that he sighted land to correct chronometer, which was examined by navigator of Russian man-of-war, who himself stated that it was incorrect; papers were examined, and Captain Hughes taken on board (with them) the "Vitiaz." Russian Admiral was on board "Vitiaz" at time and himself ordered seizure. "Carmolite" had 608 seals on board when seized, which had been killed chiefly from 60 to 120 miles to north and south of Copper and Behring Islands, never nearer to land than 20 miles actually sealing until sighted by "Vitiaz;" all seals, guns, and boats were confiscated. Captain and crew of "Carmolite" with all personal effects sent on board "Vitiaz" except the charts, sextant, and chronometer, which they (Russians) claimed to belong to the ship; then prize crew was placed on board the "Carmolite," which followed "Vitiaz" to Petropavlovsk, where "Vitiaz" arrived on the 30th August; there they were put on shore for five days, and allowed 7½ cents a-day per head to exist on. On the 5th September they were embarked in "Vitiaz" and taken to Vladivostock, where arrived about the 21st September, having called at intermediate ports of Saghalien; up to time of leaving Petropavlovsk the "Carmolite" had not arrived there, but on reaching Vladivostock told on board "Vitiaz" that "Carmolite" had arrived at Petropavlovsk.

At Vladivostock they were sent on shore and allowed 25 cents per head a-day to live on; here they remained about a week.

No guard was placed on the captain or crew whilst either on board the "Vitiaz" or whilst living on shore.

They remained at Vladivostock until the 28th September, when they were placed on board the steam-ship "Tokio Maru," their passages arranged by Russian Government; were taken by "Tokio Maru" to Fusan, were put on board "Genkai Maru," and taken to Nagasaki, where Russian Government handed them over to British Consul by means of Russian Consul.

There placed on board steam-ship "Empress of Japan," for Victoria.
At time of leaving Petropavlovsk and Vladivostock none of the crew nor any British subjects left at either port; no one belonging to "Carmolite" left in debt to anybody.
This is a correct statement.

(Signed) W. V. HUGHES,
Master of late Sealing-schooner "Carmolite."

Witnessed by—
(Signed) W. McC. F. CASTLE,
Captain and Senior Officer, Japan Division.
J. WRIGHT, Clerk.

Yokohama, October 19, 1892.

Inclosure 4 in No. 38.

Tracing.

No. 39.

Colonial Office to Foreign Office.—(Received December 1.)

Sir, *Downing Street, November 30, 1892.*
WITH reference to previous correspondence on the subject of seizures of and interference with sealers by the Russian cruizers, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch which has been received from the Governor-General of Canada, inclosing a copy of a Minute of the Privy Council containing particulars with regard to the boarding of the British sealing-schooner "C. H. Tupper" by the Captain of the Russian cruizer "Zabiaka."

Lord Ripon desires to invite Lord Rosebery's especial attention to the fact that the vessel in question, when boarded, was distant 59 miles from the nearest Russian territory, and to express the hope that Lord Rosebery will consider the advisability of bringing this apparently unjustifiable interference with a British vessel on the high seas before the Russian Government.

No formal claim for compensation has yet been made on behalf of the owners of the "C. H. Tupper," but doubtless some communication on this subject will be received in due course.

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

Inclosure 1 in No. 39.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, *Government House, Ottawa, November 1, 1892.*
IN continuation of previous correspondence on the subject of the seizures of British sealing-vessels by the Russian authorities in the North Pacific Ocean, I have the honour to forward copy of an approved Minute of the Privy Council, furnishing particulars of the boarding of the schooner "C. H. Tupper" by the Captain of the Russian cruizer "Zabiaka."

It will be observed that though when boarded the ship was distant 59 miles from the nearest Russian territory, and was shown by her log to have been at no time during the voyage nearer to such territory, she was ordered to leave Russian waters, which, however, the boarding officer refused to define.

I have, &c.
(Signed) STANLEY OF PRESTON.

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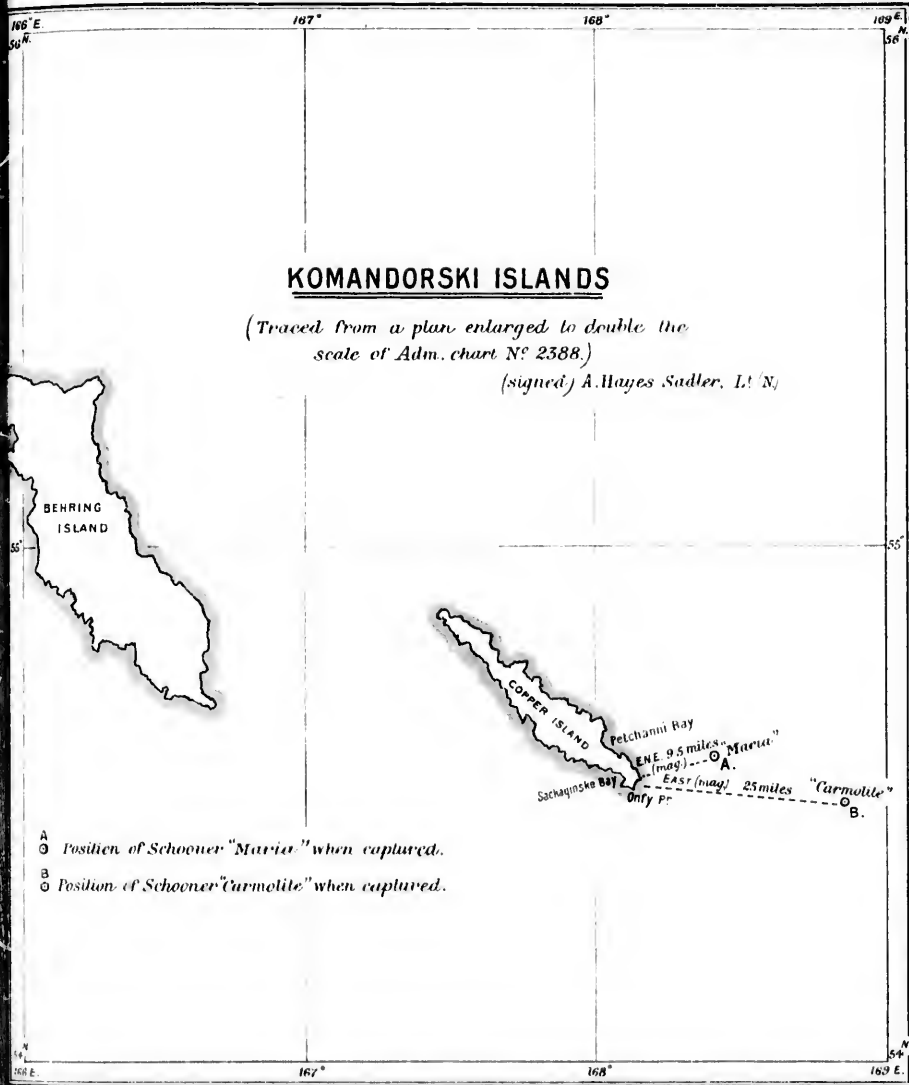
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(signed)

H. M.

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- A
○ Position of Schooner "Maria" when captured.
- B
○ Position of Schooner "Carmolite" when captured.

The above position is correct,
 (signed) **W^m F. CASTLE**,
 Captain,
H.M.S. "LEANDER"
 at Yokohama,
 Oct. 19th 1892.

(signed) **W.O. HUGHES**,
 Master of late Sealing Schooner
"CARMOLITE."
 (signed) **SPROTT BALCAM**,
 Master of late Sealing Schooner.
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Inclosure 2 in No. 39.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 4th November, 1892.

ON a Report dated the 31st October, 1892, from the Minister of Marine and Fisheries, stating, with reference to the several Minutes of Council on the subject of seizures of and interference with British vessels in the North Pacific Ocean by the Russian authorities, that he has received a sworn statement by Wentworth E. Baker, master of the British sealing-schooner "C. H. Tupper."

This statement, which is hereto appended, relates as follows:—

That on the 10th day of August, 1892, while in latitude 53° 50' north latitude, 166° 7' east, the "C. H. Tupper" was boarded by an officer from the Russian cruiser "Zabiaka." The master was ordered to go aboard the Russian cruiser with his ship's papers.

The Captain of the "Zabiaka" then proceeded, with the assistance of the log-book and chart, to locate the daily position of the "C. H. Tupper" during the whole time of the vessel's presence in Asiatic waters.

This operation resulted in the ascertainment of the fact that at no time prior to the boarding had the schooner been nearer than 60 miles from land, while at that time she was about 59 miles from the nearest Russian territory.

The position at the time of boarding was entered by the Russian Commander in the log-book of the schooner "C. H. Tupper."

Captain Baker was then told that he could proceed home with his vessel, but that 15 skins would be taken: the Russian Commander remarking to him, "Your Government stopped sealing on your side; we stopped sealing on this side."

The master of the "C. H. Tupper" states that his understanding of this remark was that as the British Government had entered into an arrangement to prevent British vessels from sealing in American waters, his Government would do likewise on the Asiatic side.

To this Captain Baker replied that sealing was prohibited in the American waters of Bering Sea, but not in the Pacific Ocean.

Upon being asked where he had been since he left port, he related an account of voyage, telling the Russian Commander that he had sealed along the Alaskan coast; but the Russian Commander expressed his doubts of this statement, as he was under the impression that sealing had been stopped there.

He was informed, however, by Captain Baker that he had entered and cleared from the United States' port of Sand Point, with skins on board caught in the Pacific Ocean, and that at the time of speaking he was still in the Pacific Ocean.

After again going over the position of the "C. H. Tupper" during her stay in Russian waters, and having a conversation with his two officers in the Russian language, which was not understood by Captain Baker, the commander of the "Zabiaka" informed the captain that he would allow him to proceed home; but if again caught, both vessel and skins would be seized.

He produced a Proclamation issued by the Russian Government prohibiting seal-hunting in Okhotsk Sea and Russian waters.

On being asked for a definition of limits comprised in the term "Russian waters," he replied:—

"Never mind limits. No seal catch. You can navigate these waters, but no seal catch. You came here to steal seals."

This was the only reply vouchsafed to the request for a definition of the limits of Russian waters.

The Commander of the "Zabiaka" then made the following entry in the daily journal of the "C. H. Tupper":—

"The warning was delivered from the Russian man-of-war cruiser 'Zabiaka' which proclaims the prohibition of seal-hunting in Russian waters and near the Commander Islands, 1892, the 10th August.

(Signed) "B. DE LEVRON, Captain.

"Latitude 53° 50' north, longitude 166° 7' east."

Captain Baker, upon returning to his own vessel, ordered sail to be made for the port of Victoria, and entered in his daily journal the following.—

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"Wednesday, August 10, 1892.—This day, while the vessel was lying hove-to under a short sail, in latitude 53° 50', longitude 166° 7' east, the Russian man-of-war 'Zabiaka' ran alongside and ordered us to heave-to, sent a boat on board and demanded that the schooner's papers be taken to the man-of-war, which was done, and there examined by the Captain, the papers being found in order. He then ordered the vessel to leave those waters under a penalty of seizure and confiscation should she again be found there, and would not give any satisfaction as to what they claimed as Russian waters."

The schooner "C. H. Tupper" had been but eight days in the vicinity of Russian waters when ordered off. There were on board 270 seal-skins; and the captain calculates that, as the weather was fair and seals plentiful, such interruption occasioned the loss of 750 skins to the owners, himself, and the crew of the schooner.

The Minister of Marine and Fisheries observes that it appears, therefore, that Captain de Levron was under the impression that all sealing in North Pacific waters had been interdicted by the *modus vivendi* Agreement between Her Majesty's Government and the United States.

It is quite clear, however, from the care he took to ascertain the actual position of the schooner, that at no time was she within the territorial jurisdiction of the Russian Government, or liable to interference by the cruisers of that nation.

After the explanation of Captain Baker, which apparently removed the impression erroneously entertained by Captain de Levron, his action in allowing the vessel to proceed home shows that he was not sure of the position he had assumed.

It is also worthy of notice that the Russian officer, by his own action, established the fact that the vessel was, at the time of the interference complained of, beyond the jurisdiction of the Russian Government.

The Minister further states that the question of jurisdiction, and the history of Russia's past attitude towards foreign vessels under like circumstances, was fully discussed by him in his Report to your Excellency dated the 12th October ultimo, and approved on the 13th October ultimo.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that a copy of this Minute, if approved, with its Appendix, be forwarded 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) JOSEPH POPE,
Assistant Clerk of the Privy Council.

APPENDIX.

Dominion of Canada, Province of British Columbia,
City of Victoria.

I, WENTWORTH E. BAKER, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly and sincerely state and declare as follows:—

1. That I am the master of the hereinafter mentioned schooner "C. H. Tupper," a British vessel registered at the port of Shelburne, in the Province of Nova Scotia, in the Dominion of Canada, official No. 94633, and registered tonnage 99.

2. That on the 10th day of August, 1892, while in latitude 53° 50' north, longitude 166° 7' east, my said vessel was boarded by an officer from the Russian cruiser "Zabiaka."

3. I was ordered to get into the said officer's boat, which I did, taking with me my log-book and other papers of the said schooner "C. H. Tupper," and was taken on board the said Russian cruiser "Zabiaka."

4. After boarding the "Zabiaka" as aforesaid, the Captain of the said vessel ordered me to show him the log-book and papers of the said schooner "C. H. Tupper," which I did, and the Captain and the other officers of the said cruiser "Zabiaka" spread out a chart, and pricked out my daily position during the whole time I had been on the Asiatic side of the North Pacific Ocean.

5. That said Captain of the "Zabiaka" entered in the log-book of the said schooner "C. H. Tupper" the position of the said schooner on the 10th day of August, 1892, as stated in paragraph 2 of this my declaration.

6. The said Captain of the "Zabiaka," after tracing my daily position as mentioned in paragraph 4 hereof, ascertained that my said schooner had not been nearer than about 60 miles from land before, and that I was then about 59 miles from land.

7. The Captain of the "Zabiaka" then stated to me: "You can take your vessel and go home, but I'll take your skins. Your Government stop sealing on this side." By this I thought he meant, "As your Government has stopped sealing," &c. To this I replied, "No; they have only prohibited sealing in Behring Sea, but not in the Pacific Ocean." He asked where I had been since I first left Victoria, and I gave him an account of my voyage, telling him I had sealed along the Alaskan coast; he replied that this could not be, as my Government had stopped sealing. I then told him that I had

entered and cleared from Sand Point, a United States' port, with seal-skins on board, which I had caught in the Pacific Ocean and not in Behring Sea, and that at the time he was speaking to me I was still in the Pacific Ocean.

8. The said Captain of the "Zabiaka" again went over my daily positions during the time I was on the Asiatic side of the Pacific Ocean, and then had a conversation with his two officers in their own language, which I did not understand, after which the Captain said, "You can go this time, but if I catch you here again I will take your schooner and skins." He also said to me that, having been warned by him, the other Russian man-of-war would take me if found there again.

9. The said Captain of the "Zabiaka" then showed me a Proclamation issued by the Russian Government which prohibited seal-hunting in Okhotsk Sea and Russian waters. I asked him what were the limits of Russian waters, to which he replied, "Never mind limits. No seal catch. You can navigate these waters, but no seal catch. You come here you steal seal." He gave no other reply to my question about the limits of Russian waters.

10. The entry made by the Captain of the "Zabiaka" in my daily journal is as follows:—

"The warning was delivered from the Russian man-of-war cruiser 'Zabiaka' which proclaimed the prohibition of seal-hunting in Russian waters, and near the Commander Islands.

"August 10, 1892.

(Signed) "B. DE LEVION, Captain.

"Latitude 53° 50' north, longitude 166° 7' east."

11. After my return to my own vessel I ordered sail to be made for the port of Victoria, and immediately afterwards I made the following entry in my daily journal:—

"Wednesday, August 10, 1892.—This day, while the vessel was lying hove-to under short sail in latitude 53° 50', longitude 166° 7' east, the Russian man-of-war 'Zabiaka' came alongside, and, ordering us to heave-to, sent a boat on board and demanded that the schooner's papers be taken to the man-of-war, which was done, and there examined by the Captain, the papers being found in order. He then ordered the vessel to leave those waters under penalty of seizure and confiscation should she again be found there, and would not give any satisfaction as to what they claimed as Russian waters."

12. The breaking up of my sealing voyage by the "Zabiaka" as aforesaid caused the owners, myself, and crew of the said schooner "C. H. Tupper" great loss and damage. I had sufficient provisions and stores on board, and intended remaining in the waters I was then in until about the middle of September, as the seals were plentiful and the weather was fair.

13. I had only been sealing eight days in the said waters when ordered away by the "Zabiaka" as aforesaid, and I then had on board 270 odd seal-skins.

14. By reason of leaving the said waters as aforesaid I lost not less than 750 seal-skins.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) W. E. BAKER.

Signed and declared by the said Wentworth E. Baker before me, the Undersigned, a Notary Public duly commissioned and residing and practising at the city of Victoria, in the Province of British Columbia, this 18th day of October, A.D. 1892.

(Signed) FRANCIS B. GREGORY,

A Notary Public in and for the Province of British Columbia.

No. 40.

Sir R. Morier to the Earl of Rosebery.—(Received December 7.)

My Lord,

St. Petersburg, November 20, 1892.

I HAVE the honour to inform your Lordship that I have this day addressed to M. Chichkine the note of which I inclose a copy herewith, on the subject of the capture by Russian cruisers of Canadian seal-ships in the Pacific.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure in No. 40.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé,

St. Petersburg, November 17 (29), 1892.

I AM now in a position to submit to your Excellency the various affidavits and other documents received from Ottawa in connection with the recent captures of Canadian sealing-ships by Russian cruisers.

In your Excellency's note of the 3rd (15th) October you have been so good as to

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furnish me with a *prima facie* telegraphic reply received by Admiral Kremer to the inquiries made by Mr. Howard in his *aide-memoire* of the 16th September. You state that this telegraphic information contains a *complete* reply to the "lying statements" of the British crews. Whilst fully understanding the irritation caused by statements derogatory to the Russian national honour, I cannot admit that the answer of the Commander of the Russian Pacific Fleet disposes of *all* the questions raised in the *aide-memoire* of the 16th September, and I would venture to deprecate the use of strong language in reference to a question of exceptional delicacy which requires to be treated on both sides with a friendly determination to arrive at a fair and equitable settlement.

Your Excellency may rest fully assured that Her Majesty's Government will ask for nothing but what they are justified by international law and international comity in claiming, and on the other hand I feel assured that the Imperial Government will not on their side refuse what international law and international comity decide that they should grant.

The complaints of the Canadian fishermen fall under two heads: first, the treatment they declare they experienced at the hands of their captors; and, secondly, the illegality of the captures themselves, in that they were effected on the high seas at considerable distances from Russian territorial waters.

In reference to the first there is apparently an irreconcilable contradiction between the sworn evidence of the masters and crews of the three ships, the "Ariel," "Willie McGowan," and "Rosie Olsen," and the statements made by the Commander of the Imperial Pacific squadron; but a careful examination of the affidavits on one side, and of your Excellency's note on the other, shows that the discrepancy is not so great as it at first appears.

The Commander of the Imperial Pacific squadron lays exceptional stress upon the good treatment which the officers and crews of the captured ships received on board the "Zabiaka," and he appeals to the testimony of the officers of the "Mary," the "Carmolite," and the "Vancouver Belle" to prove the kindness and courtesy which they had met with. Now, in the affidavits transmitted herewith it will be perceived that no complaints are made with reference to the treatment of the officers and crews whilst on board the "Zabiaka," and immediately within the power of the Captain of that ship; the complaints begin after the crews were landed and left to look after themselves on shore.

The alternative which seems to have presented itself to Captain de Levron appears to have been either to send the captains and crews to be tried at Vladivostock on the charge of raiding or at once to confiscate the ships and turn the crews adrift. In all three cases the masters inquired what was to become of them when they landed at Petropavlovsk. In each case they were told that from the moment they left the cruisers the captains would be no longer responsible for them. It was clear, under these circumstances, that it became the duty of the civil authorities of the town to provide for the wants of destitute foreigners landed upon their shores against their will. This duty the sworn evidence shows to have been flagrantly neglected. The "Ispravnik" could not at first be induced to act at all, and then assigned a filthy room 10 feet by 18 feet in which the crews of the "Ariel" and "Willie McGowan," in number about forty-seven, were lodged, with so little room that a number of them were forced to sleep outside on the hard ground. By the kindness of a local merchant, M. Malvanonsky, the captain and the white men of the "Rosie Olsen" were accommodated in an empty warehouse. The allowance of 15 copecks a-day for food seems only to have been commenced on the 3rd August, the crews having already been on shore for several days.

I should add that there was one great hardship which all the crews bitterly complained of—that of insufficient clothing—and that it does not appear to me that the matter was inquired into and remedied as it ought to have been. For instance, the crew of the "Ariel" were roused at 4:30 A.M. and compelled at once, and without the opportunity of properly clothing themselves, still less of taking their kits with them, to go on board the "Zabiaka." On arriving at Petropavlovsk the master asked Captain de Levron to be allowed to go on board the prize and fetch his clothes. This was at once granted. When Mr. McLeod got on board the "Ariel," however, he found that everything had been ransacked, and that all his clothes and other property were gone, though by whom this had been done there is no evidence to show. Now, it is clear that this was a matter which, for the good name of the Russian prize crews, ought to have been rigidly inquired into.

Finally, the masters complained of the very hard conditions stipulated for by Captain de Levron with the master of the American ship "Majestic" for repatriating the crews. On the other hand, in the telegram of the Commander of the Imperial Pacific

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squadron it is stated that the crews of the "Ariel" and "Willie McGowan" were guilty of continuous and disorderly conduct, and required to be brought to order by the use of force.

Though, as I observed before, an impartial examination of the evidence, with the allowance due for exaggeration on the part of men suffering under a sense of hardship and injustice, would seem to show that the undoubted ill-usage experienced by the officers and crews of the three ships during their sojourn at Petropavlovsk is to be imputed rather to the civil authorities of the town than to the Russian naval officers, it is nevertheless certain that there is a conflict of evidence which it would be impossible to clear up without a searching inquiry before a properly constituted Court in which evidence on both sides would be admitted.

Her Majesty's Government, therefore, confidently hope that when the case of these three ships is brought on for adjudication before a regularly constituted Tribunal, the treatment of the officers and crews at Petropavlovsk will form the subject of a judicial inquiry, and that counsel will be heard on behalf of the officers and crews of the three ships.

I have now to deal with the second complaint of the British crews, viz., that they were unlawfully captured on the high seas at distances varying from 43 to 25 miles from Russian territorial waters. In the conversation I had the honour to hold with your Excellency on the 23rd September, you defended the capture of the sealers by the following argument:—Admitting, you said, that the sealers had not been actually caught within the Russian territorial waters, you argued that if a ship was found poaching in the territorial waters and pursued thence into the open sea, it would be a hard case were the pursuing cruiser debarred from the right of capturing her, and you used the illustration of the surprise of a burglar *in flagrante delicto* within your house and the pursuit and capture of him in the street. I believe this to be a correct view, and I have little doubt that it is shared by Her Majesty's Government. But, in order that the right of capture on the high seas under these circumstances should be made perfect, it is necessary that the offence and flight should be continuous, and pursuit begun whilst the offending vessel is still within territorial waters.

This would seem to reduce the case of the three sealers to very simple proportions.

Though there is a discrepancy between the distances from the nearest Russian land as calculated in the British and Russian cases, they are in each case far beyond the 3-mile limit constituting the territorial waters.

The only question to be decided, therefore, is whether the three ships were discovered, by the cruiser "Zubinka" or the commissioned merchant-ship "Kotik," actually poaching within the 3-mile limit, and were pursued thence respectively 43 miles, 40 miles, or 25 miles into the open sea, and there captured.

Now, it comes out quite clearly from the inclosed affidavits and the Russian Protocols accompanying them that in not one of the cases was the capture the final act of a previous pursuit initiated in the territorial waters of Russia. The Protocols drawn up by Captain de Levron, printed on pp. 6 and 19 of the inclosed affidavits, prove this beyond a doubt. He comes across the two schooners casually, knows them at once to be sealers, boards them, finds dead seals and fresh seal-skins, and forthwith confiscates the ships and makes their crews prisoners, although the fact appears to be that when he sighted the schooners they were beyond territorial waters at a distance of 15 and 20 miles respectively from the nearest Russian territory. The case of the "Rosie Olsen" is still more conclusive, if this were possible, for at the time when she was captured she was actually engaged in her legitimate occupation of sealing in the open sea, her boats being all out at the time, and having to be collected by the "Kotik" before they could proceed. How could she under such circumstances have been escaping pursuit? The plea of pursuit from territorial waters is never even incidentally put in. In every case the ground of capture alleged is that the ships were taken in Russian waters with proofs on board that they had been engaged in catching seals in territorial waters off the Commander and Copper Islands. What these proofs can have been it is difficult to understand. It cannot be supposed that the skins could afford evidence that a particular seal had been caught within 3 miles of the coast and not out at sea. All the information in the possession of Her Majesty's Government tends to show that the vessels had carefully avoided fishing, or even approaching, within 3 miles of the Russian coast; indeed, the masters and other deponents assert that they had kept at a much greater distance. No testimony has hitherto been produced which invalidates these statements. It seems clear, therefore, that Captain de Levron and M. Grebnitzky mean by "Russian waters" something wholly different from the 3-mile limit recognized generally by international law, and specifically by the Russian Government in regard to these very seas, as constituting territorial waters. They talk of their

right to seize ships which can be proved to be sealers at any and every distance from the shore, at 1,000 miles if necessary, so long as there is proof, even if it were only the presence of salt, of their being sealers. This language has been used by M. Grebnitzky not only now but so far back as 1888 in connection with the capture of the "Araunah."

It is clear, therefore, either that these officers are unacquainted with the rules of international law which govern the case, and the special declarations of the Imperial Government in reference to these seas, or that being acquainted with them they have deliberately set them at defiance. That Captain de Levron was working upon a deliberate theory on the subject seems clear from the affidavit of John McLeod, master of the "Ariel" (p. 9), who asks Captain de Levron, "Are you seizing my vessel?" He said, "Yes." "I asked him what he was seizing her for." He said, "You are in Russian waters" He added, "The Americans claim one side of the line of demarcation, we claim the other." Accordingly, from a review of all the facts connected with the present cases, no less than those that were elicited in the case of the "Araunah," it seems to me to be clear that the local Russian officers in those seas have, despite the declarations of the Russian Government to the contrary, been acting on the theory that the sea to the west of the so-called line of 1867 is a Russian *mare clausum*, though this theory is difficult to reconcile with their ignorance of the state of things created by the Order in Council of the 23rd June, 1891, and the *modus vivendi* agreed to between ourselves and the United States.

Everywhere the greatest stress is laid on, and astonishment displayed at, the certificates produced by the sealers, testifying to their having been warned against sealing in the waters to the east of the line of demarcation, as if this were a great aggravation of their offence. Even your Excellency seems to be under a misapprehension on the subject, as you observe in your note of the 3rd (15th) October that it is clear, from the ships being turned out of these seas, that their notorious habits of poaching must have been well known to our authorities.

This is not so; they were warned, not because they were known to be poachers, or had been caught poaching, but because *all* sealing to the east of the line of demarcation, whether on the open sea or near the coasts, was prohibited by the Order in Council of June 1891. It was as sealers, and not as poachers, that they were warned. In each case they asked the officers of the British and American ships who warned them whether, on crossing to the west of the line of demarcation, they were at liberty to fish, and were told, and correctly told, that so long as they kept clear of Russian territorial waters, and confined their operations to the high seas, they were at liberty to fish. This had likewise been explained to them before they left Victoria, where they had been specially warned to avoid Russian territorial waters, and to keep to the high seas.

Such is the case which I have been instructed by Her Majesty's Government to submit to your Excellency's consideration. They do not doubt that as it is admitted that the seizures took place outside the territorial jurisdiction of Russia, the confiscation of the vessels will be reversed, and that these will be restored to their owners, with compensation for the loss sustained. With regard to the alleged ill-treatment of the crews, they propose to await the result of the searching inquiry which your Excellency has assured me would be instituted before advancing any definite claim on behalf of the owners and crews, and they have too much confidence in the equity and humanity of the Russian Government not to suppose that they will offer immediate and adequate reparation if the proceedings of the Russian officers should prove to be correctly described in the inclosed papers.

I have, &c.
(Signed) R. B. D. MORIER.

No. 41.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, December 12, 1892.*
I TRANSMIT to your Excellency copy of a letter from the Colonial Office relating to the boarding of the British sealing-schooner "C. H. Tupper," by the Captain of the Russian cruiser "Zabiaka."*

I request that your Excellency will point out to the Russian Government that the "C. H. Tupper," when boarded, was 59 miles distant from the nearest Russian territory,

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and call their attention to this interference with a British vessel outside Russian territorial jurisdiction.

You should add that no claim for compensation has, as yet, been received from the owners of the "C. H. Tupper", but that Her Majesty's Government must reserve to themselves the right of presenting such claim, if it should be made, as no doubt it will.

I am, &c.
(Signed) ROSEBERY.

No. 42.

Admiralty to Foreign Office.—(Received December 19.)

Sir,

Admiralty, December 17, 1892.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, papers respecting the proceedings of Her Majesty's ship "Leander" in connection with the seizure of British sealing-schooners by Russian ships of war.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 42.

Captain Castle to Vice-Admiral Sir E. Fremantle.

Sir,

"Leander," at Hakodate, October 10, 1892.

I HAVE the honour to report that, after parting company with your flag on the 26th September, I proceeded, in accordance with your orders, at "moderate dispatch," to Petropavlovsk, reaching that port at 4 P.M. on the 30th ultimo. On my arrival I immediately saluted the Russian flag with twenty-one guns, the Imperial cruiser "Yakoute" returning the salute.

2. Until noon on the 28th ultimo the weather was fine and clear; fogs were then met with, which dispersed about 10 A.M. on the 30th ultimo. I then sighted the snow-clad hills to the south of Petropavlovsk, and shaped a course for that port.

3. During my stay at Petropavlovsk I paid official visits to the Okruginoi Nachalnik (Chief of the Province) of Kamtchatka, and to the Commanders of the Imperial cruisers "Yakoute" and "Bohr;" the latter vessel arrived on the 3rd October from Komandorski Islands.

4. I left Petropavlovsk at 3.30 P.M. on the 5th instant, and proceeded at "moderate dispatch." On the 7th October I expended one month's allowance of ammunition, and carried out night firing with machine and quick-firing guns.

5. In accordance with your orders, I called off the Island of Paramushir on the 6th October, but there being no signs of wrecks, and the Amphitrite passage appearing very foul (near shore), I hauled to the southward, and proceeded along the eastward side of the Kuriles.

6. On the 8th instant I called at Yetorup, or Staten Island, and found at anchor in Hitokappu Bay the Japanese surveying ship "Iwaki" ("Banjo"). An officer of this ship came on board, and from him I learnt that, on the 1st August, whilst surveying at the north-east end of Paramushir Island, they discovered the graves of two Englishmen (I attach a copy of the inscription). I also learnt that no British ships, sealers or whalers, had been there recently. Paramushir Island is uninhabited; last year twenty-seven Ainos were removed from the Island by the Japanese Government. I was also assured that no British ships, sealers or whalers, had been at Staten Island recently.

7. At 4 P.M. I proceeded, and arrived at Hakodate at 9 A.M. on the 10th instant. After coaling I shall leave for Yokohama.

8. The health of the ship's company has been good.

I have, &c.
(Signed) W. M. F. CASTLE.

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Inclosure 2 in No. 42.

SCHEDULE of Arrivals and Departures.

Place.	Arrived.		Sailed.		Remarks.
	Date.	Time.	Date.	Time.	
Hakodate .. ..	..	..	September 26	11:50 A.M.	
Petrovavlovsk	September 30	1 P.M.	October 5	3:30 P.M.	
Kitokappu Bay (Staten Island)	October 8	2:10 P.M.	October 8	2:10 P.M.	
Hakodate	October 10	9 A.M.	..	..

(Signed) W. M. F. CASTLE, *Captain.*

Inclosure 3 in No. 42.

Copy of Inscription on the Grave of two British Seamen, at Paramushir Island, received from an Officer of the Japanese Surveying ship "Iwaki."

HERE lies the two bodies of Arthur Payne, of London, and James Green, of London, who were shipwrecked on the 30th April, one thousand and eight and ninety-one (1891).

Schooner "Bentonsan."

He that dieth in the Lord
Will receive a great reward.

THOMAS POWELL,
Millwall,
Near Coleford,
Gloucestershire,
England.

Inclosure 4 in No. 42.

Captain Castle to Vice-Admiral Sir E. Fremantle.

(Extract.)

"Leander," at Hakodate, October 10, 1892.

I HAVE the honour to report that I arrived at Petropavlovsk on the afternoon of Friday, the 30th September, 1892, and commenced to gather the facts connected with the seizure of British sealing-schooners by Russian cruisers.

2. I ascertained that, in the Sea of Okhotsk, no seizures were made, and that no British subjects were detained at Petropavlovsk.

3. It appears that, since July, several British sealing-schooners, whose crews averaged twenty-three men each, after endeavouring to take seals in the neighbourhood of the Aleutian Islands (purchased by America from Russia in the 18th October, 1867), sailed down to the Behring and Komandorski group, and commenced their fishing operations in Russian waters. This I ascertained from a reliable source.

4. Three Russian cruisers have been employed in patrolling, not only the Komandorski group, but along the north-east coast of Kamtchatka and about Karaginski Island; their names are the "Zabiaka," "Bobr," and "Yakoute;" the Russian Admiral in the "Vitiuz" has also lately been in these waters. The cruising season of these vessels terminates the second week in November, when a portion (eight) of the crew of the "Yakoute" will be left at a depôt, the "Yakoute" will then return to Vladivostock for the winter. I learn that the "Zabiaka" has already returned to that port; I left the "Bobr" at Petropavlovsk coaling, and about to proceed on another cruise; the "Yakoute" left for the Komandorski group on the morning of the 4th instant.

5. Since July, the "Zabiaka" has seized in the neighbourhood of the Komandorski group the following British sealing-schooners: "Willie McGowan," Captain McLrod;

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"Ariel," name of captain unknown; "Vancouver Belle," name of captain unknown; also the American sealing-schooner "C. H. White." The "C. H. White" was the first capture.

During the cruise of the "Vitin" with the Russian Admiral on board, two other English sealing-schooners were seized, viz., the "Maria" and "Carmolite," about the 12th September.

Also the Russian Seal-skin Company's steamer "Kotik" ("The Seal") captured the "Rosie Olsen;" the Governor of the Komandorski Island was on board, and ordered the seizure.

6. In all, seven schooners were captured. They were disposed of as follows: The crews of the "C. H. White," "Rosie Olsen," "Willie McGowan," and "Ariel" left the port in the American barque "Majestic," Captain Lorentzen, for Puget Sound. Nothing was paid by the Governor of Petropavlovsk for their passages, but the captain took them more or less as a speculation; very little provisions were sent with them, and the men complained that there were not enough for the passage; about sixty-four men left in this way. The captain of the "Vancouver Belle" was given the "Rosie Olsen" to take his own crew and some men found in the islands away in. She was renamed the "Priz" before she was handed over. The papers, records, guns, ammunition, and skins were all confiscated and sold. The six other vessels were repainted and refitted, and sent with prize crews to Vladivostok.

7. The Governor of Petropavlovsk assured me he had no papers, records, &c., and that he took no action in the matter, all overt acts being made by the Naval Captains.

8. Whilst the crews were living at Petropavlovsk they were housed in an old hospital consisting of only one room, and that not a large one; 35 copecks a-day were given to the captains, and 15 to the men, to support themselves (about 9*d.* and 4*d.* respectively). The captains and crews left in debt to the storekeeper.

9. The captains and officers of the "Bohr" and "Yukoute," which were at Petropavlovsk during my stay, were most friendly. The Governor lunched with me, and subsequently entertained myself and the officers both at lunch and dinner.

10. On my arrival at the port, I saluted the Russian flag with twenty-one guns, and paid a similar compliment on leaving; the salutes were returned by the "Yukoute" and "Bohr" respectively. I also saluted the Governor on his paying me a visit. Cordiality and good feeling were exhibited and expressed at both lunch and dinner.

A shooting party was also arranged, in which the Governor took part.

The captains of both the "Bohr" and "Yukoute" mentioned that the "Melpomene" had been seen cruising in the neighbourhood of the Komandorski Islands, with a schooner in tow.

Inclosure 5 in No. 42.

Captain Castle to Vice-Admiral Sir E. Fremantle.

(Extract.)

"Leander," October 22, 1892.

ON the morning of the 16th instant I received your telegram from Tien-tsin, and redirected at Hakodate. I immediately placed myself in communication with the British Chargé d'Affaires, Mr. de Bunsen, at Tôkiô; also with the Consul at Yokohama, Mr. Troup, and Messrs. Hull and Quin, Consuls at Hakodate and Nagasaki respectively; the latter was on leave from Nagasaki. I append a statement relative to the arrival of the sealers' crews, made by the latter. I also telegraphed to the Acting Consul at Nagasaki for further particulars as to future movements of the crews, and I learnt that they would arrive here by the "Empress of Japan" on Tuesday, the 18th instant, and on his reply I telegraphed the latest intelligence to you.

On the 19th instant the "Empress of Japan" arrived. I interviewed the captains of the schooners "Maria" and "Carmolite;" copies of their statements are forwarded with a covering letter.

On the 19th instant your telegram arrived about three hours before the advertised departure of the "Empress of Japan," so I decided to let the two captains and thirty-seven crew proceed to Vancouver, and to report themselves to the Senior Naval Officer at Esquimalt or the Governor of British Columbia, in order to keep them under naval control. On the same day I telegraphed their departure to the Admiralty, the Senior Officer, Esquimalt, and to you, on the 20th October.

I also communicated my actions to the Chargé d'Affaires at Tôkiô. I attach copies of all telegrams received and transmitted on the subject of the seizure of the sealing-

schooners; also a letter from the Acting Consul at Nagasaki in confirmation of his previous telegram.

Inclosure 6 in No. 42.

Substance of Telegrams received and transmitted relative to the Capture, &c., of Sealing-schooners in Behring Sea by Russians.

To Commander-in-chief, October 10, 1892.

SEVEN schooners, six British, one American, seized since July in Behring Sea, neighbourhood Komandorski Island; four crews sent back Puget Sound in the American barque "Majestic," one left in the schooner "Priz," late "Rosie Olsen," remaining two crews taken by Russian Admiral to Vladivostok in "Vitiaz," no portion of crews detained Petropavlovsk; "Melpomene" reported cruising off Behring group; schooner's guns, papers, and skins all confiscated. Six schooners left for Vladivostok with Russian prize crews; no seizures made in Okhotsk Sea. Russian Sealing Company's steamer "Kotik," with Governor of Komandorski on board, seized one schooner, others seized by cruisers.

From Commander-in-chief, October 15, 1892.

(From Tien-tsin, and redirected at Hakodate to Yokohama.)

Failing Admiralty orders proceed to Vladivostok, relating to crews taken there. Reply Chefoo.

To Commander-in-chief, Chefoo, October 16, 1892.

Am proceeding to sea in accordance with orders Hakodate, calling for interpreter.

To British Consul, Nagasaki, October 16, 1892.

Have all British crews arrived from Vladivostok? Are any left at Nagasaki? How were the crews disposed of?

From British Consul, Nagasaki, October 17, 1892.

Crews of "Maria" and "Carmolite" arrived from Vladivostok with three men. "Annie Moore," five sent Hong Kong, three joined "Palos," and thirty-nine sent Canada by "Empress."

To Commander-in-chief, Chefoo, October 17, 1892.

Have later news about the crews from Consul at Nagasaki; captains and crews of two schooners sent to Vladivostok by Admiral arrived at Nagasaki "Genkai Maru;" captains and thirty-seven crew expected here "Empress of Japan" Tuesday for Vancouver. Respectfully submit obtaining all the intelligence possible before sailing. Five men sent Hong Kong, three joined "Palos." Am I to detain crews here? Apparently none left at Vladivostok. Await telegraphic instructions. Have telegraphed substance Admiralty.

To Admiralty, London, October 17, 1892.

Two remaining British schooners' crews arrived at Nagasaki from Vladivostok, thirty-nine men shipped "Empress Japan" Vancouver, five men sent Hong Kong, three joined American man-of-war "Palos."

To British Consul, Nagasaki, October 19, 1892.

Has Russian Consul handed you any papers from Russian Government at Vladivostock connection with captured crews? Reply urgent.

From British Consul, Nagasaki, October 19, 1892.

Russian Consul was informed from Vladivostock of seizure of schooners, also send crews here; he is handing me a paper to that effect.

To British Minister, Tôkiô, October 19, 1892.

Two captains and thirty-seven crew of captured sealers arrived in "Empress;" am allowing them to proceed Vancouver. Have telegraphed to Admiral and Admiralty.

To Admiralty, London, October 19, 1892.

Remainder schooners' crews from Vladivostock arrived in "Empress of Japan," leaving immediately for Vancouver.

From Commander-in-chief, Peking, October 19, 1892.

Remain Yokohama; use your discretion disposal of crews, asking Admiralty instructions.

To Admiralty, London, October 19, 1892.

Obtained all intelligence possible sealing captains. Convinced unless seized after departure of "Lander," Petropavlovsk, 5th October, no British detained Vladivostock.

To British Naval Officer, Esquimaux, October 20, 1892.

Crews sealing-schooners aboard "Empress Japan" under orders to report arrival to you or Governor. Inform latter.

To British Admiral, Chefoo, October 20, 1892.

Sent crews Victoria. Reported Admiralty and Senior Officer Esquimaux.]

Inclosure 7 in No. 42.

Memorandum of Information obtained from Mr. Quin about Seamen from two British (Canadian) Sealing-schooners seized by the Russians.

THE masters stated that they were taken, one, 12 miles from the nearest land, and the other, fully 39 miles out at sea. One was sealing at the time with her sails down and boats out. They seized the schooner and picked up the boats afterwards, the other was simply seized under sail.

Each had over 600 seal-skins on board.

There were also among the men three men belonging to another Canadian schooner. The men had been seized in a boat, but the schooner had got away.

When they were taken they were allowed to retain their clothes only. Guns, ammunition, sextants, articles, and registers of ships were taken possession of.

They were taken to Vladivostock, and came from there to Nagasaki by the Japanese steamer "Genkai Maru." There were close on fifty men in all.

There were two Japanese amongst them, two Americans (United States), one Australian, four or five Englishmen, and the rest Canadians from the neighbourhood of Vancouver.

J. T.

Inclosure 8 in No. 42.

Acting Consul Chalmers to Captain Castle.

Sir, *Nagasaki, October 17, 1892.*
 I HAVE the honour to acknowledge receipt of the following telegram at 9:30 p.m. last night:—
 "Have all British crews arrived from Vladivostock? Are any left at Nagasaki? How were the crews disposed of? 'Leander.'"

To which I replied at 10 A.M. to-day by telegram as follows:—
 "Crews of 'Marin' and 'Carmolite' arrived from Vladivostock with three men 'Annie Moore.' Five sent Hong Kong, three joined 'Palos,' and thirty-nine sent Canada by 'Empress.' Consul."

These crews were forwarded from Vladivostock to Nagasaki by the Japanese mail arriving here on the 4th instant, the Russian Government paying their expenses. Besides the five British subjects, other than Canadian, whom I sent to Hong Kong, there were two Japanese seamen belonging to the "Carmolite" who never came on my hands at all.

Both schooners were seized off Copper Island, one by the "Vitiáz," and the other by a steamer owned by one of the furring Companies called the "Koteck" (?), which transferred the prisoners to the "Vitiáz" on the way to Petropavlovsk. They were then conveyed to Vladivostock, whence their passages were taken to this port. Except the three who have joined the United States' ship "Pelos," and the two Japanese, none are left in Nagasaki.

I have, &c.
 (Signed) A. M. CHALMERS.

No. 43.

Sir R. Morier to the Earl of Rosebery.—(Received December 26.)

My Lord, *St. Petersburg, December 16, 1892.*
 I HAVE the honour to transmit to your Lordship herewith a copy of a note which I have this day addressed to M. Chichkine, forwarding the affidavits of the masters of the "Sayward" and "Marvin."

I have, &c.
 (Signed) R. B. D. MORIER.

Inclosure in No. 43.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé, *St. Petersburg, December 1 (16), 1892.*
 WITH reference to my note of the 17th (29th) ultimo, and to previous correspondence on the subject of the capture of Canadian sealing-ships by Russian cruisers, I have the honour to inclose herewith copies of the affidavits of the masters of the schooners "Sayward" and "Marvin," and to express to your Excellency the hope that the cases of these vessels may receive the consideration of the Imperial Government in connection with the incidents of a similar kind which I have already brought to your notice.

The deposition of the captain of the "Sayward" appears to establish the fact that that vessel lay at a distance of 20 miles from the nearest point of the Commandorski group, when three of her boats, which were engaged in seal-hunting, were captured, with their crews, by a Russian steam-launch. Presumably, the distance which divided

the schooner from her boats was not great, and it would therefore follow that the sealing operations were conducted outside Russian territorial waters.

The loss of one of her boats by the "Marvin" occurred on the high seas, in a dense fog; and the master sees strong reason to suspect, although he has no positive knowledge of the fact, that his boat, like those of the "Sayward," became a prize to a Russian ship. But the fate of this boat and of her crew continues to be the subject of grave anxiety, and I should feel greatly obliged if your Excellency would afford me any information in the matter which it may be in your power to give.

I avail, &c.
(Signed) R. B. D. MORIER.

No. 44.

Sir R. Morier to the Earl of Rosebery.—(Received December 26.)

My Lord,

St. Petersburg, December 21, 1892.

WITH reference to previous correspondence on the subject of the capture of Canadian sealers by Russian cruizers, I have the honour to transmit to your Lordship herewith copies of two notes which I have this day addressed to the Russian Government with respect to the cases of the "Maria," "Carmolite," and "C. H. Tupper."

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure 1 in No. 44.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé,

St. Petersburg, December 9 (21), 1892.

WITH reference to my note of the 2nd (14th) instant, and to previous correspondence on the subject of the capture of Canadian sealing-ships by Russian cruizers, I have the honour to inclose copies of the affidavits of the masters of the "Murin" and "Carmolite."

The two cases which I now lay before your Excellency are closely similar in character. In both instances the captures were effected in the neighbourhood of Copper Island: the masters had been careful, as their depositions show, to avoid trespassing within the limits of Russian territorial waters; the ships were sighted outside of those limits by Russian steamers, and confiscated, together with their boats, guns, and seals, by the Imperial authorities. Your Excellency will observe that the distance of the "Maria" from the shore at the time of her capture was computed by the commander of the "Kotik" in person.

I submit these cases to your Excellency in the full confidence that they will receive from the Imperial Government the consideration which they call for.

I avail, &c.
(Signed) R. B. D. MORIER.

Inclosure 2 in No. 44.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé,

St. Petersburg, December 9 (21), 1892.

WITH reference to my note of this day's date, and to previous correspondence on the subject of the capture of Canadian sealing-ships by Russian cruizers, I have now the honour to bring before your Excellency the complaint which has reached Her Majesty's Government of the boarding of the "C. H. Tupper" by an officer of the "Zabiaka."

The deposition of the master of the schooner, of which I inclose a copy, leaves no room for uncertainty as to the facts of the case. On the 10th August, 1892, the "C. H. Tupper," being in latitude 53° 50' north, longitude 166° 7' east, and 59 miles

from the nearest Russian territory, having up till that time not approached within 60 miles of the Asiatic shore, was boarded by an officer of the Russian cruiser "Zabiaka," her log-book and papers overhauled, and her master ordered to cease sealing in those waters.

For the present, I do no more than draw your Excellency's attention to the potent illegality of such interference with a British vessel outside Russian territorial jurisdiction; but I am instructed by Her Majesty's Government to add that they must reserve to themselves the right of presenting subsequently to the Imperial Government the claim for compensation which the owners of the vessel will undoubtedly advance.

I avail, &c.

(Signed) R. B. D. MORIER.

No. 45.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, December 27, 1892.

DURING a visit paid me to-day by the Russian Ambassador, I alluded to the question of the seizure of Canadian sealers by Russian vessels, pointing out that the Imperial Government should by this time be prepared to give me an answer on the subject. Canadian opinion was naturally excited over the high-handed proceedings of Captain de Levron in the "Zabiaka," and as that officer had returned to Russia, I considered that it was not unreasonable on our part to expect a speedy reply.

I am, &c.

(Signed) ROSEBERY.

No. 46.

Sir R. Morier to the Earl of Rosebery.—(Received December 28.)

(Telegraphic.)

St. Petersburg, December 28, 1892.

I HAVE to-day asked M. Chichkine to push forward the matter of the Canadian sealing-ships.

He states that the case was submitted to His Majesty yesterday, and he ordered that it should be laid before a Special Commission, which should pronounce upon the legal and international questions involved.

No. 47.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, December 29, 1892.

I HAVE received your Excellency's despatch of the 21st instant respecting the seizures of the Canadian sealing-vessels "Maria," "Carnolite," and "C. H. Tupper" by Russian cruizers in Behring Sea.

The notes which your Excellency has addressed to the Russian Minister respecting these seizures are approved by Her Majesty's Government.

I am, &c.

(Signed) ROSEBERY.

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No. 48.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, December 29, 1892.*
 I HAVE received your Excellency's despatch of the 16th instant relative to the capture of the Canadian sealing-vessels "Sayward" and "Marvin" by Russian cruizers in Behring Sea.

The note which your Excellency has addressed to the Russian Minister on this subject is approved by Her Majesty's Government.

I am, &c.
 (Signed) ROSEBERY.

No. 49.

Foreign Office to Admiralty.

Sir, *Foreign Office, December 30, 1892.*
 I AM directed by the Earl of Rosebery to acknowledge the receipt of your letter of the 17th instant, inclosing correspondence on the subject of the recent visit of Her Majesty's ship "Leander" to Petropavlovsk.

His Lordship would suggest that an approval of Captain Castle's proceedings should be conveyed to that officer by the Lords Commissioners of the Admiralty.

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

No. 50.

Sir R. Morier to the Earl of Rosebery.—(Received January 9.)

My Lord, *St. Petersburg, January 4, 1893.*
 I HAVE the honour to transmit to your Lordship herewith the inclosed translation of an extract from the non-official part of the "Official Messenger," giving details, taken from a Vladivostock paper, of the captures of the Canadian sealers in the Behring Sea.

I have, &c.
 (Signed) R. B. D. MORIER.

Inclosure in No. 50.

*Extract from the "Official Gazette" (non-official part), St. Petersburg, of
 December 18 (30), 1892 (copied from the "Vladivostock").*

(Translation.)

LAST August the cruiser "Zabiaka," while navigating the Sea of Okhotsk, captured four piratical schooners, of which one was American, the remainder being English. Besides the "Zabiaka," the cruiser "Vityaz" and the merchant-steamer "Kotik" also captured piratical schooners. The schooner taken by the "Kotik," whilst on the way to Vladivostock, herself captured a barque, which arrived in Vladivostock with her on the 7th (19th) September. The first to arrive was the American schooner "C. H. White," on the 30th August (11th September), under the command of a Lieutenant and a midshipman, with fifteen seamen, ten from the "Zabiaka" and five from the "Vityaz." This schooner ("C. H. White") is two-masted, and is an excellent sailer; she did the journey from Petropavlovsk to Vladivostock in fourteen and a-half days, though she was three days becalmed. The second of the schooners captured by the "Zabiaka" is called "Willie M. Howan," (? "Willie McGowan"). On the 7th (19th) September the "Vancouver Belle," the third vessel captured by the "Zabiaka," arrived; she did the distance from Petropavlovsk to Vladivostock in twenty-two days. An English schooner—the fourth capture of the "Zabiaka"—named the "Arielle" (? "Ariel") arrived on the 10th (22nd) September. The total number of seal-skins found on the captured vessels was 1,000. In addition, there were 600 skins on the two-masted schooner "Carmolite," captured by the "Vityaz."

No. 51.

Sir R. Morier to the Earl of Rosebery.—(Received January 9.)

My Lord,

St. Petersburg, January 6, 1893.

WITH reference to my despatch of the 21st ultimo, and to previous correspondence, I have the honour to transmit to your Lordship herewith a copy of a note I have just received from the Russian Government in reply to my notes of the 17th (29th) November last and the 4th (16th) and 9th (21st) ultimo, with regard to the capture of Canadian sealers by Russian cruisers.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure in No. 51.

*M. Chichkine to Sir R. Morier.**Ministère des Affaires Étrangères,**Saint-Petersbourg, le 24 Decembre, 1892**(5 Janvier, 1893).*

M. l'Ambassadeur,

A LA suite des notes de votre Excellence en date du 17 (29) Novembre dernier et 4 et 9 Décembre courant, relative à la capture par nos croiseurs de plusieurs schooners Canadiens près des Iles du Commandeur pour la chasse aux otaries, je n'ai pas manqué de m'adresser aux autorités compétentes pour obtenir des informations détaillées à ce sujet.

Dès que ces informations seront parvenues au Ministère Impérial, il s'empresera de vous faire tenir sa réponse, ce qui ne saurait, toutefois, avoir lieu à bref délai, étant donné le temps nécessaire pour que les renseignements en question arrivent à Saint-Petersbourg.

En portant ce qui précède à la connaissance de votre Excellence, je saisis, &c.

(Signé) CHICHKINE.

(Translation.)

*Ministry for Foreign Affairs, St. Petersburg,**December 24, 1892 (January 5, 1893).*

M. l'Ambassadeur,

ON receipt of your Excellency's notes of the 17th (29th) November last and the 4th and 9th December, relative to the seizure of several Canadian schooners by our cruisers near the Commander Islands for being engaged in sealing, I did not fail to address myself to the proper authorities to obtain detailed information on the subject.

As soon as this information reaches the Imperial Ministry, an answer will be delivered to you without delay, but this cannot be done very soon, in view of the time which must elapse before the particulars in question can arrive at St. Petersburg.

In bringing the above to your Excellency's knowledge, I avail, &c.

(Signed) CHICHKINE.

No. 52.

Colonial Office to Foreign Office.—(Received January 24.)

Sir,

Downing Street, January 24, 1893.

WITH reference to previous correspondence respecting the seizure of British sealing-vessels by Russian cruisers in the North Pacific, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, copies of two despatches from the Governor-General of Canada, forwarding Minutes of Council, with affidavits, respecting the seizure of the "Carmolite," "Maria," and "Vancouver Belle," with further affidavits as to the seizure of the "Rosie Olsen," and affidavits as to the interference with the "Walter P. Hall."

The circumstances of these seizures are generally similar to those which have already been brought before the Russian Government. The vessels were all at the time of capture far outside the limits of Russian territorial waters, and none of them

had during any part of their cruise been within those waters; and it will be observed that, according to the statements of Captain de Leveron to the masters of the "Vancouver Belle" and the "Walter P. Hall," Russia claims jurisdiction over the whole of the North Pacific west of the line of demarcation in the Treaty of 1867, and north of a line drawn from 3 miles south of the southernmost point of the Aleutian Islands to Cape Cholutka, which appears to be on the coast of Kamshatka between Petropaulovski and Cape Lopatka, and further claims jurisdiction over the Sea of Okhotsk.

The extent of maritime jurisdiction thus apparently claimed by Russia would entirely exclude British vessels from any share in the sealing industry on the western side of the Pacific, and the claim is entirely at variance with the declarations of the Russian Foreign Office in 1842 and 1847, quoted in Tikmenieff's "Historical Review of the Formation of the Russian-American Company," pp. 130-139, and with the statement in M. de Westmann's note of the 31st July, 1868, to Mr. Clay, published at p. 253 of the papers accompanying the Message from the President of the United States to the Senate of the 12th February, 1889 (Ex. Doc. No. 106, 50th Congress, 2nd Session).

It will be seen from the accompanying telegraphic correspondence that the Governor-General has forwarded the Protocol drawn up by the Captain of the "Zubiaka" in connection with the condemnation of the "Vancouver Belle," and that the chart on which that officer marked the extent of the jurisdiction claimed by Russia is also to be sent.

These documents will be communicated to the Foreign Office as soon as they are received, but, in the meantime, Lord Rosebery will probably think it desirable to bring these cases at once to the notice of the Russian Government. It will be observed that the affidavit of the master of the "Vancouver Belle" confirms the statement already brought to the notice of the Russian Government as to the seizure of the boats of the "W. P. Sayward."

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 52.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord,

Government House, Ottawa, December 30, 1892.

I HAVE the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting formal declarations and claims to compensation on behalf of the owners of the British sealing-vessels seized or interfered with by Russian authorities in the North Pacific Ocean for loss and damages incurred by reason of such interference with their sealing voyage.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 52.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 16th December, 1892.

ON a Report, dated the 13th December, 1892, from the Minister of Marine and Fisheries, submitting the following formal declarations and claims to compensation on behalf of the owners of the British sealing-vessels seized or interfered with by Russian authorities in the North Pacific Ocean, for loss and damages incurred by reason of such interference with their sealing voyage:—

1. Sworn statement of Captain William Hughes, of the British schooner "Carmolite," of Liverpool, Nova Scotia, No. 12322, 99 tons, seized by the Russian cruiser "Vities" about 25 miles east of the south end of Copper Island.

2. Solemn declaration of Hedley Hughes, mate of the British schooner "Carmolite."

3. Solemn declaration of Joseph Morell and George Wells, corroborating Hedley Hughes' statements as true in every particular.

4. Solemn declaration of Sprott Balcam, master of the British schooner "Maria," of Maitland, Nova Scotia, 95 tons, cleared at Victoria, British Columbia, on the 27th

April, 1892, on a sealing voyage to the North Pacific, seized on the 21st August, 1892, by the Russian steamer "Kotik."

5. Solemn declaration of William Dexter, mate of the schooner "Maria."
6. Solemn declaration of Richard Waldo Cardiff, seaman on board the "Maria."
7. Solemn declaration of Richard Kromm, cook of the schooner "Maria."
8. Supplementary declaration of Michael Keefe, master of the British schooner "Rosie Olsen," of Victoria, British Columbia, seized by the Russian steamer "Kotik" on the 26th July, 1892.
9. Solemn declaration of J. B. Brown, master of the British schooner "Walter P. Hall," of Maitland, Nova Scotia, No. 90663 (98.91 tons), cleared from Victoria, British Columbia, on the 13th May, 1892, for sealing in North Pacific Ocean, ordered off 25 miles south-west of Behring Island by Commander of Russian man-of-war "Zabiaka," under threat of seizure.
10. Supplementary declaration of John McLeod, master of the British schooner "Ariel," of Victoria, British Columbia, No. 88612, seized by the Russian steam-ship "Zabiaka," latitude 54° 10' north, longitude 167° 40' east, 40 or 50 miles off south-east end of Copper Island.
11. Supplementary declaration of James Campbell Stratford, mate of the schooner "Ariel."
12. Solemn declaration of John Larkin, sealer on schooner "Ariel."
13. Formulated statement of claim by the owners of the schooner "Carmolite," aggregating 28,640 dollars.
14. Formulated statement of claim by the owners of the schooner "Willie McGowan," aggregating 24,041 dol. 5 c.
15. Formulated statement of claim by the owners of the schooner "Maria," aggregating 29,450 dollars.
16. Formulated statement of claim by the owners of the schooner "Ariel," aggregating 32,648 dollars.
17. Notice of Imperial Russian Government :--

The Minister states that it will be observed from the declaration of Hedley Hughes that the "Carmolite" had been cruising and hunting seals for five weeks out of sight of land, and that when at a distance of 50 or 60 miles the master, thinking the chronometer was out, the vessel stood in toward land for the purpose of getting a cross-bearing, and passed Copper Island bearing west-north-west about 12 miles distant.

About 2 o'clock the three spars of a vessel were sighted low down on the horizon, and the "Carmolite" stood away to the eastward with about a 6-knot breeze. Thereupon the vessel headed for the schooner under sail and steam, followed her for about one hour and a-half, and when within a quarter of a mile brought her to by a gun. She proved to be the Russian cruiser "Vitez."

The "Carmolite" was seized. The Russian navigator examined the chronometer of the "Carmolite," and found that it was out, and that the schooner should have been 20 miles further to the eastward.

That at no time was the schooner nearer land than 20 miles, nor were any seals taken nearer than that distance.

That when passing Copper Island the day the steamer was sighted no boats were out, and no attempt had been made to catch seals.

The master and crew were taken to Petropaulovski and there put on shore, and were allowed 7 cents per day each, but were relieved by charitable natives giving them fish.

They, with other distressed crews, were taken to Vladivostock by the "Vitez," allowed 25 cents per day for subsistence for about seven days, when they were taken to Nagasaki, Japan, handed over to the British Vice-Consul, and sent to Victoria by the British steamer "Empress of Japan."

From the declarations it would appear that the schooner "Maria," just prior to her seizure, had been enveloped in a dense fog for forty-eight hours, so dense that the master was unable to obtain any reckoning, and it was impossible to ascertain the position of the schooner, and that the currents there run so strongly that the vessels are thrown out of reckoning.

When the fog lifted the master thought he was about 11 or 12 miles from the nearest land.

The Russian steamer "Kotik" approached the schooner from the shore, and it took her two hours to get alongside. The "Maria" was lying becalmed with all her sails down, and no attempt was made to make sail.

The second officer of the steamer "Kotik" informed one of the declarants that the "Maria" was about 11 miles from shore when seized.

In his declaration, Richard Kromm, cook of the "Maria," states that he had heard from the United States' schooners "Adams" and "Mohican" that the Russians would not interfere with any vessel unless within 9 miles of the shore; and upon his asking the second officer of the "Kotik" how far from land the "Maria" was, he was told about 11 miles, but that did not make any difference, as she would have been taken if 111 miles, as Russia claimed jurisdiction over the coast within 200 miles. The master of the "Maria" was informed by the Governor of the Commander Islands (who was on board the "Kotik"), upon his protest that he was outside Russian jurisdiction, that he was in Russian waters directly he crossed the line of demarcation between America and Russia, and that the Russian waters extended to the parallel of Cape Lepatka.

The master of the "Maria" refused to sign a paper to the effect that he, with his vessel, had been taking seals in Russian waters.

The crew of the seized vessel eventually reached home via steamship "Empress of Japan."

The supplementary declaration of Michael Keefe, of the schooner "Rosie Olsen," explains that for some four hours before sighting the steamer "Kotik" the schooner had been and was becalmed, and that the steamer was seen two hours at least before coming alongside the schooner. No attempt was made to escape.

It also states that the declarant in 1891 (while master of the schooner "Beatrice"), when he was ready to leave the locality, went on shore at Behring Island to obtain water and wood for the home voyage. The native and Russian officials assisted him to get water, &c., and told him that there was no hindrance to his taking seals outside of the coast boundary-line.

It would appear that in the case of the "Walter P. Hall," while the vessel was 25 miles south-west of Behring Island, she was hailed, and her master ordered by Captain de Leveron, of the Russian man-of-war "Zabiaka," to take his papers on board that vessel, which order was obeyed.

After an examination of the papers, the chart was demanded on which was shown the daily positions of the schooner while in the waters east of the line of demarcation.

The Commander of the Russian steamer was apparently satisfied, and as the schooner was at the time of interruption at least 25 miles from the nearest land, he ordered her master to depart out of Russian waters forthwith.

The master of the "Walter P. Hall" demanded to be informed as to the limits of asserted Russian waters, when Captain de Leveron drew on the schooner's chart a line from Cape Chalutka, on the coast of Kamshutka, to the most southerly point of the Aleutian Islands.

He also made the following entry in the official log of the "Walter P. Hall":—

"August 17, 1892.

"British schooner 'Walter P. Hall' was within Russian waters for sealing.

"The captain of the schooner 'J. B. Brown' received warning not to cross Russian waters any more, and has signed the notice of Russian Government.

(Signed) "B. DE LEVERON, Captain of His Imperial Majesty's
Revenue-cruizer 'Zabiaka.'"

The captain of the schooner states that, finding it was useless to refuse under threat of seizure, he signed the document, by command of Captain de Leveron, to relieve his vessel and crew from such peril.

The Minister desires to direct the attention of your Excellency to the statement of John Larkin, sealer on board the schooner "Ariel," that the crew of the Russian cruiser "Zabiaka" stole the underclothing from the members of the crew of the "Ariel."

Also to the declaration of J. C. Stratford, mate of the "Ariel," which states that the declarant saw a Lieutenant in the Russian service haul down the British flag and trample on it, and that the declarant took the flag from under his feet.

The Minister observes that these affidavits throughout bear witness to the peaceful attitude of the crews of the seized vessels, the absence of any insulting conduct towards Russian officers, and the fact that no arms were used to restore order on any occasion.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy of this Minute, together with

its Appendices, to the Right Honourable the Principal Secretary of State for the Colonies, with the request that the claims, advanced on behalf of the owners of the vessels named, to compensation for loss and damages, be considered with a view to forwarding them to the Russian Government for early settlement.

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

(Signed)

JOHN J. MCGEE,

Clerk of the Privy Council.

Inclosure 3 in No. 52.

Statement by Captain Hughes, of Sealer "Carmolite."

"CARMOLITE," registered at Liverpool, Nova Scotia, official No. 92322, 99 tons, crew 23, all told—16 Canadians, 5 English, and 2 Japanese. Cleared at Victoria Custom-house for Pacific Ocean on the 1st February. Fourteen guns and ammunition. Started sealing at Cape Blanco about the 5th February, and right over to Copper Island. Sent 879 seals to Victoria by schooner called "Libbey" (Canadian), from Kodiak Island, on Alaskan coast; thence proceeded to Copper Islands. Arrived about the 10th July, and continued sealing 60 miles to north and 60 to 120 miles to south, till on 28th August seized by Russian corvette "Vitez," about 25 miles east of south end of Copper Island, as computed by Russian Captain. Previous to being seized were about 12 miles east of south end when first sighted, and then were chased and captured.

Russian officer asked reasons for being so close to Copper Islands, and Captain Hughes stated that he sighted islands to correct chronometer, which was examined by navigator of Russian ship, who himself stated that it was incorrect.

Examined papers, and sent Captain on board man-of-war with papers. Russian Admiral on board "Vitez" at time, and himself ordered seizure. Had 608 seals on board when seized, which had been killed chiefly from 60 to 120 miles to north and south of Copper and Behring Islands, never nearer to land than 20 miles actually sealing until time sighted by "Vitez."

Self and crew with all personal effects sent on board "Vitez," except charts, sextants, and chronometer, which they claimed belonged to ship; then "Prizo" crew placed on board "Carmolite," which followed "Vitez" to Petropaulovski, where "Vitez" arrived on the 30th August, and there were put on shore and were allowed 7½ cents per day per head to exist on. Then, the 5th September, embarked in "Vitez," and were taken to Vladivostock, where arrived about 21st September, calling at intermediate ports in Saghalien. At Vladivostock sent on shore and allowed 25 cents per day per head to live on. Remained about a week. No guard placed on self or crew whilst either on board man-of-war or on shore till the 28th September, then placed on board "Tokio Marin." Passage arranged by Russian Government; taken to Fusan Island, where put on board "Genkai Marin" and taken to Nagasaki, where Russian Government handed over to British Consul by Russian Consul; there placed on board "Empress of Japan" for Victoria. At time of leaving Petropaulovski and Vladivostock none of my crew or any British subjects were left at either port. No one belonging to "Carmolite" was in debt to anybody whatever.

The above is a correct statement.

(Signed)

W. O. HUGHES,

Late Master, Sealing-schooner "Carmolite."

Sworn to before me at Victoria, British Columbia, this 30th day of October, 1892.

(Signed)

A. R. MILNE,

Collector of Customs.

Declaration of H. Hughes.

Port of Victoria, British Columbia.

Hedley Hughes, of Victoria, British Columbia, and late mate of the British schooner "Carmolite," of Liverpool, Nova Scotia, personally appeared, and doth solemnly declare and state as follows:—

That he was engaged to serve on the said schooner "Carmolite" in the capacity of mate for the sealing season 1892, at Victoria, British Columbia.

That he was on board the said schooner "Carmolite" from the 1st day of February last, and was with the said schooner during the season, hunting along the North Pacific Ocean, and until the said schooner reached that part of the North Pacific Ocean west of the line of demarcation as laid down in the Order in Council Behring Sea Act, 1891.

That the declarant states that the said schooner "Carmolite" continued to cruise and hunt for seals out of sight of land, and for five weeks had not sighted any land whatever, sometimes cruising to the northward and sometimes to the southward of the Commandorski Islands, and that the said schooner was sealing at the distance of 50 or 60 miles the nearest from land, and thinking that the vessel's chronometer was out wanted to ascertain the fact; stood in towards the land, and passed Copper Island bearing west-north-west, about 12 miles distant. This was done to enable the vessel to get a cross bearing, to correct her chronometer before bearing away to the southward.

That about 2 o'clock p.m. sighted the three spars of a vessel low down on the horizon, and, when seen, the schooner "Carmolite" stood away to the eastward with about a 6-knot breeze.

That when the strange vessel was seen, the declarant could not see her hull, only her spars.

That as soon as the schooner stood eastward, the vessel which proved to be a steam-ship was observed heading towards the schooner under sail and steam.

That the steam-ship followed the said schooner "Carmolite" for about an hour and a-half, and when within a quarter of a-mile off the said schooner the steamer fired a gun to heave-to.

That the said schooner "Carmolite" was hove-to on the starboard tack, and the schooner's flag was run up, and the steam-ship lowered a boat, which came alongside the said schooner, which proved to be an armed boat's crew from the Russian cruiser "Vitez."

That the Russian officer came on board the said schooner, and asked for the master, and went down into the cabin.

That the declarant was informed by the master that he was ordered on board the Russian cruiser "Vitez," and that the vessel was seized.

That the master went on board the Russian cruiser "Vitez" in his own boat, and when he was on board that vessel the Russian officer ordered the crew to get their personal effects ready, to go on board the Russian cruiser "Vitez."

That the Russian officer hauled the British flag down, and run up the Russian flag.

That the Russian cruiser took the crew of the said schooner "Carmolite" on board.

That the declarant was present on board the said schooner when the Russian navigator from the cruiser "Vitez" examined the chronometer of the said schooner "Carmolite" and found that the chronometer was out, and that the schooner would have been 23 miles further to the eastward.

That the Russian navigator tested the chronometer of the said schooner "Carmolite" by his own instrument, and stated that the schooner's chronometer was wrong and out, which was in the schooner's favour.

That the declarant says that at no time was the said schooner nearer than 20 miles, and at no time were any seals taken nearer land than that distance.

That in passing Copper Island, and when the Russian cruiser was sighted on the day of seizure, no attempt was made to take or hunt any seals, and no boats were out, the schooner then standing to the southward under full sail.

That the master and crew were taken to Petropaulovski on the Russian cruiser "Vitez" and there put on shore, and into an old gaol, and were allowed 7 cents per day to the men, which was next to starvation, and were relieved by charitable natives giving them fish.

That the crew of the said schooner with the other distressed crews were taken to Vladivostock on the cruiser "Vitez."

That the crew was allowed by the Russian officials 25 cents per day for subsistence, the crews being there about seven days, and herded together amongst Chinamen in an old dilapidated building.

That the crews were taken from Vladivostock on Japanese steamers to Nagasaki,

Japan, and handed over to the British Vice-Consul, and were sent to Victoria, British Columbia, by the British steam-ship "Empress of Japan."

(Signed) HEDLEY HUGHES.

Declared to before me at Victoria, British Columbia, this 7th day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of J. Morell and G. Wells.

Port of Victoria, British Columbia.

We, the Undersigned, being members of the crew of the British schooner "Carmolite," of Liverpool, Nova Scotia, on the sealing voyage during the present season, and were on board the said schooner "Carmolite" at the time of seizure by the Russian cruizer "Vitez," having heard the solemn declaration carefully read over of Hedley Hughes, who was mate of the said schooner during that time, hereby corroborate his declaration, and that we also solemnly declare that his statement is true in every particular.

(Signed) JOSEPH MORELL.
GEORGE WELLS, his x mark.

Declared to before me at Victoria, British Columbia, this 7th day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of S. Balcam.

Port of Victoria, British Columbia.

Sprott Balcam, of Halifax, Nova Scotia, and master of the British schooner "Maria," registered at the port of Maitland, Nova Scotia, personally appeared, and doth declare and state as follows:—

That the said British schooner "Maria" is a vessel of 95 tons register, and with a crew of twenty-five men, composed of Englishmen and Canadians, was regularly cleared at the Custom-house, Victoria, British Columbia, and sailed away on the 27th day of April last on a sealing voyage for the North Pacific Ocean, and having on board ballast and stores, salt, and sealing outfit.

That he commenced sealing off Cape Flattery on the 1st May last, and continued operations up along the coast of Vancouver Island and the Alaskan coast to the Aleutian Islands, and then sailed away to enter to the westward of the line of demarcation, as set down in the *modus vivendi* under "The Behring Sea Act, 1891."

That after voyaging to and fro hunting for seals, and on the 21st day of August last, while the declarant calculated that the schooner "Maria" was about 18 miles eastward of Copper Island, Commandorski group, the nearest land, the schooner being then for the past three days enveloped in a dense fog.

That about 1 o'clock on the said 21st day of August last, the fog having cleared up somewhat, the declarant saw the land, and found that the current had been setting the vessel to the west-north-west; the declarant likewise found that the currents run strongly in those waters, and throws the vessel out of reckoning.

That the declarant found when the fog lifted the schooner "Maria" was, as near as he could judge, about 11 or 12 miles from the nearest land.

That the boats were out hunting during the fog, and about one hour and a-half after the fog lifted saw a steamer approaching from the land; at this time the schooner "Maria" was laying in a dead calm, with no sails set at all, they being all furled up snug, and had been so furled for four hours previous to the steamer "Kotik," a Russian vessel belonging to the Russian Fur Company, coming alongside the said schooner "Maria."

That the declarant declares that he did not attempt to make sail or run away on

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the approach of the said Russian steamer "Kotik," as the vessel was in a dead calm, and any attempt to get away was entirely useless.

That the Governor of Commandorski Islands was on board the Russian steamer "Kotik" at the time of coming alongside of the schooner "Maria," and hailed the declarant to bring his ship's papers on board the Russian steamer "Kotik."

That after examination by the Governor of Commandorski Islands of the papers of the said schooner "Maria," informed the declarant that he was a prisoner, and would not be permitted to return to the schooner "Maria," on the alleged grounds that he had been taking seals in Russian waters.

The declarant stated that he had been hunting outside three leagues of the coast, and therefore thought that he was on the high seas and beyond Russian jurisdiction.

That the Governor of the Commandorski Islands replied to the declarant that he was in Russian waters directly he crossed the boundary-line of demarcation between American and Russian waters.

That the Russian Governor of the Commandorski Islands directly informed the declarant that Russian waters extended to the parallel of Cape Lopatka.

That an officer and ten men of the Russian steamer "Kotik" were put on board the schooner "Maria."

That all the crew of the said British schooner "Maria" were ordered on board the Russian steamer "Kotik," and were permitted to take their clothing and personal effects with the exception of stow- chests, charts, and instruments, and were taken on the Russian steamer "Kotik" to Petropaulovski.

That the Russian Governor of the Commandorski Islands, when the crew were being transferred from the said schooner "Maria" to the Russian steamer "Kotik," the Governor of the Commandorski Islands drew up a writing setting forth that the declarant with the British schooner "Maria" had been taking seals in Russian waters, which the declarant positively refused to sign the written document, on the grounds stated to the Governor of the Commandorski Islands, that the declarant had not taken any seals in Russian waters.

The Russian trading steamer "Kotik," with the crew of the said schooner "Maria" as prisoners, arrived at Petropaulovski on the 20th August last.

That at Petropaulovski the crew of the said British schooner "Maria" were given an old shed, but it was so old and uncomfortable that many left it and sold their clothes to pay for their lodgings, for they had no money, and what provisions they had came from the seized schooner "Maria."

The crews were taken to Vladivostock on the Russian cruiser "Vitziz," and from Vladivostock to Nagasaki, Japan, on a Japanese steamer, thence to Victoria by the steam-ship "Empress of Japan."

That Mr. Lindquist and Mr. Malanovsky, foreign resident merchants, behaved very kindly to the distressed crews, which would have otherwise suffered great hardship had it not been for many kind acts of those persons.

That the crews were not quarrelsome at all, and no insults were offered to the Russian officers, and no arms were used at any time, nor was it necessary to use such.

That the crews of the seized schooners arrived back at Victoria, British Columbia, on the evening of Sunday, the 30th day of October last.

(Signed) **SPROTT BALCAM.**

Declared to before me at Victoria, British Columbia, this 5th day of November, 1892.

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

Declaration of W. Dexter.

Port of Victoria, British Columbia.

William Dexter, of Marble Head, in the State of Massachusetts, United States of America, and during the present season, 1892, was mate of the British schooner "Maria," personally appeared, and doth declare and state as follows:—

That on the 21st day of August, 1892, remembered all the circumstances connected with the seizure of the schooner "Maria."

That the morning was extremely foggy, and when the fog lifted found the vessel

was about 10 to 12 miles from the nearest land. The tide-current was setting strongly in shore towards the land.

That in the afternoon, about 3 p.m., while the vessel was laying in a dead calm, with her sails furled, which had been continuously furled for the previous four hours, and the vessel was setting in towards the land with the tide-current.

That on seeing the Russian Fur Company's steamer "Kotik" approaching no attempt whatever was made to escape or run away, it being utterly useless to attempt to sail away from the approaching steamer, there being no wind, and the said schooner "Maria" lay almost motionless.

That after the prize crew was put on board the said British schooner "Maria" no attempt was made for three hours after her capture to make sail on the schooner by the Russian prize crew, owing to the lack of wind and the dead calm prevailing.

That the steamer "Kotik" is a Russian trading-vessel, and exhibited no authority for seizing the said schooner "Maria."

(Signed) WILLIAM DEXTER.

Declared to before me at Victoria, British Columbia, this 3rd day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of R. W. Cardiff.

Port of Victoria, British Columbia.

Richard Waldo Cardiff, of Victoria, British Columbia, and during last sealing season was a seaman on board the British schooner "Maria," of Maitland, Nova Scotia, personally appeared, and doth declare and state as follows:—

That the British schooner "Maria," of Maitland, Nova Scotia, had a crew of twenty-five men, and sailed away, on the 27th day of April last, on a sealing voyage to the North Pacific Ocean.

That the schooner "Maria" commenced sealing on the 1st day of May last, and continued doing so along the coast, until the said schooner "Maria" reached the Russian or Asiatic side of Behring Sea.

That the declarant states that the schooner "Maria" was seized on the 21st day of August last, and the schooner had then been in a dense fog for the past forty-eight hours, so dense that it was impossible to know where the schooner was, the master being unable to obtain any reckoning.

That the declarant says that when the fog lifted the master thought that he was about 12 or 13 miles from the nearest land.

That then declarant saw the Russian steamer "Kotik" approaching from the land, and that he saw the steamer "Kotik" steaming towards the said schooner "Maria," and that from the time he first saw the said steamer "Kotik" approaching it was two hours before the said steamer "Kotik" came alongside the said schooner "Maria."

That at the time of seizure of the said schooner "Maria" there was not the slightest wind, the vessel laying becalmed, with all her sails down.

That there was no attempt to make sail or run away by the schooner "Maria" on the approach of the Russian steamer "Kotik."

That the declarant saw no arms used, as there was no necessity for the same, the crew being peaceful.

That the second officer of the steamer "Kotik" told the declarant that the schooner "Maria" was about 11 miles from shore when seized.

That the crew of the "Maria" were put into an old abandoned building at Petropaulovski, with only the roof and sides on it, with no floor, no blankets, and the crew consequently suffered.

That the declarant came from Petropaulovski to Vladivostock, and thence to Nagasaki, Japan, and thence to Victoria, British Columbia, on the Canadian Pacific Railroad steam-ship "Empress of Japan."

(Signed) RICHARD WALDO CARDIFF.

Declared to before me at Victoria, British Columbia, this 7th day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of R. Kromm.

Port of Victoria, British Columbia.

Richard Kromm, of New York City, United States of America, and late cook of the schooner "Maria," of Maitland, Nova Scotia, personally appeared and doth declare and state as follows:—

That he was cook of the British schooner "Maria," of Maitland, Nova Scotia, during the past season of 1892, and that the said schooner had a crew of twenty-five men, and sailed away on the 27th day of April last, on a sealing voyage to the North Pacific Ocean.

That the schooner "Maria" commenced sealing on the 1st day of May last, and continued doing so along the coast until the said schooner "Maria" reached the Russian or Asiatic side of Behring Sea.

That the declarant states that the schooner "Maria" was seized on the 21st day of August last, and the schooner had then been in a dense fog, so dense that it was impossible to know where the schooner was, the master being unable to obtain any reckoning.

That the declarant says that when the fog lifted, the master thought he was about 12 or 13 miles from the nearest land.

That the declarant saw the Russian steamer "Kotik" approaching from the land, and that he saw the said steamer "Kotik" steaming towards the said schooner "Maria," and that from the time he first saw the said steamer "Kotik" approaching, it was two hours before the said steamer "Kotik" came alongside the said schooner "Maria."

That at the time of seizure the schooner "Maria" was becalmed and the sails all down, there being not the slightest wind.

That when the said schooner "Maria" was seized, the crew were ordered on board the said steamer "Kotik," with the exception of the declarant, who was ordered by the Russian officer in charge of the prize crew to remain on the schooner "Maria," and cook for the prize crew who were in charge of the said schooner "Maria."

That the declarant heard from the United States' steamer "Adams" and the United States' steamer "Michigan," that the Russians would not interfere with any vessels unless within 9 miles of the shore; the declarant asked the officer in charge of the schooner "Maria," who was also second officer of the Russian steamer "Kotik," about how far the schooner "Maria" was estimated to be from the shore, and the said officer replied to the declarant about 11 miles, but that did not make any difference, that they would have taken the schooner "Maria" all the same at a distance of 111 miles, and that the Russians claimed jurisdiction over the coast within 200 miles.

That he went to Petropaulovski on the schooner "Maria," with a prize crew of eight Russian sailors.

That the crew of the schooner "Maria" were put upon the beach at Petropaulovski.

That there were no arms used, as there was no occasion to use them, the crew being peaceful.

That the Russians at Petropaulovski allowed the crew stores from the seized schooner "Maria," and the crew had only shelter in an old abandoned house.

That the declarant returned with the rest of the crew via Nagasaki, Japan, thence by the Canadian Pacific Railroad steam-ship "Empress of Japan" to Victoria, British Columbia.

(Signed) RICHARD KROMM.

Declared to before me at Victoria, British Columbia, this 7th day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of M. Keefe.

Port of Victoria, British Columbia.

Michael Keefe, of Victoria, British Columbia, master of the British schooner "Rosie Olsen," registered at the port of Victoria, British Columbia, personally appeared, and doth declare and say as follows:—

That the declarant desires to make a supplementary statement to the one already made by him on the 6th day of September last, as follows:—

That the schooner "Rosie Olsen" on the 26th day of July last, the date of her seizure, the said schooner was becalmed, and had been so for about four hours before sighting the Russian trading steamer "Kotik," and that the said steamer "Kotik" was seen two hours at least by the declarant before coming alongside of the schooner "Rosie Olsen."

That on the approach of the Russian steamer "Kotik" no sail was made, or was there any attempt made by the declarant to run away with the schooner.

That the schooner's log-book did not exhibit that the vessel had been any nearer the land in those Russian waters.

That the declarant says he saw no arms used, as none was necessary, as the seized crews were all peaceful at Petropaulovski.

That the declarant did not see nor hear any insults given to Russian officers.

That last year the declarant, whilst master of the schooner "Beatrice" (1891), went on shore on Behring Island, to obtain water and wood for the voyage home, as it was the nearest land, and when he was ready to leave the natives and Russian officials assisted him to get water, &c., and told him that there was no hindrance to the declarant taking seals outside of the coast boundary-line.

(Signed) MICHAEL KEEFE.

Declared to before me at Victoria, British Columbia, this 7th day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of J. B. Brown.

Port of Victoria, British Columbia.

Be it known and made manifest unto all people that on the 1st day of November, in the year of our Lord One thousand eight hundred and ninety-two, personally came and appeared before me, Alexander Roland Milne, Collector of Customs at the port of Victoria, British Columbia, duly authorized as such, John Brison Brown, master of the British schooner named "Walter P. Hall," registered at the port of Maitland, Nova Scotia, and whose official number is 90663. The said master doth duly and solemnly declare and state as follows:—

That the schooner "Walter P. Hall" is a vessel of 91 tons register, and that Thomas K. Lawrence, of Maitland, Nova Scotia, is owner of thirty-two shares, and the above-named John B. Brown is owner of thirty-two shares, and whose residence is also Maitland, Nova Scotia.

That on the 13th day of May last the appearer and the rest of the crew set sail in her from Victoria, British Columbia, having been regularly cleared at the Custom-house at the said port of Victoria, British Columbia, bound on a voyage to the North Pacific Ocean in ballast, and having on board stores, salt, and the usual hunting outfit for sealing in the North Pacific Ocean.

That having voyaged to and fro on the waters of the North Pacific Ocean, and arrived to the westward of the line of demarcation, as set down in the *modus vivendi* under "The Behring Sea Act, 1891," on the 19th day of July last, and was cruising to and fro in search of seals, and which the appearer thought he had the undoubted right to pursue his legitimate avocation, and at no time whilst in those waters was he nearer the land than 20 miles from the Commandorski group of islands.

That about 1 P.M. on the 17th day of August last, whilst the said schooner "Walter P. Hall" was 25 miles south-west of Behring Island, the Russian man-of-war "Zabiaka," commanded by Captain de Leveron, hailed the said schooner "Walter P. Hall," and demanded that the master bring his papers on board the said Russian cruiser "Zabiaka:" that the said schooner "Walter P. Hall" lay becalmed, the master

obeying the order, lowered his own boat, and went on board the Russian cruiser "Zabiaka," taking his papers and charts with him.

That after examination of the papers of the said schooner the chart was demanded, on which was shown the daily positions of the said schooner "Walter P. Hall" while in the waters of the Behring Sea, to the eastward of the line of demarcation.

That the Commanding Officer of the Russian cruiser "Zabiaka" was apparently satisfied, and as the schooner was at the time of being boarded at least 25 miles from the nearest land, ordered the captain of the said British schooner "Walter P. Hall" to depart out of Russian waters forthwith.

That the appener, John Brison Brown, master of the said schooner "Walter P. Hall," demanded to know from the said Captain de Leveron, commanding the Russian cruiser "Zabiaka," the limits of the asserted Russian waters, when the said Captain de Leveron took the chart of the said captain, John Brison Brown, and marked the same, which the said John Brison Brown has now in his possession, and which chart shows a straight line drawn from Cape Chulutka on the coast of Kamtschatka to the most southerly point of the Aleutian Islands, the line being drawn on the chart of the said schooner "Walter P. Hall" by Captain de Leveron, the Commanding Officer of the "Zabiaka," himself.

That the said Captain de Leveron wrote in the official log of the said schooner "Walter P. Hall" as follows:—

17th August, 1892, British schooner "Walter P. Hall" was within Russian waters for sealing.

The captain of the schooner, J. B. Brown, received warning not to cross Russian waters any more, and have signed the notice of Russian Government.

(Signed) "B. DE LEVERON, *Captain of His Imperial Majesty's Revenue-cruiser 'Zabiaka.'*"

That the Commanding Officer, B. de Leveron, of the Russian cruiser "Zabiaka," having asserted that the Russian authority extended to where he had marked down on the chart, the said John Brison Brown, finding that it was useless to refuse under threat that his vessel, the "Walter P. Hall," would be taken by force and his crew taken prisoners, signed a document by command of B. de Leveron, the Commanding Officer of the cruiser "Zabiaka," to relieve his vessel and crew from peril of seizure.

That whereas the legitimate voyage of the British schooner "Walter P. Hall" was forcibly interrupted by the Russian cruiser "Zabiaka," resulting in grievous financial loss to the master, crew, and owners of the said British schooner "Walter P. Hall."

(Signed) J. B. BROWN.

Declared to before me at Victoria, British Columbia, this 2nd day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of J. McLeod.

Port of Victoria, British Columbia.

John McLeod, of Victoria, British Columbia, master of the British schooner "Ariel," official No. 88612, registered in the port of Victoria, personally appeared, and solemnly declared and stated as follows:—

That the declarant desiring to make the following supplementary declaration to the one already made by him on the 6th day of September last, and says:

That the said British schooner "Ariel" on the morning of the 25th day of July last, the date of the seizure of the said schooner "Ariel" by the Russian cruiser "Zabiaka," being in latitude 54° 10' north, longitude 167° 40' east, and being then about 40 or 50 miles from the south-east end of Copper Island, Commandorski group. The said schooner "Ariel" lay becalmed in a dead calm, and had been so becalmed for sixteen hours previous to her seizure, and was at the time of seizure drifting slowly to north-east by the set of the currents, there not being a breath of wind. That on the morning of the said 25th day of July the declarant, being below, was called on deck

by the mate about 2:30 A.M., who pointed out smoke very low down on the north-west horizon, which gradually increased in volume to where the said schooner "Ariel" was then lying, which on coming nearer proved to be a steamer, and the same was the Russian cruiser "Zabiaka," which had been watched for about three hours before coming alongside of the said schooner "Ariel," and from the indications of her smoke appeared to be going at full speed, and, as the officers afterwards informed the said declarant, that she was steaming 16 to 18 knots an hour.

That the British schooner "Ariel," having lain hours becalmed before her seizure, did not nor could not make any attempt to run away or proceed to a greater distance from the Russian cruiser "Zabiaka" from the time that the vessel was first sighted, as it was impossible to do so in such a dead calm.

That the declarant from the time of seizure and detention until his release saw no quarrelsome conduct amongst the seized crews, nor did he see any insulting conduct towards Russian officers, and he is positive that no arms were used to restore order on any occasion.

(Signed) JOHN McLEOD, *Master.*

Declared to before me at Victoria, British Columbia, this 5th day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of J. C. Stratford.

Port of Victoria, British Columbia.

James Campbell Stratford, of Victoria, British Columbia, and mate of the British schooner "Ariel," official No. 88012, and registered at the port of Victoria, British Columbia, personally appeared, and doth solemnly declare and state as follows:—

That the declarant desires to make the following supplementary declaration to the one already made, being cognizant of all the circumstances connected with the seizure of the said British schooner "Ariel" on the 28th day of July last. That the said British schooner "Ariel," on the morning of the day on which the vessel was seized, while lying in latitude 54° 10' north, longitude 167° 40' east, between 40 and 50 miles off the south-east of Copper Island, Commandorski group, the schooner having been becalmed for sixteen hours previous to her seizure by the Russian cruiser "Zabiaka," and was at time of seizure in a dead calm, not a breath of wind, drifting slowly to the north-east.

That from 2:15 A.M. to 5:30 A.M. on the said 28th day of July last the declarant on coming on deck at 2:15 A.M. found the schooner "Ariel" lying motionless and powerless in the calm, saw smoke very low down on the horizon, in a north-westerly direction, which gradually increased in volume as it approached to where the said schooner "Ariel" lay; the approach of the smoke was eagerly watched by the declarant, which in coming nearer proved to be a steamer, and which proved to be the Russian cruiser "Zabiaka," and which had been watched by the declarant for three hours before coming alongside; from all appearances of the vessel and the smoke was steaming at full speed, and which the officers of the said cruiser "Zabiaka" informed the declarant that the said cruiser would steam from 15 to 18 knots per hour.

That the British schooner "Ariel," having lain hours becalmed, did not nor could not make any attempt to run away and proceed a greater distance from the Russian cruiser "Zabiaka," and that it was impossible to do so in such a dead calm at the time.

That the declarant clearly remembers that at the time of seizure he saw a Russian officer, a Lieutenant in the Russian service, haul down the British flag, which was then flying at the maintopmast head, and having pulled the British flag down, trampled on the said flag, and the declarant took the flag from under his feet.

That the declarant remained on the schooner "Ariel" as prisoner, and was forced to assist in the navigation of the vessel, as the Russian prize crew were unable to sail and manage the schooner without the declarant's assistance, he frequently having to be pulled out of his berth during the night to make or shorten sail.

That the declarant from the time of seizure until his release saw no quarrelsome

conduct amongst the seized crews, nor no insulting conduct towards Russian officers, and saw no arms used to restore order on any occasion.

(Signed) J. C. STRATFORD.

Declared to before me at Victoria, British Columbia, this 5th day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

Declaration of J. Larkin.

Port of Victoria, British Columbia.

John Larkin, of Victoria, British Columbia, sealer, and, during the present season (1892), was boat puller in one of the boats of the British schooner "Ariel," of Victoria, British Columbia, personally appeared, and doth solemnly declare and state as follows:—

That he was engaged and shipped on board the British schooner "Ariel" as boat puller, and was always out sealing with the boat that he was designated duty on, and on every occasion remembers every circumstance connected with seal hunting on the Asiatic side in the neighbourhood of the Kormandorski Islands.

That at no time was the declarant with the boat to which he belonged nearer to land (that is, to Copper or Behring Island) than 10 miles, and that at no time has he been on the said Copper or Behring Island, or on any other island or land, before the seizure of the said schooner "Ariel" after leaving for the Asiatic side.

That he remembers all the circumstances of the seizure of the British schooner "Ariel," which schooner was becalmed at the time of seizure, and had been becalmed from the previous day; the boats were all on board the vessel when the seizure took place, and the schooner was then at least 30 miles from the nearest land.

That for sixteen hours the British schooner "Ariel" laid in a dead calm, not a breath of wind, drifting slowly to north-east from 3 A.M. to 5:30 A.M. on the 28th day of July last, the date of seizure of the said schooner "Ariel;" the schooner lay motionless on the water, powerless, and saw the Russian cruiser "Zabiaka" appear in the distance, steaming, as the engineer of the said cruiser "Zabiaka" afterwards informed the declarant, that the cruiser was then steaming 16 miles per hour, the sea being perfectly smooth, and it was two and a-half hours from the time first sighted until the cruiser came alongside the schooner "Ariel."

That the British schooner "Ariel" did not sail or run away from the Russian cruiser "Zabiaka," as it was impossible to do so in such a dead calm on the day of her seizure.

That the crew of the Russian cruiser "Zabiaka" stole the underclothing from the members of the crew of the British schooner "Ariel," and the treatment that the declarant and the crew of the schooner "Ariel" received at the hands of the Russian officers was disgraceful, and unlike any humane treatment in a civilized country.

(Signed) JOHN LARKIN.

Declared to before me at Victoria, this 3rd day of November, 1892.

(Signed) A. R. MILNE,
Collector of Customs.

PARTICULARS of claim made by the owners of the schooner "Carnolite," of Liverpool, Nova Scotia, 99 tons register, which vessel was seized on the 28th August, 1892, in latitude 54° 25' north, longitude 168° 50' east, by the Imperial Russian cruiser "Vitez."

	Dollars.
Value of the schooner	10,000
7 sealing boats and outfit, at 140 dollars	980
1 chronometer	125
Stock of provisions, including groceries, salt, &c., and ammunition, estimated	1,000
15 Parker guns, at 55 dollars	825
1 rifle	15
	2,915
608 seal-skins on board schooner when seized, at 13 dollars	7,904
From information from captain and hunters, estimated number of seal-skins which would have been taken had not schooner been seized, 600 seal-skins, at 13 dollars	7,800
Total claim	28,619

(Signed) CHAS. HACKETT,
Managing Owner.

Victoria, British Columbia, November 2, 1892.

Memo.—If above claim not paid before the 1st February, 1893, further claim due owners for loss of next year's earnings.

Accrued Claim.

PARTICULARS of claim made by the owners of the schooner "Willie MacGowan," of Shelburne, Nova Scotia, 115 tons register, which vessel was seized on the 18th July, 1892, in latitude 53° 50' north, longitude 167° 50' east, by the Imperial Russian cruiser "Zabiaka."

	Dol. c.
Value of the schooner	10,000 00
7 boats, value 120 dollars each	840 00
Outfit for boats (oars, sails, &c.). 7 outfits at 20 dollars each	140 00
	980 00
2 chronometers, one at 100 dollars and 1 at 125 dollars	225 00
Stock of provisions, including groceries, salt, &c., and ammunition, estimated	1,000 00
2 rifles, at 25 dollars each	50 00
13 Parker shot guns, at 60 dollars each	780 00
1 brass cannon	100 00
	2,155 00
1 sextant	50 00
Binooculars	25 00
North Pacific chart and others	18 50
Parallel rulers, nautical almanacs	3 00
Barometer	10 00
	106 50
75 seal-skins on board schooner when seized, at 12 dollars	876 00
Estimated number of seal-skins which would have been taken had not schooners been seized, 927 at 12 dollars	9,924 00
Total claim	24,011 50

For R. P. Rithet and Co. (Limited),
(Signed) R. SEABROOK, *Vice-President,*
Agent for Owners.

Victoria, British Columbia, November 2, 1892.

Memo.—If above claim not paid before the 1st February, 1893, further claim due owners for loss of next year's earnings.

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PARTICULARS of claim of schooner "Maria," and owners, 94 tons register, of Maitland, Nova Scotia, seized by Russian Fur Company's steamer "Kotik" on the 21st August, 1892, when 9½ miles east-north-east from east end of Copper Island.

	Dollars.
Value of schooner	9,000
Outfit, boats, guns, ammunition, and instruments	6,600
	Seal-skins.
Seal-skins on board when seized	597
Estimated loss through seizure	604
	1,200
1,200 seal-skins, at 12 dollars each	14,400
1 sextant	50
Total claim, season 1892	29,150

Note.—If this claim is not paid or the vessel returned before the 1st January, 1893, an additional claim for 1893 season will occur, as it will then be too late to procure another vessel.

(Signed) JOHN G. COX, *Manager.*
SPROTT BALCAM, *Master.*

PARTICULARS of claim of schooner "Ariel," of Victoria, British Columbia, 94 tons register, seized by the Russian cruiser "Zabiaka" on the 28th July, 1892, in latitude 54° 10' north, longitude 167° 40' east.

	Seal-skins.
Schooner's average catch of her size and number of boats	1,200
Less seals caught and previously claimed for	207
	993
	Dollars.
993 seals lost to the schooner by the action of the Russian cruiser, valued at 14 dollars each, claim	13,902

Note.—This is an additional claim to the one already forwarded at time of schooner's crew's return for the amount of 18,746 dol. 50 c., and which was actual loss only.

Unless these claims (18,746 dol. 50 c. and 13,902 dollars), amounting to 32,648 dol. 50 c., are paid prior to the 1st January, 1893, an additional claim for season 1893 will be made, as it will be too late to purchase another schooner.

(Signed) JOHN McLEOD, *Master.*

Notice.

The Imperial Russian Government hereby publishes, for general knowledge, the following:—

1. Without a special permit or licence from the Governor-General of Eastern Siberia, foreign vessels are not allowed to carry on trading, hunting, fishing, &c., on the Russian coasts or islands in Okhotsk and Behring Seas, or on the north-east coast of Asia, or within their sea boundary-line.

2. For such permits or licences foreign vessels should apply at Vladivostock exclusively.

3. In the port of Petropaulovski, though being the only port of entry in Kamtelutka, such permits shall not be issued.

4. No permits or licences whatever shall be issued for hunting, fishing, or trading at or on the Commodore and Robben Islands.

5. Foreign vessels found trading, fishing, hunting, &c., in Russian waters, without a licence or permit from the Governor-General, and also those possessing a licence or permit who should infringe on the existing bye-laws on hunting, shall be confiscated, both vessels and cargoes, for the benefit of the Government. This enactment shall be enforced henceforth, commencing with a.d. 1882.

6. The enforcement of the above will be intrusted to Russian men-of-war and Russian merchant-vessels, who, for that purpose, will carry military detachments, and be provided with proper instructions.

Inclosure 4 in No. 52.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord,

Government House, Ottawa, December 30, 1892.

WITH reference to previous correspondence on the subject of the seizure of British sealing-vessels in the North Pacific Ocean by Russian authorities, I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting a letter from Messrs. Corbould, McCall, Wilson, and Campbell, of Vancouver, covering a statement of Captain W. H. Copp, of the British sealing-schooner "Vancouver Belle," which schooner was seized in the North Pacific Ocean, on the 12th August last, by the Russian cruiser "Zabiaka."

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 5 in No. 52.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 20th December, 1892.

ON a Report dated the 15th December, 1892, from the Minister of Marine and Fisheries, submitting, in connection with his previous Reports on the seizure of British vessels in the North Pacific Ocean by Russian authorities, the appended letter from Messrs. Corbould, McCall, Wilson, and Campbell, of Vancouver, covering a statement of Captain W. H. Copp, of the British sealing-schooner "Vancouver Belle," cleared from Vancouver, British Columbia, on the 13th February, 1892, on a seal-hunting voyage to the North Pacific Ocean and Okhotsk Sea, and seized in the North Pacific Ocean on the 12th August, 1892, by the Russian cruiser "Zabiaka."

The Minister observes that the statement contains a full and detailed narrative of the vessel's cruise from her clearance until her seizure, as well as an exhaustive account of the arrangement entered into between the Russian Commander of the "Zabiaka" and Captain Copp, of the "Vancouver Belle," by which the seized schooner "Rosie Olsen" was handed over to the latter, for the purpose of conveying home the members of the crew of his own vessel, as well as other distressed sealers, thrown upon the Russian shores by reason of the seizure of British vessels.

The Minister observes further that the circumstances attending the consummation of the arrangement, the condemnation of the "Rosie Olsen," and the changing her name to the "Prize," are fully recounted.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward a copy of this Minute, together with a copy of the Appendix hereto attached, to the Right 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 6 in No. 52.

Messrs. Corbould, McCall, Wilson, and Campbell to Mr. C. H. Tupper.

Sir,

Vancouver, British Columbia, November 18, 1892.

WE have the honour herewith to forward to you statement by Captain Copp, of the "Vancouver Belle" sealing-schooner, and declaration verifying same, and certified by such of the crew as we have been able to get hold of. We shall feel extremely obliged if you will bring same to the notice of the proper Department of the Government, with a view of obtaining, in due course, compensation for the loss of the "Vancouver Belle."

We have, &c.

(Signed) CORBOULD, MCCALL, WILSON, AND CAMPBELL.

(Statement under separate cover.)

Statement by Captain Copp.

Dominion of Canada, Province of British Columbia,

to wit :

In the matter of the seizure of the sealing-schooner "Vancouver Belle" by the Russian cruiser "Zabiaka."

I, William Harvey Copp, the captain of the sealing-schooner "Vancouver Belle," now residing at the city of Vancouver, in the Province of British Columbia, solemnly and sincerely declare as follows:—

1. The statement hereto annexed marked (A) is a correct statement, in substance and in fact, of the voyage of the sealing-schooner "Vancouver Belle," commencing on the 13th day of February, 1892, and the seizure of the said schooner by the Russian cruiser "Zabiaka."

2. The copies of the letters sent out in the said statement are correct copies of the original letters taken from the original letter in my possession, addressed to me by the Captain of the said Russian cruiser "Zabiaka," and my copies of the letters I addressed to him as appearing in the said statement.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-Judicial Oaths."

(Signed) W. H. COPP.

Declared at the city of Vancouver, in the Province of British Columbia, this 8th day of November, 1892.

(Signed) A. S. G. HAMENSLEY, a Notary Public in and for the District of New Westminster, in the Province of British Columbia.

(Seal.)

(A.)

In the matter of the seizure of the Canadian sealing-schooner "Vancouver Belle" by the Russian cruiser "Zabiaka."

Statement by Captain Copp, of the "Vancouver Belle," in his own words, February 13, 1892.

The "Vancouver Belle," being fully manned with a crew of twenty-three men, all told, well found and in every way well fitted to perform the voyage, cleared from the Customs-house at Vancouver for a sealing and hunting cruise to the North Pacific Ocean and Okhotsk Sea.

At 5 p.m. we took a tug and towed from the harbour of Vancouver, and then proceeded on our way under all possible sail toward sealing-ground on the Pacific coast, arriving in latitude 47° 55' and longitude 125° 8' west on the 17th February.

From this point we cruized, hunted, and sealed towards the coast of Vancouver Island, and when in latitude 48° 50' and longitude 126° west, being the 1st March, Henry Turner, mate, was drowned whilst hunting in the stern-boat, and Harvey D. Copp, able-bodied seaman, was promoted to act as mate for the rest of the voyage.

From the 1st March the said schooner, cruiser, and sealer sailed away to the north-west along the coast of Vancouver Island to the north, along the coast and in the big bend of the Alaskan Peninsula as far as Kadiak Island, arriving at that point, in latitude 58° north and longitude 151° 30' west, on the 13th day of June, 1892, having then on board 335 salted seal-skins in full for the coast catch.

The said schooner "Vancouver Belle" then continued her voyage to the west, intending to go to Behring Sea via Unianak Pass, and on the 18th June, when opposite said pass, spoke and conversed with the master of an otter-hunting schooner, the "Olga," of Unga, who told us that the American side of Behring Sea east of the line of demarcation between the United States' Government and that of Russia was again closed from May 1892 to May 1893 by order of the British and United States' Governments, and that he (the master of the otter-hunting schooner) had had the Proclamation put on board, and had been spoken by several cutters on their way to

Behring Sea, and that the stipulations of the present Proclamation made all vessels with sealing implements on board liable to seizure if found inside the said waters of Behring Sea, warned or not warned.

This being the only reliable information received since leaving British Columbia, we now decided to cross over to the Russian side of the Pacific Ocean, and steered a course along the south side of the Aleutian Islands, arriving on the 2nd day of July in latitude $63^{\circ} 47'$ north and longitude $168^{\circ} 20'$ east, the southernmost end of Copper Island, then bearing south-east, distant 50 miles.

From the 2nd July to the 11th August all went well, and we cruized and sealed in the waters without interruption up to that date.

At 12 noon of the 11th August we were in latitude $54^{\circ} 15'$ and longitude $166^{\circ} 30'$ east, having then on board 618 salted seal-skins, including what had been taken in the waters on the east coast of the Pacific Ocean, and from 12 noon of this day to midnight a fresh south-west wind was blowing, with a choppy sea and thick fog.

On the 12th August at daylight we were running to the east under easy sail, when the fog cleared up and we sighted land.

We continued our course to the east, and at 8 A.M. the south end of Copper Island bore north-north-east, distant 35 miles.

We then set all sail and hauled ship close on, the wind standing still on the starboard tack, the wind then hauling to south-east and dying out.

At 12 noon the observed latitude was $54^{\circ} 20'$, whilst the south end of Copper Island bore north, 20 miles distant.

We then tacked ship and stood off from the land toward the south-west on a wind, and at 1 P.M. the wind dying out to a very light breeze, we being in company with another schooner put over our boats and sealed to the south-west, the schooner being under all sail.

At 2 P.M. sighted a smoke of steam-vessel away to the north-north-east, and we then put up a signal and called our boats on board, the boat farthest away being about $1\frac{1}{2}$ miles from the ship and over 20 miles from land.

At 2:30 P.M. our sealing-boats tacked and stood toward the ship, being ahead and on the lee-bow of the ship, and at 3 P.M. all the boats were on board, and no seal were taken in the boats or in the ship this day.

At this time we could see the ship's hull, and knew it was a Russian cruiser about 4 miles, bearing north-east.

At 4 P.M. Russian cruiser was about quarter of a mile astern, and on the weather quarter of said schooner "Vancouver Belle" she fired a gun, and then we hoisted the English ensign, and hove-to said schooner "Vancouver Belle."

The Russian cruiser then ranged up alongside, and the Commander hailed the said "Vancouver Belle" for the master to come on board the cruiser and bring his papers.

The master then went on board, and when the Commander and officers had hurriedly examined my papers of the said schooner "Vancouver Belle," he turned to me and said: "Captain Copp, I see your Government has cleared your vessel for the North Pacific Ocean and Okhotsk Sea: does not your Government know that you cannot go to the Okhotk Sea without Russian licence, neither can you come to our coast without first getting licence from the Russian authorities." I answered that I had not been to the Okhotsk Sea, neither had I been to Kanescalker coast. He then asked me where I had been last year, and I told him that I went to Behring Sea, arriving about 1st July, and on the 5th day was spoken by the United States' cutter "Corwin," who left on board the Proclamation and a warning to leave the waters of that sea east of the line of demarcation. I then came home, laid my vessel up until February of this year, when I again started out to seal, and had taken 335 seals on the east coast of the Pacific. Came west and related my conversation with the otter-hunter, and continued to come west in hopes of getting enough skins on the west side of the Pacific to pay the expense of fitting out. I was then asked how many skins I had, and I answered correctly 618, 283 of which I took on the west side of the Pacific.

The Commander of the cruiser then said: "Captain, you went to the Behring Sea last year, and the American cruisers drove you out. You would have gone there this year, only was prevented by the same reason, and now you have crossed the American line and come into Russian waters; therefore I will seize your vessel." I protested against the seizure of my vessel, saying that I was 24 miles away from any land, and considered that my vessel was on the open high sea, and I was following a legitimate hunting and sealing business.

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Captain de Leveron, of the Russian cruiser "Zabiaka," then said: "Captain, it does not matter to me what you consider to be the line of demarcation between the waters of the Behring Sea and the waters of the North Pacific Ocean; my instructions from my Admiral are to seize all vessels found sealing north of a line drawn from 3 miles south of the southernmost Aleutian Island on a parallel of latitude to the Kamtschatka coast, but I use my own discretion, and have only seized four and you are the fifth; I could have had twenty as well as five."

He then told me to hurry up and go in the boat with an armed crew which took me to the said schooner "Vancouver Belle," and then brought myself and eighteen of my crew on board the said cruiser "Zabiaka," leaving on board the mate, H. D. Copp, and two hunters to assist the two Russian officers and nine seamen, all armed with swords, pistols, and guns, to take the said "Vancouver Belle" to Petropaulovski.

When I came on board the cruiser "Zabiaka," the Commander took from me a book I had been writing in, which was the only thing I had with me, except my big coat, not being allowed time to change my dress.

The Commander of the said cruiser "Zabiaka" then said to me, What vessel is that in company with you? and I answered that it was the American schooner "Anaconda."

The cruiser then altered her course and steamed in the opposite direction towards the east, as Captain de Leveron said he wanted to catch the schooner "W. P. Sayward," whose boats he had picked up two hours before he came to me.

At 10 o'clock that night the fog shut down, and as no signal light from the "W. P. Sayward" could be seen, the cruiser steamed away to the north-west, and the next morning at 10 A.M., the 13th August, the cruiser came to anchor in a bay to the north-west end of Behring Island, where the chief village is situated half-a-mile from the beach.

I saw on board the cruiser "Zabiaka" fifteen men, besides my crew, that had been captured in the boats.

On the 14th August I wrote a formal protest and handed it to Captain de Leveron, which read as follows:—

"To the Commander of the Russian cruiser 'Zabiaka.'

" Sir,

" August 12, 1802.

"I hereby protest against the seizure of my schooner, the "Vancouver Belle," of Vancouver, British Columbia, having on board 618 salted seal-skins, of which 335 were taken in the coast waters of British Columbia and Alaska, from 20 to 60 miles off shore, and the balance taken in the Pacific Ocean from 30 to 45 miles from the shores of Copper and Behring Islands, and at no time since coming to these waters has my vessel or boats been nearer to the shores of Copper or Behring Island than 15 nautical miles, and at the time of seizure, 12th August, the southernmost end of Copper Island bore north by east, a distance of 24 miles, and I hereby solemnly protest against such seizure, never having any knowledge of any Proclamation defining the boundary-line near these islands other than a report of a 9-mile limit around these islands, inside of which was claimed as Russian waters; neither had I any warning to leave these waters forthwith.

(Signed) " W. H. COPP,
" Master, ' Vancouver Belle.' "

This protest I kept a copy of, and, going aft, handed the original protest to the Captain.

This protest he accepted, and made the following indorsement:—

"I hereby certify that this copy, signed by W. H. Copp, is correct from the protest duly received from the master of the schooner "Vancouver Belle," the 8th (20th) August.

(Signed) " B. DE LEVERON, Captain of His Imperial
Majesty's Revenue-cruiser ' Zabiaka.' "

Captain de Leveron then expressed great sympathy for me, and said he believed what my protest stated to be true, and said that it was a misfortune for me that he had seen the boats and picked them up; otherwise I would not have been seized that day, as he was going to the east for a schooner when he sighted the three boats, and, picking

them up, was misled by the crews of the boats, and so came to my schooner, the "Vancouver Belle."

I then asked him to give me back my schooner, but this, he said, was more than his commission was worth, but he would help me all he could and get me home as soon as possible, as he considered from what he had read in my book of sketches from my own life that, as I had not been a sealing captain long, I was really ignorant that I was trespassing in Russian waters, and that my own Government ought to be made responsible for the loss of my vessel.

He treated me with much kindness, giving me a cabin to myself, with the same kind of food as himself and officers eat; whilst the crew was treated in like manner as the sailors of the "Zabiaka," being allowed their liberty and same food as the sailors of the said schooner "Zabiaka."

Leaving the Captain's cabin I went to my own, and wrote a letter of request to the Commander of the said cruiser "Zabiaka," in the following words:—

" Russian cruiser ' Zabiaka,' Captain de Leveron commanding :

" Dear Sir,

" August 15, 1802.

" Having with my crew been thrown upon the foreign shores of Kamschatka in consequence of the seizure of my vessel, the schooner ' Vancouver Belle,' by your order, on the 12th August, 1802, I hereby beg that you will use your best endeavour to arrange some way that myself and my crew of twenty-one men, together with fifteen others, who are entirely destitute, and at your mercy, may as quickly as possible leave the shores of Kamschatka for our respective homes in America, and to facilitate such an undertaking, seeing that no chance offers by steamer or otherwise. I would earnestly beg to request that you will fit out and provide me with one of the sealing schooners that you have lately seized, and with these thirty-seven men dispatch me in charge of the schooner, which charge I hereby promise to faithfully perform.

" Many of these men are without clothing, and the longer they remain in the country the greater will be their suffering when cold weather sets in. And you will be granting a favour by giving this request your careful and earliest consideration, and inform me as to your decision, and your humble servant will ever pray.

" Very truly yours,
(Signed) " W. H. COPP,

" Ex-Master, ' Vancouver Belle.' "

On the following day the Commander of the said cruiser sent for me to come to his cabin, and conversed with me in connection with the above-said letter of request, and said that no doubt it was written with a view to getting back my schooner, the "Vancouver Belle."

He then said that I must banish such hopes, but that he would try and do the next best thing by giving me the schooner " Rosie Olsen," of Victoria, which had been seized for alleged illegal sealing, and was then laying at Petropaulovski.

This schooner he said he would condemn as worthless to his Government, which would be done by a commission of the officers of the said cruiser " Zabiaka," and would put provisions on board for the thirty-seven men to last the voyage home, providing I thought the old vessel seaworthy enough to carry us to our homes.

This I could tell when I got to Petropaulovski. He said, " I will give you this old vessel for your own account, but I will not give you any flag nor port of hail, and will have her condemned and call her by another name." He said that he would give me a letter to show to any man-of-war speaking me on our way home, which would be sufficient protection until we arrived at Vancouver. I told him that I would much prefer to go home in my own schooner, but as I took it for granted that was out of the question would accept his gift, but was fully aware of the fact that the former owners of the " Rosie Olsen " would claim her, and by a British Court of Law would get her. Yet I would accept his gift for the mutual benefit of the distressed seamen under his charge, in order that we might get quickly home.

The Captain of the said cruiser " Zabiaka " then called his first navigating lieutenant, and it was arranged that the said vessel, formerly called the " Rosie Olsen," should be condemned and handed over to me on our arrival at Petropaulovski.

The said cruiser " Zabiaka " on the 17th August started out from our anchorage at Behring Island, and proceeded on our way towards Petropaulovski, and at 9 p.m. the 18th August the said cruiser " Zabiaka " anchored in the harbour of Petropaulovski.

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On the 19th August the thirty-six sealers were all sent on shore, and after I surveyed the "Rosie Olsen" and she had been condemned by a commission of the "Zabiaka's" officers, I expressed my willingness to accept her, and the Captain of the said cruiser "Zabiaka" then gave me the following letter:—

"Dear Sir,

"August 20, 1802.

"In regard to your request, dated the 15th August, I have carefully considered what you say, and in answer may state that I have now taken the responsibility, and, according to the above-said request, I now deliver to you for your own account the schooner 'Prize,' which will be supplied with provisions for forty days for the complement of men which you will have on board, viz., thirty-seven, and will put her in good order for the voyage which you will undertake.

"I require that you shall place the men on board the 'Prize,' and in due course when ready to sail with all dispatch to a Canadian port, and on your arrival to such port discharge the men from the schooner 'Prize' before a duly authorized British official.

(Signed) "B. DE LEVERON, Captain, His Imperial Majesty's
Revenue-cruizer 'Zabiaka.'

"Captain W. H. Copp,

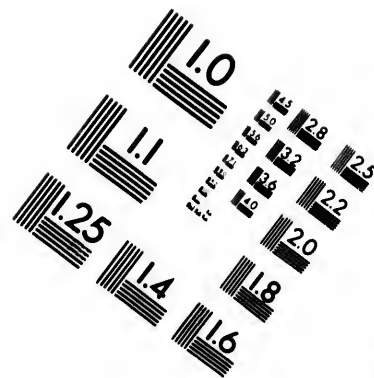
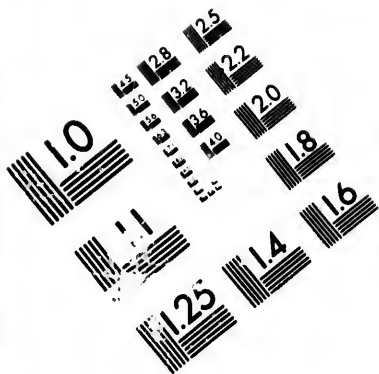
"Master, the seized schooner 'Vancouver Belle.'"

Then I took charge of the schooner "Prize," and as quickly as possible fitted her out, taking what Captain de Leveron would give me for forty days' provisions, got all the crew on board from a miserable hovel without doors or windows, where they had been living four days on three days' allowance-money of 15 copecks per day per man, and on the 22nd August went for my papers, so as to sail early next morning. Captain de Leveron then called a commission of his officers, who had already signed a Protocol giving the circumstances of the seizure of the said schooner "Vancouver Belle," and reading the said Protocol over to me, which document was written in Russian, asked me to sign the same under the names of his officers. This I declined to do, for two reasons: first, that the document was written in Russian, and I did not understand the writing; and, secondly, because he had mentioned a latitude in the last days of July which he states stood in the log-book of the said "Vancouver Belle," which log-book with all other documents were taken from me on the 12th August, and in the possession of Captain de Leveron since that time. I then demanded the log-book, and found that H. D. Copp, who was acting as substitute for mate, had not entered the figures of his dead reckoning right during the last days of July, but the bearings and distance from the land which could be seen at the noon of each day was right, and placed the ship in a different position from that of dead reckoning. This discrepancy between dead reckoning and the actual position I pointed out, but the master of the said cruiser "Zabiaka" said I could have my choice to sign the said Protocol as it was, so he could send it to his Government, or go to Vladivostock before his superiors, which would be some time in October, so I was compelled to sign the document (which note at the bottom was dictated by him and written in English by me), as it would have been dangerous to the health of the people to live in a wet, damp hovel, the most wretched place I have ever seen for human beings to live in, on 7½ cents per day, when bread was 10 cents per pound in this country, until it would suit him to take us to Vladivostock. A copy of the Protocol was then made for me, and the next day being the 23rd August, the Captain of the said cruiser "Zabiaka" sent all my papers on board, and sent his officers, who searched the "Prize," and then the "Zabiaka" steam-launch towed the "Prize" out of the harbour into Aracha Bay, and we then proceeded on our voyage under all possible sail on to Vancouver, arriving on the 21st September, and reported at the Customs, Vancouver, nothing worthy of note occurring on the voyage except that we were very short of provisions, having thrown the most of our meat overboard, as it was rancid and not fit for use.

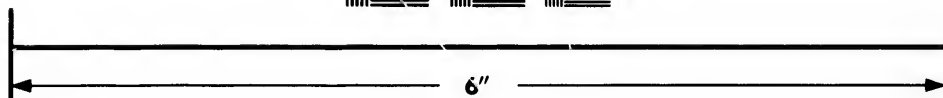
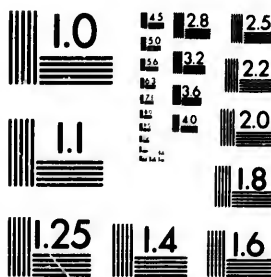
On arriving our protest was noted, and all documents placed in the hands of the British officials, as was also the schooner "Prize."

Further, I was obliged to sell the clothes off my back to get food for the thirty-six sealers, and was treated in a most barbarous way by the Chief Governor at Petrogavovski, and whilst in the presence of this Governor was abused in the worst kind of a manner when I asked him for the few copecks that Captain de Leveron informed me that I was to get from the Governor to buy a little food for the distressed sealers, which was barely enough to keep starvation to death away, and was refused the money that we had been promised, and threatened to be placed in prison instead.





**IMAGE EVALUATION
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We, the captain, mate, and hunters and crew of the "Vancouver Belle" hereby certify the foregoing statement to be true, according to our respective knowledge of the facts.

(Signed) W. H. COPP, *Master*.
HARVEY D. COPP, *Mate*.

Witness:
(Signed) ARTHUR J. JUDGE, *Vancouver*.

This is the statement marked (A) referred to in the annexed declaration of William Harvey Copp, taken before me, this 8th day of November, 1892.

(Signed) A. ST. G. HAMERSLEY,
Notary Public for the Province of British Columbia.

(Seal.)

Inclosure 7 in No. 52.

The Marquis of Ripon to Lord Stanley of Preston.

(Telegraphic.) *Downing Street, January 18, 1893.*
SEND home as soon as possible authenticated copies of Protocol signed by captain of "Vancouver Belle," and of chart showing line drawn upon chart of "Walter P. Hall."

Inclosure 8 in No. 52.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.) *January 19, 1893.*
YOUR Lordship's telegram of the 18th January.
Protocol sent out by mail to-day's post with approved Minute of Council.
Chart referred to is at Victoria, British Columbia. Have telegraphed for it, but it cannot get here for ten or twelve days.

Inclosure 9 in No. 52.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.) *January 20, 1893.*
YOUR Lordship's telegram of the 18th January, and my last telegram of the 19th January.
Telegram from Victoria says schooner "Walter P. Hall," Brown master, sailed for Japan waters, sailing, five days ago, chart on board. Collector of Customs, Victoria, has written to master, Yokohama, return chart.

No. 53.

The Earl of Rosebery to Sir R. Morier.

(Extract.) *Foreign Office, February 8, 1893.*
WITH reference to previous correspondence respecting the seizure of British sealing-vessels by Russian cruisers in Behring Sea, I transmit copy of a further letter from the Colonial Office, inclosing copies of two despatches from the Governor-General of Canada, with Minutes of Council and affidavits, respecting the seizure of the "Carmolite," "Marin," and "Vancouver Belle."* Further affidavits as to the seizure of the "Rosie Olsen" and the interference with the "W. P. Hall" are also inclosed.

I have to instruct your Excellency to present these affidavits and statements of claim to the Russian Government in the same manner as the evidence previously forwarded.

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Sir R. Morier to the Earl of Rosebery.—(Received March 6.)

My Lord,

St. Petersburg, March 2, 1893.

I HAVE the honour to transmit herewith to your Lordship a copy of a note which I have addressed to the Russian Government, in compliance with the instructions contained in your Lordship's despatch of the 8th ultimo respecting the seizure of certain British sealing-vessels by Russian cruizers in the North Pacific.

I have, &c.

(Signed)

R. B. D. MORIER.

Inclosure in No. 54.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé,

St. Petersburg, February 9 (21), 1893.

WITH reference to previous correspondence, I have the honour to transmit herewith to your Excellency copies of further documentary evidence respecting the seizure of certain British sealing-vessels by Russian cruizers in the North Pacific.

These documents consist, as your Excellency will perceive, of copies of original as well as amended and supplementary sworn statements, declarations, and particulars of claims having reference to the cases of the "Ariel," "Willie McGowan," "Rosie Olsen," "Maria," and the "Carmolite," which were brought to your Excellency's notice in my notes of the 17th (29th) November, and 9th (21st) December, 1892, as also of copies of evidence of a similar nature concerning the cases of the British vessels the "Walter P. Hall" and the "Vancouver Belle," which I have now the honour to lay before your Excellency for the first time.

From the declaration of John Brison Brown, master of the schooner "Walter P. Hall," of Maitland, Nova Scotia, which left Victoria on the 13th May, 1892, it would appear that on the 17th August last, while that vessel was 25 miles south-west of Behring Island, she was hailed, and her master ordered by Captain de Levron, of the Imperial cruizer "Zabiaka," to take his papers on board that vessel, which order was obeyed. After an examination of the papers the chart was demanded, on which were shown the daily positions of the schooner while in waters east of the line of demarcation.

Captain de Levron was apparently satisfied, but notwithstanding that the schooner was, at the time of the interruption, at least 25 miles from the nearest land, he ordered her master to depart "out of Russian waters forthwith."

The master of the "Walter P. Hall" demanded to be informed as to the limits of asserted Russian waters, when Captain de Levron drew on the schooner's chart a line from Cape Chalutka, on the coast of Kamtchatka, to the most southerly point of the Aleutian Islands. He likewise made an entry in the official log of the schooner to the effect that the latter had been within Russian waters for sealing, that her captain had received warning not to cross Russian waters any more, and had signed the notice of the Russian Government.

J. B. Brown acknowledges signing this document, but states that he did so under the threat of seizure and to relieve his vessel and crew from such peril.

He finally points out that this forcible interruption of his legitimate cruise resulted in grievous financial loss to the master, crew, and owners of the "Walter P. Hall."

The facts as to the case of the "Vancouver Belle" are briefly as follows.

That schooner, commanded by Captain W. H. Copp, cleared Vancouver in February 1892, to cruise in the North Pacific Ocean and the Sea of Okhotsk, and on learning on the 18th June from the otter-hunting schooner "Olga" that the *modus vivendi* between England and America was again in force, crossed over to the Russian side of the Pacific Ocean.

On the 12th August, when in company with the American schooner "Anaconda" at a point 20 miles distant from the south end of Copper Island, the boats were put out and commenced sealing to the south-west, the vessel being under sail. Shortly afterwards a steamer was sighted to the north-north-east; the boats were recalled and brought on board, having taken no seal that day. The steamer, which proved to be the Imperial cruizer "Zabiaka," after coming within distance, fired a gun, when the "Vancouver Belle" hove-to, and the captain, in obedience to a summons, went on board the "Zabiaka." His papers were examined, and Captain de Levron, after asking him whether his Government did not know that he could not go to the Sea of Okhotsk, and cross-examining him as to his cruise of 1891, said: "Captain, you went to the Behring

Sea last year and the American cruizers drove you out; you would have gone this year only were prevented by the same reason, and now you have crossed the American line and come into Russian waters; therefore I will seize your vessel."

Captain Copp protested against the seizure on the ground that, being 24 miles away from any land, he considered he was on the open high sea, and was following a legitimate hunting and sealing business.

To these remarks Captain de Levron replied: "It does not matter to me what you consider to be the line of demarcation of the Behring Sea and the waters of the Pacific Ocean; my instructions from my Admiral are to seize all vessels found sealing north of a line drawn from 3 miles south of the southernmost Aleutian Island on a parallel of latitude to the Kamtchatkan coast; but I use my own discretion and have seized four, and you are the fifth; I could have had twenty as well as four."

After this conversation the vessel was formally seized and her captain and most of her crew were transferred to the "Zabiaka," where they found fifteen men of the "W. P. Sayward," who had been captured in boats."

Captain Copp and his crew were treated with great kindness and consideration by Captain de Levron, who expressed great sympathy for the former, stating that he believed in the truth of his protest, as also that it was a misfortune for him that he, Captain de Levron, had seen the other boats and had picked them up, otherwise the "Vancouver Belle" would not have been seized that day. It was finally determined by Captain de Levron, after a correspondence which is given *in extenso* in Captain Copp's declaration, that the "Rosie Olsen," a British sealing-vessel which had been previously captured, should be condemned as worthless to the Russian Government, her name changed to the "Prize," and having been provisioned for thirty-seven men, handed over to Captain Copp for his own account to convey him, his crew, and fifteen others, who were entirely destitute, to Vancouver. Soon after reaching Petropaulovski on the 17th August, this arrangement was completed, and when Captain Copp had signed, under protest, a Protocol giving the circumstances of the seizure of the "Vancouver Belle," he started in the "Prize" on the 23rd August, and arrived at Vancouver on the 21st September, when the latter vessel was made over to the British officials.

Captain Copp states that his treatment by the Governor of Petropaulovski was very different from that he received at the hands of Captain de Levron, and complains bitterly of the hardships he had to endure when in that port.

I have the honour to submit these cases to your Excellency, as also the above-named fresh evidence to the other cases previously submitted, without comment, feeling confident that they will receive the most earnest consideration of the Imperial Government.

I avail, &c.

(Signed) R. B. D. MORIER.

No. 55.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, March 8, 1893.

I HAVE received your Excellency's despatch of the 2nd instant, forwarding a note which, in compliance with the instructions contained in my despatch of the 8th February last, you have addressed to the Russian Government respecting the seizure of certain British sealing-vessels by Russian cruizers in the North Pacific.

I have to acquaint your Excellency that the terms of this note are approved by Her Majesty's Government.

I am, &c.

(Signed) ROSEBERY.

No. 56.

Colonial Office to Foreign Office.—(Received March 10.)

Sir,

Downing Street, March 10, 1893.

WITH reference to the letter from this Department of the 24th January respecting the seizure by the Russian cruizer "Zabiaka" of the British sealing-vessel "Vancouver Belle," I am directed by the Marquis 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, forwarding what is presumed to be the official Protocol of the seizure of the vessel.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 56.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, Government House, Ottawa, February 18, 1893.
 WITH reference to your Lordship's telegraphic message of the 8th instant relative to a document in Russian, required in connection with the consideration of the case of the "Vancouver Belle," I have the honour to transmit herewith copy of an approved Minute of the Privy Council, to which is attached, with other papers, a Russian document which is presumed to be that required, though it appears to be in some respects imperfect.

I have, &c.
 (Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 56.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 14th February, 1893.

THE Committee of the Privy Council have had under consideration a telegram hereto attached, dated the 8th February, 1893, from the Marquis of Ripon, stating—

"Document required is Russian Protocol signed by De Levron and master of the vessel."

The Minister of Marine and Fisheries, to whom the telegram was referred, states that it will be remembered that the master of the "Vancouver Belle" made an agreement with the Russian officer who seized his vessel, whereby that officer condemned and handed over to Captain Copp, for his own use, another seized British schooner, the "Rosie Olsen," as a means of transporting to Victoria some thirty-six sealers from his own and other seized vessels.

The Minister further observes that reference to the Minute of Council of the 20th December, 1892, detailing the circumstances attending the seizure of the British sealing-schooner "Vancouver Belle" by the Russian authorities in the North Pacific Ocean, shows that on arrival at Vancouver the late master of the "Vancouver Belle" handed the schooner, "Rosie Olsen," then called the "Prize," over to the Collector of Customs, together with documents touching the seizure of his vessel and the arrangement above referred to.

The Minister further states that these papers were forwarded to the Department of Marine and Fisheries in connection with the disposal of the vessel in question.

They are hereto appended as follows:—

1. Letter from W. H. Copp to Collector of Customs of the 22nd September, 1892.
2. Protest against seizure of the 12th August, 1892.
3. Letter from W. H. Copp to Captain de Levron of the 18th August, 1892.
4. Letter from Captain de Levron to W. H. Copp of the 20th August, 1892.
5. A Russian document, presumably an imperfect copy of the Protocol required.

Further reference to a statement covered by the Minute of Council above referred to reveals that Mr. Copp states that he was compelled by circumstances to sign the Protocol, and he refers to a note at the bottom dictated by Captain de Levron, and written by himself in English. Further on he states—"Copy of the Protocol was then made for me."

The Minister further observes that although the Protocol forming Appendix No. 5 to this Minute is in a language unknown to him, it does not appear to have been signed by W. H. Copp, nor does it contain the foot-note which he states was written in English by him on the original, at the dictation of Captain de Levron.

The Minister further states it is the only document in the Russian language, however, which was forwarded by the officer to whom Captain Copp says he handed all documents, and who states he transmitted all papers delivered to him.

The Committee advise that your Excellency be moved to forward a copy of this Minute, together with the original Appendices, hereto attached, to the Right Honourable the 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.

Inclosure 3 in No. 50.

The Marquis of Ripon to Lord Stanley of Preston.

(Telegraphic.)

Downing Street, February 8, 1893.

YOUR despatch of the 9th January. Document required is Russian Protocol signed by De Levron and master of vessel.

Appendix No. 1.

Sir,

Vancouver, British Columbia, September 22, 1892.

I, W. H. Copp, hereby hand over to you, as Collector of Customs, the schooner called the "Prize," which was given me, as per copy of letter inclosed, in consideration of my undertaking to conduct the expedition named in said letter to a port in British Columbia. My reason for giving this vessel "Prize" into your hands is that arriving here in port without papers of any kind except the letter mentioned, and another letter from the Russian Admiral, to show to ships of war on my passage in case I was spoken, which letter I also inclose; and that, being unable to use this schooner without other papers, I would ask the Canadian Government for registration papers, so that I may be able to clear her, complying with any Regulations the Government may require.

I understand this vessel was formerly owned in Victoria, British Columbia, and called the "Rosie Olsen," and seized and confiscated by the Russians on an alleged charge of illegal sealing.

I also inclose you a copy of my protest against the seizure of the "Vancouver Belle," and also copy of my written request to provide a means for the transportation of thirty-six seized sealers to their homes in British Columbia.

Yours truly,
(Signed) W. H. COPP.

J. M. Bowell, Esq., Vancouver, British Columbia.

Appendix No. 2.

Sir,

August 12, 1892.

I hereby protest against the seizure of my vessel, the schooner "Vancouver Belle," of Vancouver, British Columbia, having on board 617 salted seal-skins, of which 335 were taken in the coast waters of British Columbia and Alaska from 20 to 60 miles off from shore, and the balance taken in the Pacific Ocean from 30 to 45 miles from the shores of Copper and Behring Islands; and at no time since coming to these waters has my vessel or boats been nearer the shores of Copper or Behring Islands than 15 miles; and at the time of seizure (12th August), the southern-most point of Copper Island, bore north by east a distance of 24 miles.

And I hereby solemnly protest against such seizure, never having any knowledge of any Proclamation defining the boundary-line near these islands other than a report of a 9-mile limit around these islands, inside of which were claimed as Russian waters; neither had I any warning to leave these waters forthwith.

(Signed) W. H. COPP,
Master, "Vancouver Belle."

To the Commander of the Russian cruiser "Zabiaka."

I hereby certify that this copy, signed by W. H. Copp, is correct from the protest duly received from the master of the schooner "Vancouver Belle."

August 8 (20), 1892.

(Seal.)

(Signed) B. DE LEVRON,
Captain of His Imperial Majesty's Russian
cruiser "Zabiaka."

Appendix No. 3.

Dear Sir

August 18, 1892.

Having, with my crew, been thrown upon the foreign shores of Kamschatka, in consequence of the seizure of my vessel, the schooner "Vancouver Belle," by your order, on the 12th August, 1892, I hereby beg that you will use your best endeavours to arrange some way that myself and my crew of twenty-one men, together with fifteen others, who are entirely destitute and at your mercy, may as quickly as possible leave the shore of Kamschatka for our respective homes in America, and to facilitate such an undertaking. Seeing that no chance offers by steamer or otherwise, I would earnestly beg to request that you will fit out and provide me with one of the sealing-schooners that you have lately seized, and with these thirty-seven men dispatch me in charge of the schooner, which charge I hereby promise to faithfully perform. Many of these men are without clothing, and the longer they remain in this country the greater will be this suffering when cold weather sets in; and you will be granting a favour by giving the request your careful and earliest consideration, and inform me as to your decision.

And your humble servant, in duty bound, will ever pray.

Very truly yours,
(Signed) W. H. COPP,
Ex-master schooner "Vancouver Belle."

Captain de Levron, commanding Russian
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Appendix No. 4.

Dear Sir,

August 8 (20), 1892.

In regard to your request, dated the 18th August, I have carefully considered what you say, and, in answer, may state that I have now taken the responsibility, and, according to the above-said request, I now deliver to you for your own account the schooner "Prize," which will be supplied with provisions for forty days for the complement of men which you will have on board, viz., thirty-seven, and will put her in good order for the voyage which you will undertake.

I require that you shall place the men on board the "Prize," and in due course, when ready, sail with all dispatch to a Canadian port, and on your arrival to such port discharge the men from the schooner "Prize" before a duly authorized British official.

(Signed)

B. DE LEVRON,
Captain of His Imperial Majesty's Russian
cruiser "Zabiaka."

Captain W. H. Copp,

Master of the seized schooner "Vancouver Belle."

Appendix No. 5.

Order issued on board the "Zabiaka," Second-class Cruiser.

(Translation.)

Whereas a Protocol was drawn up on the 31st July last by a Commission appointed by me on the 28th June (Order No. 60) to search the schooner "Vancouver Belle:"

And whereas an Order was issued by the Imperial Russian Government in 1881:

And whereas an Order was issued by the Governor-General of Eastern Siberia on the 1st November, 1883 (No. 1171):

And whereas instructions were given to the cruiser on the 22nd April, 1892 (No. 1425) by the Commandant of the Port of Vladivostok:

Now, therefore, I, the Commander of the aforesaid cruiser, Captain of the 2nd Class Boris Karlovitch de Levron 3rd, order as follows, this 7th day of August, 1892:—

1. The schooner "Vancouver Belle" is to be confiscated and taken to Vladivostok under the command of an officer.

2. A complete inventory of everything on board the schooner shall be made on her arrival at Petropavlovsk.

3. So much of her cargo as will not bear keeping together with the spare boats and tackle shall be sold by auction at the port of Petropavlovsk for the benefit of the public Exchequer.

4. The seal-skens shall be handed over to the Governor of the Commander Islands, who shall be asked for a receipt.

5. The present Order shall be communicated to the proper authorities.

6. Copies of the Protocol and the present Order shall be given to W. H. Copp, the master.

(Signed)

DE LEVRON 3rd,
Captain of the 2nd Class, Commander of the
2nd Class cruiser "Zabiaka."

A true copy:

(Signed) LIEUTENANT HEZKIOVSY, Auditor.
(Seal of the "Zabiaka.")

No. 57.

The Earl of Rosebery to Sir R. Morier.

Sir,

Foreign Office, March 15, 1893.

WITH reference to my despatch of the 8th ultimo, I transmit herewith a copy of a letter from the Colonial Office,* inclosing further papers received from the Government of Canada in connection with the seizure in Behring Sea, by the Russian cruiser "Zabiaka," of the British sealing-vessel "Vancouver Belle."

Among the documents inclosed in this letter as Appendices to a Minute of the Canadian Privy Council is one (No. 5) which appears to be a copy of an Order issued by Captain de Levron, commanding the "Zabiaka," for the confiscation and disposal of the "Vancouver Belle" and her cargo. A translation of the paper made in this Office is annexed for your Excellency's information, together with the Russian copy.

I request that you will have the goodness to furnish the Russian Government with copies of the papers appended to the Minute of the Canadian Privy Council, in addition to those previously supplied with reference to the case of the "Vancouver Belle."

I am, &c.

(Signed) ROSEBERY.

No. 58.

Sir R. Morier to the Earl of Rosebery.—(Received April 4.)

My Lord,

St. Petersburg, March 28, 1893.

I HAVE the honour to report that I have transmitted to the Russian Government copies of the papers appended to the Minute of the Canadian Privy Council respecting the seizure of the British schooner "Vancouver Belle" by the Imperial cruiser "Zabiaka," which were inclosed in your Lordship's despatch of the 15th instant.

I thought it best to furnish M. Chichkine with the Russian text instead of a translation of the order issued by Captain de Levron for the confiscation of the "Vancouver Belle."

I have, &c.
(For Sir R. Morier),
(Signed) HENRY HOWARD.

No. 59.

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

My Lord,

St. Petersburg, May 3, 1893.

DURING my interview with M. Chichkine to-day I informed him that your Lordship had observed that, in his note of the 6th (18th) April to Sir Robert Morier respecting the measures proposed to be adopted for the protection, during the coming season, of Russian sealing interests in the North Pacific—which note, as he already knew, was receiving the immediate and careful consideration of Her Majesty's Government—his Excellency had stated that the examination has been made by the Russian Commission *ad hoc* of the several cases of British vessels seized by the Russian cruisers last year. With reference to this statement, I added your Lordship had requested me to urge his Excellency to furnish me with the answer of the Imperial Government to the representations on the subject laid before them by that of Her Majesty at the earliest date possible.

M. Chichkine replied that the Commission had completed their examination of the cases in question, and that I should receive the answer I had requested very shortly. I asked his Excellency when I might really expect this reply, as your Lordship was naturally anxious for information on this point; to which he answered that he could not fix the exact date, but that it would not be long before I received it.

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

IN RE

RUSSIA. No. 3 (1893).

DESPATCH

FROM

SIR R. MORIER,

INCLOSING THE

REPLY OF THE RUSSIAN GOVERNMENT
IN REGARD TO THE SEIZURES OF BRITISH SEALING
VESSELS BY RUSSIAN CRUIZERS

IN THE

NORTH PACIFIC OCEAN.

*Presented to both Houses of Parliament by Command of Her Majesty,
June 1893.*

LONDON:
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[C.—7029.] *Price 2d.*

Despatch from Sir R. Morier, inclosing the Reply of the Russian Government in regard to the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean.

Sir R. Morier to the Earl of Rosebery.—(Received June 16.)

My Lord,

St. Petersburg, June 12, 1893.

I HAVE received from M. Chichkine a reply to my notes of the 17th (29th) November, 4th (16th) and 9th (21st) December, respecting the capture of Canadian sealers in the Behring Sea. This note transmits two inclosures, giving the substance of the Reports of the Special Commission appointed to examine and pronounce upon the question. The first has reference to the complaints and accusations brought by the crews of some of the sealers for hardships declared to have been suffered at the hands of the officers by whom they were captured. As these were mainly directed against Captain de Livron, Commander of the "Zabiaka," and have been refuted by the declarations of that officer, who was cited before the Commission and cross-examined by them, I think it right to observe that I have ascertained beyond a doubt that Captain de Livron is a straightforward sailor and an honourable gentleman, quite incapable of the brutalities imputed to him by the captains of the "Willie McGowan" and the "Ariel." It is also worth remarking that the evidence of some of the other captains, especially that of the master of the "Vancouver Belle," stand in the strongest contrast with that of the above-named masters. Lastly, the information now furnished to us entirely confirms my view of the case as suggested in my note of the 17th (29th) November, that the persons really responsible for the hardships suffered were the civil authorities of Petropavlovsk, and not the naval. As regards these, M. Chichkine states that the aggrieved parties can, in the ordinary course of law, seek redress either from the superior naval authorities or through the competent Tribunals.

The second Memorandum is of far greater importance, because it lays down the general principle, in virtue of which the schooners were captured. It is as follows:—

That the canoes and their crews are part and parcel of the schooners; they are the instruments with which the latter carry on their fishing operations, and in the present cases they were furnished with the special appliances, viz., clubs for the destruction of seals on shore, and wholly useless for the purposes of pelagic hunting. A schooner, therefore, whose canoes can be proved to have hunted seals within territorial waters, though herself captured outside those waters, is as criminally responsible for the acts as the canoes themselves, and even if captured in the open seas becomes good prize: "Dans son appréciation de la légalité des captures effectuées . . . la Commission s'est inspirée d'un principe dont on ne saurait contester le bon droit et l'équité. Elle a reconnu de bonne prise tous les bâtimens dont les chaloupes avaient 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 légal l'arrestation du bâtiment dont elles font en quelque sorte partie. S'il en était autrement, un schooner pourrait impunément faire la chasse aux otaries sur les côtes en y envoyant ses chaloupes, et enfreindre ainsi l'inviolabilité des eaux territoriales, tout en se tenant lui-même hors des dites eaux."

Applying this principle to the case of the six captured schooners, M. Chichkine informs me that four of them, the "Marie," "Rosie Olsen," "Carmolite," and "Vancouver Belle," have been adjudged good prizes, as the evidence that their respective canoes captured seals either actually in the rookeries or within the 3-mile limit was conclusive; whereas, though the moral evidence was equally conclusive in regard to the "Willie McGowan" and "Ariel," the canoes themselves had not been actually seen within the territorial waters.

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Accordingly, as regards the two latter, the Russian Government is ready to entertain the question of indemnifying the owners and the crews.

A fact elicited in the course of these inquiries, viz., the enormous proportion of females—no much as 90 per cent.—found on board the sealers, and caught either while with young or nursing, at a time when it is impossible for them to leave the rookeries, affords a very conclusive proof of the skill and knowledge with which these poaching expeditions are conducted and of their deadly destructiveness.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure 1.

M. Chichkine to Sir R. Morier.

M. l'Ambassadeur,

Saint-Petersbourg, le 29 Mai (10 Juin), 1893.

J'AI eu l'honneur de recevoir les notes que votre Excellence a bien voulu adresser au Ministère Impérial en date du 17 (29) Novembre, du 4 (16) et du 9 (21) Décembre, 1892, relativement à l'arrestation dans la Mer de Behring de schooners et de chaloupes de pêche Canadiennes par des croiseurs Russes.

Une Commission Spéciale ayant été instituée par Décret Impérial pour l'examen des conditions dans lesquelles ces arrestations avaient été faites, le Ministère Impérial n'a pas manqué de soumettre les dépositions ("affidavits") des capitaines et des équipages des schooners en question annexées aux notes susmentionnées.

En réponse à ces communications je me fais un devoir, M. l'Ambassadeur, de vous transmettre aujourd'hui les deux notices ci-jointes.

Votre Excellence voudra bien relever de la lecture de la première de ces pièces qu'elle fait justice des assertions des équipages Canadiens quant aux privations qu'on leur aurait infligées à Pétropavlovsk. De l'avis du Gouvernement Impérial la Commission a pleinement élucidé cette matière. Toutefois, si les intéressés le jugeaient nécessaire, ils ont la faculté de se servir du recours régulier institué par la loi, pour présenter leurs réclamations soit à l'autorité supérieure de la Marine, soit au Tribunal compétent.

Quant aux déclarations des capitaines des bâtiments Canadiens, d'après lesquelles ils auraient été menacés d'être traduits devant une cour martiale ou déportés en Sibérie, la Commission ne les a pas cru de nature à être prises au sérieux. Formellement niées par le Capitaine de Livron, ces menaces n'auraient eu aucune raison d'être déjà par ce fait que la signature du protocole d'arrestation par le capitaine du schooner n'était nullement indispensable pour la validité de cet acte.

La Commission a relevé en même temps comme entièrement mal fondée une déclaration du capitaine de "l'Ariel" se rapportant à une prétendue insulte que nos marins auraient faite au pavillon Britannique. Une telle assertion aurait constitué une offense à notre propre flotte, si son auteur s'était rendu compte de sa portée, et avait bien pesé ses paroles au lieu de viser uniquement à exciter des susceptibilités nationales. Ni la discipline militaire, ni le respect de tout pavillon étranger comme tel, qui caractérise nos marins, ne permettent de supposer un seul instant que des hommes d'un équipage de guerre Russe aient pu se permettre une offense vis-à-vis du pavillon d'une nation amie. Le Capitaine de Livron a affirmé à la Commission de la façon la plus formelle qu'au moindre fait de ce genre, il se serait livré sur ces lieux mêmes à la plus sévère enquête.

La seconde notice ci-près contient un examen détaillé des circonstances qui ont accompagné l'arrestation des schooners et de leurs chaloupes. Dans son appréciation de la légitimité des captures effectuées par les Commandants des croiseurs Russes et par le Chef d'Arrondissement des Iles du Commandeur, la Commission s'est inspirée d'un principe, dont on ne saurait contester le bon droit et l'équité. Elle a reconnu de bonne prise tous les bâtiments dont les chaloupes avaient 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. S'il en était autrement, un schooner pourrait impunément faire la chasse aux otaries sur les côtes, en y envoyant ses chaloupes et enfreindre ainsi l'inviolabilité des eaux territoriales, tout en se tenant lui-même hors des dites eaux. C'est à ce point de vue que la Commission a constaté la régularité de la capture des schooners "Marie," "Rosie Olsen," "Carmolite," et "Vancouver Belle," et qu'elle n'a pas cru pouvoir le faire dans les cas de la saisie des schooners "Willie MacGowan" et "Ariel."

On ne saurait cependant méconnaître la gravité des indices, qui ont amené les Commandants de nos croiseurs à effectuer des perquisitions à bord de ces derniers. Le "Willie MacGowan" a pris la fuite aussitôt après avoir aperçu le croiseur Russe; il n'a pas mis en panne sur l'injonction du "Zabinka."

Si le Commandant du croiseur Russe n'a pas vu les chaloupes du "Willie MacGowan" chassant illégalement l'otarie dans nos eaux territoriales, il en avait été avisé par les habitants de la côte. La perquisition révéla la présence à bord des engins servant à la chasse aux otaries sur la côte ainsi que soixante-seize peaux, dont soixante-neuf ôtées d'animaux femelles, tués par conséquent près de la côte. Les 90 pour cent des peaux trouvés sur "l'Ariel," avaient été probablement aussi ôtées de femelles-mères, et provenaient d'otaries prises dans les eaux territoriales Russes.

L'importance de ces données ne fut pas mise en doute par la Commission; elle ne les considéra pourtant pas comme des preuves formelles, justifiant l'arrestation des schooners, faute d'une condition essentielle: leurs chaloupes n'avaient pas été aperçues chassant l'otarie dans les eaux Russes.

En portant ce qui précède à votre connaissance, M. l'Ambassadeur, je me fais un devoir de vous informer, qu'en présence des conclusions ci-dessus exposées de la Commission, le Gouvernement Impérial ne se refuserait pas à procéder à une estimation de l'indemnité à verser aux armateurs des schooners, "Willie McGowan" et "Ariel."

Veuillez, &c.

(Signé) CHICHKINE.

(Translation.)

M. l'Ambassadeur,

St. Petersburg, May 29 (June 10), 1893.

I HAVE had the honour to receive the notes which your Excellency was so good as to address to the Imperial Ministry, dated the 17th (29th) November, and the 4th (16th) and 9th (21st) December, 1892, relative to the seizure in Behring Sea of Canadian schooners and fishing boats by Russian cruisers.

A Special Commission having been appointed by Imperial Decree to examine into the circumstances under which these seizures were made, the Imperial Ministry did not fail to lay before it the depositions (affidavits) of the captains and crews of the schooners concerned which accompanied the above-mentioned notes.

In reply to these communications I make it my duty, M. l'Ambassadeur, to transmit now to you the two Reports inclosed.

Your Excellency will observe from the perusal of the first of these documents that it deals with the assertions of the Canadian crews as to the privations alleged to have been inflicted on them at Petropavlovsk. In the opinion of the Imperial Government the Commission has fully elucidated this matter. Nevertheless, if the interested parties consider it necessary, they have the power to avail themselves of the regular course provided by law in order to present their claims either to the superior naval authorities or to the proper Tribunal.

As regards the declarations of the captains of the Canadian vessels, according to which they would appear to have been threatened with being brought before a court-martial or deported to Siberia, the Commission has not considered them of a nature to be taken seriously. These threats, which Captain de Livron has formally denied, would have been wholly superfluous from the fact that the signature of the protocol of seizure by the captain of the schooner was not at all necessary to make that document valid.

The Commission has also noted, as entirely without foundation, a declaration of the captain of the "Ariel" with reference to an alleged insult by our sailors to the British flag. Such an assertion would have been an offence against our own fleet, if its author had been aware of its nature and had well weighed his words, instead of only attempting to arouse national susceptibilities. Neither the military discipline, nor the respect for all foreign flags as such, which distinguish our sailors, allow it to be supposed for a single instant that men belonging to the crew of a Russian man-of-war could have been guilty of an offence against the flag of a friendly nation. Captain de Livron has given the most formal assurance to the Commission that on the slightest action of this kind he would have instituted the most searching inquiry on the spot.

The second of the accompanying Reports contains a detailed examination of the circumstances which accompanied the seizure of the schooners and their boats. In considering the legality of the captures effected by the Commanders of the Russian cruisers and by the District Governor of the Commander Islands, the Commission was guided by a principle the justice and equity of which cannot be disputed. It recognized as lawful seizures all vessels whose boats were seen or captured in our territorial

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waters. It cannot, indeed, be denied, that the boats constitute, juridically, an appendage of the schooner to which they belong. Consequently their seizure in territorial waters renders the capture of the vessels, of which they in some respects form part, perfectly legal. If it were otherwise, a schooner could with impunity pursue seals on the coasts by sending her boats there, and thus infringe the inviolability of territorial waters, although herself remaining outside the said waters. Taking this view of the matter, the Commission recognized the legality of the seizure of the schooners "Marie," "Rosie Olsen," "Carmolite," and "Vancouver Belle," but was unable to do so in the case of the seizure of the schooners "Willie McGowan" and "Ariel." There can, however, be no question as to the serious nature of the indications which induced the Commanders of our cruizers to institute a search on board these last named vessels. The "Willie McGowan" took flight as soon as she had sighted the Russian cruizer, and she refused to heave-to at the summons of the "Zabiaka."

Though the Commander of the Russian cruizer did not see the boats of the "Willie McGowan" engaged in the illegal pursuit of seals in our territorial waters, he had been informed of it by the inhabitants of the coast. The search revealed the presence on board of implements used for sealing on the coast, as well as of seventy-six skins, of which sixty-nine had been taken from female animals, who must, therefore, have been killed close to the shore; 90 per cent. of the skins found on board the "Ariel" had probably also been taken from nursing females, and belonged to seals caught in Russian territorial waters.

The importance of this evidence was fully recognized by the Commission. It was not considered, however, as amounting to positive proof such as would justify the seizure of the schooners, owing to the absence of an essential condition: their boats had not been sighted in actual pursuit of seals in Russian waters.

In bringing what precedes to your knowledge, M. l'Ambassadeur, I consider it my duty to inform you that, in view of the findings of the Commission as described above, the Imperial Government would not refuse to proceed to an assessment of the indemnity to be paid to the owners of the schooners "Willie McGowan" and "Ariel."

I have, &c.

(Signed) CHICHKINE.

Inclosure 2.

Report of Special Commission.

LA Commission chargée d'examiner les documents et les dépositions se rapportant à la saisie, opérée par des croiseurs Russes, de bâtiments Canadiens qui pêchaient l'otarie dans nos eaux territoriales, a soumis à une enquête détaillée les plaintes formulées par les équipages de ces bâtiments au sujet de mauvais traitements qu'ils auraient subis à leur descente à Pétropavlovsk. Ces plaintes consignées dans la note de l'Ambassadeur Britannique du 17 (29) Novembre, 1892, et dans les déclarations y annexées, étaient accompagnées d'une réclamation contre les conditions très onéreuses qui auraient été conclues, en vue du rapatriement des équipages en question, entre le commandant du "Zabiaka" et le capitaine du bateau Américain "Majestic." La Commission eut également à se prononcer sur cette réclamation, après avoir dûment pris connaissance des circonstances qui s'y rapportaient.

Il appert tout d'abord, tant des dépositions verbales du Capitaine de Livron que des documents figurant au dossier de l'affaire, que les mesures prises par le Commandant du croiseur "Zabiaka" à l'égard des équipages des schooners arrêtés n'étaient nullement en contradiction avec le principe mis en avant dans la note précitée de Sir R. Morier. D'après l'Ambassadeur de Sa Majesté Britannique, les hommes des schooners aurnient dus être mis en liberté en même temps que les bâtiments étaient capturés. C'est ce que fit, en effet, le Capitaine de Livron. Ayant opéré la prise sans rencontrer de résistance et en ayant dressé Protocole, il s'empressa de déclarer libres leurs capitaines et leurs équipages. Aussitôt après, conformément à ses instructions, il les transporta dans le port Russe le plus proche. Le petit bourg de Pétropavlovsk comptant en tout 300 habitants, n'offrait pas de constructions particulières assez grandes pour qu'ils pussent s'y loger. En conséquence, il fut proposé à ces hommes qui, encore une fois, n'étaient nullement en état d'arrestation et jouissaient de toute leur liberté, d'occuper le seul bâtiment de l'État qui se trouvait disponible. Malheureusement il n'était pas suffisamment spacieux. Le Commandant du "Zabiaka" n'en apporta que plus de soins à hâter autant que possible le rapatriement des équipages des schooners. Il s'adressa à cet effet au capitaine du bateau

Américain "Majestic" et utilisa le schooner "Rosie Olsen," déclaré légalement de prise et dont le nom avait été changé en celui de "Prize."

Les équipages des schooners furent distribués de la façon suivante: le "Majestic" reçut vingt-trois hommes du "Willie MacGowan," vingt-quatre de "l'Ariel," et vingt-deux de la "Rosie Olsen." Le "Prize" en reçut six des chaloupes de "l'Annie Moore," neuf du "Seyward," et vingt-deux du "Vancouver Belle." Les hommes des schooners "Marie" et "Carmolite" furent envoyés séparément à Vindivostok sur le croiseur "Vitiuz" et, de là, au Japon. Durant leur séjour à bord et dès le premier jour de leur débarquement, il fut assigné aux équipages 15 kopecks de frais de subsistance par homme et par jour. C'est ce qui appert de la correspondance officielle échangée entre le Capitaine de Livron et le Chef d'Arrondissement. En outre, le commandant du "Zabiaka" mit à leur disposition un filet et des chaloupes, pour qu'ils pussent aller pêcher, et les fit aider par des marins du croiseur.

Si les hommes de la "Rosie Olsen" ne reçurent leurs frais alimentaires qu'à partir du 3 Août, c'est que, jusque là, ils ont pu consommer leurs propres vivres, qui leur avaient été restitués par le Chef d'Arrondissement des Iles Kommandorsky. On ne saurait prendre au sérieux les réclamations de quelques hommes se plaignant d'avoir dû, suite de pluie, coucher à la belle étoile. Il faisait, en effet, si chaud à Pétropavlovsk, aux mois de Juillet et d'Août, que les officiers et les marins du "Zabiaka" couchaient de préférence sur le pont. En ce qui concerne les effets des équipages, qui leur auraient été enlevés ou ne leur auraient pas été tous restitués, la Commission s'est convaincue que toutes les provisions d'effets ("stores"), vêtements, bas, chaussures, &c., qui se trouvaient à bord de la "Marie" et de la "Rosie Olsen" au moment de leur arrestation ont été remises par M. Grebunsky aux capitaines de ces bâtiments. Leur demande d'être indemnisés pour la valeur de ces provisions se trouve donc dénuée de fondement. Quant aux autres schooners, le Commandant du "Zabiaka" en procédant à leur arrestation laissa aux hommes de leurs équipages tous les effets portés par eux et leur appartenant. Il eut devoir, par contre, confisquer et remettre, contre reçu détaillé, à l'autorité de Pétropavlovsk, tout ce qui constituait la propriété des armateurs, y compris les provisions d'effets ("stores") destinées à être vendues aux équipages. Seuls les hommes que se trouvent dans les chaloupes du "Seyward" n'avaient pas de vêtements de rechange. A l'arrivée du schooner "Ariel" à Pétropavlovsk son capitaine entra en possession de tout ce qui lui appartenait à l'exception d'une somme de 100 dollars. Dès qu'il en eût fait la déclaration au Capitaine de Livron, il reçut l'autorisation de se rendre à bord du schooner, accompagné d'un officier, pour chercher cet argent qui fut retrouvé derrière le tiroir d'une armoire.

Le capitaine en question demanda ensuite à rentrer en possession du chronomètre de bord, ce qui lui fut, en effet, refusé. Le rapatriement des équipages à bord du "Majestic" eut lieu en vertu d'un accord en due forme conclu avec le capitaine de ce bâtiment. Ce dernier reçut du Capitaine de Livron: (1) une provision de vivres complète pour quarante-cinq jours, calculée d'après les indications mêmes des capitaines des schooners capturés et sur la base des Règlements de la flotte de commerce Américaine; (2) un nombre de chaloupes (huit grandes et deux petites) indispensable pour quatre-vingt-sept hommes en cas d'urgence; (3) deux fourneaux supplémentaires pour cuire la nourriture; (4) de la vaisselle en quantité suffisante ainsi qu'une chaudière de cuivre fournie par le croiseur. Le capitaine du "Majestic" s'obligea à rapatrier les équipages moyennant le droit de s'approprier ensuite, en guise de rémunération, tous les objets qui viennent d'être énumérés. Les équipages des schooners furent logés dans la cale au-dessus du lest. On couvrit le fond avec des branches sèches reliées entre elles à l'aide de cordages et sur lesquelles les hommes de ces équipages purent étendre les matelas qui leur furent distribués. Chacun reçut le sien.

Le mécontentement des capitaines des schooners doit être attribué, d'après les dépositions du Commandant du "Zabiaka," à l'impossibilité où s'est trouvé le capitaine du "Majestic," qui était accompagné de sa fille adulte, de les loger dans sa cabine. Il fut obligé de faire disposer pour eux des couchettes dans les cabines servant aux provisions.

La Commission a conclu de ce qui précède que, si le capitaine du "Majestic" réclame 10 dollars par homme pour frais de transport, cette réclamation ne saurait être admise, étant contraire aux conditions de l'accord conclu et signé par lui.

En ce qui concerne la patrouille envoyée à terre par le Capitaine de Livron, cette mesure fut prise sur la demande du Chef d'Arrondissement de Pétropavlovsk. La police locale se trouvait, en effet, insuffisante pour réprimer les désordres auxquelles les hommes des schooners se livraient dans les rues du bourg.

La conduite de ces matelots fut des plus indisciplinées. Plusieurs fois le Commandant du "Zabiaka" s'adressa aux capitaines des bâtiments saisis, en les priant de rétablir l'ordre,

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mais ceux-ci déclarèrent que les équipages ne leur obéissaient pas. Les capitaines du "Willie McGowan" et de la "Rosie Olsen" eux-mêmes se présentèrent en état d'obéissance chez le Capitaine de Livron et lui dirent des injures, si bien que les marins du croiseur durent les faire sortir de la cabine du Commandant.

(Translation.)

THE Commission appointed to examine the documents and depositions relating to the seizure by Russian cruisers of Canadian vessels which were fishing for seals in our territorial waters has made a minute investigation of the complaints put forward by the crews of those vessels in regard to their alleged ill-treatment on landing at Petropavlovsk. These complaints, which were set forth in the British Ambassador's note of the 17th (29th) November, 1892, and in the declarations appended to it, were accompanied by a remonstrance against the very severe conditions said to have been arranged in regard to the repatriation of the crews in question between the Captain of the "Zabinka" and the master of the American ship "Majestic." The Commission had also to report on this claim after having duly considered the circumstances relating to it.

In the first place it appears, from the verbal depositions of Captain de Livron, as well as from the documents which formed part of the official records of the affair, that the measures taken by the Captain of the cruiser "Zabinka" in regard to the crews of the captured schooners were in no way inconsistent with the principle enunciated in the above-mentioned note from Sir R. Morier. In the opinion of Her Britannic Majesty's Ambassador, the men of the schooners ought to have been set at liberty at the time the ships were seized. That is, in fact, what Captain de Livron did. Having accomplished the capture without meeting with any resistance, and having drawn up a protocol, he lost no time in declaring the freedom of their captains and crews. Immediately afterwards, in accordance with his instructions, he conveyed them to the nearest Russian port. The small town of Petropavlovsk, numbering in all 300 inhabitants, did not afford private buildings of sufficient size to enable them to be lodged there. Consequently, it was proposed to these men, who, he it said once more, were in no way under arrest, and who enjoyed full liberty, that they should occupy the only Government building which was available. Unfortunately, it was not sufficiently spacious. The Captain of the "Zabinka" only took the more pains to expedite as much as possible the repatriation of the schooners' crews. He applied, for this purpose, to the captain of the American ship "Majestic," and made use of the schooner "Rosie Olsen," which had been declared a lawful seizure, and whose name had been changed to that of "Prize."

The crews of the schooners were distributed in the following manner: The "Majestic" took on board twenty-three men from the "Willie McGowan," twenty-four from the "Ariel," and twenty-two from the "Rosie Olsen;" the "Prize" took six from the boats of the "Annie Moore," nine from the "Sayward," and twenty-two from the "Vancouver Belle." The men of the schooners "Marie" and "Carmolite" were sent separately to Vladivostok in the cruiser "Vityaz," and from thence to Japan. During their stay on board, and from the first day of their landing, 15 kopecks per man per day were allotted to the crews for their maintenance. This appears in the official correspondence which passed between Captain de Livron and the District Governor. In addition to this, the Captain of the "Zabinka" placed at their disposal a net and some boats, in order that they might go out fishing, and gave them assistance by search from the cruiser.

If the men of the "Rosie Olsen" only received their subsistence allowances from the 3rd August, it was because up till then they were able to live upon their own provisions, which had been restored to them by the District Governor of the Commander Islands. The complaints made by some of the men that they were obliged to sleep in the open air owing to want of room cannot be taken seriously. As a matter of fact, it was so hot at Petropavlovsk in the months of July and August that the officers and men of the "Zabinka" slept on deck by preference. With respect to the effects belonging to the crews, which were said to have been taken away, or not to have been all restored to them, the Commission satisfied itself that all the stores, clothing, stockings, boots, &c., which were on board the "Marie" and the "Rosie Olsen" at the time of their capture were handed to the captains of those ships by M. Grebunsky. Their demand to be compensated for the value of these goods is therefore groundless. As to the other schooners, the Captain of the "Zabinka," when proceeding to seize them, left to the crews all the effects carried upon their persons and belonging to them. He considered it his duty, on the other hand, to confiscate and hand over to the authorities at Petropavlovsk, from whom he took a full receipt, everything which was the property of the ship-owners, including the stores which were meant to be sold to the crews. The only men who had

no change of clothes were those who were in the boats of the "Sayward." On the arrival of the schooner "Ariel" at Petropavlovsk, her captain regained possession of all that belonged to him excepting a sum of 100 dollars. As soon as he had made a statement of his loss to Captain de Livron, he received authority to go on board the schooner, accompanied by an officer, to look for the money, which was found behind the drawer of a chest.

The captain in question then asked to have back the ship's chronometer, which was certainly refused to him. The repatriation of the crews who were sent in the "Majestic" took place in pursuance of an agreement in due form concluded with the captain of that ship. The latter received from Captain de Livron: (1) full rations for forty-five days, calculated according to the actual statements of the captains of the captured schooners, and based upon the Regulations of the American mercantile marine; (2) a number of boats (eight large and two small), indispensable for the safety of eighty-seven men in case of shipwreck; (3) two extra ovens for cooking the food; (4) a sufficient quantity of crockery, as well as a copper boiler supplied by the cruiser. The captain of the "Majestic" bound himself to repatriate the crews on the understanding that he should afterwards appropriate, by way of remuneration, all the articles which have just been enumerated. The crews of the schooners were lodged in the hold above the ballast. The floor was covered with dried branches, fastened together by means of ropes, and on these the men were able to lay down the mattresses which were distributed to them. One was given to each.

The discontent of the captains of the schooners must be attributed, according to the depositions of the Captain of the *Zabiaka*, to the fact that the captain of the "Majestic" who was accompanied by his grown up daughter, found it impossible to put them up in his cabin. He was obliged to arrange berths for them in the cabins used for the stores.

The Commission concluded from the above evidence that the claim of the captain of the "Majestic" of 10 dollars a-head for passage money could not be admitted, being contrary to the terms of the agreement concluded and signed by him.

With regard to the patrol sent ashore by Captain de Livron, this step was taken at the request of the district Governor of Petropavlovsk. The local police were no doubt insufficient to repress the disturbances committed by the men of the schooner in the streets of the town.

The conduct of these seamen was most disorderly. Several times the captain of the "*Zabiaka*" appealed to the captains of the vessels seized, begging them to restore order, but they declared that the crews would not obey them. The captains of the "*Willie McGowan*" and the "*Rosie Olsen*" themselves came in a state of intoxication to see Captain de Livron, and used such abusive language to him that the sailors of the cruiser had to turn them out of the captain's cabin.

Inclosure 3.

Second Report of Special Commission.

L'EXAMEN des circonstances qui avaient accompagné l'arrestation et la capture, opérée dans la Mer de Behring, par des croiseurs Russes, de schooners et de chaloupes de pêche Canadiennes, a été confié à une Commission Spéciale instituée par Décret Impérial.

Cette Commission reçut communication des documents suivants, qui lui servirent de base pour élucider l'affaire en question :—

Journaux de bord, notes et cartes trouvées sur les bâtiments capturés;

Protocoles de saisie;

Rapport concernant la course du croiseur "*Zabiaka*," ainsi que celui qui fut dressé par le Commandant de l'escadre du Pacifique;

Affidavits communiqués par le Gouvernement Britannique et contenant les dépositions des capitaines des bâtiments capturés et de leurs équipages.

En même temps, la Commission citait devant elle, pour entendre leurs dépositions verbales, le Capitaine de Livron, ex-Commandant du "*Zabiaka*," et le Conseiller de Collège Grebnitsky, Chef d'Arrondissement des Iles Kommandorsky.

L'Instruction établit avec la plus grande certitude ce qui suit :

1. Le schooner "*Marie*" a été arrêté le 9 (21) Août, 1892, par le Chef d'Arrondissement des Iles Kommandorsky, M. Grebnitsky montant le vapeur "*Kotik*." L'arrestation a eu lieu sous le 54° 36' de latitude septentrionale et sous le 168° 24' de longitude orientale, à 7 milles de l'île de Cuivre. Deux chaloupes appartenant à ce bâtiment

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avient été aperçues et arrêtées à 1½ mille de la côte. On trouva à leur bord dix-sept otaries dont dix pas encore écorchés. Sans s'attarder à poursuivre les autres chaloupes, qui chassaient un peu plus à l'écart, M. Grebnitsky arrêta le schooner lui-même et le mit à l'ancre avant le coucher du soleil devant le village de Glinka. Le lendemain matin, la perquisition faite tant sur le schooner que sur les chaloupes qui l'avaient rejoint pendant la nuit, révéla à leur bord 622 peaux d'otaries, dont 585 ôtées d'animaux femelles et prises, par conséquent, près de la côte. L'examen du livre de bord de la "Marie" permit de constater que ce livre n'avait pas été tenu depuis quatre jours et ne portait pas les indications requises sur la course et les relâches de ce schooner.

Les degrés de longitude et de latitude n'étaient marqués que dans les almanachs, et cela avec beaucoup de négligence. Le lieu de destination du schooner était désigné par l'expression vague "sealing grounds." Les peaux, enlevées de femelles fécondes, attestaient que les otaries avaient été tuées près de la côte. En effet, aux mois de Juillet et d'Août, époque de l'allaitement, les femelles ne peuvent s'éloigner des côtes. Cette conclusion était encore confirmée par la présence, à bord du schooner, de maillets dont on se sert exclusivement pour la chasse aux otaries sur la côte. Dans sa protestation écrite, le capitaine de la "Marie" affirme que son bâtiment a été arrêté à 9½ milles de la côte. Mais le chronomètre trouvé à bord du schooner était en si mauvais état que ses indications, comme on l'a constaté, occasionnaient une erreur de 15 milles. De l'aveu même du capitaine, 499 des otaries saisies avaient été prises dans les parages de l'Île de Cuivre et 148 seulement dans ceux de Vancouver. Il ne nie pas que les trois chaloupes de la "Marie" aient été arrêtées dans nos eaux territoriales. Mais il émet en même temps l'opinion que M. Grebnitsky aurait dû se borner à leur arrestation. Il n'aurait pas dû y joindre, comme il l'a fait, celle d'autres chaloupes, appartenant au schooner "Annie Moore" qui, lui, n'a pas été arrêté. En effet, le schooner "Annie Moore," dont les chaloupes furent prises, réussit à échapper aux poursuites. Mais cela indique uniquement que les schooners envoient leurs chaloupes loin d'eux chasser les otaries dans leurs gîtes, tout en demeurant eux-mêmes hors des eaux territoriales. C'est ainsi seulement que "l'Annie Moore" a pu échapper à l'arrestation tandis que ses chaloupes étaient saisies sur la côte par des habitants de la contrée. Le capitaine de la "Marie" a reconnu que l'acte d'arrestation avait été régulièrement dressé, tout en refusant cependant de le signer. La Commission, se fondant sur les données qui viennent d'être exposées, conclut que l'arrestation du schooner "Marie" avait été opérée d'une façon entièrement régulière. Il est incontestable que les chaloupes constituent juridiquement une dépendance du schooner. Leur saisie dans des eaux territoriales rend donc légale l'arrestation du bâtiment dont elles font partie. S'il en était autrement, le schooner pourrait impunément faire la chasse aux otaries sur les côtes, en y envoyant ses chaloupes et enfreindre ainsi l'invicibilité des eaux territoriales tout en se tenant lui-même hors de leurs limites.

2. Le schooner "Rosie Olsen" a été également arrêté par M. Grebnitsky, Chef d'Arrondissement des Îles Kommandersky. La saisie, opérée par le "Kotik," eut lieu le 14 (26) Juillet, 1892, sous le 55° 23' de latitude septentrionale, et sous le 185° 27' de longitude orientale. Le schooner avait été aperçu dans les eaux territoriales, mais ayant vu le vapeur, il avait réussi à gagner la mer ouverte, après avoir donné à ses chaloupes un signal de ralliement. Toutefois, le "Kotik" et une chaloupe qu'il détacha parvinrent à saisir quatre chaloupes de chasse dans les eaux territoriales. L'une d'elles fut arrêtée à 1 mille des côtes de l'Île d'Arria. Trois chaloupes sur sept purent rejoindre le schooner. Après avoir saisi les quatre chaloupes, M. Grebnitsky procéda à l'arrestation du schooner, et en dressa protocole. Le capitaine de la "Rosie Olsen," qui se trouvait dans un état de vive surexcitation, refusa de signer cet acte, et, arrivé à Pétopavlovsk, protesta contre la saisie de son schooner en mer ouverte. On trouva à bord du schooner et des chaloupes 379 peaux d'otaries, dont 96 pour cent ôtées d'animaux femelles; 377 de ces peaux se trouvaient à bord du schooner. Les deux autres furent saisies dans des chaloupes. L'équipage se composait de six Européens et de quatorze Kaloches. Il appert du journal de bord que le schooner avait chassé durant treize jours dans les parages de l'Île de Cuivre, à l'aide de ses chaloupes, qu'il envoyait dans les eaux territoriales. Le 12 (24) Juillet, il y avait eu 101 otaries de tuées. Le journal de bord n'était pas tenu depuis plusieurs jours; le chronomètre était entièrement dérangé. D'après le capitaine de la "Rosie Olsen," le schooner aurait été arrêté à 38 milles de la côte. Pour se convaincre de l'inexactitude de sa déposition, il suffit de constater, sur la carte, que le point d'intersection de la longitude et de la latitude indiquées par le capitaine n'est pas à 38 milles mais à 54 milles du point le plus rapproché de la côte. Il est permis d'en conclure que ces indications sont dénuées de fondement et données après coup, au hasard.

Après avoir examiné toutes les circonstances ayant accompagné l'arrestation du schooner "Rosie Olsen," la Commission a conclu à la régularité de cette arrestation. En

effet, les chaloupes de ces schooners ont été surprises chassant l'otarie dans les eaux territoriales.

Le schooner en question ne se trouve pas actuellement à Pétropavlovsk, mais au Canada. Il avait servi à rapatrier les équipages de tous les schooners arrêtés. Il a reçu un nouveau nom, celui de "Prize," et est commandé par un des capitaines rapatriés, nommé Kopp. Le Capitaine de Livron a déposé que M. Kopp lui avait annoncé dans une lettre particulière l'arrivée du "Prize" à destination; la lettre ajoutait que les matelots menaçaient M. Kopp de le traduire en justice en réclamant le paiement de leurs gages pour le temps de la traversée. Le Capitaine Kopp s'étant acquitté, en rapatriant les équipages en question, d'une mission dont il avait été chargé par les autorités Russes, la Commission considère comme équitable de lui abandonner la propriété du schooner "Prize" à la charge de prélever sur sa valeur, pouvant être évaluée à 600 dollars, de quoi satisfaire les prétentions susmentionnées en tant qu'elles se trouveraient justifiées.

3. Le schooner "Carmolite" a été arrêté le 17 (29) Août, 1892, par le croiseur "Vitiaz," commandé par le Capitaine Zarine, et battant le pavillon du Chef de l'Escadre du Pacifique. Il appert des documents, examinés par la Commission, que ce schooner a été aperçu par le croiseur de l'autre côté de l'Isthme situé à la pointe sud de l'île de Cuivre. Le "Carmolite" se trouvait à ce moment à 3 milles environ d'un gîte d'otaries. Il vit le croiseur et, profitant de la nécessité où se trouvait celui-ci de tourner, pour l'atteindre, un long récif situé à l'extrémité sud-est de l'île, il déploya les voiles et gagna la mer ouverte. Mais, au bout d'une heure et demie, le croiseur l'atteignit à 8 milles de la côte sous le 54° 29' de latitude septentrionale et le 168° 2' de longitude orientale. Les documents de bord permirent de constater que le schooner se trouvait depuis le 29 Juillet dans les eaux des îles Kommandorsky. Le capitaine déclara que les 608 otaries dont on trouva les peaux à bord de son bâtiment avaient été prises près des îles de Behring et de Cuivre. Cela contredit ses déclarations annexées à la note de l'Ambassadeur Britannique du 9 (21) Décembre, 1892, d'après lesquelles la prise des otaries n'aurait eu lieu qu'à 60 milles de distance des îles. La déclaration du capitaine du "Carmolite" concernant la distance de la côte où le schooner aurait été arrêté, et qui serait de 25 milles, ainsi que son assertion de n'être pas entré dans les eaux territoriales Russes se trouvent également démenties par des indications précises; pour en démontrer l'incexactitude, il suffit d'un calcul basé sur la rapidité de marche du croiseur et sur l'étendue de l'horizon visible au moment où le schooner a été aperçu pour la première fois par le "Vitiaz." Le "log-book" du "Carmolite" n'était pas tenu depuis deux jours. Il a été dressé deux protocoles d'arrestation, l'un en Russe, l'autre en Anglais. En raison de ces données, la Commission a reconnu l'arrestation du "Carmolite" comme entièrement conforme aux principes du droit international.

4. Le schooner "Vancouver Belle" fut arrêté par le croiseur "Zabiaka," le 31 Juillet 1892, sous le 54° 17' de latitude septentrionale et sous le 168° 12' de longitude orientale, à 17 milles de l'île de Cuivre. Ayant été averti par des garde-côtes que ce schooner chassait l'otarie sur la côte, le Commandant du "Zabiaka" se dirigea vers lui. Mais, en chemin, il rencontra trois chaloupes du schooner "Seyward" faisant la chasse à une distance de moins de 3 milles de la côte. Leur arrestation et leur mise en remorque prit environ deux heures, dont le "Vancouver Belle" profita pour gagner le large. Il fut constaté, après l'arrestation de ce schooner, que son "log-book" n'avait pas été tenu depuis vingt-quatre heures, mais les notes qui y avaient été portées antérieurement indiquaient qu'il avait, à deux reprises, chassé l'otarie le long même de la côte, dans les détroits qui séparent les îles. On trouva à bord du bâtiment les engins servant à la chasse aux otaries sur les côtes. 88 pour cent des 594 peaux saisies avaient été ôtées de femelles-mères. Il résulta des déclarations mêmes du Capitaine Kopp (Affidavits, p. 14) qu'il était 2 heures quand il avait aperçu le croiseur. Le schooner ayant été atteint par le "Zabiaka" à 4 heures, il lui eût été impossible de faire plus de 14 milles vers le large. En raison de tout ce qui précède, l'arrestation du "Vancouver Belle" a été reconnue entièrement régulière.

5. La chaloupe du schooner "Marvin" et les trois chaloupes du schooner "Seyward" mentionnées dans la note de l'Ambassadeur Britannique du 4 Décembre, 1892, à laquelle se trouvaient jointes les protestations écrites des capitaines de ces bâtiments, ont été arrêtées dans les conditions suivantes: l'arrestation de la première a été opérée par des habitants de l'île de Cuivre, qui la saisirent au gîte même des otaries, que l'équipage avait commencé à exterminer; celle des trois autres par le croiseur "Zabiaka." Les habitants de l'île l'avaient averti que plusieurs chaloupes étrangères avaient abordé au gîte des otaries, et en ayant tué un certain nombre, avaient regagné le large. Le croiseur s'étant rendu dans la direction indiquée surprit, le 21 Juillet, à 9 milles de la pointe sud-est de l'île de Cuivre, trois chaloupes qui se mirent à fuir à toutes voiles et à toutes rames.

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Voyant enfin l'inutilité de ses efforts, l'équipage cessa de ramer et se mit à jeter par-dessus bord les otaries tuées. Mais il n'avait pas encore fini cette besogne que le croiseur avait arrêté les trois embarcations, à bord desquelles on trouva encore huit otaries. Les têtes étaient fracassées ce qui prouvait bien que les animaux avaient été tués à coups de martelets, dans leur gîte, et non à coup de fusil, en mer. L'équipage des chaloupes appartenant au schooner "Seyward" fut transporté à bord du "Zabiaka" à Pétrouparlovsk et les hommes de la baleinière, détachée par le "Marvin," arrêtés par les habitants du village de Glinka, furent conduits par eux dans ce village, situé sur la côte opposée de l'île. De là, la vapeur "Kotik" les transporta à Pétrouparlovsk.

En outre, les habitants du village de Préobrajenskoé, situé également dans l'île de Cuivre, livrèrent au croiseur "Zabiaka" six matelots qu'ils avaient arrêtés au gîte des otaries. Ces hommes déclarèrent qu'ils étaient venus chasser à bord de deux chaloupes appartenant au schooner Anglais "Annie Moore." Le schooner lui-même ne fut pas aperçu.

Ces cas infirment la supposition émise dans la note de l'Ambassadeur Britannique que "les chaloupes ne se trouvaient probablement pas à une grande distance du schooner 'Seyward.'" En réalité, il était impossible, de l'endroit où les chaloupes ont été arrêtées, d'apercevoir le schooner, même à l'aide d'une lunette. Le fait est que, d'après les dépositions des capitaines du "Marvin" et du "Seyward," ces schooners se trouvaient à 20 milles de l'île de Cuivre au moment où leurs chaloupes pillaient les gîtes des otaries sur la côte Russe.

6. Le schooner Anglais "Tupper" a été arrêté le 29 Juillet (10 Août) par le croiseur "Zabiaka," à 47 milles de l'île de Behring, sous la prévention d'être un de ceux dont les chaloupes avaient été arrêtées dans les eaux territoriales Russes. Toutefois, à défaut de preuves formelles à l'appui de cette prévention et bien qu'on eût trouvé 274 peaux d'otaries à bord du schooner, le croiseur "Zabiaka" se borna à avertir celui-ci d'avoir à s'abstenir de chasser l'otarie dans les eaux Russes baignant les îles Kommandorsky. Cet avertissement fut porté dans le journal du "Tupper," ainsi qu'il appert de la déposition du capitaine de ce schooner annexée à la note de l'Ambassadeur Britannique du 9 Décembre, 1892. Quant aux menaces qui d'après le capitaine du "Tupper" lui auraient été adressées par le Commandant du "Zabiaka," et à la défense que celui-ci lui aurait faite de chasser l'otarie dans la mer ouverte, c'est là une assertion dénuée de preuves. Tout au contraire, les peaux d'otaries trouvées à bord du schooner ne furent pas saisies et c'est sans fondement que le capitaine soutient avoir supporté des pertes à la suite de cette arrestation.

7. Le schooner "Hall" a été rencontré le 5 Août, 1892, sous le 54° 33' de latitude septentrionale et sous le 166° 10' de longitude orientale, chassant l'otarie en mer, à 17 milles de l'île de Behring. Bien qu'on eût trouvé à bord 325 peaux, il n'y avait pas de preuves directes que le schooner eût fait la chasse aux otaries dans les eaux territoriales Russes. Le Commandant du "Zabiaka," se borna donc à un avertissement portant que le bâtiment devait continuer à s'abstenir de chasser l'otarie sur la côte Russe.

8. Le schooner "Willie MacGowan" a été aperçu par le croiseur "Zabiaka" le 6 Juin, 1892, à 15 milles de l'île de Cuivre. Il marchait à petites voiles, mais les déploya toutes après avoir aperçu le croiseur et se mit à gagner le large. Il fut atteint sous le 54° 21' de latitude septentrionale et sous le 167° 43' de longitude orientale, à 21 milles de la côte. Le croiseur dut tirer deux fois pour le forcer à mettre en panne. Une perquisition révéla la présence à bord des engins servant à la chasse aux otaries sur la côte ainsi que soixante-seize peaux, dont soixante-neuf ôtées d'animaux femelles. Le "log-book" n'était pas tenu depuis vingt-quatre heures. En général, il ne contient que de très rares indications sur la marche du bâtiment. On n'y rencontre que des expressions vagues: "jogging around sealing grounds," ou simplement "jogging." D'après une indication, le schooner s'était trouvé le 1 (13) Juillet en vue de l'île de Cuivre, par un temps brumeux. Le 3 (15) il avait aperçu le "Zabiaka." Le temps était également brumeux, et il régnait un léger brouillard. Ce jour là, le croiseur "Zabiaka," comme il appert de son journal, se trouvait tout près de la côte, au gîte même des otaries. Des traces de pointillement et de calculs faits au crayon sur la carte et imparfaitement effacés indiquent que le schooner relevait sa position à la boussole, à une heure et demie de distance du gîte des otaries.

On est fondé à conclure de toutes ces données que les otaries trouvées à bord du schooner avaient été tuées dans les eaux territoriales Russes.

Néanmoins, la Commission n'a pu reconnaître l'arrestation du schooner "Willie MacGowan" comme entièrement régulière.

9. Le schooner "Ariel" a été arrêté par le croiseur "Zabiaka," le 16 Juillet, à 3 heures et demie du matin, sous le 54° 31' de latitude septentrionale et le 167° 40' de longitude orientale. Au moment de son arrestation il s'éloignait à petites voiles de la côte et

se trouvait à 21 milles de l'Île de Cuivre. On découvrit à son bord les engins servant à chasser l'otarie sur la côte, ainsi que 139 peaux, dont les 90 pour cent avaient été ôtées de femelles-mères. Le "log-book" n'était pas tenu depuis deux jours. A la même date le livre contient deux annotations différentes. La première porte que le schooner s'était trouvé en vue de l'Île de Cuivre; cela indique, étant donné le brouillard qui régnait ce jour là, que le bâtiment naviguait alors dans nos eaux territoriales. Les traces de pointillement et de calculs faits au crayon sur la carte et imparfaitement effacés témoignent que le relèvement à la boussole de la position du bâtiment avait été opéré tout près de la côte.

Sans contester la gravité de ces indices, établissant que le schooner "Ariel" avait navigué dans les eaux territoriales Russes, la majorité de la Commission ne considéra pas son arrestation comme fondée en droit, faute d'une condition essentielle et généralement admise: les chaloupes de "l'Ariel" n'avaient pas été aperçues chassant l'otarie dans nos eaux.

(Translation.)

THE examination into the circumstances which had attended the arrest and capture in the Behring Sea of Canadian schooners and sealing-boats by Russian cruisers, was intrusted to a Special Commission appointed by Imperial Decree.

To this Commission the following documents were communicated, which served as a basis for elucidating the question at issue:—

Log books, notes and maps found in the captured vessels;

Protocols of seizure;

Report on the course of the cruiser "Zabiaka," together with the Report drawn up by the Officer Commanding the Pacific Squadron;

Affidavits communicated by the British Government containing the depositions of the captains and crews of the captured vessels.

At the same time the Commission summoned Captain de Livron, late officer in command of the "Zabiaka," and the "Conseiller de Collège" Grebnitsky, District Governor of the Commander Islands, in order to hear their verbal depositions.

The examination establishes with the greatest certainty the following facts:—

1. The schooner "Marie" was captured on the 9th (21st) August, 1892, by M. Grebnitsky, District Governor of the Commander Islands, being on board the steamer "Kotik." The capture was made in latitude 54° 36' north, and longitude 168° 24' east, at a distance of 7 miles from Copper Island. Two boats belonging to this vessel had been sighted and captured 1½ miles from the shore. Seventeen seals were found on board, of which ten had not yet been skinned. Without waiting to pursue the other boats, which were hunting at a somewhat greater distance, M. Grebnitsky seized the schooner himself and brought her to anchor before sunset off the village of Glinka. Next morning search was made both on the schooner and in the boats which had rejoined her during the night, and 622 seal-skins were found, of which 585 were those of females, and consequently had been taken close to the shore. An examination of the log-book of the "Marie" proved that this book had not been posted for four days, and did not contain the necessary information as to the course taken and the stoppages made by the schooner.

The degrees of longitude and latitude were only marked in the almanacks, and even that with great carelessness. The place of destination of the schooner was designated by the vague expression "sealing grounds." The skins, taken from pregnant females bear witness to the fact that the seals had been killed close to the shore. In fact, during the period of suckling, in July and August, the females cannot go to any distance from the shore. This inference was confirmed by the presence on board the schooner of clubs which are used exclusively in the pursuit of seals on the coast. In his written protest, the captain of the "Marie" declares that his vessel was seized at a distance of 9½ miles from shore. But the chronometer found on board the steamer was in such bad order that its indications were found to occasion an error of 15 miles. According to the captain's own admission, 499 of the seals taken had been captured in the neighbourhood of Copper Island, and only 148 in that of Vancouver. He does not deny that the three boats of the "Marie" were seized within our territorial waters. But at the same time he expresses the opinion that M. Grebnitsky should have confined his action to seizing them, and that he ought not in addition to have seized, as he did, other boats belonging to the schooner "Annie Moore," the latter not having been taken. The schooner "Annie Moore," whose boats were taken, did, in fact, succeed in evading pursuit. But that only shows that the schooners sent their boats to a distance to pursue the seals in the rookeries while they remain themselves outside territorial waters. It was only thus that the "Annie Moore" was able to escape seizure whilst her boats were captured on the coast by the inhabitants

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of the country. The captain of the "Marie" admitted that the protocol of seizure was correctly drawn up, though he refused to sign it. The Commission, guided by the facts set forth above, concluded that the seizure of the schooner "Marie" had been carried out in a perfectly regular manner. It is undeniable that, juridically, the boats constitute a dependency of the schooner. Their seizure, therefore, in territorial waters legalizes that of the vessel of which they form part. If it were otherwise, the schooner could pursue seals on the coast with impunity by sending her boats there, and thus infringe the inviolability of territorial waters, though herself remaining outside their limits.

2. The schooner "Rosie Olsen" was also seized by M. Grebnitsky, District Governor of the Commander Islands. The seizure, carried out by the "Kotik," took place on the 14th (26th) July, 1892, in latitude 55° 23' north, and longitude 185° 27' east. The schooner had been sighted in territorial waters, but having seen the steamer, she had succeeded in gaining the high sea, after having given her boats the signal to rejoin her. Nevertheless the "Kotik," and a boat which she sent out, succeeded in seizing four sealing-boats in territorial waters. One of these was seized 1 mile from the coast of Aria Island. Three boats out of seven were able to get back to the schooner. After having seized the four boats, M. Grebnitsky proceeded to capture the schooner, and drew up a protocol. The captain of the "Rosie Olsen," who was in a state of great excitement, refused to sign this document, and on arriving at Petropavlovsk, protested against the seizure of his schooner on the high sea. On board the schooner and the boats were found 379 seal skins, of which 96 per cent. had been taken from females; 377 of these skins were on board the schooner. The other two were seized in the boats. The crew was composed of six Europeans and fourteen Indians. It appears from the log that the schooner had been sealing for thirteen days in the neighbourhood of Copper Island by means of her boats, which she sent into territorial waters. On the 12th (24th) July, 101 seals had been killed. The log had not been posted for several days; the chronometer was completely out of order. According to the statement of the captain of the "Rosie Olsen," the schooner was seized 38 miles from shore. To convince oneself of the incorrectness of his deposition, one need only observe on the Map that the point of intersection of the longitude and latitude indicated by the captain is not 38 but 54 miles from the nearest point of the coast. It may be concluded from this, that these statements were unfounded and made at random after the event.

After examining all the circumstances which accompanied the seizure of the "Rosie Olsen" the Commission concluded that this seizure was regular. The boats of these schooners were in fact surprised in the act of sealing in territorial waters.

The schooner in question is not at present at Petropavlovsk but in Canada. She was employed to repatriate the crews of the captured schooners. She was given a new name, that of "Prize," and is commanded by one of the repatriated captains, named Kopp. Captain de Livron deposed that Mr. Kopp had informed him in a private letter of the arrival of the "Prize" at her destination; the letter added that the sailors threatened to sue Mr. Kopp for payment of their wages during the passage. Captain Kopp having performed the duty with which he was charged by the Russian authorities of repatriating the crews in question, the Commission considers it just to hand over to him the property of the schooner "Prize," on condition that he deduct from her value, which may be estimated at 600 dollars, a sufficient sum to satisfy the above-mentioned claims in so far as they may be found valid.

3. The schooner "Carmolite" was captured on the 17th (29th) August, 1892, by the cruiser "Vitiaz," commanded by Captain Zarine, and flying the flag of the Officer Commanding the Pacific Squadron. It appears from the documents examined by the Commission that this schooner was sighted by the cruiser on the other side of the isthmus, which is at the southern point of Copper Island. The "Carmolite" was then about 3 miles from a seal rookery. She sighted the cruiser, and taking advantage of the fact that the latter, in order to reach her, was obliged to pass round a long reef situated at the south-eastern extremity of the island, she set sail and gained the open sea. But after an hour and a-half the cruiser came up with her at a distance of 8 miles from shore, in latitude 54° 29' north, and longitude 168° 2' east. The ship's papers showed that the schooner had been since the 29th July in the waters of the Commander Islands. The captain declared that the 608 seals, the skins of which were found on board his vessel, had been taken near Behring and Copper Islands. This is in contradiction to his declarations annexed to the British Ambassador's note of the 9th (21st) December, 1892, according to which the capture of the seals had only taken place at a distance of 60 miles from the islands. The declaration of the captain of the "Carmolite" as to the distance from shore where the seizure took place, which is given as 25 miles, as well as his statement that he had not entered Russian territorial waters, are alike refuted by precise information. In order to

show their inaccuracy, it is sufficient to make a calculation based upon the cruiser's rate of speed and on the extent of horizon visible at the moment when the schooner was sighted for the first time by the "Vitiaz." The "Carmolite's" log-book had not been posted for two days. Two protocols of seizure were drawn up, one in Russian, the other in English. In consequence of this evidence the Commission recognized that the seizure of the "Carmolite" was altogether in conformity with the principles of international law.

4. The schooner "Vancouver Belle" was captured by the cruiser "Zabiaka" on the 31st July, 1892, in $54^{\circ} 17'$ north latitude and $168^{\circ} 12'$ east longitude, 17 miles from Copper Island. The Commander of the "Zabiaka" having been informed by coastguardsmen that this schooner was sealing on the coast, proceeded towards her. On the way, however, he found three boats belonging to the schooner "Sayward," sealing less than 3 miles from the coast. It took about two hours to seize and take in tow these boats, and the "Vancouver Belle" took advantage of this delay to make for the open sea. When this schooner was seized it was found that no entries had been made in her log-book during the preceding twenty-four hours, but the entries found showed that she had on two occasions been engaged in sealing close to the shore in the straits between the islands. The necessary equipment for sealing on the coast was found on board the vessel. Of the 594 skins seized, 88 per cent. were those of females with young. It appeared from Captain Kopp's own statements (affidavits, p. 14) that it was 2 o'clock when he caught sight of the cruiser. As it was 4 o'clock when the "Zabiaka" came up with the schooner, the latter could not have proceeded further than 14 miles seawards. In view of all that has been stated above it was decided that the seizure of the "Vancouver Belle" was perfectly regular.

5. The boat belonging to the schooner "Marvin," and the three boats belonging to the schooner "Sayward," mentioned in the British Ambassador's note of the 4th December, 1892, which inclosed the written protests of the masters of those vessels, were seized under the following circumstances. The first-mentioned boat was seized by the inhabitants of Copper Island at the rookery itself, as the crew were beginning to slaughter the seals. The three others were seized by the cruiser "Zabiaka." The inhabitants of the island had informed the cruiser that several foreign boats had landed at the rookery, and, after killing a certain number of seals, had put to sea again. The cruiser proceeded in the direction indicated, and, on the 21st July, at a point 9 miles from the south-eastern extremity of Copper Island, came upon three boats which took to flight with all sail set and rowing as fast as they could. Finding that their efforts were useless, the crew stopped rowing and began to throw overboard the seals they had killed. But before they were able to complete this operation, the cruiser seized the three boats, on board of which eight seals were found. The fact that the animals' heads were battered in showed that they had been killed with clubs in the rookery, and not shot at sea. The crew of the boats belonging to the schooner "Sayward" were taken to Petropavlovsk on board the "Zabiaka," and the men belonging to the whale-boat sent from the "Marvin," who had been seized by the people of the village of Glinka, were taken by them to the village, which is situated on the opposite shore of the island. They were taken thence to Petropavlovsk by the steamer "Kotik."

Further, the inhabitants of the village of Préobrajenskoe, which is also on Copper Island, handed over to the cruiser "Zabiaka" six sailors whom they had seized at the rookery. These men stated that they had come to hunt in two boats belonging to the English schooner "Annie Moore." The schooner herself was not seen.

These facts show that there is no foundation for the hypothesis, contained in the British Ambassador's note, that "presumably the distance which divided the 'Sayward' from her boats was not great." As a matter of fact it was impossible to see the schooner from the spot where the boats were seized, even with a glass. The fact is that, according to the depositions of the masters of the "Marvin" and "Sayward," those schooners were 20 miles from Copper Island at the time when their boats were plundering the rookeries on the Russian shore.

6. The English schooner "Tupper" was seized by the cruiser "Zabiaka" on the 29th July (10th August), 47 miles from Behring Island, on suspicion of being one of the vessels the boats of which had been seized in Russian territorial waters. As, however, the suspicion was not confirmed by positive proofs, although 274 seal-skins were found on board the schooner, the cruiser "Zabiaka" confined herself to warning the vessel not to engage in sealing in the Russian waters round the Commander Islands. This warning was entered in the log-book of the "Tupper," as appears from the deposition of the master of that schooner inclosed in the British Ambassador's note of the 9th December, 1892. As for the assertion of the master of the "Tupper" that the Commander of the

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"Zabiaka" made use of threats towards him, and forbade him to hunt seals in the open sea, it is not supported by proofs. On the contrary, the seal-skins found on board the schooner were not seized, and the master's statement that the seizure resulted in loss to him is without foundation.

7. The schooner "Hall" was found on the 5th August, 1892, in $54^{\circ} 33'$ north latitude, and $166^{\circ} 10'$ east longitude, engaged in sealing at sea, 17 miles from Behring Island. Although 325 skins were found on board, there was no direct proof that the schooner had been sealing in Russian territorial waters. The Commander of the "Zabiaka" therefore confined himself to warning the ship to continue to abstain from sealing on the Russian shore.

8. The schooner "Willie McGowan" was sighted by the cruiser "Zabiaka" on the 6th June, 1892, 15 miles from Copper Island. The schooner was under easy sail, but as soon as she caught sight of the cruiser, she made for the open sea under full canvas. The cruiser came up with her in $54^{\circ} 21'$ north latitude and $167^{\circ} 43'$ east longitude, 21 miles from the coast. It was only after the cruiser had fired two shots that the schooner was brought to. A search brought to light equipment for sealing on the coast, and seventy-six skins, of which sixty-nine were those of females. No entries had been made in the log-book for twenty-four hours. On the whole, the log-book contains very meagre data in regard to the vessel's course. All the entries are vague, e.g., "Jogging around sealing-grounds," or simply "Jogging." According to one entry the schooner was in sight of Copper Island on the 1st (13th) July, and the weather was hazy. On the 3rd (15th) she sighted the "Zabiaka." The weather was again hazy, and there was a slight fog. On that day the cruiser "Zabiaka" was close to the shore, just off the rookery, as appears from her log-book. Traces of dots and calculations made in pencil on the chart and partly rubbed out show that the schooner took her bearings by the compass when she was one and a-half hours' distance from the rookery.

One is justified in concluding from all these data that the seals found on board the schooner had been killed in Russian territorial waters.

Nevertheless, the Commission did not feel justified in declaring that the seizure of the schooner "Willie McGowan" was altogether regular.

9. The schooner "Ariel" was seized by the cruiser "Zabiaka" on the 16th July, at 3.30 A.M., in $54^{\circ} 31'$ north latitude and $167^{\circ} 40'$ east longitude. At the time of the seizure she was making away from the coast under easy sail, and was 21 miles from Copper Island. On board of her were found equipment for sealing on the coast and 139 skins, 90 per cent. of which were those of suckling females. No entries had been made in the log-book for two days. The book contains two different entries on the same date. The first states that the schooner was in sight of Copper Island; this implies, in view of the fog which prevailed on that day, that the vessel was then in our territorial waters. The traces of dots and of calculations made in pencil on the chart and half rubbed out show that the bearings of the ship were taken by the compass when she was quite close to the shore.

Without denying the importance of these indications, which show that the schooner "Ariel" had been in Russian territorial waters, the majority of the Commission do not consider that her seizure can be justified from a legal point of view on account of the absence of a condition which is essential and generally admitted, that is to say, the "Ariel's" boats had not been seen sealing in our waters.

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[C.—7107.]

Despatch from Sir H. Mores, including the Reply
of the Russian Government in regard to the
Seizures of British Sealing Vessels by Russian
Cruisers in the North Pacific Ocean.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty, June 1838.*

LONDON :

UNITED STATES. No. 10 (1893).

BEHRING SEA ARBITRATION.

A W A R D

OF THE

TRIBUNAL OF ARBITRATION,

CONSTITUTED UNDER ARTICLE I OF THE TREATY CONCLUDED AT
WASHINGTON ON THE 29th FEBRUARY, 1892, BETWEEN HER
BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA.

*Presented to both Houses of Parliament by Command of Her Majesty.
August 1893.*

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[C.—7107.] Price 2d.

Despatch from Sir R. Morier, inclosing the Reply
of the Russian Government in regard to the
Sincere of British Sealing Vessels by Russian

BEHRING SEA ARBITRATION.

Award of the Tribunal of Arbitration, constituted under Article I of the Treaty concluded at Washington on the 29th February, 1892, between Her Britannic Majesty and the United States of America.

Mr. Tupper to the Earl of Rosebery.—(Received August 16.)

My Lord,

Paris, August 5, 1893.

I HAVE the honour to transmit to your Lordship the decision of the Behring Sea Tribunal of Arbitrators, which has been delivered to me this day in accordance with Article XI of the Treaty of the 29th February, 1892.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1.

Sentence du Tribunal d'Arbitrage constitué en vertu du Traité conclu à Washington, le 29 Février, 1892, entre les États-Unis d'Amérique et Sa Majesté la Reine du Royaume-Uni de Grande-Bretagne et d'Irlande.

ATTENDU que, par un Traité entre les États-Unis d'Amérique et la Grande-Bretagne, signé à Washington le 29 Février, 1892, et dont les ratifications par les Gouvernements des deux pays ont été échangées à Londres le 7 Mai, 1892, il a été, entre autres stipulations, convenu et réglé que les différends qui avaient surgi entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de Sa Majesté Britannique, au sujet des droits de juridiction des États-Unis dans les eaux de la Mer de Behring, et aussi relativement à la préservation des phoques à fourrure habitant ou fréquentant ladite mer et aux droits des citoyens et des sujets des deux pays en ce qui concerne la capture des phoques se trouvant dans les dites eaux ou les fréquentant, seraient soumis à un Tribunal d'Arbitrage composé de sept Arbitres, qui seraient nommés de la manière suivante, savoir : deux Arbitres seraient désignés par le Président des États-Unis ; deux Arbitres seraient désignés par Sa Majesté Britannique ; son Excellence le Président de la République Française serait prié, d'un commun accord, par les Hautes Parties Contractantes de désigner un Arbitre ; Sa Majesté le Roi d'Italie serait prié de la même manière de désigner un Arbitre ; Sa Majesté le Roi de Suède et de Norvège serait prié de la même manière de désigner un Arbitre ; les sept Arbitres ainsi nommés devant être des juristes d'une réputation distinguée dans leurs pays respectifs, et les Puissances auxquelles leur désignation serait remise devant être priées de choisir, autant que possible, des juristes sachant la langue Anglaise ;

Et attendu qu'il a été pareillement convenu, par l'Article II du dit Traité, que les Arbitres se réuniraient à Paris dans les vingt jours qui suivraient la remise des Contre-Mémoires mentionnés à l'Article IV, qu'ils examineraient et décideraient avec impartialité et soin les questions qui leur étaient ou qui leur seraient soumises dans les conditions prévues par ledit Traité, de la part des Gouvernements des États-Unis et de Sa Majesté Britannique respectivement, et que toutes les questions examinées par le Tribunal, y compris la sentence finale, seraient décidées par les Arbitres à la majorité absolue des voix ;

Et attendu que, par l'Article VI du dit Traité, il a été pareillement convenu ce qui suit :—

“ En vue de la décision des questions soumises aux Arbitres, il est entendu que les cinq points suivants leur seront soumis, afin que leur sentence comprenne une décision distincte sur chacun desdits cinq points, savoir :—

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"1. Quelle juridiction exclusive dans la mer aujourd'hui connue sous le nom de Mer de Behring et quels droits exclusifs sur les pêcheries de phoques dans cette mer la Russie a-t-elle affirmés et exercés avant et jusqu'à l'époque de la cession de l'Alaska aux États-Unis.

"2. Jusqu'à quel point la revendication de ces droits de juridiction en ce qui concerne les pêcheries de phoques a-t-elle été reconnue et concédée par la Grande-Bretagne ?

"3. L'espace de mer aujourd'hui connu sous le nom de Mer de Behring était-il compris dans l'expression 'Océan Pacifique,' telle qu'elle a été employée dans le texte du Traité conclu en 1825 entre la Grande-Bretagne et la Russie, et quels droits, si droits il y avait, la Russie a-t-elle possédés et exclusivement exercés dans la Mer de Behring, après ledit Traité ?

"4. Tous les droits de la Russie, en ce qui concerne la juridiction et en ce qui concerne les pêcheries de phoques, dans la partie de la Mer de Behring qui s'étend à l'est de la limite maritime déterminée par le Traité du 30 Mars, 1867, entre les États-Unis et la Russie, ne sont-ils pas intégralement passés aux États-Unis en vertu de ce même Traité ?

"5. Les États-Unis ont-ils quelque droit, et, en cas d'affirmative, quel droit ont-ils, soit à la protection, soit à la propriété des phoques à fourrure qui fréquentent les îles appartenant aux États-Unis dans la Mer de Behring, quand ces phoques se trouvent en dehors de la limite ordinaire de 3 milles ?"

Et attendu que, par l'Article VII dudit Traité, il a été pareillement convenu ce qui suit:—

"Si la décision des questions qui précèdent, en ce qui concerne la juridiction exclusive des États-Unis, laisse les choses en tel état que le concours de la Grande-Bretagne soit nécessaire pour l'établissement de Règlements en vue de la protection et de la préservation convenables des phoques à fourrure habitant ou fréquentant la Mer de Behring, les Arbitres auront à déterminer quels Règlements communs sont nécessaires, en dehors des limites de la juridiction des Gouvernements respectifs, et sur quelles eaux ces Règlements devraient s'appliquer. . . .

"Les Hautes Parties Contractantes s'engagent en outre à unir leurs efforts pour obtenir l'adhésion d'autres Puissances à ces Règlements ;"

Et attendu que, par l'Article VIII dudit Traité, après avoir exposé que les Hautes Parties Contractantes n'avaient pu s'entendre sur une formule qui comprit la question des responsabilités à la charge d'une d'elles, à raison des préjudices allégués avoir été causés à l'autre, ou aux citoyens de l'autre, à l'occasion des réclamations présentées et soutenues par ladite partie, et qu'elles "désiraient, que cette question secondaire ne suspendît ou ne retardât pas plus longtemps la production et la décision des questions principales," les Hautes Parties Contractantes sont convenues que "chacune d'elles pourrait soumettre aux Arbitres toute question de fait impliquée dans lesdites réclamations et demander une décision à cet égard, après quoi la question de la responsabilité de chacun des deux Gouvernements à raison des faits établis serait matière à négociations ultérieures ;"

Et attendu que le Président des États-Unis d'Amérique a désigné l'Honorable John M. Harlan, Juge de la Cour Suprême des États-Unis, et l'Honorable John T. Morgan, Sénateur des États-Unis, pour être deux desdits Arbitres ; que Sa Majesté Britannique a désigné le Très Honorable Lord Hannen et l'Honorable Sir John Thompson, Ministre de la Justice et Attorney-Général pour le Canada, pour être deux desdits Arbitres ; que son Excellence le Président de la République Française a désigné le Baron Alphonse de Courcel, Sénateur, Ambassadeur de France, pour être un desdits Arbitres ; que Sa Majesté le Roi d'Italie a désigné le Marquis Emilio Visconti Venosta, ancien Ministre des Affaires Étrangères et Sénateur du Royaume d'Italie, pour être un desdits Arbitres ; et que Sa Majesté le Roi de Suède et de Norvège a désigné M. Gregers Gram, Ministre d'État, pour être un desdits Arbitres ;

Et attendu que nous susnommés, Arbitres désignés et investis de la manière qui vient d'être relatée, ayant accepté de prendre la charge de cet Arbitrage, et nous étant dûment réunis à Paris, avons procédé avec impartialité et soin à l'examen et à la décision de toutes les questions qui ont été soumises à nous, Arbitres susnommés, en vertu dudit Traité, ou à nous présentés, au nom des Gouvernements des États-Unis et de Sa Majesté Britannique respectivement, de la manière prévue par ledit Traité ;

Nous Arbitres susnommés, ayant examiné avec impartialité et soin lesdites questions, décidons et prononçons de même, sur lesdites questions, par notre présente sentence, de la manière qui suit, à savoir:—

En ce qui concerne les cinq points mentionnés dans l'Article VI et sur chacun

desquels notre jugement doit comprendre une décision distincte, nous décidons et prononçons ce qui suit :—

Sur le premier des cinq points susdits, nous, Arbitres susnommés, le Baron de Courcel, le Juge Harlan, Lord Hannen, Sir John Thompson, le Marquis Visconti Venosta, et M. Gregers Gram, constituant la majorité des Arbitres, décidons et prononçons ce qui suit :

Par l'Ukase de 1821 la Russie a revendiqué des droits de juridiction, dans la mer connue aujourd'hui sous le nom de Mer de Behring, jusqu'à la distance de 100 milles Italiens au largo des côtes et îles lui appartenant; mais, au cours des négociations qui ont abouti à la conclusion des Traités de 1824 avec les États-Unis et de 1825 avec la Grande-Bretagne, elle a admis que sa juridiction dans ladite mer serait limitée à une portée de canon de la côte; et il apparaît que, depuis cette époque jusqu'à l'époque de la cession de l'Alaska aux États-Unis, elle n'a jamais affirmé en fait ni exercé aucune juridiction exclusive dans la Mer de Behring, ni aucun droit exclusif sur les pêcheries de phoques à fourrure dans ladite mer, au delà des limites ordinaires des eaux territoriales.

Sur le second des cinq points susdits, nous, Arbitres susnommés, le Baron de Courcel, le Juge Harlan, Lord Hannen, Sir John Thompson, le Marquis Visconti Venosta, et M. Gregers Gram, constituant la majorité des Arbitres, décidons et prononçons que la Grande-Bretagne n'a reconnu ni concédé à la Russie aucun droit à une juridiction exclusive sur les pêcheries de phoques dans la Mer de Behring, en dehors des eaux territoriales ordinaires.

Sur le troisième des cinq points susdits, et quant à la partie dudit troisième point où nous est soumise la question de savoir si l'espace de mer aujourd'hui connu sous le nom de Mer de Behring était compris dans l'expression "Océan Pacifique" telle qu'elle a été employée dans le texte du Traité de 1825 entre la Grande-Bretagne et la Russie, nous, Arbitres susnommés, décidons et prononçons à l'unanimité que l'espace de mer aujourd'hui connu sous le nom de Mer de Behring était compris dans l'expression "Océan Pacifique" telle qu'elle a été employée dans ledit Traité.

Et quant à la partie dudit troisième point d'après laquelle nous avons à décider quels droits, si droits il y avait, la Russie a possédés et exclusivement exercés après ledit Traité de 1825, nous, Arbitres susnommés, le Baron de Courcel, le Juge Harlan, Lord Hannan, Sir John Thompson, le Marquis Visconti Venosta, et M. Gregers Gram, constituant la majorité des Arbitres, décidons et prononçons que la Russie n'a possédé ni exercé, après le Traité de 1825, aucun droit exclusif de juridiction dans la Mer de Behring ni aucun droit exclusif sur les pêcheries de phoques dans cette mer, au delà de la limite ordinaire des eaux territoriales.

Sur le quatrième des cinq points susdits, nous, Arbitres susnommés, décidons et prononçons à l'unanimité que tous les droits de la Russie, en ce qui concerne la juridiction et en ce qui concerne les pêcheries de phoques, dans la partie de la Mer de Behring qui s'étend à l'est de la limite maritime déterminée par le Traité du 30 Mars, 1867, entre les États-Unis et la Russie, sont intégralement passés aux États-Unis en vertu de ce même Traité.

Sur le cinquième des cinq points susdits, nous, Arbitres susnommés, le Baron de Courcel, Lord Hannen, Sir John Thompson, le Marquis Visconti Venosta, et M. Gregers Gram, constituant la majorité des Arbitres, décidons et prononçons que les États-Unis n'ont aucun droit de protection ou de propriété sur les phoques à fourrure qui fréquentent les îles appartenant aux États-Unis dans la Mer de Behring, quand ces phoques se trouvent en dehors de la limite ordinaire de 3 milles.

Et attendu que les décisions ci-dessus relatées, sur les questions concernant la juridiction exclusive des États-Unis mentionnées dans l'Article VI, laissent les choses en état tel que le concours de la Grande-Bretagne est nécessaire pour l'établissement de Règlements en vue de la protection et de la préservation convenables des phoques à fourrure habitant ou fréquentant la Mer de Behring, le Tribunal ayant décidé à la majorité absolue des voix sur chacun des Articles des Règlements qui suivent, nous, Arbitres susnommés, le Baron de Courcel, Lord Hannen, le Marquis Visconti Venosta, et M. Gregers Gram, donnant notre assentiment à l'ensemble des Articles des Règlements qui suivent, et constituant la majorité absolue des Arbitres, décidons et prononçons, d'après le mode prescrit par le Traité, que les Règlements ci-dessus qui suivent, applicables en dehors des limites de la juridiction des Gouvernements respectifs, sont nécessaires, et qu'ils doivent s'étendre sur les eaux ci-après déterminées :—

Article 1. Les Gouvernements des États-Unis et de la Grande-Bretagne interdiront à leurs citoyens et sujets respectifs de tuer, prendre ou poursuivre, en tout temps et de quelque manière que ce soit, les animaux communément appelés phoques à

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fournure, dans une zone de 60 milles autour des Iles Pribyloff, en y comprenant les eaux territoriales.

Les milles mentionnés dans le paragraphe précédent sont des milles géographiques de 60 au degré de latitude.

Article 2. Les deux Gouvernements interdiront à leurs citoyens et sujets respectifs de tuer, prendre ou poursuivre les phoques à fourrure, de quelque manière que ce soit, pendant la saison s'étendant chaque année du 1^{er} Mai au 31 Juillet inclusivement, sur la haute mer, dans la partie de l'Océan Pacifique, en y comprenant la Mer de Behring, qui est sise au nord du 35^e degré de latitude nord, et à l'est du 180^e degré de longitude de Greenwich jusqu'à sa rencontre avec la limite maritime décrite dans l'Article 1^{er} du Traité de 1867 entre les États-Unis et la Russie, et ensuite à l'est de cette ligne jusqu'au Détroit de Behring.

Article 3. Pendant la période de temps et dans les eaux où la pêche des phoques à fourrure demeurera permise, les navires à voiles seront seuls admis à l'exercer ou à s'associer aux opérations de cette pêche. Ils auront cependant la faculté de se faire assister par des pirogues ou autres embarcations non pontées, mues par des pagaies, des rames ou des voiles, du genre de celles qui sont communément employées comme bateaux de pêche.

Article 4. Tout navire à voiles autorisé à se livrer à la pêche des phoques à fourrure devra être muni d'une licence spéciale délivrée à cet effet par son Gouvernement et devra porter un pavillon distinctif qui sera déterminé par ledit Gouvernement.

Article 5. Les patrons des navires engagés dans la pêche des phoques à fourrure devront mentionner exactement sur leurs livres de bord la date et le lieu de chaque opération de pêche des phoques à fourrure, ainsi que le nombre et le sexe des phoques capturés chaque jour. Ces mentions devront être communiquées par chacun des deux Gouvernements à l'autre à la fin de chaque saison de pêche.

Article 6. L'emploi des filets, des armes à feu et des explosifs sera interdit dans la pêche des phoques à fourrure. Cette restriction ne s'appliquera pas aux fusils de chasse, quand cette pêche sera pratiquée en dehors de la Mer de Behring et pendant la saison où elle pourra être légitimement exercée.

Article 7. Les deux Gouvernements prendront des mesures en vue de contrôler l'aptitude des hommes autorisés à exercer la pêche des phoques à fourrure; ces hommes devront être reconnus aptes à manier avec une habileté suffisante les armes au moyen desquelles cette pêche pourra être faite.

Article 8. Les Règlements contenus dans les précédents Articles ne s'appliqueront pas aux Indiens habitant sur les côtes du territoire des États-Unis ou de la Grande-Bretagne et pratiquant la pêche des phoques à fourrure dans des pirogues ou embarcations non pontées, non transportées par d'autres navires, ni employées à l'usage de ceux-ci, mues exclusivement à l'aide de pagaies, d'avirons ou de voiles, et manœuvrées chacune par cinq personnes au plus, de la manière jusqu'à présent usitée par les Indiens; pourvu que ceux-ci ne soient pas engagés au service d'autres personnes, et qu'ailleurs qu'ils chassent ainsi dans des pirogues ou embarcations non pontées, ils ne poursuivent pas les phoques à fourrure, en dehors des eaux territoriales, en vertu d'engagements contractés pour la livraison des peaux à une personne quelconque.

Cette exception n'aura pas pour effet de porter atteinte à la législation nationale de l'un ou de l'autre des deux pays; elle ne s'étendra pas aux eaux de la Mer de Behring, ni aux eaux des passes Aléoutiennes.

Aucune des dispositions qui précèdent n'a pour objet de s'opposer à ce que les Indiens soient employés, comme chasseurs ou à tout autre titre, ainsi qu'ils l'ont été jusqu'à présent, sur des navires se livrant à la poursuite des phoques à fourrure.

Article 9. Les Règlements communs établis par les Articles précédents, en vue de la protection et de la préservation des phoques à fourrure, demeureront en vigueur jusqu'à ce qu'ils aient été en tout ou partie abolis ou modifiés par un accord entre les Gouvernements des États-Unis et de la Grande-Bretagne.

Lesdits Règlements communs seront soumis tous les cinq ans à un nouvel examen, pour que les deux Gouvernements intéressés se trouvent en mesure d'apprécier, à la lumière de l'expérience acquise, s'il y a lieu d'y apporter quelque modification.

Et attendu que le Gouvernement de Sa Majesté Britannique a soumis au Tribunal d'Arbitrage, par application de l'Article VIII dudit Traité, certaines questions de fait impliquées dans les réclamations dont il est fait mention audit Article VIII, et a soumis également à nous, formant ledit Tribunal, un exposé des faits dans les termes suivants :—

“ Conclusions de fait proposées par l'Agent de la Grande-Bretagne, acceptées par l'Agent des États-Unis, qui en admet l'exactitude, et soumises à l'examen du Tribunal d'Arbitrage.

“ 1. Que les diverses visites et saisies de navires ou de marchandises et les diverses arrestations de patrons et d'équipages, mentionnées dans l'Annexe au Mémoire Britannique (pages 1 à 60 inclusivement), ont été faites par autorité du Gouvernement des États-Unis; les questions se rapportant à la valeur desdits navires ou de leur contenu, ensemble ou séparément, et la question de savoir si les navires désignés dans l'Annexe au Mémoire Britannique, ou certains d'entre eux, étaient, en totalité ou en partie, la propriété de citoyens des États-Unis, ont été retirées et n'ont pas été l'objet de l'examen du Tribunal, sous cette réserve que les États-Unis gardent le droit de soulever ces questions ou quelqu'une d'entre elles, s'ils le jugent à propos, dans toute négociation ultérieure pouvant engager la responsabilité du Gouvernement des États-Unis, en ce qui touche le payement des sommes mentionnées dans l'Annexe au Mémoire Britannique.

“ 2. Que les susdites saisies, sauf en ce qui concerne le 'Pathfinder,' saisi à Neah Bay, ont été effectuées dans la Mer de Behring, aux distances de la côte mentionnées au Tableau ci-annexé, sous la lettre (C).

“ 3. Que lesdites visites et saisies de navires ont été faites par des navires armés pour le service public des États-Unis, dont les Commandants avaient reçu, toutes les fois qu'elles ont eu lieu, du Pouvoir Exécutif du Gouvernement des États-Unis, des instructions dont un exemplaire est reproduit en copie ci-après, Annexe (A), les autres exemplaires desdites instructions étant conformes à ce modèle sur les points essentiels; que, dans toutes les occasions où des poursuites entamées devant les Cours de District des États-Unis ont été suivies de condamnations, ces poursuites ont débuté par le dépôt d'un acte d'accusation, dont un modèle est annexé ci-dessous, Annexe (B), les actes d'accusation déposés dans les autres procédures étant, en tous points essentiels, semblables à ce modèle; que les actes ou délits, allégués comme motifs de ces visites et saisies, ont été accomplis ou commis dans la Mer de Behring, aux distances de la côte déjà indiquées; que, dans tous les cas où une condamnation a été prononcée, excepté ceux où les navires ont été relâchés après condamnation, la saisie a été approuvée par le Gouvernement des États-Unis, et que, dans les cas où les navires ont été relâchés, la saisie avait été opérée par autorité du Gouvernement des États-Unis; que les amendes et emprisonnements susdits ont été prononcés à raison d'infractions aux lois nationales des États-Unis—infractions toutes commises dans la Mer de Behring, aux distances de la côte déjà indiquées.

“ 4. Que les différents ordres mentionnés dans l'Annexe ci-jointe sous la lettre (C) enjoignant à certains navires de quitter la Mer de Behring, ou de ne pas y entrer, ont été donnés par des navires armés pour le service public des États-Unis, dont les Commandants avaient toutes les fois qu'ils ont donné ces ordres, des instructions conformes à celles mentionnées ci-dessus sous le No. 3, et que les navires qui ont reçu ces injonctions étaient occupés à la chasse des phoques ou faisaient route pour entreprendre cette chasse; et que cette façon de procéder a été sanctionnée par le Gouvernement des États-Unis.

“ 5. Que les Cours de District des États-Unis, devant lesquelles des poursuites ont été entamées ou suivies pour obtenir des condamnations contre les navires saisis, dont il est fait mention dans l'Annexe au Mémoire de la Grande-Bretagne (pages 1 à 60 inclusivement), avaient tous droits de juridiction et pouvoirs appartenant au Cour d'Amirauté, y compris la juridiction de Tribunaux de Prises, mais que, dans chaque cas particulier, la sentence prononcée par la Cour s'appuyait sur les causes mentionnées dans l'acte d'accusation.

“ Annexe (A).

“ (Traduction.)

“ Monsieur,

“ Comme suite à une lettre du Département, en date de ce jour, vous enjoignant de vous diriger avec le vapeur des Douanes 'Beur,' placé sous votre commandement, vers les îles aux phoques, vous êtes par les présentes investi de tous les pouvoirs nécessaires pour assurer l'exécution de la Loi dont les termes sont contenus dans la Section 1956 des Statuts Révisés des États-Unis, et ordre vous est donné de saisir tout navire et l'arrêter et livrer aux autorités compétentes tout individu ou

“ Département du Trésor, Cabinet du Secrétaire, Washington,

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toutes personnes que vous trouveriez agissant en violation de la Loi susmentionnée, après qu'un avertissement suffisant leur aura été donné.

"Vous saisirez également tous spiritueux et armes à feu que l'on chercherait à introduire dans le pays sans une permission en règle, en exécution de la Section 1955 des Statuts Révisés et de la Proclamation du Président en date du 4 Février, 1870.

"Respectueusement à vous.

(Signé)

"C. S. FAIRCHILD,
"Secrétaire par intérim.

"Au Capitaine M. A. Healy,

"Commandant le vapeur du Service des Douanes 'Bear,'
"à San Francisco (Californie).

"Annexe (B).

"Devant la Cour de District des États-Unis pour le District d'Alaska.

"Session (Special Term) d'Août 1886.

"(Traduction.)

"A l'Honorable Lafayette Dawson, Juge de ladite Cour de District.

"Le réquisitoire à fin d'information par lequel M. D. Ball, Attorney des États-Unis pour le District d'Alaska, poursuivant au nom des États-Unis et présent ici devant la Cour, en sa personne, comme Représentant des États-Unis et en leur nom, contre la goélette 'Thornton,' ses agrès, apparaux, embarcations, cargaison et matériel, et contre toutes personnes intervenant comme ayant des intérêts engagés dans ce navire, en poursuite à fin de confiscation, présente les allégations et déclarations suivantes :—

"Que Charles A. Abbey, officier du Service des Douanes Maritimes des États-Unis, chargé d'une mission spéciale dans les eaux du District d'Alaska, antérieurement au présent jour, à savoir le 1^{er} Août, 1886, dans les limites du territoire d'Alaska et dans ses eaux, et dans les limites du district civil et judiciaire d'Alaska, à savoir dans l'étendue des eaux de cette partie de la Mer de Behring qui appartient audit district, dans des eaux navigables pour des navires venant de la haute mer et jaugeant 10 tonneaux ou au-dessus, a saisi le vaisseau ou navire communément dénommé goélette, le 'Thornton,' ses agrès, apparaux, embarcations, cargaison et matériel, lesquels étaient la propriété d'une ou de plusieurs personnes inconnues dudit attorney, et les a confisqués au profit des États-Unis pour les causes ci-après :

"Que ledit navire ou goélette a été trouvé se livrant à la destruction des phoques à fourrure, dans les limites du territoire d'Alaska et de ses eaux, en violation des dispositions de la Section 1956 des Statuts Révisés des États-Unis ;

"Et ledit attorney déclare que toutes les propositions ci-dessus énoncées et chacune d'elles sont et étaient vraies, et qu'elles tombent sous la juridiction maritime et d'amirauté de cette Cour, et que, pour cette raison, et en exécution des Statuts des États-Unis établis et édictés pour de tels cas, le navire ou la goélette mentionnée et décrite ci-dessus, jaugeant plus de 20 tonneaux, ses agrès, apparaux, embarcations, cargaison et matériel ont été et sont confisqués au profit des États-Unis, et que ladite goélette se trouve maintenant dans le district susdit.

"Ce pourquoi ledit attorney demande que l'honorable Cour de Justice procède et avise comme d'usage en cette affaire, et que toutes personnes ayant un intérêt dans ladite goélette ou navire soient citées par voie d'assignation générale ou spéciale, afin de répondre aux propositions susénoncées, et que, à la suite de la procédure à ce nécessaire, ledit navire ou goélette, ses agrès, apparaux, embarcations, cargaison et matériel soient condamnés pour ladite cause ou tout autre qu'il apparaîtrait juste, par arrêt formel et décret de cette honorable Cour, et confisqués au profit desdits États-Unis, selon la forme des Statuts desdits États-Unis, établis et édictés pour de tels cas.

(Signé)

"M. D. BALL,
"Attorney des États-Unis pour le district d'Alaska.

"Annexe (C).

"La Table ci-dessous contient les noms des navires Britanniques employés à la chasse des phoques qui ont été saisis ou avertis par les croiseurs du Service des Douanes des États-Unis, de 1886 à 1890, et la distance approximative de la terre où ces saisies ont eu lieu. Ces distances sont indiquées, en ce qui concerne les navires 'Carolina,' 'Thornton,' et 'Onward,' d'après le témoignage du Commandant Abbey, de la Marine des États-Unis (voir 50^e Congrès, 2^e Session, Sénat, Documents Exécutifs, No. 106, pp. 20, 30, et 40). Elles sont indiquées, en ce qui concerne les navires 'Anna Beck,' 'W. P. Sayward,' 'Dolphin,' et 'Grace,' d'après le témoignage du Capitaine Shepard, de la Marine du Trésor des États-Unis (Livre Bleu, États-Unis, No. 2, 1890, pp. 80-82 (voir 'Appendice au Mémoire Britannique,' vol. iii)."

Nom du Navire.	Date de la Saisie.	Distance approximative de Terre au moment de la Saisie.	Navire des États-Unis qui a fait la Saisie.
Carolina	1 ^{er} Août, 1886	75 milles	Corwin.
Thornton	1 ^{er}	70 milles	Idem.
Onward	2	115 milles	Idem.
Favourite	2	Averti par le "Corwin," à peu près dans la même position que "l'Onward."	
Anna Beek	2 Juillet, 1887	66 milles	Rush.
W. P. Sayward	9	59 milles	Idem.
Dolphin	12	40 milles	Idem.
Grace	17	96 milles	Idem.
Alfred Adams	10 Août, 1887	62 milles	Idem.
Ada	25	15 milles	Bear.
Triumph	4	Averti par le "Rush" de ne pas entrer dans la Mer de Behring.	
Juanita	31 Juillet, 1889	68 milles	Rush.
Pathfinder	29	50 milles	Idem.
Triumph	11	Averti par le "Rush" d'avoir à quitter la Mer de Behring. Position au moment de l'avertissement (?).	
Black Diamond	11	35 milles	Idem.
Lily	6 Août, 1889	66 milles	Idem.
Ariel	30 Juillet, 1889	Averti par le "Rush" d'avoir à quitter la Mer de Behring.	
Kate	13 Août, 1889	Idem.	
Minnie	15 Juillet, 1889	65 milles	Idem.
Pathfinder	27 Mars, 1890	Saisi dans la Baie de Neah*	Corwin.

Et attendu que le Gouvernement de Sa Majesté Britannique a demandé à nous, Arbitres susnommés, de décider sur lesdites questions de fait, telles qu'elles résultent de l'exposé susmentionné; que l'Agent et les Conseils du Gouvernement des États-Unis ont, en notre présence et s'adressant à nous, déclaré que ledit exposé des faits était confirmé par les dépositions des témoins, et qu'ils s'étaient mis d'accord avec l'Agent et les Conseils de Sa Majesté Britannique pour s'en remettre à nos Arbitres de dire et prononcer véritable, en tant que nous le jugerions à propos, ledit exposé des faits.

Nous, Arbitres susnommés, disons et prononçons à l'unanimité que lesdits faits, tels qu'ils se trouvent dans ledit exposé, sont véritables.

Et attendu que toutes et chacune des questions qui ont été examinées par le Tribunal ont été décidées à la majorité absolue des voix,

Nous, le Baron de Courcel, Lord Hannen, le Juge Harlan, Sir John Thompson, le Sénateur Morgan, le Marquis Visconti Venosta, et M. Gregers Gram, étant entendu que les Arbitres qui se sont trouvés en minorité sur certaines questions, ne retirent pas leurs votes, déclarons que le présent acte contient la décision finale et la sentence écrite du Tribunal, conformément aux prescriptions du Traité.

Fait en double à Paris, et signé par nous, le 15^e jour d'Août de l'année 1893.
(Signé)

ALPH. DE COURCEL.
JOHN M. HARLAN.
JOHN T. MORGAN.
HANNEN.
JNO. S. D. THOMPSON.
VISCONTI VENOSTA.
G. GRAM.

[English Version.]

Award of the Tribunal of Arbitration constituted under the Treaty concluded at Washington, February 29, 1892, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland.

WHEREAS by a Treaty between the United States of America and Great Britain, signed at Washington the 29th February, 1892, the ratifications of which by the Governments of the two countries were exchanged at London on the 7th May, 1892, it was, amongst other things, agreed and concluded that the questions which had arisen between the Government of the United States of America and the

* La Baie de Neah est située dans l'État de Washington, et le "Pathfinder" y a été saisi, du chef de délits commis par lui dans la Mer de Behring l'année précédente. Ce bâtiment fut relâché deux jours plus tard.

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Government of Her Britannic Majesty, 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-seals in or habitually resorting to the said waters, should be submitted to a Tribunal of Arbitration to be composed of seven Arbitrators, who should be appointed in the following manner, that is to say: two should be named by the President of the United States; two should be named by Her Britannic Majesty; his Excellency the President of the French Republic should be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy should be so requested to name one; His Majesty the King of Sweden and Norway should be so requested to name one; the seven Arbitrators to be so named should be jurists of distinguished reputation in their respective countries, and the selecting Powers should be requested to choose, if possible, jurists who are acquainted with the English language;

And whereas it was further agreed by Article II of the said Treaty that the Arbitrators should meet at Paris within twenty days after the delivery of the Counter-Cases mentioned in Article IV, and should proceed impartially and carefully to examine and decide the questions which had been or should be laid before them as in the said Treaty provided on the part of the Governments of the United States and of Her Britannic Majesty respectively, and that all questions considered by the Tribunal, including the final decision, should be determined by a majority of all the Arbitrators;

And whereas by Article VI of the said Treaty it was further provided as follows:—

“In deciding the matters submitted to the said Arbitrators, it is agreed that the following five points shall be submitted to them, in order that their Award shall embrace a distinct decision upon each of said five points, to wit:

“1. What exclusive jurisdiction in the sea now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?”

“2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?”

“3. Was the body of water now known as the Behring Sea included in the phrase ‘Pacific Ocean,’ as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after said Treaty?”

“4. Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?”

“5. Has the United States any right, and if so, what right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary 3-mile limit?”

And whereas by Article VII of the said Treaty it was further agreed as follows:—

“If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such 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 Arbitrators shall then determine what concurrent Regulations, outside the jurisdictional limits of the respective Governments, are necessary, and over what waters such Regulations should extend;

“The High Contracting Parties furthermore agree to co-operate in securing the adhesion of other Powers to such Regulations.”

And whereas, by Article VIII of the said Treaty, after reciting that the High Contracting Parties had 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, and that “they were solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions,” the High Contracting Parties agreed that “either of them might submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found, to be the subject of further negotiation;”

And whereas the President of the United States of America named the

Honourable John M. Harlan, Justice of the Supreme Court of the United States, and the Honourable John T. Morgan, Senator of the United States, to be two of the said Arbitrators; and Her Britannic Majesty named the Right Honourable Lord Hannen and the Honourable Sir John Thompson, Minister of Justice and Attorney-General for Canada, to be two of the said Arbitrators; and his Excellency the President of the French Republic, named the Baron de Courcel, Senator, Ambassador of France, to be one of the said Arbitrators; and His Majesty the King of Italy named the Marquis Emilio Visconti Venosta, former Minister of Foreign Affairs and Senator of the Kingdom of Italy, to be one of the said Arbitrators; and His Majesty the King of Sweden and Norway named Mr. Gregers Gram, Minister of State, to be one of the said Arbitrators;

And whereas we, the said Arbitrators, so named and appointed, having taken upon ourselves the burden of the said Arbitration, and having duly met at Paris, proceeded impartially and carefully to examine and decide all the questions submitted to us the said Arbitrators, under the said Treaty, or laid before us as provided in the said Treaty on the part of the Governments of Her Britannic Majesty and the United States respectively.

Now we, the said Arbitrators, having impartially and carefully examined the said questions, do in like manner by this our Award decide and determine the said questions in manner following, that is to say, we decide and determine as to the five points mentioned in Article VI, as to which our Award is to embrace a distinct decision upon each of them;

As to the first of the said five points, we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and Mr. Gregers Gram, being a majority of the said Arbitrators, do decide and determine as follows:—

By the Ukase of 1821, Russia claimed jurisdiction in the sea now known as the Behring Sea, to the extent of 100 Italian miles from the coasts and islands belonging to her, but, in the course of the negotiations which led to the conclusion of the Treaties of 1824 with the United States, and of 1825 with Great Britain, Russia admitted that her jurisdiction in the said sea should be restricted to the reach of cannon shot from shore, and it appears that, from that time up to the time of the cession of Alaska to the United States, Russia never asserted in fact or exercised any exclusive jurisdiction in Behring Sea, or any exclusive rights in the seal fisheries therein beyond the ordinary limit of territorial waters.

As to the second of the said five points, we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and Mr. Gregers Gram, being a majority of the said Arbitrators, do decide and determine that Great Britain did not recognize or concede any claim, upon the part of Russia to exclusive jurisdiction as to the seal-fisheries in Behring Sea, outside of ordinary territorial waters.

As to the third of the said five points, as to so much thereof as requires us to decide whether the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia, we, the said Arbitrators, do unanimously decide and determine, that the body of water now known as the Behring Sea, was included in the phrase "Pacific Ocean" as used in the said Treaty.

And as to so much of the said third point as requires us to decide what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after the said Treaty of 1825, we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and Mr. Gregers Gram, being a majority of the said Arbitrators, do decide and determine that no exclusive rights of jurisdiction in Behring Sea and no exclusive rights as to the seal fisheries therein, were held or exercised by Russia outside of ordinary territorial waters after the Treaty of 1825.

As to the fourth of the said five points, we, the said Arbitrators, do unanimously decide and determine that all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, did pass unimpaired to the United States under the said Treaty.

As to the fifth of the said five points, we, the said Baron de Courcel, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and Mr. Gregers Gram being a majority of the said Arbitrators, do decide and determine that the United States has not any right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary 3-mile limit.

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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 of the following Regulations, and being a majority of the said Arbitrators, 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 I 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 licence 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 seals 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's 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 Islands.

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. The concurrent Regulations hereby determined with a view to the protection and preservation of the fur-seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent Regulations shall 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 is occasion for any modification thereof.

And whereas the Government of Her Britannic Majesty did submit to the Tribunal of Arbitration by Article VIII of the said Treaty, certain questions of fact involved in the claims referred to in the said Article VIII, and did also submit to us, the said Tribunal, a statement of the said facts, as follows, that is to say :—

“ Findings of fact proposed by the Agent of Great Britain and agreed to as proved by the Agent for the United States, and submitted to the Tribunal of Arbitration for its consideration.

“ 1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the Schedule to the British Case, pp. 1 to 60 inclusive, were made by the authority of the United States' Government. The questions as to the value of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from, and have not been considered by the Tribunal, it being understood that it is open to the United States to raise these questions, or any of them, if they think fit, in any future negotiations as to the liability of the United States' Government to pay the amounts mentioned in the Schedule to the British Case.

“ 2. That the seizures aforesaid, with the exception of the ‘Pathfinder,’ seized at Neah Bay, were made in Behring Sea at the distances from shore mentioned in the Schedule annexed hereto marked (C).

“ 3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were made, from the Executive Department of the Government of the United States, instructions, a copy of one of which is annexed hereto marked (A), and that the others were, in all substantial respects, the same. That in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto marked (B), and that the libels in the other proceedings were in all substantial respects the same; that the alleged acts or offences for which said several searches and seizures were made were in each case done or committed in Behring Sea at the distances from shore aforesaid; and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States: and in those cases in which the vessels were released the seizure was made by the authority of the United States; that the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea at the distances from the shore aforesaid;

“ 4. That the several orders mentioned in the Schedule annexed hereto, and marked (C), warning vessels to leave or not to enter Behring Sea were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were given like instructions as mentioned in finding 3, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States;

“ 5. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the Schedule to the Case of Great Britain, pp. 1 to 60 inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the prize jurisdiction, but that in each case the sentence pronounced by the Court was based upon the grounds set forth in the libel.

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"Annex (A).

"Treasury Department, Office of the Secretary, Washington,
"April 21, 1886.

"Sir,

"Referring to Department letter of this date, directing you to proceed with the revenue-steamer 'Bear,' under your command, to the Seal Islands, &c., you are hereby clothed with full power to enforce the Law contained in the provisions of Section 1956 of the United States' Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the Law referred to, after due notice shall have been given.

"You will also seize any liquors or fire-arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

"Respectfully yours,
(Signed) "C. S. FAIRCHILD,
"Acting Secretary.

"Captain M. A. Healy,

"Commanding revenue-steamer 'Bear,'
"San Francisco, California."

"Annex (B).

"In the District Court of the United States for the District of Alaska.

"August Special Term, 1886.

"To the Honourable Lafayette Dawson, Judge of said District Court,

"The libel of information of M. D. Ball, Attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner 'Thornton,' her tackle, apparel, boats, cargo, and furniture, and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:—

"That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the district of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska Territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said district, on waters navigable from the sea by vessels of 10 or more tons burden, seized the ship or vessel commonly called a schooner, the 'Thornton,' her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said Attorney unknown, as forfeited to the United States for the following causes:

"That the said vessel or schooner was found engaged in killing fur-seal within the limits of Alaska Territory, and in the waters thereof, in violation of Section 1956 of the Revised Statutes of the United States.

"And the said Attorney saith that all and singular the premises are and were true, and within the Admiralty and Maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the afore-mentioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

"Wherefore the said Attorney prays the usual process and monition of this Honourable Court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture, may, for the cause aforesaid, and others appearing, to be condemned by the definite sentence and decree of this honourable Court, as forfeited to the use of the said United States, according to the form of the Statute of the said United States in such cases made and provided.

(Signed) "M. D. BALL,
"United States' District Attorney for the District of Alaska."

"Annex (C).

"The following Table shows the names of the British sealing-vessels seized or warned by United States' revenue-cruisers, 1886-1890, and the approximate distance from land when seized. The distances assigned in the cases of the 'Carolena,' 'Thornton,' and 'Onward,' are on the authority of United States' Naval Commander Abbey (see 50th Congress, 2nd Session, Senate Executive Documents No. 106, pp. 20, 30, 40). The distances assigned in the cases of the 'Anna Beck,' 'W. P. Sayward,' 'Dolphin,' and 'Grace,' are on the authority of Captain Shepard, United States' Royal Marine (Blue Book, United States, No. 2, 1890, pp. 80-82. See Appendix, vol. iii)."

Name of Vessel.	Date of Seizure.	Approximate Distance from Land when seized.	United States' Vessel making Seizures.
Carolina	August 1, 1886	75 miles	Corwin.
Thornton	" 1, 1886	70 miles	Iditto.
Onward	" 2, 1886	115 miles	Iditto.
Favourite	" 2, 1886	Warned by "Corwin" in about same position as "Onward."	
Anna Heck	July 2, 1887	66 miles	Rush.
W. P. Sayward	" 9, 1887	59 miles	Iditto.
Dolphin	" 12, 1887	40 miles	Iditto.
Grace	" 17, 1887	66 miles	Iditto.
Alfred Adams	August 10, 1887	62 miles	Iditto.
Ada	" 25, 1887	15 miles	Iditto.
Triumph	" 4, 1887	Warned by "Rush" not to enter Behring Sea.	
Juanita	July 31, 1889	66 miles	Rush.
Pathfinder	" 29, 1889	50 miles	Iditto.
Triumph	" 11, 1889	Ordered out of Behring Sea by "Rush" (?). As to position when warned.	
Black Diamond	" 11, 1889	33 miles	Iditto.
Lily	August 6, 1889	66 miles	Iditto.
Ariel	July 30, 1889	Ordered out of Behring Sea by "Rush."	
Kate	August 13, 1889	Iditto.	
Minnie	July 15, 1889	65 miles	Iditto.
Pathfinder	March 27, 1890	Seized in Neah Bay*	Corwin.

And whereas the Government of Her Britannic Majesty did ask the said Arbitrators to find the said facts as set forth in the said statement, and whereas the Agent and Counsel for the United States' Government thereupon in our presence informed us that the said statement of facts was sustained by the evidence, and that they had agreed with the Agent and Counsel for Her Britannic Majesty that we, the Arbitrators, if we should think fit so to do, might find the said statement of facts to be true;

Now, we, the said Arbitrators, do unanimously find the facts as set forth in the said statement to be true;

And whereas each and every question which has been considered by the Tribunal has been determined by a majority of all the Arbitrators;

Now, we, Baron de Courcel, Lord Hammen, Mr. Justice Harlan, Sir John Thompson, Senator Morgan, the Marquis Visconti Venosta, and Mr. Gregers Gram, the respective minorities not withdrawing their votes, do declare this to be the final decision and Award in writing of this Tribunal in accordance with the Treaty.

Made in duplicate at Paris, and signed by us the 15th day of August, in the year 1893.

And we do certify this English version thereof to be true and accurate.

(Signed)

ALPH. DE COURCEL.

JOHN M. HARLAN.

JOHN T. MORGAN.

HANNEN.

JNO. S. D. THOMPSON.

VISCONTI VENOSTA.

G. GRAM.

Inclosure 2.

Déclarations faites par le Tribunal d'Arbitrage et présentées aux Gouvernements des Etats-Unis et de la Grande-Bretagne pour être prises en considération par ces Gouvernements.

1. LES Arbitres déclarent que les Règlements communs tels qu'ils sont établis par le Tribunal d'Arbitrage, en vertu de l'Article VII du Traité du 29 Février, 1892, n'étant applicables que sur la haute mer, devront, dans leur pensée, être complétés par d'autres Règlements applicables dans les limites de la souveraineté de chacune des deux Puissances intéressées et qui devront être fixés par elles d'un commun accord.

2. Vu l'état critique auquel il paraît constant que la race des phoques à fourrure se trouve actuellement réduite par suite de circonstances incomplètement éclaircies,

* Neah Bay is in the State of Washington, and the "Pathfinder" was seized there on charges made against her in Behring Sea in the previous year. She was released two days later.

les Arbitres croient devoir recommander aux deux Gouvernements de se concerter en vue d'interdire toute destruction des phoques à fourrure, tant sur terre que sur mer, pendant une période de deux ou trois ans, ou d'une année au moins, sauf telles exceptions que les deux Gouvernements pourraient trouver à propos d'admettre.

Si cette mesure donnait de bons résultats, elle pourrait être appliquée de nouveau, à certains intervalles, suivant les circonstances.

3. Les Arbitres déclarent en outre que, dans leur pensée, l'exécution des Règlements établis par le Tribunal d'Arbitrage devra être assurée par un ensemble de stipulations et de mesures qu'il appartiendra aux deux Puissances d'arrêter, et que le Tribunal doit s'en remettre en conséquence à ces deux Puissances pour rendre effectifs les Règlements établis par lui.

Fait et signé à Paris, le 15 Août, 1893.

(Signé)

ALPH. DE COURCEL.
JOHN M. HARLAN.
JOHN T. MORGAN.

J'approuve les Déclarations 1 et 3.

HANNEN.

J'approuve les Déclarations 1 et 3.

JNO. S. D. THOMPSON.
VISCONTI VENOSTA.
G. GRAM.

[English Version.]

Declarations made by the Tribunal of Arbitration and referred to the Governments of the United States and Great Britain for their consideration.

1. THE Arbitrators declare that the concurrent Regulations, as determined upon by the Tribunal of Arbitration, by virtue of Article VII of the Treaty of the 29th February, 1892, being applicable to the high sea only, should, in their opinion, be supplemented by other Regulations applicable within the limits of the sovereignty of each of the two Powers interested, and to be settled by their common agreement.

2. In view of the critical condition to which it appears certain that the race of fur-seals is now reduced in consequence of circumstances not fully known, the Arbitrators think fit to recommend both Governments to come to an understanding in order to prohibit any killing of fur-seals, either on land or at sea, for a period of two or three years, or at least one year, subject to such exceptions as the two Governments might think proper to admit of.

Such a measure might be recurred to at occasional intervals if found beneficial.

3. The Arbitrators declare, moreover, that, in their opinion, the carrying out of the Regulations determined upon by the Tribunal of Arbitration should be assured by a system of stipulations and measures to be enacted by the two Powers; and that the Tribunal must, in consequence, leave it to the two Powers to decide upon the means for giving effect to the Regulations determined upon by it.

We do certify this English version to be true and accurate, and have signed the same at Paris, this 15th day of August, 1893.

(Signed)

ALPH. DE COURCEL.
JOHN M. HARLAN.
JOHN T. MORGAN.

I approve Declarations 1 and 3.

HANNEN.

I approve Declarations 1 and 3.

JNO. S. D. THOMPSON.
VISCONTI VENOSTA.
G. GRAM.

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BEARING SEA ARBITRATION.

Award of the Tribunal of Arbitration, constituted under Article I of the Treaty concluded at Washington on the 29th February, 1892, between Her Britannic Majesty and the United States of America.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. August 1893.*

LONDON:
PRINTED BY HARRISON AND SONS.

UNITED STATES. No. 11 (1893).

BEHRING SEA ARBITRATION.

PAPERS

RELATING TO THE

PROCEEDINGS OF THE TRIBUNAL OF ARBITRATION

CONSTITUTED UNDER

ARTICLE I OF THE TREATY CONCLUDED AT WASHINGTON
ON THE 29TH FEBRUARY, 1892, BETWEEN HER BRITANNIC MAJESTY
AND THE UNITED STATES OF AMERICA.

*Presented to both Houses of Parliament by Command of Her Majesty.
September 1893.*

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BEHRING SEA ARBITRATION.

Papers relating to the Proceedings of the Tribunal of Arbitration constituted under Article I of the Treaty concluded at Washington on the 29th February, 1892, between Her Britannic Majesty and the United States of America.

No. 1.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, February 17, 1893.*
 THE first meeting of the Tribunal in the Behring Sea Arbitration having been fixed for the 23rd instant, I have to request you to proceed to Paris to attend it.

Her Majesty's Attorney-General, Sir Richard Webster, Q.C., and Mr. C. Robinson, Q.C., of Canada, will also attend the meeting as Counsel on behalf of Her Majesty's Government, and will be ready to give you their advice and support.

It will probably be convenient that you should be in Paris two or three days previous to that date in order to enter into informal communications with the United States' Agent, or with the gentleman whom he may have delegated to represent him, for the purpose of arranging the course of procedure to be adopted before the Tribunal.

You are aware, from the correspondence which has already been forwarded to you, that it has been agreed by the Governments of Her Britannic Majesty and the United States that the first meeting of the Tribunal shall be attended by one Arbitrator on the part of Great Britain, one on the part of the United States, and one of the three Arbitrators selected by the foreign Governments.

At the first meeting the Agent of the United States will apply for an adjournment of the Tribunal to the 23rd March, to which date the presentation of the printed Arguments would thereby be postponed, and you are authorized to concur in the application.

It has further been agreed that all matters other than that of this adjournment, and such action as may be deemed by the Arbitrators present as necessary for the organization of the Tribunal, shall be postponed to the full meeting on the 23rd March.

Amongst the subjects which may be classed in the category of those to be discussed at the first meeting are the following:—

1. The question whether the proceedings before the Tribunal shall be kept secret until its close, and whether such secrecy shall apply to the Case, Counter-Case, and Argument presented on either side.

The matter seems to Her Majesty's Government to be one for the decision of the Arbitrators. It would probably be found convenient for them that the discussions should be considered as confidential while they are proceeding. There does not appear to be the same objection to the publication of the Cases, Counter-Cases, and Arguments, nor of the Reports of the Behring Sea Commissioners, respecting which latter the Treaty only stipulates that they shall not be made public until they shall have been submitted

to the Arbitrators. But in respect to these documents also, Her Majesty's Government are willing to follow the course which may appear most convenient to the Arbitrators.

2. The question of the appointment of a Secretary or of Joint-Secretaries to the Tribunal.

As the French Government will provide the place of meeting, and as the French Arbitrator has consented to attend the first sitting, he will no doubt be designated by the Arbitrators as President of the Tribunal, and he will probably have proposals to make as to the choice of a Secretary or Secretaries, and as to the arrangements for clerical assistance and the printing of the Protocols.

As soon as the business connected with the first meeting is completed you will be at liberty to return to London, in order to proceed with the preparation of the printed Argument.

I have to request you to furnish me with Reports of each meeting of the Tribunal, both on the first occasion and subsequently when the full meetings take place, in a numbered series of despatches according to the forms in use in this Office.

You will refer to me, by telegraph, for instructions on any doubtful points which may call for immediate decision.

I am, &c.
(Signed) ROSEBERY.

No. 2.

The Earl of Rosebery to Mr. Tupper.

Sir,

Foreign Office, February 17, 1893.

WITH reference to my preceding despatch of this day's date, I have to inform you that I have appointed Mr. R. P. Maxwell of this Office, and Mr. Ashley Froude, C.M.G., late Secretary of the Behring Sea Commission, to assist you in your work as British Agent in the Behring Sea Arbitration.

These gentlemen will accompany you to Paris for the first meeting of the Tribunal on the 23rd instant, and for the subsequent meetings which will commence on the 23rd proximo.

I am, &c.
(Signed) ROSEBERY.

No. 3.

Mr. Tupper to the Earl of Rosebery.—(Received February 22.)

(Telegraphic.)

Paris, February 22, 1893.

BEHRING SEA Arbitration.

The meeting of the Tribunal is fixed for 11 o'clock on Thursday morning.

Baron de Courcel has suggested to the United States' Acting Agent and myself that the adjournment shall extend to the 6th April instead of to the 23rd March, and that on 30th March the printed arguments shall be handed in to the Arbitrators.

The proposed adjournment would defer the second meeting till after Holy Week, and would enable the Tribunal to consider the argument without further adjournment, which would be necessary for that purpose were 23rd March to be date of the second meeting.

The United States' Acting Agent is telegraphing to his Government for instructions.

Sir Richard Webster and Mr. Robinson approve, subject to the views of Her Majesty's Attorney-General, who has not yet arrived here.

Does the proposal meet with your Lordship's approval?

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No. 4.

The Earl of Rosebery to Mr. Tupper.

(Telegraphic.)

Foreign Office, February 22, 1893.

THE course proposed by Baron de Courcel seems to be convenient. I approve the arrangement as stated in your telegram of to-day.

No. 5.

Mr. Tupper to the Earl of Rosebery.—(Received February 23.)

My Lord,

Paris, February 21, 1893.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 17th instant, containing instructions for my guidance at the first meeting of the Behring Sea Arbitration Tribunal, and informing me that Mr. R. P. Maxwell and Mr. Ashley Froude would accompany me to Paris.

I have the honour to inform your Lordship that, in accordance with your instructions, I left London yesterday, and arrived here the same evening, accompanied by the above-mentioned gentlemen and my Private Secretary, Mr. J. Pope.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 6.

Mr. Tupper to the Earl of Rosebery.—(Received February 23.)

My Lord,

Paris, February 21, 1893.

I HAVE the honour to inform your Lordship that I called this morning at Her Majesty's Embassy, accompanied by Mr. Maxwell, Mr. Froude, and my Secretary, Mr. Pope, and saw Mr. Austin Lee, from whom I obtained much useful information in connection with the meeting of the Tribunal of Arbitration.

Finding that Mr. William Williams, the Junior Counsel for the United States, was staying at the Hôtel Continental, I called upon him, and learned that he had been delegated to represent Mr. Foster, the Agent of the United States, pending the latter gentleman's arrival in Paris.

We then by arrangement made several official visits together, and endeavoured to see Baron de Courcel, in order to make an appointment for the meeting of the Tribunal on Thursday.

Having failed to find his Excellency at home, we have made an appointment to call on him together to-morrow morning, at 10 o'clock.

Lord Hannen and Mr. Justice Harlan have expressed their willingness to meet at any hour which may be agreeable to Baron de Courcel.

I am of opinion, if your Lordship should see no objection, that the agreement as to the secrecy of the Cases and Counter-Cases should not be prolonged beyond the 23rd instant; but that in regard to this question, as well as to that of opening the proceedings of the Tribunal to the public, it would be advisable to defer to whatever opinion the Arbitrators may express on the subject.

Mr. Williams has intimated to me that his Government desired the publication of the Cases and Counter-Cases, and he considered that the agreement as to secrecy would terminate on the 23rd instant.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 7.

The Marquis of Dufferin to the Earl of Rosebery.—(Received February 23.)

My Lord,

Paris, February 22, 1893.

I HAVE the honour to transmit herewith copy of a letter which I have received from the Minister of the United States in Paris, informing me that Mr. William Williams, Associate Counsel of the United States before the Tribunal of Arbitration convened to decide the questions of fur-seals, has been designated to act as Special Agent of the United States at the meeting of the Tribunal to be held on the 23rd instant.

I have, &c.
(Signed) DUFFERIN AND AVA.

Inclosure in No. 7.

Mr. Coolidge to the Marquis of Dufferin.

My Lord,

Paris, February 21, 1893.

I HAVE the honour to inform your Excellency that Mr. William Williams, Associate Counsel of the United States before the Tribunal of Arbitration convened to decide the question of fur-seals, has been designated to act as Special Agent of the United States at the meeting of the Tribunal on the 23rd instant.

I have, &c.
(Signed) J. JEFFERSON COOLIDGE.

No. 8.

Mr. Tupper to the Earl of Rosebery.—(Received February 23.)

(Telegraphic.)

Paris, February 23, 1893, 6 P.M.

THE Tribunal has decided to adjourn until the 23rd March, the further adjournment referred to in my telegram of yesterday not having been agreed to by the Government of the United States.

With regard to the publication of the Cases and Counter-Cases, the Tribunal decided that the matter did not come under their consideration; and understand that it is the intention of the United States' Government to publish these documents.

No. 9.

The Marquis of Dufferin to the Earl of Rosebery.—(Received February 25.)

My Lord,

Paris, February 24, 1893.

THE Behring Sea Arbitration Tribunal held its first meeting yesterday at the Ministry of Foreign Affairs. It was attended by Baron de Courcel, the French Arbitrator (who was requested by his colleagues to act as President for the occasion), by Lord Hannen, the British Arbitrator, and Mr. Justice Harlan, the United States' Arbitrator, as well as by the Honourable C. H. Tupper, the British Agent, and Mr. W. Williams, acting as Agent for the United States in the place of Mr. Foster, who has not yet arrived.

No Counsel were present on behalf of the United States, but Sir Charles Russell and Sir Richard Webster attended as Counsel on behalf of Great Britain.

On the proposal of the United States' Acting Agent, supported by the British Agent, the Tribunal adjourned till the 23rd March, and it was agreed that, pending a decision to be taken by the full Tribunal, the proceedings should be kept secret.

I took the opportunity of a ball at the Elysée in the evening to present Lord Hannen and Mr. Tupper to the President of the Republic.

I have, &c.
(Signed) DUFFERIN AND AVA.

No. 10.

Mr. Tupper to the Earl of Rosebery.—(Received February 27.)

My Lord,

Paris, February 23, 1893.

AFTER a conversation yesterday with Baron de Courcel and Mr. Williams, the Acting Agent for the United States, I had the honour to inform your Lordship by telegraph that a suggestion had been made by the former to the effect that the Tribunal of Arbitration should be adjourned till the 6th April, and the presentation of the printed arguments postponed till the 30th March.

I duly received your Lordship's telegram of yesterday, informing me that you approved of this proposal.

Mr. Williams, however, stated to me this morning that his Government had instructed him to object to the proposed postponement beyond the 23rd March, though, he added, it was probable that after the meeting on that date an adjournment might be desirable for a few days.

No allusion was therefore made to the question of an extended adjournment at the meeting of the Tribunal to-day.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 11.

Mr. Tupper to the Earl of Rosebery.—(Received February 27.)

My Lord,

Paris, February 24, 1893.

I HAVE the honour to transmit herewith to your Lordship a copy of the Protocol of the first meeting of the Behring Sea Tribunal of Arbitration, which was held at 11 o'clock yesterday morning at the French Ministry of Foreign Affairs.

This Protocol, which is drawn up in the French language, was finally approved and signed by the three Arbitrators at an informal meeting held this morning, and attended by the Agents of the two Governments in accordance with the request of the Tribunal.

An English version of the Protocol has been prepared, and will be signed to-morrow by Mr. Williams and myself.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure in No. 11.

Protocoles des Seances du Tribunal d'Arbitrage, constitué en vertu de la Convention du 29 Février, 1892, signée à Washington entre le Gouvernement des États-Unis et de Sa Majesté Britannique.

Protocole I.—Séance du 23 Février, 1893.

LE Tribunal s'est réuni à Paris dans l'Hôtel du Ministère des Affaires Étrangères de France.

Les Arbitres présents étaient :—

L'Honorable John M. Harlan, Juge de la Cour Suprême des États-Unis, un des Arbitres désignés par les États-Unis ;

Son Excellence le Baron Alphonse de Courcel, Sénateur, Arbitre désigné par la France ;

Le Très Honorable Lord Hannen, Pair d'Angleterre, siégeant à la Cour Suprême d'Appel, un des Arbitres désignés par la Grande-Bretagne ;

Lesquels se sont assurés que leurs pouvoirs respectifs étaient en bonne et valable forme.

M. le Baron de Courcel est invité par ses collègues à prendre place au fauteuil de la Présidence pour la présente séance.

Assistent à la séance :—

M. William Williams, en qualité d'Agent Spécial et Conseil Adjoint pour les États-Unis, et

L'Honorable Charles H. Tupper, en qualité d'Agent de Sa Majesté Britannique.

MM. Williams et Tupper ont déposé sur le bureau du Tribunal Arbitral les Commissions qui les accréditent devant le Tribunal.

Assistent également à la séance, en qualité de Conseils du Gouvernement Britannique :—

Sir Charles Russell, Conseil de la Reine, Membre du Parlement, Attorney-Général de Sa Majesté Britannique ;

Sir Richard Webster, Conseil de la Reine, Membre du Parlement ;

M. Christopher Robinson, Conseil de la Reine.

Le Président a invité M. Henry Feer, ancien Consul-Général de France, à rédiger le Protocole de la séance, avec le concours de MM. Williams et Tupper.

M. Williams, agissant au nom du Gouvernement des États-Unis, demande que le Tribunal s'ajourne au 23 Mars.

M. Tupper, au nom du Gouvernement Britannique, appuie la demande de M. Williams.

Sir Charles Russell, Principal Conseil de la Grande-Bretagne, déclare que les Conseils, quoique informés d'avance de la demande qui devait être présentée, ont tenu, par déférence pour le Tribunal Arbitral, à se présenter à cette première séance.

Le Tribunal Arbitral, faisant droit à la demande, qui lui est adressée au nom des deux parties, décide de s'ajourner au 23 Mars.

La question de la publication des Mémoires et Contre-Mémoires ayant été posée, les Arbitres déclarent qu'elle n'est pas de leur compétence.

Quant à la publication du Protocole de la présente séance, les Arbitres présents ne se trouvant pas en nombre suffisant pour prendre une décision de nature à lier pour l'avenir le Tribunal Arbitral, déclarent que jusqu'à nouvel ordre le Protocole de la séance du 23 Février demeurera secret.

Le Tribunal Arbitral s'ajourne au 23 Mars.

Ainsi fait à Paris, le 23 Février, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent Spécial des États-Unis	WILLIAM WILLIAMS.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire.. .. .	H. FEER.

[For translation, see Inclosure in No. 13.]

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Mr. Tupper to the Earl of Rosebery.—(Received February 27.)

My Lord,

Paris, February 24, 1893.

TO supplement the report of the proceedings of yesterday's meeting of the Tribunal, contained in the Protocol which is inclosed in my immediately preceding despatch, I have the honour to furnish your Lordship with the following account of what took place.

Baron de Courcel, having taken the Chair as President, stated that the object of the Tribunal was to consider the propriety of commencing the proceedings if neither of the Agents had any objection.

If there were any objection or any proposal to make, such as the question of an adjournment, it should come from the Agents of the parties, and now was the time it should be made.

Mr. Williams thereupon made his proposal for an adjournment till the 23rd March, to which I assented, and to which the Tribunal agreed.

Sir Charles Russell then addressed the Tribunal as recorded in the Protocol.

The President next requested the Agents to inform their respective Governments, and to cause the four Arbitrators who were not present to be advised, of the decision of the Tribunal in regard to the adjournment. He added that the Arbitrators present did not feel able, in the absence of their colleagues, to arrange for the appointment of a Secretary or Secretaries, but that for the purposes of the present meeting the Protocol would be prepared by M. Feer, formerly in the French Consular Service, with the assistance of the Agents of both parties.

The Protocols, he said, would be drawn up in French and English, French being the language of the country in which the Tribunal was assembled, and English that of the two nations who were interested in the Arbitration.

Mr. Williams then stated that the documents in the Case had up to the present been kept secret, in accordance with an Agreement between the two Governments, but that as neither party saw any reason for further extending the injunction of secrecy, he proposed that the Cases and Counter-Cases should become public property forthwith unless the Arbitrators saw any objection.

The President inquired whether I agreed to this proposal, and I replied in the affirmative.

The President, after consultation with his colleagues, then announced that the publicity of the Cases, Counter-Cases, and Arguments was not a question on which the Tribunal had to enter. The Agents on either side should act in regard to it in whatever way they might judge to be the best.

As to the proceedings before the Tribunal, he stated that they belonged to the Tribunal itself, and that the Arbitrators present had no right to give them to the public. They must be kept secret until the next meeting, when the full Tribunal would decide as to the proper course to be pursued.

I have, &c.

(Signed) CHARLES H. TUPPER.

Mr. Tupper to the Earl of Rosebery.—(Received February 27.)

My Lord,

Paris, February 25, 1893.

WITH reference to my first despatch of yesterday, I have the honour to transmit to your Lordship a copy of the English version of the Protocol of the first meeting of the Behring Sea Arbitration Tribunal.

This document has been certified as an accurate translation of the French original by Mr. Williams and myself, in accordance with the request of the Arbitrators.

The original documents, as signed in both languages, remain for the present in the custody of Baron de Courcel's Secretary.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 13.

Protocols of the Meetings of the Tribunal of Arbitration constituted under the Convention of February 29, 1892, signed at Washington between the Governments of the United States and Her Britannic Majesty.

Protocol I.—Meeting of February 23, 1893.

THE Tribunal assembled at Paris at the French Ministry for Foreign Affairs.

The Arbitrators present were:—

The Honourable John M. Harlan, Justice of the Supreme Court of the United States, one of the Arbitrators named by the United States;

His Excellency Baron Alphonse de Courcel, Senator, the Arbitrator named by France;

The Right Honourable Lord Hannen, Lord of Appeal, one of the Arbitrators named by Great Britain;

Who, having assured themselves that their respective powers were in good and valid form,

Baron de Courcel was invited by his colleagues to take the chair as President for the present meeting.

There were present at the meeting:—

Mr. William Williams, as Special Agent and Associate Counsel of the United States;

The Honourable Charles H. Tupper, as Agent of Her Britannic Majesty.

Messrs. Williams and Tupper laid before the Tribunal of Arbitration the Commission empowering them to act before the Tribunal.

There were also present at the meeting, as Counsel for Her Britannic Majesty's Government:—

Sir Charles Russell, Q.C., M.P., Her Britannic Majesty's Attorney-General;

Sir Richard Webster, Q.C., M.P., and

Mr. Christopher Robinson, Q.C.

The President invited M. Henri Feer, formerly a Consul-General of France, to draw up the Protocol of this meeting, with the assistance of Messrs. Williams and Tupper.

Mr. Williams, acting for the Government of the United States, asked that the Tribunal adjourn till the 23rd March.

Mr. Tupper, in the name of the British Government, supported the request of Mr. Williams.

Sir Charles Russell, the leading Counsel for Great Britain, stated that the Counsel, though previously aware of the request which would be made, thought it right to attend the first meeting out of respect for the Tribunal of Arbitration.

The Tribunal of Arbitration acceded to the request made in the name of the two parties, and agreed to adjourn to the 23rd March.

The question of the publication of the Cases and Counter-Cases having been mentioned, the Arbitrators stated that it was not a subject for their consideration.

In regard to the publication of the Protocol of this meeting, the Arbitrators present, finding themselves in insufficient number to give a decision which would bind the Tribunal of Arbitration for the future, announced that the Protocol of the meeting of the 23rd February should be kept secret until further orders.

The Tribunal of Arbitration adjourned till the 23rd March.

So done in Paris, the 23rd February, 1893, and have signed:

The President	.. .. .	ALPH. DE COURCEL.
The Special Agent for the United States.	.. .. .	WILLIAM WILLIAMS.
The Agent for Great Britain	.. .. .	CHARLES H. TUPPER.
The Secretary	.. .. .	H. FEER.

Translation certified to be accurate:

(Signed) A. BAILLY-PLANCHARD, } Co-Secretaries.
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No. 14.

Mr. Tupper to the Earl of Rosebery.—(Received February 27.)

My Lord,

Paris, February 25, 1893.

I HAVE the honour to inform your Lordship that, the business connected with the first meeting of the Behring Sea Tribunal of Arbitration having been completed this afternoon, I purpose leaving Paris to-morrow on my return to London, accompanied by the gentlemen attached to the staff of the Agency.

I have, &c.

(Signed) CHARLES H. TUPPER

No. 15.

The Earl of Rosebery to Mr. Tupper.

Sir,

Foreign Office, March 1, 1893.

I HAVE received your despatch of the 24th ultimo, giving an account of what took place at the first meeting in Paris of the Behring Sea Arbitration Tribunal.

Your proceedings on that occasion are approved by Her Majesty's Government.

I am, &c.

(Signed) ROSEBERY.

No. 16.

Mr. Tupper to the Earl of Rosebery.—(Received March 3.)

My Lord,

Foreign Office, March 3, 1893.

DURING my recent visit to Paris occasion was taken to arrange for the accommodation of the British Staff required for the presentation of the Case before the Tribunal of Arbitration.

In addition to the four gentlemen engaged as Counsel, viz., the Attorney-General, Sir R. Webster, Mr. C. Robinson, and Mr. Box, I respectfully suggest that the following should be attached to the Staff of the Agency:—Dr. G. M. Dawson, Mr. R. P. Maxwell, and Mr. G. F. Fairholme, of the Foreign Office; Mr. J. Anderson, of the Colonial Office; Mr. Ashley Froude; Mr. J. Pope, my Private Secretary; Mr. J. M. Macoun, Secretary to Dr. Dawson; and Mr. Charles Russell, the solicitor engaged in the case.

I have ventured to include the name of Dr. Dawson, as he is an officer in the service of the Canadian Government, and perhaps the only officer at the disposal of Her Majesty's Government who can be said to be conversant with the life and habits of the fur-seal. His presence at Paris I believe to be necessary, and I do not contemplate objection being taken on the part of the United States to our availing ourselves of his knowledge.

I do not propose, unless otherwise instructed by your Lordship, or unless occasion should arise after consultation with Counsel, to ask Sir G. Baden-Powell to attend.

In my opinion, his presence with Dr. Dawson might make it appear that the British Commissioners, who were appointed to make an impartial examination into seal life, were actively engaged in pressing the British Case before the Tribunal.

This I do not think desirable.

I learn that neither of the United States' Commissioners will be in Paris, though other officers of the United States familiar with seal life will be there.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 17.

The Earl of Rosebery to Mr. Tupper.

Sir,

Foreign Office, March 8, 1893.

IN reply to your despatch of the 3rd instant, I have to inform you that I approve your recommendation that, in addition to the four gentlemen employed as Counsel, the following gentlemen should be attached to the Staff of the Agency for the presentation of the British Case before the Behring Sea Tribunal of Arbitration, viz., Dr. G. M. Dawson, Mr. R. P. Maxwell, Mr. Ashley Froude, Mr. J. Pope, Mr. J. M. Macoun, and Mr. Charles Russell.

With regard to your suggestion that Mr. G. F. Fairholme, of this Office, should also be included as a member of the Staff, I shall be happy to comply with it should you find, after your arrival in Paris, that his presence would be desirable for the purpose of examining any further Russian documents that may be produced on the part of the United States.

It has also been arranged, after consultation with the Colonial Office, that Mr. J. Anderson, of that Department, shall be detached for such time as you may consider that he can be usefully employed.

In conclusion, I concur with you in the opinion that, for the reasons stated by you, it will be unnecessary that Sir G. Baden-Powell should be asked to attend in Paris, unless circumstances should make his presence expedient hereafter.

I am, &c.

(Signed) ROSEBERY.

No. 18.

Mr. Tupper to the Earl of Rosebery.—(Received March 21.)

My Lord,

Paris, March 19, 1893.

I HAVE the honour to report that I left London on the 17th instant, and arrived here on that day, accompanied by Mr. M. Box, Mr. R. P. Maxwell, and my Private Secretary, Mr. J. Pope.

Her Majesty's Attorney-General, Sir R. Webster, Mr. C. Robinson, Dr. G. M. Dawson, Mr. A. Froude, Mr. C. Russell, and Mr. J. M. Macoun arrived in Paris last night.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 19.

Mr. Tupper to the Earl of Rosebery.—(Received March 23, 6:45 P.M.)

(Telegraphic.)

Paris, March 23, 1893, 5:10 P.M.

THE Tribunal has adjourned till 4th April. It was decided that all proceedings should be public forthwith.

No. 20.

Mr. Tupper to the Earl of Rosebery.—(Received March 27.)

My Lord,

Paris, March 25, 1893.

IT will be within your Lordship's recollection that on the 10th February last a Notice was addressed, at my request, by Sir Julian Pauncfote to the Agent for the United States for copies of certain documents quoted in the United States' Counter-Case.

Among these documents the Report of Mr. H. W. Elliott for the year 1890 was included.

oster informed me, in his note of the 16th February, that the Government of the United States did not feel that they were bound by the Treaty to furnish a copy of the Report, and that he was therefore unable to comply with my request.

The matter appeared to me of so great importance, in consequence of the statements contained in the Report and of the prominent position occupied by Mr. Elliott on the question of seal life,* that, after consultation with Her Majesty's Attorney-General and the other Counsel engaged in the case, I addressed a letter to Mr. Foster, a copy of which is inclosed herewith, pressing for the production of the Report.

I have not yet received any reply to this letter.

Should Mr. Foster's answer not prove satisfactory, I propose to instruct Counsel to apply to the Tribunal to order the document to be produced.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure in No. 20.

Mr. Tupper to Mr. Foster.

Sir, *Paris, March 23, 1893.*

IN reference to your letter of the 16th February, 1893, in reply to my request for the production of the Report of Mr. H. W. Elliott, presented pursuant to Act of Congress, I desire to give you notice that the Government of Her Britannic Majesty will insist on their right to its production.

While desirous to avoid, as far as possible, contention on such matters before the Tribunal, I think it fair to give you notice that unless the Report, or a copy thereof, be produced, our Counsel will, on the 4th April, apply to the Tribunal to order its production.

In the event of your not having the Report, or a copy, in Paris, I give you this early intimation in order that you may communicate with the proper Department in Washington.

I am, &c.
(Signed) CHARLES H. TUPPER.

No. 21.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, March 28, 1893.*

I UNDERSTAND that, in consequence of the great mass of material which requires to be dealt with in the pleadings before the Tribunal of Arbitration, the Attorney-General and Sir R. Webster are desirous of having the services of Mr. F. T. Piggott, of the Middle Temple, who has already rendered considerable assistance in the preparation of the Argument presented on behalf of Her Majesty's Government.

I have therefore arranged with the Lords Commissioners of Her Majesty's Treasury that Mr. Piggott should proceed forthwith to Paris.

Mr. Piggott's position will be that of Secretary to the Attorney-General, from whom he will receive instructions as to the duties on which he shall be employed.

I am, &c.
(Signed) ROSEBERY.

No. 22.

Mr. Tupper to the Earl of Rosebery.—(Received March 29.)

My Lord,

Paris, March 28, 1893.

I HAVE the honour to transmit, for your Lordship's information, the accompanying copies of a correspondence which has passed between the United States' Agent

and myself on the occasion of my having forwarded to the Arbitrators and to him copies of the Supplementary Report of the British Commissioners.*

Finding that Mr. Foster has communicated to the Arbitrators a copy of his note to me protesting against the admission of the document, I have forwarded to them a copy of my reply.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 22.

Mr. Tupper to the Behring Sea Arbitrators and Mr. Foster.

THE Undersigned, Agent of Her Britannic Majesty, appointed to attend the Tribunal of Arbitration, has the honour to transmit herewith to you two copies, in duplicate, of the "Supplementary Report of the British Commissioners appointed to inquire into Seal Life in Behring Sea," referred to on p. 166 D of the Counter-Case presented on behalf of the Government of Her Britannic Majesty.

Duplicate copies of this document have been forwarded to the Agent of the United States [each of the Arbitrators].

The Undersigned has the honour to renew to you the assurance, &c.
Paris, March 25, 1893.

Inclosure 2 in No. 22.

Mr. Foster to Mr. Tupper.

THE Undersigned, Agent of the United States before the Tribunal of Arbitration convened in accordance with the provisions of the Treaty between the United States and Great Britain of the 29th February, 1892, has the honour to acknowledge the receipt, at 4:45 P.M. on yesterday (Sunday), the 26th instant, from the Hon. Charles H. Tupper, Her Britannic Majesty's Agent, of a note, dated the 25th instant, stating that he transmits with said note copies, in duplicate, of the "Supplementary Report of the British Commissioners appointed to inquire into Seal Life in Behring Sea," and also stating that duplicate copies of the same document have been forwarded to each of the Arbitrators; and, further, to say that, in the envelope containing said note were found two unbound printed documents.

The Undersigned cannot refrain from expressing his surprise that Her Majesty's Agent has conceived himself authorized to lay a paper, presumably bearing on the merits of the controversy between the Governments of the United States and Great Britain, before the members of the Tribunal, at a time and in a manner not allowed by the Treaty.

If the documents referred to may be thus submitted, the Undersigned is unable to perceive that Her Majesty's Agent may not submit to the Tribunal, at his pleasure, at any time, any paper containing evidence or other matter bearing upon the merits of the controversy. He herewith returns the documents referred to without examination, and begs to apprise Her Majesty's Agent that he will immediately address the Arbitrators, protesting against the course Her Majesty's Agent has taken, and requesting them to disregard the document.

He further gives notice to Her Majesty's Agent that the Tribunal of Arbitration will be moved, at its next session, that the document referred to be dismissed from attention, and returned to Her Majesty's Agent.

The Undersigned, &c.

(Signed) JOHN W. FOSTER.

Paris, March 26, 1893.

* Copies of this Report, with other papers laid before the Tribunal, will be deposited in the Library of each House of Parliament.

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Inclosure 3 in No. 22.

Mr. Tupper to Mr. Foster.

THE Undersigned, Agent of Her Britannic Majesty appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington on the 29th February, 1892, has the honour to acknowledge the receipt of the Hon. John W. Foster's communication of this day's date, and, in reply thereto, desires to state that it is the view of Her Majesty's Government that the mode of procedure contemplated by the Treaty has not been accurately followed.

While all the material bearing on the whole subject-matter in dispute intended to be used by either party was to be submitted to the other party, that part of such material which bore only on the question of Regulations—and particularly the Report or Reports, joint or several, of the Commissioners of the two countries—should have been, it is believed, kept distinct from that part which bore on the questions of right, and that the latter should alone, in the first instance, have been submitted to the Arbitrators, the former, namely, that part relating to Regulations, only when the contingency therefor arose, or, in other words, when the determination of the questions of exclusive right had been arrived at.

It was upon this principle that the original Case of Great Britain was framed, and this course would have been followed but for the objections raised by the United States, as stated in Mr. Foster's letter to Mr. Herbert of the 27th September, 1892.

In deference to those representations, and in order to facilitate the progress of the Arbitration, Her Majesty's Government, while maintaining the justice of their contention, furnished to the Government of the United States and to the Arbitrators the separate Report of the British Commissioners and its Appendices, reserving at the same time their rights, as stated in Lord Rosebery's despatch to Mr. Herbert of the 13th October, 1892.

The Government of the United States, in presenting to the Arbitrators with their original Case the separate Report of the United States' Commissioners, had, in the opinion of Her Majesty's Government, departed from the mode of procedure contemplated by the Treaty. It was in pursuance of the understanding contained in the correspondence above referred to that Her Majesty's Government furnished to the Agent of the United States and to the Arbitrators the Supplementary Report of the British Commissioners which was referred to on p. 166 D of the British Counter-Case.

At the proper time Her Majesty's Government will submit to the Arbitrators that they are entitled to use this Supplementary Report, and they are quite willing that copies should remain in the hands of the Representatives of the United States without prejudice to any objection they may desire to raise.

The Government of Her Britannic Majesty believe that the Arbitrators will desire to have at their disposal any trustworthy information which may assist them upon the questions referred to them for decision.

If, as the Undersigned understands, a communication on this subject has been addressed by Mr. Foster to the Arbitrators, Her Majesty's Government will forward to them a copy of Mr. Foster's note of the 27th instant, and of this reply thereto.

The Undersigned, &c.

(Signed) CHARLES H. TUPPER.

Paris, March 27, 1893.

Inclosure 4 in No. 22.

Mr. Tupper to the Behring Sea Arbitrators.

THE Undersigned, Agent of Her Britannic Majesty appointed to attend the Tribunal of Arbitration, has the honour to inclose, for the information of , a copy of a note which he has addressed to the Agent of the United States in reply to a protest received from him against the presentation of the Supplementary Report of the British Behring Sea Commissioners which was forwarded to on the 25th instant.

The Undersigned has the honour to renew to the assurance, &c.

Paris, March 27, 1893.

Mr. Tupper to the Earl of Rosebery.—(Received March 30.)

My Lord,

Paris, March 28, 1893.

I HAVE the honour to transmit to your Lordship a copy of a note I have received this day from the Agent of the United States, informing me that a motion will be made on behalf of the United States' Government at the meeting of the Tribunal on the 4th proximo for the rejection of certain claims for damages specified in the Counter-Case of Her Majesty's Government.

I have acknowledged the receipt of Mr. Foster's communication.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 23.

Mr. Foster to Mr. Tupper.

THE Undersigned, Agent of the United States before the Tribunal of Arbitration convened at Paris, has the honour to give notice to the Agent of Her Britannic Majesty, that, at the next meeting of the Tribunal of Arbitration, a motion will be made on the part of the United States to dismiss from the Arbitration so much of the demand of the Government of Great Britain as relates to the sum stated upon p. 315 of the Counter-Case of said Government to have been incurred on account of expenses in connection with proceedings before the Supreme Court of the United States;

And also to dismiss from said Arbitration the claim and request of the same Government, mentioned in said p. 315, that the Arbitrators find what catch or catches might have been taken by pelagic sealers in Behring Sea without undue diminution of the herd during the pendency of the Arbitration;

And also to dismiss from the Arbitration the claim of the same Government, mentioned on the same page, 315, to show payments by it to Canadian owners of sealing-schooners;

And that all proofs or evidences relating to the foregoing claims or matters, or either of them, be stricken from the British Counter-Case, and, in particular, those found on pp. 215 to 229, inclusive, of vol. ii of Appendix to said Counter-Case.

The ground of the foregoing motion or motions is that the claims and matters aforesaid are, and each of them is, presented for the first time in the Counter-Case of the Government of Great Britain, and that they are not, nor is either of them, pertinent or relevant by way of reply to the Case of the United States, or to anything contained therein, except so far as the same may tend to support claims for damages distinctly made in the original Case of the Government of Great Britain, and that, so far as they come under that head, the matters are irregular as being cumulative only.

The Undersigned, &c.

(Signed) JOHN W. FOSTER.

Paris, March 28, 1893.

No. 24.

The Earl of Rosebery to Mr. Tupper.

Sir,

Foreign Office, April 3, 1893.

I HAVE received your despatch of the 28th ultimo, inclosing correspondence which has passed between the United States' Agent and yourself, on the occasion of your having forwarded to him and to the Arbitrators, copies of the Supplementary Report of the British Commissioners.

The action taken by you in this matter is approved by Her Majesty's Government.

I am, &c.

(Signed) ROSEBERY.

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Mr. Tupper to the Earl of Rosebery.—(Received April 7.)

My Lord,

Paris, April 5, 1893.

I HAVE the honour to report to your Lordship, that at the meeting of the Tribunal held yesterday the proceedings were opened by an application made by the Attorney-General, in the name of Her Majesty's Government, for the production of the Report by Mr. H. W. Elliott, on seal life.

Sir Richard Webster supported the application, and was followed on the side of the United States by Mr. Phelps and Mr. Carter.

The Representatives of the United States denied that Her Majesty's Government were entitled under the Treaty to any order by the Tribunal for the production of the document as a matter of right; but, they stated, they were willing to waive their right of objection, and to furnish a copy for such use, as evidence, as the Tribunal might allow.

The Tribunal finally directed that the document should be regarded as before the Tribunal, to be made such use of as the Tribunal should see fit.

The question of the rejection of certain claims for damages, put forward in the British Counter-Case, referred to in my despatch of the 28th ultimo, was then raised by the United States' Representatives, and the Tribunal decided that the matter should stand over for future consideration.

Mr. Phelps then proceeded to propose the rejection of the Supplementary Report of the British Commissioners in accordance with Mr. Foster's notice, of which I forwarded a copy to your Lordship in my despatch of the 28th ultimo. The argument of the United States' Counsel on this point had not concluded when the Tribunal adjourned.

I have the honour to transmit to your Lordship herewith a rough proof of the transcript of the short-hand notes of the proceedings, of which the above is a brief summary.*

It has been arranged that these rough proofs, which are to be furnished on the morning after each meeting to both sides, as well as to the Tribunal, shall be corrected and issued in a final shape at the close of each week's proceedings.

It is believed that when the printers have had more experience, fewer errors will be found than in the document forwarded herewith, and steps have been taken to overcome the difficulties which are inevitable on the first occasion of a paper of this nature, being produced under great pressure, and in a foreign language.

I have, &c.

(Signed) CHARLES H. TUPPER.

Mr. Tupper to the Earl of Rosebery.—(Received April 8.)

My Lord,

Paris, April 6 1893.

AT the meeting of the Tribunal held yesterday, the argument of the United States against the admission of the Supplementary Report of the British Commissioners was continued by Mr. Phelps.

The Attorney-General replied on behalf of Great Britain, and had not finished his speech when the Tribunal rose.

I have, &c.

(Signed) CHARLES H. TUPPER.

Mr. Tupper to the Earl of Rosebery.—(Received April 8.)

My Lord,

Paris, April 7, 1893.

AT the meeting of the Tribunal yesterday, the discussion with regard to the admission of the Supplementary Report of the British Commissioners was continued by Sir Charles Russell, who, at the close of his speech, was complimented by the President on the lucid manner in which he had stated his argument.

* Full sets of the corrected short-hand notes, which cover in all 2,336 pages (folio) of print, will be deposited in the Library of each House of Parliament.

Mr. Carter followed on the part of the United States, and had not concluded when the hour of adjournment arrived.

The discussion of this question will, in all probability, be terminated at the meeting to-morrow.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 28.

Mr. Tupper to the Earl of Rosebery.—(Received April 11.)

My Lord,

Paris, April 9, 1893.

AT the meeting of the Tribunal on the 7th instant, Mr. Carter concluded his argument with regard to the admission of the Supplementary Report of the British Commissioners, and after a discussion between Counsel on both sides as to the bearing of certain portions of the diplomatic correspondence on the interpretation of the Treaty, the Tribunal adjourned till Wednesday next, the 12th instant.

The President stated that the Arbitrators would hold a private meeting on Tuesday.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 29.

Mr. Tupper to the Earl of Rosebery.—(Received April 13.)

My Lord,

Paris, April 11, 1893.

SHORTLY after my arrival here Mr. Foster assented to a tentative arrangement that the proceedings before the Tribunal should be reported by a London firm of short-hand writers employed by both parties, and that printed copies of the transcript should be supplied on the morning after each meeting to each party and to the members of the Tribunal.

Your Lordship has been supplied with rough proofs of these reports, and notwithstanding the printer's errors, inevitable under the circumstances, it was considered by the British Counsel and myself that these proofs, which have shown considerable improvement since the beginning, were not wholly unsatisfactory.

The arrangement was made with the approval of the Tribunal, and the President stated, at a recent meeting, that the reports furnished had been found useful by the Arbitrators.

Mr. Foster, however, in a letter of which I have the honour to inclose a copy, has expressed his dissatisfaction at the working of the arrangement, and suggests that it should be terminated.

I have, after consultation with Counsel, addressed to Mr. Foster the reply, of which a copy is inclosed, and I trust that your Lordship will approve my action in the matter.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 29.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper,

Paris, April 10, 1893.

I REGRET to have to inform you that the experience of the past week in the effort to produce a daily verbatim report of the proceedings of the Tribunal of Arbitration has not proved satisfactory. The main object had in view, namely, to lay before the Arbitrators the arguments of Counsel early on the day following their delivery, has in great measure failed. The Counsel of the United States find the reports of their arguments, as printed, so far from correct as to make it in great measure useless, and the burden imposed upon them of revision is an intolerable tax upon their time, and this of itself is a sufficient reason to make it desirable that the present arrangement be abandoned.

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Up to the present writing we have not received from your side the first reading of the unrevised proof of either the first or any other succeeding day. After it is received we shall have numerous corrections of our own to make before it goes to the printer. It is therefore plain that the revised proof will not be ready to lay before the Arbitrators until they have considered in secret session, and possibly decided, the motion upon which the arguments have been made.

I do not wish to impute neglect or inefficiency to any one. I merely state that the system which we attempted with some misgivings has proved entirely unsatisfactory, and should be abandoned. I have, therefore, to propose that we at once give notice to the firm of short-hand reporters and the printers that the effort at further joint reporting come to an end; that we perfect and print the proceedings of the past week; that we settle with the short-hand firm and printers on mutually satisfactory terms; and that any further reporting will be left to each Agent to be done in such manner as he shall see fit for the convenience of the respective Counsel.

Very truly, &c.
(Signed) JOHN W. FOSTER.

Inclosure 2 in No. 25.

Mr. Tupper to Mr. Foster.

Dear Mr. Foster,

Paris, April 11, 1893.

I BEG to acknowledge the receipt of your letter of the 10th April.

I regret the determination you have reached respecting the daily reports of the Arbitration proceedings. I trust you will give this subject reconsideration.

I am glad to observe that you make no complaint regarding the actual short-hand writing. Messrs. Cherer, Bennet, and Co.'s reporting is, I believe, considered as perfect as it is possible to procure anywhere. Their transcripts, I am informed, are invariably used in all the English Law Courts. The correct printing of these transcripts is, therefore, alone concerned.

In my opinion, considering the difference of language and the very great pressure of time, the work already done does Messrs. Chamerot et Cie. credit.

These gentlemen cannot yet be said to have had a fair trial. From the marked improvement shown in each succeeding day, I am led to hope that in a very few days the reports will be quite satisfactory.

Touching the burden of the correction of proof, up to the present time it has not been found necessary to ask the British Counsel to revise their speeches at all. The corrections, which are principally typographical and grammatical, have been readily made by one of our staff who heard the argument.

If this work becomes too heavy to be executed in the short time available, the object in view would be well worth the expense of employing a special reader.

The British Government attach great importance to an accurate verbatim record of the actual arguments used, and, in view of their value to the Tribunal and their obvious utility, I trust you may yet see your way to continue the present arrangement.

Yours very truly,
(Signed) CHARLES H. TUPPER.

No. 30.

Mr. Tupper to the Earl of Rosebery.—(Received April 13.)

My Lord,

Paris, April 12, 1893.

I HAVE the honour to report to your Lordship that at the meeting of the Tribunal this morning the President announced the decisions of the Arbitrators on the questions of the admission of the Supplementary Report of the British Commissioners, and of the consideration of the proposal of the United States that certain claims put forward in the Counter-Case of Great Britain should be struck out.

I have the honour to inclose copies of these decisions as delivered by the President in French. An English translation was afterwards read by him.

Your Lordship will observe that with regard to the Supplementary Report of the British Commissioners, the Tribunal has decided that it shall not be admitted for

the present. Full liberty is, however, reserved to the Representatives of Great Britain to make use of the document in oral argument should they see fit to do so.

The question of the admissibility of the Appendices to the Supplementary Report is reserved for further examination without prejudice to the rights of the parties to discuss the matter and to refer to the documents in the course of oral argument.

With regard to the proposal of the United States to strike out certain claims included in the British Counter-Case, the Tribunal has decided to postpone the consideration of the question until such time as it may see fit.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 30.

Decision of Tribunal.

LE Tribunal décide de ne pas recevoir, quant à présent, le document intitulé: "Rapport Supplémentaire des Commissaires de la Grande-Bretagne dans la Mer de Behring," daté du 31 Janvier, 1893, et signé de George Baden-Powell et George M. Dawson, lequel a été remis aux Arbitres individuellement par l'Agent de la Grande-Bretagne le 25 Mars, 1893, et contient une critique des moyens de preuve produits dans les pièces et documents précédemment remis aux Arbitres, ou une argumentation portant sur les dits moyens de preuve. Toute liberté demeure néanmoins réservée aux Représentants de la partie intéressée de s'approprier le dit document, daté du 31 Janvier, 1893, pour l'incorporer à leur plaidoirie, s'ils le jugent convenable. La question de l'admissibilité des pièces, ou de quelque'une d'entre elles, formant Annexes au dit document du 31 Janvier, 1893, est réservée à un examen ultérieur, sans préjudice du droit pour les Représentants des deux parties de discuter la question dont il s'agit, ainsi que le contenu des dites Annexes au cours de leurs plaidoiries.

(Translation.)

IT is ordered that the document entitled a "Supplementary Report of the British Behring Sea Commissioners," dated the 31st January, 1893, and signed by George Baden-Powell and George M. Dawson, and delivered to the individual Arbitrators by the Agent of Her Britannic Majesty on the 25th day of March, 1893, and which contains a criticism of, or argument upon, the evidence in the documents and papers previously delivered to the Arbitrators, be not now received, with liberty, however, to Counsel to adopt such document, dated the 31st January, 1893, as part of their oral argument, if they deem proper. The question as to the admissibility of the documents, or any of them, constituting the Appendices attached to the said document of the 31st January, 1893, is reserved for further consideration, without prejudice of the right of Counsel, on either side, to discuss that question, or the contents of the Appendices, in the course of the oral argument.

Inclosure 2 in No. 30.

Decision of Tribunal.

LE Tribunal décide qu'il différera, jusqu'à tel moment qui sera par lui ultérieurement indiqué, d'entendre plaider ou de prendre en considération la motion présentée le 4 Avril, 1893, par les Etats-Unis d'Amérique, tendant à la radiation de certains passages faisant partie du Contre-Mémoire et des moyens de preuve du Gouvernement de la Grande-Bretagne.

(Translation.)

IT is ordered that the argument and consideration of the motion made by the United States of America on the 4th day of April, 1893, to strike out certain parts of the Counter-Case and proofs of the Government of Great Britain, be postponed until such time as may be hereafter indicated by the Tribunal.

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No. 31.

Mr. Tupper to the Earl of Rosebery.—(Received April 14.)

My Lord,

Paris, April 12, 1893.

WITH reference to my despatch of yesterday, I have the honour to transmit to your Lordship a copy of a letter from Mr. Foster, informing me that he adheres to his proposal for the abandonment of the joint shorthand reports of the proceedings before the Tribunal.

It appears very desirable that full reports of the speeches on both sides should exist.

I therefore propose, after consultation with Counsel, to continue to employ the shorthand writers and printers on behalf of Her Majesty's Government, and to supply the members of the Tribunal with copies as usual.

In forwarding these copies to the Arbitrators I shall explain to them that the United States' Agent has withdrawn from the arrangement, that the speeches of the British Counsel will be revised by the British Agent, and that in order as far as possible to insure the accuracy of the reports of the speeches of the United States' Counsel, they will be carefully read over against the original notes in shorthand.

I trust your Lordship will approve of my action in this matter.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 31.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper,

Paris, April 12, 1893.

YOUR letter of the 11th instant respecting the shorthand reports has been received and duly considered.

After again submitting the subject to the Counsel of the United States and taking their views thereon, I regret to say that I am constrained to adhere to the proposal contained in my letter of the 10th instant.

Very truly,

(Signed) JOHN W. FOSTER.

No. 32.

Mr. Tupper to the Earl of Rosebery.—(Received April 14.)

My Lord,

Paris, April 13, 1893.

AT the meeting of yesterday, the President opened the sitting by announcing the decisions of the Tribunal on the two questions which were brought before it last week. I have already forwarded copies of these decisions to your Lordship in my despatch of yesterday.*

In accordance with the arrangement agreed upon between the Counsel on both sides, which was explained to the Tribunal by Sir Charles Russell, as recorded at p. 195 of the shorthand notes, Mr. Carter proceeded to open the case on behalf of the United States' Government.

He commenced by stating that he would lay before the Tribunal a sketch of the controversy from the beginning, before entering upon a discussion of the particular questions which had arisen.

Mr. Carter had brought his exhaustive summary of the various steps of the controversy down to the negotiations in January 1890, when the hour of adjournment arrived.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 33.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, April 15, 1893.*
 I HAVE received your despatches of the 11th and 12th instant, relative to the proposal made by Mr. Foster that the arrangements for joint shorthand reports of the proceedings before the Behring Sea Arbitration Tribunal shall be abandoned.

In reply, I have to express to you my approval of the view you have taken of this matter, and of the course you propose to pursue in continuing to employ the shorthand writers and printers on behalf of Her Majesty's Government.

I shall be glad to receive from you an estimate of the cost of the staff of reporters, and of printing the reports.

I am, &c.
 (Signed) ROSEBERY.

No. 34.

Mr. Tupper to the Earl of Rosebery.—(Received April 15.)

My Lord, *Paris, April 14, 1893.*
 AT the meeting of yesterday, Mr. Carter continued his preliminary sketch of the various steps in the negotiations, and brought this part of his address to a conclusion shortly before the hour of adjournment arrived.

While generally confining himself to a recital or summary of the various documents, he made some remarks and criticisms on the arguments contained in some of the more important despatches.

Having concluded his preliminary sketch, Mr. Carter then proceeded to address the Tribunal on the law which should govern it in its deliberations, and was only able to make slight progress in this branch of his subject before the Tribunal adjourned.

I have, &c.
 (Signed) CHARLES H. TUPPER.

No. 35.

Mr. Tupper to the Earl of Rosebery.—(Received April 17.)

My Lord, *Paris, April 16, 1893.*
 AT the meeting of the 14th instant, Mr. Carter continued his observations on the law which should govern the Tribunal in its decision. The knowledge of this law was, he said, to be derived from the actual practice and usages of nations and from the law of nature, which latter he argued was best illustrated by municipal law.

Having concluded this portion of his address, he entered upon the consideration of the rights claimed by Russia over the regions about Behring Sea, and the rights which the United States might have derived from the Act of Cession of the territory of Alaska.

The general purport of his argument was that Russia was intent on securing to her own subjects the valuable fur-seal industry, and that by the Ukase of 1821, she did not claim the waters of those regions as *mare clausum*, but merely enacted a protective regulation for the purpose of preserving that industry.

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 (Signed) CHARLES H. TUPPER.

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No. 36.

Mr. Tupper to the Earl of Rosebery.—(Received April 20.)

My Lord,

Paris, April 18, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols of the first two meetings of the Arbitration Tribunal.

A copy of the first Protocol has already been forwarded to your Lordship in my despatch of the 24th February, but the original and the official printed copies have only been issued this day.

Some delay has occurred in the completion of these documents, owing to deficiencies in the organization of the Secretariat of the Tribunal.

The remaining Protocols will, however, be issued very shortly.

I have retained the two original signed Protocols, of which the copies are transmitted herewith.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure in No. 36.

Protocole No. 2.—Séance du Jeudi, 23 Mars, 1893.

LE Tribunal s'est réuni à Paris, comme il avait été convenu, dans l'Hôtel du Ministère des Affaires Étrangères de France.

Étaient présents les sept membres du Tribunal Arbitral :

L'Honorable John M. Harlan, Juge de la Cour Suprême des États-Unis,

Et l'Honorable John T. Morgan, Sénateur des États-Unis, Arbitres désignés par les États-Unis ;

Son Excellence le Baron Alphonse de Courcel, Sénateur Français, Arbitre désigné par la France ;

Le Très Honorable Lord Hannen, Pair d'Angleterre, siégeant à la Cour Suprême d'Appel,

Et Sir John Thompson, Ministre de la Justice du Dominion de Canada, Arbitres désignés par la Grande-Bretagne ;

Son Excellence le Marquis Emilio Visconti Venosta, Sénateur Italien, Arbitre désigné par l'Italie,

Et son Excellence M. Gregers Gram, Arbitre désigné par la Suède et Norvège.

L'Honorable John W. Foster et l'Honorable Charles H. Tupper, Ministre de la Marine et des Pêcheries du Dominion de Canada, assistent à la séance comme Agents des Gouvernements des États-Unis et de la Grande-Bretagne.

Les membres du Tribunal Arbitral s'assurent que leurs pouvoirs respectifs sont en bonne et valable forme.

Lord Hannen, l'un des Arbitres désignés par la Grande-Bretagne, se lève pour proposer que M. le Baron de Courcel, Arbitre désigné par la France, soit prié par ses collègues de prendre la Présidence du Tribunal.

L'Honorable J. Harlan, l'un des Arbitres désignés par les États-Unis, appuie la proposition de Lord Hannen.

Les autres membres du Tribunal Arbitral ayant acquiescé à la proposition, M. le Baron de Courcel prend place au fauteuil de la Présidence et prononce les paroles suivantes :

Messieurs,

Vous me faites bénéficier de l'usage courtois qui, dans les réunions d'un caractère international, attribue au Représentant du pays où elles siègent la Présidence de leurs travaux. Je vous en remercie pour mon pays et pour moi-même.

Lorsque les Gouvernements de la Grande-Bretagne et des États-Unis d'Amérique ont décidé de terminer par les voies amiables d'un arbitrage le litige déjà ancien des pêcheries de Behring, et lorsqu'ils ont choisi Paris pour siège du Tribunal Arbitral institué en vertu de leurs accords, ils ont fait à la France et à sa capitale un honneur insigne. J'ose dire que l'une et l'autre en étaient dignes.

Nulla part assurément vous ne sauriez trouver l'atmosphère d'un plus sincère, d'une plus chaleureuse sympathie pour l'œuvre grande et bonne que vous êtes chargés de poursuivre. A travers les choes et les épreuves qu'inflige inévitablement à tous les hommes la dure réalité des choses, la France est demeurée une nation obstinément idéaliste; toute conception généreuse la touche et l'entraîne; elle est passionnée pour la cause du progrès dans l'humanité. Or quel but plus idéal quel progrès plus noble et plus digne de recherche que la disparition graduelle des recours à la force brutale entre les peuples de la terre? La procédure arbitrale y vise, et chaque arbitrage nouveau nous en rapproche, en fournissant une preuve de plus de la possibilité matérielle de ces qui, hier encore, n'apparaissaient que comme un rêve.

Il y a quelques années que les Arbitres convoqués à Genève, par l'autorité pacifique d'une sentence que deux frères et puissantes nations s'étaient engagées d'avance à accepter, mettaient heureusement fin à une discussion qui semblait n'avoir d'autre issue possible que la guerre. L'arbitrage de l'Alabama fait époque dans l'histoire des relations internationales: on peut dire qu'il a rajouté l'antique droit des gens, et qu'il lui a ouvert une ère nouvelle, avec la perspective d'une action indéfiniment bienfaisante. Les deux nations qui se sont soumises au verdict de Genève, malgré des sacrifices qui, dans les premiers moments, ont pu coûter à l'une et à l'autre, ne se sont pas repenties à la longue de leur appel à la force purement morale, puisqu'elles-mêmes le renouvellent aujourd'hui, d'un commun accord, dans des circonstances analogues.

Le procès qui va se plaider devant vous n'est point de ceux, il est vrai, qui, selon l'apparence, pouvaient décliner le redoutable fléau de la guerre. Mais, en dehors de cette extrémité fatale, combien de maux ne causent point aux peuples un refroidissement durable et la persistance de sentiments amers! Comme les individus, les nations se doivent la charité; et lorsque, cédant aux conseils de l'orgueil, elles manquent à la loi providentielle, elles se condamnent elles-mêmes à bien des souffrances. Si les conciliations de l'arbitrage n'avaient d'autre effet que de les préserver de ce péril, elles feraient encore aux peuples un bien incalculable, et serviraient très utilement la fraternité humaine.

Votre présence dans cette salle, Messieurs, est le plus éloquent témoignage du prix qui s'attache à la décision attendue de vous. L'Angleterre, de tout temps si féconde en éminents jurisconsultes, les États-Unis, le Canada, qui continuent à leur tour, dans le nouveau monde, une tradition dont l'origine atavique doit être cherchée peut-être sur notre vieux sol Normand, ont député ici des personnages dont la science et la rare perspicacité ont été éprouvées dans les hautes et les plus délicates fonctions de la magistrature, ou dans les discussions d'assemblées politiques renommées pour leur prudence. A côté d'eux, je vois sièger un homme d'État, sage héritier de l'illustre Cavour, et dont la diplomatie Européenne, aux conseils de laquelle il manque n'a pas cessé de regretter la retraite prématurée et volontaire. Un autre de nos collègues, venu du Nord Scandinave, et que sa réputation a devancé ici, occupait naguère dans sa patrie, l'un des postes les plus élevés que puisse conférer la juste confiance du Souverain de deux Royaumes jumeaux, également jaloux de leur individualité.

A votre barre se présentent, au nom des deux Grandes Puissances qui vous ont remis le règlement de leur cause, des hommes politiques de premier ordre. L'un d'eux dirigeait hier les relations internationales de la grande République Américaine.

Ils sont assistés de Conseils habitués à briller au premier rang, tantôt au barreau, tantôt dans le Gouvernement de leur pays, et que l'admiration de leurs concitoyens, de chaque côté de l'Atlantique, salue du titre de princes de l'éloquence.

C'est un honneur qui suffit à illustrer une existence entière que d'être appelé à siéger près de pareils hommes. La responsabilité de les présider serait bien effrayante, si celui de leurs collègues qu'ils ont chargé de cette tâche ne devait compter sur leur indulgent et infallible appui.

Puisse la Divino Providence, de qui relèvent toutes les actions des hommes, nous donner la force et nous inspirer la sagesse nécessaire pour accomplir notre difficile mission, et pour marquer ainsi une étape vers la réalisation de la parole pleine de consolation et d'espoir de Celui qui a dit: "Bienheureux les pacifiques, car la terre leur appartiendra."

Messieurs, je crois être l'interprète de votre pensée à tous en vous proposant d'interrompre ici notre séance, afin de porter à M. le Président de la République Française, avec l'hommage de nos respects, l'expression de notre gratitude pour l'hospitalité que nous recevons de la France.

Sur la proposition du Président, M. A. Imbert, Ministre Plénipotentiaire de France, est désigné comme Secrétaire du Tribunal Arbitral. M. le Baron de Courcel invite ensuite les Arbitres Anglais et Américains à désigner, pour chacune des deux nationalités, un Secrétaire qui serait adjoint au Secrétaire du Tribunal. Il est convenu que cette désignation aura lieu à la prochaine séance.

Le Tribunal fixe les jours et heures de ses séances.

Conformément aux stipulations du Traité de Washington du 29 Février, 1892, les Agents des Gouvernements des États-Unis et de la Grande-Bretagne déposent devant le Tribunal les Arguments imprimés de leurs Gouvernements respectifs.

L'Agent des États-Unis ayant signalé que, par suite d'une erreur accidentelle commise à l'impression, il existait une omission dans les citations jointes en appendice à l'Argument des États-Unis, autorisation lui a été donnée de déposer ultérieurement, comme annexe à l'Argument, un supplément contenant les citations omises, sous réserve du droit pour le Gouvernement Britannique de présenter une réplique à ces citations, s'il le jugeait opportun.

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Les Agents des deux Gouvernements ont annoncé qu'ils avaient pris, de commun accord, des arrangements pour faire sténographier chaque jour les débats du Tribunal.

Il est déclaré que le public sera admis aux débats, sur la présentation de cartes nominatives délivrées par le Secrétaire du Tribunal.

Ainsi fait à Paris, le 23 Mars, 1893, et ont signé :

Le Président . . . . .	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis .. ..	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. ..	.. ..	CHARLES H. TUPPER.
Le Secrétaire .. ..	.. ..	A. IMBERT.

[English version.]

Protocol No. 2.—Meeting of Thursday, March 23, 1893.

THE Tribunal assembled at Paris, as had been agreed, at the French Ministry for Foreign Affairs.

There were present the seven members of the Tribunal of Arbitration :

The Honourable John M. Harlan, Justice of the Supreme Court of the United States.

And the Honourable John T. Morgan, Senator of the United States, the Arbitrators named by the United States ;

His Excellency the Baron Alphonse de Courcel, Senator of France, the Arbitrator named by France ;

The Right Honourable Lord Hannen, Lord of Appeal,

And Sir John Thompson, Minister of Justice for the Dominion of Canada, the Arbitrators named by Great Britain ;

His Excellency the Marquis E. Visconti Venosta, Senator of Italy, the Arbitrator named by Italy ;

And his Excellency M. Gregers Gram, the Arbitrator named by Sweden and Norway ;

The Honourable John W. Foster and the Honourable Charles H. Tupper, Minister of Marine and Fisheries for the Dominion of Canada, were present at the meeting as Agents for the Governments of the United States and Great Britain.

The members of the Tribunal of Arbitration assured themselves that their respective powers were in due and valid form.

Lord Hannen, one of the Arbitrators named by Great Britain, rose to propose that his Excellency the Baron de Courcel, the Arbitrator named by France, should be requested by his colleagues to assume the Presidency of the Tribunal.

The Honourable John M. Harlan, one of the Arbitrators named by the United States, supported the proposal of Lord Hannen.

The other members of the Tribunal of Arbitration having agreed to the proposal, Baron de Courcel took the chair as President, and delivered the following address :

Gentlemen,

You have been pleased to exercise in my favour that courteous usage which, in proceedings of an international character, confers the Presidency upon the Representative of the country in which the meeting is held.

The Governments of Great Britain and the United States of America have determined to end the long-standing dispute concerning the Behring fisheries by a friendly arbitration, and in choosing Paris for the seat of it, they have paid a distinguished compliment to France and to her capital city.

I venture to say that both are worthy of it.

Nowhere, be sure, would you have found yourselves surrounded by a more sincere and warm sympathy with the great and good work which you are charged to carry out. Through all the shocks and trials which the hard necessity of events inflicts upon mankind, France has remained steadfast to ideals. Every generous conception moves and captivates her. She has a passion for the cause of human progress. And what aim can be more ideal, what progress more noble and worthy of attainment than the gradual disappearance from among the people of the earth of a recourse to brute force.

This is the aim of procedure by arbitration, and each new recourse to it brings us nearer that end, by furnishing another proof of the actual possibility of that which, even yesterday seemed but a dream.

Some years ago, by the peaceful authority of a decision which two proud and powerful nations had previously agreed to accept, the Arbitrators assembled at Geneva put a happy end to a dispute which it seemed at one time could only terminate in war.

The Geneva Arbitration was an epoch in international relations. It may be said to have revived the old law of nations, and opened to it a new era with a boundless prospect of beneficent consequences.

The two nations which submitted to the Geneva verdict, in spite of the sacrifices which at first it seemed to involve, have evidently not in the long run repented of their appeal to moral force, for to-day they renew that appeal by common consent, in analogous circumstances. It is true that the cause that is to be pleaded before us is not one which apparently would let loose the scourge of war; but, short of war, how many evils are caused to nations by lasting coldness and by the persistence of bitter sentiments. Like individuals, nations owe a duty to charity, and when yielding to pride they fail to obey the laws of Providence, they inflict upon themselves many sufferings.

If arbitrations had no other effect than to preserve them from this peril, they would be an incalculable blessing and service to the brotherhood of humanity.

Your presence in this room, Gentlemen, is the most eloquent evidence of the value which attaches to your expected decision.

England, from all time so rich in eminent jurists, America and Canada, who hand down in their turn, and in a new world, a tradition whose ancestral origin may, perhaps, be sought in our old Norman soil, have delegated men whose knowledge and rare penetration have been applied in the highest and most delicate functions in the magistracy or in the discussions of political assemblies whose prudence was renowned.

Beside them I see a politician, a wise heir of the illustrious Cavour, whose premature and voluntary retreat from European diplomacy has been the subject of deep regret.

Another of our colleagues from North Scandinavia, whose reputation has preceded him, has occupied one of the highest positions which could be conferred upon him by the just confidence of the Sovereign of two Twin Kingdoms, each equally jealous of its individuality.

At your bar, to represent the two great Powers who have confided their cause to you, appear politicians of the first order. One of them only lately guided the foreign relations of the great American Republic. They are assisted by Counsel accustomed to occupy the front rank, either at the bar, or in the government of their country, and whom the admiration of their countrymen on each side of the Atlantic hails as princes of eloquence.

It is an honour sufficient to dignify an entire life to be asked to sit with men like these, and the responsibility of presiding among them would be overwhelming if he whom his colleagues have charged with this duty could not count on their unvarying and indulgent support.

May Divine Providence, on whom depends all human action, give us the strength and inspire us with the wisdom necessary to fulfil our difficult mission, and thus to advance a stage nearer to the realization of the words of consolation and hope of Him who has said, "Blessed are the peacemakers, for they shall inherit the earth."

Gentlemen, I trust that I represent your wishes in proposing to you to break up our present meeting, in order to convey our respects to the President of the French Republic, together with an expression of our gratitude for the hospitality which we are receiving from France.

On the proposal of the President, M. A. Imbert, a Minister Plenipotentiary of France, was named Secretary to the Tribunal of Arbitration. Baron de Courcel then invited the English and American Arbitrators to name, for their respective nationalities, a Secretary to be associated with the Secretary of the Tribunal. It was agreed that this appointment should be made at the next meeting.

The Tribunal fixed the days and hours of its meetings.

In conformity with the stipulations of the Treaty of Washington of the 29th February, 1892, the Agents of the Governments of the United States and Great Britain laid before the Tribunal the printed Arguments of their respective Governments.

The Agent of the United States having intimated that, owing to an oversight in printing, there was an omission in the appendices of authorities cited in the Argument of the United States, he was authorized to present at a later date, as an appendix to the Argument, a supplement containing the citations omitted, with the reserve of the right, on the part of the British Government, to present a reply to the citations, should they deem it to be necessary.

The Agents of the respective Governments stated that they had agreed to arrange for taking shorthand reports of the daily proceedings.

It was announced that the proceedings were now public, and admission to the discussions would be upon the presentation of cards of admission to be issued by the Secretary of the Tribunal.

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The Tribunal of Arbitration adjourned till the 4th April next.
Done at Paris, the 23rd March, 1893, and signed :

The President	.. .. .	ALPH. DE COURCEL.
The Agent for the United States..	..	JOHN W. FOSTER.
The Agent for Great Britain	..	CHARLES H. TUPPER.
The Secretary	.. .. .	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, }
H. CUNYNGHAME, } *Co-Secretaries.*

No. 37.

Mr. Tupper to the Earl of Rosebery.—(Received April 20.)

My Lord,

Paris, April 18, 1893.

WITH reference to your Lordship's despatch of the 15th instant and previous correspondence, I have the honour to transmit to your Lordship a copy of a statement handed to me to-day by Mr. Foster, containing an explanation of his reasons for withdrawing from the arrangement for a joint shorthand report of the proceedings before the Tribunal.

Mr. Foster said that his motives in declining, on the part of the United States, to be a party to the arrangement any longer, had been misrepresented in the London press, and that he had therefore laid this statement before the Members of the Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 37.

Statement by Mr. Foster.

IN view of certain misleading statements in the London newspapers, the Agent of the United States desires to inform the Arbitrators of the reasons given by him to the British Agent for his action in withdrawing from the joint arrangement for a daily shorthand report of the proceedings of the Tribunal. Under date of the 10th instant, he informed the British Agent, in view of the experience then had, that the main object of the arrangement, namely, to lay before the Arbitrators the argument of Counsel early on the day following their delivery, had failed; that the Counsel of the United States had found the reports of the Arguments, as printed, so far from correct as to make them in great measure useless, and that the burden imposed on them of revision was an intolerable tax upon their time. The report of the first week's argument (April 4th to 7th) had not been revised and put into intelligible shape before the motion upon which they had been made had been definitely decided by the Tribunal; and they have not, in fact, up to this date been laid before the Tribunal.

As no change in the existing arrangements was proposed by the British Agent, the Agent and Counsel of the United States felt it their duty to withdraw therefrom. The question of expense did not enter into the consideration of the subject.

April 18, 1893.

No. 38.

Mr. Tupper to the Earl of Rosebery.—(Received April 21.)

My Lord,

Paris, April 20, 1893.

AT the meeting of yesterday, Mr. Carter continued his argument on the question of the alleged property interest of the United States in the fur-seals.

His remarks were in the main directed to an examination of the question as to what constitutes property, and what are the rights and responsibilities of those in whom the property is vested. He had not concluded this portion of his argument when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 39.

Mr. Tupper to the Earl of Rosebery.— (Received April 22.)

My Lord,

Paris, April 21, 1893.

AT yesterday's meeting, Mr. Carter continued his argument on the alleged property right of the United States in the fur-seals. He proceeded to apply the principles of property which he had enumerated on the previous day to the case of the seals, and for this purpose entered at some length into the question of their habits, their management by the United States on the islands, and their capture both on land and by pelagic sealing.

He criticised the Report of the British Commissioners at some length, and claimed that owing to its biassed character, the opinions expressed by them should be discarded by the Tribunal.

He had not concluded this portion of his argument when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 40.

Mr. Tupper to the Earl of Rosebery.—(Received May 1.)

My Lord,

Paris, April 24, 1893.

AT the meeting of the 21st instant, Mr. Carter continued his argument on the claim of the United States to property in the fur-seals.

He concluded the first head of this subject, which deals with the claim to property in the animals themselves, and then proceeded to argue that the United States had also a property interest in, and right of protection of, the industry carried on at the Seal Islands.

He had not finished his observations on this point when the Tribunal rose.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 41.

Mr. Tupper to the Earl of Rosebery.—(Received May 1.)

My Lord,

Paris, April 25, 1893.

I REGRET to inform your Lordship that, owing to an attack of influenza, Lord Hannen was unable to attend the Tribunal of Arbitration to-day.

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His Lordship's medical adviser is of opinion that he will be unable to resume his duties for some days.

It was therefore decided by the President, Baron de Courcel, that the Tribunal should adjourn until Tuesday, the 2nd May, by which date it is hoped that Lord Hannen will be sufficiently recovered to resume his attendance at the meetings.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 42.

Mr. Tupper to the Earl of Rosebery.—(Received May 3.)

My Lord, Paris, May 2, 1893.
I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 3, 4, and 5 of the proceedings before the Behring Sea Arbitration Tribunal.
I have, &c.
(Signed) CHARLES H. TUPPER.

Inclusion 1 in No. 42.

Protocole No. 3.—Séance du Mardi, 4 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 45, tous les Arbitres étant présents.
Le Président annonce que le Tribunal a décidé la nomination de M. A. Bailly-Blanchard et de M. Cunynghame, comme Secrétaires du Tribunal, conjointement avec M. A. Imbert.

Et également celle de M. le Chevalier Bajnotti, de M. Henri Feer, et de M. le Vicomte de Manneville, comme Secrétaires Adjointes.

Le Président annonce que le Tribunal est prêt à entendre toute motion que pourrait présenter l'une ou l'autre des parties.

Sir Charles Russell prend la parole et termine sa plaidoirie en présentant la motion suivante :—

"Que l'Agent des États-Unis soit invité à produire l'original ou une copie certifiée du Rapport fait par Henry W. Elliott au sujet des phoques à fourrure conformément à l'Acte du Congrès de 1890."

Sir Richard Webster parle dans le même sens.

L'Honorable E. J. Phelps réplique et présente la réponse suivante :—

"Le Gouvernement des États-Unis se refuse à admettre que le Gouvernement de Sa Majesté Britannique soit autorisé en droit, d'après les dispositions du Traité, à obtenir du Tribunal un ordre pour la production du document visé par la motion de *Sir Charles Russell*.

"Toutefois, le Gouvernement des États-Unis est disposé, en ce qui le concerne, à ne pas user du droit qu'il aurait d'élever cette objection et à fournir à l'Agent du Gouvernement de Sa Majesté une copie du document en question, à telles fins de preuve que le Tribunal jugera à propos d'autoriser.

"Néanmoins, cette façon de procéder n'implique pas, de la part du Gouvernement des États-Unis, l'acquiescement à ce qu'aucune des deux parties, à ce moment ou à toute autre époque de la procédure, ait le droit de présenter aucun autre moyen de preuve, quel qu'il soit, sur un sujet quelconque se rattachant à la controverse.

"Le même Gouvernement stipule en outre que, s'il est fait un usage quelconque du document auquel se rapporte cette motion, comme moyen de preuve, chacune des deux parties aura un droit égal à l'utiliser en tous les points qu'il contient."

Mr. Carter s'exprime ensuite dans le même sens.

Le Tribunal suspend alors sa séance.

À la reprise de la séance, *le Président* déclare ce qui suit :—

"Le Tribunal ordonne que le susdit document sera considéré comme étant devant le Tribunal pour qu'il en soit fait tel usage que le Tribunal jugera convenable.

L'Agent des États-Unis donne alors lecture des motions suivantes :—

"1. *L'Agent des États-Unis* désire appeler l'attention du Tribunal d'Arbitrage sur le fait que *l'Agent de Sa Majesté Britannique* a porté à sa connaissance, par une lettre en date du 25 Mars dernier, qu'il avait envoyé à chacun des membres du Tribunal des copies en duplicata d'un 'Rapport Supplémentaire des Commissaires Britanniques désignés pour faire une enquête sur les phoques de la Mer de Behring.'

"*L'Agent des États-Unis*, en raison de cette information, demande à l'honorable Tribunal que le document dont il s'agit ne soit pas pris en considération et qu'il soit retourné à *l'Agent de Sa Majesté*, par le motif qu'il est présenté à un moment et dans une forme que n'autorise pas le Traité.

"2. *L'Agent des États-Unis* demande à l'honorable Tribunal d'exclure de l'Arbitrage ce qui, dans la demande du Gouvernement de la Grande-Bretagne, a trait à la somme mentionnée à la page 315 du Contre-Mémoire du dit Gouvernement, comme ayant été dépensée pour frais occasionnés par la procédure devant la Cour Suprême des États-Unis;

"Et d'exclure aussi de l'Arbitrage la réclamation et requête du même Gouvernement qui figurent à la dite page 315, tendant à ce que les Arbitres établissent quelle prise ou quelles prises auraient pu être effectuées par les chasseurs péloziens dans la Mer de Behring sans inclure diminution du troupeau de phoques pendant la durée de cet Arbitrage;

"Et, de plus, d'exclure de l'Arbitrage la réclamation du même Gouvernement, mentionnée à ladite page 315, en vue d'être autorisé à établir les paiements faits par lui aux propriétaires Canadiens de bâtiments employés à la chasse des phoques;

"Et que toutes preuves ou tous témoignages ayant trait aux susdites réclamations ou questions, ou à l'une d'elles, soient rayés du Contre-Mémoire Britannique, et, en particulier, les preuves ou témoignages se trouvant aux pages 215 à 229 inclusivement du Tome II de l'Appendice audit Contre-Mémoire.

"Le fondement de la motion ou des motions qui précèdent est que les réclamations et questions susmentionnées sont, ensemble ou chacune d'elles en particulier, présentées pour la première fois dans le Contre-Mémoire du Gouvernement de la Grande-Bretagne et qu'aucune d'elles, ensemble ou en particulier, ne se rapporte, ni ne se réfère, par voie de réplique, soit au Mémoire des États-Unis, soit à quoi que ce soit qu'il contienne, si ce n'est en ce qu'elles tendent à soutenir des réclamations en dommages-intérêts présentées expressément dans le Mémoire original du Gouvernement de la Grande-Bretagne, et que, en tant qu'elles tombent sous cette définition, lesdites demandes sont irrégulières comme faisant double emploi."

Le Président ayant fait observer qu'il conviendrait d'examiner séparément les motions et de renvoyer à une période ultérieure de la procédure la discussion de la seconde motion présentée au nom des États-Unis,

L'Honorable E. J. Phelps développe devant le Tribunal les arguments à l'appui de la première motion, celle qui est relative au Rapport Supplémentaire des Commissaires Britanniques.

À 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 4 Avril, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 3.—Meeting of Tuesday, April 4, 1893.

At 11:45 the Tribunal assembled, all the Arbitrators being present.

The President announced that the Tribunal had decided to appoint Mr. A. Bailly-Blanchard and Mr. Cunynghame as co-Secretaries with M. Imbert.

Also, M. le Chevalier Bajnotti, M. Henri Feer, and M. le Vicomte de Mannville as Assistant Secretaries.

The President announced that the Tribunal was ready to hear any motion by either of the parties.

Sir Charles Russell then spoke, and at the close of his speech he submitted the following motion:—

"That the Agent of the United States be called upon to produce the original or a certified copy of the Report made by Henry W. Elliott on the subject of fur-seals pursuant to Act of Congress of 1890."

Sir Richard Webster supported the motion.

The Honourable E. J. Phelps replied and submitted the following answer to the motion:—

"The United States' Government denies that Her Britannic Majesty's Government is entitled, under the provisions of the Treaty, to any order by the Tribunal for the production of the document specified in the motion, as a matter of right.

"The United States' Government, however, is willing to waive (so far as it is concerned) its right of objection, and to furnish to the Agent of Her Majesty's Government a copy of the document referred to, for such use as evidence as the Tribunal may deem proper to allow.

Not conceding, however, in so doing, that either party at this or any subsequent stage of the proceedings has a right to introduce any further evidence whatever, upon any subject whatever, connected with the controversy.

"And further stipulating that if the document referred to in this motion shall be used in evidence at all, it shall be open to the use of both parties equally in all its points."

Mr. James C. Carter followed in support of the answer.

The Court adjourned for a short time.

On reassembling, the President said:

"The Tribunal directs that the above-named document be regarded as before the Tribunal to be made such use of as the Tribunal thinks fit."

The Agent for the United States then read the following motions:—

"1. The Agent of the United States desires to bring to the attention of the Tribunal of Arbitration the fact that he has been informed by the Agent of Her Britannic Majesty, in a note dated the 25th ultimo, that he has sent to each of the members of the Tribunal copies in duplicate of a 'Supplementary Report of the British Commissioners appointed to inquire into seal life in Behring Sea.'

"The Agent of the United States, in view of this information, moves this honourable Tribunal that the document referred to be dismissed from consideration and be returned to Her Majesty's Agent, on the ground that it is submitted at a time and in a manner not allowed by the Treaty.

"2. The Agent of the United States moves this honourable Tribunal to dismiss from the Arbitration so much of the demand of the Government of Great Britain as relates to the sum stated upon p. 315 of the Counter-Case of the said Government to have been incurred on account of expenses in connection with proceedings before the Supreme Court of the United States;

"And, also, to dismiss from the Arbitration the claim and request of the same Government, mentioned on said p. 315, that the Arbitrators find what catch or catches might have been taken by pelagic sealers in Behring Sea without undue diminution of the seal herd during the pendency of this Arbitration;

"And, further, to dismiss from the Arbitration the claim of the same Government, mentioned on the said p. 315, to show payments by it to the Canadian owners of sealing-vessels;

"And that all proofs or evidence relating to the foregoing claims or matters, or either of them, be stricken from the British Counter-Case, and in particular those found on pp. 215 to 229 inclusive, of Vol. ii of the Appendix to said Counter-Case.

"The ground of the foregoing motion or motions is that the claims and matters aforesaid are, and each of them is, presented for the first time in the Counter-Case of the Government of Great Britain, and that they are not, nor is either of them, pertinent or relevant by way of reply to the Case of the United States or to anything contained therein, except so far as the same may tend to support claims for damages distinctly made in the original Case of the Government of Great Britain, and that so far as they come under that head the matters are irregular as being cumulative only."

The President having remarked that the motions should be considered separately, and that the discussion upon the second motion brought forward by the United States, should be postponed to a subsequent period of the proceedings, the Honourable E. J.

Phelps addressed the Court in support of the first motion relative to the Supplementary Report of the British Commissioners.

At 4 P.M. the Tribunal adjourned to the next day, at 11:30.

Done at Paris, the 4th April, 1893, and signed :

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 2 in No. 42.

Protocole No. 4.—*Séance du Mercredi, 5 Avril, 1893.*

LE Tribunal s'est réuni à 11 heures 45, tous les membres étant présents.

L'Honorable E. J. Phelps continue et achève son argumentation de la veille.

Mr. James C. Carter déclare qu'il n'a aucune observation à ajouter.

Sir Charles Russell s'oppose à la motion en discussion, en se fondant sur les arguments suivants :—

“Que le Rapport Supplémentaire des Commissaires Britanniques, en date du 31 Janvier, 1893, n'est présenté qu'en ce qui concerne la question des Règlements, et que, d'après les dispositions du Traité d'Arbitrage du 20 Février, 1892, c'est avec raison qu'il est ainsi soumis au Tribunal, lequel aura à l'examiner à ce point de vue, au cas où il serait appelé à décider, en vertu de l'Article 7, la question de savoir s'il y a lieu de faire des Règlements communs, et, dans l'affirmative, quels devraient être ces Règlements.”

Le Tribunal suspend alors sa séance.

A la reprise, Sir Charles Russell continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain, à 11 heures 30.

Ainsi fait à Paris, le 5 Avril, 1893, et ont signé :

Le Président.	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 4.—*Meeting of Wednesday, April 5, 1893.*

At 11:45 A.M. the Tribunal assembled, all the Arbitrators being present.

The Honourable E. J. Phelps continued his speech of the previous day and concluded his argument.

Mr. James C. Carter announced that he had no additional remarks to offer.

Sir Charles Russell opposed the motion under discussion on the following grounds :—

“That the Supplementary Report of the British Commissioners, dated the 31st January, 1893, is presented solely with reference to the question of Regulations, and, under the provisions of the Treaty of Arbitration of the 20th February, 1892, is properly presented to the Tribunal, and so should be considered by them in the event of their being called upon to determine, pursuant to Article 7, what, if any, concurrent Regulations are necessary.”

The Tribunal adjourned for a short time.

On reassembling, Sir Charles Russell continued his argument.

At 4 p.m. the Tribunal adjourned to the next day at 11-30.

So done at Paris, the 5th April, 1893, and signed:

The President	.. .. .	ALPH. DE COURCEL.
The Agent for the United States	.. .. .	JOHN W. FOSTER.
The Agent for Great Britain	.. .. .	CHARLES H. TUPPER.
The Secretary	.. .. .	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, } Co-Secretaries.
H. CUNYNGHAME, }

Inclosure 3 in No. 42.

Protocole No. 5.—Séance du Jeudi, 6 Avril, 1893.

LE Tribunal s'est réuni à midi et demi, tous les Arbitres étant présents.

Sir Charles Russell reprend et achève son discours de la veille.

Sir Richard Webster déclare qu'il n'a rien à ajouter aux observations de *Sir Charles Russell*.

Mr. James C. Carter prend la parole pour soutenir la motion présentée au nom des États-Unis.

A 1 heure et demie le Tribunal suspend sa séance.

A la reprise, *Mr. James C. Carter* continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain, à 11 heures et demie.

Ainsi fait à Paris, le 6 Avril, 1893, et ont signé :

Le Président.. .. .	.. .. .	ALPH. DE COURCEL.
L'Agent des États-Unis	.. .. .	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. .. .	CHARLES H. TUPPER.
Le Secrétaire	.. .. .	A. IMBERT.

[English version.]

Protocol No. 5.—Meeting of Thursday, April 6, 1893.

THE Tribunal assembled at 11-30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his speech of the previous day and concluded his argument.

Sir Richard Webster said that he had nothing to add to *Sir Charles Russell's* remarks.

Mr. James C. Carter replied in support of the motion made on behalf of the United States.

At 1-30 the Tribunal adjourned for a short time.

On reassembling, *Mr. James C. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11-30 A.M.

Done at Paris, the 6th April, 1893, and signed:

The President	.. .. .	ALPH. DE COURCEL.
The Agent for the United States	.. .. .	JOHN W. FOSTER.
The Agent for Great Britain	.. .. .	CHARLES H. TUPPER.
The Secretary	.. .. .	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, } Co-Secretaries.
H. CUNYNGHAME, }

No. 43.

Mr. Tupper to the Earl of Rosebery.—(Received May 4.)

My Lord,

Paris, May 3, 1893.

AT the meeting of the Tribunal yesterday, Mr. Carter continued his argument, claiming for the United States the right to employ force upon the high seas for the defence of its property interest in the fur-seals and in the industry of the seal islands.

Having brought his observations on this point to a close, Mr. Carter proceeded to discuss the question of regulations.

This course was followed in accordance with an arrangement arrived at by the Counsel on both sides, whereby each party should be at liberty to present its arguments on the legal questions and regulations separately.

A discussion arose on this question, which your Lordship will find reported on pp. 525-528 of the shorthand notes.

Mr. Carter maintained that the regulations to be made by the Tribunal should not be confined to Behring Sea, but should extend outside that area wherever necessity required them.

The United States, he said, had no regulations to propose save one, namely, the total prohibition of the killing of all seals anywhere on the high seas. After a detailed criticism of the scheme of regulations proposed by the British Commissioners, Mr. Carter brought his long speech to a conclusion shortly before the hour of adjournment.

Mr. Coudert is to follow Mr. Carter on behalf of the United States at the next meeting.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 44.

Mr. Tupper to the Earl of Rosebery.—(Received May 5.)

My Lord,

Paris, May 4, 1893.

AT the meeting of yesterday, Mr. Coudert opened his speech, on behalf of the United States, which he said would be mainly devoted to a statement of the facts on which the argument of Mr. Carter depended. But before proceeding to a recital of these facts, he wished to add something to what had been stated by Mr. Carter in regard to the "self-defence" of the sealing industry.

His opening observations were therefore directed to this question, and he had not concluded this portion of his subject when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 45.

Mr. Tupper to the Earl of Rosebery.—(Received May 6.)

My Lord,

Paris, May 5, 1893.

AT the meeting of yesterday, Mr. Coudert continued his speech, and after some observations on the issues before the Tribunal proceeded to a detailed examination of the facts connected with seal life, which he had not concluded when the hour of adjournment arrived.

I have, &c.
(Signed) CHARLES H. TUPPER.

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Mr. Tupper to the Earl of Rosebery.—(Received May 8.)

My Lord,

Paris, May 6, 1893.

I HAVE the honour to transmit for your Lordship copies of the official Protocols Nos. 6, 7, 8, and 9 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclusure 1 in No. 46.

Protocole No. 6.—Séance du Vendredi, 7 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 40, tous les Arbitres étant présents.

L'Honorable E. J. Phelps appelle l'attention du Tribunal sur certaines erreurs dans le compte rendu sténographique.

Le Président fait observer que les seuls comptes rendus officiels garantis par l'autorité du Tribunal sont les Protocoles; la responsabilité des notes des sténographes incombe exclusivement aux Agents des deux Gouvernements.

Mr. James C. Carter reprend alors son argumentation pour les États-Unis.

Le Tribunal suspend sa séance à 1 heure 30.

A la reprise, *Mr. Carter* continue et achève sa plaidoirie.

Les Conseils des deux parties échangent alors, avec l'autorisation du Président, quelques explications complémentaires sur des points se rattachant aux plaidoiries qui viennent d'avoir lieu.

L'Honorable E. J. Phelps ayant demandé ensuite que l'on procédât à l'examen de la seconde motion, le Tribunal déclare qu'il fera connaître ses intentions à ce sujet dans la prochaine séance.

A 3 heures 50 la séance est levée et le Tribunal s'ajourne à Mardi pour une réunion privée, la séance publique étant remise au Mercredi, 12 Avril, 1893.

Ainsi fait à Paris, le 7 Avril, 1893, et ont signé:

Le Président.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire.	A. IMBERT.

[English version.]

Protocol No. 6.—Meeting of Friday, April 7, 1893.

THE Tribunal assembled at 11:40 A.M., all the Arbitrators being present.

The Honourable E. J. Phelps called the attention of the Tribunal to certain errors in the shorthand notes.

The President stated that the only official Minutes which were specially under the authority of the Tribunal were the Protocols; the responsibility of the shorthand notes rested exclusively with the Agents of the two Governments.

Mr. James C. Carter then continued his argument on behalf of the United States.

At 1:30 the Tribunal adjourned for a short time.

On reassembling, *Mr. Carter* continued and concluded his argument.

The Counsel on both sides then exchanged, with the sanction of the President, some supplementary explanations on points relevant to the arguments which had previously taken place.

The Honourable E. J. Phelps having afterwards applied to have the second motion considered, the Tribunal declared that it would announce its intentions on this subject at the next meeting.

At 3-50 P.M. the Tribunal adjourned to Tuesday for a private meeting, the public meeting being postponed to Wednesday, the 12th April, 1893.

Done at Paris, the 7th April, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 2 in No. 46.

Protocole No. 7.—Séance du Mercredi, 12 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 40, tous les Arbitres étant présents.

Le *Président* donne lecture d'une décision du Tribunal ayant trait au "Rapport Supplémentaire des Commissaires de la Grande-Bretagne dans la Mer de Behring," Rapport daté du 31 Janvier, 1893, et dont l'admissibilité a fait l'objet de la discussion qui a occupé les précédentes séances.

Les termes de cette décision sont les suivants :—

"Le Tribunal décide de ne pas recevoir, quant à présent, le document intitulé : 'Rapport Supplémentaire des Commissaires de la Grande-Bretagne dans la Mer de Behring,' daté du 31 Janvier, 1893, et signé de George Baden-Powell et George M. Dawson, lequel a été remis aux Arbitres individuellement par l'Agent de la Grande-Bretagne, le 25 Mars, 1893, et contient une critique des moyens de preuve produits dans les pièces et documents précédemment remis aux Arbitres, ou une argumentation portant sur lesdits moyens de preuve.

"Toute liberté demeure néanmoins réservée aux représentants de la partie intéressée de s'approprier ledit document, daté du 31 Janvier, 1893, pour l'incorporer à leurs plaidoiries, s'ils le jugent convenable.

"La question de l'admissibilité des pièces ou de quelques-unes d'entre elles formant annexes audit document du 31 Janvier, 1893, est réservée à un examen ultérieur, sans préjudice du droit pour les représentants des deux parties de discuter la question dont s'agit, ainsi que le contenu desdites annexes, au cours de leurs plaidoiries."

Le *Président* donne ensuite lecture d'une deuxième décision du Tribunal. Cette décision, qui se rapporte à la demande présentée par l'Honorable E. J. Phelps, à la fin de la précédente séance, relativement à l'examen de la seconde motion des États-Unis, est conçue en ces termes :—

"Le Tribunal décide qu'il différera, jusqu'à tel moment qui sera par lui ultérieurement indiqué, d'entendre plaider et de prendre en considération la motion présentée, le 4 Avril, 1893, par les États-Unis d'Amérique, tendant à la radiation de certains passages faisant partie du Contre-Mémoire et des moyens de preuve du Gouvernement de la Grande-Bretagne."

Le *Président* exprime le désir du Tribunal de ne pas s'attarder à des discussions de procédure et d'aborder le plus promptement possible le fond de la question.

Il invite, en conséquence, les Conseils à entrer immédiatement en matière.

Sir Charles Russell fait connaître l'ordre dans lequel il a été convenu que les Conseils présenteraient leur argumentation et ses indications sont confirmées par *Mr. James C. Carter*.

Le *Président* déclare que le Tribunal agréera la manière de procéder arrêtée entre les Conseils, mais il demande à ceux-ci de vouloir bien, autant que possible, dans leur argumentation, traiter séparément la discussion des points de droit et celle des Rucements éventuels à in tervenir.

Mr. James C. Carter, après avoir remercié la France de son accueil hospitalier, commence son plaidoyer pour les États-Unis.

Le Tribunal suspend sa séance à 1 heure 30.

A la reprise, *Mr. James C. Carter* continue son exposé.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain, à 11 heures 30.

Ainsi fait à Paris, le 12 Avril, 1893, et ont signé :

Le Président..	..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	..	..	CHARLES H. TUPPER.
Le Secrétaire	..	..	A. IMBERT.

[English version.]

Protocol No. 7.—Meeting of Wednesday, April 12, 1893.

THE Tribunal assembled at 11:40 A.M., all the Arbitrators being present.

The President then read the decision of the Tribunal with reference to the "Supplementary Report of the British Behring Sea Commissioners," dated the 31st January, 1893, the admissibility of which was the subject of the debates which took place at the previous meetings.

The terms of the decision are as follows:—

"It is ordered that the document entitled a 'Supplementary Report of the British Behring Sea Commissioners,' dated the 31st January, 1893, and signed by George Baden-Powell and George M. Dawson, and delivered to the individual Arbitrators by the Agent of Her Britannic Majesty on the 25th day of March, 1893, and which contains a criticism of, or argument upon, the evidence in the documents and papers previously delivered to the Arbitrators, be not now received, with liberty, however, reserved to Counsel to adopt such document, dated the 31st January, 1893, as part of their oral argument, if they deem proper.

"The question as to the admissibility of the documents, or any of them, constituting the Appendices attached to said document of the 31st January, 1893, is reserved for further consideration, without prejudice to the right of Counsel on either side to discuss that question, or the contents of the Appendices, in the course of the oral argument."

The President then read a second decision of the Tribunal. This decision which relates to the application of the Honourable E. J. Phelps, presented at the close of the preceding meeting, and having reference to the consideration of the second motion of the United States, is worded in these terms:—

"It is ordered that the Argument and consideration of the motion made by the United States of America on the 4th April, 1893, to strike out certain parts of the Counter-Case and proofs of the Government of Great Britain, be postponed until such time as may be hereafter indicated by the Tribunal."

The President then expressed the desire of the Tribunal not to spend time in discussions on procedure, but to enter as soon as possible upon the main question.

He accordingly invited the Counsel to address themselves immediately to the matter at issue.

Sir Charles Russell indicated the order in which it had been agreed the Counsel would present their arguments, and his statement was confirmed by Mr. James C. Carter.

The President declared that the Tribunal would approve of the mode of proceeding agreed upon by the Counsel, but he requested them to be kind enough, as far as possible, in the arrangement of their arguments, to keep separate the discussion on the matters relating to right, and those relating to the Regulations which might eventually be proposed.

Mr. James C. Carter, after thanking France for her hospitable reception, began his argument in behalf of the United States.

At 1:30 the Tribunal adjourned for a short time.

On reassembling Mr. James C. Carter continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30

Done at Paris, the 12th April, 1893, and signed:

The President	..	..	ALPH. DE COURCEL.
The Agent for the United States	..	..	JOHN W. FOSTER.
The Agent for Great Britain	..	..	CHARLES H. TUPPER.
The Secretary	..	..	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, } Co-Secretaries.
H. CUNYNGHAME, }

Inclosure 3 in No. 46.

Protocole No. 8.—Séance du Jeudi, 13 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 40, tous les Arbitres étant présents.

Mr. James C. Carter reprend son argumentation.

A 1 heure 30 la séance est suspendue.

A la reprise, *Mr. James C. Carter* continue sa plaidoirie.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 13 Avril, 1893, et ont signé :

Le Président.	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 8.—Meeting of Thursday, April, 13, 1893.

THE Tribunal assembled at 11:40 A.M., all the Arbitrators being present.

Mr. James C. Carter resumed his argument.

At 1:30 the Tribunal adjourned for a short time.

On reassembling, *Mr. James C. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 13th April, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States.	JOHN W. FOSTER.
The Agent for Great Britain	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, } Co-Secretaries.
H. CUNYNGHAME, }

Inclosure 4 in No. 46.

Protocole No. 9.—Séance du Vendredi, 14 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 40, tous les Arbitres étant présents.

Mr. James C. Carter reprend son argumentation.

Le Tribunal suspend sa séance à 1 heure.

A la reprise, *Mr. James C. Carter* continue sa plaidoirie.

La séance est levée à 4 heures et le Tribunal s'ajourne au Mardi, 18 Avril, à 11 heures 30.

Ainsi fait à Paris, le 14 Avril, 1893, et ont signé :

Le Président.	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 9.—Meeting of Friday, April 14, 1893.

THE Tribunal assembled at 11:40 A.M., all the Arbitrators being present.

Mr. James C. Carter resumed his argument.

At 1 o'clock the Tribunal adjourned for a short time.

On reassembling, *Mr. James C. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned to Tuesday, the 18th April, at 11:30 A.M.
Done at Paris, the 14th April, 1893, and signed :

The President ALPH. DE COURCEL.
The Agent for the United States . . . JOHN W. FOSTER.
The Agent for Great Britain . . . CHARLES H. TUPPER.
The Secretary A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, } Co-Secretaries.
H. CUNYNGHAME, }

No. 47.

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

My Lord,

Paris, May 8, 1893.

I HAVE the honour to transmit herewith to your Lordship copies of the Report for 1890,* on the condition of the fur-seal fisheries on the Pribyloff Islands, by Mr. Henry W. Elliott.

Your Lordship will remember that this Report was produced by the United States' Government on the application made by the British Counsel at the meeting of the Tribunal on the 23rd March. The conditions under which it was presented by the United States are set out on pp. 36 and 37, Part I, of the shorthand notes.

The document was furnished in the form of a type-written copy, and some delay has necessarily taken place in having it printed.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 48.

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

My Lord,

Paris, May 8, 1893.

ON the 5th instant, Mr. Coudert continued his observations on the causes of the decrease in the number of seals resorting to the Pribyloff Islands, urging that the facts conclusively proved this decrease to be due to pelagic sealing, and that it was in no way attributable to the method of taking the seals on the breeding islands.

Mr. Coudert expects to finish his argument at the next meeting of the Tribunal.

I have, &c.
(Signed) CHARLES TUPPER.

No. 49.

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

My Lord,

Paris, May 10, 1893.

AT the meeting of yesterday, Mr. Coudert continued his argument against pelagic sealing, and, after a short reference to the question of damages, concluded his speech shortly before the hour of adjournment.

Sir Charles Russell will open the argument on behalf of Great Britain at the meeting of to-day.

I have, &c.
(In the absence of Mr. Tupper),
(Signed) R. P. MAXWELL.

* Copies of this Report will be deposited in the Library of each House of Parliament.

No. 50.

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

My Lord,

Paris, May 11, 1893.

AT the meeting of yesterday, the Attorney-General opened the argument for Great Britain with a summary of the position taken up by Her Majesty's Government.

He called attention to the various changes of front on the part of the United States which had taken place since the beginning of the diplomatic correspondence and to the novel propositions of law propounded by the United States' Counsel.

Sir Charles then proceeded to deal generally with the arguments in the speeches of Mr. Carter and Mr. Conder, more especially with the attacks made upon the British Commissioners and upon pelagic sealing.

He had not concluded his preliminary statement when the Tribunal rose.

Sir Charles' opening speech was listened to with great interest by the largest audience of the public which has been present since the commencement of the sittings.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 51.

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

My Lord,

Paris, May 11, 1893.

I HAVE the honour to transmit to your Lordship, herewith, copies of the official Protocols of the Behring Sea Arbitration Tribunal, Nos. 10, 11, 12, 13, and 14.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 51.

Protocole No. 10.—Séance du Mardi, 18 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Le Président, à l'ouverture de la séance, se référant à quelques paroles qu'il avait prononcées à la fin de la séance précédente, déclare que si, dans le cours des plaidoiries, les Arbitres sont amenés à présenter des observations ou à adresser des questions aux Conseils, ces observations ou ces questions ne doivent pas être considérées comme exprimant une opinion de la part de l'Arbitre qui les formule, et encore moins comme engageant le pays auquel il appartient. Elles sont simplement, pour le Tribunal, un moyen d'obtenir, des représentants des parties, un éclaircissement plus complet des points en discussion.

Sur l'invitation du Président, Mr. James C. Carter continue alors son plaidoyer.

La séance est suspendue à 1 heure 30.

A la reprise, Mr. Carter reprend son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain, à 11 heures 30.

Ainsi fait à Paris, le 18 Avril, 1893, et ont signé :

Le Président..	..	..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	..	..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	..	..	..	CHARLES H. TUPPER.
Le Secrétaire..	..	..	..	A. IMBERT.

[English version.]

Protocol No. 10.—Meeting of Tuesday, April 18, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The President, at the opening of the meeting, referring to a few remarks which he had made at the end of the preceding sitting, announced that, if in the course of the arguments, the Arbitrators were lead to make observations or to address questions to Counsel, these observations or questions must not be considered as expressing any opinion on the part of the Arbitrator who makes them, and still less as binding the country to which he belongs. They are simply, so far as the Tribunal is concerned, the means of obtaining from the representatives of the parties a more complete elucidation of the points under discussion.

Upon the invitation of the President, *Mr. James C. Carter* then continued his argument.

At 1:30 P.M. the Tribunal took a recess.

On the reassembling of the Tribunal, *Mr. Carter* resumed his argument.

At 4 P.M. the Tribunal adjourned to the next day, at 11:30 A.M.

Done at Paris, the 18th April, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 2 in No. 51.

Protocole No. 11.—Séance du Mercredi, 19 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. James C. Carter reprend son argumentation.

La séance est suspendue à 1 heures 30.

A la reprise, *Mr. Carter* continue sa plaidoirie.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 19 Avril, 1893, et ont signé:

Le Président.	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 11.—Meeting of Wednesday, April 19, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Mr. James C. Carter resumed his argument.

At 1:30 the Tribunal took a recess.

On the reassembling, *Mr. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned till the next day, at 11:30 A.M.

Done at Paris, the 19th April, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 3 in No. 51.

Protocole No. 12.—Séance du Jeudi, 20 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Agent des États-Unis fait remettre au Tribunal un recueil de "Citations empruntées à des ouvrages de Jurisconsultes et d'Economistes comme Appendices à l'Argument des États-Unis."

Mr. James C. Carter reprend son argumentation de la veille.

La séance est suspendue à 1 heure 30.

A la reprise, Mr. Carter continue son plaidoyer.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 20 Avril, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 12.—Meeting of Thursday, April 20, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Agent for the United States caused to be delivered to the Tribunal a collection of "Citations from the writings of Jurists and Economists as an Appendix to the Argument of the United States."

Mr. James C. Carter resumed his argument of the preceding day.

At 1:30 the Tribunal took a recess.

On reassembling Mr. Carter continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 20th April, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States	JOHN W. FOSTER.
The Agent for Great Britain	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. AILLY-BLANCHARD, } Co-Secretaries.
H. CUNYNGHAME.

Inclosure 4 in No. 51.

Protocole No. 13.—Séance du Vendredi, 21 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. James C. Carter reprend sa plaidoirie.

A 1 heure 30 la séance est suspendue.

A la reprise M. Carter continue son argumentation.

La séance est levée à 4 heures.

Le Tribunal s'ajourne au Mardi, 25 Avril, à 11 heures 30.

Ainsi fait à Paris, le 21 Avril, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 13.—Meeting of Friday, April 21, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Mr. James C. Carter resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling *Mr. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned till Tuesday, the 25th April, at 11:30 A.M.

Done at Paris, the 21st April, 1893, and signed:

The President	.. ..	..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	..	CHARLES H. TUPPER.
The Secretary	.. ..	..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 5 in No. 51.

Protocole No. 14.—Séance du Mardi, 25 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents, à l'exception de Lord Hannen, retenu chez lui pour cause de maladie.

Sir Richard Webster se lève pour déclarer que toute décision du Tribunal en vue d'une suspension de ses travaux, pendant le temps nécessaire pour assurer le complet rétablissement de Lord Hannen, serait conforme aux désirs des Conseils du Gouvernement Britannique.

L'Honorable E. J. Phelps s'exprime dans le même sens, au nom des Conseils du Gouvernement des États-Unis.

Le Président fait alors connaître que le Tribunal a décidé de s'ajourner jusqu'au Mardi, 2 Mai, à 11 heures 30.

Ainsi fait à Paris, le 25 Avril, 1893, et ont signé :

Le Président	.. ..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	..	A. IMBERT.

[English version.]

Protocol No. 14.—Meeting of Tuesday, April 25, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present with the exception of Lord Hannen, confined to his house by illness.

Sir Richard Webster rose and stated that any decision of the Tribunal as to a suspension of its labours during the time necessary to insure the complete recovery of Lord Hannen, would be in accordance with the wishes of the Counsel of the British Government.

The Honourable E. J. Phelps expressed himself to the same effect in the name of the Counsel of the Government of the United States.

The President then announced that the Tribunal had decided to adjourn until Tuesday, the 2nd May, at 11:30 A.M.

Done at Paris, the 25th April, 1893, and signed:

The President	.. ..	..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	..	CHARLES H. TUPPER.
The Secretary	.. ..	..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

No. 52.

Mr. Tupper to the Earl of Rosebery.—(Received May 17.)

My Lord,

Paris, May 15, 1893.

ON the 11th instant the Attorney-General, after a further comment on the references made by the United States to the Report of the British Commissioners, discussed at some length the history of the seizures of British vessels in Behring Sea by the United States' Government, the grounds on which the vessels had been condemned, and the consequent liability of the United States in the event of the Arbitrators deciding that the seizures were not justifiable.

The Argument was continued on the following day, special reference being made to the Revised Statutes of the United States dealing with the territory of Alaska, and to the proceedings in the United States' District Court at Sitka in the case of the schooner "Thornton."

Sir Charles Russell went on to show that in the Case presented on behalf of the United States, great stress had been laid upon the jurisdiction over the waters of Behring Sea alleged to have been exercised by Russia for the protection of the seal fisheries, and that it was not until the delivery of the Counter-Case and Argument that this portion of the Case was declared to be of minor importance.

The Attorney-General further pointed out that now that the part of the United States' Case containing the erroneous translations of the Russian documents had been withdrawn no proof remained of any exercise of these rights of jurisdiction by Russia.

The Argument on this question had not concluded when the Tribunal adjourned.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 53.

Mr. Tupper to the Earl of Rosebery.—(Received May 26.)

My Lord,

Paris, May 23, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 15 to 18 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 53.

Protocole No. 15.—Séance du Mardi, 2 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. James C. Carter reprend et achève son argumentation sur les points de droit. Au moment où il passe à l'examen de la question des Règlements, Sir Charles Russell fait observer que les Conseils de la Grande-Bretagne sépareront absolument dans la discussion les questions de droit de celles qui concernent la réglementation.

Le Président rappelle que le Tribunal a décidé, sans préjuger aucune question de droit, de laisser aux Conseils des deux parties, qui se sont mis d'accord à ce sujet, liberté entière de disposer leurs plaidoiries de la façon qui leur convenait, tout en traitant autant que possible séparément les questions de droit et celle des Règlements, et prend acte de ce que les deux parties ont décidé de déférer à cette demande.

La séance est suspendue à 1 heure 30.

A la reprise, Mr. Carter achève sa plaidoirie.

A 3 heures 30, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 2 Mai, 1893, et ont signé :

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN. W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocole No. 15.—Meeting of Tuesday, May 2, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Mr. James C. Carter resumed and concluded his argument on the matters relating to right. As he was proceeding to deal with the question of Regulations, *Sir Charles Russell* observed that the Counsel of Great Britain would in the discussion keep absolutely separate matters relating to right, and those relating to Regulations.

The President recalled the fact that the Tribunal had decided, without prejudging the question of right, to give to Counsel on each side, who had agreed upon this point, full liberty to arrange their arguments in such manner as they thought most convenient, but always, as far as possible, so as to keep the questions of right distinct from the Regulations, and added that the Tribunal took note that both parties had decided to defer to this desire.

At 1:30 the Tribunal took a recess.

On reassembling *Mr. Carter* finished his argument.

At 3:30 P.M. the Tribunal adjourned till the next day at 11:30 A.M.

Done at Paris, the 2nd May, 1893, and signed :

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 2 in No. 53.

Protocole No. 16.—Séance du Mercredi, 3 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable John W. Foster annonce qu'il sera très prochainement en mesure de faire distribuer aux membres du Tribunal le compte rendu sténographique, revu et corrigé, de l'argumentation qu'a terminée la veille *Mr. James C. Carter*.

Sur l'invitation du Président, *Mr. Frederick R. Coudert* commence alors sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *Mr. Coudert* continue son argumentation.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 3, Mai, 1893, et ont signé :

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocole No. 16.—Meeting of Wednesday, May 3, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable John W. Foster announced that in a very short time he expected to be able to deliver to the members of the Tribunal, a shorthand report revised and corrected, of *Mr. James C. Carter's* argument as concluded the previous day.

Upon the invitation of the President, *Mr. Frederick R. Coudert* then began his argument.

At 1:30 the Tribunal took a recess.

On reassembling *Mr. Coudert* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.
Done at Paris, the 3rd May, 1893, and signed:

The President	.. ..	..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	..	CHARLES H. TUPPER.
The Secretary	.. ..	..	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, } Co-Secretaries.
H. CUNYNGHAME,

Inclosure 3 in No. 53.

Protocole No. 17.—*Séance du Jeudi, 4 Mai, 1893.*

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. Frederick R. Coudert reprend sa plaidoirie de la veille.

La séance est suspendue à 1 heure 30.

A la reprise, Mr. Coudert continue son argumentation.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 4 Mai, 1893, et ont signé:

Le Président	.. ..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	..	A. IMBERT.

[English version.]

Protocole No. 17.—*Meeting of Thursday, May 4, 1893.*

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Mr. Frederick R. Coudert resumed his argument of the preceding day.

At 1:30 the Tribunal took a recess.

On reassembling Mr. Coudert continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 4th May, 1893, and signed:

The President	.. ..	..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	..	CHARLES H. TUPPER.
The Secretary	.. ..	..	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, } Co-Secretaries.
H. CUNYNGHAME,

Inclosure 4 in No. 53.

Protocole No. 18.—*Séance du Vendredi, 5 Mai, 1893.*

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. Frederick R. Coudert reprend son argumentation.

A 1 heure 30 la séance est suspendue.

A la reprise, Mr. Coudert continue sa plaidoirie.

A 4 heures, la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 8 Mai, à 11 heures 30.

Ainsi fait à Paris, le 5 Mai, 1893, et ont signé:

Le Président	.. ..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	..	A. IMBERT.

[English version.]

Protocole No. 18.—Meeting of Friday, May 5, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Mr. Frederick R. Coudert resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling *Mr. Coudert* continued his argument.

At 4 P.M. the Tribunal adjourned until Tuesday, the 9th May, at 11:30 A.M.

Done at Paris, the 5th May, 1893, and signed:

The President	.. ..	..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	..	CHARLES H. TUPPER.
The Secretary	.. ..	..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} <i>Co-Secretaries.</i>
	H. CUNYNGHAME,	

No. 54.

Mr. Tupper to the Earl of Rosebery.—(Received May 26.)

My Lord,

Paris, May 24, 1893.

AT the meeting of yesterday, Sir Charles Russell continued his argument on the 5th question of Article VI of the Treaty.

He contended that this question might be interpreted as referring to an exclusive right to take fur-seals in Behring Sea, but assumed for the purpose of argument that the wider meaning attached to it by the United States was correct. This interpretation is, as your Lordship is aware, the assertion of a right of property in the seal-herd, and the sealing industry.

Sir Charles proceeded to reply generally to Mr. Carter's arguments on this head, and entered into the questions of the alleged domestic character of the seals, the intermingling of the so-called herds, the length of their stay on the islands, and the possibility of identification.

He then commenced an examination of the propositions of law put forward by Mr. Carter in this connection, and had not concluded this portion of his subject when the Tribunal rose.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 55.

Mr. Tupper to the Earl of Rosebery.—(Received May 26.)

My Lord,

Paris, May 25, 1893.

AT the meeting of yesterday, Sir Charles Russell proceeded with his examinations of the legal propositions put forward by Mr. Carter, and dealt with the various authorities cited in the printed Argument of the United States, which, he argued, entirely supported the British contention with regard to the question of property in the fur-seals.

He supplemented these authorities by citing those quoted in the British Counter-Case and Argument, and, after alluding to the French laws on the subject of property in animals, concluded his observations for the day with an explanation of the bearings of natural and moral law on the principles of international jurisprudence.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 56.

Mr. Tupper to the Earl of Rosebery.—(Received May 27.)

My Lord,

Paris, May 26, 1893.

AT the meeting of yesterday, Sir Charles Russell, after briefly supplementing his remarks of the preceding day, proceeded to a detailed examination of the printed argument by Mr. Phelps, which appears on pp. 130-179 of the Argument of the United States. Your Lordship will remember that the subject dealt with therein is the claim of the United States to an interest, an industry, and a commerce in the produce of the seal-herd and to a right of protecting the same, irrespective of any distinct right of property in the seals.

Sir Charles had not concluded his criticism on Mr. Phelps' argument when the Tribunal rose for the day.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 57.

The Earl of Rosebery to Mr. Tupper.

(Telegraphic.)

Foreign Office, May 29, 1893.

IN view of what has passed in the arguments before the Tribunal respecting the effect of the *modus vivendi* of last year, I think it must be left entirely to your discretion to decide, in consultation with Counsel, whether any claim for compensation under Article V of the Treaty of the 18th April, 1892, shall be pressed on behalf of Her Majesty's Government.

No. 58.

Mr. Tupper to the Earl of Rosebery.—(Received May 31.)

My Lord,

Paris, May 30, 1893.

AT the meeting of the Tribunal on the 26th instant, Sir Charles Russell continued his examination of the illustrations and cases cited by Mr. Phelps in the printed Argument of the United States, and was dealing with the analogies sought to be drawn from legislation in British Colonies and various foreign countries in regard to seal fisheries, when the Tribunal adjourned for the day.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 59.

The Earl of Rosebery to Mr. Tupper.

(Telegraphic.)

Foreign Office, May 31, 1893.

YOU may authorize Counsel to state to the Tribunal that an arrangement has been concluded with the Russian Government for the prohibition of sealing within a zone of 10 miles from the Russian coasts in Behring Sea and other parts of the North Pacific Ocean, and of 30 miles round the Commander Islands and Robben Island; this arrangement to be a provisional one for the present year, and without prejudice to the rights or position of either Power. The correspondence will be laid before Parliament forthwith. It may also be stated that, although no official reply has been received on the subject of the seizures made by Russian cruisers last year, it is understood that these are justified on the ground that the vessels were seized for acts just committed in Russian territorial waters.

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Sir,

Foreign Office, May 31, 1893.

I AM directed by the Earl of Rosebery to forward, for the information of the Marquis of Ripon, a paraphrase of a telegram* which has been addressed to the British Agent for the Behring Sea Arbitration in regard to the possible claim of Her Majesty's Government for compensation under Article V of the Treaty of Washington of the 18th April, 1892.

That Article provides that if the decision of the Arbitrators should affirm the right of British sealers to take seals in Behring Sea within the bounds claimed by the United States, then compensation should be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the Arbitration upon the basis of such a regulated and limited catch or catches as, in the opinion of the Arbitrators, might have been taken without an undue limitation of the seal herds. Further, the amount awarded, if any, shall be such as under all the circumstances is just and equitable.

As a matter of fact, however, it has been found that while the United States, under the *modus vivendi* of last year, were restricted to a catch of 7,500, the pelagic catch, although the sealing vessels kept outside the prohibited limits, was larger than in previous years. This fact has been strongly brought forward by the United States' Counsel before the Tribunal.

It is not probable that, under such circumstances, the Arbitrators would consider that the British sealers were, under any circumstances, entitled to compensation for a loss of catch during 1892, and it is possible that the British Case might be prejudiced by the claim being urged.

This view of the case was represented by Sir R. Webster, who was in England for two days on the 29th and 30th instant, and Lord Rosebery thought it was better at once to inform Mr. Tupper that the question whether the claim should be advanced must be left to his discretion in consultation with the British Counsel.

His Lordship has no doubt that Lord Ripon will concur in that view.

I am, &c.

(Signed) T. H. SANDERSON.

No. 61.

Mr. Tupper to the Earl of Rosebery.—(Received June 1.)

My Lord,

Paris, May 31, 1893.

AT the meeting of yesterday, Sir Charles Russell proceeded with his examination of the analogies sought to be drawn by the United States from colonial and foreign regulations in regard to seal fisheries. He then dealt with the United States' contentions that not only seal fisheries but also other fisheries, more especially those of pearl, coral, and herring, are protected by extra-territorial laws of other nations. He passed on to the consideration of the St. Helena Act, and certain cases quoted by the United States bearing on extra-territorial jurisdiction, and had just concluded this portion of his argument when the Tribunal adjourned. Sir Charles expects to finish his speech this morning.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 62.

Mr. Tupper to the Earl of Rosebery.—(Received June 2.)

My Lord,

Paris, June 1, 1893.

AT the meeting of yesterday, Sir Charles Russell, having concluded his examination of the various authorities cited by the United States, proceeded to sum up the various points in his argument, and to lay before the Tribunal the findings which he asked for in regard to the questions of fact involved in the claim for damages put forward in the British Case.

He stated that Great Britain would not ask from the Tribunal any finding for damages under Article 5 of the *modus vivendi* of 1802, and Mr. Phelps admitted that the United States had on their side abandoned any claims under this head.

Sir Charles then re-stated to the Tribunal the replies which Great Britain contends should be given to the five questions of Article VI of the Treaty, as set forth at pp. 26 and 63 of the British Argument, and after explaining that his argument had been only directed to the question of legal right, as distinct from regulations, concluded his speech with an eloquent appeal to the Tribunal for an award in conformity with the principles of law which would be a victory for peace.

Sir Charles, whose concluding words were listened to with deep interest by a large audience, was thanked by the President for the vigour and incisiveness of his argument.

Sir Richard Webster then opened his speech, and addressed himself to an examination of the first four questions of Article VI of the Treaty, which he had not concluded when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 63.

Mr. Tupper to the Earl of Rosebery.—(Received June 3.)

My Lord,

Paris, June 2, 1893.

AT the meeting of yesterday, Sir Richard Webster continued his argument with regard to the first four questions under Article VI of the Treaty, and dissented the interpretation of the expressions "North-west Coast of America" and "Pacific Ocean," as illustrating the Treaties of 1824 and 1825 between Russia and the United States and Russia and Great Britain respectively.

Sir Richard had substantially concluded this part of his argument when the Tribunal adjourned for the day.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 64.

Mr. Tupper to the Earl of Rosebery.—(Received June 5.)

My Lord,

Paris, June 3, 1893.

WITH reference to my despatch of the 18th April, I have the honour to transmit to your Lordship copies of further correspondence which I have had with General Foster respecting the shorthand notes of the proceedings before the Tribunal of Arbitration.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 64.

Mr. Tupper to Mr. Foster.

Dear Mr. Foster,

Paris, May 16, 1893.

HAVING reference to your recent request for copies of the daily report of Sir Charles Russell's argument, as well as of the revised proof of it, when ready, it occurs to me that the experience gained by us both since the date of our correspondence on the subject of the shorthand notes, may enable us to resume the arrangement originally contemplated, whereby the expense of the work would fall equally upon the United States and Great Britain. If this is possible, I shall of course be happy to supply you with complete copies of all the shorthand notes, and will see that they are regularly supplied in future.

I laid upon your desk to-day three copies of the printed Report of Mr. Elliott. Mr. Stanley-Brown has also asked for and received a copy, and Mr. Williams, one of the Counsel for the United States, has expressed a desire for further copies.

I take it that the printing in the case of Mr. Elliott's Report may be fairly

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considered a joint charge, and if you agree I shall be glad to supply you with copies equal in number to those received by us.

You were good enough to supply us with copies of Mr. Carter's argument as revised by him.

Of course, if we recur to the shorthanding as a joint charge, we shall be happy to bear half of the expense of the taking and printing of Mr. Carter's argument.

If, however, you do not feel inclined to bear half of the cost of the printing with us, I will send you copies of the Report of Sir Charles Russell's argument when revised.

Yours, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 2 in No. 64.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper,

Paris, May 17, 1893.

ACKNOWLEDGING the receipt of your letter of the 16th instant, I beg to remind you that you have misapprehended the purport of my conversation to which you refer. Its object was to ascertain what further number of copies of Mr. Carter's argument you desired, and I incidentally inquired whether you would deliver to us Sir Charles Russell's argument by means of the daily reports or in the revised form. I expressly disavowed making any request on the subject.

I regret to have to say, in response to your suggestion, that the events since our last correspondence on the subject have not led to any change of view on the part of the Representatives of the United States as to the practicability of the daily shorthand reports. Our Counsel regard them in the manner reproduced in the morning after each session, so far as they are concerned, as entirely unsatisfactory, and as not serving any useful purpose.

I am sorry not to be able to concur in your proposition respecting the printing and distribution of the Elliott Report. The United States does not propose to make it evidence in its behalf. It has been printed by the British Government without the knowledge or approval of the Representatives of the United States. If it is introduced as evidence by the British Government, and thereby made a part of its Case, it would seem to be a fair claim on the part of the United States to be supplied with the same number of copies of it as have been heretofore furnished of the other printed documentary evidence accompanying the Case and Counter-Case of Great Britain.

I hold myself ready to furnish you with such additional number of copies of Mr. Carter's argument as you may desire.

I am, &c.
(Signed) JOHN W. FOSTER.

No. 65.

Mr. Tupper to the Earl of Rosebery.—(Received June 5.)

My Lord,

Paris, June 3, 1893.

I HAVE the honour to inclose, for your Lordship's information, copies of a letter which, with the approval of Counsel, I addressed to Mr. Foster, and of his reply with regard to the question of the ownership of sealing vessels engaged in the Behring Sea fishery

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 65.

Mr. Tupper to Mr. Foster.

Dear Mr. Foster,

Paris, May 26, 1893.

REFERRING to the suggestion advanced on p. 130 of the United States' Counter-Case that some of the vessels for the seizure of which damages are claimed by Her Majesty's Government, were owned by citizens of the United States, and to the promise made to the Tribunal by the Attorney-General on the 11th May, that, if

possible, the Arbitrators should not be troubled with the consideration of the subject, I now write to inquire whether we can agree upon the facts in dispute in order that the Attorney-General's suggestion should be made effective.

As regards Mr. Franks, I have not as yet complete evidence.

As regards Mr. Boscowitz, this gentleman denies that he is the owner of the vessels, and further denies that he is an American citizen. And as at present advised, I shall have to ask the Tribunal so to hold, unless of course it is possible, as I hope it may be, for me to come to an arrangement with you upon this matter.

Your suggestion being first made in your Counter-Case, it was not possible to produce in Court evidence on the point in the ordinary way, but Mr. Boscowitz happens at the present moment to be in Paris, and I would suggest that a fair way of eliciting the actual facts would be, that we should examine, and that you should cross-examine, Mr. Boscowitz in the presence of a shorthand writer. His evidence might then be laid before the Arbitrators as material for a decision if this should be thought necessary by either side.

I am, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 2 in No. 65.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper,

Paris, May 27, 1893.

I HAVE the honour to acknowledge the receipt of your communication of the 26th instant, in which you inform me that a Mr. Boscowitz "happens at the present moment to be in Paris," and, in view of certain proofs adduced in behalf of the United States respecting him, you suggest that he be examined and cross-examined here for the purpose of submitting his evidence to the Arbitrators as material for a decision on their part.

An examination of the Treaty under which the pending Arbitration is constituted must satisfy you that I have no power or authority to accede to your request. The manner in which evidence is to be submitted to the Arbitrators is precisely fixed by the terms of the Treaty, and no opportunity or method for such submission is therein afforded to either party except through its respective Case and Counter-Case.

Besides, it would hardly seem reasonable to allow one party, after the Case, Counter-Case, and printed Argument had been submitted and while the oral argument was in progress and near its close, to examine an important witness on its behalf, when the witnesses of the other party, whose testimony might be material to refute his statements, were 6,000 miles away, and who could not be reached in time to submit their testimony to the Tribunal.

Referring to your inquiry as to whether we can agree upon the facts in dispute in order that the suggestion of Sir Charles Russell might be made effective, I have pleasure in saying that I am prepared to concur with you in any statement of facts proper to be considered by the Tribunal and warranted by the evidence now legitimately before that Body.

In closing I beg to remind you that the suggestion ". . . that some of the vessels for the seizure of which damages were claimed by Her Majesty's Government were owned by citizens of the United States," was not for the first time advanced by the United States in the Counter-Case, as will be seen by reference to the Case of the United States, Appendix, vol. II, p. 305.

I am, &c.

(Signed) JOHN W. FOSTER.

No. 66.

Mr. Tupper to the Earl of Rosebery.—(Received June 5.)

My Lord,

Paris, June 3, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 19 to 23 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 66.

Protocole No. 19.—Séance du Mardi, 9 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. Frederick R. Coudert reprend son argumentation.

A 1 heure 30 la séance est suspendue.

A la reprise, *Mr. Coudert* achève sa plaidoirie.

L'Honorable Edward J. Phelps se lève pour annoncer au Tribunal, avant que les Conseils de la Grande-Bretagne commencent leur argumentation, que, dans sa réplique, il s'appuiera sur toutes les citations et propositions contenues dans l'Argument des États-Unis, de la page 130 à la page 190.

Le Président donne acte à *l'Honorable Edward J. Phelps* de cette déclaration.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 9 Mai, 1893, et ont signé :

<i>Le Président</i>	ALPH. DE COURCEL.
<i>L'Agent des États-Unis</i>	JOHN W. FOSTER.
<i>L'Agent de la Grande-Bretagne</i>	CHARLES H. TUPPER.
<i>Le Secrétaire</i>	A. IMBERT.

[English Version.]

Protocol No. 19.—Meeting of Tuesday, May 9, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Mr. Frederick R. Coudert resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Mr. Coudert* concluded his argument.

The Honourable Edward J. Phelps rose to inform the Tribunal, before the Counsel of Great Britain commenced their argument, that in his reply he would rely upon all the authorities and points referred to between pages 130 and 190 of the printed Argument of the United States.

The President said that the Tribunal would take note of the Honourable Edward J. Phelps' declaration.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 9th May, 1893, and signed :

<i>The President</i>	ALPH. DE COURCEL.
<i>The Agent for the United States</i>	JOHN W. FOSTER.
<i>The Agent for Great Britain</i>	CHARLES H. TUPPER.
<i>The Secretary</i>	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} <i>Co-Secretaries.</i>
	H. CUNYNGHAME,	

Inclosure 2 in No. 66.

Protocole No. 20.—Séance du Mercredi, 10 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

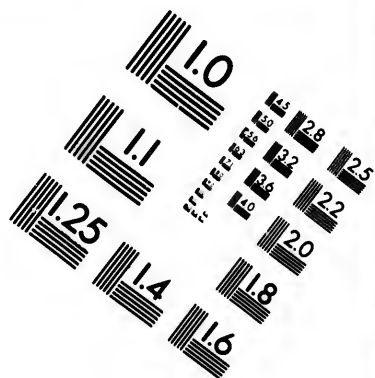
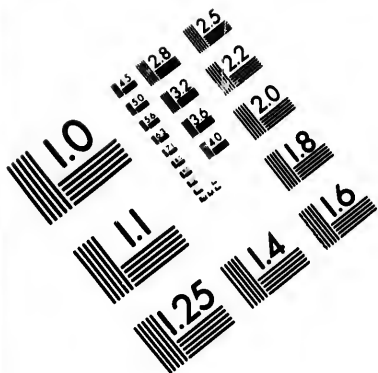
L'Agent des États-Unis fait distribuer aux membres du Tribunal le compte rendu sténographique, revu et corrigé, de l'argumentation de *Mr. James C. Carter*.

Sur l'invitation du Président, *Sir Charles Russell* commence sa plaidoirie pour la Grande-Bretagne.

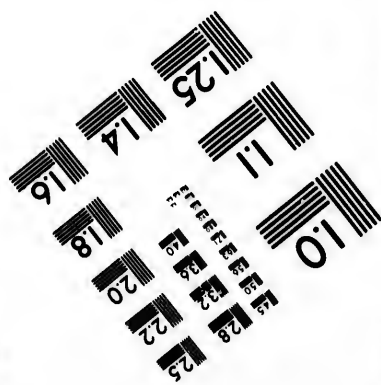
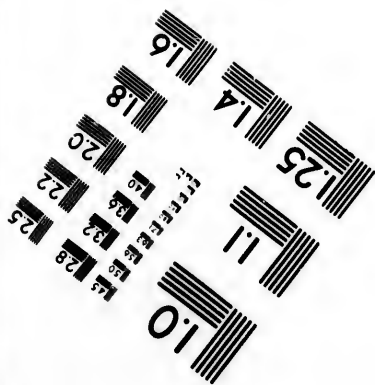
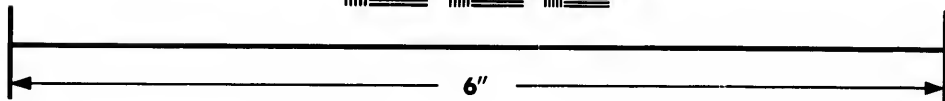
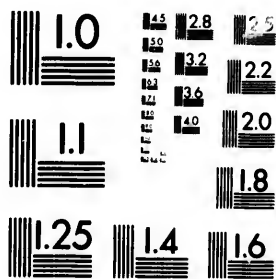
La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue son argumentation.





**IMAGE EVALUATION
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A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 10 Mai, 1893, et ont signé :

Le Président . . . . .	..	ALPH. DE COURCEL.
L'Agent des États-Unis. . . . .	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne . . . . .	..	CHARLES H. TUPPER.
Le Secrétaire . . . . .	..	A. IMBERT.

[English version.]

Protocol No. 20.—Meeting of Wednesday, May 10, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present. The Agent of the United States caused to be delivered to the members of the Tribunal a shorthand report, revised and corrected, of Mr. James C. Carter's argument.

Upon the invitation of the President, Sir Charles Russell began his argument for Great Britain.

At 1:30 the Tribunal took a recess.

On reassembling, Sir Charles Russell continued his argument.

At 4 P.M., the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 10th May, 1893, and signed :

The President . . . . .	..	ALPH. DE COURCEL.
The Agent for the United States . . . . .	..	JOHN W. FOSTER.
The Agent for Great Britain . . . . .	..	CHARLES H. TUPPER.
The Secretary . . . . .	..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 3 in No. 66.

Protocole No. 21.—Séance du Jeudi, 11 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend son argumentation et annonce qu'il présentera, à une date ultérieure, au nom du Gouvernement de la Grande-Bretagne, une liste des questions de fait sur lesquelles il demande au Tribunal de se prononcer, en exécution de l'Article VIII du Traité d'Arbitrage.

Le Président fait remarquer que le Tribunal réserve son appréciation de ces questions, tout en laissant à Sir Charles Russell pleine liberté de traiter le sujet de la manière qui lui conviendra.

La séance est suspendue à 1 heure 30.

A la reprise, Sir Charles Russell continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 11 Mai, 1893, et ont signé :

Le Président . . . . .	..	ALPH. DE COURCEL.
L'Agent des États-Unis . . . . .	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne . . . . .	..	CHARLES H. TUPPER.
Le Secrétaire . . . . .	..	A. IMBERT.

[English version.]

Protocol No. 21.—Meeting of Thursday, May 11, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell, in continuing his argument, announced that on a future day he would submit on the part of Great Britain a list of the findings of facts, which the Tribunal was requested to make under Article VIII of the Treaty of Arbitration.

The President remarked that these questions would be considered by the Tribunal with full liberty for Sir Charles Russell to deal with the matter as he thought proper.

At 1:30 the Tribunal took a recess.

On reassembling Sir Charles Russell continued his argument.

The Tribunal adjourned at 4 P.M. till 11:30 the next day.

Done at Paris, the 11th May, 1893, and signed :

The President	.. .. .	ALPH. DE COURCEL.
The Agent for the United States	.. .. .	JOHN W. FOSTER.
The Agent for Great Britain	.. .. .	CHARLES H. TUPPER.
The Secretary	.. .. .	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 4 in No. 66.

Protocole No. 22.—*Séance du Vendredi, 12 Mai, 1893.*

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise Sir Charles Russell continue son argumentation.

À 4 heures la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 16 Mai, à 11 heures 30.

Ainsi fait à Paris, le 12 Mai, 1893, et ont signé :

Le Président	.. .. .	ALPH. DE COURCEL.
L'Agent des États-Unis	.. .. .	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. .. .	CHARLES H. TUPPER.
Le Secrétaire	.. .. .	A. IMBERT.

[English version.]

Protocol No. 22.—*Meeting of Friday, May 12, 1893.*

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, Sir Charles Russell continued his argument.

At 4 P.M. the Tribunal adjourned until Tuesday, the 16th May, at 11:30 A.M.

Done at Paris, the 12th May, 1893, and signed :

The President	.. .. .	ALPH. DE COURCEL.
The Agent for the United States	.. .. .	JOHN W. FOSTER.
The Agent for Great Britain	.. .. .	CHARLES H. TUPPER.
The Secretary	.. .. .	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 5 in No. 66.

Protocole No. 23.—*Séance du Mardi, 16 Mai, 1893.*

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

À la reprise, Sir Charles Russell continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 16 Mai, 1893, et ont signé :

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 23.—Meeting of Tuesday, May 16, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, Sir Charles Russell continued his argument.

At 4 P.M. the Tribunal adjourned till 11·30 A.M. the next day.

Done at Paris, the 16th May, 1893, and signed :

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

No. 67.

Mr. Tupper to the Earl of Rosebery.—(Received June 8.)

My Lord,

Paris, June 6, 1893.

AT the meeting of the Tribunal held on the 2nd instant, Sir R. Webster, after referring to the question of the limits of territorial waters, went on to show how little value had been attached to the fur-seal fisheries at the time of the purchase of Alaska by the United States.

He was proceeding with the discussion of the 5th question of Article VI of the Treaty, when Mr. Justice Harlan stated that, before this portion of the argument was commenced, he would be glad to see the draft "Projet" which Mr. George Canning inclosed in his letter to Mr. Stratford Canning of the 8th December, 1824. This document, as your Lordship will remember, was not included among the correspondence printed in Volume II of the Appendix to the British Case, for the reason that no trace of it could be discovered, and a statement to this effect was made to the Tribunal by Sir R. Webster.

Sir Richard then reviewed at some length the various contentions by which the Government of the United States have endeavoured to establish their claim to property or a property interest in the fur-seals frequenting the Pribyloff Islands.

He had not concluded his remarks on this subject when the Tribunal adjourned until this morning.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 68.

Mr. Tupper to the Earl of Rosebery.—(Received June 8.)

My Lord,

Paris, June 7, 1893.

AT yesterday's meeting of the Tribunal, M. Gram opened the sitting with a statement as to the special rules concerning territorial waters which were necessitated by the natural conditions of Sweden and Norway.

He explained that the firds of those countries had been from time immemorial considered as "inner waters," and that this principle had been always maintained even as against foreign subjects. The 3-mile limit had never been recognized by either country, nor had they concluded or acceded to any Treaty consecrating that rule.

At the conclusion of M. Gram's remarks the President, while begging both parties to bear in mind the explanation they had just heard, wished to state very distinctly that the question of the definition of territorial waters was not before the Tribunal.

Sir Richard Webster then continued his argument on the question of property in the seals and the sealing industry, and criticized in detail the positions maintained by the United States' Counsel.

In the course of some observations directed to prove the intermingling of the seals in Behring Sea, Sir Richard read a passage from the Supplementary Report of the British Commissioners. This drew forth a protest from Mr. Phelps as to the use which was being made of the document quoted, and after some discussion (reported on pp. 1366-71 of the shorthand notes), it was arranged that the matter should be referred to at a later stage, when the question of Regulations was argued.

I beg to call your Lordship's special attention to a statement made by Mr. Phelps (as reported at p. 1462 of the notes) in the course of a discussion in regard to Prize Courts initiated by Senator Morgan. Mr. Phelps' words were as follows:—

"I conceive that no question whatever in regard to the validity of the seizures, and no question whatever in respect of the right of the United States to seize any vessel hereafter, is submitted under this Treaty to the Tribunal so far as I am concerned."

If this statement accurately represents the position of the United States, it is difficult to understand how it can be reconciled with the circumstances which led to this Arbitration.

Sir Richard Webster had not concluded his argument at the close of the day's proceedings.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 69.

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

My Lord,

Paris, June 8, 1893.

AT the meeting of the Tribunal yesterday, Sir Richard Webster continued his argument, and commenced by referring to the remark made by Mr. Phelps, to which I called your Lordship's attention in my immediately preceding despatch, asserting that no question in respect to the validity of British vessels was submitted to the Tribunal.

After showing that the attitude thus assumed by Mr. Phelps was inconsistent with the suggestions made in the Case and Counter-Case of the United States respecting the proposed findings of the Tribunal, Sir Richard passed on to his main argument, which he shortly afterwards concluded with some telling references to the rights of all nations to participate in ocean fisheries.

On the conclusion of his speech, Sir Richard Webster was complimented by the President on the substantial and useful observations with which he had supplemented the argument of the Attorney-General. Baron de Courcel added an expression of his admiration for the manner in which the Attorney-General of yesterday and to-day had worked together, and remarked on the enviable condition of a country where party spirit admitted of such brotherly association when the national interest was at stake.

Mr. Robinson followed Sir Richard Webster. He dealt generally with the various questions of right which are at issue, and, after referring to the interpretation to be placed upon the terms "Pacific Ocean" and "North-West Coast," touched on the alleged domestic nature of the seals, and the claims founded by the United States on this contention. He concluded the proceedings for the day with an able and humorous criticism on the assumption by the United States of the position of Trustees of the industry.

Mr. Robinson expects to conclude his speech to-day.

I have, &c.
(Signed) CHARLES H. TUPPER.

Mr. Tupper to the Earl of Rosebery.—(Received June 10.)

My Lord,

Paris, June 9, 1893.

AT the meeting of yesterday, Mr. Robinson continued his argument on the property claim alleged by the United States, and while contending that the cruelty of the methods had no bearing on the question of right, he briefly discussed the charges of this nature preferred against pelagic sealers. He quoted from the Report of Mr. Palmer, to show that whatever barbarity there might be in the methods of killing seals at sea, the manner in which the seals were driven and killed upon the islands was more barbarous than pelagic sealing.

At the close of Mr. Robinson's argument, Mr. Foster laid before the Tribunal a statement of the regulations which the Government of the United States submitted were necessary in the event of the questions described in Article VI of the Treaty being decided in such a manner that the concurrence of Great Britain should be necessary to the establishment of such regulations.

This statement appears at pp. 1476 and 1477 of the shorthand notes, and, as your Lordship will observe, it amounts to a demand by the United States for the total suppression of pelagic sealing in the North Pacific Ocean.

In the afternoon, the Attorney-General addressed the Tribunal on the principles which, in his opinion, should be borne in mind by the Tribunal when approaching the question of regulations.

He first dealt with the area over which the jurisdiction of the Tribunal extended. From the general language of the Treaty, he argued, that while it might be said that their jurisdiction extended to all the resorts of the fur-seal outside the territorial limits of either Power, from the diplomatic correspondence previous to the Treaty of Arbitration, it clearly appeared that all that was in the mind of the framers of that Treaty as the area in dispute was the eastern portion of Behring Sea.

Sir Charles Russell next proceeded to show that pelagic sealing had, at the worst, played but a secondary part in the diminution of the seal herd, and he was discussing this question when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

Mr. Tupper to the Earl of Rosebery.—(Received June 14.)

My Lord,

Paris, June 13, 1893.

AT the meeting of the 9th instant, Sir Charles Russell continued his argument to show that the decrease of the seals upon the Pribyloff Islands could not have been altogether due to pelagic sealing, but was mainly attributable to the methods employed on the breeding islands.

Sir Charles Russell then discussed the relative value of the sealing industries at sea and on the islands, the common interest in sealing, and the other considerations to which he claimed attention should be given in framing Regulations for the proper protection and preservation of the fur-seal.

The Attorney-General deferred to the next meeting of the Tribunal a consideration of the actual Regulations proposed by the Governments of Great Britain and the United States respectively.

I have, &c.
(Signed) CHARLES H. TUPPER.

Mr. Tupper to the Earl of Rosebery.—(Received June 15.)

My Lord,

Paris, June 14, 1893.

AT yesterday's meeting, the Attorney-General continued his argument on the question of Regulations. He criticized in strong terms the proposal put forward by the United States, as reported on p. 1476 of the shorthand notes, for a total suppression of pelagic sealing from Behring Strait down to the 35th parallel of north latitude, east of the 180th meridian. He characterized this proposal as involving a wider, more reckless, and more unfounded assertion of jurisdiction than the Russian claims under the Ukases of 1799 and 1821.

He then explained the nature of the Regulations suggested by Great Britain, which are founded upon those put forward in the Report of the British Commissioners.

Sir Charles proceeded to refer to the recent agreement with Russia for a *modus vivendi* in regard to the seal fisheries. He asserted that on the part of Russia there had been no claim to property in the seals or the sealing industry, that a zone of 30 miles was considered sufficient for the protection of female seals, and that no seizures were asserted to be lawful but those of vessels whose boats had been fishing in territorial waters.

Some discussion arose as to the propriety of the reference to this subject, in regard to which I beg to call your Lordship's attention to pp. 1566-1570 and 1571-1585 of the shorthand notes.

The Attorney-General concluded his speech just before the midday adjournment, and was followed by Sir R. Webster when the Tribunal reassembled. Having referred to the question of the agreement with Russia, Sir Richard passed on to a consideration of the area over which the Regulations should extend, maintaining that it should be confined to Behring Sea.

He had just explained the arrangement he intended to follow in his detailed argument on seal life when the hour of adjournment arrived.

I have, &c.

(Signed) CHARLES H. TUPPER.

Mr. Tupper to the Earl of Rosebery.—(Received June 16.)

My Lord,

Paris, June 15, 1893.

AT yesterday's meeting of the Tribunal, Sir Richard Webster proceeded with his examination of the evidence on the various points enumerated by him at the close of his speech on the previous day, with the object of justifying the Regulations proposed by Great Britain.

In the course of his argument Sir Richard alluded to Mr. Elliott's Report, and was proceeding to read an extract from an official United States' publication, to show the confidence reposed in him at the time of his selection as United States' Agent in 1890, when the Counsel for the United States objected.

It was subsequently arranged between Counsel that no criticisms on Mr. Elliott should be made by either side other than could be gathered from the face of the Report itself.

Your Lordship will find an account of this incident at pp. 1622-24 of the shorthand notes.

Sir Richard Webster will continue his argument to-morrow.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 74.

Mr. Tupper to the Earl of Rosebery.—(Received June 17.)

My Lord,

Paris, June 16, 1893.

AT the meeting of the Tribunal yesterday, Sir Richard Webster continued his argument in support of the Regulations suggested by Great Britain, and examined in detail the evidence on both sides regarding various points connected with seal life.

Sir Richard expects to conclude his speech at the meeting of to-day.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 75.

Mr. Tupper to the Earl of Rosebery.—(Received June 19.)

My Lord,

Paris, June 16, 1893.

AT the bottom of p. 343 of the Case presented on behalf of the United States, a quotation is made from a Report of Mr. Goff, who was Treasury Agent on the Pribyloff Islands in 1890.

The document from which this extract is taken is not included among the evidence presented by the United States, nor does it appear in the Report of Mr. Goff, which was produced by the Agent for the United States in compliance with the notice addressed to him by me on the 3rd October, 1892.

The Report of Mr. Goff produced refers to one of a Mr. Manchester. Desiring, if possible, to have all official Reports touching seal life before the Tribunal, I made a verbal request to the Agent for the United States for a copy of the documents in question.

A copy of the communication which I have received from Mr. Foster in reply is inclosed herewith, for your Lordship's information. It appears from this letter that Mr. Foster has no copy of the Reports in his possession in Paris, but that had this been the case, he was of opinion that, under the terms of the Treaty, he was not bound to comply with my request.

I do not think it will be deemed necessary for Counsel to call the attention of the Tribunal to this incident, but I may observe to your Lordship that the course adopted by the Agent for the United States does not indicate a desire on his part to lay before the Tribunal all the information respecting seal life which is in the possession of the United States' Government.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 75.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper,

Agency of the United States, Paris, June 15, 1893.

REFERRING to your verbal request for copies of the Reports of Agents Manchester and Goff, I have to state that upon examination I find that we have already furnished you with the Goff Report cited in our Case (p. 153). The second reference in the Report of the United States' Commissioners (p. 343) appears to be another Report than the one furnished you.

In a search through the published Reports of the United States' Treasury Department in my possession, neither the Manchester nor second Goff Reports are found. It would therefore be necessary to apply to the Secretary of the Treasury for copies, should it be decided to accede to your request.

But, in consultation with the Counsel for my Government, it is not deemed proper by them that the terms of the Treaty as to evidence should be departed from at this late day in the proceedings, especially as neither of the Reports in question have been cited in either the Case or Counter-Case of the United States.

Very truly, &c.

(Signed) JOHN W. FOSTER.

No. 76.

Mr. Tupper to the Earl of Rosebery.—(Received June 21.)

My Lord,

Paris, June 20, 1893.

At the meeting of the Tribunal held on the 16th instant, Sir Richard Webster continued his speech on the subject of Regulations, and his argument was directed to prove that the recent decrease observed in seal life was due in a large measure to the insufficiency of breeding males on the Pribyloff Islands, brought about by the system of killing on land practised under the control of the United States.

Sir Richard was unable to conclude his speech before the hour of adjournment.

I have, &c.

(Signed)

CHARLES H. TUPPER.

No. 77.

Mr. Tupper to the Earl of Rosebery.—(Received June 22.)

My Lord,

Paris, June 21, 1893.

SIR RICHARD WEBSTER, before the Tribunal yesterday, continued his argument with regard to the scarcity of male seals on the breeding-grounds, and dwelt upon the injurious effect of the system of driving, as practised on the islands.

He concluded by submitting to the Tribunal a draft Scheme of Regulations proposed by Great Britain.

I have the honour to inclose a separate copy of this document.

A discussion arose on these proposals, which will be found reported at pp. 1779-1796 of the shorthand notes.

At the conclusion of Sir Richard's speech I read to the Tribunal the document, of which a copy is inclosed, setting forth the findings of fact with regard to the seizures of British vessels, which both parties were prepared to agree to.

Your Lordship will remember that, as reported on p. 1209 of the notes of the proceedings of the 30th day, the Attorney-General submitted to the Tribunal a suggestion on the part of Great Britain as to what these findings of fact should be. An alternative proposal was subsequently put forward on behalf of the United States, as reported at p. 1477 of the proceedings of the 35th day.

A conference was shortly afterwards held between the Agent and Counsel of both parties, at which the terms of the findings to be suggested to the Tribunal were agreed upon.

At this conference, it was understood that there was no intention on the part of the United States to place obstacles in the way of further consideration of the amount of our claim for damages and the ownership of the vessels seized, and that while these subjects would not be pressed upon the Tribunal, our rights should not be in any way prejudiced.

A short discussion arose on this paper, which is reported at pp. 1799-1802 of the notes.

Mr. Robinson then continued the discussion on Regulations on behalf of Great Britain. He had not concluded his speech at the close of the day's proceedings.

I have, &c.

(Signed)

CHARLES H. TUPPER.

Inclosure 1 in No. 77.

Regulations.

ALL vessels engaging in pelagic sealing shall be required to obtain licences at one or other of the following ports:—Victoria, in the Province of British Columbia; Vancouver, in the Province of British Columbia; Port Townsend, in Washington Territory in the United States; San Francisco, in the State of California in the United States.

2. Such licences shall only be granted to sailing-vessels.

3. A zone of 20 miles around the Pribyloff Islands shall be established, within which no seal hunting shall be permitted at any time.

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I 2

4. A close season from the 15th September until the 1st July shall be established, during which no pelagic sealing shall be permitted in Behring Sea.
5. No rifles or nets shall be used in pelagic sealing.
6. All sealing vessels shall be required to carry a distinguishing flag.
7. The masters in charge of sealing vessels shall keep accurate logs as to the times and places of sealing, the number and sex of the seals captured, and shall enter an abstract thereof in their official logs.
8. Licences shall be subject to forfeiture for breach of above Regulations.

Inclosure 2 in No. 77.

Findings of Fact proposed by the Agent of Great Britain and agreed to as proved by the Agent for the United States, and submitted to the Tribunal of Arbitration for its consideration.

THAT the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the Schedule to the British Case, pp. 1 to 60, inclusive, were made by the authority of the United States' Government. The questions as to the value of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from and have not been considered by the Tribunal, it being understood that it is open to the United States to raise these questions, or any of them, if they think fit, in any future negotiations as to the liability of the United States' Government to pay the amounts mentioned in the Schedule to the British Case.

2. That the seizures aforesaid, with the exception of the "Pathfinder," seized at Neah Bay, were made in Behring Sea at the distances from shore mentioned in the Schedule annexed hereto, marked (C).

3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the commanders of which had, at the several times when they were made, from the Executive Department of the Government of the United States, instructions, a copy of one of which is annexed hereto, marked (A), and that the others were, in all substantial respects, the same; that in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked (B), and that the libels in the other proceedings were in all substantial respects the same; that the alleged acts or offences for which said several searches and seizures were made were in each case done or committed in Behring Sea, at the distances from shore aforesaid; and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States; and in those cases in which the vessels were released, the seizure was made by the authority of the United States. That the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea, at the distances aforesaid from the shore.

4. That the several orders mentioned in the Schedule annexed hereto, and marked (C), warning vessels to leave or not to enter Behring Sea, were made by public armed vessels of the United States, the commanders of which had, at the several times when they were given, like instructions as mentioned in Finding 3 above proposed, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States.

5. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized, as mentioned in the Schedule to the Case of Great Britain, pp. 1 to 60, inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the prize jurisdiction, but that in each case the sentence pronounced by the Court was based upon the grounds set forth in the libel.

Annex (A).

(See British Counter-Case, Appendix, Vol. I, p. 72.)

*Treasury Department, Office of the Secretary,
Washington, April 21, 1886.*

Sir,

Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Bear," under your command, to the Seal Islands, &c., you are hereby clothed with full power to enforce the law contained in the provisions of Section 1,956 of the United States' Revised Statutes, and directed to seize all vessels, and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

You will also seize any liquors or fire-arms attempted to be introduced into the country without proper permit, under the provisions of Section 1,955 of the Revised Statutes, and the Proclamation of the President, dated the 4th February, 1870.

Respectfully yours,

C. S. FAIRCHILD,
Acting Secretary.

Captain M. A. HEALY,
*Commanding Revenue-steamer "Bear,"
San Francisco, California.*

Annex (B).

(See British Case, Appendix, Vol. III, "United States No. 2, 1890," p. 65.)

In the District Court of the United States for the District of Alaska.

August Special Term, 1886.

To the Honourable Lafayette Dawson,
Judge of said District Court:

The libel of information of M. D. Ball, Attorney for the United States for the district of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner "Thornton," her tackle, apparel, boats, cargo and furniture, and against all persons intervening for their interest therein, in a case of forfeiture, alleges and informs as follows:—

That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the district of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said district, on waters navigable from the sea by vessels of 10 or more tons burden, seized the ship or vessel, commonly called a schooner, the "Thornton," her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said Attorney unknown, as forfeited to the United States, for the following causes:—

That the said vessel or schooner was found engaged in killing fur-seal within the limits of Alaska Territory, and in the waters thereof, in violation of Section 1,956 of the Revised Statutes of the United States.

And the said Attorney saith that all and singular premises are and were true, and within the Admiralty and maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the afore-mentioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture became and forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore, the said Attorney prays that the usual process and monition of this honourable Court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture may, for the case aforesaid, and others

appearing, be condemned by the definite sentence and decree of this honorable Court, as forfeited to the use of the said United States in such cases made and provided.

(Signed) M. D. BALL,
United States' District Attorney for the District of Alaska.

Annex (C).

The following Table shows the names of the British sealing-vessels seized or warned by United States' revenue cruisers, 1886-90, and the approximate distance from land when seized. The distances assigned in the cases of the "Carolina," "Thornton," and "Onward," are on the authority of U.S. Naval Commander Abbey (see 50th Cong., 2nd Sess., Senate Ex. Doc. No. 106, pp. 20, 40, 50). The distances assigned in the cases of the "Anna Beck," "W. P. Sayward," "Dolphin," and "Grace," are on the authority of Captain Shepard, "U.S.R.N. (Blue Book), United States, No. 3 (1890)," pp. 80-82. See Appendix, vol. iii. Neah Bay is in the State of Washington, and the "Pathfinder" was seized there on charges made against her in Behring Sea in the previous year. She was released two days later:—

Name of Vessel.	Date of Seizure.	Approximate Distance from Land when seized.	United States' Vessel making Seizure.
Carolina	August 1, 1886 ..	75 miles	Corwin.
Thornton	1, ..	70 "	"
Onward	2, ..	115 "	"
Favourite	3, ..	Warned by "Corwin" in about the same position as "Onward."	"
Anna Beck	July 2, 1887 ..	66 miles	Rush.
W. P. Sayward	3, ..	59 "	"
Dolphin	12, ..	40 "	"
Grace	17, ..	96 "	"
Alfred Adams	August 10, ..	62 "	"
Ada	25, ..	15 "	Bear.
Triumph	4, ..	Warned by "Rush" not to enter Behring Sea.	"
Juanita	July 31, 1889 ..	66 miles	Rush.
Pathfinder	29, ..	50 "	"
Triumph	11, ..	Ordered out of Behring Sea by "Rush." (?) As to position when warned. 35 miles	"
Black Diamond	11, ..	66 miles	"
Lily	August 6, ..	Ordered out of Behring Sea by "Rush."	"
Ariel	July 30, ..	" " " "	"
Kate	August 13, ..	" " " "	"
Minnie	July 15, ..	65 miles	"
Pathfinder	March 27, ..	Seized in Neah Bay	Corwin.

No. 78.

Mr. Tupper to the Earl of Rosebery.—(Received June 23.)

My Lord,

Paris, June 20, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 24-29 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 78.

Protocole No. 24.—Séance du Mercredi, 17 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Charles Russell reprend son argumentation.
A 1 heure 30 la séance est suspendue.

A la reprise, *Sir Charles Russell* continue sa plaidoirie.

La séance est levée à 3 heures 40 et le Tribunal s'ajourne jusqu'au Mardi, 23 Mai, 1893, à 11 heures 30.

Ainsi fait à Paris, le 17 Mai, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 24.—Meeting of Wednesday, May 17, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 3:40 P.M. the Tribunal adjourned until Tuesday, the 23rd May, 1893, at 11:30 A.M.

Done at Paris, the 17th May, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States	JOHN W. FOSTER.
The Agent for Great Britain	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, } *Co-Secretaries.*
H. CUNYNGHAME, }

Inclosure 2 in No. 78.

Protocole No. 25.—Séance du Mardi, Mai 23, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue son argumentation.

À 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 23 Mai, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 25.—Meeting of Tuesday, May 23, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day, at 11:30 A.M.
Done at Paris, the 23rd May, 1893, and signed:

The President	.. .. .	ALPH. DE COURCEL.
The Agent for the United States.	.. .. .	JOHN W. FOSTER.
The Agent for Great Britain	.. .. .	CHARLES H. TUPPER.
The Secretary	.. .. .	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, }
H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 78.

Protocole No. 26.—Séance du Mercredi, 24 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 24 Mai, 1893, et ont signé:

Le Président.	.. .. .	ALPH. DE COURCEL.
L'Agent des États-Unis	.. .. .	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. .. .	CHARLES H. TUPPER.
Le Secrétaire	.. .. .	A. IMBERT.

[English version.]

Protocol No. 26.—Meeting of Wednesday, May 24, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day, at 11:30 A.M.

Done at Paris, the 24th May, 1893, and signed:

The President	.. .. .	ALPH. DE COURCEL.
The Agent for the United States.	.. .. .	JOHN W. FOSTER.
The Agent for Great Britain	.. .. .	CHARLES H. TUPPER.
The Secretary	.. .. .	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, }
H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 4 in No. 78.

Protocole No. 27.—Séance du Jeudi, 25 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* poursuit son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 25 Mai, 1893, et ont signé:

Le Président.	.. .. .	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

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[English version.]

Protocole No. 27.—Meeting of Thursday, May 25, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 25th May, 1893, and signed:

The President	.. ..	..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	..	CHARLES H. TUPPER.
The Secretary	.. ..	..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 5 in No. 78.

Protocole No. 28.—Séance du Vendredi, 26 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 30 Mai, à 11 heures 30.

Ainsi fait à Paris, le 26 Mai, 1893, et ont signé:

Le Président	.. ..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	..	A. IMBERT.

[English version.]

Protocole No. 28.—Meeting of Friday, May 26, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned until Tuesday, May 30, at 11:30 A.M.

Done at Paris, the 26th May, 1893, and signed:

The President	.. ..	..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	..	CHARLES H. TUPPER.
The Secretary	.. ..	..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 6 in No. 78.

Protocole No. 29.—Séance du Mardi, 30 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend son argumentation.

A 1 heure 30 la séance est suspendue.

A la reprise, *Sir Charles Russell* continue sa plaidoirie.

La séance est levée à 4 heures, et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 30 Mai, 1893, et ont signé :

Le Président	ALPH DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocole No. 29.—Meeting of Tuesday, May 30, 1893.

The Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 30th May, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States	JOHN W. FOSTER.
The Agent for Great Britain	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, } *Co-Secretaries.*
H. CUNYNGHAME, }

No. 79.

Mr. Tupper to the Earl of Rosebery.—(Received June 23.)

My Lord,

Paris, June 22, 1893.

THE argument on the British side in the Behring Sea Arbitration having now concluded, I have deemed it my duty to consider whether some reduction cannot be made in the Staff of this Agency in accordance with what I know to be your Lordship's wish, that expense should, as far as possible, be spared.

With this object I have already dispensed with the services of Mr. J. M. Macom, whose assistance I consider to be no longer necessary, and I have thought it right to inform Mr. Box, the Junior Counsel, that, as the oral argument of the British Counsel has terminated, he can now be relieved of his duties here.

I have great pleasure in expressing to your Lordship my appreciation of the ability and assiduity displayed by Mr. Box in the course of the preparation of the Counter-Case and written Argument of Great Britain, and of the valuable assistance he has rendered during the oral arguments of Counsel before the Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 80.

Mr. Tupper to the Earl of Rosebery.—(Received June 23.)

My Lord,

Paris, June 22, 1893.

AT the commencement of yesterday's proceedings, Sir Richard Webster handed in to the Tribunal copies of the correspondence just laid before Parliament containing the report of the Russian Commission respecting the seizures of British vessels off the Commander Islands. He was proceeding to read from this paper when the United States' Counsel objected to its reception if put forward as evidence. Some discussion ensued on this subject, and the President, after consultation with his colleagues, announced that the Tribunal would hear the document, but would reserve to themselves to consider whether it should be received as evidence or not.

Sir Richard thereupon read extracts from M. Chichkine's note to Sir R. Morier of the 29th May (10th June), 1893, showing the readiness of the Russian Government to proceed to the assessment of an indemnity to be paid to the owners of the two British vessels which were seized without proof of having fished in Russian territorial waters.

Mr. Robinson then continued his speech.

He argued at some length to prove that the area over which any Regulations to be made by the Tribunal should extend ought to be confined to Behring Sea, and had just concluded his address when the Tribunal adjourned for the day.

Mr Phelps is to commence his reply on behalf of the United States at to-day's meeting.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 81.

Mr. Tupper to the Earl of Rosebery.—(Received June 24.)

My Lord,

Paris, June 23, 1893.

AT the meeting of the Tribunal yesterday, Mr. Phelps commenced his reply on behalf of the United States by defining what he maintained had been the position of his Government throughout the controversy, namely, that the actual facts of seal life and the preservation of the species were the main objects of the Arbitration, and that all questions as to jurisdiction over Behring Sea and the title thereto derived by the United States from Russia were merely secondary considerations.

He attributed the firm attitude taken up by Mr. Blaine on the jurisdictional claim to the fact that he had been drawn away from the main subject of the controversy by the adroitness of the arguments put forward by Lord Salisbury.

Mr. Phelps then dwelt at some length on the negotiations for a close season which took place in 1888 between Lord Salisbury and himself, and maintained that a distinct agreement had then been arrived at, which, owing to the objections of Canada, had been subsequently renounced.

He next proceeded to criticise the attitude of Great Britain in the controversy, maintaining that, while at first she had been willing to join in Regulations necessary for the preservation of the seals, her present position was merely that of the champion of pelagic sealing.

He concluded his remarks for the day by a definition of the principles of international law, which he considered should guide the decision of the Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 82.

Mr. Tupper to the Earl of Rosebery.—(Received June 24.)

My Lord,

Paris, June 23, 1893.

I HAVE the honour to call your Lordship's attention to the necessity which, in my opinion, exists for the presence of Her Majesty's Attorney-General here.

I am convinced after most careful observation that it is very desirable for him to be in Court during the reply of Mr. Phelps, and particularly when that gentleman deals with the subject of Regulations. It is improbable that Mr. Phelps will speak beyond Friday next, and he resumes his argument on Tuesday.

Sir Richard Webster, who proceeded to London to-day, will, I feel sure, confirm me in the opinion I have expressed.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 83.

The Earl of Rosebery to Mr. Tupper.

Sir,

Foreign Office, June 27, 1893.

I HAVE received your despatch of the 22nd instant, reporting that the services of Mr. J. M. Macoun have been dispensed with, and that you have also informed Mr. Box that he is no longer required to remain in Paris.

Whilst approving your action as above stated, I have to express to you my satisfaction at your report of the valuable assistance rendered by Mr. Box in connection with the Behring Sea Arbitration.

I am, &c.

(Signed) ROSEBERY.

No. 84.

Mr. Tupper to the Earl of Rosebery.—(Received June 28.)

My Lord,

Paris, June 27, 1893.

AT the meeting of the 23rd instant Mr. Phelps continued his argument, and, after dealing with the principles of international law, which, he held, should guide the decision of the Tribunal, proceeded to consider at length the question of property in the seals.

He had not concluded his portion of his speech at the end of the day's proceedings.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 85.

Mr. Tupper to the Earl of Rosebery.—(Received June 29.)

My Lord,

Paris, June 28, 1893.

AT the meeting of the Tribunal yesterday, Mr. Phelps continued his speech, and, in connection with the United States' claim to property in the seals, dealt with the question of the intermingling of the Russian and American herds.

His argument on this subject occupied the greater part of the day, and was concluded shortly before the adjournment.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 86.

Mr. Tupper to the Earl of Rosebery.—(Received June 30.)

My Lord, *Paris, June 29, 1893.*
MR. PHELPS continued, before the Tribunal yesterday, his argument dealing with the property interest in the sealing industry claimed by the United States as a nation.

He examined at length the instances quoted in the United States' Case of regulations in various countries for the protection of pearl, coral, and oyster fisheries outside territorial limits, and was considering the existing laws regulating seal fisheries in different parts of the world when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 87.

Mr. Tupper to the Earl of Rosebery.—(Received July 4.)

My Lord, *Paris, July 3, 1893.*
AT the meeting of the Tribunal held on the 29th June, Mr. Phelps continued his argument to show that the territorial rights of a nation were capable of extension for the purpose of protecting marine property.

He endeavoured to justify the statement in the United States' Argument, that Russia had asserted and exercised such extra-territorial jurisdiction, from the correspondence recently presented to Parliament on the subject of the seizures of British sealing-vessels by that Government in 1892.

Mr. Phelps further instanced the legislation enforced by the Government of Sweden and Norway for the protection of their fisheries.

The Tribunal having decided not to sit on the 30th June, it was arranged that Mr. Phelps should resume his argument this morning.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 88.

Mr. Tupper to the Earl of Rosebery.—(Received July 5.)

My Lord, *Paris, July 4, 1893.*
MR. PHELPS resumed yesterday his argument by dealing with the first four questions under Article VI of the Treaty relating to the jurisdiction of Russia over Behring Sea, and the interpretation of the Treaties of 1824 and 1825.

He examined the language of the Treaty of 1824 between Russia and the United States, and endeavoured to show that Behring Sea was not included in the phrase "Pacific Ocean," as used in the first Article.

He criticized at some length the list of maps annexed to the Counter-Case of Great Britain, and maintained that the weight of the geographical evidence supported his interpretation of the Treaty.

Mr. Phelps had concluded his examination of the Treaty of 1824 when the Tribunal rose for the day, and will proceed this morning to deal with the British Treaty with Russia of 1825.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 89.

Mr. Tupper to the Earl of Rosebery.—(Received July 6.)

My Lord,

Paris, July 5, 1893.

MR. PHELPS continued, at the meeting of the Tribunal yesterday, his argument on the first four questions of Article VI of the Treaty of Arbitration.

He discussed the language of the Treaty of 1825 between Great Britain and Russia, and the negotiations which led up to it, his object being to show that Behring Sea was not understood by either party to be included in the phrase Pacific Ocean.

Having concluded his examination of the Treaties of 1824 and 1825, Mr. Phelps took leave of this part of his subject by referring the Tribunal to the answers to the first four questions of Article VI, suggested at p. 24 of the United States' Counter-Case.

He then dealt with the assertion of Great Britain, that the subject under discussion involved the question of the freedom of the sea, and had only time to make short progress in this portion of his argument before the adjournment.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 90.

Mr. Tupper to the Earl of Rosebery.—(Received July 7.)

My Lord,

Paris, July 5, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 30 to 39 of the proceedings of the Behring Sea Arbitration Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inelasure 1 in No. 90.

Protocole No. 30.—Séance du Mercredi, 31 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell, au cours de sa plaidoirie, présente au Tribunal le document suivant :—

“ Le Gouvernement de la Grande-Bretagne, ayant soumis aux Arbitres certains points de fait compris dans les réclamations de dommages-intérêts présentées dans l'Annexe au Mémoire Britannique, pages 1 à 60 inclusivement, prie le Tribunal de décider comme suit à ce sujet :—

“ 1. Que les diverses visites et saisies de navires ou de marchandises et les différentes arrestations de capitaines et d'équipages, mentionnés respectivement dans ladite Annexe, ont été faites par autorité du Gouvernement des États-Unis ;

“ 2. Qu'elles ont été effectuées dans des eaux non territoriales ;

“ 3. Que les diverses visites, saisies, condamnations et confiscation de navires ou de marchandises, les différentes arrestations et amendes, et les divers emprisonnements ont été motivés par de prétendues violations des lois nationales des États-Unis, lesquelles prétendues violations avaient toutes été commises en haute mer, en dehors des eaux territoriales des États-Unis ;

“ 4. Que les différents ordres mentionnés dans ladite Annexe, enjoignant à certains navires d'avoir à s'abstenir de poursuivre leurs voyages, ont été donnés en haute mer.

en dehors des eaux territoriales, en vertu de l'autorité du Gouvernement des États-Unis et en exécution des lois nationales des États-Unis; enfin :

"5. Que lesdites visites, saisies, condamnations, confiscations, amendes, n'ont été opérées ou imposées, que lesdits emprisonnements et ordres n'ont été infligés et donnés en vertu d'aucune prétention ou assertion de droit ou de juridiction, autre que celles qui sont soumises à la décision des Arbitres par les questions posées dans l'Article VI du Traité d'Arbitrage."

Sir Charles Russell déclare en outre que la Grande-Bretagne ne soumettra au Tribunal aucune conclusion tendant à des dommages-intérêts en vertu et par application de l'Article V de la Convention ou du *modus vivendi* du 18 Avril, 1892.

L'Honorable E. J. Phelps déclare que les États-Unis ne soumettront, de leur côté, au Tribunal aucune conclusion tendant à des dommages-intérêts en vertu et par application de l'Article V de la Convention ou du *modus vivendi* du 18 Avril, 1892.

Sir Charles Russell achève ensuite son argumentation.

Sir Richard Webster commence alors sa plaidoirie pour la Grande-Bretagne.

La séance est suspendue à 1 heure 30.

À la reprise, *Sir Richard Webster* continue sa plaidoirie.

La séance est levée à 4 heures, et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 31 Mai, 1893, et ont signé :

Le Président . . . . .	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis .. ..	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. ..	.. ..	CHARLES H. TUPPER.
Le Secrétaire .. ..	.. ..	A. IMBERT.

[English version.]

Protocol No. 30.—Meeting of Wednesday, May 31, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell, in continuation of his argument, presented to the Tribunal the following paper:—

"The British Government having submitted to the Arbitrators certain questions of fact as involved in the claims for damage set forth in the Schedule to the British Case, pages 1 to 60 inclusive, ask for the following findings thereon, namely:—

"1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the said Schedule, were made by the authority of the United States' Government.

"2. That they were made in non-territorial waters.

"3. That the several searches, seizures, condemnations and confiscations, whether of ships or goods, and the several arrests, fines and imprisonments, were for alleged breaches of municipal laws of the United States, which alleged breaches were wholly committed on the high seas outside the territorial waters of the United States.

"4. That the several orders, mentioned in the said Schedule, whereby ships were prevented from pursuing their voyages, were given on the high seas outside territorial waters, under the authority of the United States' Government and in execution of the municipal laws of the United States, and

"5. That the said several searches, seizures, condemnations, confiscations, fines, imprisonments, and orders were not made, imposed or given under any claim or assertion of right or jurisdiction except such as is submitted to the decision of the Arbitrators by the questions in Article VI of the Treaty of Arbitration."

Sir Charles Russell further announced that Great Britain would not ask the Tribunal for any finding for damages upon and under Article V of the Convention or *modus vivendi* of the 18th April, 1892.

The Honourable Edward J. Phelps announced that the United States would not, on its behalf, ask the Tribunal for any finding for damages upon and under Article V of the Convention or *modus vivendi* of the 18th April, 1892.

Sir Charles Russell then concluded his argument.

Sir Richard Webster then commenced his argument on behalf of Great Britain.

At 1:30 the Tribunal took a recess.

On reassembling *Sir Richard Webster* continued his argument.
At 4 P.M. the Tribunal adjourned till the next day, at 11:30 A.M.
Done at Paris, the 31st May, 1893, and signed :

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} <i>Co-Secretaries.</i>
	H. CUNYNGHAME,	

Inclosure 2 in No. 90.

Protocole No. 31.—Séance du Jeudi, 1^{er} Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster continue sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Richard Webster* poursuit son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 1^{er} Juin, 1893, et ont signé :

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 31.—Meeting of Thursday, June 1, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Richard Webster resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Richard Webster* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 1st June, 1893, and signed :

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} <i>Co-Secretaries.</i>
	H. CUNYNGHAME,	

Inclosure 3 in No. 90.

Protocole No. 32.—Séance au Vendredi, 2 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Richard Webster* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 6 Juin, à 11 heures 30.

Ainsi fait à Paris, le 2 Juin, 1893, et ont signé :

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 32.—Meeting of Friday, June 2, 1893.

THE Tribunal assembled at 11:30, all the Arbitrators being present.

Sir Richard Webster resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Richard Webster* continued his argument.

At 4 P.M. the Tribunal adjourned until Tuesday, the 6th June, at 11:30 A.M.

Done at Paris, the 2nd June, 1893, and signed:

The President	..	..	ALPH. DE COURCEL.
The Agent for the United States	..	..	JOHN W. FOSTER.
The Agent for Great Britain	..	..	CHARLES H. TUPPER.
The Secretary	..	..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclusure 4 in No. 90.

Protocole No. 33.—Séance du Mardi, 6 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Son Excellence M. Gram, Arbitre désigné par la Suède et la Norvège, donne lecture de la déclaration suivante:—

“Le premier volume de l'Appendice au Mémoire des États-Unis donne le texte de la loi et des règlements concernant la protection des baleines sur la côte de Finmark.

“J'avais l'intention d'expliquer ultérieurement à mes collègues ces lois et règlements en indiquant les circonstances naturelles qui ont obligé la Norvège et la Suède à adopter une législation spéciale pour les eaux territoriales, et d'exprimer en même temps mon opinion sur la question de savoir si cette législation et les questions auxquelles elle se rapporte peuvent être considérées comme ayant quelque portée à l'égard des questions actuellement débattues.

“Comme, toutefois, on a fait allusion, à plusieurs reprises, pendant les dernières séances, à la législation Norvégienne sur la matière, j'estime qu'il y aurait présentement intérêt à donner un bref exposé des traits les plus saillants de cette législation.

“Le caractère particulier de la Loi Norvégienne citée par les Conseils des États-Unis consiste dans la détermination d'une saison fermée pour la pêche de la baleine. Quant à ses prescriptions au sujet des eaux intérieures et territoriales, elles ne sont, en somme, que l'application à un cas spécial des principes généraux établis par la législation Norvégienne en ce qui concerne les golfes et les eaux baignant les côtes. Un coup d'œil sur la carte suffira pour montrer le grand nombre de ces golfes—ou “fjörds” et leur importance pour les habitants de la Norvège. Certains de ces fjörds ont une étendue considérable, pénètrent très avant à l'intérieur du pays et ont une très large embouchure. Ils ont été, toutefois, depuis un temps immémorial, considérés comme des eaux intérieures, et ce principe a toujours été maintenu, même à l'égard des étrangers.

“Il y a plus de vingt ans, un Gouvernement étranger se plaignit de ce qu'on eût empêché un navire de sa nationalité de pêcher dans un des plus grands fjörds du nord de la Norvège. Les opérations de pêche qui ont lieu dans ces parages pendant les quatre premiers mois de l'année sont d'une très grande importance pour le pays: une trentaine de mille personnes s'y réunissent chaque année, du Nord et du Sud, pour gagner leur vie. Le Gouvernement soumet à son inspection les opérations de pêche dans les eaux du fjörd, abrité par une rangée d'îles contre la violence de la mer. L'apparition dans ces eaux d'un navire étranger émettant la prétention de prendre part à cette pêche était un fait sans précédent, et, dans la correspondance diplomatique échangée à ce sujet, le Gouvernement Norvégien insista énergiquement sur le droit exclusif qu'avaient ses sujets, par suite d'un usage immémorial, de pratiquer cette industrie.

“La Suède et la Norvège n'ont, d'ailleurs, jamais reconnu la distance de 3 milles comme formant la délimitation de leurs eaux territoriales. Jamais ces deux pays n'ont conclu aucune Convention ni adhéré à aucun Traité consacrant cette règle.

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Leurs lois nationales ont généralement fixé la limite à 1 mille géographique ou à un quinzième de degré de latitude, soit 4 milles marins. Ils n'ont jamais admis aucune limite inférieure. En fait, relativement à la question des droits de pêche, si importants pour l'un et l'autre des deux Royaumes-Unis, lesdites limites ont semblé, dans beaucoup de cas, encore trop restreintes. Quant à cette question et à celles qui s'y rattachent, je désire me reporter aux communications faites par les membres Norvégiens et Suédois, au cours des séances de l'Institut de Droit International, en 1891 et 1892. Je tiens aussi, en ce qui touche le sujet que je viens de traiter sommairement, à me référer aux comptes rendus des travaux de la Conférence de La Haye en 1882 ('Nouveau Recueil Général de Martens, 11^e série, vol. ix'), où se trouvent exposées les raisons pour lesquelles la Suède et la Norvège n'ont pas adhéré au Traité de La Haye."

Le Président prie les Conseils des deux parties d'avoir présentes à l'esprit les observations de son Excellence M. Gram, au cas où ils auraient à citer l'exemple des eaux de la Norvège; mais il croit devoir rappeler que la question de la définition des eaux territoriales n'est pas soumise aux Arbitres et qu'il n'est pas dans les intentions du Tribunal d'exprimer une opinion en ce qui concerne cette définition.

Sir Richard Webster reprend alors son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, Sir Richard Webster continue sa plaidoirie.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 6 Juin, 1893, et ont signé :

Le Président. . . . .	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis .. ..	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. ..	.. ..	CHARLES H. TUPPER.
Le Secrétaire .. ..	.. ..	A. IMBERT.

[English version.]

Protocol No. 33.—Meeting of Tuesday, June 6, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

His Excellency M. Gram, the Arbitrator designated by Sweden and Norway, read the following statement:—

"The Appendix, vol. I, to the United States' Case, gives the text of the Laws and Regulations relating to the protection of whales on the coast of Finnmarken. It was my intention later on to explain to my colleagues these Laws and Regulations, in supplying some information about the natural conditions of Norway and Sweden which have necessitated the establishment of special rules concerning the territorial waters, and to state at the same time my opinion as to whether those rules and their subject-matter may be considered as having any bearing on the present case. As, however, in the latest sittings reference has repeatedly been made to the Norwegian legislation concerning this matter, I think it might be of some use at the present juncture to give a very brief relation of the leading features of those rules.

"The peculiarity of the Norwegian Law quoted by the Counsel for the United States, consists in its providing for a close season for the whaling. As to its stipulations about inner and territorial waters, such stipulations are simply applications to a special case of the general principles laid down in the Norwegian legislation concerning the gulfs and the waters washing the coasts. A glance on the map will be sufficient to show the great number of gulfs or fiords, and their importance for the inhabitants of Norway. Some of these fiords have a considerable development, stretching themselves far into the country and being at their mouth very wide. Nevertheless they have been from time immemorial considered as inner waters, and this principle has always been maintained, even as against foreign subjects.

"More than twenty years ago, a foreign Government once complained that a vessel of their nationality had been prevented from fishing in one of the largest fiords of Norway, in the northern part of the country. The fishing carried on in that neighbourhood during the first four months of every year is of extraordinary importance to the country, some 30,000 people gathering there from south and north, in order to earn their living. A Government inspection controls the fishing going on in the waters of the fiord, sheltered by a range of islands against the violence of the sea. The appearance in these waters of a foreign vessel pretending to take its share of the fishing, was an unheard-of occurrence, and in the ensuing diplomatic correspondence the exclusive

right of Norwegian subjects to this industry was energetically insisted upon as founded in immemorial practice.

"Besides, Norway and Sweden have never recognized the 3-mile limit as the confines of their territorial waters. They have neither concluded nor acceded to any Treaty consecrating that rule. By their municipal laws the limit has generally been fixed at 1 geographical mile, or one-fifteenth part of a degree of latitude, or 4 marine miles; no narrower limit having ever been adopted. In fact, in regard to this question of the fishing rights, so important to both of the United Kingdoms, the said limits have in many instances been found to be even too narrow. As to this question and others therewith connected, I beg to refer to the communications presented by the Norwegian and Swedish members in the sittings of the 'Institut de Droit International' in 1891 and 1892. I wish also to refer, concerning the subject which I have now very briefly treated, to the proceedings of the Conference of the Hague in 1882 ('Martens' Nouveau Recueil Général, II^e série, vol. ix'), containing the reasons why Sweden and Norway have not adhered to the Treaty of the Hague."

The President requested that Counsel on both sides would bear in mind the observations of his Excellency M. Gram, in case they found it necessary to cite the example of the waters of Norway, but thought it his duty to remind them that the question of the definition of territorial waters was not submitted to the Arbitrators and that it was not the intention of the Tribunal to express any opinion with respect to that definition.

Sir Richard Webster then resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, Sir Richard Webster continued his argument.

At 4 p.m. the Tribunal adjourned to the next day, at 11:30 a.m.

Done at Paris, the 6th June, 1893, and signed:

The President	.. ..	..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	..	CHARLES H. TUPPER.
The Secretary	.. ..	..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYGHAME,	

Inclosure 5 in No. 90.

Protocole No. 34.—Séance du Mercredi, 7 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster reprend et termine son argumentation.

M. Christopher Robinson commence ensuite son plaidoyer.

La séance est suspendue à 1 heure 30.

A la reprise, M. Robinson continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures.

Ainsi fait à Paris, le 7 Juin, 1893, et ont signé:

Le Président..	.. ..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	..	A. IMBERT.

[English version.]

Protocol No. 34.—Meeting of Wednesday, June 7, 1893.

THE Tribunal assembled at 11:30 a.m., all the Arbitrators being present.

Sir Richard Webster resumed and concluded his argument.

Mr. Christopher Robinson then began his argument.

At 1:30 the Tribunal took a recess.

On reassembling, Mr. Robinson continued his argument.

At 4 p.m. the Tribunal adjourned to the next day, at 11 o'clock.
Done at Paris, the 7th June, 1893, and signed.

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPP'ER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 6 in No. 90.

Protocole No. 35.—Séance du Jeudi, 8 Juin, 1893.

Le Tribunal s'est réuni en Chambre du Conseil, à 11 heures, tous les Arbitres étant présents.

La séance publique a commencé à midi.

Mr. Christopher Robinson continue et achève son argumentation.

L'Agent des États-Unis donne alors lecture de la déclaration suivante :—

"Le Gouvernement des États-Unis,—pour le cas où la solution donnée par le Haut Tribunal à certaines questions indiquées dans l'Article VII du Traité comme étant les 'questions ci-dessus relatives à la juridiction exclusive des États-Unis' serait, ainsi qu'il est énoncé dans ledit Article VII, 'telles que le concours de la Grande-Bretagne soit nécessaire à l'institution de Règlements en vue de la protection efficace et de la conservation des phoques à fourrure habitant ou fréquentant habituellement la Mer de Behring.'—expose que les Règlements suivants sont nécessaires et devraient s'appliquer aux eaux dont il sera fait mention à cet effet ci-après :

"*Premièrement.*—Aucun citoyen ou sujet des États-Unis ou de la Grande-Bretagne ne pourra, de quelque façon que ce soit, tuer, capturer, ou poursuivre sur aucun point de la mer, dans les bornes et limites ci-après marquées pour la mise en vigueur du présent Règlement, aucun des animaux communément appelés 'phoques à fourrure.'

"*Deuxièmement.*—Le Règlement qui précède s'appliquera et s'étendra à toutes les eaux de l'Océan Pacifique Septentrional ou de la Mer de Behring, au nord du 35° parallèle de latitude nord, et à l'est du 180° méridien de longitude ouest de Greenwich, en dehors des limites de la juridiction des nations ci-dessus mentionnées. Toutefois, il ne s'appliquera pas à la poursuite et à la capture desdits phoques par les Indiens résidant sur les côtes des territoires de la Grande-Bretagne ou des États-Unis, pour leur usage personnel, au moyen de harpons, dans des pirogues ou embarcations non pontées, non embarquées sur d'autres navires ou détachées de ceux-ci, manœuvrées uniquement à la pagaie, et qui ne soient pas montées par plus de deux hommes chacune, de la façon anciennement pratiquée par ces Indiens.

"*Troisièmement.*—Tout vaisseau, navire, bateau ou autre embarcation (en dehors des pirogues ou embarcations mentionnées et décrites dans le paragraphe précédent), appartenant aux citoyens ou sujets de l'une ou l'autre des nations susdites, qui serait trouvé détruisant, poursuivant ou capturant lesdits phoques, ou engagé dans un voyage ayant ce but, dans les eaux ci-dessus délimitées et décrites, pourra, avec ses agrès, appareils, matériel, provisions et toutes les peaux de phoques qui se trouveraient à bord, être capturé et saisi comme prise par tout navire armé pour le service public de l'une ou l'autre des susdites nations; et dans le cas d'une telle capture, il pourra être amené dans tout port de la nation à laquelle appartiendrait le navire capteur et être condamné en suite d'une procédure devant tout Tribunal ayant juridiction compétente, laquelle procédure sera conduite, autant que faire se pourra, conformément aux usages et à la pratique des Cours d'Amirauté siégeant comme Tribunaux de Prises."

L'Agent des États-Unis donne également lecture de la proposition suivante :—

"Le Gouvernement des États-Unis propose de substituer aux conclusions de fait présentées par le Gouvernement de la Grande-Bretagne les conclusions suivantes. Dire :

"1. Que les diverses visites et saisies de navires ou de marchandises et les différentes arrestations de capitaines et d'équipages, mentionnées respectivement dans ladite Annexe ont été faites par autorité du Gouvernement des États-Unis. Sur la question de savoir quels navires et combien parmi les navires mentionnés dans cette Annexe étaient en

tout ou en partie la propriété de sujets Britanniques, et quels navires et combien parmi ces navires étaient en tout ou en partie la propriété de citoyens Américains, le Tribunal ne se prononce pas. Il ne détermine pas non plus la valeur de ces navires ou de leurs cargaisons, ensemble ou séparément.

"2. Que les susdites saisies ont été faites en mer à plus de 10 milles de toute côte.

"3. Que lesdites visites et saisies de navires ont été faites par des navires armés pour le service public des États-Unis, dont les Commandants avait reçu, toutes les fois qu'elles ont eu lieu, du Pouvoir Exécutif du Gouvernement des États-Unis, des instructions dont un exemplaire est reproduit en copie ci-après (Annexe A), les autres exemplaires desdites instructions étant conformes à ce modèle sur tous les points essentiels; que dans toutes les occasions où des poursuites entamées devant les Cours de District des États-Unis ont été suivies de condamnations, ces poursuites ont débüté par le dépôt d'un acte d'accusation, dont une copie est annexée ci-dessous (Annexe B), les actes d'accusation déposés dans les autres procédures étant, en tous points essentiels, semblable à ce modèle; que les actes ou délits allégués comme motifs de ces visites et saisies ont été accomplis ou commis en mer à plus de 10 milles de toute côte; et que, dans tous les cas où une condamnation a été prononcée, excepté dans les cas où le navire a été relâché après condamnation, la prise a été approuvée par le Gouvernement des États-Unis; que les amendes et emprisonnements susdits ont été prononcés à raison d'infractions aux lois nationales des États-Unis, infractions toutes commises en mer à plus de 10 milles de toute côte.

"4. Que les différents ordres, mentionnés dans ladite Annexe, enjoignant à certains navires de quitter la Mer de Behring, ont été donnés par des navires armés pour le service public des États-Unis, dont les Commandants avaient, toutes les fois qu'ils donnaient ces ordres, des instructions conformes à celles mentionnées ci-dessus sous le No. 3, et que les navires qui ont reçu ces sommations étaient occupés à la chasse des phoques ou faisaient route pour entreprendre cette chasse.

"5. Que lesdites visites, saisies, condamnations, confiscations, amendes, n'ont été opérées ou imposées; que lesdits emprisonnements et ordres n'ont été infligés et donnés en vertu d'aucune prétention ou affirmation de droit ou de juridiction, autres que celles qui sont soumises à la décision des Arbitres par les questions posées dans l'Article VI du Traité d'Arbitrage.

"6. Que les Cours de District des États-Unis devant lesquelles des poursuites ont été entamées ou suivies pour obtenir des condamnations contre les navires saisis dont il est fait mention dans l'Annexe au Mémoire de la Grande-Bretagne, pages 1 à 60 inclusivement, avaient tous droits de juridiction et pouvoirs appartenant au Cours d'Amirauté, y compris la juridiction de Tribunaux de Prises."

Annexe (A).

(Voir: Contre-Mémoire Anglais, Appendice, vol. 1, p. 72.)

(Traduction.)
Monsieur,

Département du Trésor, Cabinet du Secrétaire,

Washington, le 21 Avril, 1886.

COMME suite à une lettre du Département, en date de ce jour, vous enjoignant de vous diriger avec le vapeur du service des Douanes "Bear," placé sous votre commandement, vers les îles aux phoques, vous êtes par les présentes investi de tous les pouvoirs nécessaires pour assurer l'exécution de la Loi dont les termes sont contenus dans la Section 1955 des Statuts Révisés des États-Unis, et ordre vous est donné de saisir tout navire, et d'arrêter et livrer aux autorités compétentes tout individu ou toutes personnes que vous trouveriez agissant en violation de la Loi susmentionnée, après qu'un avertissement suffisant leur aura été donné.

Vous saisirez également tous spiritueux et armes à feu que l'on chercherait à introduire dans le pays sans une permission en règle, en exécution de la Section 1955 des Statuts Révisés et de la Proclamation du Président en date du 4 Février, 1870.

Respectueusement à vous,

(Signé)

C. S. FAIRCILD.

Secrétaire par intérim.

Au Capitaine M. A. Heldy,

Commandant le vapeur du service des Douanes "Bear," à San-Francisco (Californie).

Annexe (B).

(Voir: Mémoire de la Grande-Bretagne, Appendice, vol. III, États-Unis, No. 2, 1890, p. 65.)

Devant la Cour de District des États-Unis pour le District d'Alaska.

Session (Special Term) d'Août 1886.

A l'Honorable Lafayette Dawson, Juge de ladite Cour de District.

Le réquisitoire à fin d'information par lequel M. D. Ball, Attorney des États-Unis pour le district d'Alaska, poursuivant au nom des États-Unis et présent ici devant la Cour, en sa personne, comme Représentant des États-Unis et en leur nom, contre la goëlette "Thornton," ses agrès, apparaux, embarcations, cargaisons et matériel et contre toutes personnes intervenant comme ayant des intérêts engagés dans ce navire, en poursuite à fin de confiscation, présente les allégations et déclarations suivantes:

Que Charles A. Abbey, officier du service des Douanes Maritimes des États-Unis, chargé d'une mission spéciale dans les eaux du district d'Alaska, antérieurement au présent jour, à savoir le 1^{er} Août, 1886, dans les limites du territoire d'Alaska et dans ses eaux, et dans les limites du district civil et judiciaire d'Alaska, à savoir dans l'étendue des eaux de cette partie de la Mer de Behring qui appartient au dit district, dans des eaux navigables pour des navires venant de la haute mer et jaugeant 10 tonneaux ou au-dessus, a saisi le vaisseau ou navire communément dénommé goëlette, le "Thornton," ses agrès, apparaux, embarcations, cargaison et matériel, lesquels étaient la propriété d'une ou de plusieurs personnes inconnues dudit Attorney, et les a confisqués au profit des États-Unis pour les causes ci-après:

Que ledit navire ou goëlette a été trouvé se livrant à la destruction des phoques à fourrure, dans les limites du territoire d'Alaska et de ses eaux, en violation des dispositions de la Section 1956 des Statuts Révisés des États-Unis.

Et ledit Attorney déclare que toutes les propositions ci-dessus énoncées et chacune d'elles sont et étaient vraies, et qu'elles tombent sous la juridiction maritime et d'Amirauté de cette Cour, et que, pour cette raison, et en exécution des Statuts des États-Unis établis et édictés pour de tels cas, le navire ou la goëlette mentionnée et décrite ci-dessus, jaugeant plus de 20 tonneaux, ses agrès, apparaux, embarcations, cargaison et matériel ont été et sont confisqués au profit des États-Unis, et que ladite goëlette se trouve maintenant dans le district susdit.

Ce pourquoi ledit Attorney demande que l'honorable Cour de Justice procède et avise comme d'usage en cette affaire, et que toutes personnes ayant un intérêt dans ladite cause ou navire soient citées par voie d'assignation générale ou spéciale, afin de répondre aux propositions susénoncées, et que, à la suite de la procédure à ce nécessaire, ledit navire ou goëlette, ses agrès, apparaux, embarcations, cargaison et matériel, soient condamnés pour ladite cause ou toute autre qu'il apparaîtrait juste, par arrêt formel et décret de cette honorable Cour, et confisqués au profit desdits États-Unis, selon la forme des Statuts desdits États-Unis, établis et édictés pour de tels cas.

(Signé) M. D. BALL,

Attorney des États-Unis pour le District d'Alaska.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* commence sa plaidoirie, pour le Gouvernement de la Grande-Bretagne, sur la question des Règlements prévus par l'Article VII du Traité d'Arbitrage.

La séance est levée à 4 heures, et le Tribunal s'ajourne au lendemain, à 11 heures 30.

Ainsi fait à Paris, le 8 Juin, 1893, ayant signé:

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocole No. 35.—Meeting of Thursday, June 8, 1893.

THE Tribunal assembled in the Council Chamber at 11 o'clock, all the Arbitrators being present.

The public sitting commenced at noon.

Mr. Christopher Robinson continued and finished his address.

The United States' Agent then read the following statement:—

"The Government of the United States, in the event that the determination of the High Tribunal of certain questions described in the VIIth Article of the Treaty as

'the foregoing questions as to the exclusive jurisdiction of the United States' should, as mentioned in said VIIIth Article, 'leave the subject in such a condition 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, Behring Sea,' submits that the following regulations are necessary, and that the same should extend over the waters hereinafter in that behalf mentioned.

"*Firstly*.—No citizen or subject of the United States or Great Britain shall in any manner kill, capture, or pursue anywhere upon the seas, within the limits and boundaries next hereinafter prescribed for the operation of this Regulation, any of the animals commonly called fur seals.

"*Secondly*.—The foregoing regulation shall apply to and extend over all those waters outside the jurisdictional limits of the above-mentioned nations of the North Pacific Ocean or Behring Sea, which are north of the 35th parallel of north latitude, and east of the 180th meridian of longitude west from Greenwich. Provided, however, that it shall not apply to such pursuit and capture of said seals as may be carried on by Indians dwelling on the coasts of the territory, either of Great Britain or the United States, for their own personal use, with spears, in open canoes or boats not transported by, or used in connection with other vessels, and propelled wholly by paddles, and manned by not more than two men each, in the way anciently practised by such Indians.

"*Thirdly*.—Any ship, vessel, boat, or other craft (other than the canoes or boats mentioned and described in the last foregoing paragraph) belonging to the citizens or subjects of either of the nations aforesaid, which may be found actually engaged in the killing, pursuit, or capture of said seals, or prosecuting a voyage for that purpose, within the waters above bounded and described, may, with her tackle, apparel, furniture, provisions, and any seal-skins on board, be captured and made prize of by any public armed vessel of either of the nations aforesaid; and, in case of any such capture may be taken into any port of the nation to which the capturing vessel belongs, and be condemned by proceedings in any Court of competent jurisdiction, which proceedings shall be conducted, so far as may be, in accordance with the course and practice of Courts of Admiralty when sitting as Prize Courts."

The Agent of the United States also read the following statement:

"Substitute proposed by the Government of the United States for findings of facts submitted by the Government of Great Britain:—

"1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the said Schedule, were made by the authority of the United States' Government. Which, and how many of the vessels mentioned in said Schedule were in whole, or in part, the actual property of British subjects, and which and how many were in whole, or in part, the actual property of American subjects, is a fact not passed upon by this Tribunal. Nor is the value of said vessels or contents, or either of them, determined.

"2. That the seizures aforesaid were made upon the sea more than 10 miles from any shore.

"3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the Commanders of which had, the several times when they were made, from the Executive Department of the Government of the United States, instructions, a copy of one of which is annexed hereto, marked 'A,' and that the others were, in all substantial respects, the same; that in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked 'B,' and that the libels in the other proceedings were, in all substantial respects, the same; that the alleged acts or offences for which said several searches and seizures were made, were, in each case, done or committed upon the seas more than 10 miles from any shore; and that in each case in which sentence of condemnation was had, except in those cases when the vessel was released after condemnation, the capture was adopted by the Government of the United States. That the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed upon the seas more than 10 miles from any shore.

"4. That the several orders mentioned in said Schedule warning vessels to leave Behring Sea were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were given, like instructions as mentioned in finding 3, above proposed, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose.

"5. That the said several searches, seizures, condemnations, confiscations, fines, imprisonments, and orders were not made, imposed, or given under any claim or assertion of right or jurisdiction, except such as is submitted to the decision of the Arbitrators by the questions in Article VI of the Treaty of Arbitration.

"6. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the Schedule to the Case of Great Britain, pp. 1 to 60, inclusive, had all the jurisdiction and power of Courts of Admiralty, including the prize jurisdiction."

Annexo (A).

(See British Counter-Case, Appendix, vol. I, p. 72.)

Treasury Department, Office of the Secretary,
Washington, April 21, 1886.

Sir,
Referring to Department letter of this date, directing you to proceed with the revenue steamer "Bear," under your command, to the Seal Islands, &c., you are hereby clothed with full power to enforce the Law contained in the provisions of Section 1956 of the United States' Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the Law referred to, after due notice shall have been given.

You will also seize any liquors or fire-arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President, dated the 4th February, 1870.

Respectfully yours,

(Signed) C. S. FAIRCHILD,
Acting Secretary.

Captain M. A. Healy,
Commanding Revenue-steamer "Bear," San-Francisco, California.

Annexo (B).

(See British Case, Appendix, vol. III, U.S. No. 2, 1890, p. 65.)

In the District Court of the United States for the District of Alaska.

August Special Term, 1886.

To the Honorable Lafayette Dawson, Judge of said District Court.

The libel of information of M. D. Ball, Attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:

That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the District of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska territory, and in the waters thereof, and within the civil and judicial District of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said District, on waters navigable from the sea by vessel of 10 or more tons burden, seized the ship or vessel commonly called a schooner, the "Thornton," her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said Attorney unknown, as forfeited to the United States, for the following causes:

That the said vessel or schooner was found engaged in killing fur seal within the limits of Alaska territory, and in the waters thereof, in violation of Section 1956 of the Revised Statutes of the United States.

And the said Attorney saith that all and singular the premises are and were true, and within the Admiralty and maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the afore-mentioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore the said Attorney prays the usual process and monition of this honorable Court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture may, for the cause aforesaid, and others appearing, be condemned by the definite sentence and decree

of this honourable Court, as forfeited to the use of the said United States, according to the form of the Statute of the said United States in such cases made and provided.

(Signed) M. D. BALL,
United States' District Attorney for the District of Alaska.

At 1:30 the Tribunal took a recess.

On reassembling *Sir Charles Russell* began his argument on behalf of the Government of Great Britain on the question of Regulations as contemplated by Article VII of the Treaty of Arbitration.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 8th June, 1893, and signed:

The President	.. ..	ALPH DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, }
H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 7 in No. 90.

Protocole No. 36.—Séance du Vendredi, 9 Juin, 1893.

Le Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend son argumentation de la veille.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue sa plaidoirie.

La séance est levée à 4 heures et le Tribunal s'ajourne jusqu'au Mardi, 13 Juin, à 11 heures 30.

Ainsi fait à Paris, le 9 Juin, 1893, et ont signé :

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 36.—Meeting of Friday, June 9, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument of the previous day.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned until Tuesday, the 13th June, at 11:30 A.M.

Done at Paris, the 9th June, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, }
H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 8 in No. 90.

Protocole No. 37.—Séance du Mardi, 13 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend et achève son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Richard Webster* commence sa plaidoirie pour la Grande-Bretagne sur la question des Règlements.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 13 Juin, 1893, et ont signé :

Le Président.	..	..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	..	..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	..	..	..	CHARLES H. TUPPER.
Le Secrétaire	..	..	..	A. IMBERT.

[English version.]

Protocol No. 37.—Meeting of Tuesday, June 13, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed and concluded his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Richard Webster* began his argument on behalf of Great Britain on the question of Regulations.

At 4 P.M. the Tribunal adjourned to the next day, at 11·30 A.M.

Done at Paris, the 13th June, 1893, and signed :

The President	..	..	..	ALPH. DE COURCEL.
The Agent for the United States	..	..	..	JOHN W. FOSTER.
The Agent for Great Britain	..	..	..	CHARLES H. TUPPER.
The Secretary	..	..	..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 9 in No. 90.

Protocole No. 38.—Séance du Mercredi, 14 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Richard Webster* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 14 Juin, 1893, et ont signé :

Le Président.	..	..	..	ALPH. DE COURCEL.
L'Agent des États-Unis	..	..	..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	..	..	..	CHARLES H. TUPPER.
Le Secrétaire	..	..	..	A. IMBERT.

[English version.]

Protocol No. 38.—Meeting of Wednesday, June 14, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Richard Webster resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Richard Webster* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 13th June, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 10 in No. 90.

Protocole No. 39.—Séance du Jeudi, 15 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Richard Webster* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures.

Ainsi fait à Paris, le 15 Juin, 1893, et ont signé:

Le Président.	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 39.—Meeting of Thursday, June 15, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Richard Webster resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Richard Webster* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11 A.M.

Done at Paris, the 15th June, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

No. 91.

Mr. Tupper to the Earl of Rosebery.—(Received July 8.)

My Lord,

Paris, July 7, 1893.

MR. PHELPS, in continuing his argument on the 5th instant, dealt with the question of the extent of the freedom of the sea. He then passed on to consider the facts to which the abstract rules propounded by him were to be applied. After a reference to the value of the sealing industry he proceeded to attack pelagic sealing, and for that purpose entered into an examination of the evidence submitted by both sides.

He first referred to the question of the number of female seals killed at sea, and did not finish his observations on this subject until yesterday.

He next discussed the evidence respecting the dead pups found on the islands, and concluded the day's proceedings with a reference to the criticisms made on the British side with regard to the management of the sealing industry on the islands by the United States' authorities.

Mr. Phelps announced that he hoped to be able to finish his speech to-day.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 92.

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

My Lord,

Paris, July 11, 1893.

IN his speech on the 7th instant Mr. Phelps concluded his argument against pelagic sealing, and after the luncheon interval proceeded to deal with the question of Regulations.

His remarks on this subject were directed to prove the inadequacy of the measures proposed on the British side to preserve the seals from extermination.

He was unable to close his address before the hour of adjournment, and it was arranged that the Tribunal should sit at 2 o'clock on the following day to enable him to conclude.

On the 8th instant Mr. Phelps finished his speech, and after an expression of thanks on both sides to the President and other Arbitrators, the public sittings of the Tribunal were brought to a close.

I have, &c.

(In the absence of Mr. Tupper),

(Signed) R. P. MAXWELL.

No. 93.

Mr. Tupper to the Earl of Rosebery.—(Received July 19.)

My Lord,

Paris, July 18, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols of the proceedings before the Tribunal of Arbitration, Nos. 40, 42, 43, 44, 45, 46, and 47.

Owing to the necessity of making some alterations in the text, the 41st Protocol has not yet been issued.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 93.

Protocole No. 40.—Séance du Vendredi, 16 Juin, 1893.

LE Tribunal s'est réuni à 11 heures, tous les Arbitres étant présents.

Sir Richard Webster reprend son argumentation.

La séance est suspendue à 1 heure.

A la reprise, *Sir Richard Webster* continue sa plaidoirie.

En levant la séance, à 3 heures 30, le *Président* annonce que, pendant l'absence temporaire de Mr. Cunynghame, le Tribunal autorise Mr. Henry Hannen, avocat, à remplir ses fonctions.

Puis le Tribunal s'ajourne jusqu'au Mardi, 20 Juin, à 11 heures 30.

Ainsi fait à Paris, le 16 Juin, 1893, et ont signé :

Le Président.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 40.—Meeting of Friday, June 16, 1893.

THE Tribunal assembled at 11 o'clock, all the Arbitrators being present.

Sir Richard Webster resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Sir Richard Webster* continued his argument.

The *President*, in adjourning, announced that during the temporary absence of Mr. Cunynghame, the Tribunal authorized Mr. Henry Hannen, Barrister-at-Law, to perform his duties.

At 3:30 P.M. the Tribunal adjourned until Tuesday, 20th June, at 11:30 A.M.

Done at Paris, the 16th June, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 2 in No. 93.

Protocole No. 42.—Séance du Mercredi, 21 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster présente et propose de lire au Tribunal certains documents qui viennent d'être distribués au Parlement Britannique et qui contiennent une correspondance entre la Grande-Bretagne et la Russie au sujet des saisies de navires Anglais par les croiseurs Russes dans la Mer de Behring.

Mr. Carter s'oppose à ce que ces documents soient considérés comme ayant été déposés devant le Tribunal.

Après avoir consulté ses collègues, le *Président* déclare que le Tribunal autorise la lecture de ses pièces, mais en se réservant de décider ultérieurement si elles seront admises ou non comme moyen de preuve.

Sir Richard Webster lit alors un extrait des documents en question.

Mr. Christopher Robinson reprend ensuite son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Mr. Robinson* continue et achève sa plaidoirie.

A 3 heures 50 la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 21 Juin, 1893, et ont signé :

Le Président.	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 42.—Meeting of Wednesday, June 21, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Richard Webster produced, and proposed to read to the Tribunal certain documents recently presented to the Parliament of Great Britain containing correspondence between Great Britain and Russia on the subject of the seizure of British vessels by Russian cruisers in the Behring Sea.

Mr. Carter objected to these documents being regarded as before the Tribunal.

The President, after consultation with his colleagues, announced that the Tribunal would permit the documents to be read, but reserved to itself for further consideration the question of their admissibility as evidence.

Sir Richard Webster then read an extract from the documents in question.

Mr. Christopher Robinson then resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *Mr. Robinson* continued and concluded his argument.

At 3:50 P.M., the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 21st June, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States. . . .	JOHN W. FOSTER.
The Agent for Great Britain	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, *Co-Secretary*.
HENRY A. HANNEN, *Acting Co-Secretary*.

Inclosure 3 in No. 93.

Protocole No. 43.—Séance du Jeudi, 23 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps commence sa plaidoirie pour les États-Unis.

La séance est suspendue à 1 heure 30.

A la reprise, *L'Honorable Edward J. Phelps* continue son argumentation.

La séance est levée à 4 heures, et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 22 Juin, 1893, et ont signé :

Le Président.	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHAS. H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 43.—Meeting of Thursday, June 22, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps began his argument on behalf of the United States.

At 1:30 the Tribunal took a recess.

On reassembling, the *Honorable Edward J. Phelps* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.
Done at Paris, the 22nd June, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States..	..	JOHN W. FOSTER.
The Agent for Great Britain	..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, *Co-Secretary.*
HENRY A. HANNEN, *Acting Co-Secretary.*

Inclosure 4 in No. 93.

Protocole No. 44.—Séance du Vendredi, 23 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *L'Honorable Edward J. Phelps* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 27 Juin, à 11 heures 30.

Ainsi fait à Paris, le 23 Juin, 1893, et ont signé:

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 44.—Meeting of Friday, June 23, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honorable Edward J. Phelps resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling the *Honorable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned until Tuesday, the 27th June, at 11:30 A.M.

Done at Paris, the 23rd June, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, *Co-Secretary.*
HENRY A. HANNEN, *Acting Co-Secretary.*

Inclosure 5 in No. 93.

Protocole No. 45.—Séance du Mardi, 27 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *L'Honorable Edward J. Phelps* poursuit son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 27 Juin, 1893, et ont signé :

Le Président.	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 45.—Meeting of Tuesday, June 27, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling the *Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 27th June, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, *Co-Secretary*.
HENRY A. HANNEN, *Acting Co-Secretary*.

Inclosure 6 in No. 93.

Protocole No. 46.—Séance du Mercredi, 28 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. H. Cunynghame reprend ses fonctions de Co-Secrétaire, qui avaient été exercées provisoirement par *Mr. Henry Hannen*.

L'Honorable Edward J. Phelps continue sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *L'Honorable Edward J. Phelps* poursuit son argumentation.

La séance est levée à 4 heures et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 28 Juin, 1893, et ont signé :

Le Président.	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 46.—Meeting of Wednesday, June 28, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Mr. H. Cunynghame resumed his duties of Co-Secretary, which had been fulfilled temporarily by *Mr. Henry Hannen*.

The Honourable Edward J. Phelps continued his argument.

At 1:30 the Tribunal took a recess.

On reassembling, the *Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 28th June, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 7 in No. 93.

Protocole No. 47.—Séance au Jeudi, 29 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, l'Honorable Edward J. Phelps continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne au Lundi, 3 Juillet, à 11 heures 30.

Ainsi fait à Paris, le 29 Juin, 1893, et ont signé:

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 47.—Meeting of Thursday, June 29, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling the Honourable Edward J. Phelps continued his argument.

At 4 P.M. the Tribunal adjourned until Monday, the 3rd July, at 11:30 A.M.

Done at Paris, the 29th June, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

No. 94.

Mr. Tupper to the Earl of Rosebery.—(Received July 26.)

My Lord,

Paris, July 25, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocol No. 41 of the proceedings before the Behring Sea Tribunal of Arbitration.

I have, &c.,

(Signed) CHARLES H. TUPPER.

Inclosure in No. 94.

Protocole No. 41.—Séance du Mardi, 20 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster continue son argumentation.

L'Agent de Sa Majesté Britannique dépose devant le Tribunal, au nom de son Gouvernement, un projet de Règlements dont le texte suit:—

" Règlements.

"1. Tout bâtiment employé à la chasse des phoques en mer devra se pourvoir de licences à l'un des ports indiqués ci-dessous :—

"Victoria, dans la Province de la Colombie Britannique ;

"Vancouver, dans la Province de la Colombie Britannique ;

"Port Townsend, dans le Territoire de Washington, États-Unis ;

"San-Francisco, dans l'État de Californie, États-Unis.

"2. Ces licences ne seront accordées qu'à des bâtiments à voiles.

"3. Il sera établi autour des Iles Pribiloff une zone de 20 milles à l'intérieur de laquelle la chasse des phoques sera interdite en toute saison.

"4. Il y aura, du 15 Septembre au 1^{er} Juillet, une saison de clôture, pendant laquelle la chasse des phoques ne sera point permise dans la Mer de Behring.

"5. Il ne pourra être fait usage ni de carabines ni de filets pour la chasse des phoques en mer.

"6. Tout bâtiment employé à la chasse des phoques devra porter un pavillon distinctif.

"7. Les patrons des bâtiments employés à la chasse des phoques devront tenir un journal ou ils relèveront avec soin les époques et les emplacements de la chasse, le nombre et le sexe des phoques capturés ; ils devront tenir un journal ou ils relèveront avec soin les époques et les emplacements de la chasse, le nombre et le sexe des phoques capturés ; ils devront faire figurer un extrait dudit journal dans leur journal de bord.

"8. Les licences tomberont en déchéance en cas d'infraction auxdits Règlements."

La séance est suspendue à 1 heure 30.

A la reprise, Sir Richard Webster reprend et achève sa plaidoirie.

L'Agent de Sa Majesté Britannique dépose alors devant le Tribunal le document ci-dessous, qu'il présente, d'accord avec l'Agent des États-Unis, pour être substitué aux documents soumis antérieurement au Tribunal relativement aux Conclusions de fait :—

"Conclusions de fait proposées par l'Agent de la Grande-Bretagne, acceptées par l'Agent des États-Unis, qui en admet l'exactitude, et soumises à l'examen du Tribunal d'Arbitrage.

"1. Que les diverses visites et saisies de navires ou de marchandises et les différentes arrestations de patrons et d'équipages, mentionnées respectivement dans l'Annexe au Mémoire Britannique, pages 1 à 60 inclusivement, ont été faites par autorité du Gouvernement des États-Unis. Les questions se rapportant à la valeur desdits navires ou de leur contenu, ensemble ou séparément, et la question de savoir si les navires désignés dans l'Annexe au Mémoire Britannique, ou certains d'entre eux, étaient, en totalité ou en partie, la propriété de citoyens des États-Unis, ont été retirés et n'ont pas été l'objet de l'examen du Tribunal, sous cette réserve que les États-Unis garde le droit de soulever ces questions ou quelqu'une d'entre elles, s'ils le jugent à propos, dans toute négociation ultérieure pouvant engager la responsabilité du Gouvernement des États-Unis, en ce qui touche le paiement des sommes mentionnées dans l'Annexe au Mémoire Britannique.

"2. Que les susdites saisies, sauf en ce qui concerne le "Pathfinder," saisi à Neah Bay, ont été effectuées dans la Mer de Behring, aux distances de la côte mentionnées au Tableau ci-annexé, sous la lettre (C).

"3. Que lesdites visites et saisies de navires ont été faites par des navires armés pour le service public des États-Unis, dont les Commandants avaient reçu, toutes les fois qu'elles ont eu lieu, du Pouvoir Exécutif du Gouvernement des États-Unis, des instructions dont un exemplaire est reproduit en copie ci-après (Annexe A), les autres exemplaires desdites instructions étant conformes à ce modèle sur tous les points essentiels ; que, dans toutes les occasions où des poursuites entamées devant les Cours de District des États-Unis ont été suivies de condamnations, ces poursuites ont débuté par le dépôt d'un acte d'accusation, dont une copie est annexée ci-dessous (Annexe B), les actes d'accusation déposés dans les autres procédures étant semblables à ce modèle, en tous points essentiels ; que les actes ou délits, allégués comme motifs de ces visites et saisies, ont été accompli ou commis dans la Mer de Behring, aux distances de la côte ci-dessus indiquées ; et que dans tous les cas où une condamnation a été prononcée, excepté ceux où les navires ont été relâchés après condamnation, la saisie a été approuvée par le Gouvernement des États-Unis ; et que, dans les cas où les navires ont été relâchés, la saisie avait été opérée par autorité du Gouvernement des États-Unis, que les amendes et emprisonnements susdits ont été prononcés à raison d'infractions

aux lois nationales et aux distances de la

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Sénat ; Documents Exc
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pp. 80-82. Voir Appe

Non du Navire.	Date
Carolina ..	1 ^{er} ..
Thornton ..	1 ^{er} ..
Onward ..	2 ^e A ..
Favourite ..	2 ^e S ..
Anna Beck ..	2 J ..
W. P. Seyward ..	9 J ..
Dolphin ..	12 J ..
Grace ..	17 J ..
Alfred Adams ..	10 A ..
Ada ..	25 A ..
Triumph ..	4 A ..
Juanita ..	31 J ..
Pathfinder ..	29 J ..
Triumph ..	11 J ..
Black Diamond ..	11 J ..
Lily ..	6 A ..
Ariel ..	30 J ..
Kate ..	13 A ..
Minnie ..	15 J ..
Pathfinder ..	27 M ..

• La Baie de Neah
commis par lui dans la M

aux lois nationales des États-Unis, infractions toutes commises dans la Mer de Behring aux distances de la côte ci-dessus indiquées.

"4. Que les différents ordres mentionnés dans l'Annexe ci-jointe sous la lettre (C), enjoignant à certains navires de quitter la Mer de Behring ou de ne pas y entrer, ont été donnés par des navires armés pour le service public des États-Unis, dont les Commandants avaient, toutes les fois qu'ils ont donné ces ordres, des instructions conformes à celles mentionnées ci-dessus, sous le No. 3, et que les navires qui ont reçu ces injonctions étaient occupés à la chasse des phoques ou faisaient route pour entreprendre cette chasse, et que cette façon de procéder a été sanctionnée par le Gouvernement des États-Unis.

"5. Que les Cours de District des États-Unis devant lesquelles des poursuites ont été entamées ou suivies pour obtenir des condamnations contre les navires saisis dont il est fait mention dans l'Annexe au Mémoire de la Grande-Bretagne, pages 1 à 60 inclusivement, avaient tous droits de juridiction et pouvoirs appartenant aux Cours d'Amirauté, y compris la juridiction de Tribunaux de Prises, mais que, dans chaque cas particulier, la sentence prononcée par la Cour s'appuyait sur les causes mentionnées dans l'acte d'accusation."

Annexes (A) et (B).

(Pour le texte de ces Annexes, voir le Protocole 35, Annexes (A) et (B) aux Conclusions de fait présentées par l'Agent des États-Unis.)

Annexe (C).

La Table ci-dessous contient les noms des navires Britanniques employés à la chasse des phoques, qui ont été saisis ou avertis par les croiseurs du service des Douanes des États-Unis, de 1886 à 1890, et la distance approximative de la terre où ces saisies ont eu lieu. Ces distances sont indiquées, en ce qui concerne les navires "Carolena," "Thornton," et "Onward," d'après le témoignage du Commandant Abbey, de la Marine des États-Unis. (Voir 50^e Congrès; 2^e Session; Sénat; Documents Exécutifs, No. 106, pp. 20, 30, et 40.) Elles sont indiquées, en ce qui concerne les navires "Anna Beck," "W. P. Seyward," "Dolphin," et "Grace," d'après le témoignage du Capitaine Shepard, de la Marine du Trésor des États-Unis. (Livre Bleu, États-Unis, No. 2, 1890, pp. 80-82. Voir Appendice au Mémoire Britannique, vol. iii.)

Nom du Navire.	Date de la Saisie.	Distance approximative de Terre au moment de la Saisie.	Navire des États-Unis qui a fait la Saisie.
Carolena ..	1 ^{er} Août, 1886 ..	75 milles	Corwin.
Thornton ..	1 ^{er} Août, 1886 ..	70 "	Idem.
Onward ..	2 Août, 1886 ..	115 "	Idem.
Favourite ..	2 Août, 1886 ..	Averti par le "Corwin," à peu près dans la même position que le "Onward."	
Anna Beck ..	2 Juillet, 1887 ..	66 milles	Rush.
W. P. Seyward ..	9 Juillet, 1887 ..	59 "	Idem.
Dolphin ..	12 Juillet, 1887 ..	40 "	Idem.
Grace ..	17 Juillet, 1887 ..	96 "	Idem.
Alfred Adams ..	10 Août, 1887 ..	62 "	Idem.
Ada ..	25 Août, 1887 ..	15 "	Bear.
Triumph ..	4 Août, 1887 ..	Averti par le "Rush" de ne pas entrer dans la Mer de Behring.	
Juanita ..	31 Juillet, 1889 ..	66 milles	Rush.
Pathfinder ..	29 Juillet, 1889 ..	50 "	Idem.
Triumph ..	11 Juillet, 1889 ..	Averti par le "Rush" d'avoir à quitter la Mer de Behring.—Position au moment de l'avertissement: (?)	
Black Diamond ..	11 Juillet, 1889 ..	35 milles	Idem.
Lily ..	6 Août, 1889 ..	66 "	Idem.
Ariel ..	30 Juillet, 1889 ..	Averti par le "Rush" d'avoir à quitter la Mer de Behring.	
Kate ..	13 Août, 1889 ..	Averti par le "Rush" d'avoir à quitter la Mer de Behring.	
Minnie ..	15 Juillet, 1889 ..	65 milles	Idem.
Pathfinder ..	27 Mars, 1890 ..	Saisi dans la Baie de Neah.*	Corwin.

* La Baie de Neah est située dans l'État de Washington, et le "Pathfinder" y a été saisi, du chef de délits commis par lui dans la Mer de Behring l'année précédente. Ce bâtiment fut relâché deux jours plus tard.

Mr. Christopher Robinson commence ensuite son argumentation sur la question des Règlements.

La séance est levée à 4 heures et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 20 Juin, 1892, et ont signé :

Le Président.	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 41.—Meeting of Tuesday, June 20, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

Sir Richard Webster continued his argument.

The Agent of Her Britannic Majesty laid before the Tribunal a scheme of Regulations worded as follows:—

“Regulations.

“1. All vessels engaging in pelagic sealing shall be required to obtain licences at one or other of the following ports:—

“Victoria, in the Province of British Columbia.

“Vancouver, in the Province of British Columbia.

“Port Townsend, in Washington Territory, in the United States.

“San Francisco, in the State of California, in the United States.

“2. Such licences shall only be granted to sailing-vessels.

“3. A zone of 20 miles around the Pribyloff Islands shall be established, within which no seal hunting shall be permitted at any time.

“4. A close season, from the 15th September to the 1st July, shall be established, during which no pelagic sealing shall be permitted in Behring Sea.

“5. No rifles or nets shall be used in pelagic sealing.

“6. All sealing-vessels shall be required to carry a distinguishing flag.

“7. The masters in charge of sealing-vessels shall keep accurate logs as to the times and places of sealing, the number and sex of the seals captured, and shall enter an abstract thereof in their official logs.

“8. Licences shall be subject to forfeiture for breach of above Regulations.”

At 1:30, the Tribunal took a recess.

On reassembling, *Sir Richard Webster* resumed and concluded his argument.

The Agent of Her Britannic Majesty then presented to the Tribunal the following paper, which by agreement with the Agent of the United States, was submitted as a substitute for the papers heretofore presented as to Findings of fact:—

“Findings of fact proposed by the Agent of Great Britain, and agreed to as proved by the Agent for the United States, and submitted to the Tribunal of Arbitration for its consideration.

“1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the Schedule to the British Case, p. 1 to 60 inclusive, were made by the authority of the United States' Government. The questions as to the value of the said vessels or their contents or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from, and have not been considered by, the Tribunal, it being understood that it is open to the United States to raise these questions or any of them, if they think fit, in any future negotiations as to the liability of the United States' Government to pay the amounts mentioned in the Schedule to the British Case.

“2. That the seizures aforesaid, with the exception of the “Pathfinder,” seized at Neah Bay, were made in Behring Sea at the distances from shore mentioned in the Schedule annexed hereto, marked (C).

“3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were made, from the Executive Department of the Government of the

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United States, instructions, a copy of one of which is annexed hereto, marked (A), and that the others were in all substantial respects the same: that in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked (B) and that the libels in the other proceedings were in all substantial respects the same: that the alleged acts or offenses for which said several searches and seizures were made were in each case done or committed in Behring Sea at the distance from shore aforesaid: and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States: and in those cases in which the vessels were released, the seizure was made by the authority of the United States. That the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea at the distances from the shore aforesaid.

"4. That the several orders mentioned in the Schedule annexed hereto, and marked (C), warning vessels to leave or not to enter Behring Sea, were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were given, like instructions as mentioned in Finding 3, above proposed, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States.

"5. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the Schedule to the Case of Great Britain, pp. 1 to 60 inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the Prize Jurisdiction; but that in each case the sentence pronounced by the Court was based upon the grounds set forth in the libel."

Annexes (A) and (B).

(For the text of these Annexes, see Protocol 35, Annexes (A) and (B) to the Findings of fact submitted by the Agent of the United States.)

Annex (C).

The following Table shows the names of the British sealing-vessels seized or warned by United States revenue cruizers, 1886-90, and the approximate distance from land when seized. The distances assigned in the cases of the "Carolena," "Thornton," and "Onward" are on the authority of United States' Naval Commander Abbe. (See 50th Congress, 2nd Session, Senate Executive Documents, No. 106, pp. 20, 30, and 40.) The distances assigned in the cases of the "Anna Beck," "W. P. Sayward," "Dolphin," and "Grace" are on the authority of Captain Shepard, United States' Royal Marine. (Blue Book, United States, No. 2, 1890, pp. 80, 82. See Appendix, vol. iii.)

Name of Vessel.	Date of Seizure.	Approximate distance from Land when seized.	United States' Vessel making Seizure.
Carolena ..	August 1, 1886 ..	75 miles	Corwin.
Thornton ..	August 1, 1886 ..	70	Corwin.
Onward ..	August 2, 1886 ..	115	Corwin.
Favourite ..	August 2, 1886 ..	Warned by "Corwin" in about same position as "Onward,"	
Anna Beck ..	July 2, 1887 ..	66 miles	Rush.
W. P. Sayward ..	July 9, 1887 ..	59	Rush.
Dolphin ..	July 12, 1887 ..	40	Rush.
Grace ..	July 17, 1887 ..	96	Rush.
Alfred Ashum ..	August 10, 1887 ..	62	Rush.
Ada ..	August 25, 1887 ..	15	Beur.
Triumph ..	August 4, 1887 ..	Warned by "Rush" not to enter Behring Sea.	
Jaanita ..	July 31, 1889 ..	66 miles	Rush.
Pathfinder ..	July 29, 1889 ..	50	Rush.
Triumph ..	July 11, 1889 ..	Ordered out of Behring Sea by "Rush. (?) As to position when warned.	
Black Diamond ..	July 11, 1889 ..	35 miles	Rush.
Lily ..	August 6, 1889 ..	66	Rush.
Arvel ..	July 30, 1889 ..	Ordered out of Behring Sea by "Rush."	
Kate ..	August 13, 1889 ..	Ditto.	Rush.
Minnie ..	July 15, 1889 ..	65 miles	Rush.
Pathfinder ..	March 27, 1890 ..	Seized in Neah Bay*	Corwin.

* Neah Bay is in the State of Washington, and the "Pathfinder" was seized there on charges made against her in Behring Sea in the previous year. She was released two days later.

Mr. Christopher Robinson then began his argument on the question of Regulations. At 4 P.M. the Tribunal adjourned to the next day, at 11:30 A.M.

Done at Paris, the 20th June, 1893, and signed :

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States.	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, *Co-Secretary.*
HENRY A. HANNEN, *Acting Co-Secretary.*

No. 95.

Mr. Tupper to the Earl of Rosebery.—(Received July 26.)

My Lord,

Paris, July 25, 1893.

I HAVE the honour to report that on the close of the United States' argument on the 8th instant, I took immediate steps for dispensing with the services of as many as possible of the staff employed here during this Arbitration.

Mr. Piggott and Mr. Froude accordingly left on the 9th instant.

In consequence, however, of the necessity of having in readiness further information on certain points connected with seal-life, I deemed it advisable to retain Dr. Dawson's services for a short period longer. I also thought it best that Mr. Charles Russell should remain for the purpose of assisting Dr. Dawson, and of finishing the revision of the shorthand notes.

Dr. Dawson having completed his work left here on the 21st instant, and Mr. Russell took his departure on the following day.

The only members of the staff now remaining here are Mr. Maxwell and Mr. Pope.

I have, &c.,
(Signed) CHARLES H. TUPPER

No. 96.

Mr. Tupper to the Earl of Rosebery.—(Received August 5.)

My Lord,

Paris, August 4, 1893.

I HAVE the honour to transmit copies of the official Protocols Nos. 48, 49, 50, 51, 52, and 53, recording the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 96.

Protocole No. 48.—Séance du Lundi, 3 Juillet, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, l'Honorable Edward J. Phelps continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 3 Juillet, 1893, et ont signé :

Le Président.	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 48.—Meeting of Monday, July 3, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *the Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 3rd July, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} <i>Co-Secretaries.</i>
	H. CUNYNGHAME,	

Inclosure 2 in No. 96.

Protocole No. 49.—Séance du Mardi, 4 Juillet, 1893.

LE Tribunal s'est réuni at 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *L'Honorable Edward J. Phelps* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 4 Juillet, 1893, et ont signé:

Le Président	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 49.—Meeting of Tuesday, July 4, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *the Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 4th July, 1893, and signed:

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate:

(Signed)	A. BAILLY-BLANCHARD,	} <i>Co-Secretaries.</i>
	H. CUNYNGHAME,	

Inclosure 3 in No. 96.

Protocole No. 50.—Séance du Mercredi, 5 Juillet, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps continue sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *L'Honorable Edward J. Phelps* poursuit son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30. Ainsi fait à Paris, le 5 Juillet, 1893, et ont signé :

Le Président.	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 50.—Meeting of Wednesday, July 5, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *the Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 5th July, 1893, and signed :

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} <i>Co-Secretaries.</i>
	H. CUNYNGHAME,	

Inclosure 4 in No. 96.

Protocole No. 51.—Séance du Jeudi, 6 Juillet, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *l'Honorable Edward J. Phelps* continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 6 Juillet, 1893, et ont signé :

Le Président.	.. ..	ALPH. DE COURCEL.
L'Agent des États-Unis	.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	.. ..	CHARLES H. TUPPER.
Le Secrétaire	.. ..	A. IMBERT.

[English version.]

Protocol No. 51.—Meeting of Thursday, July 6, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, *the Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11:30 A.M.

Done at Paris, the 6th July, 1893, and signed :

The President	.. ..	ALPH. DE COURCEL.
The Agent for the United States	.. ..	JOHN W. FOSTER.
The Agent for Great Britain	.. ..	CHARLES H. TUPPER.
The Secretary	.. ..	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} <i>Co-Secretaries.</i>
	H. CUNYNGHAME,	

Inclosure 5 in No. 96.

Protocole No. 2.—Séance du Vendredi, 7 Juillet, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend son argumentation.

La séance est suspendue à 1 heure 30.

À la reprise, l'Honorable Edward J. Phelps continue sa plaidoirie.

À 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 2 heures de l'après-midi.

Ainsi fait à Paris, le 7 Juillet, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 52.—Meeting of Friday, July 7, 1893.

THE Tribunal assembled at 11:30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1:30 the Tribunal took a recess.

On reassembling, the Honourable Edward J. Phelps continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 2 P.M.

Done at Paris, the 7th July, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States	JOHN W. FOSTER.
The Agent for Great Britain	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

Inclosure 6 in No. 96.

Protocole No. 53.—Séance du Samedi, 8 Juillet, 1893.

LE Tribunal s'est réuni à 2 heures, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend et achève sa plaidoirie.

Sir Charles Russell, au nom de ses collègues, remercie les membres du Tribunal de la bienveillante attention avec laquelle ils ont suivi ces longs débats. Il remercie également le Secrétaire, les Co-Secrétaires, et Secrétaires-Adjoints du Tribunal, ainsi que les Secrétaires particuliers des Arbitres de leur obligeant et utile concours.

L'Honorable Edward J. Phelps s'associe aux paroles de Sir Charles Russell, au nom des Conseils du Gouvernement des États-Unis. Il se fait l'interprète de tous ses collègues en rendant hommage à la compétence et à la courtoisie avec lesquelles le Président a dirigé les discussions et renouvelé l'expression de leur gratitude pour l'hospitalité de la France.

Le Président annonce alors que le Tribunal va prendre l'affaire en délibéré.

Sir Charles Russell et l'Honorable Edward J. Phelps témoignent le désir qu'au cas où le Tribunal, durant ses délibérations, croirait devoir s'adresser aux Conseils pour obtenir d'eux quelque éclaircissement, la demande et la réponse aient lieu par écrit.

Le Président répond que le Tribunal tiendra compte de ce désir dans la mesure du possible, sans renoncer toutefois au droit que lui donne le Traité de requérir toutes informations orales, écrites ou imprimées qu'il jugera utile.

L'Agent de Sa Majesté Britannique fait connaître qu'il restera à Paris, ainsi que l'Agent des États-Unis, à la disposition du Tribunal.

À 4 heures la séance est levée.

Ainsi fait à Paris, le 8 Juillet, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 53.—Meeting of Saturday, July 8, 1893.

THE Tribunal assembled at 2 p.m., all the Arbitrators being present.

The Honourable Edward J. Phelps continued and concluded his argument.

Sir Charles Russell, in the name of his colleagues, thanked the members of the Tribunal for the kind attention with which they had followed the lengthy debates. He also thanked the Secretary, Co-Secretaries, and Assistant Secretaries of the Tribunal, as well as the Private Secretaries of the Arbitrators, for their obliging and useful assistance.

The Honourable Edward J. Phelps indorsed the remarks of *Sir Charles Russell* in the name of Counsel for the Government of the United States. He referred, on behalf of all his colleagues, to the ability and courtesy with which the President had directed the discussions, and he renewed the expression of their gratitude for the hospitality of France.

The President thereupon announced that the Tribunal would take the case under consideration.

Sir Charles Russell and *the Honourable Edward J. Phelps* expressed their desire that in case the Tribunal, during its deliberations, should find it necessary to obtain from Counsel any further information, the request for such information and the answer thereto should be in writing.

The President replied that the Tribunal would take note of the request as far as possible, without however surrendering the right given it by the Treaty of requiring all such information, whether oral, written, or printed, as it might deem useful.

The Agent of Her Britannic Majesty announced that the Agent of the United States and he would remain in Paris at the disposition of the Tribunal.

At 4 p.m. the Tribunal adjourned.

Done at Paris, the 8th July, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States	JOHN W. FOSTER.
The Agent for Great Britain	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed)	A. BAILLY-BLANCHARD,	} Co-Secretaries.
	H. CUNYNGHAME,	

No. 97.

Mr. Tupper to the Earl of Rosebery.—(Received August 14.)

(Extract.)

Paris, August 12, 1893.

WITH reference to your Lordship's despatch of the 15th April last and previous correspondence, I have the honour to transmit herewith a copy of a letter which I addressed to Baron de Courcel on the subject of the withdrawal of the United States' Agent from the joint arrangement for preparing and printing short-hand notes of the proceedings before the Tribunal.

I communicated a copy of this letter to Mr. Foster.

It appeared to me that, as these reports had been of obvious utility to the Arbitrators, the cost of their production might fairly be included among the expenses which, under Article XII of the Treaty of Arbitration, are to be shared in equal

moieties by the two Governments, and, having failed to agree with the United States' Agent on the subject, I deemed it advisable to obtain an expression of opinion from the Tribunal itself.

Mr. Foster, on receiving copy of my letter to Baron de Courcel, wrote in his turn a note to his Excellency (which he communicated to me, and of which a copy is inclosed), setting forth his reasons for dissenting from my views on the subject.

Baron de Courcel has now replied, and I have the honour to inclose an extract from his letter, the rest of which deals with another subject. Your Lordship will observe that the Arbitrators establish the utility of these reports. At the same time they do not consider themselves competent to examine by whom, and in what manner, the expenses ought to be met.

Inclosure 1 in No. 97.

Mr. Tupper to Baron de Courcel.

Dear Baron de Courcel,

Paris, August 8, 1893.

YOU will remember that shortly after the commencement of the proceedings before the Tribunal the United States' Government withdrew from the joint arrangement for preparing and printing short-hand notes of the oral arguments.

The correspondence which passed on this subject between the United States' Agent and myself, and a statement showing General Foster's reasons for withdrawing were laid before the Tribunal, and will be found on pp. 507 and 508 of Part III of the Reports of Proceedings.

Since the withdrawal of the United States' Government, which was finally announced on the 12th April, the reports have been continued under the supervision of the British staff, and at the sole expense of Her Majesty's Government.

In recommending this course to Lord Rosebery I was to a large extent influenced by the consideration that verbatim reports of the daily proceedings would be not only convenient, but necessary, for the members of the Tribunal. From some expressions used by yourself at the meeting of the 7th April (see Report of Proceedings, Part I, p. 148), I feel sure that you have appreciated their usefulness, and the constant reference which has been made to them by the other Arbitrators confirms my opinion as to their general utility to the Tribunal.

Under the circumstances, I venture to suggest through you that the Arbitrators should consider whether the cost of preparing these reports might not be fairly included as one of the expenses of the Tribunal. The XIIIth Article of the Treaty requires the Arbitrators "to keep an accurate record of their proceedings, and to employ the necessary officers to assist them," and in Article XII it is stated that after the payment by each Government of remuneration to their respective Agents and Counsel, and of the cost of preparing and submitting their several Cases, "All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal moieties."

In case this suggestion should meet with the approval of the Arbitrators, it would of course be understood that Her Majesty's Government would bear their share of the expenses incurred by the United States in producing the reports of the speeches of their Counsel which they have presented to the Tribunal, in addition to those supplied by the British side.

I regret that I have been unable, as shown in the correspondence referred to above, to come to any agreement with the United States' Agent on the subject, and this must be my excuse for troubling you with this reference.

I have forwarded a copy of this letter to Mr. Foster.

I am, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 2 in No. 97.

Mr. Foster to Baron de Courcel.

Dear Sir,

Paris, August 9, 1893.

I HAVE received from the Honourable C. H. Tupper, Agent of the British Government, a copy of a communication dated the 8th instant, and addressed by him to you, containing a request respecting the expenses incurred by him in preparing a report of the oral argument of Counsel before the Tribunal. This communication compels me to address you on the subject.

The suggestion of the Agent of the British Government seems to be that the Arbitrators should in some manner, directly or indirectly, by their own action, impose upon the Government of the United States a part of the expense incurred by him in printing a report of the proceedings before the Tribunal, including the arguments of Counsel. This seems to me to be very extraordinary, and I can in no manner assent to it.

If the expense had been incurred in pursuance of some agreement between the parties, there would have been no occasion to trouble the Tribunal with any suggestion concerning its payment. If it had been incurred in pursuance of some direction or authority of the Tribunal, it would be very proper for that body to consider how it should be defrayed.

But it has been incurred in neither of these modes. This report has been made solely under the authority of the Agent of Great Britain without my authority or consent. It has never been subjected to any revision by me or any one under my authority, has never been furnished to me or to the Counsel of the United States, and is, so far as it has been made known to me by the use made of it in argument by the Counsel for the British Government erroneous and imperfect. I cannot therefore consent to its adoption as a report of the proceedings of, and arguments before, the Tribunal.

I was not unwilling at the outset of the sessions that a joint arrangement should be made, whereby an accurate report of the proceedings of, and arguments before, the Tribunal should be furnished for the use of the Arbitrators and Counsel, as well as for the purposes of a permanent record. It is not necessary here to enter upon any statement of the circumstances which led to a failure to make such an arrangement. It is enough to say that to call upon the United States to contribute to the expense incurred would imply that the Agent of Great Britain had the right, after failing to secure the assent of the United States to the plan of reporting proposed by him, to proceed and execute that plan without the assent of the United States, and without any supervision on its part, and that the United States was bound to contribute to the expense although it had received no copies of the full report.

It seems to me quite unnecessary to dwell upon the incorrectness of such a position.

I am, &c.

(Signed) JOHN W. FOSTER.

Inclosure 3 in No. 97.

Baron de Courcel to Mr. Tupper.

Paris, August 11, 1893.

(Extract.)

DURING a private meeting held by the members of the Tribunal of Arbitration I submitted to my colleagues the note which you were so kind as to address to me concerning the short-hand reports of the Tribunal's proceedings and the mode of defraying the expense necessary for getting up those reports.

My colleagues concurred with me that those reports had been practically very useful to all of us, and had helped us in our work, and that we were under real obligations to all the persons who had taken the trouble to prepare such reports. As to the question of the cost thereby incurred, the Arbitrators did not deem themselves competent to examine by whom, and in what manner, it ought to be met.

No. 98.

Mr. Tupper to the Earl of Rosebery.—(Received August 16.)

My Lord,

Paris, August 15, 1893.

I HAVE the honour to transmit to your Lordship the decision of the Behring Sea Tribunal of Arbitrators which has been delivered to me this day in accordance with Article XI of the Treaty of the 29th February, 1892.*

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 99.

Mr. Tupper to the Earl of Rosebery.—(Received August 16.)

My Lord,

Paris, August 15, 1893.

THE final duty now devolves upon me as Her Majesty's Agent to record an official acknowledgment of the services of those gentlemen with whom I have been associated.

I esteem it a privilege to testify to the great value of the assistance which I have derived from the support and counsel of Sir Charles Russell, whose masterly argument will ever remain a monument of learning and forensic skill. His conduct of the case of the Government of the Queen left nothing to be desired.

The Attorney-General was ably supported by Sir Richard Webster. I may be permitted to indorse the sentiments so happily expressed by the President of the Tribunal at the close of Sir Richard's argument.

"Sir Richard," said Baron de Courcel, "we thank you for the very substantial and useful observations with which you have supplemented the argument of Sir Charles Russell. We knew how much we were indebted to you already for the elaborate study you have made of this case on behalf of Great Britain, and I, for one, have very much admired the unrestricted and friendly co-operation of yesterday's Attorney-General with to-day's Attorney-General. The country is indeed to be envied where party spirit admits of such brotherly association when the national interest is at stake."

Mr. Christopher Robinson assisted in a signal manner, and fully justified his special nomination by the Government of Canada.

Although I propose in this despatch to confine my observations chiefly to those who attended the Arbitration proceedings at Paris, I wish to refer to the late Honourable W. H. Cross, one of the Counsel originally employed on behalf of Her Majesty's Government. His untimely death is deeply to be deplored. Mr. Cross' ability I fully recognized and appreciated, while his genial disposition had endeared him to all his associates.

I have already alluded to the services of Mr. M. H. Box, and I have only to add that those of Mr. F. T. Piggott were equally valuable.

Sir George Baden-Powell and Dr. G. M. Dawson have been constantly consulted, and their advice has been of great value.

Dr. Dawson attended at Paris. It gives me pleasure to bear witness to his indefatigable industry, which was coupled with a complete mastery of the subject of seal life.

Mr. Maxwell, as Secretary of my Staff, made himself exceedingly useful in every way, and I gratefully acknowledge his kindly and ready assistance. His intimate acquaintance with the French language has been most convenient to me, as well as to the public advantage.

Mr. Charles Russell's services have also been of great benefit. In addition to the important work which came regularly under his attention as solicitor, he, with the assistance of Mr. Piggott, undertook the laborious task of revising and superintending the printing of the stenographic notes of the proceedings before the Tribunal.

Mr. Anderson, of the Colonial Office, who, as your Lordship is aware, was conversant with all the facts of this case, rendered material aid.

I have also to commend the diligence and zeal evinced by Mr. Ashley

* For copy of the decision inclosed in this despatch see "United States No. 10 (1893)."

Froude, C.M.G., Mr. Joseph Pope, and Mr. James Macoun, and to express my appreciation of the readiness with which these gentlemen have at all times striven to facilitate the business of the Agency. In fact, the members of the General Staff have vied with one another in their endeavour to promote the common cause.

The services rendered by Mr. G. F. Fairholme, of the Foreign Office, in the matter of the Russian translations, call for special mention. I may also refer to the excellent work done by him, as well as by Mr. H. Farnall and Mr. E. A. Crowe, as French translators generally, which has evoked from the President of the Tribunal an expression of admiration.

In thus acknowledging the valuable aid which I have received from those more immediately connected with the Arbitration at Paris, I am not unmindful of the fact that there are others, whether serving under your Lordship or the Secretary of State for the Colonies, or in the employ of the Canadian Government, whose assistance in the laborious work of the preparation of this case merits recognition.

As Minister of Marine and Fisheries of Canada, it will be my pleasure and my duty to represent to his Excellency the Governor-General with more particularity my sense of the important services which have been rendered by officers of the Canadian Civil Service, whose names do not appear in this despatch. In the meantime, I content myself with this general allusion.

I cannot, however, close these observations without expressing to your Lordship my warm appreciation of the advantage which I have derived from association with Sir Thomas Sanderson, of whose knowledge and experience I have fully availed myself at every stage of the case. Indeed, I find a difficulty adequately to express my gratitude to him for the readiness he has ever shown to assist me in the performance of those honourable duties with which I have been charged.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 100.

Mr. Tupper to the Earl of Rosebery.—(Received August 16.)

My Lord,

Paris, August 15, 1893.

I HAVE the honour to report that the decision of the Tribunal having been delivered to me, I propose to leave Paris this day, and to sail for Canada on the 17th instant.

I have asked Mr. Maxwell to remain here for a few days to wind up the business of this Agency.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 101.

*The Earl of Rosebery to the Marquis of Dufferin.**

My Lord,

Foreign Office, August 29, 1893.

THE Arbitrators appointed under the Treaty of Washington of the 29th February, 1892, for the examination of the various questions that had arisen in connection with the fur-seal fishing industry in parts of Behring Sea and the North Pacific Ocean, have pronounced and published their Award on the 15th instant.

I have now received the Queen's commands to request that your Excellency will convey to the President of the French Republic Her Majesty's acknowledgments of the great ability and unremitting attention displayed during the prolonged proceedings of the Tribunal by Baron de Courcel, the eminent Statesman nominated by the President as one of the Arbitrators on the Tribunal.

The examination of the voluminous documents laid before them, and the difficulties surrounding the questions on which they were occupied, have imposed on each one of the Arbitrators a considerable sacrifice of time and personal convenience and a large amount of personal labour.

* Similar despatches were addressed to Her Majesty's Representatives at Rome, Stockholm, and Washington.

I request that you will submit to the President of the French Republic the hope of Her Majesty that her acknowledgements may be conveyed to Baron de Courcel for the valuable services which he has rendered on this occasion.

I am, &c.
(Signed) ROSEBERY.

No. 102.

The Earl of Rosebery to the Marquis of Dufferin.

My Lord,

Foreign Office, August 29, 1893.

IN addition to the obligations conferred on this country by the President of the French Republic in the selection of an eminent Statesman to act as one of the Arbitrators on the Behring Sea Seal Fisheries question, the President and the Government of the French Republic have shown a marked courtesy and magnificent hospitality to the members of the Tribunal and to the British and American gentlemen who have been engaged in the proceedings before it.

I request that you will take a fitting opportunity of conveying to the President and to M. Develle the best acknowledgements of Her Majesty's Government for the attention and kindness shown to the British members of the Court of Arbitration during the prolonged period over which its sittings have extended. The reception accorded to these gentlemen has been mentioned by them with the warmest expressions of gratitude, and has been a cause of sincere gratification to the Queen and her Government as an evidence of cordiality, no less than of the generosity with which the French nation always treats its guests.

I am, &c.
(Signed) ROSEBERY.

No. 103.

The Earl of Rosebery to Mr. Tupper.

Sir,

Foreign Office, August 29, 1893.

I HAVE to acknowledge the receipt of your despatch of the 15th instant, inclosing the Award delivered on that day by the Behring Sea Tribunal of Arbitration, and of your further despatch of the same date, in which you call attention to the services of the several gentlemen associated with you in the proceedings before the Tribunal.

I have received the Queen's commands to signify to you, and to those who have worked with you, Her Majesty's gracious approval of the zeal and ability with which you have maintained the interests of this country and of Her Majesty's subjects in the important matters which were submitted for decision.

I have conveyed to the Attorney-General and to Sir Richard Webster the cordial acknowledgments of Her Majesty's Government for the manner in which they have presented the Case of Her Majesty's Government before the Tribunal, and I must request you to offer the same acknowledgments on their behalf to Mr. C. Robinson, Q.C., of the Canadian Bar.

I note with entire sympathy and agreement the tribute which you pay to the ability of the late Mr. W. H. Cross, whose premature death was a subject of deep regret.

I have to request that you will assure Dr. Dawson of the great value attached by Her Majesty's Government to the assistance which he has rendered throughout the Arbitration, and their appreciation of the learning, ability, and patient industry which he has shown in collecting and placing at the disposal of those charged with the conduct of the British Case the information required for the elucidation of the various questions of geography and natural history involved in the argument.

I shall offer a similar acknowledgment to Sir G. Baden-Powell.

It has afforded me sincere gratification to read the testimony you bear to the efficient aid received by you from the other gentlemen employed at Paris, and the assistance which has been rendered to you by various members of this Department. I am, &c.

(Signed) ROSEBERY.

No. 104.

*The Earl of Rosebery to Lord Hannen.**

My Lord, *Foreign Office, August 29, 1893.*
THE labours of the Tribunal of Arbitration appointed under the Treaty of Washington of the 29th February, 1892, having been now closed, and their Award delivered on the 15th instant, I have received the Queen's commands to convey to you Her Majesty's acknowledgments for your services as one of the Arbitrators, and her appreciation of the zeal and ability you have shown in that office.

Her Majesty recognizes that your duties, involving as they have done the closest attention during a prolonged period of time, were undertaken at considerable personal inconvenience and from a strong sense of public duty.

I have pleasure in asking you to accept also the sincere thanks of Her Majesty's Government for the valuable services you have rendered to the country on this important occasion.

I am, &c.
(Signed) ROSEBERY.

No. 105.

The Earl of Rosebery to Sir C. Russell.†

Sir, *Foreign Office, August 29, 1893.*
THE proceedings of the Behring Sea Arbitration having now been concluded, and the Award having been delivered by the Arbitrators, I have much pleasure in offering to you the sincere thanks of Her Majesty's Government for the eminent services you have rendered in connection with the Arbitration, and in assuring you how greatly they appreciate the patience and industry shown in the preparation of the pleadings, and the signal ability with which the British Case has been argued by you as Her Majesty's Counsel before the Tribunal.

I am, &c.
(Signed) ROSEBERY.

No. 106.

The Earl of Rosebery to Sir G. Baden-Powell.

Sir, *Foreign Office, August 29, 1893.*
THE proceedings of the Behring Sea Arbitration having now been concluded, and the Award having been delivered, I have much pleasure in offering to you the best thanks of Her Majesty's Government for the valuable assistance which you have rendered during the preparation of the pleadings, by placing at the disposal of those charged with the conduct of the British Case your exceptional and extensive knowledge of the habits of the fur-seal, and of the various questions connected with the seal fishery.

Her Majesty's Government are fully sensible of the zeal and public spirit which you have shown in the discharge of this task, which was voluntarily undertaken by you, and of the amount of labour which it has entailed.

I am, &c.
(Signed) ROSEBERY.

* Also to Sir J. Thompson.

† Also to Sir R. Webster.

No. 107.

Lord Hannen to the Earl of Rosebery.—(Received September 8.)

My Lord,

19, Lancaster Gate, London, September 6, 1893.

I AM honoured by your Lordship's letter of the 29th ultimo, in which you inform me that you have received the Queen's commands to convey to me Her Majesty's acknowledgments for my services as one of the Arbitrators under the Treaty of the 29th February, 1892. I desire to express my respectful gratitude for the gracious terms of approval with which those acknowledgments are accompanied. They will remain for me a source of legitimate pride to the end of my life. It is also a subject of great satisfaction to me that my services have been deemed worthy of the thanks of Her Majesty's Government. I trust that the labours I have been engaged in will prove beneficial, not only to this country on the present occasion, but to the interests of peace throughout the world.

I have, &c.
(Signed) HANNEN.

No. 108.

Sir C. Russell to the Earl of Rosebery.—(Received September 8.)

My Lord,

Lincoln's Inn, London, September 8, 1893.

I BEG to acknowledge your Lordship's favour of the 28th ultimo, in which you are good enough to convey to me the thanks of Her Majesty's Government for my services in the Behring Sea Arbitration. I thank your Lordship; but I should like to be permitted to say how much the Counsel representing the interests of Great Britain were indebted to the gentlemen connected with the Foreign Office for most valuable help in their labours. I refer, I need scarcely say, in an especial manner to Sir Thomas Sanderson, whose wise counsel and criticism in the preparation of the Case, Counter-Case, and Argument we valued highly; but I refer also to the unremitting help and attention of Mr. R. P. Maxwell and of Mr. Ashley Froude.

I have, &c.
(Signed) C. RUSSELL.

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CONVENTION

BETWEEN

THE GREAT BRITAIN AND THE UNITED STATES

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CONVENTION RESPECTING BOUNDARIES OF JULY 22, 1892 (ALASKA AND PASSAMAQUODDY BAY).

Signed at Washington, February 3, 1894.

[Ratifications exchanged at Washington, March 28, 1894.]

Presented to both Houses of Parliament by Command of Her Majesty, April 1894.

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CONVENTION BETWEEN GREAT BRITAIN
AND THE UNITED STATES SUPPLEMEN-
TARY TO THE CONVENTION OF JULY 22,
1892, RESPECTING BOUNDARIES (ALASKA AND
PASSAMAQUODDY BAY).

Signed at Washington, February 3, 1894.

[*Ratifications exchanged at Washington, March 28, 1894.*]

THE Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and of the United States of America, being credibly advised that the labours of the Commission, organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington July 22, 1892, providing for the delimitation of the existing boundary between Her Majesty's possessions in North America and the United States, in respect to such portions of said boundary-line as may not in fact, have been permanently marked in virtue of Treaties heretofore concluded, cannot be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary Convention extending the term for a further period, and for this purpose have named as their respective Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., Ambassador Extraordinary and Plenipotentiary of Great Britain; and

The President of the United States, Walter Q. Gresham, Secretary of State of the United States;

Who, after having communicated to each other their respective Full Powers, which were found to be in due and proper form, have agreed upon the following Articles:—

ARTICLE I.

The third paragraph of Article I of the Convention of July 22, 1892, states that the respective Commissions shall complete the survey and submit their final Report thereof within two years from the date of their first meeting. The Joint Commissioners

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held their first meeting November 28, 1892; hence the time allowed by that Convention expires November 28, 1894. Believing it impossible to complete the required work within the specified period, the two Governments hereby mutually agree to extend the time to December 31, 1895.

ARTICLE II.

The present Convention shall be duly ratified by Her Britannic Majesty and by 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 at Washington at the earliest practicable date.

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

Done in duplicate at Washington, the third day of February 1894.

(L.S.)

JULIAN PAUNCEFOTE.

(L.S.)

W. Q. GRESHAM.

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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.]

*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
the Seal Fishery in the North Pacific.

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

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.

* See No. 11.

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, &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)."

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 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 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 Rosebery.—(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 "Nayeznik," recently dispatched to the north of Russia for the protection of the Russian sea fisheries along the Murian 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, &c.

(Signed) HENRY HOWARD.

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 Kapnist, 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. Chichkine 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. Chichkine's request, I have this day addressed to his Excellency.

I have, &c.

(Signed) HENRY HOWARD.

Inclosure in No. 9.

Mr. Howard to M. Chichkine.

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 any 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 Pulkovn 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 4), 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.

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, &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 maiming 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 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 thore to the British Consul [or Collector of Customs, *as
the case may be*].

Dated at [give ship's position] , the day of ,
189 .

(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. Pharmelee'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 Commauder 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, 1891.

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 Commander 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, sue 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. Parmelee.

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 there 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, &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, &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, &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, &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)."

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 indénilable, 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 "Ararat," 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

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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 Robben 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 ou 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.

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 accompagné ma note du 29 Mai, année courante, à 53° 23' latitude nord sur 186° 27' longitude est, tandis que cette position doit être définie ainsi: 53° 25' latitude nord sur 165° 27' longitude est.

Veuillez, &c.
(Signed) 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 Vladivostok 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 19th 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 furs-seals on land can be carried on only with the permission of the Government, and in a manner prescribed by it.

11. 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.

111. 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.

Inclosure 2 in No. 17.

Extract from the “Journal de Saint-Petersbourg” of July 18 (30), 1893.

EN vertu d'un Avis du Conseil de l'Empire approuvé par Sa Majesté l'Empereur le 1^{er} 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 animal 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 soulevront les accusations de se livrer illicitement à la pêche des otaries en pleine mer.

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,

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 Hehring Sen 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," "Carnolite," "Vancouver Belle," and of the boats of the "W. P. Steward."

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 "Zabinka," "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 subject 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, &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, &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, &c.
(Signed) ROSEBERY.

* No. 19.

† See "Russia No. 1 (1893)," p. 26.

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No. 24.

Mr. Howard to the Earl of Rosbery.—(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. Chichkine 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. Chichkine 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, &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 Rosbery, a copy of a despatch from the Governor-General of Canada, enclosing copy of an approved Minute of Council respecting the seizure of British vessels by the Russians in Behring Sea.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 25.

Administrator Moore to the Marquess of Ripon.

My Lord,

Uniflar, Nova Scotia, September 6, 1893.

WITH reference to your Lordship's despatch of the 29th 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, &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," "Vitiuz," 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 Commission 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. 20.

The Earl of Rosebery to Mr. Howard.

Sir,

Foreign Office, November 15, 1893.

SIR R. MORIER'S despatch of the 12th June last, forwarding the reply of the Russian Government with regard to the seizure of British fishing-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," "Vitiuz," 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 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) ROSEBURY.

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 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, &c.
(Signed) HENRY HOWARD.

Inclosure 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," "Carmolite," 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, enclosing 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 30, 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.

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 13th (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.

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 know 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-mentioned 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^{er} 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) GIER8.

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, &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.

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, &c.
 (Signed) T. H. SANDERS.

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, &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 24th 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.

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, &c.

(Signed) HENRY HOWARD.

Inclosure in No. 42.

Mr. Howard to M. de Giers.

M. le Ministre,

St. Petersburg, December 29, 1893 (January '0, 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, &c.

(Signed) HENRY HOWARD.

No. 43.

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

My Lord,

St. Petersburg, January 11, 1894.

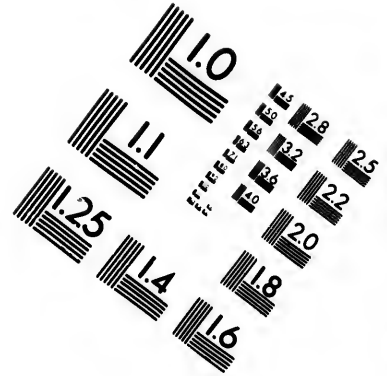
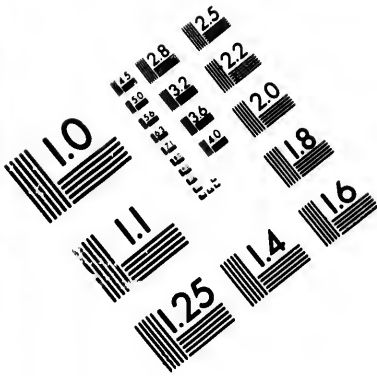
WITH reference to my despatch of the 10th instant, inclosing a copy of the note which I addressed to M. de Giers on the subject of the prolongation until further notice of our arrangement with Russia for the protection of fur-seals in the North Pacific, I have the honour to report that Count Kapnist, 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.

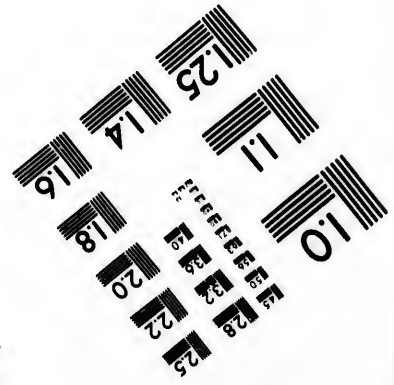
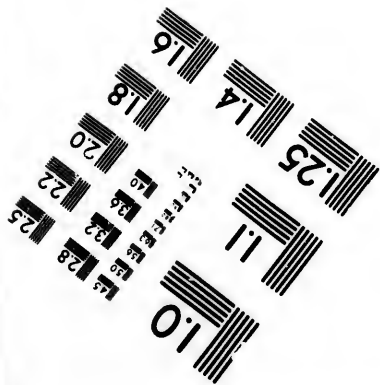
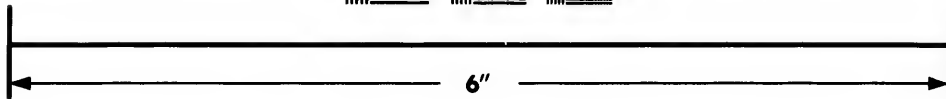
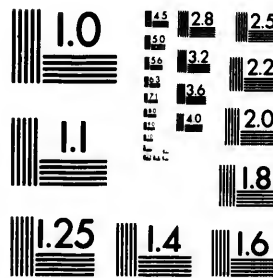
I have, &c.

(Signed) HENRY HOWARD.



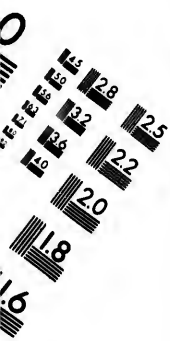


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Extract from the "London Gazette" of January 30, 1894.

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, intituled "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 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, 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.)

Foreign Office, March 3, 1894.

I SENT you on the 9th 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 Tôkió, 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 farther 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) H. 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, 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 sealers.

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

I am, &c.

(Signed) ROSEBERY.

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 II and 2239 II, 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 Robben 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, enclosing 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.—(Received March 18.)

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 20th 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 20th 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 20th March, 1894, from the Colonial Office, transmitting a copy of an Order in Council of the 20th January, 1894, respecting the seal fishery in

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 Committee, on the recommendation of the Minister of Marine and Fisheries, 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. 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 PAUNCEFOTE.

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 Tuliencw (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

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 29th 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.

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, &c.

(Signed) HENRY HOWARD.

No. 57.

The Earl of Kimberley to Sir F. 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, &c.

(Signed) KIMBERLEY.

No. 58.

Sir F. 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, &c.

(Signed) FRANK C. LASCELLES.

No. 59.

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 1 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.

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.

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.

No. 63.

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

Sir, *Downing 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.

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.

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. Panncoft.

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

* No. 64.

† Nos. 62, 63, 64, 65, and 66.

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 detailed 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.

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. Pouncefote 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 "Mario" (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.

Inelasure 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

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)

CHICHKINE.

UNCEFOFE.

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. Chichkine,* 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 (4) 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 4 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.

* No. 73.

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.

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 eliminated 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:

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 103 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 seal-skins or bodies of seals, it shall lie 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 forfeitures 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 whomsoever 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 in 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."

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 owner and master of the ship shall, without prejudice to any other liability, each 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.

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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.]

(Behring Sea) Act,
but any Order in
that Act shall continue
in pursuance of this

see with sub-sections 4 and 5

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

[In continuation of "Russia No. 8 (1893) : " C. 7029]

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

LONDON:
PRINTED BY HARRISON AND SONS.

UNITED STATES. No. 1 (1895).

CORRESPONDENCE

RESPECTING

CLAIMS FOR COMPENSATION ON ACCOUNT OF
BRITISH VESSELS SEIZED IN BEHRING SEA

BY

UNITED STATES' CRUISERS.

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

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**Correspondence respecting Claims for Compensation on account
of British vessels seized in Behring Sea by United States'
Cruisers.**

No. 1.

Colonial Office to Foreign Office.—(Received May 9.)

Sir,

Downing Street, May 8, 1894.

I AM directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Kimberley, copy of a despatch and inclosure from the Governor-General of Canada, respecting the claims of British subjects in respect of the illegal seizure of their sealing-vessels in Behring Sea by the authorities of the United States.

Now that the legislation for the enforcement of the Regulations prescribed by the Arbitrators has been completed, Lord Ripon hopes that the arrangements for settling these long-outstanding claims will be pressed forward as quickly as possible.

The question raised by the Dominion Government as to the proof which will be required is one which Lord Ripon is disposed to think must be settled by the Commission which it is proposed shall adjudicate on the claims, and his Lordship would suggest that in negotiating the Convention for the appointment of such a Commission, the British Ambassador should obtain a recognition of the principle that compensation when awarded should cover the expense of establishing the right to compensation, though it might be left to the Commission to say whether, in any particular case, the claimant should be allowed the costs incurred in proving his claim.

In the meantime, I am to suggest that Sir J. Pauncefote should be instructed by telegraph to press the United States' Government to begin the negotiation of the Convention for the appointment of a Commission to adjudicate on the claims, and that he should be desired, as soon as a date has been fixed for commencing the discussion, to telegraph for a Canadian Delegate to assist him in case Dr. Dawson is not empowered to discuss the question.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 1.

The Earl of Aberdeen to the Marquess of Ripon.

My Lord,

Government House, Ottawa, March 15, 1894.

WITH reference to previous correspondence on the subject of the presentation to the United States' Government of the claims for damages preferred by the owners of sealing-vessels seized in Behring Sea, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, embodying a Report by the Minister of Marine and Fisheries, in which, referring to the action of the United States' Government in disputing the ownership of these vessels before the Behring Sea Tribunal, he discusses the question of the measures to be taken to establish such ownership to the satisfaction of that Government.

Your Lordship will observe that my Ministers would be glad to learn the opinion of Her Majesty's Government with regard to the methods to be adopted with this end; and, further, to know whether they would insist on the submission of such evidence of ownership and national character as would be necessary to meet the

requirements of the Merchant Shipping Act and the mercantile law of Great Britain in these particulars.

I have, &c.
(Signed) ABERDEEN.

Inclosure 2 in No. 1.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 9th March, 1894.

ON a Report, dated the 6th March, 1894, from the Minister of Marine and Fisheries, stating with reference to the approved Minute of Council of the 20th February, 1894, touching the ownership of some of the vessels which suffered losses by reason of seizures and other molestation, by the United States' Government in Behring Sea, that he has had under further consideration the position taken by the United States' Government as defined in the Counter-Case of the United States before the Tribunal of Arbitration, in disputing the ownership of the vessels in question.

The Minister submits that this question cannot be satisfactorily dealt with at the present stage of these claims.

The papers relating to it which have come to the possession of your Excellency's Government have been submitted for the information of Her Majesty's Government.

Respecting the method to establish the ownership, it appears that the authorities of the United States formally refused to recognize the proof of ownership as furnished, but they have given no further intimation of what evidence is required. If, however, further proof is to be a matter of negotiation between the two Governments, instead of considering what further proof can be adduced, it appears that it should be ascertained from the United States' Government what further proof it desires.

The Minister suggests that it should be ascertained whether the United States desires an oral examination of witnesses, or an inquiry into the state of the liens on these vessels, or whether written depositions on these points would be satisfactory.

The Minister also suggests that the views of Her Majesty's Government should be sought as to an inquiry of that kind being made. Also, whether it will be insisted by Her Majesty's Government that the ownership and national character of these vessels shall be decided according to the facts which give that character under the Merchant Shipping Act and mercantile law of Great Britain, in so far as it bears on proof of ownership and national character.

These suggestions it is expected may lead to the ascertainment of the views of the United States' Government on the further point whether some Tribunal or Commission is to be established for hearing these claims, and whether the procedure before the Tribunal is to be regulated by the Convention which is to establish it. If the Tribunal is to be established by Convention without any order of procedure being settled, it will doubtless be for the Tribunal itself to define the nature of the evidence to be admitted, and further proof required; also, as to whether such as has already been adduced is considered satisfactory evidence of nationality and ownership.

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 consideration 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. 2.

The Earl of Kimberley to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, May 10, 1894.

YOU should urge the United States' Government to commence negotiations on the subject of the claims of British sealers seized by the United States' cruisers in Behring Sea, as soon as you have carried out the instructions contained in my telegram

of the 8th instant, authorizing you to exchange notes with Mr. Gresham respecting the Sealing Regulations.

When you are ready for a Canadian Delegate, you can telegraph to the Canadian Government to send one.

No. 3.

Sir J. Panncofote to the Earl of Kimberley.—(Received May 10.)

(Telegraphic.)

Washington, May 10, 1894.

BEHRING SEA. With reference to your Lordship's telegram of to-day, I arranged yesterday with Mr. Gresham for the exchange of notes, and discussed with him at the same time the question of the settlement of the British claims, which he is quite ready to take up.

I venture to suggest that the most inexpensive and expeditious process might be to appoint a Commissioner on each side to verify the claims at Victoria, British Columbia, and make a joint Report, so far as they could agree, assessing the damages on each claim, and, where they failed to agree, stating the grounds of their disagreement. The two Governments could then either refer the points in difference to an Empire, or determine them themselves.

If the above suggestion meets with your Lordship's approval, would it not be well before sending for the Canadian Delegate to consult the Canadian Government and settle the basis of the Convention?

No. 4.

Foreign Office to Colonial Office.

Sir,

Foreign Office, May 10, 1894.

THE Earl of Kimberley has had under his consideration your letter of the 8th instant, inclosing a despatch from the Governor-General of Canada respecting the claims of British subjects in respect of the illegal seizure of their sealing-vessels in Behring Sea by the authorities of the United States.

I am directed by his Lordship to state, in reply, for the information of the Marquess of Ripon, that a telegram has this day been sent to Her Majesty's Ambassador at Washington, instructing him to press the United States' Government to begin negotiations respecting these claims as soon as the notes relating to the Naval Regulations and arrangements under Articles 4 and 7 of the Award shall have been exchanged.

His Excellency has at the same time been authorized to telegraph to Canada for a Delegate when his services are required.

Lord Kimberley would suggest that the Canadian Government should be asked to communicate to Sir J. Panncofote the substance of the inclosures to your letter now under reply.

I am, &c.

(Signed) H. PERCY ANDERSON.

No. 5.

Foreign Office to Colonial Office.

Sir,

Foreign Office, May 11, 1894.

WITH reference to my letter of yesterday's date relating to claims arising out of the seizures of British sealers in Behring Sea by the United States' authorities, I am directed by the Earl of Kimberley to transmit to you, to be laid before the Marquess of Ripon, the accompanying telegram from Her Majesty's Ambassador at Washington,* stating that he has arranged with the Secretary of State for the exchange of notes respecting the Naval Regulations and the Articles 4 and 7 of the Award, and that the United States' Government are quite ready to take up the question of British claims.

Sir Julian Pauncefote suggests a mode of procedure with regard to these claims which he considers would be the most expeditious and inexpensive way of dealing with them, and I am to state that Lord Kimberley would be glad to learn Lord Ripon's views as to his Excellency's proposition with as little delay as possible.

I am, &c.

(Signed) H. PERCY ANDERSON.

No. 6.

Colonial Office to Foreign Office.—(Received May 16.)

Sir,

Downing Street, May 16, 1891.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letters of the 10th and 11th instant respecting the claims of British subjects in respect of the illegal seizure of their sealing-vessels in Behring Sea by the authorities of the United States.

Lord Ripon desires me to inclose, for the information of the Earl of Kimberley, a copy of a telegram which he has addressed to the Governor-General of Canada on the subject of Sir Julian Pauncefote's telegram of the 10th instant;* and he desires me to say that he thinks it will be as well to have the views of the Government of Canada before settling the basis of the proposed Convention, and that, as that may give rise to discussion, he thinks it might expedite matters if a Canadian Delegate, fully instructed as to the views of the Dominion Government, were to proceed to Washington at once, but before expressing a final opinion Lord Ripon proposes to await the reply from the Governor-General to the telegram inclosed.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 6.

The Marquess of Ripon to the Earl of Aberdeen.

(Telegraphic.)

Downing Street, May 11, 1891.

REFERRING to your despatch of 15th March, compensation claims, see Sir J. Pauncefote's telegram of the 10th May. Communicate to him substance of your despatch, and telegraph views of your Ministers as to proposals contained in telegram from him.

No. 7.

Sir J. Pauncefote to the Earl of Kimberley.—(Received June 1.)

(Telegraphic.)

Washington, May 31, 1891.

I HAVE the honour to report that the Canadian Government have approved the arrangement suggested in my telegram of the 10th instant, and that the United States' Government have entertained it favourably.

I should be glad to know whether I may now send in officially to the United States' Government the Behring Sea claims, including the additions made to them, and propose a Convention on the basis of the arrangement above referred to, for their verification and adjustment.

No. 8.

Foreign Office to Colonial Office.

Sir,

Foreign Office, June 1, 1894.

WITH reference to my letter of the 11th ultimo relative to the British Behring Sea claims, I am directed by the Earl of Kimberley to transmit to you, to be laid before the Marquess of Ripon, the accompanying telegram from Her Majesty's Ambassador at Washington,* stating that the arrangement proposed in his Excellency's telegram of the 10th ultimo is approved by the Canadian Government, and favourably entertained by that of the United States.

Under these circumstances, Sir Julian Pauncefote inquires whether we may officially present the whole of these claims to the United States' Government, and propose a Convention for their verification and settlement on the basis of the arrangement already proposed by his Excellency.

Lord Kimberley proposes to authorize Sir J. Pauncefote to adopt this course should Lord Ripon concur therein.

I am, &c.

(Signed) FRANCIS BERTIE.

No. 9.

Colonial Office to Foreign Office.—(Received June 5.)

Sir,

Downing Street, June 5, 1894.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 1st instant, transmitting a telegram from Her Majesty's Ambassador at Washington relative to the Behring Sea claims.

In reply, I am to state, for the information of the Earl of Kimberley, that his Lordship concurs in Lord Kimberley's proposal to authorize Sir J. Pauncefote to adopt the course suggested in his telegram.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 10.

The Earl of Kimberley to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, June 5, 1894.

YOU may send in officially to the United States' Government the British claims arising out of the seizure of sealing-vessels in the Behring Sea, and you may propose the conclusion of a Convention for their verification and settlement, as suggested in your telegram of the 31st May.

No. 11.

Sir J. Pauncefote to the Earl of Kimberley.—(Received June 13.)

(Telegraphic.)

Washington, June 12, 1894.

WITH reference to your Lordship's telegram of the 5th instant respecting Behring Sea, I have the honour to report that I have forwarded to your Lordship, in my despatch of the 8th instant, a copy of my note to Mr. Gresham transmitting the Behring Sea claims, and proposing a mode of settlement.

I have also sent a copy of this note to Lord Aberdeen.

As the President is indisposed, and Mr. Gresham is about to leave Washington for a short period, I do not expect to receive an official reply for ten days or more.

But the Secretary of State tells me that the President approves the proposal, and, in accordance with his request, I am preparing a scheme of Convention for consideration before requesting the assistance of a Canadian Delegate.

No. 12.

Sir J. Pouncefote to the Earl of Kimberley.—(Received June 18.)

My Lord,

Washington, June 8, 1894.

ON the receipt of your Lordship's telegram of the 5th instant, I addressed a note to Mr. Gresham (copy of which I have the honour to inclose) on the Behring Sea claims.

I shall not fail to forward to your Lordship a copy of Mr. Gresham's reply to my communication as soon as I receive it.

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

Inclosure 1 in No. 12.

Sir J. Pouncefote to Mr. Gresham.

Sir,

Washington, June 7, 1894.

ADVERTING to the verbal communications which have passed between us respecting the best mode of verifying and adjusting the British claims for compensation for the seizure of British sealing-vessels in Behring Sea, I have now the honour to transmit herewith, by direction of Her Majesty's Principal Secretary of State for Foreign Affairs, a complete list and summary of those claims, together with Memoranda of the additions and amendments made since their original presentation. I am at the same time to make the following suggestion, with a view to adjustment of those claims, with the least possible expense and delay.

The whole of the claims, excepting that of the "Henrietta" and that of the "Black Diamond" (1886), were laid before the Tribunal of Arbitration at Paris, together with the evidence in support of them. The facts on which they rest were found by the Arbitrators as provided by Article VIII of the Treaty of Arbitration, and formed part of the Award. In view of the decision of the Tribunal on the questions of law submitted to them, it only now remains to assess the damages. I am accordingly authorized by the Earl of Kimberley to propose that, for the purpose of such assessment, each Government should appoint a duly qualified Commissioner, who should be a lawyer, and, if possible, possess some knowledge of the conditions of the seal industry.

That the two Commissioners should sit together at Victoria, British Columbia, where all the evidence in verification of the claims can be obtained on the spot.

That they should make a joint report on all the claims in which they have agreed as to the amount of damages, and separate reports of the cases in which they have failed to agree, fully stating the grounds of such disagreement.

That the assessment of damages by the two Commissioners, where they have been able to agree, shall be final.

That in cases where they have been unable to agree, the differences shall be settled by the two Governments within a fixed period, failing which, such differences 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 a foreign Government.

You informed me some time ago that, in the view of your Government, a Convention would be necessary for the adjustment of the claims, and the Earl of Kimberley, to whom I did not fail to communicate that opinion, has instructed me to proceed at once with the negotiation of such a Convention, on the basis of the arrangement above proposed, should it be favourably entertained by your Government.

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

Inclosure 2 in No. 12.

List and Summary of Behring Sea Claims.

"CAROLINA."

(Seized by United States' ship "Corwin," August 1, 1886.)

For—	Amount of Claim as put forward by Owner.
	Dol. c.
Value of vessel, 32 tons	1,000 00
.. outfit (in-consumable)	3,002 89
Insurance	352 50
Wages of crew up to date of seizure	1,832 22
Passage of crew from San Francisco to Victoria	71 72
.. mate, Sitka to Victorin, after release from prison	100 00
Personal expenses of owner	250 00
Legal expenses	1,250 00
Estimated seal catch for 1886	16,667 00
	27,526 33
Deduct value consumed during a full voyage	3,213 32
Claim by owner, with interest at 7 per cent. to date of payment	21,313 01

"TICONRON."

(Seized by United States' ship "Corwin," August 1, 1886.)

Value of vessel, 78 tons	6,000 00
.. outfit (in-consumable)	2,911 63
Insurance	591 40
Wages paid to date of seizure to crew, &c.	1,370 01
Passage-money of crew from San Francisco to Victoria	177 16
.. .. and expense of captain and mate after release, Sitka to Victoria	200 00
Personal expenses of owners	1,000 00
Legal expenses	1,250 00
Estimated catch of seals for 1886	16,667 00
	30,197 23
Deduct value consumed on a full voyage	3,379 58
Claim by owners, with interest at 7 per cent to date of payment	26,817 65

"ONWARD."

(Seized by United States' ship "Corwin," August 2, 1886.)

Value of vessel, 91 tons	4,000 00
.. outfit (in-consumable)	1,778 69
Insurance	260 00
Wages paid for voyage	1,820 00
Passage, &c., of master and mate	200 00
Personal expenses of owner	250 00
Legal expenses	1,250 00
Estimated catch	16,667 00
	26,225 69
Deduct value consumed during full voyage	2,955 98
Claimed by owner, with interest at 7 per cent. to date of payment	23,269 71

"FAVOURITE."

(Warned out of Behring Sea by United States' ship "Corwin," August 2, 1886.)

For—	Amount of Claim as put forward by Owner.
Estimated loss of catch of 1,000 seals	Dol. c. 7,000 00
Claim by owner, with interest at 7 per cent. to date of payment	7,000 00

"W. P. SAYWARD."

(Seized by United States' ship "Richard Rush," July 9, 1887.)

Passage of crew, &c.	255 00
.. officers	250 00
Legal expenses of owners	850 00
Probable seal catch, 1887, 3,500 seals, at 5 dol. 50 c.	19,250 00
Loss by detention, October 1, 1887, to February 1, 1888	1,200 00
.. of profit in season 1888 (February 1 to October 1)	6,000 00
Personal expenses of owners	250 00
Claim by owner, with interest at 7 per cent. to date of payment.	28,055 00
Cost of suit before Supreme Court, United States, <i>in re</i> seizure of "W. P. Sayward"	62,817 12
Total	90,902 12

"GRACE."

(Seized by United States' ship "Richard Rush," July 17, 1887.)

Value of vessel, 182 tons	12,000 00
Nonconsumable outfit	1,742 57
Passage of master and crew	200 00
Personal expenses of owners	250 00
Legal expenses	850 00
Probable catch, 1887, 4,200 seals, at 5 dol. 50 c.	23,100 00
Claim of owner, with interest at 7 per cent. to date of payment	38,142 57

"ANNA BECK."

(Seized by United States' ship "Richard Rush," June 28, 1887.)

Value of vessel	8,000 00
Nonconsumable outfit	977 50
Passage of master and crew	460 54
Personal expenses of owner	250 00
Legal expenses	850 00
Probable seal catch, 1887, 3,150, at 5 dol. 50 c.	17,325 00
Claim of owner, with interest at 7 per cent. to date of payment	27,863 04

"DOLPHIN."

(Seized by United States' ship "Richard Rush," July 12, 1887.)

Value of vessel, 174 tons	12,000 00
.. nonconsumable outfit	2,051 50
Passage of master and crew	300 00
Personal expenses of owner	250 00
Legal expenses	850 00
Probable catch, 1887, 4,500, at 5 dol. 50 c.	24,750 00
Claim of owner, with interest at 7 per cent. to date of payment	40,201 50

"ALFRED ADAMS."

(Seized by United States' ship "Richard Rush," July 10, 1887.)

For—	Amount of Claim as put forward by Owner.
	Dol. c.
Value of outfit seized	683 00
Personal expenses	200 00
Legal expenses	300 00
Probable catch, 3,500, at 5 dol. 50 c.	19,250 00
Claim of owner, with interest at 7 per cent. to date of payment	26,433 00

"ADA."

(Seized by United States' ship "Bear," August 25, 1887.)

Value of vessel, 68 tons	7,000 00
nonconsumable outfit	2,500 00
Passage, &c., of muster	100 00
Personal expenses	250 00
Legal expenses	850 00
Probable catch, 1887, 2,870, at 5 dol. 60 c.	15,818 00
Claim of owner, with interest at 7 per cent. to date of payment	26,518 00

"TRIUMPH."

(Ordered not to enter Behring Sea by United States' ship "Richard Rush," August 4, 1887.)

Illegal boarding and searching of "Triumph," as set forth in affidavit	2,000 00
1,000 seal-skins	8,000 00
Legal and other expenses	250 00
Claim of owner, with interest at 7 per cent. to date of payment	10,250 00

"JUANITA."

(Seized by United States' ship "Richard Rush," July 31, 1889.)

520 seal-skins, at 8 dollars	4,960 00
Balance of estimated catch for 1889, at 8 dollars	5,424 00
Spens, &c.	36 00
New ship's papers	25 00
Legal and other expenses	250 00
Claim of owner, with interest at 7 per cent. to date of payment	14,695 00
For amended claim, see Memoranda	17,697 66

"PATHFINDER."

(Seized by United States' ship "Richard Rush," July 29, 1889.)

854 skins seized, and estimated balance of catch (1,246), at 12 dol. 25 c. a-skin	25,725 00
Guns, &c., seized	765 00
New papers	25 00
Legal expenses	250 00
Claim of owner, with interest at 7 per cent. to date of payment	26,765 00

"TRIUMPH."

(Ordered out of Behring Sea by United States' ship "Richard Rush," July 11, 1889.)

For—	Amount of Claim as put forward by Owner.
	Dol. e.
Balance of estimated catch of 2,500, at 8 dollars a-skin ..	19,424 00
Legal and other expenses.. .. .	250 00
Claim by owner, with interest at 7 per cent. to date of payment	19,674 00

"BLACK DIAMOND."

(Seized by United States' ship "Richard Rush," July 11, 1889.)

76 skins seized, at 8 dollars	608 00
2,024 skins, balance of estimated catch, at 8 dollars	16,192 00
Rifles, spears, &c., seized	110 00
New ship's papers	25 00
Legal and other expenses.. .. .	256 00
Claim of owner, with interest at 7 per cent. to date of payment	17,185 00

"LILY."

(Seized by United States' ship "Richard Rush," August 6, 1889.)

333 skins seized, at 8 dollars	2,664 00
Balance of catch, 1,707, at 8 dollars	14,136 00
Spears and salt seized	101 00
New ship's papers	25 00
Legal and other expenses.. .. .	250 00
Claim of owner, with interest at 7 per cent. to date of payment	17,176 00

"ARIEL."

(Ordered out of Behring Sea by United States' ship "Richard Rush," July 30, 1889.)

Balance of estimated catch of 2,066 (1,156), at 8 dollars	9,218 30
Legal and other expenses.. .. .	250 00
Claim of owner, with interest at 7 per cent. to date of payment	9,468 00

"KATE."

(Ordered out of Behring Sea by United States' ship "Richard Rush," August 13, 1889.)

Balance of catch	10,000 00
Legal and other expenses.. .. .	250 00
Claim of owner, with interest at 7 per cent. to date of payment	11,210 00

"MISSION."

(Seized by United States' ship "Richard Rush," July 6, 1889.)

For—	Amount of Claim as put forward by Owner.
420 skins seized	Dol. c.
Balance of catch	3,360 00
Guns and spars seized	12,752 00
Legal and other expenses.	98 00
	250 00
Claim of owner, with interest at 7 per cent. to date of payment	16,460 00

"PATRIOT."

(Seized by United States' ship "Thomas Corwin," March 27, 1890.)

Seizure and detention from March 27, 1890, to March 29, 1890 ..	2,000 00
Claim of owner, with interest at 7 per cent. to date of payment	2,000 00

CLAIMS FOR 1886.

Claimed by—	For—	Amount claimed
David Moore, master of "Onward" ..	Illegal arrest and imprisonment ..	Dol. c.
Margotich, mate of "Onward" ..	Ditto	4,000 00
Hans Guttorfson, master of "Thornton" ..	Ditto	2,500 00
Harry Norman, mate of "Thornton" ..	Ditto	4,000 00
Jas. Ogilvie, master of "Carolina" ..	Ditto	2,500 00
Jas. Black, mate of "Carolina" ..	Ditto	2,500 00
Total for 1886		18,000 00

CLAIMS FOR 1887.

Warren, master of "Dolphin"	Sufferings and losses navigating four vessels from Unalaska to Sitka ..	2,635 00
John Riely, mate of "Dolphin"	Ditto	1,000 00
George P. Percy, master of "W. P. Sayward" ..	Ditto	2,000 00
A. B. Laing, mate of "W. P. Sayward" ..	Ditto	1,000 00
Louis Olsen, master of "Anna Beck" ..	Ditto	2,000 00
Michael Keefe, mate of "Anna Beck" ..	Ditto	1,000 00
W. Petit, master of "Grace"	Ditto	2,000 00
C. A. Lundberg, mate of "Ada"	Ditto	2,000 00
Total for 1887		13,635 00
Total for 1886 and 1887		31,635 00
To be added to 1886, personal claims, Captain Gaudin, of "Ada"		3,000 00
Amended total, 1886 and 1887		34,635 00

RECAPITULATION.

Year.	Vessel.						Amount claimed.	Total.
							Dol. c.	Dol. c.
1886	Carolena .. ..	..	..	..	..	..	24,313 01	
	Thornton .. ..	..	..	..	..	..	26,817 65	
	Onward .. ..	..	..	..	..	..	23,269 71	
	Favourite .. ..	..	..	..	..	..	7,000 00	
	Personal claims .. ..	..	..	..	..	..	18,000 00	99,400 37
1837	W. P. Sayward .. ..	..	..	..	..	..	28,055 00	
	Grace .. ..	..	..	..	..	..	38,142 57	
	Anna Beek .. ..	..	..	..	..	..	27,863 04	
	Delphin .. ..	..	..	..	..	..	46,201 50	
	Ada .. ..	..	..	..	..	..	26,518 00	
	Alfred Adams .. ..	..	..	..	..	..	20,433 00	
	Triumph .. ..	..	..	..	..	..	10,250 00	
	Personal claims .. ..	..	..	..	..	..	13,635 00	205,098 11
1853	Juanita .. ..	..	..	..	..	..	14,695 00	
	Pathfinder .. ..	..	..	..	..	..	26,765 00	
	Triumph .. ..	..	..	..	..	..	10,674 00	
	Black Diamond .. ..	..	..	..	..	..	17,185 00	
	Lily .. ..	..	..	..	..	..	17,176 00	
	Ariel .. ..	..	..	..	..	..	9,498 00	
	Minnie .. ..	..	..	..	..	..	16,160 00	
	Kate .. ..	..	..	..	..	..	11,210 00	132,663 00
1890	Pathfinder .. ..	..	..	..	..	..	..	2,000 00
	Total claims without interest .. ..	..	..	..	..	..	..	439,161 48
	Costs of suit before Supreme Court, United States, <i>in re seizure of "W. P. Sayward"</i> .. ..	..	..	..	..	..	..	62,847 12

TOTAL.

1886—						Dol. c.
Vessels .. ..	..	..	..	..	..	81,100 37
Personal claims .. ..	..	..	..	..	..	18,000 00
1887—						
Vessels .. ..	..	..	..	..	..	191,463 11
Personal claims .. ..	..	..	..	..	..	13,635 00
1889—						
Vessels .. ..	..	..	..	..	..	132,663 00
1890—						
Vessels .. ..	..	..	..	..	..	2,000 00
						439,161 48
"W. P. Sayward" costs .. ..	..	..	..	..	..	62,847 12
Total .. ..	..	..	..	..	..	502,008 60
Extra for "Juanita" .. ..	..	..	..	..	..	3,002 66
.. "Black Diamond" (1886) .. ..	..	..	..	..	..	7,500 00
.. "Ada" .. ..	..	..	..	..	..	3,000 00
Total .. ..	..	..	..	..	..	515,511 26
"Henrietta" .. ..	..	..	..	..	..	26,658 00
Amended total .. ..	..	..	..	..	..	542,169 20

Inclosure 3 in No. 12.

*Memoranda of Additions and Amendments made since the original Presentation of Behring Sea Claims.**

"ADA."

Claim of the Master, Captain Gaudin, for Personal Loss and Damage, 3,000 dollars.

THIS claim was, by a mistake on the part of the agent of the owner of the "Ada," not included when the other claims in connection with this vessel were entered. Captain Gaudin thought that it had been so included, and it was only on seeing the printed list of the British claims that he discovered that such was not the case. He at once requested that the omission might be rectified, and his claim added to the list, and Her Majesty's Government, after causing an inquiry to be made into the circumstances of the case, decided that his application should be granted.

Captain Gaudin's claim has accordingly been added to the schedule of the claims entered with respect to the schooner "Ada."

"HENRIETTA."

Seized by the United States' War-ship "Yorktown" on September 4, 1892.

	Dollars.
Value of vessel	4,000
" outfit and equipment	3,000
" 420 seal-skins, at 18 dollars	7,560
" balance of estimated full catch for season in Behring Sea for three boats and three canoes, viz., 561 skins at 18 dollars	10,098
Legal and personal expenses in defending action against vessel and cargo at Sitka and in preparing and forwarding this claim	2,000
Claim of owner, with interest at 7 per cent. to date of payment ..	26,658

In his note, dated the 13th March last, Mr. Gresham stated, that from the date on which the "Henrietta" was handed over to her captain the United States' Government ceased to bear any responsibility or to exercise any control with regard to that vessel, and that therefore they were unable to comply with the request of Her Majesty's Government, that she should be sent to a British port for trial; but, he added, that the claim of her owner for compensation would receive due consideration when presented.

The claim in question has therefore been added to the general list of British claims.

"BLACK DIAMOND."

Additional claim submitted by the master, Mr. Henry Paxton, for damages alleged to have been sustained by reason of the above schooner having been ordered out of Behring Sea in 1886 by the United States' authorities.

Estimated catch for August 1886 1,000 skins, at 7 dols. 50 c. each (the price of skins at Victoria during the fall of 1886), 7,500 dollars.

This claim was sent in too late for insertion in the general list of British claims. In view of the length of time that had elapsed since the occurrence of the action complained of, Her Majesty's Government deemed it advisable to cause an inquiry to be made as to the reason for the delay in presenting the claim. The reason given was that at the time of the seizure of the vessel the co-owners, who were three in number, were doubtful as to how far an appeal to the United States' Government for redress would be entertained. In the following year one of the owners was lost at sea and another left the country, and it was only after the publication of the Award

* To these will be added the claim on account of the "Winnifred," when the amount has been ascertained.

that the surviving owner consulted his solicitor, and was informed that he had a good and equitable claim for compensation. The claim was then drawn up and presented at once.

Her Majesty's Government also ascertained from the solicitors in question that the fact of the "Black Diamond" being boarded by the revenue officers of the United States, and ordered out of Behring Sea in 1885, is entered in the records of the Custom-house of Unalaska, and that due protest was made by the master of the vessel on the arrival of the schooner at Victoria.

Under the circumstances, Her Majesty's Government considered that the reasons alleged for the delay were reasonable, and gave instructions that the claim should be presented to the United States' Government, together with the other similar claims.

"JUANITA."

It will be noticed that the original claim of the owner of the "Juanita," which was stated at 14,095 dollars, has been amended so as to amount to 17,097 dols. 00 c.

The ground upon which this claim was amended was that the owner made his original statement on the basis of 8 dollars per skin, whereas it was ascertained afterwards that the skins had been sold at San Francisco at an average of 9 dols. 07 c per skin.

No. 13.

Sir J. Panncofote to the Earl of Kimberley.—(Received July 14.)

(Telegraphic.)

Washington, July 13.

WITH reference to my telegram to your Lordship of the 12th instant, in respect of the Behring Sea claims, I have the honour to report that, while discussing with the Secretary of State the terms of the proposed Convention, I was requested by him to ascertain whether Her Majesty's Government would be disposed to settle those claims for a lump sum. If so, he was of opinion that there would be no difficulty in obtaining from Congress an appropriation for whatever amount should be agreed upon. Should no agreement be arrived at, the Convention would proceed.

If the above course be acceptable, an expert should be sent at once to Washington by the Canadian Government to discuss the amount.

No. 14.

The Earl of Kimberley to Sir J. Panncofote.

(Telegraphic.)

Foreign Office, July 18, 1894.

IN your telegram of the 13th instant you reported that Mr. Gresham had proposed the payment by the United States' Government of a lump sum in settlement of the British claims arising out of the seizure of British sealing-vessels in Behring Sea.

You should communicate this proposal to the Canadian Government, to whom we are telegraphing for an expression of their views.

No. 15.

Sir J. Panncofote to the Earl of Kimberley.—(Received July 19.)

(Telegraphic.)

Washington, July 19, 1894.

BEHRING SEA Claims Convention: your Lordship's telegram of yesterday. I have supplied the Canadian Government with full information. They have accepted proposal, and their Delegate is ready to start for this city when required.

No. 16.

Sir J. Paussefote to the Earl of Kimberley.—(Received August 4.)

(Telegraphic.)

Washington, August 3, 1894.

BEHRING SEA claims; my despatch of the 8th June last.

With interest, I reckon the total amount of the claims sent in at about 700,000 dollars. In order to get rid of the Convention, with its delay and expense, I have reason to believe that this Government would be willing to pay a lump sum of 400,000 dollars down.

In case I am able to obtain a further sum of 50,000 dollars, would that settlement be accepted by Canada and approved by your Lordship?

No. 17.

Colonial Office to Foreign Office.—(Received August 6.)

Sir,

Downing Street, August 6, 1894.

WITH reference to your letter of the 4th instant,* I am directed by the Marquess of Ripon to transmit to you, for the information of the Earl of Kimberley, a copy of a telegram which has been sent to the Governor-General of Canada, inquiring whether his Ministers would be disposed to accept the sum of 450,000 dollars in settlement of the Behring Sea claims.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 17.

The Marquess of Ripon to the Earl of Aberdeen.

(Telegraphic.)

Downing Street, August 4, 1894, 2:10 p.m.

TOTAL Behring Sea claims, with interest, estimated 700,000 dollars. Ambassador at Washington has reason to believe that United States' Government would offer 400,000 dollars to avoid delay and expense of Convention.

Would Ministers accept 450,000 dollars if it can be obtained?

No. 18.

The Earl of Kimberley to Sir J. Paussefote.

(Telegraphic.)

Foreign Office, August 6, 1894.

I HAVE received your telegram of the 3rd instant on the subject of the Behring Sea claims.

The Dominion Government have been consulted by telegraph as to accepting 450,000 dollars in settlement thereof. You shall be informed of their reply as soon as it is received.

No. 19.

Colonial Office to Foreign Office.—(Received August 9.)

Sir,

Downing Street, August 9, 1894.

WITH reference to the letter from this Department of the 6th instant, I am directed by the Marquess of Ripon to transmit to you, for the information of the Earl of Kimberley, a copy of a telegram from the Governor-General of Canada, stating that his

Ministers would be prepared to accept the sum of 450,000 dollars in settlement of the Behring Sea claims.

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

Inclosure in No. 19.

The Earl of Aberdeen to the Marquess of Ripon.

(Telegraphic.)

August 4, 1894.

YOUR telegram of the 4th August.
I have received following telegram from my Prime Minister:—
"Your Excellency's telegram *re* lump sum.
" "I would advise acceptance of 450,000 dollars."

No. 20.

The Earl of Kimberley to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, August 10, 1894.

I HAVE received your telegram of the 3rd instant on the subject of the Behring Sea claims, and I authorize you to accept the sum of 450,000 dollars in settlement thereof.

No. 21.

Sir J. Pauncefote to the Earl of Kimberley.—(Received August 10.)

(Telegraphic.)

Washington, August 10, 1894.

BEHRING Sea Claims Convention: your Lordship's telegram of the 9th instant. I regret to have to report that the President is unwilling to offer more than 400,000 dollars. He is anxious that the question should be settled before the adjournment of Congress, and he hopes that, in case Her Majesty's Government should be unable to accept the sum proposed, the Convention will be signed at once.

No. 22.

The Earl of Kimberley to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, August 16, 1894.

HER Majesty's Government have suggested to the Dominion Government, by telegraph, that one of the Canadian Ministers should proceed to Washington at once, with a view to completing arrangements with you either for the Convention or for a lump sum in settlement of the Behring Sea claims.

No. 23.

Sir J. Pauncefote to the Earl of Kimberley.—(Received August 17.)

(Telegraphic.)

Washington, August 16, 1894.

BEHRING SEA claims.

I have to-day succeeded in obtaining from Mr. Gresham an offer of a lump sum of 425,000 dollars in satisfaction of all claims provable under the proposed Convention. It was understood that this would include the 'Winnifred' claim. Necessary appropriation can be obtained this Session if this offer be accepted at once. The Secretary of State urgently requests immediate reply.

If Canada agrees to accept the lump sum which is now offered, will your Lordship authorize me to make a settlement on that basis?

No. 24.

Colonial Office to Foreign Office.—(Received August 20.)

Sir, *Downing Street, August 18, 1894.*
 WITH reference to previous correspondence respecting the Behring Sea claims, I am directed by the Marquess of Ripon to transmit to you, for the information of the Earl of Kimberley, a copy of a telegram from the Governor-General of Canada, reporting that Sir C. H. Tupper, Minister of Marine and Fisheries, has gone to Washington to discuss the matter with Her Majesty's Ambassador.

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

 Inclosure in No. 24.
The Earl of Aberdeen to the Marquess of Ripon.

(Telegraphic.) *(Received August 17, 1894, 5:20 P.M.)*
 IN reply to your Lordship's telegram of the 15th instant, I have to-day telegraphed to Ambassador at Washington as follows:—

My Prime Minister, in reply to suggestion of Her Majesty's Government that a Minister should proceed to Washington, telegraphed last night as follows: "I have asked Sir C. H. Tupper to go at once."

 No. 25.
Colonial Office to Foreign Office.—(Received August 27.)

Sir, *Downing Street, August 25, 1894.*
 WITH reference to the Behring Sea compensation claims, I am directed by the Marquess of Ripon to transmit to you, to be laid before the Earl of Kimberley, a telegram received from the Governor-General of Canada, reporting that Sir C. Tupper had left Washington, and had agreed to accept the sum of £25,000 dollars if paid this year.

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

 Inclosure in No. 25.
The Earl of Aberdeen to the Marquess of Ripon.

(Telegraphic.) *(Received August 22, 1894.)*
 MY Prime Minister has telegraphed to me to the effect that Sir C. Tupper has left Washington, and has agreed to accept the sum of £25,000 dollars if the amount is paid this year.

 No. 26.
Sir J. Pauscefote to the Earl of Kimberley.—(Received August 29.)

(Extract.) *Washington, August 21, 1894.*
 I HAVE the honour to report that Sir C. Tupper, the Canadian Minister of Marine, arrived on Saturday last to discuss with me the position of the pending negotiations respecting the Behring Sea claims.

We called the same day on the Secretary of State, and yesterday morning Sir Charles Tupper, at my request, accompanied me to the State Department, where we had an interview with Mr. Gresham.

We then discussed the question of the lump sum, and Mr. Gresham stated that a week ago the appropriation of the money by Congress could easily have been obtained, but it was too late now owing to the departure of the Members and of the impracticability of obtaining a voting quorum.

He added, however, that there would be no difficulty in getting the appropriation voted on the meeting of Congress in December next.

He therefore suggested that the lump sum might be accepted subject to the right of Her Majesty's Government to resume the negotiations for the Convention at any time before the appropriation should be actually made.

This proposal, appearing satisfactory to Sir Charles Tupper, was accepted by me, and I have now the honour to inclose copies of the notes exchanged between Mr. Gresham and myself recording the arrangement.

Sir Charles Tupper left for Ottawa this morning.

Inclosure 1 in No. 26.

Mr. Gresham to Sir J. Pouncefote.

Excellency,

Department of State, Washington, August 21, 1894.

REFERRING to our verbal communications of a recent date, I have now the honour formally to acknowledge the receipt of your note of the 7th June last, in which you propose, in behalf of Her Majesty's Government, the establishment of a Mixed Commission for the purpose of verifying and adjusting the British claims for compensation for the seizure of British sealing-vessels in Behring Sea.

While no serious difficulty is anticipated in settling and determining the claims by means of a Mixed Commission, it is a matter of interest to both Governments that they should, if possible, be disposed of in a simpler and less expensive way. Proceedings by a Mixed Commission, while always more or less formal and cumbersome, are, like all other processes of litigation, necessarily attended with expense, not infrequently considerable in amount, as well as with delay.

In the present case, the Award and findings of the Tribunal of Arbitration in Paris have, to a great extent, determined the facts and the principles on which the claims should be adjusted; and in the course of the negotiations for a Mixed Commission, they have been subjected by both Governments to a thorough examination both upon the principles and facts which they involve.

Under these circumstances the President, after full consideration of the whole subject, has reached the conclusion that it may be practicable, as well as advantageous, to effect a direct settlement of the claims by the payment of a lump sum in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur-seals in Behring Sea, and to this end I am instructed by the President to propose the sum of 425,000 dollars.

This proposition, if it should prove to be acceptable to Her Majesty's Government, is to be understood as having been made subject to the action of Congress on the question of appropriating the money. The President can only undertake to submit the matter to Congress at the beginning of its Session in December next, with a recommendation that the money be appropriated and made immediately available for the purpose above expressed; and if at any time before the appropriation is made your Government shall desire, it is understood that the negotiations on which we have for some time been engaged for the establishment of a Mixed Commission will be renewed.

I have, &c.
(Signed) W. Q. GRESHAM.

Inclosure 2 in No. 26.

Sir J. Pouncefote to Mr. Gresham.

Sir,

Washington, August 21, 1894.

I HAVE the honour to acknowledge the receipt of your note of this date on the subject of our recent negotiations for the adjustment, by means of a Mixed Commission, of the claims of Great Britain against the United States in respect of the

seizure of British sealing-vessels by United States' cruisers in Behring Sea. You state that the President, after full consideration, is of opinion that it would be in the interest of both Governments to effect the direct settlement of claims by the payment of a lump sum, in order to avoid the delay and expense of a Mixed Commission, and that you have been instructed to propose the sum of 425,000 dollars.

You also state that the proposal is made subject to the necessary appropriation by Congress, to which it would be submitted at the beginning of its Session in December next, with a recommendation that the money be immediately available for the purpose above mentioned.

You add that if at any time before the appropriation is made Her Majesty's Government shall desire it, the negotiations for the establishment of a Mixed Commission shall be resumed.

I have the honour to state, in reply, that Her Majesty's Government concur in the views of the President as to the expediency of effecting a settlement by the method proposed, and that they are, indeed, so fully sensible of the great advantages presented to both Governments by that course that they are willing to accept the sum offered, coupled with the assurance of prompt payment, although the amount is much below their estimate of the compensation which might fairly be awarded by a Mixed Commission.

It should be understood, therefore, that if the negotiations for a Mixed Commission should be resumed, the acceptance of your proposal shall in no way prejudice the claimants in the further prosecution of their demands.

It only remains for me to express my gratification at this amicable solution of the last subject of discussion in the long Behring Sea controversy.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 27.

The Earl of Kimberley to Mr. Gresham.

Sir,

Foreign Office, September 8, 1891.

I HAVE received Sir Julian Pauncefote's despatch of the 21st ult., forwarding the notes exchanged between his Excellency and Mr. Gresham with regard to the settlement by the payment of 425,000 dollars of the claims against the United States in respect of the seizure of British sealing-vessels by United States' cruisers in Behring Sea.

Her Majesty's Government have learnt with much pleasure that this arrangement has been concluded, and desire to express their approval of Sir J. Pauncefote's language and action throughout the negotiations which have led to this satisfactory result.

I am, &c.

(Signed) KIMBERLEY.

No. 28.

Sir J. Pauncefote to the Earl of Kimberley.—(Received December 31.)

My Lord,

Washington, December 21, 1891.

I HAVE the honour to forward herewith an extract from the "Congressional Record" of the 15th instant, containing a Resolution brought forward in the House of Representatives by the Honourable Mr. Hill, requesting the publication of all documents touching the payment by the United States of 425,000 dollars to Great Britain for damages growing out of the controversy as to fur-seals in Behring Sea.

This Resolution, together with a motion to reconsider the vote by which the Resolution was adopted, was laid on the Table.

I understand from Mr. Gresham that full particulars concerning the arrangements arrived at have been given to the Committee on Foreign Relations, and that there is

no reason to doubt that the money will be appropriated, notwithstanding the attempt made to obstruct the settlement.

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

P.S.—It is stated in the "Congressional Record" of to-day that the Secretary of State has transmitted "Correspondence touching the Behring Sea controversy" to the House of Representatives, which has been ordered to be printed. I inclose an extract to that effect from the "New York World."

J. P.

Inclosure 1 in No. 28.

Extract from the "Congressional Record" of December 15, 1894.

THE BEHRING SEA CONTROVERSY.

Mr. Hitt.—Mr. Speaker, I desire to call up a privileged Resolution reported to-day from the Committee on Foreign Affairs.

The Speaker.—The Clerk will read the Resolution.

The Clerk read as follows:—

"*Resolved.*—That the Secretary of State be requested to communicate to the House of Representatives, if not inconsistent with the interests of the public service, all correspondence, Reports, and other documents not heretofore made public, touching the payment by the United States of 425,000 dollars to Great Britain for damages growing out of the controversy as to fur-seals in Behring Sea, or the seizure of British vessels engaged in taking seals in those waters."

Mr. Hitt.—That is an unanimous Report, Mr. Speaker.

Mr. McCreary, of Kentucky.—It is all right.

The Resolution was adopted.

On the motion of Mr. Hitt, a motion to reconsider the vote by which the Resolution was adopted was laid on the Table.

Inclosure 2 in No. 28.

Extract from the "New York World" of December 21, 1894.

BEHRING SEA DAMAGES.

Washington, December 20, 1894.

SECRETARY GRESHAM sent to the House the correspondence which resulted in the offer of the United States to pay 425,000 dollars as damages for seizures or warnings of British sealers declared by the Paris Tribunal to have been illegal. With it was a statement of the British claims. In his Report the Secretary says:—

"If the plan of settlement recited by the President in his Annual Message is not acceptable to Congress, the controverted questions must be determined, either by the organization of a Joint Commission, or by negotiations between the two Governments. Experience has shown that International Commissions are slow and expensive. Should such a course be resorted to, the evidence would be found mostly on the Pacific Coast, widely scattered, and counsel would be needed to examine and cross-examine witnesses.

"The question of indirect or consequential damages having been withdrawn from the Tribunal of Arbitration, the pending claims are for British vessels actually seized in Behring Sea or warned out of it by cruisers of the United States. It will appear from the submitted correspondence that the agreement to pay a lump sum of 425,000 dollars in full settlement of all demands, authorized to be made under the Treaty and Award, was proposed by this Government. The amount is considerably below the damages claimed by Great Britain, exclusive of interest for a number of years.

"If this arrangement does not receive the approval of Congress, and the disputed questions are submitted to an International Commission, it is believed that the amounts allowed and the expense of the Tribunal, including witnesses and the taking of their testimony, will largely exceed 425,000 dollars. In view of the facts and what may be reasonably expected as the result of a Commission, the Undersigned submits that a prompt and final settlement of the vexatious controversy by an appropriation of the lump sum agreed upon is advisable."

J. P.

No. 29.

Sir J. Pauncefote to the Earl of Kimberley.—(Received February 1.)

My Lord,

Washington, January 21, 1895.

WITH reference to my despatch of the 21st December, I now have the honour to forward herewith to your Lordship printed correspondence touching the Behring Sea controversy, which has been laid before the House of Representatives pursuant to the House Resolution, dated the 15th December, 1894.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 29.

53rd Congress, 3rd Session.—Ex. Doc. No. 132.

HOUSE OF REPRESENTATIVES.

BEHRING SEA CONTROVERSY.

Letter from the Secretary of State, transmitting, pursuant to House Resolution, dated December 15, the Correspondence touching the Behring Sea Controversy.

December 21, 1894.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

The Speaker of the House of Representatives:

THE Undersigned is directed by the President to respond to the Resolution adopted by your honourable Body on the 15th instant, requesting the Secretary of State "to communicate to the House of Representatives, if not inconsistent with the interests of the public service, all correspondence, Reports, and other documents not heretofore made public touching the payment by the United States of 425,000 dollars to Great Britain for damages growing out of the controversy as to fur-seals in Behring Sea, or the seizure of British vessels engaged in taking seals in those waters."

The Undersigned accordingly has the honour to communicate to the House of Representatives copies of the correspondence exchanged on the subject covered by the Resolution, in which will be found a statement of the claims filed by Great Britain for damages sustained by British subjects by reason of the seizure of their sealing-vessels in Behring Sea, or of being warned to cease operations therein.

The Paris Tribunal of Arbitration held that the United States had no right of protection or property in the fur-seals in Behring Sea outside the ordinary 3-mile limit.

Article VIII of the Convention of the 29th February, 1892, whereby the questions which had arisen between the two Governments concerning the jurisdictional rights of the United States in the waters of Behring Sea were submitted to arbitration, recited that the High Contracting Parties had been unable to agree upon a reference which would 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, and that, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, they had agreed "that either may submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation."

Under this Article the Arbitrators unanimously found that a number of British sealing-vessels were seized in Behring Sea or warned therefrom by cruisers of the United States on the days and at the places in the special finding mentioned, leaving for future determination the questions as to the value "of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States."

If the plan of settlement recommended by the President in his last Annual Message is not acceptable to Congress, the remaining controverted questions must be determined either by the organization of a Joint Commission, or by negotiations between the two Governments.

Experience has shown that International Commissions are slow and expensive. Should such a course be resorted to the evidence would be found mostly on the Pacific Coast, widely scattered, and counsel would be needed to examine and cross-examine witnesses.

The question of indirect or consequential damages having been withdrawn from the Tribunal of Arbitration, the pending claims are for British vessels actually seized in Behring Sea, or warned out of it by cruisers of the United States.

It will appear from the submitted correspondence that the agreement to pay a lump sum of 425,000 dollars in full settlement of all demands authorized to be made under the Treaty and Award was proposed by this Government. The amount is considerably below the damages claimed by Great Britain, exclusive of interest for a number of years.

If this arrangement does not receive the approval of Congress and the disputed questions are submitted to an International Commission, it is believed that the amounts allowed and the expense of the Tribunal, including witnesses and the taking of their testimony, will largely exceed 425,000 dollars.

In view of all the facts and what may be reasonably expected as the result of a Commission, the Undersigned submits that a prompt and final settlement of the vexatious controversy by an appropriation of the lump sum agreed upon is advisable.

Respectfully submitted.

(Signed) W. Q. GRESHAM.

*Department of State, Washington,
December 20, 1894.*

No. 30.

Sir J. Pauncefote to the Earl of Kimberley.—(Received February 26.)

(Telegraphic.) *Washington, February 26, 1895.*

BEHRING SEA: Lump sum.

The House of Representatives, by an adverse vote of 143 against 112, rejected the proposed appropriation for the payment of the lump sum agreed on.

In Committee of the whole House, it had previously been adopted by a vote of 94 to 86.

No. 31.

The Earl of Kimberley to Sir J. Pauncefote.

(Telegraphic.) *Foreign Office, February 27, 1895.*

IN your telegram of yesterday's date you reported the rejection by the House of Representatives of the appropriation of a lump sum of 425,000 dollars in settlement of the Behring Sea claims.

Has this settlement been definitively rejected, or will it be revived in some other form?

No. 32.

*Colonial Office to Foreign Office.—(Received March 1.)*Sir, *Downing Street, February 28, 1895.*

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 26th instant,* reporting that the House of Representatives in the United States had rejected the vote for 425,000 dollars in settlement of the Behring Sea claims.

I am to request that you will inform the Earl of Kimberley that Lord Ripon has received this intelligence with much regret, as he had hoped that an end of this controversy had been reached.

It will now be necessary to resume at once the negotiation of the Convention, and as Congress will rise at an early date, and the ratification of the Convention, if not concluded at once, will be postponed for another year, he would suggest that Her Majesty's Ambassador at Washington should be instructed to resume without delay the discussion of that instrument; and Lord Ripon proposes, if Lord Kimberley concurs, to telegraph to the Dominion Government to send some one at once to Washington to assist in the negotiation.

I am, &c.
(Signed) EDWARD FAIRFIELD.

No. 33.

The Earl of Kimberley to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, March 1, 1895.

I HAVE received your Excellency's telegram of the 28th ultimo on the subject of the Behring Sea claims.

You should ask Mr. Gresham whether he will at once resume negotiations for a Convention.

Lord Ripon suggests that the Government of Canada should send a Delegate to assist at Washington.

You should strongly urge the necessity of settling the question at once, either by the payment of the lump sum or by a Convention for a Claims Commission.

No. 34.

Sir J. Pouncefote to the Earl of Kimberley.—(Received March 3.)

(Telegraphic.)

Washington, March 2, 1895.

BEHRING SEA claims: your Lordship's telegram of the 1st.

The Secretary of State informed me that he is quite prepared immediately to resume negotiations for a Convention. Present Session of Congress, however, closes on the 4th instant, and the Convention, when signed, must be submitted for confirmation by a two-thirds majority in the Senate. It cannot, therefore, be submitted to the Senate, unless a special Session be called before next December.

I have urged in the strongest language the necessity of a prompt settlement of the claims one way or another, and every effort to effect it has been vainly exhausted by the President and Mr. Gresham. They have even failed in an attempt to obtain from Congress an appropriation for the payment of the claims subject to their examination by a Commission to be appointed for that purpose, or for the simple expenses of such a Commission.

I received from Mr. Gresham to-day an expression of the deep regret felt by the President and himself at the unexpected situation in which they found themselves placed, and at their inability to prevent the delay which now, most unfortunately, must occur in adjusting these claims and discharging the national obligations of the United States.

No. 35.

The Earl of Kimberley to Sir J. Pouncefote.

Sir,

Foreign Office, March 6, 1895.

AT an interview to-day with Mr. Bayard, I expressed to his Excellency the great regret with which Her Majesty's Government had learnt that Congress had separated without voting the sum for the Behring Sea claims, or making any provision for a Commission to examine them.

I feared that not only would this failure to execute the Award cause much dissatisfaction here and in Canada, but that it would tend to diminish confidence in the principle of arbitration.

It was the more unfortunate, because it was coincident with the proposal made by the United States' Government to reopen the whole matter which had so recently been settled by the Arbitration.

Mr. Bayard said he shared my regret at the failure of Congress to provide for the payment of the British claims, but that he was certain that the President and Mr. Gresham had done their utmost to induce Congress to vote the money.

I assured his Excellency that Her Majesty's Government had no complaint to make of the action of the President or Mr. Gresham, and I informed him of the purport of your Excellency's telegram of the 3rd instant on this subject.

I am, &c.

(Signed) KIMBERLEY.

No. 36.

Sir J. Pouncefote to the Earl of Kimberley.—(Received March 7.)

My Lord,

Washington, February 26, 1895.

WITH reference to my telegram of to-day's date, I have the honour to inclose herewith extract from the "Congressional Record," containing an account of the rejection of the proposed appropriation of 425,000 dollars to pay damages arising out of seizures in Behring Sea.

The proposal, after a two hours' debate, was approved in Committee of the whole House by a vote of 98 to 86, but on a subsequent vote, when the amendment was reported, the House rejected it by a majority of 142 to 113.

I have the honour to append a précis of the debate prepared in this Embassy.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 36.

Extract from the "Congressional Record" of February 25, 1895.

[Not printed.]

Inclosure 2 in No. 36.

Précis of Debate in House of Representatives, February 25, 1895.

THE House being in Committee of the whole for the consideration of the General Deficiency Bill:—

Mr. Breckenridge moved an amendment, providing for the payment of 425,000 dollars to Great Britain in full satisfaction of all demands for damages growing out of the controversy between the two Governments as to the fur-seals in Behring Sea.

There was no question, he said, that under the decision of the Arbitrators the United States should pay something. It was objected that the amount agreed on was excessive, in view of the fact that the claims were in part based on consequential

ges, which, in the case of the "Alabama," were not admitted. But there was a difference between the cases. In the case of the "Alabama" the wrong was the indirect act of the Government, and in the present case it was the direct act. And, farther, in the present case, a rule was agreed on which allowed consequential damages. Judgment had been given against the United States, and the only question left was the assessment of damages. Leaving out the consequential damages, there would remain a claim, practically undisputed, for 227,000 dollars, on which interest would have to be paid for seven years, if the matter was referred to a Commission, and, in addition, there would be the expense of having Arbitrators. The bargain was not a bad one, and, on broader grounds, it did not become the United States to go down to the tavern and denounce the Judge, as litigants sometimes do who have lost their case. The right course was to settle the matter at once, and remove it as a cause of disagreement between the two peoples.

Mr. Cannon (Republican) was not opposed to the payment unless it reversed a principle already settled. The Arbitrators only decided the question of fact as to seizure and warning out; the question of the amount of damage and the ownership of the vessels was left open for future negotiation. As to prospective damages, it had been decided in the case of the "Alabama" that they could not properly be made subject of compensation. As to the question of ownership, it was clear from the evidence (Mr. Foster's statement published in the last Senate Document, p. 164) that the great majority of the vessels seized were owned by Americans. The most that could fairly be conceded was 103,000 dollars.

Mr. Hooker (Democrat) denied that the analogy with the "Alabama" case held good. The vessels were equipped in Canadian waters for the purpose of prosecuting what was now conceded by both parties to have been a lawful act, and the United States was responsible for whatever damages ensued from their seizure. It was not improbable that if the matter were referred to a Commission, the United States would have to pay a million dollars instead of less than half that sum.

Mr. Henderson (Republican) quoted from Mr. Foster's statement, and asked how in the face of it the Secretary of State could have made such an agreement. This large sum should not be paid when there was high authority for the statement that most of the claims were unwarranted and unjust. He advocated the Commission provided for in the Treaty, in order that if there were any Americans masquerading under British auspices they might be smoked out.

Mr. McCreary (Democrat) said that of the two alternatives he thought the payment of a lump sum would be the most economical, and that promptness in paying the claims was in the line of economy, justice, and honour.

Mr. Hitt (Republican) said that in the case of ten out of the twenty ships seized the real owners were Americans. These men were not engaged in a "lawful occupation," but one forbidden by the laws of their own country. They were entitled to fine and imprisonment, not to compensation. He quoted the case of Boscowitz, an American, who lent money to a Canadian, named Warren, on the security of certain ships; foreclosed, and then sold the ships, which thus passed into his hands, to a Canadian, named Cooper, for the sum of 1 dollar. This man Cooper now appeared among the claimants for the sum of 225,000 dollars for the seizure of ships which really belonged to Boscowitz. Cooper had testified that he did not even know the number or names of the ships, and that he had nothing to do with them. Of the total amount of 542,000 dollars claimed, 360,000 dollars represented the interests of Americans. As to the character of the claims, the great mass was for an estimated catch—377,000 dollars out of 542,000 dollars. It had been decided at Geneva that compensation was not to be paid for prospective earnings. As to the argument that the two Governments had agreed to pay compensation for such losses, it referred only to the claim for damages under the *modus vivendi*. That portion of the claim had been formerly abandoned by the two Governments. As to the fear expressed that more claims would be presented in case of the appointment of a Commission, it was clear from the words of the British Ambassador that the claims presented in June 1891 included all the claims. A Commission, as proposed by Sir Julian Pannecote, would probably cost about 15,000 dollars, and would result, perhaps, in the payment by the United States of 50,000 dollars which is about what was due.

Mr. Dingley (Republican) would not say with certainty that the claim for prospective damages would be disallowed by the Commission. He quoted the case of the Halifax Award. It was a case of a choice of two evils, and it was impossible to foresee what would be the decision of a foreign Umpire.

Mr. Breckenridge, in reply, said that he agreed with the last speaker. The claims

would grow enormously if the payment was put off, and an immediate settlement was preferable.

Mr Livingston asked if Congress would not have the supervision of the payments made under the decision of the Commission?

Mr Breckenridge said that, if Congress refused to make the payment prescribed by a legally-constituted Tribunal, it would be a delinquent at the international bar of public honesty and universal integrity. It was not true that Sir Julian Pauncefote had debarred himself from presenting additional claims. Take the case of a man who had died from the effects of imprisonment.

Mr. Hill denied that that claim could go before the Commission.

Mr. Breckenridge maintained that it could. He pointed out that these ships had sailed from a British port under the British flag, and the burden was on the United States to overthrow the presumption arising from that fact. He predicted that this could never be accomplished. The United States had gone into the Arbitration on the ground that the Behring Sea was United States' property, and had lost. They ought now to take the consequences like men. As to the damages claimed, he thought that the prospective catch ought to be paid for. The real capital of these men was their sweat, their risk, their danger, their time. When they were seized, and put in Alaskan prisons, without right and without justice, what better criterion of damage was there than what they might have caught, and what every one but themselves did catch during that year? These were not remote damages. There was a vast difference between remote damages and consequential damages. There are innumerable cases where consequential damages are given where they are the immediate and not the remote consequences of the act. He quoted the statement of Sir E. Grey in Parliament as to the probable payment of the damages, and hoped that the United States would not be posted before the world like a delinquent at a club. He did not advocate this measure because it had been proposed by a Democratic President, but because on the floor of the House of Representatives he represented the entire Imperial Republic of America, and he did not wish the United States to stand before the nations as a nation which did not keep faith.

He appended to his speech, as printed, a calculation showing under several hypotheses the saving to the United States effected by the payment of a lump sum.

On a division, there were, for the amendment 94, against 86.

The Committee rose, and the House then voted on the Appropriation Bill as passed by the Committee.

A separate vote was taken on the Behring Sea clause, when it appeared that there were—Yeas 113, Nays 142.

The majority comprised Republicans, Populists, and 48 Democrats.

No. 37.

Colonial Office to Foreign Office.—(Received March 9.)

Sir,

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letters inclosing telegraphic correspondence with Her Majesty's Ambassador at Washington regarding the settlement of the Behring Sea claims, and I am to suggest, for the consideration of the Earl of Kimberley, that Sir Julian Pauncefote should be at once instructed to communicate a copy of his telegram of the 2nd instant to the Governor-General of Canada, and consult with him as to the date on which it will be convenient to send a Canadian Representative to assist in the further negotiations for a Convention.

I am, &c.

(For Under-Secretary of State),

(Signed) R. P. EBDEN.

No. 38.

The Earl of Kimberley to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, March 9, 1895.

BEHRING SEA claims.

You should communicate your telegram of the 2nd instant to the Government of Canada.

The Secretary of State for the Colonies suggests that you should arrange with Lord Aberdeen as to the date when the Canadian Delegate who is to assist in the negotiations for the Convention should be sent to Washington.

No. 39.

Sir J. Pauncefote to the Earl of Kimberley.—(Received March 11.)

My Lord,

Washington, February 28, 1895.

IN my despatch of the 26th instant I had the honour to report the adverse vote of the House of Representatives on the proposal to appropriate the sum of 425,000 dollars to the payment of the Behring Sea claims, in accordance with the Agreement concluded between the two Governments in August last.

The Committee of the whole House had voted for the appropriation by a small majority, and the adverse majority subsequently obtained on what is termed a "yea and nay" vote was a surprise, as well as a grave disappointment.

Strong party feeling would seem alone to account for the rejection of so just and desirable an arrangement, and, as your Lordship will have noticed from the inclosures in my despatch, statements have been made in Congress which are entirely misleading both as to the law and the facts of the case.

It is urged that the present claims are principally made out of "indirect" damages, because they include, in some cases, the loss of profits of the fishery season by sealing vessels warned out of Behring Sea.

Such damages were allowed when claimed by the United States in the Fortune Bay case on behalf of United States' fishermen, whose rights of fishery had been forcibly interfered with by a mob on the coast of Newfoundland in 1878.

Again, it is pretended that a great majority of the sealing-vessels on behalf of which the claims are made were the property of United States' citizens, whereas there is no evidence whatever of any change of ownership in those vessels, which all carried the British flag and a British register.

One speaker represented the total amount of the claims to be only 542,000 dollars, whereas it was over 700,000 dollars. Another concluded from the fact that the offer of the lump sum and its acceptance appeared in notes of the same date, that the offer was made without previous investigation, and was instantly "snapped at" by Her Majesty's Government, whereas the compromise recorded in those notes was the result of laborious negotiations, which were carried on during the whole summer.

There can be no doubt that the above inaccuracies were calculated to prejudice the minds of many Members of Congress, and also to turn public opinion against a settlement of the question which was both equitable and advantageous to both parties.

The action of Congress is in strange contrast with the assurance given me by Mr. Blaine at the commencement of the negotiations which led to the Behring Sea Arbitration, and is recorded in my despatch of the 1st November, 1889, "that his Government would not wish that private individuals who had acted *bona fide* in the belief that they were exercising their lawful rights should be the victims of a grave dispute between two great countries, which had happily been adjusted."

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Sir J. Pauncefote to the Earl of Kimberley.—(Received March 14.)

My Lord,

Washington, March 4, 1895.

I HAVE the honour to transmit to your Lordship herewith extract from the "Congressional Record," containing a report of a Resolution introduced by Senator Morgan for the appointment of a Committee to examine into the question of the liability of the United States to pay claims arising out of the Behring Sea controversy, and also of the liability of Great Britain and Canada.

Your Lordship will observe that Senator Morgan alludes to a recent proposal made in the House of Commons to pay the claims in advance, as being made with a view to having "a moral claim on the United States for this 425,000 dollars, not one shilling of which is due."

Objection was interposed to the immediate consideration of the Resolution, and it accordingly went over.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 40.

Extract from the "Congressional Record" of March 1, 1895.

British Behring Sea Claims.

Mr. Morgan.—I offer a Resolution, for which I ask present consideration.

The Vice-President.—The Resolution will be read.

The Secretary read as follows:—

"Resolved,—That the Message of the President received by the Senate on the 13th February, 1895, relating to the payment by the United States of the claims of Great Britain arising out of the Behring Sea controversy, is referred to the Committee on Foreign Relations, with instruction that such Committee examine into the question of such liability to Great Britain and the amount thereof, if any, and of any liability on the part of Great Britain or Canada arising out of said controversy, and that said Committee shall have authority to report by Bill or otherwise; and, in making such examination, may sit in the vacation of the Senate."

The Vice-President.—Is there objection to the present consideration of the Resolution?

Mr. Sherman.—I wish to ask the Senator from Alabama whether it would be wise to pass this Resolution pending the controversy between the two Houses with respect to an appropriation of four hundred and some odd thousand dollars?

Mr. Morgan.—There is no such controversy.

Mr. Sherman.—I think that matter is now in conference between the two Houses.

Mr. Morgan.—No; I beg pardon. There is no report in either House in favour of any money to go to Great Britain, as the case now stands.

Mr. Hale.—Such an appropriation was stricken out in the House of Representatives.

Mr. Morgan.—Yes; that was stricken out.

Mr. Hale.—And the Senate Committee has not put it in; so it is not in conference.

Mr. Morgan.—There is no controversy. I wish to make this statement: The British Parliament seems to be acting upon this subject now by anticipation. I see by the morning papers that Sir George Baden-Powell says that he wants to pay to the Canadians and to the recalcitrant and rascally Americans who hired themselves out to the British flag to rob the Government of the United States and to violate its laws and dishonour the country, and to pay them in advance, so as to have a moral claim on the United States for this 425,000 dollars, not one shilling of which is due.

I propose that the Committee on Foreign Relations shall investigate that matter. There has been enough of falsehood and misrepresentation about that in official documents and in newspapers to require, for the vindication of the honour of this country, that that investigation should be made; it makes no difference what any Committee of this body may do.

Mr. Sherman.—I have no objection to the Resolution.

Mr. Turpie.—I should like to ask the Senator from Alabama whether the text of this Resolution does not propose a revision of the Behring Sea Arbitration.

Mr. Morgan.—Not by any means. It is merely to ascertain what are the obligations of the respective Governments under it.

Mr. Turpie.—It seems to me that the text of the Resolution, as I heard it read, proposes to review the proceedings of the International Arbitration.

Mr. Morgan.—Not at all. It is merely to ascertain what are the liabilities of the respective Governments under it.

Mr. Turpie.—The liabilities spoken of are certainly *res adjudicata*.

Mr. Morgan.—I quoted from the language of the President of the United States in sending his Message to the Senate.

Mr. Turpie.—I ask that the Resolution be printed and go over.

The Vice-President.—Objection being interposed, the Resolution will go over and be printed.

No. 41.

Sir J. Pauncefote to the Earl of Kimberley.—(Received March 14.)

My Lord,

Washington, March 5, 1895.

WITH reference to my despatch of the 4th instant, I have the honour to inclose extract from the "Congressional Record," containing a report of a debate in the Senate relative to the Resolution introduced by Mr. Morgan for the appointment of a Commission to examine the question of the liability of the United States and Great Britain to pay claims arising out of the Behring Sea controversy.

Mr. Morgan supported the Resolution in a speech in which he severely criticized the policy pursued by Great Britain. Objection, however, being interposed, the Resolution failed to pass. An abstract of the debate is inclosed herewith.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 41.

Extract from the "Congressional Record" of March 2, 1895.

[Not printed.]

Inclosure 2 in No. 41.

Report of Debate in Senate, March 2, 1895

Mr. Morgan, in introducing his Resolution for the appointment of a Committee to investigate the liability of the United States and Great Britain to pay claims arising out of the Behring Sea dispute, said that the question of the liability of the United States to pay damages was withdrawn from the consideration of the Arbitrators and reserved for negotiation. The Secretary of State had made an arrangement to pay a lump sum in order to avoid negotiation. If the matter had come before the Tribunal, Great Britain could not have recovered one cent. On the strongest point of the claim there could not be due to her more than 96,000 dollars; 173,000 dollars had been claimed for those ships which were valued by appraisers at 12,000 dollars. He wished the whole question to be investigated by a set of Commissioners "who may not perhaps have an embarrassment in a negotiation." It was not the fault of the Award Regulations that the seal herds were being depleted. The Supplementary Regulations of the Secretary of the Treasury were to blame which allowed the sealers to pass through forbidden waters during the close season. Where were the records of the time and place of the catch made by the sealers which were preserved by the Award?

Great Britain had pledged herself to do her best to save the seals. But she had only sent one ship which had passed the entire summer outside of Behring Sea in port. The United States had sent ten. The administration of the law on the part of the

United States had been slack, and on the part of Great Britain absurdly inefficient. No evidence was presented upon which Great Britain could be held responsible for the conduct of her sealers. The Secretary of the Treasury had stated that he had papers in his possession which he had not communicated to the Senate. The whole matter was under a cloud of uncertainty, and therefore he proposed that there should be a fair and impartial but thorough investigation.

Mr. Gray objected to the consideration of the motion. *Mr. Morgan* had himself objected to the consideration of a Bill providing for an International Commission or Inquiry, because he thought that it implied a reflection on the Award Regulations. No such reflection was implied. The Senator himself, as an Arbitrator, had signed a recommendation that the herd should be allowed a rest of three years. There was not a particle of evidence to show lax administration of the law. The slaughter had taken place in the open season. Only one seizure had been made, and that ship was released. As to the lump sum, the settlement had been received with almost universal favour by the Senate Committee on Foreign Relations. It was far within the estimates made by the British claimants, and the best estimates that could be made by the Agents of the United States. That was out of the question now, and the Senate had had the opportunity to provide for the only alternative, that is, a Convention between the United States and Great Britain under which the claims could be adjudicated and the amounts determined. That had been refused. Now the Senator had prevented the Senate considering a proposal for preventing the destruction of the seal herd by a temporary cessation of the slaughter. The responsibility was not a light one. In conclusion, he would say that there was not the slightest ground for the imputation that the Secretary of the Treasury had suppressed the logs of vessels or any other evidence, as a perusal of the letter quoted by the Senator would show.

Mr. Morgan asked leave to print a statement showing what were the actual liabilities of the United States under the principles contended for by Great Britain.

Objection was made.

Mr. Gray asked leave to print as part of his remarks the letter of the Secretary of the Treasury referred to.

Mr. Morgan objected.

P.S.—The letter in question states that the Collector of Customs at San Francisco had reported that the masters of certain vessels had failed to give the required particulars, having sailed in ignorance of the Regulation concerning logs.

No. 42.

Sir J. Panncofote to the Earl of Kimberley.—(Received March 25.)

My Lord,

Washington, March 15, 1895.

IN my despatch of the 5th instant I had the honour to transmit to your Lordship a report of a debate in the Senate on the subject of the Behring Sea claims, in the course of which Senator Morgan stated that he had prepared a Memorandum on the liability of the United States, under the Award of the Paris Tribunal, to make compensation for the illegal seizure of British sealing-vessels in Behring Sea.

He requested leave to print this document in the "Record" as part of his speech, but leave was refused.

After the adjournment of Congress he communicated this Memorandum to the press, and I have now the honour to transmit to your Lordship an extract from the "New York Daily Tribune," which purports to contain a summary of it.

Senator Morgan argues that the United States never agreed to arbitrate the question of their liability for damages, nor have ever admitted their liability. They only agreed to negotiate respecting it, expressly reserving the question of such liability as the subject of such negotiation. He is therefore opposed to the creation by Act of Congress of a Commission to settle the question without any negotiation. The claim of Great Britain is, he states, based on the false assumption that the United States were bound by the Award of the Tribunal, or by agreement, or by law, justice, or equity to pay any part of the demand.

Senator Morgan also insists that the "further negotiations" provided for in regard to these claims by Article VIII of the Behring Sea Arbitration Treaty should take place "through the constitutional authorities of the United States."

On those two points I would observe that no admission of liability became neces-

sary from the moment that the Paris Tribunal, by its Award, had rejected the legal pretensions of the United States to a special property in the furs seals resorting to the Pribyloff Islands. That decision at once proclaimed the illegality of the seizures, and the liability of the United States to satisfy the claims. That was the basis of the diplomatic negotiation for the adjustment of the claims, and I am at a loss to conceive what other view could be taken without disputing the Paris Award. Nor can I comprehend, without further explanation, the meaning of Senator Morgan's objection to that negotiation as not having taken place "through the constitutional authorities of the United States."

Having denied the liability of the United States to pay compensation, and also the competency of the United States' Secretary of State and of the British Ambassador to negotiate on the subject, though fully empowered by their respective Governments to do so, Senator Morgan proceeds to criticize the arrangement arrived at for the payment of a "lump sum" of 425,000 dollars.

With regard to the details of the claims, he states that the total amount claimed by Great Britain, with interest, is 542,169 dollars. He urges that the items for loss of profits should not be allowed, and he quotes in support of his contention the decision of the Geneva Arbitrators on the subject of prospective earnings. He estimates the excess proposed to be allowed by the Secretary of State as fully 182,000 dollars. He states, further, that ten of the ships for which damages are claimed were, in fact, owned by citizens of the United States, and that the amount claimed by British subjects, less speculative damages, is only 70,924 dollars.

But even this amount is, he states, excessive. He maintains that the "personal claims" should be deducted, leaving 36,289 dollars. Of this sum, 16,500 dollars, he says, is claimed for the "Henrietta," which claim is not allowable, as she was seized under the *modus vivendi*.

Senator Morgan's estimate, therefore, with the last-mentioned deductions, would reduce the indemnity to about 20,000 dollars; but that is an improvement on the previous estimate he gave in a recent speech in opposition to the payment of the claims, in which he declared that "not one shilling" was due (see my despatch of the 4th instant).

I will now proceed to show in what respects the distinguished Senator appears to have been misled in his computation of the indemnity.

In the first place, he is mistaken in supposing that the total amount of the claims, with interest, was only 542,169 dollars.

It amounted to upwards of 786,000 dollars, as your Lordship will see from the synopsis of the claims which forms Inclosure 2 to this despatch.

The Senator would seem to have taken the total given at p. 143 of the Congressional Papers on the subject as including interest, but that is not the fact.

Moreover, the case of the "Winnifred" was subsequently added, in order that the whole of the claims arising out of the Behring Sea controversy might be disposed of under the "lump sum" arrangement.

The next misapprehension to which I would call attention relates to the measure of damages.

Senator Morgan takes exception to the inclusion in the statements of claims of the items for loss of profits of the fishery season.

He would allow no compensation whatever for such losses, and he quotes from the Judgment of the Tribunal in the Geneva Arbitration the well-known passage, to the effect that no compensation can be awarded under the head of "prospective earnings," as they depend "upon future and uncertain contingencies." But he omits to mention that the Tribunal did, in fact, take such losses into consideration in awarding a gross sum by way of indemnity.

The Tribunal allowed a large amount "in lieu of profits." This is shown by the estimate of damages contained in Protocol No. 29 of the Geneva Conference, in which the decision to award the gross sum of 15,500,000 dollars is recorded.

In all similar cases "losses of profits" are properly claimed, for although they may not be recoverable "under that head," they form an element of consideration, according to the circumstances of each case, in computing the award of a gross sum by way of indemnity. That was the view on which the United States' Government acted in 1879, when they preferred a claim of 120,000 dollars against Great Britain on behalf of twenty-two American fishing-vessels whose fishery operations had been interfered with by mob violence at Fortune Bay, in Newfoundland.

Those claims included damages for loss of profits, calculated on the average of preceding years. Sir Edward Thornton, then Her Majesty's Representative at Washington, objected "that these losses were in the nature of consequential or indirect

damages, which should not be allowed." But it was insisted, on behalf of the United States' Government, that compensation should be paid for those losses, and ultimately Her Majesty's Government awarded a "lump sum," amounting to two-thirds of the original claim, thus allowing a large margin for inflated valuations and doubtful items.

In the present case the lump sum of 425,000 dollars, agreed on between the two Governments, allows a still larger margin, for, if the same proportion of two-thirds had been adopted, the lump sum of 425,000 dollars would have been increased by 100,000 dollars.

The amount of indemnity originally claimed was reduced by no less than 360,000 dollars.

The next objection made by Senator Morgan is to the "personal claims," but he gives no reason for that objection.

It happens, however, that the damages claimed under that head were extremely moderate, having regard to the character of the acts for which redress is sought, and to the humiliation, losses, and sufferings inflicted on innocent persons in pursuit of their lawful industry.

Senator Morgan concludes by objecting to the claim of the "Henrietta," on the ground that she was seized under the *modus vivendi*. But the ground of claim is that she was not handed over after seizure to the British authorities, as prescribed by the *modus vivendi*, and was detained at Sitka until she became valueless from deterioration.

But of all the unfounded objections which have been urged against the claims, that which seems to have made the greatest impression on the public mind is the statement that most of the vessels on behalf of which the claims are made were in fact owned by persons whom Senator Morgan stigmatized in the Senate as "recalcitrant and rascally Americans, who hired themselves out to the British flag to rob the Government of the United States, and to violate its laws and dishonour the country." (See my despatch of the 4th instant.)

These vituperative epithets are quite unmerited, and I will proceed to show that the objection in question is not well founded in fact, and apparently is based on a mistaken view of the British navigation laws.

By British law no alien can hold any share in a registered British vessel, under penalty of forfeiture of the vessel to the Crown.

The owner of the vessel may mortgage her to an alien, but he does not thereby part with his property in the vessel. He only makes her a security for the loan.

Section 70 of the Merchant Shipping Act provides as follows:—

"A mortgagee shall not by reason of his mortgage be deemed to be the owner of a ship or any share therein, nor shall the mortgagor be deemed to have ceased to be the owner of such mortgaged ship or share, except in so far as may be necessary for making such ship or share available as a security for the mortgage debt."

It is not improbable that in some cases the owners of British sealing-vessels may have borrowed money from United States' citizens for the purpose of the season's equipment and venture, and that they may have mortgaged their vessels to American citizens as collateral security for the loan.

But they remain liable to the lender for the amount of the loan, though their vessel has been illegally seized and their venture has resulted in a loss, owing to such illegal seizure. On what conceivable ground of justice or reason are they to be deprived of compensation because part of the amount awarded may be applied by them in satisfaction of a loan due by them to an American citizen?

Why should that American citizen be called "a rascal"? What law has he violated by advancing money for the prosecution of a lawful Canadian industry carried on by Canadians in Canadian vessels? In what respect has the United States' Government been "robbed," considering that it has no property in the fur-seal, as was solemnly adjudged and declared by the Tribunal of Arbitration at Paris?

These are questions which, I submit, can only be reasonably answered in a sense absolutely fatal to Senator Morgan's contentions.

Moreover, the principal alleged transgressor referred to, whose name is Boscowitz, has denied that he is an American citizen.

The British flag and the law of nations have been violated on the high seas, and it appears to me that in assessing the indemnity to the private individuals who were the victims of the great wrong so committed, any inquiry into the sources of the capital invested in the lawful industry pursued by the vessel at the time of seizure is out of place and inadmissible.

As regards the vessels themselves, even if some of them, as contended by Senator Morgan, were owned or partly owned by citizens of the United States (which I have shown could not be the case under the law of the flag), such vessels became liable to

he forfeited to the British Crown, and the United States' Government, by whom they were wrongfully seized, would be bound to restore them or their value to Her Majesty's Government for the purposes of such forfeiture.

It will be seen from the above explanations that Senator Morgan's objections to the payment of the "lump sum" agreed upon are based in a great measure on misapprehensions of fact, and, I would add with all respect, on an erroneous view of the rights of Great Britain and of the obligations of the United States resulting from the Behring Sea Treaty of Arbitration and the Paris Award.

As your Lordship is aware, Senator Morgan is the Chairman of the Senate Committee on Foreign Relations, and was one of the two members representing the United States' Government on the Behring Sea Tribunal of Arbitration.

It is not surprising that persistent denunciations from such a quarter against the diplomatic arrangement concluded between the two Governments should have prejudiced Congress and the public against it. Moreover, the great pressure of business and the strong party feeling which marked the close of the Session rendered it impossible to obtain a fair and dispassionate consideration of the question.

Much as the delay in the final settlement is to be deplored, I have too much confidence in the great qualities of the American people to doubt that it will be ultimately adjusted on a sound and honourable basis.

In a previous despatch I reminded your Lordship of the assurance given to me by Mr. Blaine at the commencement of the negotiations which led to the Paris Arbitration, "that his Government would not wish that private individuals who had acted *bona fide* in the belief that they were exercising their lawful rights should be the victims of a grave dispute between two great countries which had happily been adjusted."

The President and the Secretary of State adopted the same view and were animated throughout the negotiations for the settlement of the claims by the highest sentiments of honour and justice. I am not without hope that when the cloud which now obscures the true merits of the case has been dispelled, Congress may yet confirm the arrangement made between the two Governments as an equitable and happy solution of a tedious and irritating controversy.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 42.

Extract from the "New York Tribune" of March 9, 1895.

(By telegraph to the "Tribune.")

Washington, March 8, 1895.

CHAIRMAN Morgan, of the Senate Committee on Foreign Relations, was a member of the Behring Sea Tribunal of Arbitration, and there is no man living who possesses a more thorough and accurate knowledge of the matters discussed or the conclusions and awards of the Tribunal than he does. It is by no means singular that he should denounce the claims of alleged British subjects on account of damages as "preposterous," in view of the facts which have already been disclosed in the debate in the House of Representatives, as well as in these despatches. But it is exceedingly significant, to say the least, that Senator Morgan, a Democrat, should in effect declare that this Administration, and not the Paris Tribunal, is responsible for the slaughter of the seals by poachers during the last two years.

Senator Morgan's statement, which is herewith reproduced, strongly suggests either that the Cleveland Administration was hoodwinked by the Representatives of Great Britain, whose construction of the decision of the Tribunal of Arbitration was accepted by it, or that it was willing to sacrifice whatever advantage the United States might have gained under that decision for the sake of casting discredit upon the Administration which agreed to submit the matters in controversy to such a Tribunal. The statement of Senator Morgan's views is as follows:—

"A very mistaken view of this matter is entertained. The Treaty of Arbitration was signed the 29th February, 1892, and the *modus vivendi* of 1892 was signed on the 18th April of that year. They were ratified by the Senate as parts of the same Treaty, and were proclaimed by the President on the same day, the 9th May, 1892. Article VIII of the Treaty of February 1892 says that the High Contracting Parties, having found them-

selves unable to agree upon a reference which shall 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 or made by it, and being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main question, do agree that either may submit to the Arbitrators any question of fact involved in such claim, and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiations. Article V of the Treaty of April 1892 stipulates that if the result of the Arbitration be to affirm the right of British sealers to take seals in Behring Sea within the bounds claimed by the United States, then compensation shall be made for abstaining from the exercise of that right during the pendency of the Arbitration upon the basis of such a regulated and limited catch as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal herd. If the result of the Arbitration denied the British rights, then compensation was to be made by Great Britain to the United States. The amount awarded, if any, was to be promptly paid.

"It was not questioned and could not be disputed that the two Treaties, though they were signed at different times, constituted one entire Agreement. Article VIII of the Treaty of February 1892 only bound the two Governments to a 'further negotiation' as to the matters therein referred to, and left 'the question of the liability of either Government on the facts found to be the subject of further negotiation.' In execution of this Article, the Agents of the two Governments agreed upon a state of facts which the Tribunal found to be true and entered it of record. That statement of facts included only the names of twenty sealing-vessels that were seized by the United States. The Tribunal had no authority to pass upon any question touching the liability of the United States for having made such seizures. That matter was left where Article VIII of the Treaty left it. The United States has not agreed to arbitrate any such claim or demand, and have never admitted any liability to Great Britain connected with any such claim or demand. They have only agreed to negotiate respecting it, expressly reserving the question of such liability as the subject of such negotiation.

"I am only insisting that the negotiations shall take place through the constitutional authorities of the United States, and that it shall not be evaded by a scheme to create by Act of Congress a Commission that will settle the question without any negotiation. Judge Boddgett, one of the Counsel of the United States, presented an argument before the Tribunal to show that upon the widest basis of demand Great Britain had claimed, no decree upon the facts could award Great Britain any damages for alleged wrongs committed by the United States. That argument was not answered, nor was any effort made to answer. It stands to-day as a perfect answer to the claim set up by Great Britain, based upon the false assumption that the United States were bound by the Award of the Tribunal of Arbitration, or by agreement, or by law, justice, or equity to pay any part of the demand."

Mr. Morgan then gave in detail the names of the vessels and the claims made on their behalf, which was the statement he desired to include in the record, but which was shut out by Mr. Turpie's objection. The claims showed that the amount claimed by Great Britain with interest was 542,169 dol. 26 c.; the amount proposed to be allowed by Secretary Gresham was 425,000 dollars. Mr. Morgan said that the schedule of claims for each vessel contained an item designated variously as "probable catch," "balance of catch," "estimated balance of catch," &c. These were clearly prospective profits or speculative damages, and were all based on future or contingent occurrences, forming no basis of fact on which an equitable finding as to amount of damages could be predicated. They should not be allowed. Similar claims were presented by the United States to the Arbitrators of the "Alabama" Claims in 1872 at Geneva, and in their decision they say: "And whereas prospective earnings cannot properly be made the subject of compensation, inasmuch as they depend in their nature upon future and uncertain contingencies, the Tribunal is unanimously of the opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head."

Mr. Morgan estimated that the excess proposed to be allowed by Secretary Gresham was fully 182,000 dollars. He added:—

"The above figures and comparisons are based entirely upon the supposition that every vessel included in the schedule of claims submitted by Sir Julian Pauncefote was owned by a British subject. It appears, however, from the United States' Counter-Case submitted to the Behring Sea Tribunal of Arbitration at Paris, that ten vessels were in fact owned by citizens of the United States."

He figured up the general result as follows:—

Total amount claimed by Great Britain, 542,169 dol. 42 c.; total amount of claims of

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United States' citizens presented, 359,853 dol. 89 c.; balance resulting, being amount claimed by British owners, 182,315 dol. 53 c. But of this amount claimed by British subjects, speculative damages are included to the amount of 111,391 dollars, thus leaving the amount claimed by British subjects, less speculative damages, 70,924 dol. 53 c. The total amount of claims of British subjects, which, as Mr. Morgan contends, could possibly be recovered, amounts in all to 70,924 dollars. But even this sum, which is 471,244 dollars less than the British claim presented and 354,075 dollars less than the amount the Secretary of State proposes to give in settlement, is undoubtedly excessive. Of that amount, 34,636 dollars is for "personal claims," and in all probability some of these claimants are citizens of the United States or some other country, which fact could be established by investigation. Deducting the "personal claims" from 70,924 dollars, there is left, as Mr. Morgan says, 36,289 dollars. Of this sum, 16,560 dollars appears as the claim of the "Henrietta" (less speculative damages). The "Henrietta" was seized in Behring Sea in September 1892, under the provisions of the *modus vivendi*, and therefore no claim is allowable. But even if allowable it shows its "padded" character, from the fact that there is a claim for an "estimated catch" in Behring Sea when sealing was not allowed there, and the season was over at the time of the seizure.

Senator Morgan therefore concludes that Great Britain claims the sum of 342,169 dollars, and that the amount due, with interest, is only 96,102 dollars, making an excess in the claims without interest over the amount due with interest of 446,066 dollars. The Secretary of State proposed to allow 425,000 dollars, which is by this account, according to Senator Morgan's figures, 328,897 dollars in excess of the total amount due to British subjects with the interest computed.

"When the Government of the United States," said Mr. Morgan, in conclusion, "has made no Agreement and no admission of any indebtedness to Great Britain on account of any of these claims, and has not admitted any principle on which the claim of Great Britain is based, I must insist that these matters should be discussed in the negotiations that the two Governments are bound to conduct. I could not agree that speculative profits or damages or personal claims should be included in the accounts, unless that is in accordance with the laws of nations. Such a precedent would soon develop into the most bitter and violent contentions between nations.

"Under Article V of the *modus vivendi* of 1892 nothing was claimed by either party, and the Tribunal of Arbitration made no Award upon that Article. It was not proposed, and I, at least, understood that it was abandoned. I have said nothing about the causes that have led to the alleged increased destruction of seals in 1894. I do not credit those statements. I am thoroughly satisfied that if such increased destruction has occurred, or if the number of seals killed was not greatly reduced in 1894 below the number killed in 1891 and 1892, the slaughter is due to the inefficient regulations to carry out the concurrent regulations established in the Award of the Arbitrators."

Inclosure 2 in No. 42.

SYNOPSIS OF CLAIMS.

		1886.			
				Dol. c.	
Claims	99,100	37
Added claim of "Black Diamond"	7,500	09
				<hr/>	
Interest at 7 per cent. to 1894 (8 years)				59,864 20
				<hr/>	
				166,764 57	
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		1887.			
Claims	205,098	11
Additional claim of "Ada"	5,000	00
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Interest at 7 per cent. to 1894 (7 years)				208,098 11
				<hr/>	
				101,968 07	
				<hr/>	
				310,066 18	
				<hr/>	

1889.

Claims	132,603 00
Additional claim of "Juanita"	3,002 66
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Interest at 7 per cent. to 1894 (7 years)	47,482 98
	<hr/>
	183,148 64

1890.

Claims	Dol. c.
	2,000 00
Interest at 7 per cent. to 1894 (4 years)	560 00
	<hr/>
	2,560 00

1892.

"Henrietta"	26,658 00
Interest at 7 per cent. to 1894 (2 years)	3,732 12
	<hr/>
	30,390 12

RÉSUMÉ.

	Dol. c.
1886	166,764 57
1887	310,066 18
1889	183,148 64
1890	2,560 00
1892	30,390 12
	<hr/>
"Winnifred"	30,390 12
Costs of suit in re "W. P. Sayward"	62,847 12
	<hr/>
Total	786,166 75

The claim of the "Winnifred," which occurred in 1891, is added, though the particulars were not furnished. It was agreed that it should be covered by the "lump sum," and as the case is similar to that of the "Henrietta," whose claim amounted to a little over 30,000 dollars, it was put down roughly at the same amount.

No. 43.

Sir J. Pauncefoot to the Earl of Kimberley.—(Received March 30.)

My Lord,

Washington, March 19, 1895.

IN my despatch of the 15th instant I had the honour to lay before your Lordship my views on the subject of the refusal by Congress to vote the appropriation of 425,000 dollars in satisfaction of the Behring Sea claims, and my observations on the objections raised by Senator Morgan to the "lump sum" arrangement. I venture to supplement that despatch with the following additional remarks on the Senator's statement that the United States' Government had never admitted their liability to pay those claims.

I observed in that despatch that the Award of the Paris Arbitration proclaimed the illegality of the seizures, and the liability of the United States to satisfy the claims. But, if any admission of liability were necessary, it is to be found, at least in principle, in Article 5 of the *modus vivendi* of 1892, which was signed contemporaneously with the Treaty of Arbitration.

Under the *modus vivendi* of 1891 the British sealers were compensated by their own Government for their loss of profits consequent on their abstention from pelagic sealing during that season.

Under the *modus vivendi* of 1892 (Article 5) it was provided that, if the result of the Arbitration should be to affirm the right of the British sealers to take seals in Behring Sea, similar compensation as therein defined should be paid to them by the United States' Government.

If the British sealers were thus held entitled to compensation for abstaining from the pursuit of their lawful industry under the above voluntary and amicable arrangement, how much greater is their claim to such compensation for the previous deprivation of their just rights by force and violence. The two Governments, at the arbitration, waived their respective claims to compensation under Article 5 of the *modus vivendi* of 1892, for reasons given in the report of the proceedings of the 31st May (pp. 1197-98). But those reasons in no way militate against my present contention; they rather confirm it.

It is true that, as stated in Article VIII of the Treaty of Arbitration, the High Contracting Parties found themselves unable to agree upon a reference which should include the question of their respective liabilities to each other.

But the reason was not that any dispute arose as to the liability of the United States' Government to pay compensation for the illegal seizures of British vessels in the event of the decision of the Arbitrators being adverse to them on the question of the jurisdictional rights of the United States. The sole reason for which the High Contracting Parties found themselves unable to agree on the question of liability was that the United States' Government claimed, in the event of the Award being in their favour, to render Great Britain liable for losses resulting from the wrongful action of persons sailing outside British jurisdiction under the British flag, a doctrine which it would be impossible for Her Majesty's Government to accept. (See Lord Salisbury's telegram of the 12th August, 1891.)*

I may add, in conclusion, that during the negotiations for the "lump sum" arrangement the Secretary of State entirely shared the views above expressed as to the significance of Article 5 of the *modus vivendi* of 1892 in relation to the measure of damages.

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

No. 44.

Sir J. Pauncefote to the Earl of Kimberley.—(Received April 17, 7 P.M.)

(Telegraphic.)

Washington, April 17, 1895.

BEHRING SEA Claims Convention.

Canadian Government owing to meeting of Dominion Parliament to-morrow have decided to postpone resumption of negotiations and visit of their Delegates to Washington until after prorogation.

No. 45.

Sir J. Pauncefote to the Earl of Kimberley.—(Received April 25.)

My Lord,

Washington, April 16, 1895.

WITH reference to the resumption of negotiations for the Behring Sea Claims Convention, and to the proposed visit of Canadian Delegates to Washington in connection therewith, I have the honour to report that, immediately on receipt of your Lordship's telegraphic instructions of the 9th ultimo, I communicated with the Governor-General of Canada as to the date of the visit of the Delegates.

On the 18th ultimo the Governor-General replied to the effect that the Canadian Government were most anxious for an early settlement of the Behring Sea claims, and that the Ministry were ready to send Representatives without delay.

On the 20th ultimo I informed the Governor-General of the readiness of the United States' Government to resume negotiations for a Treaty to be submitted to the Senate at the next meeting of Congress, but I added that the Secretary of State had not recovered from his recent illness, and that he had been advised to leave Washington for a short time. Nevertheless, Mr. Gresham would proceed at once, if desired, with the negotiations.

* See "United States No. 3 (1892)." No. 122.

I received no further communication from the Governor-General until the 5th instant, when his Excellency informed me, by telegram, that his Ministers suggested that the Conference should take place at once so as to enable the Delegates to return to Ottawa before the meeting of the Dominion Parliament, which would take place on the 18th instant.

Mr. Gresham was then absent from Washington, but I called on him immediately on his return, and I ascertained from him that while the President was quite willing that the negotiations should proceed at once, if such was the desire of the Canadian Government, still, in view of the short time now at the disposal of the Delegates before the meeting of Parliament, and of other considerations, he thought it would be of advantage to defer the negotiations to the later period.

I so informed the Governor-General, by telegram, on the 10th instant, and yesterday, the 15th, I received a reply from his Excellency, to the effect that, owing to the meeting of the Canadian Parliament on the 18th instant, the Dominion Government prefer to have the visit of their Delegates to Washington deferred until after the Session.

I have so informed Mr. Gresham.

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

No. 46.

The Marquess of Salisbury to Sir J. Pauncefote.

Sir, *Foreign Office, August 31, 1895.*
YOUR Excellency's despatches of the 28th February last and of the 1th, 5th, 15th, and 19th March relative to the claims for compensation from the United States on account of the seizure of British sealing-vessels in Behring Sea were duly received, and have been read with careful attention.

I need scarcely say that the arguments which you bring forward in support of the validity of those claims have the entire approval and concurrence of Her Majesty's Government. The attempt made by Senator Morgan to dispute them seems to be largely founded on misapprehension, and Her Majesty's Government cannot doubt that when the full facts are before the public in the United States, the liability of that country to make compensation, which has never been denied by the Government, will be generally recognized both in and outside of Congress.

As your Excellency will shortly be returning to your post, I transmit to you herewith, for such use as you may find convenient, a Memorandum, setting out at somewhat greater length some of the points in support of the claims to which you have alluded in your despatches above referred to.

I am, &c.
(Signed) SALISBURY.

Inclosure in No. 46.

Memorandum.

THE statement communicated to the press by Senator Morgan entirely ignores the fact that the five questions submitted to the Arbitrators in accordance with Article VI of the Treaty of the 29th February, 1892, embodied the whole of the grounds urged on behalf of the United States' Government in justification of the seizures out of which the claims arise. This is abundantly clear, not only from the correspondence which led to the framing of these questions, but also from the proceedings of the Tribunal.

Mr. Blaine, in the course of his first conversation with Sir J. Pauncefote on the subject of the seal fisheries, as reported in the despatch to Lord Salisbury of the 1st November, 1889, stated:—

“As regards compensation, if an agreement should be arrived at, he felt sure that his Government would not wish that private individuals who had acted *bona fide* in the belief that they were exercising their lawful rights should be the victims of a grave dispute between two great countries, which had happily been adjusted. He

was not without hope, therefore, that the wishes I had expressed might be met, and that all might be arranged in a manner which should involve no humiliation on either side."

In a subsequent conversation on the subject of compensation on the 26th December, Sir J. Pauncefote reports Mr. Blaine to have stated that "on further consideration, he had decided to reply to my protest, in order to place on record before the world the precise grounds upon which the United States' Government justify the seizure of the Canadian vessels, so that any compensation which may be granted may not be interpreted as an admission of wrong."

These grounds of justification were accordingly set forth in Mr. Blaine's note to Sir J. Pauncefote of the 22nd January, 1890, and amplified and reiterated in his later notes of the 30th June and the 17th December in the same year. In the last of these notes he summed them up in the form of questions for arbitration, which were substantially the questions propounded to the Arbitrators, and decided by them against the United States.

Though, on the face of them, these questions do not refer to the question of damages, it is obvious that the Arbitrators, in deciding that the grounds upon which the United States based its claim to regulate the seal fisheries were unfounded, at the same time decided that the justification for the seizure of British vessels, which was based on these grounds, was unfounded.

The seizures were, in fact, formal acts of the United States' Government in the exercise of the rights and jurisdiction which they claimed, and the Tribunal, in declaring that they had no title to such rights and jurisdiction, necessarily declared that the loss and injury inflicted on British subjects, in pursuance of those rights and jurisdiction, were unwarranted, and as they also found that the seizures "were made by the authority of the United States' Government," their decision was a declaration that the United States' Government, having inflicted an unwarranted wrong, were liable to pay compensation for such wrong.

That this was the view of the Arbitrators and of those engaged in conducting the case on behalf of the United States' Government is clear from the proceedings of the Tribunal.

The 5th Article of the Finding of Facts submitted to the Tribunal by the United States' Agent as an alternative to the finding proposed by the British Agent, as reported at p. 1455 of the Proceedings, was "that the said several searches, seizures, condemnations, confiscations, fines, imprisonments, and orders were not made, imposed, or given under any claim or assertion of right or jurisdiction except such as is submitted to the decision of the Arbitrators in Article IV of the Treaty of Arbitration."

The findings finally proposed by the Agent of Great Britain, and agreed to as proved by the Agent for the United States, and submitted to the Tribunal for its consideration, and found by them unanimously (including Senator Morgan, therefore) to be true, were as follows:—

"Finding of Facts proposed by the Agent of Great Britain, and agreed to as proved by the Agent for the United States, and submitted to the Tribunal of Arbitration for its consideration.

"1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the Schedule to the British Case, pp. 1 to 60 inclusive, were made by the authority of the United States' Government. The questions as to the value of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from and have not been considered by the Tribunal, it being understood that it is open to the United States to raise these questions, or any of them, if they think fit, in any future negotiations as to the liability of the United States' Government to pay the amounts mentioned in the Schedule to the British Case.

"2. That the seizures aforesaid, with the exception of the 'Pathfinder,' seized at Neah Bay, were made in Behring Sea at the distances from shore mentioned in the Schedule annexed hereto, marked (C).

"3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were made, from the Executive Department of the Government of

the United States, instructions, a copy of one of which is annexed hereto, marked (A), and that the others were, in all substantial respects, the same. That in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked (B), and that the libels in the other proceedings were in all substantial respects the same; that the alleged acts or offences for which said several searches and seizures were made were in each case done or committed in Behring Sea at the distances from shore aforesaid; and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States; and in those cases in which the vessels were released the seizure was made by the authority of the United States; that the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea at the distances from the shore aforesaid.

"4. That the several orders mentioned in the Schedule annexed hereto, and marked (C), warning vessels to leave or not to enter Behring Sea, were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were given, like instructions as mentioned in Finding 3, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States.

"5. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the Schedule to the Case of Great Britain, pp. 1 to 60 inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the prize jurisdiction, but that in each case the sentence pronounced by the Court was based upon the grounds set forth in the libel."*

It will be observed from these findings that the question of justification was regarded as conclusively settled by the decision of the five questions, and that the only negotiations contemplated were "negotiations as to the liability of the United States' Government to pay the amounts mentioned in the Schedule (C) to the British Case," not simply negotiations as to the liability of the United States' Government to pay compensation at all; and, farther, that the only reservations made on behalf of the United States' Government were "the questions as to the value of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States."

The eminent lawyers and statesmen charged with the conduct of the United States' Case certainly never contemplated that the decision of the Arbitrators would not be accepted as concluding the liability of the United States except in regard to the points expressly reserved in the Findings of Facts.

Mr. Morgan is alleged to have stated that the argument submitted to the Tribunal by Judge Blodgett, one of the United States' Counsel, "stands to-day as a perfect answer to the claim set up by Great Britain, based upon the false assumption that the United States were bound by the Award of the Tribunal of Arbitration, or by agreement, or by law, justice, or equity to pay any part of the demand." But on the very first page of that argument Mr. Blodgett says: "We, however, preface what we have to submit on this feature of the case by saying that, if it shall be held by this Tribunal that these seizures and interferences with British vessels were wrong and unjustifiable under the laws and principles applicable thereto, then it would not be becoming in our nation to contest those claims, so far as they are just and within the fair amount of the damages actually sustained by British subjects;" and the whole of his argument is in fact devoted to the two points reserved in the Findings of Fact, the amount of the claims, and the nationality of the claimants.

When the question was discussed during the oral argument before the Tribunal, the same view was clearly expressed by the United States' Counsel.

The following extract (pp. 778 to 780) from the report of the oral argument will show this, and furnishes an interesting commentary by the official Representatives of the United States' Government on the recent action of Congress:—

* These grounds were, "that the said vessel or schooner was found engaged in killing fur-seal within the limits of Alaska territory, and in the waters thereof, in violation of Section 1936 of the Revised Statutes of the United States."

"*Mr. Justice Harlan.*—Suppose this Tribunal should decide under the points in Article VI that the United States had or had not any right of property in the seals, and had or had not any right to protect them on the high seas, you would consider the United States bound by that ruling when the two nations, if the occasion arose, got together in negotiations on the question of damages.

"*Mr. Phelps.*—I should, Sir, if you put that question to me at this time.

"*Mr. Justice Harlan.*—That is what I understand Lord Hannen's question to embrace.

"*Mr. Phelps.*—If that is the purport of the inquiry, yes. I do not suppose, for instance, that if this Tribunal should decide that the United States had no right of property and no right of protection, and that under the circumstances vessels were seized belonging to British subjects, I do not understand that it would be open to the United States after that to insist that there was a right of seizure and a right of protection, in the face of the decision of the Tribunal.

"*Lord Hannen.*—I am bound to say that, assuming that that may be taken as authoritative, it would meet my question.

"*The President.*—And in that case the liability spoken of in Article VIII would merely refer to the question of indemnity, and then there would be no disagreement.

"*Mr. Phelps.*—That question, as it seems to me, which was put by his Lordship, refers rather to the inference that the United States' Government would feel itself bound to draw, in respect of the seizure, from the decision of the points of law in respect to the other branches of the Case.

"*Lord Hannen.*—Yes. The object of my inquiry would be completely met if it can be taken as authoritative. We will assume for a moment that the finding would be no property. If that can be tacked on to the Finding of Facts as to the seizure, then that would meet that which Sir Charles has been asking for, a finding that it was an illegal seizure; and, if so, I presume that would satisfy his requirement, as undoubtedly it would meet the view which I intended to indicate in the question I put to you.

"*Mr. Phelps.*—Your Lordship will see that if you ask the opinion of the Counsel of the United States what would be the just and right course for the United States' Government to pursue in the future negotiations if such were the finding of the Tribunal, our answer might be one way. If you ask us if we are authorized here to bind the United States to any conclusion in future negotiations, we must answer that we have no such authority, and have no right to make a declaration that would bind them.

"*Lord Hannen.*—That is why I put in the word 'authoritative.'

"*Mr. Phelps.*—We are not authorized to make any such statement or to give any such assurance. I am free to say, and I believe that to be the view of my associates, that after a finding by the Tribunal upon the five questions involved, it would not seem to me becoming on the part of the United States, who have agreed to abide by this Award, to contradict the Award when the question of its propriety arose upon this subordinate matter of seizure; but it must be a question for those who control the diplomatic relations of our Government, and is not a question that we are authorized in reference to.

"*The President.*—That is all very well, Mr. Phelps; but we have here the United States before us in the persons of their Agent and Counsel, and we have the right to ask them what is the authoritative and official interpretation put by the United States upon one word used in an Article of a Treaty which limits our powers. We have the right to ask you, what is the interpretation put by the United States upon those words 'question of liability'?

"*Mr. Phelps.*—That question the Tribunal is quite entitled to put, and that question we are quite ready to answer. We have endeavoured to answer it; that in the discussion of questions under Article VIII the Tribunal is invested with no authority whatever except to find the facts, leaving the legal consequences of those facts, so far as these seizures are concerned, for future consideration.

"Then if the Tribunal goes further, and asks me what that future consideration on the part of the United States' Government would be, I reply in the first place that I have no doubt that it ought to regard the decision of the Tribunal as conclusive upon the questions arising under this Treaty, but that I am not authorized to go beyond this arbitration and the power with which the Tribunal is invested under this Article, and give an authoritative assurance as to what those in charge of the United States' Govern-

ment when that time comes may do. The distinction may be a refined one, but it is one that we feel compelled to make.

"The President.—We understand that very well. We merely wanted to know what was your interpretation of these words 'questions of liability.' We know the interpretation of the English Government.

"Mr. Phelps.—Our interpretation of that is, as I have said, that Article VIII simply provides for the finding of such facts—material facts, of course—as either party may desire to have found, and may offer sufficient evidence in support of. What consequences shall come from that finding is a point that it seems to us is not submitted to this Tribunal. It will be for the after consideration of the Government. But I should not seriously doubt, when you ask my opinion, when those points come to be considered hereafter by the United States' Government, that the decision of the Tribunal upon the first five questions will be respected there as elsewhere."

In his criticisms of the amount of the claims, Mr. Morgan is alleged to have stated: "The Schedule of Claims for each vessel contained an item designated variously as 'probable catch,' 'balance of catch,' 'estimated balance of catch,' &c. These were clearly prospective profits or speculative damages, and were all based on future or contingent occurrences, forming no basis of fact on which an equitable finding as to amount of damages could be predicated. They should not be allowed. Similar claims were presented by the United States to the Arbitrators of the "Alabama" claims in 1872 at Geneva, and in their decision they say: "And whereas prospective earnings cannot properly be made the subject of compensation, inasmuch as they depend in their nature upon future and uncertain contingencies, the Tribunal is unanimously of opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head."

Mr. Morgan omits, however, to add that in the award of a gross sum to the United States the Arbitrators allowed in lieu of the claim for prospective catch one year's wages and 25 per cent. on the value of the vessels and their outfits. This is clear from the 29th Protocol of the Proceedings of the Tribunal, and is shown in detail in the statement inclosed in Lord Tenterden's despatch of the 9th September, 1872, setting forth how the gross Award of 15,500,000 dollars was arrived at. That statement, after setting forth the gross amount of the American claims, thus—

	Dollars.
Claims for losses by insurgent cruisers (including the new claims for wages, &c.)	14,437,143
Prospective catch, if allowed, an additional sum of	3,511,055
Claims for pursuit and capture	6,735,063
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	24,683,061
With interest at 7 per cent., which, taken for 9 years, would amount to..	15,550,464
	<hr/>
Total	40,233,715

proceeds as follows:—

"The Tribunal disallowed the claims for pursuit and capture and for prospective catch.

"They further disallowed:—

	Dollars.
"The claims for gross freight	1,007,163
Double claims	1,682,243
And may further be assumed to have disregarded the new claims to the amount of	1,450,000
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Making a further reduction from the American claim of 14,437,144 dollars of	4,139,396
	<hr/>
And leaving a balance of	10,297,748
Taking a mean between this and the British estimate of 7,464,784 dollars, the result is	8,881,266
To this must be added two allowances made by the Tribunal:—	
In lieu of prospective catch, one year's wages, and 25 per cent. on the value of the vessels	988,000
In lieu of the claims for gross freight, 50 per cent. of the claims as net freight	503,576
	<hr/>
Total	10,372,842
Which, with interest at 6 per cent. for about 8 years, gives a result of ..	16,600,000

"As actually arrived at by the Tribunal."

The claims in respect of which this "allowance in lieu of prospective catch" was made were on behalf of whalers, whose industry is still more speculative and uncertain than that of the sealers, and the observations of the British Arbitrator, Sir A. Cockburn, on that part of the Award form a striking contrast to the statements attributed to Senator Morgan. At p. 253 of the reasons for dissenting from the Award of the Tribunal of Arbitration, he says: "But, independently of the undeniably exaggerated amount of the claims, a demand for gross prospective earnings as distinguished from net earnings is quite incapable of being maintained. This is admitted in the argument of the United States, and is clearly demonstrated in the British Report. According to the decisions of the Supreme Court of the United States, the only allowance which ought to be made in respect of prospective catch is in the nature of interest from the time of the destruction of the vessel. I should myself be disposed to adopt a more liberal mode of compensation, and to award for prospective profits a reasonable percentage on the values of the vessels and outfits," &c.

The Fortune Bay claims to which Sir J. Pauncefote alludes in his despatch of the 28th February were almost entirely claims for prospective damages. Of the total amount of 103,000 dollars, claimed by the United States in that case, only 1,400 dollars was for actual destruction of property. (Report of Judge Bennett, p. 3 of C. 3762, 1883.) The American vessels were only interfered with on one day, yet they claimed for the whole season's profits, and the profit claim was based, not, as in the British Behring Sea claims, on the actual results of the season interrupted, but on the profits of previous years, though the season of 1878 was an exceptionally bad one (p. 2 of C. 3762 of 1883). The action which gave rise to the claims was not that of the British Government, but of a mob of fishermen in an outlying part of the Colony, enraged at seeing the laws to which they themselves were subject violated by their competitors. The American vessels claiming largely employed natives of Newfoundland in their vessels, and though these as British subjects were unquestionably amenable for violation of the laws of Newfoundland by fishing on Sunday, the British Government took no exception to the American claims on that ground.

But although the American claims were almost entirely for prospective damages, though they arose largely from the violation of British laws by British subjects employed by United States' citizens, though they claimed for a whole season when they were only interfered with on one single day, and though, if the claims were valid, the claimants had a legal remedy in the Courts of the Colony against the perpetrators of the alleged loss and damage, for which the British Government were in no way responsible, yet the British Government, within three years from the date of the claims arising, paid practically the whole sum demanded by the United States' Government, amounting to three-fourths of the claims actually put forward by the claimants.

The Behring Sea claims arise out of the direct action of the United States' Government—action declared by an International Tribunal to be entirely unjustifiable. They are made out, not for profits based on the results of profitable seasons, but on the actual results of the seasons in which they arose. Some of the claimants not only lost their property, but suffered a rigorous imprisonment in a severe climate.

The arrangement made between the two Governments for the payment of a lump sum amounting to little more than half of the claims preferred, without any allowance whatever for interest, cannot be regarded as otherwise than a settlement favourable to the United States, bearing in mind that the claims had already been outstanding for ten years, and that more than a year had elapsed since the decision of the Arbitrators had been given.

It is not easy to believe that if the late Congress had been fully acquainted with the circumstances it would have refused its sanction to so reasonable a proposal, recommended as it was by the Federal Government, or would have declined even an appropriation for the payment of the claims, subject to their examination by a Commission to be appointed for that purpose, or for the simple expenses of such a Commission.

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CORRESPONDENCE respecting Claims for Compensation on account of British Vessels seized in Behring Sea by United States' Cruisers.

Presented to both Houses of Parliament by Command of Her Majesty. September 1892.

LONDON:
PRINTED BY HARRISON AND SONS

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. ON

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.

1896,

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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 23rd 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:

[59]

ON

1896,

by Her Majesty.

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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 "Osenr 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

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

1896,

Majesty.

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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 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 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, 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 January 1896.

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

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APPENDIX OF CLAIMS.

Claims submitted to the Tribunal of Arbitration at Paris.

Name of Vessel.	Date of Seizure.	Approximate Distance from Land when Seized.	United States' Vessel making Seizure.
		Miles.	
Carolina	.. August 1, 1886	75	Corwin.
Thomson	.. August 1, ..	70	Corwin.
Onward	.. August 2, ..	115	Corwin.
Favourite	.. August 2, ..	Warned by "Corwin" in about same position as "Onward."	
Ann's Boat	.. July 2, 1887	66	Rush.
W. P. Hayward	.. July 9, ..	59	Rush.
Joanna	.. July 12, ..	40	Rush.
Arctur	.. July 17, ..	95	Rush.
Alfred Adams	.. August 10, ..	62	Rush.
Ada	.. August 25, ..	15	Bea.
Tampa	.. August 4, ..	Warned by "Rush" not to enter Behring Sea.	
Janita	.. July 31, 1889	66	Rush.
Patrolleur	.. July 29, ..	54	Rush.
Tampa	.. July 11, ..	Ordered out of Behring Sea by "Rush." Query as to position when warned.	
Black Diamond	.. July 11, ..	35	Rush.
Lia	.. August 6, ..	66	Rush.
Arct	.. July 30, ..	Ordered out of Behring Sea by "Rush."	
Kate	.. August 13, ..	000.	Rush.
Strom	.. July 15, ..	65 miles.	Rush.
Patrolleur	.. March 27, 1890	Seized in Neah Bay.	Corwin.
Forward claims	.. 1886.		
Idaho	.. 1887.		
Case in "Onward" case			

Additional Claims.

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

ON

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UNITED STATES. No. 3 (1897).

REPORT

BY

PROFESSOR D'ARCY THOMPSON

ON HIS

MISSION TO BEHRING SEA IN 1896,

DATED MARCH 4, 1897.

*Presented to both Houses of Parliament by Command of Her Majesty,
May 1897.*

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Report by Professor D'Arcy Thompson on his Mission to Behring Sea in 1896, dated March 4, 1897.

Professor D'Arcy Thompson to the Marquess of Salisbury. (Received March 4.)

My Lord,

March 4, 1897.

AFTER visiting, according to your Lordship's instructions, the Pribyloff and Commander Islands for the purpose of investigating the condition of the seal rookeries thereon, I have the honour to submit the following Report:—

2. The main object of my mission was the collection of information and statistics with regard to the working and effectiveness of the Regulations for the fur-seal fishery prescribed by the Award of the Paris Arbitration Tribunal.

3. It was particularly enjoined on me to investigate the breeding rookeries with a view to ascertaining the extent and causes of the alleged mortality of unweaned pups.

4. I was further instructed to inspect and estimate the number of seals resorting to the islands, and in particular to the Pribyloff Islands, and to compare the phenomena that I witnessed with the information and statistics supplied for the season of 1895 by the American Agents. (54th Congress, 1st Session, Sen. Doc. 137, Part I, pp. 372, 373.)

5. Lastly, I was directed to call upon the authorities in Washington and Ottawa, and to obtain there, and collect also from persons connected with the sealing industry in Victoria, information bearing on the business of my mission.

6. Mr. G. E. H. Barrett-Hamilton was associated with me and placed under my orders, with instructions to proceed, in the first instance, to Robben Island and the Commander Islands, and to investigate those localities in particular. Mr. James Macoun was associated with me as an Agent of the Dominion Government, and Mr. A. Halkett was directed at the same time by the same Government to proceed to Behring Sea on board a sealing-schooner, and to watch during the summer the methods and results of the pelagic industry.

7. I left England on the 23rd May, and arrived in Washington on the morning of the 30th May. His Excellency Sir Julian Panuelote presented me to Mr. Olney and to Mr. C. S. Hamlin, Assistant Secretary to the United States' Treasury. With the latter gentleman, who had himself visited the seal islands in the summer of 1894, I had the benefit of much conversation, together with the advantage of introductions to the whole body of naturalists resident in Washington who had given thought to the matter, or participated in the research. Among those who did most to entertain and enlighten me were Mr. J. Browne Goode, of the Smithsonian Institute, the news of whose untimely and lamentable decease was to reach me ere my return; Commander J. J. Brice, of the Fisheries Department; Mr. Ridgway, Assistant in the same Department; Dr. L. Stejneger, Mr. F. True, and Mr. F. A. Lucas, of the National Museum, who had all been, or were about to be, employed in this particular inquiry.

8. On the night of the 3rd June, I left Washington for Ottawa, in company with Mr. J. Macoun, who had met me in New York. From Ottawa I journeyed to Quebec, at the request of his Excellency the Governor-General, in order to confer with his Excellency regarding the object of my mission. Returning to Ottawa on the 9th June, I discussed the whole question at length with Dr. G. M. Dawson, who was kind enough to draw up a collection of notes and suggestions for my information and guidance. In company with Messrs. Macoun and Halkett, I left Ottawa on the 10th June, and arrived in Victoria, British Columbia, on the 15th June.

9. In Victoria I associated and conversed with a number of the captains of sealing-schooners, who were then engaged in fitting out their vessels for the summer's cruise, and especially with Captain Seward, of the "Dora Seward," who had offered the hospitality

of his ship to Mr. A. Halkett for the summer. I became acquainted also with several gentlemen connected with the industry, and particularly with Mr. Joseph Boscowitz, a leading trader, with large interests in the sealing business.

Admiral Stephenson, who was at that time leaving the station, and Admiral H. St. John Palliser, who was then assuming the command, received me with much kindness, and undertook to meet my requirements for conveyance in or from Behring Sea on board Her Majesty's ships.

I had previously received information that the United States' Government had extended to me an invitation to proceed to Behring Sea on board the United States' ship "Albatross," and I now learned that an American Commission had been appointed on the 18th June (since my departure from Washington) for an identical investigation. This Commission was headed by Dr. David Starr Jordan, President of the Leland Stanford University. Mr. Joseph Murray, of Fort Collins, Colorado, formerly United States' Treasury Agent at St. Paul Island, was selected as Assistant Commissioner, and the following gentlemen were detailed as associates: Lieutenant Commander Jefferson F. Moser, commanding the United States' Fish Commission steamer "Albatross;" Dr. Leonard Stejneger, Curator of Reptiles, United States' National Museum; Mr. Frederic A. Lucas, Curator of Comparative Anatomy, United States' National Museum; and Mr. Charles H. Townsend, Naturalist of the "Albatross."

Mr. G. A. Clark acted as Secretary to the Commission, and took a very important part in its subsequent investigations.

10. On the 19th June I departed from Victoria for Seattle, in the State of Washington, to join the "Albatross." On the 20th June I set sail from Seattle for Unalaska on board that vessel, in company with the American Commissioners and Mr. Macoun, Mr. Barrett-Hamilton being then on his way from San Francisco to Japan, via route for the Kurile Islands and the Sea of Ochotsk.

11. On the 3rd July we reached Unalaska, and disembarked on the 8th July on the Island of St. George. We were here received with great kindness by Mr. James Judge, Resident Agent of the United States' Treasury, and by Dr. L. A. Noves and Captain Daniel Webster, of the North American Commercial Company.

12. On the 12th July we left the Island of St. George, and arrived on the same day at that of St. Paul, where we were received by Mr. J. B. Crowley, Resident Agent of the United States' Treasury, by Mr. J. B. Stanley Brown, Agent of the North American Commercial Company, and by Dr. O. H. Voss and Mr. J. C. Redpath, officials of the Company. Quarters were provided for us in the Company's house, a small laboratory and a photographic room were presently fitted up for our use in an empty hut, and then and thereafter, during the whole of our stay, we experienced the greatest kindness and attention from the above-named gentlemen and from the people of the island.

13. On the 15th July Her Majesty's ships "Satellite" and "Icarus" arrived off the island. On the following morning I embarked for the Commander Islands on board the "Satellite," accompanied by Dr. Jordan, to whom Commander Allen had offered the hospitality of the ship.

14. On the 22nd July we arrived at Behring Island, where we were received by Mr. Emil Kluge, agent for the Russian Fur Company.

We learned that the Governor of the islands, Colonel Grebnitzki and Mr. Barrett-Hamilton were both on Copper Island, and we accordingly set sail thither on the 23rd July. On the intervening day it was impracticable to visit the rookeries, 12 miles distant from our anchorage at Nikolski, and our intention to return thither had to be afterwards abandoned.

15. On the 25th July, in the early morning, we anchored off the village of Preobrajenski, in Copper Island, where I immediately landed and paid my respects to the Governor. We then, accompanied by Mr. Barrett-Hamilton, sailed to the neighbouring village of Glinka, from which place we crossed the island, and, under the guidance of Major Waxmuth, Governor of Copper Island, spent a day in surveying seven out of the twelve portions that constitute the great rookery which takes its name from the village. Our journey going and coming followed two of the three chief drive-routes of the seals.

16. The conditions of weather and the difficulties of anchorage and of landing rendering it inadvisable to delay, and the other Commander Island rookeries having been sufficiently surveyed by Mr. Barrett-Hamilton, we departed the same night on our return voyage to the Pribyloffs by way of Unalaska, from which place Her Majesty's ship "Pheasant," Commander F. A. Garforth, conveyed us to the islands.

17. We regained the Island of St. Paul on the 1st September. On the 8th September, in company with Dr. Jordan and Mr. Lucas, of the American Commission, I left St. Paul

on board the United States' revenue-cutter "Rosh," Captain W. H. Roberts, reached Sitka on the 22nd September, and arrived in Victoria on the 30th September. Messrs. Barrett-Hamilton and Macoun and Mr. Clark and Cabot Murray, of the American Commission, remained behind upon the islands, in order to resume and repeat during the first days of October the investigation and count of the dead pups.

18. I spent some days in Victoria, during which time Mr. A. R. Milne, C.M.G., Collector of Customs, furnished me with much information, and made me acquainted with several gentlemen versed or interested in the seal question, besides those whom I had met formerly.

19. Leaving Victoria on the 10th October, I travelled, in accordance with my instructions, to Ottawa, for the purpose of conferring with Dr. G. M. Dawson, and also, in the absence of the Minister of Marine and Fisheries, with Mr. Gourdeau, the Deputy Minister, and with Professor Prince, Commissioner of Fisheries. I had also here an opportunity of discussing the circumstances of the case with Sir C. Hibbert Tupper, who was about to proceed to Victoria as counsel for the Canadian sealers in the cases awaiting arbitration.

20. On the 20th October I left Ottawa, and arrived in London on the 31st October.

21. It is my duty to inform your Lordship that I and my colleagues received at every stage of our journey and in every portion of our work such kindness and hospitality as call for the warmest expression of our thanks. In our association with the officials of the United States' Government, with the captains and officers of the United States' ship "Albatross," with the captains and officers of the United States' revenue-cutters cruising in Behring Sea, in the conduct of the Company's officials resident on the islands, and in a very high degree in the attitude of the American Commission, we recognised continual anxiety for our comfort, and thoughtful provision for the accomplishment of our business.

It deserves to be particularly recorded that on the islands we enjoyed, together with the American Commissioners, opportunities and privileges that had never before been accorded to any investigators, whether American or British; that the utmost liberty of action within the bounds of reason was permitted us; that, in short, we were left free to see all that was to be seen, and to do whatsoever commended itself to our inclinations or judgment.

22. Lastly, it behoves me to acknowledge that in the investigations presently to be described my own part was that of one among many, and that the chief burden lay with Dr. Jordan and his Commission. On those great and scattered rookeries a man working singly can do little, where a company working in collusion can do much. Accordingly it was my business to co-operate continually with the Americans, to see what they saw, and to participate in what they did; and, as an eye-witness of all that they witnessed, I desire to place my testimony on record that the general success of our expedition, the new knowledge as to matters of fact that we obtained, and in particular the censuses that we for the first time attempted and achieved, were one and all the direct result of Dr. Jordan's counsel and leadership.

It is my purpose to deal in this Report with the general case under the following subdivisions:—

1. The present condition of the seal rookeries on the Pribilof Islands.
2. The extent and causes of the mortality of pups.
3. The driving and killing of seals on the islands and other matters of local management.
4. Statistics of the industry.

Preobrajenski, Governor. We were at Glinka, or Waxmuth, in portions that our journey going

of landing having been in our return Majesty's ship

September, left St. Paul

ST. GEORGE ISLAND.

*The Aspect and Condition of the Rookeries.**North Rookery.*

This rookery occupies a stretch of rough shore, strewn with great blocks of basalt, for the space of about 1,000-1,100 yards west of the village, on the north shore of the island.

Behind the more or less narrow beach rise low cliffs, broken here and there by gullies giving easy access to the gently sloping plateau above, the main resort of the young seals and bachelors. Such a configuration of low beach and higher background conveniently approached is characteristic of the majority of the rookeries on both islands. In this case a deep gully at the east (cf. photograph No. 95) and another about 300 yards beyond the west end of the breeding rookery form the main ascents to the hauling-grounds. The westernmost gully of the actual rookery (photograph No. 94) was, we were told, an important ascent to the hauling-grounds ten or fifteen years ago.

The harems occupy the beach in a line at first sight continuous, but interrupted by five short breaks amounting in the aggregate to a space of about 150 yards. In the two westernmost patches of the rookery the harems run back from the beach up two convenient gullies to a distance in the westernmost case of about 50 yards from the shore in the early part of the season.

On our first visit (the 8th July) we attempted to compare the aspect of the rookery with the outlines marked by Mr. Townsend, on the 18th July, 1895, upon Mr. Stanley Brown's map of the rookery (cf. Sen. Doc. 137, Part II, Chart I).

Mr. Townsend pointed out to us that the extremities of the re-entrant avenues in the western gullies were now apparently slightly curtailed, that a small break existed, not marked in his map, in the first or eastern patch, and that the middle patches were thinned off at their ends. But it seemed to me that in at least one part (of the westernmost patch but one) the space occupied was broader than the map displayed; and bearing in mind, firstly, that the original survey was a rough one (as Captain Moser and his officers proved by a partial resurvey this year), and, secondly, that the plotting of the occupied area, by a bird's-eye inspection was rougher still, and, thirdly, that our visit was ten days earlier in date than that of Mr. Townsend the year before, and fell by so much the more short of the period of maximum expansion of the rookery, it seemed clear to me that at least no such curtailment of the rookery's extent had taken place within a year as could be certainly discerned by the eye or demonstrated on the chart.

(The "spreading" of the rookery as the season advances may be shown by a comparison of Mr. Mearns's photographs Nos. 2, 4, taken the 10th July, 1896, with mine No. 93 taken from the same station on the 30th July.)

On the hauling-ground above the eastern end of the rookery (still on the occasion of our first visit) we saw a body of about 200 bachelors, mostly young or old, those of intermediate "killable" size being very few. A "drive" had taken place two days previously (the 6th July) from this rookery and the neighbouring one of Staraye Atil, at which 700 were killed. The circumstance that another drive on the 13th July from the same two rookeries yielded 487 skins, and a final one, on the 24th July, 308, illustrates the fact that the bachelors, at least, are never all at once upon the rookery, but keep coming and going between land and sea, so that any one apparent clearance is never a complete one.

We counted a large number of harems with a view to ascertaining the average number of cows. I, for instance, counted 34 harems west of the middle point of the rookery, and obtained the following numbers:—43, 14, 15, 16, 67, 15, 8, 1, 2, 3, 1, 4, 50, 4, 1, 26, 10, 3, 10, 1, 4, 16, 5, 7, 49, 19, 5, 1, 132, 31, total 563, giving an average of about 16.6.

The large harem numbering 132 cows was by far the largest that we met with during the summer. It was situated on the smooth flat rock above the last gully but one to the west, its position being near the left of my photographs Nos. 90 and 91. The bull was very large and active, going round and round his cows. In his immediate neighbourhood were eight other well-grown bulls, one with fourteen cows, two with one each, the rest with none.

On my subsequent visit on the 30th July this large harem we found to be broken

up and apparently divided between six or seven bulls. Within a short distance of it were nineteen harems and six well-grown bulls still "idle."

We have here illustrated several elementary facts of seal economy; for instance, that there is no moderation in the bull's desires, but that he gets to himself as many cows as he possibly can; that the harems are as diverse in number as the bulls are unequal in strength and ferocity; that the harems, once formed, are not immutable, but may in the ceaseless combat be broken up and redistributed; and that many bulls, apparently in full strength and vigour, may for months together fail to establish a harem at all.

Other partial counts of the rookery (still on our first visit) gave us, for instance, 684 cows to 35 bulls (average 19.5), 510 to 30 (average 17), 874 to 54 (average 16.2), on the whole an average of 17.4, and this was very approximately the average that similar counts elsewhere afterwards led us to.

On the 30th July Colonel Murray, together with Mr. Lucas and me, counted the harems then existing on North Rookery, and found 225, with about 100 idle bulls. Colonel Murray's statistics for the previous year give 100 harems and 50 idle bulls. (Sen. Doc. 137 1, p. 373.)

Staraye Atil.

The rookery of Staraye Atil occupies, like several others (*e.g.*, at Zapadne and East Rookeries on St. George Island), the place where a comparatively level shore merges into a line of cliffs. The bevelled end of the higher ground in such cases furnishes a gradual slope upon which the body of seals extends to a considerable elevation. At Staraye Atil a high green hill-side slopes in semi-circular form to a shingly tract facing northward. In a hollow between is a small lake, the resting-place of innumerable kittiwakes. Beyond the western point of the bay the coast bends at a sharp angle south-westward, and changes to a line of cliffs, precipitous, inaccessible, and unapproachable. The sharp ascending summit-line of the beginning of the cliffs forms the boundary of the hollow. The main rookery faces north-west, occupying the border of the slope towards the edge of the precipice, to about half-way up. On the front of the green hill-side, two thick patches of wild celery (*angelica*) form a conspicuous land-mark, and around these and below them is visible the outline of the old hauling-ground, less distinct than in the photographs of 1892. On the 30th July a considerable body of bachelors was seen high on the hill above the main rookery, while other bachelors and idle bulls congregated in small numbers on the beach.

A comparison between Mr. Townsend's photograph No. 38 (18th July, 1895) and mine No. 1 (7th July, 1896) or No. 89 (30th July) shows clearly enough that no conspicuous change had taken place in the rookery within a twelvemonth, while a comparison of the last two, taken at an interval of three weeks, shows that in the course of the season the rookery had spread somewhat further up the hill and somewhat further from the edge of the cliff.

In this rookery Colonel Murray counted, in my presence and Mr. Lucas's, on the 30th July, seventy-five harems and seventy-five idle bulls. His statistics for 1897 give sixty harems and forty idle bulls.

Zapadne (St. George).

This rookery occupies the southern half of a wide bay on the south-west side of the island. To the southward, as at Staraye Atil, beyond the point which terminates the bay, a line of high cliffs succeeds to a level stretch of shore. The rookery consists of two elongated patches on the beach and a third larger patch which partly lies below and partly ascends the sloping edge of the rising ground where the beach merges into the cliffs. The main hauling-ground for the bachelors lies between the two latter portions, and above and behind the last.

We first visited this rookery on the 9th and 11th July.

The first or northernmost patch upon the beach then contained thirty-two harems, the nine largest counting from ten to thirty-three cows, the rest varying from one upwards, giving (at this date) the low average of 9.2 cows to each. Twenty-four large idle bulls were counted in the immediate neighbourhood. The great number of idle bulls in all parts was a conspicuous feature of this rookery.

The middle patch of the same rookery is somewhat larger.

Both of these patches appeared to be somewhat narrower than Mr. Townsend had

represented them in his chart of 1895, but the first patch seemed to me somewhat more elongated along the shore in a northerly direction. At this date the region close to the water was in both photographs almost unoccupied, and in neither case did the harems rise up above the sloping tract to the level of the higher ground. They had to some extent spread out backwards by the time of our second visit on the 1st August.

The south end of the rookery is of greater extent and much more populous. It commences where the level ground meets the cliffs. The harems ascend the slope, on which a broad shelf or "bench" gives a convenient habitation for many, and a small number of harems run along the beach for a short distance below the first stretch of ascending cliffs. Reference both to the map and the photographs tends to show that this rookery has diminished in recent years. We must make some allowance for the fact that our first photographs of this year were taken (11th July) before the spreading of the rookery had begun, and that my second series were made (1st August) when many cows had begun to go to sea; but, nevertheless, it is evident that Mr. Townsend's photographs Nos. 39 and 40 (18th July, 1895) depict a larger body of seals, both on the slope of the hill and in the distant patches of the rookery, than do my corresponding ones, No. 13 (11th July) and No. 98 (1st August). Mr. Macoun's photograph No. 50 of the 29th July, 1892, shows also a decidedly larger mass of seals on the slope of the hill than do Mr. Townsend's pictures of 1895.

This reduction of numbers on Zapadni is, I think, unmistakable, and it deserves to be pointed out that there seemed to be no particular circumstances attending our inspection of this rookery, no special facilities for our close examination of it, such as might account for a decrease being here more easily demonstrated than on other rookeries where we failed to observe it.

On the other hand, while the photographs undoubtedly give indications of a diminution, its extent must not be exaggerated. On comparing my photographs above quoted of the 11th July and 1st August, we see that on the slope of the hill there were far fewer seals present at the latter than at the former date, while a very large number are congregated below the cliff. In this latter situation there appeared to me to be at least 1,000 pups. The day was exceptionally bright and warm, and I think the rookery was in part deserted. Moreover, Colonel Murray's actual count gives us for 1896 182 harems and 100 idle bulls, against 110 and 50 respectively for 1895. For this reason I can lay little stress on the apparent indications of decrease since last year, although I think that in the longer interval since the taking of Mr. Macoun's photograph of the 29th July, 1892, the diminution in this particular locality is distinct and considerable.

East Rookery.

East Rookery lies along a convex shore near the extreme end of the north side of the island. In the eastern portion of the rookery, as at Zapadni and Staraye Atil, the low-lying shore merges into a line of cliffs, and the harems are in part scattered upon the connecting slope and in part distributed further eastward beneath the cliffs. The open part of the tract, on which are four or five patches of seals, is divided by a small point and terminated by another. A little lake intervenes between the first point and the sloping hill. On the rough face of the latter, as at Staraye Atil, is the main body of seals, thinly scattered and not nearly covering the whole face of the hill. On this portion and on the beach below are about sixty bulls with harems. On the more inland portion of the slope and around and behind the little lake, are congregated the bachelors. On the shore in front of the lake, and again between the two western points, are colonies of sea-lions, the first including about 120 individuals, the others much smaller. Still further to the westward is yet another point occupied by sea-lions; and between this and the former one, well up beyond the beach, are bands of bachelors.

On the beach between the lake and the first point were about twenty harems, between the two points thirty-three, and below the cliffs to the eastward of where our joint count began Mr. Lucas counted nineteen.

Little East Rookery.

This little rookery occupies a rough stretch of very rocky shore, about 400 to 500 yards west of East Rookery. We found it to contain forty bulls with harems.

In the case of the small rookery of Little East, the photographs give an adequate picture of the breeding herd. I think that a comparison of Mr. Townsend's photograph No. 39

(18th July, 1895) with mine No. 2 (9th July, 1896) or No. 84 (29th July, 1896) shows very clearly that the rookery was at least as well filled last year as the year before.

Taking East and Little East together, Colonel Murray counted (1st August, 1896) 179 harems and 55 idle bulls, that is to say, about as many harems as at Zapadnié and but half as many idle bulls. His figures for last year give 195 harems (East 80, Little East 25) and 60 idle bulls (East 40, Little East 20).

(I may here venture to say in parenthesis that, while Colonel Murray's enumeration, always seemed to me most careful, I was on the occasion of this visit particularly impressed by his punctilious accuracy. While in every case his count nearly tallied with my own, yet in every section of the rookery his figures exceeded mine by a unit or two, showing that he had every here and there detected a harem which had escaped my eye.)

In the following table of statistics from St. George Island, I have set side by side the results of this year with those of last. For this year we have the count of harems (and idle bulls) made by Colonel Murray in company with Mr. Lucas and myself. The number of cows is estimated, first, on the basis of 17.3 cows to the average visible harems; secondly, plus the addition of 75 per cent. deduced from our count of pups on Ketavie, and elsewhere, which count showed to that extent a larger number of pups than of cows present at any one time (*vide infra*, pp. 9, 10). For 1895 we have, firstly, Colonel Murray's similar count of bulls and of harems, which he then made out to be over 43 per cent. less numerous than last year; the cows he estimated at 40 to a harem, as against our extreme corrected estimate of 30.2 (17.3×1.75), nevertheless producing a total, 35 per cent. below that accepted for this year by the American Commissioners and by ourselves. Lastly, we have for 1895 the rough estimate based on average of Messrs. True and Townsend, who place the number of cows at over 55 per cent. less than the number admitted to exist this year; and the fact that, according to these gentlemen, the number of bulls was comparatively high (only 16 per cent. below our own), is not of equal importance, for their estimate was based primarily on the cows, and the bulls were not counted at all.

STATISTICS for St. George Island, 1895-96.

Rookery.	1895.					1896.			
	Colonel Murray.			Messrs. True and Townsend.		Colonel Murray.		Dr. Jordan.	
	Harems.	Idle Bulls.	Cows at 10.	Harems.	Cows.	Harems.	Idle Bulls.	Cows at 17.3.	Cows + 75 per cent.
North ..	100	40	4,000	175	2,800	225	100	3,891	6,809
Staraya Atil ..	60	55	2,100	87	1,398	75	75	1,297	2,269
Zapadnié ..	110	50	4,400	171	2,786	182	100	3,118	5,508
East ..	80	40	3,200	92	1,476	135	55	2,335	4,088
Little East ..	25	20	1,000	33	527	44		761	1,381
Totals ..	375	200	13,000	560	8,987	661	335	11,432	20,003

I do not in this case, nor in other similar cases in the sequel, quote my friends, Messrs. True and Townsend, with the least intention of imputing inaccuracy to their observations. On the contrary, I shall take pains to show in another place that we have ample indications of the care and accuracy with which their estimate was made, according to their opportunities and the knowledge current in their time. It is Dr. Jordan's own discovery of the fact that no enumeration of cows, even at the "height of the season," comes within 75 per cent. of the actual number appertaining to the rookery, that has thrown a new light upon the question and shown us that such numerical estimates as those of Messrs. True and Townsend were utterly misleading, in spite of all their care and truth and accuracy.

I do not claim the right to draw from these discrepant figures any positive evidence of an actual increase of the herd on St. George's Island between the seasons of 1895 and 1896, or at least any accurate measure of such an apparent increase. But, on the other hand, it is abundantly clear that we have no evidence at all to show a decrease during that period, and further that the state of the herd upon the island is at least very much better than it was believed to be on the authority of the American Agents of 1895.

ST. PAUL ISLAND.

Ketavie.

The rookery of Ketavie lies on the eastern side, near the south end of St. Paul Island, on the opposite side to, but within a short walk of, the village. It runs along the shore for nearly a mile of coast-line, beginning some 300 yards from Ketavie Point, along the northern shore of a crescent-shaped bay, and then extends from Ketavie Point due north to another point forming an artificial boundary between it and Lukannon. The first portion south of the point occupies a steep beach, shingly and rocky. The northern portion consists of straight stretches interrupted by small coves or bays, of which the last one is next to Lukannon, and forms a natural amphitheatre. Close to the water's edge the shore consists of an entablature of columnar basalt, above which a shelving slope, gravelly and stony, leads with or without bolder interruptions to the level ground above. The chief hauling-ground lies near the south end of the rookery, and is approached from seaward in the neighbourhood of Ketavie Point. The rookery affords peculiar facilities for close inspection, and the counts made upon it are of particular importance.

We visited Ketavie for the first time on the 13th July. In the little amphitheatre-shaped bay already mentioned I then counted 500 cows, and Dr. Stejneger, counting independently, made out 501. Taking the bay and a little tract adjoining, I counted thirty-five harems with from 1 cow to 80 (the next largest being 75, and the next 53), and with a total number of 781, giving the large average to each of 22.1. There were rather more than twenty idle bulls within this area.

On the next portion, which consists of a broken terrace of columnar basalt, with a narrow sandy declivity behind, I found the first twenty-five harems to include 395 cows (1 to 56), giving an average of 15.2. The further counts made on this occasion need not be recapitulated. They were not complete, and only give an idea of the average size of the harems.

My photograph of the middle portion of Ketavie, looking towards Ketavie Point (No. 16, 13th July, 1896), coincides in position with that of Mr. Macoun (No. 16, 25th July, 1892) and that of Mr. Townsend (No. 14, 20th July, 1895). I cannot detect any appreciable difference in the number of seals represented in the three.

The small bay already twice alluded to is beautifully depicted in Mr. Townsend's photograph No. 13 (20th July, 1895), and is also very clearly portrayed in my No. 15 (13th July, 1896). It seems to me that there are actually considerably more seals figured in the latter picture. However, I do not wish to press this point too much, for it may be that at the later date a larger number of cows were feeding at sea. But, on the other hand, Mr. Townsend's photograph does not show any great preponderance of pups, and at the date when it was taken the older females have not, as a matter of fact, betaken themselves in large proportion to the water. My companion picture (No. 116), taken on the 8th August, 1896, shows, however, that by that time a partial exodus has taken place, and the spot is black with a crowd consisting almost wholly of pups grouped around the bulls. Moreover, the photograph at this last date shows the rookery dispersed much higher up the ascent, the earlier photographs—mine and Mr. Townsend's—like showing the rookery in its earlier, more restricted condition.

Whether or not there be any reasonable grounds for suspecting an increase, I am perfectly certain in my own mind that there is no evidence at all of recent diminution in this rookery.

On the same date (13th July) of our first visit Colonel Murray counted 190 harems and 100 idle bulls (according to the list communicated to me by him on the 7th September). At the average rate adopted by us of 17.3 cows to a harem at this period, that number would give 3,217 cows. The figures adopted by Dr. Jordan (Preliminary Report, p. 16) show 182 harems, and (at the same average) 3,152 cows, an unimportant difference. In 1895 Colonel Murray set the total at 200 harems and 50 idle bulls.

It was in this rookery, after noticing the apparently disproportionate number of pups, that Dr. Jordan initiated the crucial experiment of counting the litter. The count of living pups on Ketavie was performed on the 15th August, and showed the surprising number of 6,049. This figure represents an increase of 91 per cent. over what we had at first believed to exist on the basis of Dr. Jordan's entire estimate, or of 88 per cent. on the basis of Colonel Murray's.

Note.—Dr. Jordan's figures for the other rookeries are calculated by adding 75 per cent. to those furnished by the count of harems in the earlier part of the season after

allowing, as was then done, 17.3 cows to a harem. The strict count made upon Ketavie would, as is above shown, permit the addition of 90 per cent. rather than 75 per cent., and, indeed, Dr. Jordan himself speaks (Preliminary Report, p. 20) of the number of pups on any rookery being nearly double the greatest number of cows counted upon it at any one time. The lower figure is adopted on the ground of a lower result obtained on Lagoon Rookery and the Reef of Zapadnië.

We may now sum up the statements made for this year and last as to the number of female seals on Ketavie.

Mr. True (Sen. Doc. 137, Part II, p. 101, 1896) gives as the result of an actual count made between the 8th and 10th July, 1895, a total number of 2,640.

In the same year Colonel Murray estimated the number at 8,000, using the very high average of forty cows to a harem. Had he set the average at thirty, a number that would now seem to be a more reasonable one, his result would have tallied almost exactly with the 6,040 that were this year demonstrated by actual count of the pups; and if we add to Mr. True's actual count of 2,640 the increase of 91 per cent. to which the count of the pups now entitles us, we reach the figures of 5,042 for 1895, a number which may or not, as we please, be employed to indicate a positive increase since that time.

It is noteworthy that this rookery of Ketavie seemed to the gentlemen who inspected it five or six years ago to present particularly serious indications of loss and diminution.

In his Report for 1893 (Sen. Doc. 137, Part II, p. 6, 1896) Mr. Townsend says: "Ketavie, now the thinnest rookery on the islands, shows a perceptible decrease since 1892. This decrease is perceptible in some, if not all, of the photographs of the rookery." And, again, in the following year, Mr. Townsend says (*ibid.*, p. 12): "This small and gradually diminishing rookery, I believe, shows a shrinkage since last season, but not a very marked one." It may be remarked that in this last Report this was the only instance on St. Paul Island in which Mr. Townsend chronicled a shrinkage since the previous year.

Lukannon.

Lukannon Rookery is in reality, as has been stated already, continuous with Ketavie. It runs from the end of the latter rookery along half-a-mile or so of rocky shore, till the rocks end in the sandy beach that stretches all the way to Half-way Point and Polavina Rookery. The hauling-ground is at the northern end, near the sandy beach. This long sandy beach later on in the season, in late August and September, is thickly dotted with bulls from the adjacent rookeries, as are the sands of Middle Hill and English Bay on the other side of the island. The hauling-ground of Lukannon is said to be remarkable for the large proportion of young males that its drives furnish, and is spoken of on the islands as "the nursery" in consequence.

The photographs (Macoun's No. 64, 6th August, 1892; Townsend's No. 11, 20th July, 1895, and mine No. 22, 13th July, No. 23, 15th July, and No. 119, 8th August, 1896) are on different scales and for the most part from different points of view, and hence do not give us very much information as to the relative states of the rookery; but, so far as they can be compared, my No. 119, when regarded together with those of the earlier years, shows no perceptible decrease.

It struck me on our first visit (13th July) that idle bulls were very numerous here at that time, and that the harems were, on the average, of large size. At a convenient point in the middle of the rookery I found the adjacent harems, 11 in number, to contain respectively 42, 4, 25, 17, 60, 47, 6, 7, 13, 43, 22 cows, a total of 302 and an average of 27.5.

The count accepted by Dr. Jordan gives 147 harems for the rookery, or 2,543 cows, at the usual average of 17.3, and 4,450 breeding cows, allowing for an increase of 75 per cent. on that number. Colonel Murray gave me for the same rookery his count made on the 13th July, which places the bulls and harems at 205, with idle bulls at 125. For 1895 Colonel Murray placed the numbers at 300 harems and 200 idle bulls, but it must be remembered that for that year Colonel Murray's statistics were in round numbers and professedly less accurate than for 1896. Messrs. True and Townsend for 1895 only admitted 2,672 cows for Lukannon Rookery.

Lagoon.

This little rookery occupies a shingly spit which stretches across from Tolstoi Hill nearly to the harbour, and separates the bay on which the harbour is situated from a

broad, shallow, muddy lagoon. In stormy weather the waves break right across the edge on which the seals lie. No seals are driven from this small rookery.

ib. cit., p. 100.

On this rookery Messrs. True and Townsend made a careful census on the 10th July, 1895, "passing in front of the rookery in a boat, using a low-power field-glass. The harems were separated here by considerable intervals, and as the whole rookery was in plain view, there was no obstacle to counting." The numbers thus obtained were 82 harems and 1,261 cows. Colonel Murray's figures are in this instance discrepant, as he states the number at only 50 harems, with no idle bulls.

I fancy that in this particular case Messrs. True and Townsend's census was the more accurate of the two, and that Colonel Murray's was probably based on a more distant view.

In 1896 Dr. Jordan, accompanied by Mr. Clark and Mr. Mcconn, walked over the rookery, making a close count of bulls, cows, and pups. They found 120 harems, 1,474 cows, and 2,484 pups. These figures give the low average of 12.3 cows visible in a harem, and of 20.7 (an increase of 69.3 per cent.) as the actual size of the average harem estimated by pups. Mr. Murray's estimate of the number of harems in 1895 is very similar to Dr. Jordan's, viz., 115, with 40 idle bulls. The general results therefore are an increase of cows in sight over those witnessed by Messrs. True and Townsend in the previous year, and a confirmation by the count of pups of the inadequacy of any single inspection of the cows to give a full account of the number appertaining to the rookery. The less percentage of pups to cows in sight than in the count made on Ketavie is justification for abating (to 75 per cent.) the addition (91 per cent. on Ketavie) required to be made to the average counts of cows.

Tolstoi.

This rookery occupies the rocky portion to the east and south of a great bay (English Bay) in the middle of the southern coast of the island. The bay is for the most part sandy and where its shore becomes rocky again to the westward we have the rookeries of Greater and Lesser Zapadnie.

At Tolstoi, to the southern end of the rookery, the seals occupy a rocky beach under high cliffs or steep slopes (photograph 75), difficult of inspection until as the season advances it becomes possible to penetrate into it. At the other end of the rookery towards the sands of English Bay, the rocks lie further back from the shore (photographs Nos. 40, 74, &c.), and the seals are freely visible from the sands to the westward and from various stations on the hill above. Between the rocks and the sea are sandy stretches, to be afterwards referred to in my account of the dead pups. The chief hauling-ground is above this latter portion of the rookery and on the more or less stony slope above the adjacent portion of English Bay. Other tracts (photograph No. 39) in the middle of the bay (Middle Hill) serve as hauling-grounds for this rookery and Zapadnie.

My first photograph of Tolstoi was taken on the 25th July.

While in the more rocky parts of the rookery to the southward the seals lie scattered in a manner similar to those on the other rookeries already described, at the other extremity they lie in a dense mass (photograph No. 40), extending for some distance up the hill at the extreme end of the rookery, but leaving almost vacant the smooth, sandy interspace already alluded to. This rookery showed very markedly the change in outline and in extent of ground covered by the seals at a later period in the season. By the time our second series of views were taken (7th August, photograph No. 109), the sandy interspace was largely occupied by seals, and harems were dotted among the seals almost to the very top of the hill; still later they reached the rock at the very top.

Mr. Townsend's views of this rookery are particularly fine and on a larger scale than ours. His photograph No. 25 (24th July, 1895) would appear at first sight to show a much larger number of seals than ours; but it is taken at short range and from a very advantageous locality. When we take it in connection with its companion picture No. 26 and then compare the result with that of this year, the apparent difference tends in 2000 part to disappear.

Messrs. True and Townsend give us no complete and specific estimate of the number of seals in this rookery for 1895; but Colonel Murray places the number of harems that year at 400, and of idle bulls at 250. In 1896 (16th July) he estimated the harems at 325, and the idle bulls at 220; but Dr. Jordan and his party found somewhat larger numbers, 389 harems on the main or northern part of the rookery and 168 more under the cliffs. On the latter portion of the rookery the cows were counted and found to number 1,398, an average of 13.87 to a harem; and the live pups were afterwards counted to the number

of 2.64, giving an increase of 77.8 per cent. over the original count of cows, or an average of 24.6 to the counted harems. The partial count of the rookery for 1895 given by Mr. Townsend (*op. cit.*, p. 35), "from the point to the end of the Grass Bluff," appears to correspond with the one above alluded to as "under the cliffs." For this area Mr. Townsend gives 113 harems and 1,539 cows, an average of 13.6 to a harem. These numbers are approximately identical with those of Dr. Jordan for 1896.

While we have thus no evidence to show a decrease of the rookery during the period 1865-96, yet it must in this case be admitted that a change is perceptible since the earlier photographs were taken in 1891-92. The great mass of seals, mostly bachelors, shown in Dr. Dawson's photograph No. 35 (19th August, 1891), was far beyond anything we saw on the spot this year, and the rookery is, I think, undoubtedly more populous as represented in Mr. Macoun's photographs Nos. 70 and 71 (8th August, 1892) and Nos. 91 and 92 (21st August, 1892). The case as regards the bachelors diminishes in importance, if its importance does not altogether vanish, when we remember the small number killed upon the island during 1890, 1891, and 1892, as compared with the number slain before and during our inspection of 1896; and as regards the breeding areas, the section of the photographs above quoted suggests that the areas occupied have shifted since that time. The pictures seem to me to indicate that while the seals extended considerably beyond, they were less numerous immediately within, what is the present margin of the rookery. Mr. Townsend himself alludes to such a change and the possible reasons for it (*op. cit.*) when he says that "allowance should be made for a change in the shape of the bluff itself, 100 feet or more of sand being filled in the bight at the left end of the rookery." But, making the best of the evidence in hand, I am quite prepared to believe that the Rookery is towards its northern extremity considerably poorer than it was five years ago.

Zapadnië (St. Paul).

This large rookery known also as Upper or Greater Zapadnië, fringes the rocky western extremity of English Bay. The ground is low and irregular, consisting of patches of rock, tracts of broken stones, and intervening spaces of sand. The seals occupy the whole for a space of from 1,500 yards to a mile, and run backwards, following more or less closely the contour of the ground, in long re-entrant lines or avenues. Three of these re-entrant lines, near the east end of the rookery, are conspicuous in photographs taken from the direction of the adjacent rookery of Little Zapadnië, to the east. The rookery terminates to the westward in a line of cliffs. The whole area covered by seals is very large.

The great extent and irregular distribution of the rookery render a bird's-eye inspection or the comparison of photographs of little value. So far, as far as the photographs go, my photograph No. 33 (15th July, 1896) compares favourably with Mr. Townsend's No. 10 (20th July, 1895). The only picture showing evidence of a more greater abundance is Mr. Macoun's No. 41 v, 1892, which covers the eastern portion of those just alluded to; but when we reinspect the more recent pictures, we see that, though the precise spot is bare, the adjacent ground immediately to the west is thickly populated, and the evidence of the little area by itself bears no conclusion.

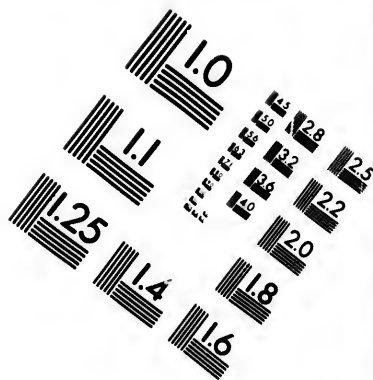
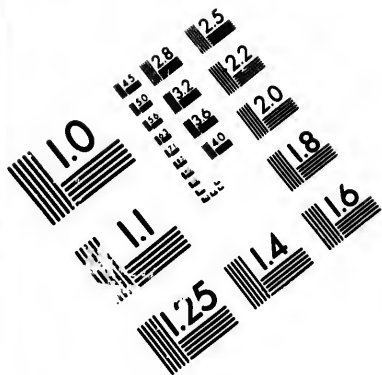
Little Zapadnië occupies the stony front of a knoll about 500 yards long, separated from Greater Zapadnië by a small sandy bay (South-west Bay), into which runs a streamlet from a lake. Patches of snow above the bay and rookery remain throughout the summer, and form a conspicuous landmark. The rookery is compact in form and pretty thickly populated.

From the knoll of Lower Zapadnië a stony beach extends eastward for about 1,000 yards to the sands of English Bay, and along this beach are scattered eight or nine patches of seals, which were spoken of collectively last year as the "Reef of Zapadnië." These patches are approximately identical with Mr. Townsend's chart of them for 1895; even a very tiny patch immediately to the east of Lower Zapadnië being still occupied, though only by a single bull and cow. (It probably contained no more than a single harem the previous year.)

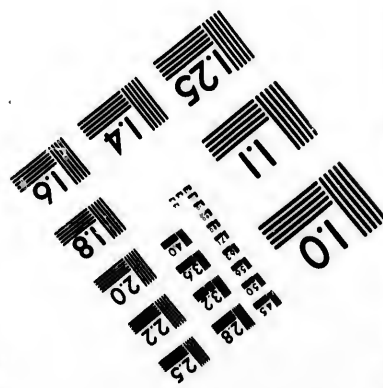
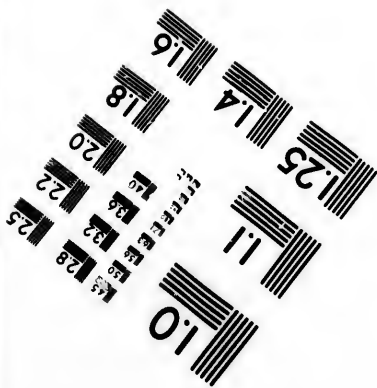
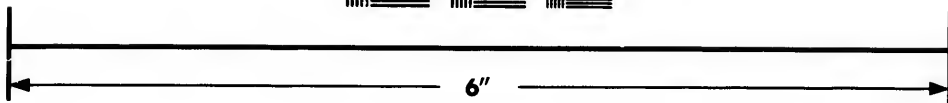
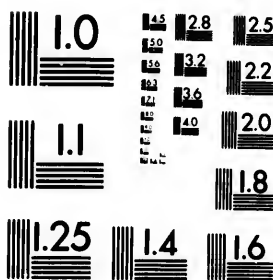
For 1895 Colonel Murray estimated the whole area of Zapadnië (including Lower Zapadnië and the "Reef") to contain 500 harems, with 400 idle bulls. In 1896 (16th July) he placed the number at 577 and 421 respectively, assigning 477 harems and 310 idle bulls to Greater Zapadnië.

The enumeration made under Dr. Jordan produced a result very considerably in excess of this, viz., 583 harems for Greater and 210 for Lesser Zapadnië and 176 more for the Reef, a total of 969 in all. The cows were counted on Lesser Zapadnië





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and the Reef to the number of 2,400 and 2,256 respectively, and the pups on the Reef to the number of 3,862, showing on the latter breeding-ground 71 per cent. beyond the visible number of cows.

Polavina.

This rookery, with its neighbour or outlier, Little Polavina, lies half-way along the eastern coast of the island, at the far end of the long sandy shore that stretches northwards from Lukannon. In the centre of the rookery a long, low spit projects into the sea, to the south of which are other low-lying, half-submerged reefs. Opposite to these a rocky terrace fringes the shore, and above it lies a broad, bare plateau, on which the seals congregate. At the south end of the rookery the terrace is broken, and the ascent is gradual from the beach. Beyond this point the beach is narrower, and its cliffs higher (though not so high as to prevent frequent possibilities of ascent or descent), and in these cliffs are found several deep recesses in the columnar basalt (photograph No. 55), each occupied by its group of harems, while other harems are scattered sparsely below the cliffs. The flat, bare plateau extends the greater part of the way to Little Polavina, a distance of more than a mile, and about mid-way between the two rookeries a convenient gully furnishes an ascent to it for the bachelors. The chief hauling-grounds are therefore to the south of Polavina, where the sands end and the rocks begin, half-way between the two rookeries, and again around the rookery of Little Polavina. Little Polavina itself (photographs Nos. 56, 57) is a small rookery surrounding the base of a small jutting point. The seals lie for the most part on stony level ground, facing a low hillock above the sea.

Of the rookery of Polavina we have two very excellent photographs antecedent in date to our visit, viz., Mr. Macoun's, panorama, 60, 61 (6th August, 1892), and Mr. Townsend's No. 2 (20th July, 1895). In Mr. Macoun's pictures taken later in the season, the seals spread further back than in Mr. Townsend's, and the aspect of the picture is affected by the different state of the tide, which in Mr. Macoun's nearly submerges the reefs; but, nevertheless, comparison of the two is plain and simple, and I am quite unable to see any sign of diminution in the later view. Indeed, it seems to me that the later picture shows actually more seals than the earlier.

The evidence in regard to Polavina is very conflicting, and the condition of the rookery deserves particular attention in the future. It seemed to me, and it seems on reinspection of my photographs Nos. 52, 53 (23rd July, 1896), and Mr. Macoun's No. 17 (15th July) and Nos. 69, 71 (28th July), that the rookery is less than the earlier photographs show it to have been, but I saw nothing on the spot, and I can see nothing in the photographic evidence to warrant Mr. Townsend's strong assertion (*op. cit.* p. 31), that, comparing 1895 with 1894, the "main rookery, situated on a comparatively level tract, is shrunken perhaps 50 per cent. in dimensions."

North-east Point.

The great rookery of North-east Point is by far the largest on the islands. It is grouped around the sides of a peninsula commanded by Hutchinson's Hill, an eminence about 80 feet high. This hill lies towards the western side of the middle of the peninsula, and on the shore below it and up the slope extends the most densely populated portion of the rookery. The rookery begins on the west side of the narrow isthmus of the peninsula on a rocky beach, and extends with a few slight interruptions to the extremity of North-east Point, a distance of about 2,500 to 3,000 yards. About the middle of its length, where it skirts the hill, the ground is more sandy, and the space occupied by the seals is much broader than elsewhere. The chief hauling-grounds on the west side are just to the northward and southward of the hill. On the east side the breeding-grounds are much less extensive. On this side, nearly opposite to Hutchinson's Hill, is a rocky cape about 250 yards long, known as Sea-Lion Point. On its northern and southern shores (photographs Nos. 42, 43) are small patches of harems; south of it, on the beach, is a more considerable one (photograph No. 44). A large rookery (photograph No. 41, Macoun's photograph No. 96) lies about 300 to 400 yards north of it, and a long narrow strip fringes the greater part of the shore between this last and North-east Point. The rookeries on the two sides of the peninsula are now distinguished by Dr. Jordan under the separate names of Vostochni for the larger western portion and Morjovi for the smaller part or parts on the east. The latter name is given in allusion to the once innumerable walrus that have left their whitened bones in witness of a slaughter more ruthless than

any that the seals have here ever been subjected to. When the store house on the isthmus was built, it is said to have had its sandy foundations paved with thousands of tuskless skulls. Colonies of sea-lions still exist on Sea-Lion Point, on a smaller point midway between that and North-east Point, between the two patches of seal rookery, and again at one or two small points on the western side near the far end of the peninsula. The chief hauling-grounds of seals on the eastern side lie just beyond Sea-Lion Point (photograph No. 41) and around the rookery beyond. Many seals also haul out close to North-east Point itself. From this great rookery the seals are not driven all at once, but usually from the west and east sides on consecutive days.

As regards the eastern portion of the rookery, our photographs give good pictures of the large mass midway between Sea Lion Point and the far end. This is shown in Mr. Townsend's photograph No. 7 (24th July, 1895), in Mr. Macoun's Nos. 1 and 2 (22nd July), and No. 59 (5th August, 1892), and No. 18 (16th July, 1896), and less well in mine No. 41 (13th July, 1896). There is no difference whatsoever between the pictures of this portion of the rookery taken in 1895 and 1896. (The little patch marked beyond the great one on Mr. Townsend's chart of 1895, was still distinctly recognisable, though not shown in the photographs.)

In Mr. Macoun's photographs of 1892, the bachelor seals were very much more numerous. This fact, like the similar phenomenon already noticed at Tolstoi, may be simply due to the small number killed at that time, but, to judge by the photograph, I fancy the rookery itself was then somewhat larger.

On the western side of the rookery, looking from the top of Hutcheson's Hill, we have an enormous number of seals in direct view. With the older photographs in hand, it appeared to me at my first visit (16th July) impossible to doubt that a diminution of seals had taken place here since 1891-92, and wider intervals separated the seals from the hill, and, especially towards the south, the extent of this part of the rookery seemed curtailed. The broad stretch of sand here was almost bare where in the 1892 photographs it was thickly bestrewn. This impression still remains with me, but I am bound to say that it was weakened, and my estimate of its extent diminished by my subsequent visits. The extent to which the "spreading" of the herd alters the appearance of this rookery as the summer advances is enormous. It was with complete astonishment that on the 9th August we found the breeding seals extending up to the topmost rocks on the western side of the hill, and surrounding the photographic station from which we had three weeks before viewed them at a distance. The effect is shown in Mr. Macoun's photographs of the 10th August. The early photograph on which my first impression of decrease has been based was that taken by Mr. Macoun on the 20th August, 1892, a still later day allowing for still greater possibilities of extension. Between our photographs of 1896 and Mr. Townsend's No. 6 (24th July, 1895) I can detect no perceptible difference.

The counts of this rookery are not very satisfactory. For 1895 Colonel Murray estimated the harems (in round numbers) at 1,725; in 1896 (18th July) he found 1,595. The census by Dr. Jordan's party fell considerably below Colonel Murray's figures, giving only 975 harems for the western and 293 for the eastern side, a total of 1,268 for the whole rookery. I cannot help thinking some qualification or supplement is required to this estimate. It may be that the harems were all on the average large, or it may be that the influx of younger cows added largely in the later part of the season to these numbers. For the numbers are certainly surprising; inasmuch as they would make the rookery out to be only two and a-half times as large as Tolstoi and less than one-third larger than the whole of Zapadni, or, in other words, one-sixth smaller than the united rookeries at the two ends of English Bay; and it is certain that the apparent size of North-east Point Rookery is greater than this, and that the yield of its killing-grounds is beyond the proportion of such an estimate.

Reef Rookery.

This rookery encircles the southern peninsula of the island, as that of North-east Point surrounds the northern. The western side of the rookery is known as Garbotch.

The small bay to the south-west of the village has in its middle part a stretch of some 250 yards of sandy beach, sloping upwards to some sandy dunes, known as Zoltoi Sands. Behind the dunes the ground continues to rise till it forms, on the eastern side of the isthmus, a precipitous cliff, beneath which lie many bachelors and half-bulls.

On the west side, facing the south half of the sands, is a stony ascent, on which and on the stones below the holoschikkie repose (photograph No. 49).

Beyond the sands the shore of the bay consists of a rough narrow beach, at first with low, rough grassy cliffs above, further on with a high bank of broken stones, and at the

south extremity of the bay a long, high, bare, cindery acclivity, which rises towards the "parade ground" or plateau.

All along the bay from Zoltoi Sands westwards are first scattered harems under the cliff, then more numerous harems on the broad beach below the stony ground, and lastly, on the lower portion of the gent slope, a more numerous colony, running up here and there in long lines to nearly half the height of the hill.

Beyond Garbotch, near, but to the west of the extreme point of the peninsula, is a rocky beach with an ascending slope, commanded from above by a parapet of rocks. This spot is known as the "Slide," and Dr. Jordan has accepted for it the Aleut name of Ardiguen (photograph No. 62; Macoun's photograph No. 26, 25th July, 1892). This spot was kept under close personal observation by Dr. Jordan, whose account of its daily economy will be found on pp. 54-61 of his preliminary Report.

The east side of the peninsula constitutes Reef Rookery in the stricter sense. It consists of a broad rocky beach, on which a nearly continuous band of harems runs from the point to the isthmus. Towards the middle of the rookery are two shallow land-locked pools of foul water, through which the bachelor seals flounder, or pass between them to and from the extensive hauling-ground behind this portion of the rookery. The east portion of the rookery does not extend so far to the north as the west, stopping short at the isthmus, the eastern side of which is high and precipitous. Near the north end of the isthmus on the east, opposite Zoltoi Sands, and behind the dunes, is a small bay in which the bachelors haul out, and from the cliffs above which a close view of them may be enjoyed unobserved (photograph No. 50).

The greater part of the peninsula proper is occupied by a smooth plateau, sloping gently to the east (photograph No. 71), known as the parade ground. It is now for the most part grassy, except near the western edge, where the seals ascend the slope of Garbotch to it in small numbers. Two main and three smaller "pinnacles" rise above the parade ground, and command the best views of the Eastern Rookery. Near the southern end of the isthmus the ground is very rough and stony; near the southern end, by the dunes, it consists of loose-blown sand, a short stretch of which is by far the most arduous part of the journey to the seals driven to the village.

Between the dunes and the parade ground, on the route of the drives, is an old killing-ground, whose use is not recollected. On this ground seals of all sizes appear to have been slaughtered.

The smooth slope of Garbotch is the part of the rookery where we might expect the photographic evidence to be clearest, and where we might hope to see most easily changes in the superficial extent of the herd. As a matter of fact, however, it is in just such a place that the seasonal changes in area are so clearly perceptible and so striking that they hopelessly confuse one's estimate of the changes that may have taken place from year to year.

In Mr. Macoun's photograph No. 50 (20th July) and in my No. 60 and 61 (24th July), the seals only fringe the lower portion of the slope, except at the far end, where a wedge-shaped mass runs up to about the middle. The appearance is practically identical with that shown in Mr. Townsend's photograph No. 17 (20th July, 1895). But the older photographs, such as Mr. Macoun's No. 74 (15th August, 1892), show the seals spreading over the face of the slope and reaching its summit at both ends. Coming back to the photographs of this year, we see the seals spreading far up the hill in Mr. Macoun's photograph No. 65 (5th August) and reaching the top of it and invading the parade ground in Nos. 105, 106 (31st August). It is here, in my opinion, certainly true, as has been already said in so many other cases, that the photographs of 1895 show absolutely no superiority in numbers over 1896, but that already quoted of 1892 does appear to show somewhat more than those of the present year.

For the whole of Reef Rookery Colonel Murray estimated the number of harems at 1,000 for 1895 and 900 for 1896; Dr. Jordan in the latter year placed the number at 831. On Ardiguen "or the Slide" Dr. Jordan counted 27 bulls, 550 cows (an average 20.4), and 652 pups (an average of 23 to a harem).

Besides the figures quoted and compared in the preceding account, we possess yet another estimate of the breeding seals for 1895, that of Judge Crowley, Resident Agent of the United States' Treasury on the islands. Mr. Crowley says in his Report (Sen. Doc. 137, Part I, p. 35, 1896) "The breeding herd has been reduced to such proportions that they can now be counted with comparative accuracy. I made the count as follows:—

"St. Paul Island. Breeding cows, 78,696; bulls, 4,372.

"St. George Island. Breeding cows, 21,240; bulls, 1,180."

It is obvious here that the number of cows is estimated by applying to the number of bulls an average of eighteen cows to each harem. One-half of these statistics are as remarkable for their agreement with Colonel Murray's for 1895 and ours for 1896 as the other half are for their complete discrepancy.

The number of bulls assigned to St. Paul Island (viz., 4,372) is very near that of Colonel Murray for 1895 (viz., 4,625) and about identical with Dr. Jordan's for 1896 (viz., 4,348).

But Judge Crowley's enumeration for St. George is three times larger as regards the bulls than that of Colonel Murray for the same year 1895, and twice as big as Colonel Murray's for 1896. The result, on the other hand, of Judge Crowley's low estimate of eighteen cows to a harem is to bring out a number of cows for St. George approximately equal to this year's, but to give to St. Paul for 1895 only three-fifths of what we now believe to exist there.

Before passing from the later to the earlier numerical estimates, I would draw attention to a passage on pp. 20, 21, of Dr. Jordan's preliminary Report. Dr. Jordan says:—

“Accepting the figures of last year, 70,423 cows on the rookeries would mean an aggregate of 123,240 breeding cows. To this number must be added 25,000 to 40,000 virgin 2-year-olds and as many yearlings to form an estimate of the actual number of cows for 1895. That the figures given by us for 1896 are slightly higher than those for 1895 does not mean an increase in numbers since 1893, but simply an increase in the data on which an estimate may be made. Messrs. True and Townsend, for example, count 2,640 cows on Kitovi Rookery. This count is the most important element in their estimate by acreage. In this estimate, Kitovi is given credit for $3\frac{3}{4}$ per cent. of the total number of seals (70,423). This figure cannot be far from the truth. But the fact that, in 1896, in spite of some shrinkage, Kitovi shows 6,049 pups, demonstrates that the figures based on counts made at the height of the season are far from complete: 6,049 is $3\frac{3}{4}$ per cent. of 161,060.”

Now, passing over the apparent fact that the phrase “in spite of some shrinkage” savours of a begging of the question, the one thing that this paragraph appears to me to prove is the surprising accuracy of Messrs. True and Townsend's estimate of $3\frac{3}{4}$ per cent. as the proportionate value of Ketavie to the total seal population of the islands. For if we take our own count for 1896 of 3,152 cows visible on Ketavie at the height of the season and multiply it first in the proportion of $3\frac{3}{4}$ per cent., as Messrs. True and Townsend did, to find the total seal population of the islands, and then add 75 per cent. to the result, as Dr. Jordan has shown it is necessary to do, we get the result of 147,090 for the breeding cows in the rookeries for 1896, a surprisingly close approximate to the 113,071 that we actually found. In short, so far as it goes, the whole count is decidedly opposed to any signs of either local or general decrease, and would strongly tempt us to accept Messrs. True and Townsend's estimate (as corrected by Dr. Jordan) of 123,240 breeding-cows for the two islands in 1895 as not far from correct.

Earlier Numerical Estimates.

When it is so manifestly impossible to reconcile the statements made or to realize the conditions that obtained so lately as 1893, it is natural that earlier statements should lead us into still greater uncertainties and difficulties. By far the most important of such early estimates is that of Mr. H. W. Elliott in 1872-74, an estimate repeated by him in 1890. (Cf. Report on the Pribyloff Islands by H. W. Elliott, Paris edition, 1893, p. 9, *et seq.*, and “Monograph of the Seal Islands,” Census edition, 1881, p. 48, *et seq.*) The essence of Mr. Elliott's computation lies in his belief that the number of seals is in direct ratio to the superficial extent of the rookery. His statement is exceedingly precise, and may be here quoted (Report, pp. 15 and 16):—

“At the close of my investigation, during the first season of my labour on the grounds in 1873, the fact became evident that the breeding seals obeyed implicitly an imperative and instinctive natural law of distribution, a law recognized by each and every seal upon the rookeries, prompted by a fine consciousness of necessity to its own well-being. The breeding-grounds occupied by them were, therefore, invariably covered by the seals in exact ratio, greater or less as the area upon which they rested was larger or smaller. They always covered the ground evenly, never crowding in at one place here to scatter out there. The seals lie just as thickly together where the rookery is boundless in its eligible area to their rear and unoccupied by them as they do in the little strips which are abruptly cut off and narrowed by rocky walls behind. For instance, on a rod

of ground, under the face of bluffs which hemmed it in to the land from the sea, there are just as many seals, no more and no less, as will be found on any other rod of rookery-ground throughout the whole list, great and small, always exactly so many seals, under any and all circumstances, to a given area of breeding-ground. There are just as many cows, bulls, and pups on a square rod at Nah Speel, near the village, where in 1874, all told, there were only 7,000 or 8,000, as there are on any square rod at North-east Point, where 1,000,000 of them congregate."

"This fact being determined, it is evident that, just in proportion as the breeding-grounds of the fur-seal on these islands expand or contract in area from their present dimensions, the seal will increase or diminish in number.

"The discovery, at the close of the season 1872, of this law of distribution, gave me at once the clue I was searching for in order to take steps by which I could arrive at a sound conclusion as to the entire number of seal herding on the island."

After further discussing the case he says (on p. 18), "Taking all these points into consideration, as they are features of fact, I quite safely calculate upon an average of 2 square feet to every animal, big or little, on the breeding-grounds, as the initial point upon which to base and intelligent computation of the entire number of seals before us." It is on this estimate that Mr. Elliott bases his computation of 3,030,000 seals of all ages on the breeding-grounds for the Island of St. Paul in 1872-74, and 160,670 for that of St. George.

I believe, after careful perusal of Mr. Elliott's work, that he maintains precisely the same position as to the number of seals on the ground in 1890. He states indeed that the bulls were fewer and wider apart, but also that the harems were immensely larger; and though I do not quite understand the process of survey by which in the latter year he arrived at an estimate of the "average depth" of the rookery, yet, having done so, he certainly calculates its population at the same ratio of one seal to 2 square feet.

Now it is perfectly certain that no rookery last year, nor in the preceding year, presented to any observer so great a density. Where the dead bodies were lying almost as close as they could lie on the killing-ground at Polovina, they occupied an average space of $13\frac{1}{2}$ square feet to each body (*cf.* Jordan, Preliminary Report, p. 20), and on Ardiguen Dr. Jordan measured the space occupied by a single harem of thirty-three cows, and found, within the limits of a single harem, a space of 8 square feet for each seal (*loc. cit.*) Not one of our observations and not one of our photographs shows on the more rocky rookeries a density (taking the harems collectively) near so great as this. The conformation of the ground and the interspersal of the boulders must at all times, as it does now, have prevented anything approaching to so uniformly compact a distribution of the seals. But it is not necessary to do more than cite the opinion of the American Commission of 1896 as expressed by Dr. Jordan, who in arguing concerning Messrs. True and Townsend's estimate of 23 square feet to each seal on the most crowded rookeries (Report 1895), and considering it excessive, says (p. 20), "Where seals are massed on rookeries, the space occupied by each seal is more nearly 12 than 23 square feet," and further that the 46 square feet which Messrs. True and Townsend's estimate for the more rocky and less densely populated localities is, as a matter of fact, doubtless too low. "We cannot believe," Dr. Jordan also says (p. 19), "that even in the most favourable times the fur-seals were evenly crowded over the rookeries, and it is evident that as they grow fewer this arrangement tends to become more sparse, especially on rocky slopes and boulder-strewn beaches."

I need not follow out in detail the deduction that such newer estimates involve in the numbers put forward by Mr. Elliott, but I may say that, taking Mr. Elliott's calculation of 3,190,000 breeding seals on the rookeries of both islands in 1872-74, deducting from that number the 90,000 bulls (Report, p. 90), and dividing the balance by 6 (to give instead of 2 feet for a seal the 12 feet that Dr. Jordan admits for each cow on the most crowded portion of Tolstoi, Preliminary Report, p. 18), we get the reduced number of 516,000, which is only about three and a half times as great as that which we know to exist now.

The calculation is of no great importance, and in making it we admit far too much, in particular that every part of every rookery was then as densely filled as is the most crowded spot to-day. But however much these figures may be twisted and the case reargued, it is perfectly clear that Mr. Elliott's gigantic computation can never again be upheld as a reasonable statement of the numbers that once existed on the islands, or with which the present numbers ought to be compared.

But if we refuse to admit Mr. Elliott's estimate of the seals, let us try to accept his measurement of areas. His surveys, he tells us (Report on the Pribyloff Islands in 1890, Paris edition, 1893, p. 19), were made with all scientific precautions in 1872-74 by measured

baseline and azimuth compass, in 1890 with a fine prismatic compass, and in 1874 with the help of a trained topographer, Lieutenant Maynard. "There is no more difficulty," he says (p. 17), "in surveying these seal margins during this week or ten days (10-20) in July than there is in drawing sights along and around the curbs of a stone fence surrounding a field." He tells us that in 1890 there were 9,000, and in 1872 37,000 seals on Lagoon Rookery; and as he estimates this number on his usual computation of 2 square feet for each, it follows that he is ascribing to that rookery an area of 18,000 and 74,000 square feet respectively in the said years. Yet Messrs. True and Townsend give the occupied area on Lagoon Rookery in 1895 as 82,241 square feet, $4\frac{1}{2}$ times what Mr. Elliott asserted five years before.

For Lukannon and Ketavie he gives the measurement in 1890 as 145,050 and 56,000 respectively, a total of 201,050; it was 226,303 square feet by Messrs. True and Townsend's measurements five years later.

For Tolstoi he gives 121,800 square feet in 1890; Messrs. True and Townsend give 240,800 in 1895. For the entire island of St. Paul he gives 1,757,164 square feet in 1890; Messrs. True and Townsend give 2,202,557 in 1895.

The discrepancies on St. George are equally surprising. We may express them best in a tabular form:—

Rookery.	Area in Square Feet.		
	Elliott, 1872-74.	Elliott, 1890.	Messrs. True and Townsend, 1895.
Zapadne	36,000	24,000	128,171
Staraya Atil	60,840	32,000	61,329
North	152,500	77,016	128,868
Little East	25,500	9,600	24,254
East	50,500	18,200	67,884
Totals	325,340	160,846	413,506

Leaving aside for the moment the statements whose extravagance, I believe, we have adequately demonstrated, we may fall back on the plain and simple way of estimating the actual yield of the rookeries and the decrease of their productiveness; that is to say, we may set the 30,000 skins taken this year against the 100,000 that were got with neither less nor more difficulty (*Cf.*, Jordan, Preliminary Report, p. 22) in the plenitude of the supply. We should then have to admit that the herd was now something less than one-third of what it was twenty years ago. Even in this admission we admit too much, for, apart from other corrections that might be suggested, we should surely add for the purpose of such a comparison to the 30,000 taken on the islands the number of males taken in the sea, but this, for lack of better knowledge of the proportion of each sex and age in the pelagic catch, we cannot do. But if we fall back on Dr. Jordan, we find him placing (*loc. cit.*) the number of breeding females in 1850 at, "at least," four times as many as in 1893. It is not worth arguing whether we should say three times rather than four, for either number is vastly different from those which we have been of late accustomed to hear maintained and reiterated.

In the preceding account I have not attempted to prove that there has been *no* decrease, general or local, in recent years, but I have sought to show how inadequate and conflicting is the evidence at hand to prove such a decrease. The matter with which we are immediately concerned, and as to which we have most evidence at hand, is the relative state of the rookeries in 1895 and 1896. Had the decrease in the rookeries been as great and evident as it was reported to be up to 1895, the next twelve months should surely have shown signs still more unequivocal of continued impoverishment of the impoverished stock. The photographs show us time after time, with very few exceptions, an identical record. The harems on St. George were counted in both years by the same gentlemen, and all the rookeries but one show a large increase in the latter year. In the only instance on St. Paul Island where the cows were actually counted in both years, viz., on the Lagoon, they were one-sixth more numerous when counted in 1896; and

when the pups were counted on the same place they were twice as numerous as the cows were supposed to be in 1895. Though Colonel Murray's count of harems for St. Paul in 1895 was approximate only, and expressed in round numbers of hundreds and fifties, it only exceeded by $\frac{1}{6}$ th (4625 to 4348) that of Dr. Jordan in 1896; in three instances, Lagoon, Tolstoi, and Zapadnic, it fell far below it.

I do not analyse these statistics further; they furnish clear and instructive lessons to those whose business it may hereafter be to unravel them further.

The following is a tabular recapitulation of the figures quoted in the preceding pages:—

SUMMARY of Statistics for St. Paul and St. George Islands, 1895-1896.

	1895.										1896.				
	True and Townsland.			Colonel Murray.			Judge Crowley.		Murray.		Jordan.				
	Cows.	Hacens.	Idle Bulls.	Cows at 40 per Hacens.	Cows reduced to 30 per Hacens.	Bulls.	Cows.	Idle.	Hacens.	Cows at 30 per Hacens.	Cows counted or estimated at 17.5.	Pigs counted.	Cows at 75 per cent. extra.		
ST. PAUL ISLAND.															
Kenavie ..	2,640	200	50	8,000	5,000			100	5,700	3,152	6,049	..	..
Lokamon ..	2,472	368	200	12,000	3,000			205	6,120	147	..	4,450	..		
Toboi (main) ..	1,294	80	..	2,000	1,500			115	3,450	1,474	2,484	..	..
Toboi (cliffs) ..	..	..	..	..	..			..	..	..	..	..	..
Zapadne ..	..	100	250	16,000	12,000			325	9,750	589	6,729	11,775	..	
Little Zapadne ..	..	..	..	..	..			..	..	108	1,498	..	..
Zapadne (reef) ..	..	600	100	24,000	18,000			577	17,310	583	10,085	17,648	..	
Gorbatch ..	..	..	..	..	..			..	..	210	2,400	4,200	..
Recf ..	..	1,000	500	40,000	30,000			900	27,000	176	2,256	..	..
Pa-Lion Rock ..	..	..	..	..	..			..	..	22	254	5,112	..
Polaina (main) ..	..	..	..	..	..			..	..	94	1,150	..	..
Polaina (cliffs) ..	..	320	200	14,000	11,500			..	..	63	1,000	15,258	..
Little Polaina ..	..	..	..	..	..			..	..	138	2,387	1,907	..
North-east Point (east) ..	..	..	..	..	..			..	8,520	86	1,263	4,177	..
North-east Point (west) ..	..	1,725	1,600	69,000	51,750			182	47,850	35	779	1,863	..	
.. ..	..	..	..	..	..			1,205	1,095	975	15,879	27,148	..
.. ..	..	..	..	..	..			..	..	293	4,328	7,773	..
Total for St. Paul ..	61,436	4,625	2,600	185,000	138,750	4,372	78,696	1,192	2,666	125,760	70,361	..	..
ST. GEORGE ISLAND.															
North ..	2,800	100	50	4,000	3,000			225	6,750	225	3,891	6,809	..		
Little East ..	1,527	..	..	1,000	750			179	5,370	44	761	..	..
East ..	2,476	..	..	3,200	2,100			..	..	135	2,335	..	4,066
Zapadne ..	..	..	..	4,400	3,200			100	5,460	182	3,149	..	5,509
Starva Aft ..	1,398	60	50	2,400	1,800			75	2,250	75	1,297	..	2,269		
Total for St. George ..	8,987	375	200	15,000	11,250	1,180	21,240	661	330	19,830	661	11,432	..		
Grand total ..	70,423	5,000	2,800	200,000	150,000			4,853	2,996	145,590	5,009	81,793	..		

St. George—							
North ..	..	..	..	..	..	..	259
Little East ..	..	..	..	..	..	..	51
East ..	..	..	..	..	..	..	112
Zapadnië ..	..	..	..	..	..	..	159
Staraya Atil ..	..	..	..	..	..	..	135
							736
Grand total ..	..	..	..	..	..	..	11,045

This very large aggregate is admitted to consist entirely of pups for whose death pelagic sealing is not to blame. On St. Paul they were all counted before, and on St. George within two days of the death of the pup alluded to, whose enforced period of starvation commenced with the opening of the pelagic fishery.

The existence of a large mortality of pups from natural causes has been the subject of much conflict of opinion. Elliot (*Op. Cit.*, p. 68) estimates the mortality in infancy, or up to the age of five or six months, as trifling. "say 1 per cent., while on and about the islands of their birth, surrounding which, and upon which they have no enemies whatever to speak of."

Mr. Townsend, in 1895 (*Op. Cit.*, p. 37), could find no dead pups until after the 1st September; from that time on, the death of the young was continuous, and for 1894 (*Op. Cit.*, p. 15) Mr. Townsend makes the same statement in almost identical words.

Mr. True, in 1895 (*ibid.*, pp. 99, 100), saw a number of dead pups during his sojourn, but did not think that the total would exceed 150 for all the St. Paul rookeries. He counted twenty-three dead pups on the 2nd August on Ketavie, and at the north end of Tolstoi he observed, on the 15th August, seventy in one small area, and about twenty-five more a little further south. "The area referred to" [in the neighbourhood of which, about the same day of the month, we found 1,895] "was occupied earlier in the season by a great mass of seals, and I regard the number of dead pups found here as representing the ordinary mortality of the young."

Judge Crowley (Sen. Doc. 137, Part I, p. 16) speaks of the first dead pup of the season appearing on the rookery breeding-grounds "in the latter part of August 1894."

Colonel Murray, in his Report for 1894 as Special Agent of the United States' Treasury, says (*ibid.*, p. 55) as follows:—

"Another very important feature observed in our inspection of the rookeries in 1894 was the absence of dead pups in the early part of August, for up to our leaving on the 8th I had not seen a dead pup on the island, and the agent in charge, who was on St. Paul Island from June to the latter part of August, and who kept a close watch for dead pups, tells me now that it was not till about the 20th August there was a dead pup to be seen, but from that date to the close of the season, according to official communications received from the islands, the carcasses of dead pups, starved and emaciated, increased with appalling rapidity until 12,000 were encountered by the assistant agents."

But it is not necessary to multiply such instances or quotations. It is plain that recent American observers have almost wholly overlooked the early mortality of pups from natural causes, and have attributed the whole mortality of the season to pelagic sealing.

On the other hand, precisely the same phenomenon that we witnessed was described in detail by the British Commissioners (Report, p. 61) from their observations in 1891, and again with still greater precision by Mr. Macoun (Supplementary Report, p. 195) from his observations in 1892.

The Commissioners, "when visiting Tolstoi Rookery on the 29th July, observed, and called attention to several hundred dead pups, which lay scattered about in a limited area, on a smooth slope near the northern or inland end of the rookery-ground, and at some little distance from the shore." No dead pups caught their eye on St. George Island, and comparatively few on North-east Point, but at Polavina they found several hundred on the 14th August, and on the 19th August at Tolstoi, many more than had been there before. In short, broadly speaking, they saw what we have seen; they found the mortality slight where we found it slight, and great where we found it great.

Mr. Macoun, in 1892, investigated the matter with great care. On the 22nd July he counted, close around his camera at Polavina, 143 dead pups. On the 14th August he found about 4,000 at Tolstoi "on the same ground on which those seen last year (1891) were lying, but scattered over a larger area, and in much greater numbers." On North-east Point, on the 20th August, he saw, with a glass, at least 500 in the view from Hutchinson's Hill. All this took place in a year when no pelagic sealing was permitted in Behring Sea.

It is clear that by our work of last summer the statements of the British Commissioners, and of Mr. Macoun, are amply corroborated.

Causes of Death.

While this first count on St. Paul Island proceeded, about 150 bodies of pups were dissected. The dissection was in the greater number of cases performed conjointly by Mr. Lucas and myself. The examination was a somewhat cursory one; the bodies were rapidly opened on some convenient stone on the rookery ground, and the appearances noted on the spot. Neither Mr. Lucas nor I are pathologists, and the symptoms noted are simply those that would present themselves at once to any anatomist's eye. So far as they go, however, they are not without interest.

In the first place a very considerable number of pups died during this early period of starvation. Dr. Jordan (Preliminary Report, p. 47) attributes to this cause the death of only "perhaps of 200 in all," or less than 2 per cent. of the whole. This is, I think, the only point of any consequence where I find myself at variance with Dr. Jordan on a matter of actual fact and observation.

I take the following five consecutive cases from my notes of dissections made at North-east Point on the 10th August. The pups were not selected by me, but such as seemed fresh enough for dissection were laid aside by Dr. Jordan and Mr. Clark as they passed over the rookery making their count, and I dissected them there and then:—

40. Female pup, thin, no subcutaneous fat. Stomach empty; rectum full of very black sticky matter; lungs and viscera apparently normal.

41. Male pup, large, very thin. Muscles pale in colour; lungs deeply congested; stomach and small intestines empty; the latter stained with much bile; rectum contained black slimy matter.

42. Male pup, thin; stomach empty; lungs normal; rectum contains small quantity of black slimy matter.

43. Female pup, very thin; lungs deeply congested; stomach empty.

44. Male pup, very thin; lungs deeply congested; stomach and rectum empty; intestines suffused with bile.

In every one of these cases it seems to me safe to say that the pup was starved. In the case of the pup starved for experiment, and dissected by Dr. Voss on the 15th August, the record of autopsy was as follows:—

"Lungs small, flaccid, deeply congested; comparatively little blood in heart, and no clot; liver small, thin, and very dark; gall bladder full; much dark bile secretion in intestines; kidneys small and dark; both branches of uterus congested."

The accumulation of tarry matter in the intestines, black with bile products, or perhaps with the pigments of extravasated blood, was found by us to be a constant accompaniment of starvation, and though our general knowledge of the symptoms of death by actual starvation is scanty, yet we are not without evidence of a similar phenomenon in the human subject (*cf.* Taylor's "Medical Jurisprudence," edition 3, vol. ii, p. 138). Suffusions of bile and a distended gall-bladder are still more familiar concomitants of death by starvation. I have preserved notes of eighty-one autopsies of pups, made mostly by Mr. Lucas and myself, some by myself alone, others by Dr. Jordan and Dr. Voss; and of these eighty-one, nineteen are described as "emaciated and very thin," and six more as "thin." Nine showed the slimy or tarry black or greenish matter in the rectum, besides others which showed more or less conspicuous suffusions of bile.

In some of these cases injuries had been received from the immediate effects of which the pup died; but in all, if starvation did not actually take place, it had at least been imminent.

In my opinion, difficult as it may be to account for the fact, the deaths attributable to starvation, or that occur after a stage of emaciation has been reached, are, even in the early season, before pelagic sealing can have produced its effect, very much nearer to 12 or 20 per cent. than to the 2 per cent. below which Dr. Jordan estimates them.

Whatever may be the proportion of deaths from starvation in this early part of the season, the bulk of the pups have undoubtedly met their death by accidental injuries, by being smothered in the sand, injured by bulls, and sometimes by drowning in the surf. We could detect no sign whatever of any disease of an epidemic kind.

The following are the percentages of dead pups to the whole number born on the various rookeries as shown in the August count:—

	Per cent.
Ardiguen.. .. .	0.4
Kotavie	1.8
Sea-Lion Rock	2.5
Zapadnië (reef)	2.7
Lagoon	3.1
Zapadnië (Little)	3.2
Polavina (Little)	3.4
Lukannon.. .. .	4.6
Reef	6.2
North-east Point (east)	6.2
" " (west)	6.6
Gorbatch	7.7
Polavina	9.5
Tolstoi	13.1
Zapadnië	16.9

The great differences here tabulated go hand in hand in a way that is clear on the whole, if not traceable in every single instance, with broad differences in the nature of the ground. The rocky rookeries show the least mortality; the stony beaches come next in order; the large rookeries of the Reef and North-east Point stand midway; Polavina, with its flat, level expanse, stands higher, and Tolstoi and Zapadnië owe their pre-eminence to sandy interspaces among the rocks, so fatal to the pups that we came to speak of them as "death-traps." The project of removing these last sources of danger by filling up the sandy hollows with rocks and stones has been put forward by the American Commissioners. The scheme is a big one, and I am for myself inclined to think that the labour involved would be very great indeed, and beyond the power of the islanders to accomplish.

After the middle of August my journey to the Commander Islands and other matters occupied my time, and I made no more autopsies. Accordingly, I cannot speak from personal observation of the cause of death indicated by the bodies of the dead pups later in the season.

The Mortality subsequent to August 15.

The second count of the dead pups was postponed until the end of September, in order that the pelagic fishery might produce its full effect. This count was made for St. Paul Island by Messrs. Macoun and Clark, with the assistance of Judge Crowley, Colonel Murray, and Mr. Barrett-Hamilton, between the 28th September and the 1st October.

The count on St. George Island was made on the 6th October by Mr. Barrett-Hamilton and Mr. James Judge on East and Little East Rookeries, and by Mr. Macoun and Mr. Clark on Zapadnië, Staraya Atil, and North Rookeries.

The following is the complete result of the October count, the number found in August being deducted from those found in October, to give the number that had died in the interval, and an addition of 20 per cent. being made in the case of St. Paul Island to fully cover the possible loss by putrefaction and other causes between August and the 1st October: the addition is a liberal one:—

PUP Statistics.—Summary.

Rookery.	Total Born.	Dead.		Died since August Count.	Starving.
		August.	October.		
ST. PAUL ISLAND.					
Ketavie	6,049	109	609	500	42
Lukanun	4,450	205	579	374	27
Lagoon	2,484	78	316	238	51
Tolstoi	14,439	1,895	2,449	554	191
Zapadni	17,048	3,095	4,395	1,300	154
Little Zapadni	4,200	131	693	559	64
Zapadni Reef	3,862	104	327	223	18
Gorbatch	9,142	712	1,878	1,160	120
Arbignen	652	2	78	76	8
Reef	15,258	950	2,786	1,836	300
Sivutck Rock	1,907	50	281	234	31
Polavina	6,673	635	1,555	920	55
Little Polavina	1,363	47	119	72	22
Vostochni	27,148	1,808	3,313	1,525	329
Morjovi	7,773	485	950	445	109
Total	123,048	10,309	20,331	10,022	1,627
Addition of 20 per cent. for loss between August and October counts	..	..	..	2,061	..
Starving pups to be added as starved.	..	..	..	1,527	..
Addition for bodies taken for dissection .. .. .	..	..	..	150	..
Total starved .. .. .	..	..	..	13,700	..
ST. GEORGE ISLAND.					
North	6,809	259	145	..	7
Staraya Artil	2,269	135	104	..	3
Zapadni	5,509	199	527	..	4
East	4,086	112	15	..	4
Little East	1,350	31	16	..	1
Total	20,023	736	897	..	19
Grand total for both islands.	143,071	11,045	21,228	..	1,546

It will be observed that the result for St. George Island is unsatisfactory, inasmuch as on three of its rookeries far less dead pups were found on the second occasion than the first. The blue foxes appear to have devoured the carcasses wholesale, and only two untouched bodies were found on the island. This destruction was most complete on East and Little East Rookeries, and just there I had noticed in the end of July the especial number of foxes, some of which had their earths almost within the bounds of the rookery. St. George may, therefore, be left out of the calculation, unless we choose simply to ascribe to it an estimated mortality in proportion to that of St. Paul.

The net result of the count for St. Paul is that, even were we prepared to admit that no other causes save pelagic sealing were at work after the 15th August to lead to the death of pups, and even if we reckon all the "starving" pups as starved, and add besides the estimate of 20 per cent. for loss or defects of observation, we then should have a total mortality to charge against the pelagic sealer a little more than equal to that which has already taken place in the early part of the season from causes acknowledged to be natural and apart from his agency. We may wonder that this mortality is not more, considering that nearly 30,000 seals (of all ages and both sexes) were taken during the summer in Behring Sea; but it is clear we cannot prove more nor any longer allege more. And such mortality is a very different matter from what has of late years been asserted to take place.

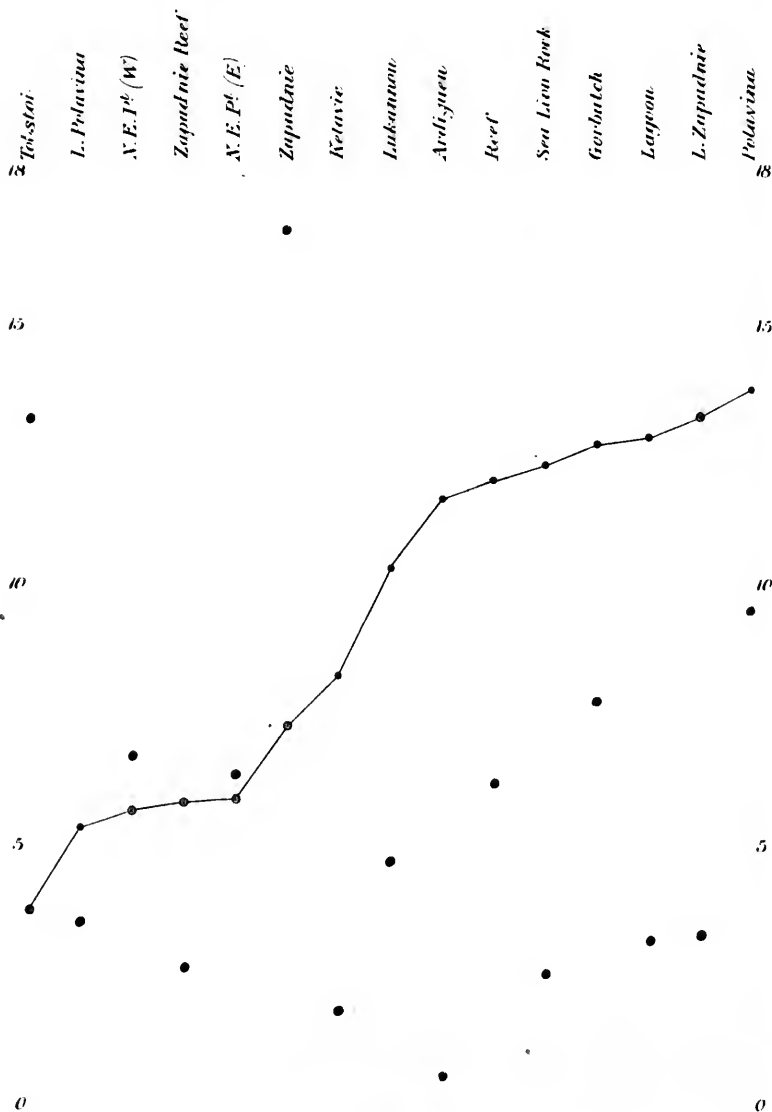
Dr. Jordan appears to charge in his preliminary Report the whole of this autumnal mortality, the whole loss of pups after the August count, to starvation, resulting from the operations of the pelagic sealers. I have no wish to dispute, nor have I any inclination to

Place	Starving.
0	42
4	27
8	51
4	191
0	154
9	64
3	18
0	120
0	8
6	300
4	31
0	55
2	22
5	329
5	109
2	1,627
1	..
7	..
0	..
0	..
	7
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	19
	1,546

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PERCENTAGE OF DEAD PUPS, AUGUST TO OCTOBER
ON THE SEVERAL ROOKERIES OF ST PAUL ISLAND.



REFERENCES.

The rookeries to North and West are represented by Blue dots.

" " " South and East " " " Black dots.

The red dots indicate the earlier mortality ending with the beginning of August.

doubt, that to the death of the mother at sea a large part of this mortality is due, but that this is the entire and sole cause is surely impossible to maintain after our experience of the earlier mortality, which showed no signs of having ceased at the time we estimated it.

Let us make, for comparison with the similar table previously given (p. 23), a table of the later mortality on the various rookeries expressed in percentage proportion of the dead pups to the whole number born.

PERCENTAGE Proportion of Pups found Dead in the September-October Count (after deduction of the whole number already counted in August) to the whole number born on the several Rookeries.

	Per cent.
Tolstoi	3.8
Little Polovina	5.3
North-east Point (west)	5.6
Zapadnie Reef	5.7
North-east Point (east)	5.9
Zapadnie	7.3
Ketavie	8.2
Lukannon	10.3
Ardiguen	11.6
Reef	12.0
Sea-Lion Rock	12.3
Gorbatch	12.7
Lagoon	12.8
Little Zapadnie	13.3
Polovina	13.8

The contrast or comparison of these two tables is exceedingly interesting to me. We still have a wide discrepancy between the percentages on the different rookeries where we should certainly be inclined to look for much closer agreement were a general and distant cause (such as the catch at sea) the only factor in operation. But the order of percentage is totally different from the preceding one. Differences in the nature of the ground have now little effect or none at all. Zapadnie and Zapadnie Reef come near together, as do Ketavie and Lukannon; Ardiguen, Reef, Sea-Lion Rock, and Gorbach are nearly identical one with another; Tolstoi, which stood all but at the head, now stands at the bottom. It is curious to note that, with the exception of Little Polovina, all the rookeries at the bottom of the list are on the north and west of the island, and, with the exception of Little Zapadnie, all those at the top of the list are rookeries on the south and east.

I do not propose to explain all the points that an examination of the statistics suggests. But while I believe that there are sufficient discrepancies to indicate the presence of other factors in the case, yet it would, in my opinion, be useless to deny that the figures tend to corroborate the presumption that pelagic sealing is responsible for a large part of this autumnal mortality.

The general result of our investigation accordingly is that pelagic sealing, instead of being the one and only cause of the whole mortality of pups upon the islands, is in fact responsible for an unknown but considerable fraction of a fraction which is somewhat over one-half of the whole.

If, moreover, we require further warning not to ascribe too large a coefficient to the influence of pelagic sealing on the aggregate mortality, we may find it in a comparison of the statistics for 1895 and 1896. We have every reason to believe that the count was made, for the Island of St. Paul at least, as conscientiously in the one year as in the other; the numbers are congruent for the rookeries severally as well as collectively. Yet we have evidence of only some 1,600 more dead pups in the former than in the latter year, against a pelagic catch in Behring Sea greater (*cf.*, United States' Treasury Doc., No. 1932, p. 37, 1897) by nearly 15,000.

In 1895 the count of dead pups on the islands was made, once for all, in the days immediately preceding the 10th October. The enumeration on St. Paul Island was evidently systematic and careful, and its results tally very closely with those of 1896.

On St. George Island the count is said to have been made by Mr. Ziebach, the agent in charge. Mr. Ziebach reports the finding of 6,012 dead pups (where, in 1896, only 897 were obtained), a figure that would indicate a mortality of about one-third of all the pups born on the island. I can offer no explanation of this stupendous discrepancy.

The following Table sums up the total mortality of pups reported from the two islands for 1895 and 1896.

COMPARATIVE Statement of the Total Mortality of Pups in 1895 and 1896.

ST. PAUL ISLAND.

Rookery.	1895.	1896.	Remarks.
Ketavie	857	609	The figures for 1895 are from Sen. Doc. 137, Part II, pp. 36 and 37, 54th Cong., 1st Sess.
Lukamon	1,347	579	
Lagoon	300	316	
Polavina	1,970	1,674	
Gorbatch	1,514	1,956	
Zapadni	5,231	5,415	
Little Zapadni	381	..	
Tolstoi	2,582	2,449	
Reef	3,376	2,786	
Sea-Lion Roek	361	284	
North-east Point	4,017	4,263	
Total	21,936	20,331	

ST. GEORGE ISLAND.

Rookery.	1895.	1896.	Remarks.
Zapadni	2,083	527	
North	1,559	145	
Sturaya Ati!	1,131	194	
East	986	15	
Little East	253	16	
Total	6,012	897	

SUMMARY of Statistics for 1896.

Date of Counting Cows.	Rookery.	Harems.*	Cows.	Counted or Estimated.†	Pups Alive, August.	Pups Dead, August.	Total of Pups Born.‡	Cows Dead.	Bills Dead.	Pups Dead (October).§	Pups apparently Starving (October).||
ST. PAUL ISLAND.											
July 13	Ketavie	182	3,182	C. + E.	5,910	109	6,049	..	..	609	42
" 20	Lukannon	147	2,543	C. + E.	4,245	205	4,450	2	..	579	27
" 13	Lagoon	120	1,474	C. + E.	2,406	78	2,484	4	2	316	51
" 14	Tolstoi (main)	389	6,720	C. + E.	9,996	1,779	11,775	9	2	2,449	191
" 14	" (chiff)	108	1,498	C. + E.	2,548	116	2,664	7	1	4395	154
" 14	Zapadne	388	10,063	C. + E.	14,533	3,095	17,628	16	6	4,293	61
" 14	Little Zapadne.	210	2,400	C. + E.	3,766	184	3,950	5	..	327	18
" 14	Little Zapadne (ref).¶	110	1,320	C. + E.	2,040	105	2,145	5	..	327	18
" 14	Grading (ref).||	302	5,224	C. + E.	8,430	712	9,142	5	1	778	8
" 13	March	27	550	C. + E.	650	2	652	..	..	78	8
" 15	Bay	504	8,719	C. + E.	14,308	950	15,258	24	2	2,786	300
" 12	See-Lion Rock	63	1,090	E.	1,857	50	1,907	..	..	281	31
" 23	Polovina (main)	138	2,387	E.	3,593	584	4,177	4	2	1,555	35
" 15	" (chiff)	86	1,268	C. + E.	2,445	51	2,496	..	..	119	22
" 23	" (Little)	45	779	C. + E.	4,117	295	4,412	..	..	3,313	329
" 16	North-east Point (west et.)	224	2,887	C. + E.	2,423	131	2,554	..	..	..	..
" 16	" (east et.)	112	1,194	C. + E.	5,115	369	5,484	30	11	950	109
" 16	" (east et.)	181	3,151	C. + E.	..	..	..	..	..	..	..
" 16	"	4,348	70,361	..	112,739	10,309	123,040	112	28	20,331	1,327
Total for St. Paul ..											
ST. GEORGE ISLAND.											
" 10	North	225	3,891	C. + E.	6,550	259	6,809	7	..	145	7
" 11	Little East	44	761	C. + E.	1,319	31	1,350	..	..	16	1
" 11	East ..	135	2,335	C. + E.	3,974	122	4,096	2	..	15	4
" 12	Zapadne	182	3,148	C. + E.	5,300	189	5,489	2	..	527	4
" 10	Staraya Ail	75	1,297	..	2,134	135	2,269	6	..	194	3
Total for St. George ..											
Grand total ..					132,926	11,045	143,963	130	28	21,228	1,346

Other Island had one harem, containing five pups.

* The count of harems here given for the Island of St. Paul was made during the general count by the Commissioners and Agents on the date specified. Another count made by Colonel Murray, somewhat different to the above, is recorded on p. 10. For St. George Island, Colonel Murray's count is here made use of.

† The exact number of cows, when counting was impossible, is based on an average of 17.3 to a harem, that being the number given by the count of Ketavie, Rookery.

‡ The exact number of pups born is based on an actual count in the cases of Ketavie, Lagoon, Tolstoi Cliff, and Zapadne Rock. Elsewhere it is arrived at by adding 75 per cent. to the number of cows as observed or estimated in the foregoing columns.

§ The latter count of dead pups for St. George Island is very inadequate, the bodies having been destroyed or removed by foxes in great number.

|| The estimate for the more crowded parts of the North-east Point is based on less perfect data than the rest, an accurate account even of harems being here impossible. Colonel Murray's count, above alluded to, is largely in excess of that here adopted for this rookery.

The Drives.

On the morning of the 15th July, in company with Dr. Jordan, Judge Crowley, Captain Moser and Lieutenant Garrett of the "Albatross," Dr. Stejneger, Mr. Lucas, and Mr. Clark, I witnessed the entire conduct of a drive from Reef Rookery. This drive is minutely and accurately described by Dr. Jordan in his preliminary Report (pp. 38-40). The points which I especially noted at the time, and which may be here recapitulated in brief, were the silence, orderliness, and absence of haste with which the whole proceedings were conducted; the care taken in sorting out, as the drive progressed, the largest of the half-bulls included in it; the much greater ease with which the younger seals travelled over the ground than their older and heavier brethren; and, lastly, the ease with which the herd travelled over the harder and rougher portions of the ground, compared with the labour involved in crossing a short stretch of sand at Zoltoi. Before traversing the latter, arduous, though apparently unimportant, part of the journey, the herd was allowed to rest and cool for 10 minutes. The difference was quite enough to show that distance in itself is (within reasonable limits) an unimportant cause of fatigue and hardship compared with the character of the ground traversed, and, furthermore, that the ground which seemed to the novice the most arduous was far from being so, for the seals clambered actively and with ease over great boulders and high angular masses of broken rock, while they panted with fatigue over a level stretch of sand.

I could see absolutely nothing to find fault with in the drive. The route is the most fatiguing now made use of on the islands, but I could discover no great hardship, and certainly no cruelty, involved. The seals certainly puffed and blew, and sweated and steamed; they stopped every now and then to rest, and panted, as Dr. Jordan says, "like dogs," but a moment after they went on again briskly. The signs of distress were less painful than I have often witnessed in a flock of sheep on a hot and dusty road, and I have seen drovers show less regard for the comfort of their sheep. No seal died or was injured by the way; they came to the end of their journey all in good condition, and when the killing was over, those that were permitted to escape betook themselves straight and quickly to the sea.

We left the village at 2 A.M., and the drive commenced immediately thereafter at Zoltoi Sands. The seals driven from there and from the bay opposite were guided by three men straight to the village killing-ground, where they waited till the drive was over, about 5 o'clock. It was 3 o'clock when we reached the end of the reef, and the seals there were gathered together and started on their way by half-past. About 1,500 seals were included in the drive and driven in two batches, one of which reached the killing-ground about 5 o'clock, the other about a quarter to 6. On reaching the killing-ground they were first turned into the shallow lake by its side and afterwards rounded up on the grass; 1,919 seals in all were driven up to the killing-ground; of these, 849 were killed, and 1,070 rejected, 522 as too small, and 548 as too large (according to my figures), besides the small number of still larger ones that were turned away in the course of the drive. The percentage killed on the ground was, therefore, only 44.3 of those driven up. The killing was concluded by about 10 o'clock, an interval for breakfast intervening.

A week before, on the 9th July, I had attended, not a whole drive, but the last portion of one and the subsequent killing, at Zapadni, St. George, and I append my notes made on the spot.

Leaving the village at 5 A.M., in company with Mr. J. Judge and Colonel Murray, we arrived on the ground shortly before 7 A.M. We found the pack of bachelor seals that had been driven on the previous evening from the hauling-grounds gathered together on rising ground near the watchman's hut. We walked down the hill to another hut, used by the Company's officers, at a distance of about half-a-mile, or rather more, and were there met by the Company's agent, Captain Daniel Webster. We had scarcely arrived there when the seals, driven by a couple of boys, arrived too, having covered the distance with no sign of exertion in less time than ourselves.

The killing-gang consisted of nineteen men and lads, three of whom carried wooden clubs 5 feet long. The seals were kept back a couple of hundred yards from the shore, and allowed to come forward in batches or packs to the killing-ground between the main batch and the sea. Captain Webster, club in hand, pointed out to the men what seals in each pack were to be slaughtered.

I counted in each batch the seals killed, and those rejected as too young or too old, as follows:—

Rejected as too Young.	Rejected as too Old.	Killed.	Total.
25	..	28	53
18	4	20	42
13	7	20	40
30	3	22	55
12	14	10	36
21	10	17	48
28	1	13	42
7	4	12	23
16	8	11	35
15	6	21	42
30	1	13	44
17	6	20	43
33	..	14	47
265	64	221	550

Percentage killed, 40.2.

The work of killing was completed at 8:20 A.M.

The men employed were clean, skilful, and vigorous. A single blow, or two at most, dispatched each seal, and I saw no failure of aim, even in the confused mass of seals tumbled pell-mell over one another. Though two killings (of 578 and 333 respectively) had already taken place from this rookery this season, I saw no seal bearing marks of previous injury. They showed no signs of terror; the survivors of each batch made quickly for the water, and were already swimming homeward as the next batch were being slain. Of the nineteen men, two drove down the batches of seals and two did the work of killing; two younger lads went round plunging a knife into the heart of any seal that still breathed, five (rippers) proceeded to slit the skins down the belly and around the neck and paws, after which the rest flayed the carcasses. The work of skinning nearly kept pace with that of killing.

I could not detect in the whole process either intentional or accidental cruelty.

After a short rest, we saw the skins placed in the salt-house, the tally taking place under the eye of the Company's Agent and the Treasury Agent; 213 skins were tallied, my former count having been only approximate in the hurry of the killing operations.

Eight skins were produced in addition, as those of seals killed in the preceding days by the watchmen for food.

When I watched the killing, after the drive already described from the Reef, it seemed to me that if there was any difference at all between the operations on the two islands, the men of St. George were perhaps the more skilful of the two. I noted that it seemed to me that on St. Paul the animals were hit more on the nose and less on the back of the head, and that a second or a third blow was more often necessary. But though there may have been a man here and there less skilful than another, the operation on the whole was performed with very remarkable good order, dexterity, and speed; and, both in respect to the driving and killing on the two islands, I at least have no recommendations to suggest for their improvement.

I afterwards attended a killing at Polavina, on the 23rd July. The gang here consisted of twenty-six men (five with clubs to kill) and four boys; 585 seals were killed, and 344 released as young, and 313 as old. Two young seals were here accidentally injured; of these one was killed a few minutes afterwards, and the other was found dead in the afternoon. Work was over by 8:45 A.M. The drive here is a rather long one, the killing-ground being fully a mile from the extreme part of the rookery, but the ground is level and easy; the drive is lengthened in order to bring the killing-ground near to a small lake, where the seals are cooled off.

I afterwards witnessed the last killings of the season, save for a small number killed later for food, on the 25th and 27th July. The proceedings call for no further remark or description.

The drive on the 25th July was a large and comprehensive one, seals being brought from Lukannon, Ketavie, Zoltoi Sands, and the Reef; on the 27th July the chief drive was from Tolstoi and Middle Hill, afterwards from Lukannon. Although Lukannon had been driven so recently, there were said to be a remarkable number of good first-class skins in this final drive from that rookery.

This drive completed the season's catch of 23,542 for St. Paul Island. About sixty

killable seals were turned away, and a drive from Zapadnié that it had been intended to make was not required. Up to the previous week 5,858 skins had been taken on St. George Island, when Mr. Crowley arranged that other 300 should be taken, that being, in Captain Webster's opinion, the utmost that could be done.

I append a Table showing the proportion of seals killed and released on the various rookeries from the date of our arrival.

PERCENTAGE of Seals Killed and Released at the several Drives.

Zapadnié, St. George Island, July 9 (D.W.T.)—					
Rejected as too young .. .. .	..	..	..	265	
Rejected as too old .. .. .	..	..	..	64	
Killed .. .. .	..	..	..	221	
Percentage .. .. .	..	..	..	..	41.8
Reef, July 14 (D.W.T.)—					
Rejected as too young .. .. .	..	..	..	522	
Rejected as too old .. .. .	..	..	..	548	
Killed .. .. .	..	..	..	849	
Percentage .. .. .	..	..	..	..	44.5
North-east Point, July 13, 14 (Mr. Adam)—					
Rejected young only .. .. .	..	..	..	1,159	
Killed .. .. .	..	..	..	2,214	
Tolstoi, July 16 (Mr. Adam)—					
Rejected as too young .. .. .	..	..	..	1,038	
Rejected as too old .. .. .	..	..	..	279	
Killed .. .. .	..	..	..	1,138	
Percentage .. .. .	..	..	..	..	47.2
North-east Point, west side, July 21 (Mr. Adam)—					
Rejected as too young .. .. .	..	..	..	637	
Rejected as too old .. .. .	..	..	..	811	
Killed .. .. .	..	..	..	808	
Percentage .. .. .	..	..	..	..	35.8
Polavina, July 23 (D.W.T.)—					
Rejected as too young .. .. .	..	..	..	344	
Rejected as too old .. .. .	..	..	..	313	
Killed .. .. .	..	..	..	585	
Percentage .. .. .	..	..	..	..	47.1
Lukannon, Ketavie, and Reef, July 25 (D.W.T.)—					
Rejected as too young .. .. .	..	..	..	1,177	
Rejected as too old .. .. .	..	..	..	1,008	
Killed .. .. .	..	..	..	1,630	
Percentage .. .. .	..	..	..	..	42.7
Tolstoi and Middle Hill, July 27					
Rejected as too young .. .. .	..	..	..	137	
Rejected as too old .. .. .	..	..	..	457	
Killed .. .. .	..	..	..	450	
Percentage .. .. .	..	..	..	..	43.1
North and Staraya Atil, July 13 (Mr. J. Judge)—					
Killed .. .. .	..	..	..	487	
Percentage .. .. .	..	..	..	..	46.0
East, July 21 (Mr. Judge)—					
Killed .. .. .	..	..	..	221	
Percentage .. .. .	..	..	..	..	27.0
North and Staraya Atil, July 24 (Mr. Judge)—					
Killed .. .. .	..	..	..	308	
Percentage .. .. .	..	..	..	..	17.0

Mr. Judge further supplied me with the following statistics of the percentage killed at the earlier drives on St. George Island. In these cases the percentage given is not the result of a close count, but is merely an approximation.

Date.	Rookery.	Killed.	Percentage killed.
June 19 ..	East	576	32
.. 21 ..	Zapadnié	568	76
.. 26 ..	North and Staraya Atil	999	72
.. 29 ..	East	804	62
July 2 ..	Zapadnié	333	68
.. 6 ..	North and Staraya Atil	700	56
.. 7 ..	East	614	57

These figures, though not nearly so complete as we might wish them to be, are nevertheless exceedingly instructive, and illustrate a large number of useful truths.

In the first place they show that a very considerable proportion of males are rejected at every drive as too old for killing, and that to this extent the system is not a ruthless one, but leaves a liberal supply for breeding purposes. In some cases the animal taken is so little less than its neighbour which is left that the amateur can scarcely detect the difference, so inconspicuous is the incipient "wig" or growth of coarse hair over the withers which determines the rejection.

In the second place, the falling percentages are a rough measure of the extent to which the successive drives exhaust, or fall short of exhausting, the available stock.

In this instance the conclusion is inevitable that the drain upon the Island of St. George was this year much more severe than that upon the Island of St. Paul.

Note.—It is unfortunate that no more exact statistics are available as to the proportion of bachelor seals killed to those released. A careful count of the numbers released was not made until we arrived upon the islands, and the rough estimates furnished us for some of the earlier drives are useless as a basis for calculation.

It is clear that, if we may assume that the time intervening between two successive drives is sufficient to allow of a thorough redistribution of the bachelor herd, and if the case be not rendered much more complex by a great diversity in habits, or in the date of arrival of the bachelors of different ages, then we ought to possess in the falling percentage of "killable" bachelors in the successive drives a means of estimating approximately the total number of the bachelor herd for each rookery.

My colleague, Dr. John McCowan, has furnished me with the following solution of this problem:—

Let m be the ratio of killed to spared in the second drive, and n the like ratio for the first.

Let r be the reciprocal of $1 - \frac{m}{n}$.

Then the total original number of seals = r times the number contained in the first drive.

For example, taking the killings from North Rookery and Staraya Atul on July 6 and 13, as being perhaps the best (or the least faulty) instance at hand, we have—

$$\begin{array}{l} \text{July 6} \quad n = \frac{56}{44} \\ \text{,, 13} \quad m = \frac{46}{54} \end{array}$$

$$\therefore r = \frac{1}{1 - \frac{46}{54}} = \frac{1}{1 - \frac{23}{27}} = \frac{1}{\frac{4}{27}} = \frac{27}{4} = 6\frac{3}{4} = \text{(nearly) } 7$$

Now, on the 6th July were killed 700, being 56 per cent. of the drive.

The drive on the 6th July, therefore, contained 1,250 seals.

The whole herd on the 6th July, therefore, contained $1,250 \times 3 = 3,750$ seals.

And $3,750 + 999$ (killed on 26th June) = 4,750, is thus given us as an approximate number of bachelors for the hauling-grounds of these two rookeries at the beginning of the season.

Estimating either by the count of cows or by the yield on the killing-grounds, these two rookeries are equivalent to about one-fifteenth of the two islands; and we, therefore, arrive at a total of somewhat over 70,000 as the number of bachelors (of two years old and upwards) frequenting the islands at the beginning of last season.

The subsequent drive on the 24th July from the same rookeries, at which only 17 per cent. are said to have been killed, is unfortunately not available as a check on the

above calculation. It was the last drive of the season, and was only made to furnish the balance of the quota.

The estimate is here given merely as an illustration of a method, which, with better data to work upon, might prove valuable. The percentage given for the 6th July is not to be relied on. Nevertheless, the result arrived at is probably not a very long way from the truth.

STATISTICS of Seals Killed on the Prihyloff Islands in the Season 1895-96.

ST. PAUL ISLAND.

Season.	Date.	Rookery.	Seals killed.
1895	Autumn	Food-skins	929
1896	May 13	Sea-Lion Rock	121
	" 22	North-east Point	3
	" 26	Tolstoi	102
	June 4	North-east Point	3
	" 8	Reef	149
	" 13	Watchmen to date	6
	" 19	Zoltoi	384
	" 20	Watchmen	283
	" 23	North-east Point	2
	" 24	"	1,414
	" 27	Reef	1,408
	" 29	English Bay, Middle Hill, Tolstoi	2,076
	July 2	North-east Point	1,398
	" 3	"	1,396
	" 6	Zoltoi, Lukannon	1,109
	" 7	Zapadni	1,535
	" 8	Polavina	784
	" 10	Reef, Zoltoi	961
	" 13	North-east Point	1,271
	" 14	"	1,045
	" 15	Reef, Zoltoi	1,169
	" 16	Tolstoi, Middle Hill, English Bay	849
	" 21	North-east Point	1,138
	" 22	"	808
	" 23	Polavina	1,017
	" 25	Lukannon, Ketavie, Zoltoi, Reef	585
	" 27	Middle Hill, Tolstoi, Lukannon	1,630
			621
		Total	23,842

ST. GEORGE ISLAND.

Season.	Date.	Rookery.	Seals killed.
1895	Autumn	Food-skins	166
1896	May 18	North Rookery	15
	" 31	"	46
	June 11	"	100
	" 19	East Rookery	161
	" 24	Zapadni	576
	" 26	North and Staraya Atil	568
	" 29	East	999
	July 2	East	804
	" 6	Zapadni	333
	" 7	North and Staraya Atil	700
	" 9	East and Little East	614
	" 13	Zapadni	221
	" 21	North and Staraya Atil	487
	" 24	East	221
	" 24	North and Staraya Atil	308
		Total	6,163

TOTAL.

	1895-96.	1896 to August.
St. Paul Island	23,812	22,913
St. George Island.. .. .	6,163	5,997
Total	30,005	28,910

NOTE.—All skins of seals killed on the islands in 1896 were accepted by the agents of the North American Commercial Company. Seven skins taken for food in the previous autumn (15th October) on North Rookery, St. George Island, were rejected, one as being under-sized, the rest as stagers.

The above figures were furnished me for St. Paul Island by Judge Crowley, United States' Treasury Agent in charge of the Pribiloff Islands, and for St. George Island by Mr. James Judge, United States' Treasury Agent.

COMPARATIVE Frequency of Drives in past Years on the Pribiloff Islands.
Cf. Sen. Doc. 137, Pt. I, pp. 302-319.)

ST. PAUL ISLAND.

Rookery.	1878.	1888.	1889.	1896.
North-east Point	4	33	33	4
Reef, including Zoltoi.. .. .	18	17	18	6
Tobstoi and Middle Hill	9	13	13	3
Lukannon and Ketavie	9	6	12	3
Zapadnie	4	8	8	1
Polovina	3	8	7	2

ST. GEORGE ISLAND.

Rookery.	1878.	1888.	1889.	1896.
North	7	16	13	5
East	7	14	15	4
Zapadnie	7	10	12	3
Staraya Atil.. .. .	5	15	13	4

NOTE.—In the above Table all the "food-drives" and all the drives in autumn subsequent to the "stagey" season are omitted.

The figures given for the years 1888-89 are not in all cases, at least not in the case of the larger rookeries, strictly comparable with those for this year, since they record as separate drives drives that obviously covered only a portion of the rookery; the figures for North-East Point in those years should, at any rate, be divided by two. Nevertheless, the comparison is of some value, and may be checked by an inspection of the full statistics from which the above epitome is drawn.

It is manifest from the above statistics that the rookeries, especially those on St. Paul Island, were last year subjected to vastly less severe handling than in days gone by, especially in the latter years of the Alaska Company's tenure.

There was no "raking and scraping" required to furnish the quota of 30,070 skins that was last year permitted and obtained. It is equally clear that the 30,000 might have been considerably exceeded, though it is not safe to make assumptions regarding the measure of such possible excess. But we may at least take note that the killing came to a satisfactory end last year without the need for even a second drive at Zapadnie, from which

no seals were taken after the single drive on the 7th July, at which 784 skins were taken; while in 1895 Zapadne furnished—

July 2	..	..	..	..	..	..	..	..	..	Skins.
" 19	..	..	..	..	..	..	..	..	..	861
										834
Total	..	..	..	..	..	..	..	..	..	1,695

And in 1894—

June 23	..	..	..	..	..	..	..	..	..	Skins.
July 17	..	..	..	..	..	..	..	..	..	840
										933
Total	..	..	..	..	..	..	..	..	..	1,770

Statistics of Killing on North-east Point.

Captain David Webster had the kindness to communicate to me (5th August, 1896) his private memoranda of the killing on North-east Point that he had himself superintended. Captain Webster has had more experience than any man alive of seals, their quest and their slaughter. His experiences are in part recorded in the Report of the British Commission of 1891, and the Commission then bore testimony, which it would be superfluous for me to repeat, as to his extreme regard for accuracy of statement.

Year.		Date.	Killed.
1868	Finished killing (for want of salt) after k.E. of 20,000. Then twice as many more were killed on the same rackery by other hands. In regard to the great and unrestricted slaughter of this year, it has been alleged that the slaughter was indiscriminate, and regardless of sex or age. Captain Webster is positive in asserting that bachelor males only were killed; that these were so abundant that it was unnecessary to disturb the more difficultly driven breeding-grounds for the bulls and females; and that the natives would have refused even then to kill after being all their lives accustomed to protect them.		
1869	None killed.		
1870	Captain Webster absent on Robben Reef.		
1871	Killing completed	October 28	18,000
1872	" " " " " "	July 19	23,411
1873	" " " " " "	" 23	26,369
1874	" " " " " "	" 17	35,775
1875	" " " " " "	" 17	35,118
1876	(Absent on Commander Islands.)		
1877	Killing completed	" 9	25,264
1878	" " " " " "	" 10	22,839
1879	" " " " " "	" 10	29,245
1880	" " " " " "	" 9	25,799
1881	" " " " " "	" 8	18,077
1882	" " " " " "	" 17	23,211
1883	" " " " " "	" 9	13,361
1884	" " " " " "	" 18	21,099
1885	" " " " " "	" 23	19,818
1886	" " " " " "	" 24	26,924
1887	" " " " " "	" 22	28,565
1888	" " " " " "	" 26	32,863
1889	" " " " " "	" 31	28,805

From these statistics two deductions may be fairly drawn.

Firstly that the diversities of dates by which the work was completed and the varying numbers obtained indicate a variation in the numbers of the stock from year to year even in very early periods. This fact Captain Webster himself pointed out, and bore witness from his recollection to its truth. He was positive that even in those early days the seals were more abundant one year than another, and that the yield was gathered in with varying

degrees of labour and in varying plenty; but he professed himself unable to explain this fact. Secondly, we may see from the continual lengthening out of the season something of the increasing difficulty experienced in the last years in obtaining the total; and the large numbers secured to the end (that of 1888 exceeding that of any year since 1875) may perhaps be interpreted as showing how this great harvest-ground was drawn upon to the utmost in the struggle to achieve the whole quota of 100,000 for the islands during the last years of the Alaska Company's tenure.

Conclusion

Besides the facts or statements that I have dealt with in the preceding pages, there are still many other points, to which my attention was directed, concerning which I beg leave in the meanwhile to pretermit my report. Such matters as these are the dates of arrival and departure of the various classes of seals, their manner of feeding and periods of abstinence from food, their distribution at sea and the duration of their stay ashore, the diet of the pups at weaning, the measure of virility of the bulls, and the phenomena of pregnancy in the females.

Certain of these matters are discussed in the Reports of my colleagues; certain of them are matters in regard to which the poverty of our knowledge invites suspension of judgment and fresh search for evidence.

In the foregoing account I have merely set forth my observations of the herd and its past history in so far as both together show that the alarming statements to which utterance has been given in recent years, the accounts of the herd's immense decrease and the prophecies of its approaching extinction, are overdrawn and untenable. But it is my duty to state to your Lordship that there is still abundant need for care and for prudent measures of conservation in the interests of all. A birth-rate which we estimate at 143,000 per annum is not great in comparison with the drain upon the stock. From one cause or another, a loss of over 20,000 is experienced among the pups ere they emigrate to sea; and though the dangers they there encounter are unknown to us, we may take it for certain that the risks they run are great and the loss they endure considerable. When to the measured loss in infancy and to the unmeasured loss in youth and age we add the toll taken on the islands and the toll taken in the sea, it is not difficult to believe that the margin of safety is a narrow one, if it be not already in some measure over-stepped. We may hope for a perpetuation of the present numbers; we can not count upon an increase. And it is my earnest hope that a recognition of mutual interests and a regard for the common advantage may suggest measures of prudence which shall keep the pursuit and slaughter of the animal within due and definite bounds.

I am, &c.

(Signed) D'ARCY W. THOMPSON.

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BRITISH COLUMBIA Sealing Catch, 1906.

Vessel	Tons	Master	Particulars of Catch										Total	Number of Special Sealing Licences.		
			Crews		Bales		British Columbia Coast		Japan Coast		Vicinity of Cooper Islands				Bearing Sea	
			White	Indians	Tons	Times	Miles	Penalties	Miles	Penalties	Miles	Penalties			Miles	Penalties
Ada	51	G. R. Pevey	6	20	1	10	..	..	310	..	..	304	319	723	57
Agnes MacDonald	107	M. F. Collier	..	..	19	..	..	..	..	..	..	147	135	327	26
Amoko	75	G. Hever	6	12	2	6	158	230	..	..	8	8	133	367	49
Allis J. Alger	..	C. E. Locke	23	..	9	..	..	397	262	16	32	123	288	1,118	12
Anator	18	C. Ripson	..	16	..	..	..	..	..	..	..	..	..	109	57
Annie G. Moore	113	C. Hackett	..	8	24	13	271	160	..	..	..	583	505	1,319	51
Annie E. Pant	82	A. Bisset	..	..	12	..	..	419	395	..	..	51	144	1,040	24
Arctic	86	P. Martin	..	..	6	..	..	715	319	..	..	108	330	1,472	20
Aurora	41	T. H. Brown	..	..	6	..	..	44	281	16	19	8	63	437	14
Bearice (Shanghai)	66	Wm. Heater	6	26	2	13	239	142	..	..	..	173	351	913	38
Beatrice	49	A. H. Jones	..	11	..	6	272	91	..	..	..	43	47	453	44
Beatrice	37	A. Wasberg	..	23	..	..	..	..	32	245	..	70	235	522	3
Carlotta G. Cox	76	W. D. Byers	..	..	9	..	..	..	332	670	..	..	160	1,495	27
Carrie C. W.	92	J. A. Gough	..	..	1	16	112	37	..	..	..	273	520	1,072	42
Casco	63	C. Le Blanc	..	22	..	..	..	..	146	522	63	133	..	1,010	13
C. D. Rond	51	J. O. Townsend	..	6	27	2	13	..	..	..	..	214	335	569	64
City of San Diego	..	W. McDonnell	..	..	1	11	143	64	..	..	..	93	307	613	29
Diana	50	A. N. Jeon	..	18	..	6	..	..	473	322	19	76	..	1,076	7
Director	87	F. W. Gilbert	..	23	..	..	..	..	490	433	55	98	..	1,076	21
Dolphin	72	John Dyer	..	8	24	2	13	454	48	..	..	235	274	1,109	54
Dora Seward	80	H. F. Sivard	..	10	32	2	16	174	203	..	..	325	460	1,203	45
Doris	86	Fred Griffiths	..	6	23	1	12	..	..	..	..	122	533	662	65
E. B. Marvin	33	C. J. Harris	..	2	23	11	15	314	317	439	..	109	142	1,087	9	
Favourite	..	L. McLean	..	9	26	2	13	285	143	..	..	434	535	1,873	48
Fawn	21	M. Foley	..	..	4	..	..	..	..	..	..	371	243	1,043	40
Fisher Maid	..	C. Clapps	..	..	11	..	..	..	..	..	..	137	134	58	56
Florence M. Smith	..	L. McGrath	..	..	7	..	..	..	..	206	..	..	..	253	26
Fortuna	97	Thos. O'Leary	..	..	8	..	..	..	..	372	44	130	..	708	10
Genera	92	W. O. Leary	..	..	8	..	..	..	..	190	309	182	289	900	8
da Rita	69	W. O. Hughes	..	..	9	..	..	..	..	435	3	10	65	1,032	59

Kate 58 C. Stromgren 21 12 52 122 281 592 93

Appendix.

Communication from Messrs. C. M. Lampson as to the market prices of salted fur-seal skins, 1886-96.

Dear Sir,

64, Queen Street, E.C., London, January 30, 1897.

We are in receipt of your favour of yesterday's date, and in reply beg now to inclose statement showing the yearly catches of the different kinds of fur-seals sold by public auction in London since 1886.

You will notice that prices advanced very greatly in 1890, when the take of the Alaskas was suddenly reduced to about one-fifth of the usual quantity. Prices generally kept at a high figure during the years 1891-92, and they showed a decline as soon as the largely increased quantity of the north west coast catch began to tell. Since then there has been an almost uninterrupted decline in the leading sorts until the present time.

In explaining our classification, we beg to state again that—

Alaskas comprise the male seals taken by the North American Commercial Company on the Pribyloff Islands;

Coppers, the males taken by the Russian Seal-skin Company on the Siberian Islands;

North-west Coast, those taken by the pelagic sealers off the west coast of North America from San Francisco to the Aleutian Islands, along the coast of Japan, in the neighbourhood of the Siberian Islands and in the Behring Sea;

Lobos, the skins taken by a Uruguayan Company on the Lobos Islands, off Monte Video;

South Sea, skins taken in the Antarctic Ocean.

Besides the seals enumerated above, about 3,000 skins per annum are taken off Cape Horn, about 1,000 skins per annum in Australasian waters, and about 2,000 skins per annum off the Cape of Good Hope, all these being of comparatively little value.

We shall at all times be happy to furnish you with any information that is in our power to give.

Yours truly,
(Signed) C. M. LAMPSON AND Co.

Professor D'Arcy W. Thompson,
University College, Dundee.

STATEMENT of Gross Average Prices obtained for Salted Fur-seal Skins.

Year.	Alaska.		Copper Island.		North-west Coast, &c.		Lobos.		South Sea.	
	Number of Skins.	Price of Skin.	Number of Skins.	Price of Skin.	Number of Skins.	Price of Skin.	Number of Skins.	Price of Skin.	Number of Skins.	Price of Skin.
1886	99,947	89 7	31,750	40 0	49,079	29 5	15,049	18 1	..	..
1887	99,949	56 0	54,584	40 0	39,419	26 0	14,831	16 4	..	..
1888	100,037	77 11	46,296	38 4	30,285	34 8	17,774	20 6	..	..
1889	100,031	66 11	47,411	50 6	39,884	42 0	13,205	27 8	..	..
1890	20,994	146 6	52,765	58 2	47,467	64 4	14,241	35 0	..	..
1891	13,494	125 4	{ 53,946 5,800 30,681	{ 84 9 58 10 68 6	63,733	54 9	13,634	33 6	..	..
1892	7,554	125 4	31,380	81 1	72,978	68 7	12,202	26 6	..	..
1893	7,500	108 6	32,832	71 10	106,368	51 3	13,624	30 4	45	77 4
1894	15,888	86 0	27,298	57 6	135,586	35 7	12,145	21 1	..	..
1895	15,002	81 9	17,721	54 0	102,460	43 10	12,017	20 0	..	..
1896	{ 7,500 22,500 still unsold	{ 68 1	14,415	45 2	{ 63,696 6,000 still unsold	{ 32 2	{ 14,019 5,153 still unsold	{ 22 6	584	51 9

Report by Professor D'Arcy Thompson on his
Mission to Behring Sea in 1896, dated March 4,
1897.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. May 1897.*

LONDON.
PRINTED BY HARRISON AND SONS.

UNITED STATES. No. 4 (1897).

CORRESPONDENCE

WITH THE

UNITED STATES' GOVERNMENT

RESPECTING THE

SEAL FISHERIES IN BEHRING SEA.

*Presented to both Houses of Parliament by Command of Her Majesty,
September 1897.*

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Report by Professor D'Arcy Thompson on his
Mission to Behring Sea in 1896, dated March 4,
1897.

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Correspondence with the United States' Government respecting the Seal Fisheries in Behring Sea.

No. 1.

Sir J. Paine's note to the Earl of Kimberley.—(Received January 28.)

My Lord, *Washington, January 18, 1895.*

I HAVE the honour to report that, on the 15th ultimo, the Secretary of State transmitted to me in a copy of "Regulations approved by the Secretary of the Treasury for the government of vessels that may be employed in fur-seal fishing in the season of 1895."

On examining those Regulations I was inclined to think that they could hardly have received the personal attention of the Secretary of the Treasury, and they were certainly not in a form in which I could reasonably be expected to transmit them to your Lordship for the consideration of Her Majesty's Government. I therefore arranged with Mr. Gresham that I should discuss the matter personally with the Secretary of the Treasury, as I did last year, with respect to the Regulations for the fishery season 1894.

I accordingly called on Mr. Carlisle at the Treasury, and pointed out to him that, so far as Great Britain was concerned, sufficient provision had been made by "The Behring Sea Order in Council No. 2" (of the 26th June, 1894) to give effect to Articles 4 and 7 of the Award Regulations which relate to the special licence, the distinguishing flag, and the fitness of the men to be employed in the fishery.

It would seem that "The Behring Sea Order in Council No. 2" although referring in the third recital to the arrangements made for the "present year" (1894), is of a permanent character, and unless repealed will apply to a renewal of the same arrangements for 1895. But I gather from the correspondence with the Canadian Government that some doubt exists on this point.

In conversation with Mr. Carlisle, I assumed that Her Majesty's Government desired no change of those arrangements, which had been made in pursuance of Articles 4 and 7 of the Award Regulations, and that the only question, therefore, to be dealt with was as to the renewal of the Regulations agreed on last season for the protection of sealing-vessels from unnecessary interference within the area of the Award during the close season by enabling them voluntarily to have their implements of fishery sealed up by the proper authorities.

The draft transmitted to me by Mr. Gresham (Inclosure 1) contained provisions on that subject and on other matters which could not be accepted by Her Majesty's Government.

In the first place, the sealing-up of arms, &c., was in one case made compulsory instead of voluntary, and other restrictive provisions were inserted which were not warranted by the Award. Moreover, the provisions as to the sealing-up of arms appeared to me too complicated.

Mr. Carlisle, while concurring generally in my objections to the draft, stated that the Regulations as to the voluntary sealing-up of arms had worked so well, and for the benefit of the fishermen during the last season, that he could not doubt the willingness of Her Majesty's Government to renew them for 1895.

He proceeded to ask me whether I would supply him with a draft of Regulations on the subject, such as I thought would be acceptable to Her Majesty's Government; nearly the whole of his time and attention being at the present juncture absorbed by the currency measures now before Congress. I consented to do so, guarding myself, however, against committing Her Majesty's Government to any draft which I might so

prepare at his request, and which I could only submit to your Lordship for consideration. Accordingly, a few days later I supplied Mr. Carlisle with the draft of Regulations for the voluntary sealing-up of arms, of which a copy forms Inclosure 2 of this despatch. He expressed his approval of that draft, and stated that he was willing to adopt it in lieu of the provisions drafted in his Department, but with reference to Article 3 he urged that it would be very desirable for the convenience of all parties that, as by Article 6 of the Award Regulations the use of shot-guns is prohibited in Behring Sea, though permissible outside, sealing-vessels should be compelled to deposit their shot-guns at Unalaska before entering Behring Sea.

He begged me to submit that proposal to your Lordship. Yesterday I received from Mr. Carlisle a draft of Regulations revised by himself, a copy of which forms Inclosure 3 to this despatch.

The first three Articles merely repeat the provisions of last year in relation to the special licence, the distinctive flag, and the fitness of the seal hunters to be employed.

Articles 4, 5, and 6 embody my own draft (Inclosure 2) in relation to the voluntary sealing-up of arms, &c.

Article 7 is a useful provision enabling United States' sailing vessels to obtain a special licence in Japanese ports.

Article 8 declares that the Regulations apply only to the season 1895.

Mr. Carlisle's revised Regulations do not appear to me to be open to any objection, and I await your Lordship's instructions on the subject.

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

Inclosure 4 in No. 1.

Regulations concerning Vessels employed in the Fur-seal Fishing.

ARTICLE 1. Every vessel employed in fur-seal fishing shall have, in addition to the papers now required by law, a special licence for fur-seal fishing.

Art. 2. Before the issuance of a special licence, the master of any sailing-vessel proposing to engage in fur-seal fishing shall produce satisfactory evidence to the officer to whom application is made that the hunters employed by him are competent to use the weapons authorized by law.

Art. 3. Every sealing-vessel provided with special licence shall show under her national colours a flag, not less than 4 feet square, composed of two equal pieces, yellow and black, joined from the right-hand upper corner of the fly to the left-hand lower corner of the haly, the part above and to the left to be black, and the part to the right and below to be yellow.

Art. 4. Fire-arms, nets, or explosives shall not be used at any time for taking or killing fur-seals in that portion of Behring Sea described in the Act approved the 6th April, 1894, entitled "An Act to give effect to the Award rendered by the Tribunal of Arbitration at Paris, under the Treaty between the United States and Great Britain concluded at Washington the 29th February, 1892, for the purpose of submitting to Arbitration certain questions concerning the preservation of Fur-seals."

Art. 5. Any vessel in a home or foreign port, wishing to engage in fur-seal fishing, and to sail from such port during the months of May, June, or July, may apply, if in a port of the United States to the Chief Customs officer, or if in a foreign port to a Consular officer, to have the sealing outfit of such vessel secured under seal, and the fact noted on her special licence for fur-seal fishing. Such seal shall not be broken during the time fur-seal fishing is prohibited.

Art. 6. *Sealing-vessels in the North Pacific Ocean, east of 180° longitude: how to secure Safe-conduct to Home Port or to Behring Sea during the months of May, June, and July.*

Any vessel having licence to hunt fur-seals in the North Pacific Ocean and Behring Sea, east of 180° longitude, shall, before entering Behring Sea, except to proceed direct to the port of Unalaska from the Pacific Ocean, via passes eastward of that port, report to a Customs officer of the United States, or an officer of the United States' navy, and have all arms and ammunition therefor on board secured under seal.

Such seal shall not be broken during the time the vessel is in Behring Sea, or fur-seal fishing is prohibited. In order to protect vessels found within the area of the Award between the 30th April and the 1st August, but which have not violated the law, from improper seizure or detention, the masters thereof may, by applying to the Commander of any cruiser or to a Customs officer, and declaring that he intends to proceed to a home port or to Behring Sea, have her sealing outfit secured under seal, and the officer placing this seal shall enter the fact and date of the same upon her log-book, with the number of seal-skins and bodies of seals then on board, and said seal shall not be broken during the time fur-seal fishing is prohibited, except at a home port.

Art. 7. Vessels in the North Pacific Ocean, west of 130° longitude how to secure Safe-conduct to Home Port or to Behring Sea.

Vessels in Japanese waters or on the Siberian coast, west of 130° longitude, wishing to return to a home port during May, June, or July, may apply to any United States' Consular officer, and have their sealing outfit secured under seal, and the fact entered on their log-books. Such seal shall not be broken except at her home port, and such seal and entry shall constitute a sufficient protection against seizure whilst within the area of the Award on their direct passage to such port.

Vessels in Japanese waters or on the Siberian coast, west of 130° longitude, wishing to enter Behring Sea, may apply to any United States' Consular officer and have their fire-arms and ammunition therefor secured under seal, and the fact entered in their log-books. Such seal shall not be broken while in Behring Sea, and such seal and entry shall constitute protection against seizure.

Art. 8. Any vessel described in the preceding paragraph may obtain special licence for fur-seal fishing upon application to the United States' Consular office of any port in Japan, after furnishing the evidence required in Article 2.

Art. 9. The authority hereinbefore granted to United States' Consular officers, Customs officers, and officers of the United States' navy may be exercised by like officers in the service of the Government of Great Britain, except in ports of the United States.

These Regulations are intended to apply only to the season of 1895.

Inclosure 2 in No. 1.

FUR-SEAL FISHERY (SEASON 1895).

Special Regulations for the Protection of Sealing-vessels against unnecessary Interference or Detention during the Close Season.

1. In order to protect from unnecessary interference or detention within the area of the Award during the close season (that is to say, between the 30th April and 1st August) sealing-vessels which have not violated the law, any sealing-vessel lawfully traversing, or intending to traverse, the area of the Award during the close season on her way to her home port or any other port, or to or from the sealing-grounds, or for any other legitimate purpose, may, on the application of the master, have her sealing outfit secured under seal, and an entry thereof made on her clearance and log-book, and such sealing-up and entry shall be a protection to the vessel against interference or detention during the close season by any cruiser, so long as the seals so affixed shall remain unbroken, unless there shall be evidence of any violation of the Fishery Articles notwithstanding.

2. Such sealing-up and entry may be effected, in port or at sea, by any Naval, Consular, or Customs officer of the nation to which the vessel belongs.

It may also be effected in the case of British sealing-vessels at the Island of Atton by any Naval or Customs officer of the United States in the absence of any British Naval or Consular officer.

It may also be effected *at sea* as regards British vessels by the Commander of a United States' cruiser, and as regards United States' vessels by the Commander of a British cruiser.

If the master shall so desire, the officer effecting the sealing-up and entry shall deliver to him a certificate of the number of seals and seal-skins on board at that date, keeping a copy of the same.

3. And whereas, by the 6th Fishery Article of the Award, the use of nets, firearms, and explosives are forbidden in the fur-seal fishery, but that restriction does not apply to shot-guns when such fishing takes place outside of Behring Sea during the season when it may be lawfully carried on, any sealing-vessel having shot-guns and ammunition on board may, before entering Behring Sea, on the application of the master, have the same secured under seal, and an entry thereof made on her clearance or log-book; and such sealing-up and entry may be effected in the same manner, and shall afford the same protection against interference or detention in Behring Sea during the season when the fishing may lawfully be carried on there, as the securing of sealing outfits under the 1st Article of these Regulations.

4. The foregoing Regulations are intended to apply only to the season of 1895.

Inclosure 3 in No. 1.

Regulations governing Vessels employed in Fur-seal Fishing.

ARTICLE 1. Every vessel employed in fur-seal fishing shall have, in addition to the papers now required by law, a special licence for fur-seal fishing.

Art. 2. Before the issuance of the special licence required by the 4th Article of the Award, the master of any sailing-vessel proposing to engage in the fur-seal fishery shall produce satisfactory evidence to the officer to whom application is made that the hunters employed by him are competent to use with sufficient skill the weapons by means of which the fishing may be carried on.

Art. 3. Every sealing-vessel provided with special licence shall show under her national ensign a flag, not less than 4 feet wide, composed of two pieces, yellow and black, joined from the right hand upper corner of the fly to the left hand lower corner of the huff, the part above and to the left to be black, and the part to the right and below to be yellow.

Art. 4. In order to protect from unnecessary interference sealing-vessels within the area of the Award, during the close season (that is to say, between the 30th April and the 1st August), but which have not violated the law, any sealing-vessel lawfully traversing, or intending to traverse, the area of the Award during the close season, on her way to her home port, or to or from the sealing-grounds, or for any other legitimate purpose, may, on the application of the master, have her sealing outfit secured under seal, and an entry thereof made on her clearance or log-book, and such sealing-up and entry shall be a protection to the vessel against interference or detention, during the close season, by any cruiser so long as the seals so affixed shall remain unbroken, unless there shall be evidence of any violation of the Fishery Articles of the Award notwithstanding.

Art. 5. Such sealing-up or entry may be effected, in port or at sea, by any Naval, Consular, or Customs officer of the nation to which the vessel belongs.

It may also be effected in the case of British sealing-vessels at the Island of Atton by any Naval or Customs officer of the United States in the absence of any British Naval or Consular officer.

It may also be effected at sea as regards British vessels by the Commander of a United States' cruiser, and as regards United States' vessels by the Commander of a British cruiser.

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Art. 7. Any vessel of the United States may obtain special licence for fur-seal fishing upon application to the Chief Officer of the Customs in any port of the United States, or to the United States' Consular officer of any port in Japan, and complying with the requirements of these Regulations.

Art. 8. The foregoing Regulations are intended to apply only to the season of 1895.

No. 2.

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

(Extract.)

Washington, January 24, 1895.

I HAVE the honour to transmit to your Lordship a copy of a note which I received yesterday from the Secretary of State in relation to the working of the Award Regulations of the government of the fur-seal fishery in part of Behring Sea and of the North Pacific Ocean.

A strong effort is being made to reopen the whole question of the Fishery Regulations, on the ground that the Award Regulations are shown by experience to have entirely failed in their object, which was the preservation of the fur-seal species, and that, unless a speedy change be brought about in those Regulations, extermination of the herd must follow.

The United States' Government base that conclusion on the Returns from United States' Customs officials, and from the sales of fur-seal skins in London.

In order to avert the deplorable result which they predict, they propose the immediate appointment of an International Commission, in which Great Britain, the United States, Russia, and Japan should be represented by experts, eminent for scientific knowledge and practical acquaintance with the fur trade.

They further suggest that, pending the deliberations of the Commission, the Governments above named should agree to a *modus vivendi*, under which sealing in Behring Sea should be absolutely prohibited, and the present Fishery Regulations now in force should be extended along the line of the 55th degree of north latitude from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line.

Inclosure in No. 2.

Mr. Gresham to Sir J. Pauncefoot.

Excellency,

Department of State, Washington, January 23, 1895.

I HAVE the honour to inform you, for communication to your Government, of the deep feeling of solicitude on the part of the President of the United States with regard to the future of the Alaskan seal herd, as disclosed by the official Returns of seals killed at sea during the present season in the North Pacific Ocean, filed in the respective custom-houses of the United States and British Columbia, and by reliable estimates of seals shipped to London from the Asiatic coast by way of the Suez Canal.

It would appear that there were landed in the United States and Victoria 121,143 seals, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transhipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in the history of pelagic sealing. It would further appear that the vessels engaged in Behring Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,555 seals—not only over 8,000 more than were killed in Behring Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season.

This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and it is respectfully submitted, cannot fail to convince Her Majesty's Government, that the Regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent; and that, unless a speedy change in the Regulations be brought about, extermination of the herd must follow. Such a deplorable result should, if possible, be averted.

The experience of the past year under the Regulations has demonstrated that not alone are the United States and Great Britain deeply interested in the preservation of the seal herd; Russia and Japan have interests commercially, almost as important. Any new system of Regulations of necessity should embrace the whole North Pacific Ocean from the Asiatic side to the American side, and should be binding upon the citizens and subjects alike of all of these countries.

In order to add to our scientific knowledge upon this question as to the habits of the seal, its feeding grounds, and the effect of pelagic sealing upon the herd, and other similar questions, the President deems it advisable to suggest to Her Majesty's Government, and to the Governments of Russia and Japan, that a Commission be appointed, consisting of one or more men from each country eminent for scientific knowledge and practical acquaintance with the fur trade. This Commission should visit the Asiatic side of the North Pacific as well as the American, and also the islands which the seals frequent, and report to their respective Governments as to the effects of pelagic sealing on the herd, and the proper measures needed to regulate such sealing so as to protect the herd from destruction, and permit it to increase in such numbers as to permanently furnish an annual supply of skins.

I am directed by the President to propose, for the consideration of your Government and the Governments of Russia and Japan, the appointment of such a Commission, and I am further directed to suggest that during its deliberations the respective Governments agree upon a *modus vivendi* as follows:—

That the Regulations now in force be extended along the line of the 35th degree of north latitude from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line. Furthermore, that sealing in Behring Sea be absolutely prohibited pending the Report of such Commission.

Inasmuch as the sealing season will shortly commence, and the fleet will leave the western coast for the sealing grounds, I beg to suggest the necessity of speedy action in regard to this proposition.

I have, &c.
(Signed) W. Q. GRESHAM.

No. 3.

Colonial Office to Foreign Office.—(Received March 20.)

(Extract.)

Downing Street, March 19, 1895.

I AM directed by the Marquess of Ripon to acquaint you that he has had under his consideration the drafts of an Agreement for the protection of seal fishing-vessels by providing for the sealing-up of the fishing implements on board.*

The consideration of this Agreement was delayed at the request of the Dominion Government, who telegraphically desiring that no action should be taken pending the receipt of their observations on the proposed Agreement. These have just been received.

As Lord Kimberley is aware, the similar arrangement of last year was essentially provisional, being intended to meet the difficulty created by the fact that the sealing-vessels had almost all sailed before the legislative instruments for giving effect to the Award were complete.

The provisions of the Award and the legislation are now, however, sufficiently well known, and *prima facie*, therefore, there is no urgent need for renewing the Agreement, which, as his Lordship is aware, has throughout been strongly opposed by the Canadian Government.

If the Agreement had operated in practice, as was intended, to prevent unnecessary interference with sealing-vessels, there would have been grounds for its renewal in some form, but Lord Ripon feels that there is considerable force in the argument urged by the Dominion Government, that the proceedings of the United States' cruisers in the cases of the "Favourite" and "Wanderer" showed that, instead of its being any advantage to a sealing-vessel to accede to the sealing of its implements, the Agreement was distinctly used to their detriment, and accidental failure to have all the arms sealed was treated as if it had been an offence under the Act warranting seizure.

* See No. 1.

If the Agreement is to be renewed, therefore, at all, it will have, in Lord Ripon's opinion, to be made in a form which, while tending to facilitate the work of the cruisers charged with the enforcement of the Award, will at the same time offer some clear advantage to masters of sealing-vessels who may be invited to have their implements sealed up.

No. 4.

Foreign Office to Colonial Office.

(Extract.)

Foreign Office, April 10, 1895.

I LAID before the Earl of Kimberley your letter of the 19th ultimo, relative to the renewal of the Regulations for the protection of seal fishing-vessels during the close season by providing for the sealing-up of the fishing implements on board.

Having regard to the views on the subject expressed in your letter, I am to suggest, for the Marquess of Ripon's consideration, that Her Majesty's Government should decline to renew the arrangement relative to the sealing-up of arms, on the ground that the possession of arms is not contrary to the Award Regulations and that the Agreement, as proved by the seizure of the "Wanderer" and "Favourite," has not in practice worked for the protection of the sealers from unnecessary interference. Should Lord Ripon agree in this course, Lord Kimberley will at once instruct Her Majesty's Ambassador at Washington to make a communication accordingly to the United States' Government, and to take the opportunity of calling attention to the fact that American naval officers have no authority to seize British sealing-vessels, except under the Order in Council, for offences against the British Act of Parliament.

It is desirable that an immediate decision should be taken, as, in the event of the Agreement being abandoned, it will be necessary to inform the Commanders of the British and United States' vessels engaged in the patrol service during the present season.

No. 5.

Colonial Office to Foreign Office.—(Received May 8.)

Sir,

Downing Street, May 7, 1895.

I AM directed by the Marquess of Ripon to acquaint you, for the information of the Earl of Kimberley, that he has had under his consideration your letter of the 10th April respecting the renewal of the arrangement with the United States, which was made with the object of protecting seal fishing-vessels from unnecessary interference during the close season by providing for the sealing-up of the fishing implements on board.

As this arrangement, as carried out last year, failed to serve the purpose for which it was intended, Lord Ripon concurs in Lord Kimberley's opinion that it should not be renewed.

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

No. 6.

The Earl of Kimberley to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, May 9, 1895.

BEHRING SEA. I have to instruct your Excellency to inform the United States' Government that Her Majesty's Government have decided not to renew the Agreement as to sealing-up of arms, for the following reasons:—

1. The Agreement has not in practice, as is proved by the seizures of the "Favourite" and "Wanderer," worked for the protection of British sealers from unnecessary interference.

2. The Paris Award Regulations contain no provisions forbidding the possession of arms.

The United States' Government should also be reminded that their naval officers have no authority to seize British vessels except under the Queen's Order in Council for offences against the British Act of Parliament, which embodies, in a Schedule, the Regulations made by the Paris Award.

No. 7.

Sir J. Pouncefote to the Earl of Kimberley.—(Received May 12.)

(Telegraphic.)

Washington, May 11, 1895.

BEHRING SEA.

I addressed a note to-day to the United States' Government in the sense of your Lordship's telegram of the 9th.

Simultaneously, I received from the State Department a long note with reference to the proposal submitted to Her Majesty's Government in Mr. Gresham's note of the 23rd January, inclosed in my despatch to your Lordship dated the 24th of the same month. The new proposal of the United States' Government is to the following effect:—

1. That pending consideration of proposal for extending, with concurrence of Russia and Japan, protective area along 35th parallel to Asiatic coast, an immediate agreement to close Behring Sea absolutely to pelagic sealers should be come to.

2. That the four Powers should agree to a *modus vivendi* for protection of seals.

3. That the Joint Commission should be appointed as previously suggested in Secretary of State's note of the 23rd January.

4. That the legislation for enforcement of the Award should be amended—

(a.) By prohibition in Behring Sea of fire-arms adapted to killing of seals.

(b.) By throwing on master, as was done in Behring Sea Act of 1891, burden of proof that his ship was not employed in contravention of Act.

(c.) By enforced sealing-up of seal-skins and sealing implements on board vessels travelling Award area during close season, under pain of forfeiture.

(d.) By making liable to the same penalty ships not conforming to Regulations of Awards as regards logs.

(e.) By compelling British officers to seize ships found in violation of law.

It is further asked by Secretary of State that United States' Inspectors may be stationed at British Columbian ports for purpose of verifying British entries and logs and examining skins as to sex, and he offers reciprocal privilege in United States' ports to Her Majesty's Government.

No. 8.

The Earl of Kimberley to Sir J. Pouncefote.

Sir,

Foreign Office, May 17, 1895.

I HAVE received your Excellency's despatch of the 24th January, inclosing a note from Mr. Gresham of the 23rd January relative to the operation of the Regulations laid down by the Paris Tribunal of Arbitration for the fur-seal fishery, and the view entertained by the President of the United States that, the Regulations having failed in their object, further provisions are required to preserve the herd from extermination.

In order to avert this result, Mr. Gresham had been directed to propose:—

That a Commission should be appointed by the Governments of Great Britain, the United States, Russia, and Japan, consisting of one or more men from each country eminent for scientific knowledge and practical acquaintance with the fur trade. This Commission should visit the Asiatic side of the North Pacific as well as the American, and also the islands which the seals frequent, and report to their respective Governments as to the effect of pelagic sealing on the herd, and the proper measures needed to regulate such sealing so as to protect the herd from destruction, and permit it to increase in such numbers as to permanently furnish an annual supply of skins.

That during the deliberations of this Commission the respective Governments should agree upon a *modus vivendi* as follows:—

“That the Regulations now in force be extended along the line of the 35th degree of north latitude from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line. Furthermore, that sealing in Behring Sea be absolutely prohibited pending the Report of such Commission.”

Her Majesty's Government have given the facts set forth by Mr. Gresham in support of these proposals their most serious consideration, but after examining attentively the figures and information at their disposal, they have come to the conclusion that the condition of affairs is not of so urgent a character as the President has been led to believe.

In the second paragraph of his note Mr. Gresham states:—

“It would appear that there were landed in the United States and Victoria 121,143 skins, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transhipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in the history of pelagic sealing. It would further appear that the vessels engaged in Behring Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,585 seals—not only over 8,000 more than were killed in Behring Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season.”

He goes on to say:—

“This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and it is respectfully submitted, cannot fail to convince Her Majesty's Government, that the Regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent; and that unless a speedy change in the Regulations be brought about, extermination of the herd must follow. Such a deplorable result should, if possible, be averted.”

I must, in the first place, observe that arguments based on figures which include the pelagic catch on the Asiatic or western side of the Pacific are calculated to lead to erroneous conclusions as to the working of the Regulations, and as to their effect on the seals frequenting the Pribyloff Islands.

There can be no doubt that there has been a large increase in the number of seals taken off the Japanese coast last year in comparison to any previous year. The total number taken there in 1893 was only a little over 29,000, while last year it appears from the Returns to have been not less than 51,000.

But no point has been more constantly insisted upon by those who have examined and argued the question on behalf of the United States than that the seals frequenting the eastern and western sides of the Pacific form two absolutely distinct bodies or “herds,” and do not intermingle. In the opinion of the experts and Counsel employed on behalf of Great Britain, this doctrine was pushed too far. They held that a certain amount of intermingling might, and indeed did, take place in Behring Sea. But, though our knowledge of seal life is still far from complete, it may certainly be held as tolerably established that the two main bodies of seals are distinct, and that increased pelagic catch on the Japanese coast does not constitute a serious menace to the seals frequenting the Pribyloff Islands.

Whether that increased catch can be continued without serious diminution of seal life on the Asiatic side is a question which has still to be tested by experience.

For the present the Regulations apply to the eastern side only, and their success or failure must be judged solely by their effect on the herd which they were intended to protect. I proceed, therefore, to examine that effect as shown by the figures in the possession of Her Majesty's Government.

From the Table printed at p. 207 of the Report of the British Commissioners, it appears that in the years 1889, 1890, and 1891 the pelagic catch on the eastern side was as follows:—

1889	..	..	..	..	..	..	..	42,870
1890	..	..	..	..	..	..	..	51,560
1891	..	..	..	..	..	..	..	68,000

These figures include the catch of both British and American vessels.

The figures of the American catch for later years are not available, but the Canadian catch on the eastern side in 1891, 1892, 1893, and 1894 are given in the official Report as follows:—

1891	..	..	..	..	..	..	..	52,996
1892	..	..	..	..	..	..	..	39,107
1893	..	..	..	..	..	..	..	28,613
1894	..	..	..	..	..	..	..	38,044

The American catch for 1894 on the eastern side is given in the Table inclosed in another note from Mr. Gresham as 17,558, so that the total catch on that side last year was 55,602. This, as contrasted with the catch of 1891, shows a diminution of about 12,500.

In that year, though the *modus vivendi* was partly in force, the Canadian catch in Behring Sea was 29,146, whereas in 1894 it was only 26,425. This shows a diminution of about 10 per cent. in the catch.

Her Majesty's Government have no Returns of the American pelagic catch in Behring Sea in the season of 1891, and are, therefore, unable to make a comparison between the total catch there in that year and in 1894. They are unable to understand on what grounds Mr. Gresham has stated the total in 1891 to have been less than 23,585, when, according to their information, the Canadian catch alone was 29,146.

Turning now to the number of vessels employed in the fishery, these do not appear to have increased, but, on the contrary, to have decreased.

There are no trustworthy figures available as to the United States' sealing-vessels previous to those furnished for 1894 by Mr. Gresham, but there are full official Returns with regard to the Canadian sealing fleet, and the following Table, showing the numbers and operations of the fleet during the last four years, is interesting in this connection:—

	Number of Vessels.	Tonnage.	Number of Hunters.		Total Catch on both sides of Pacific.			
			White.	Indian.				
1891	51	3,378	716	336	50,495
1892	66	4,456	961	511	46,362
1893	55	3,743	847	432	68,231
1894	59	3,866	888	518	90,185

It will be seen from these figures that the number of Canadian vessels and the number of hunters employed on them last season is below that of 1892, the great falling-off in 1893 being due to wreck and seizures of vessels in the previous year.

As regards the total number of vessels, both British and American, employed in the fishery, these are given at p. 185 of the United States' Case before the Tribunal of Arbitration as 115 in 1891, and 123 in 1892, while in 1894 they were only 92, a most material decrease.

The number of vessels and of men employed on them having thus decreased, while the total catch on both sides of the Pacific has undoubtedly increased, it is clear that there has been a general increase in the average catch per man and per vessel. This is no doubt due in considerable degree to increased efficiency, to the fact that under the Regulations the use of the spear has largely replaced that of fire-arms, and that consequently fewer of the seals shot or speared are lost. Much is probably the result of those accidental circumstances of weather and climate which go to make a good fishing season; but the fact tends also to show that more seals were met with than before, and, from this point of view, the increased catch does not point to any imminent danger of extinction of the species.

As regards the effect of the Regulations on the number of seals frequenting the Pribyloff Islands, it seems premature to attempt to form an opinion.

Her Majesty's Government have noted the fact, which is not quoted by Mr. Gresham, but has been stated on authority, that only 16,000 seals were allowed by the United States' Treasury Agent to be killed on the Pribyloff Islands during the last season. It is a feature of the question which deserves attention, but in the absence of information as to the standard weight of skins and other conditions fixed by that officer, it is not

possible to estimate the significance of this restriction. It does not, however, necessarily point to any grounds of immediate apprehension, as only 20,000 seals could be taken in 1890, though the standard in that year was undoubtedly low.

In any case, as the number of seals taken outside Behring Sea on the American side was, owing to the Regulations, much less than usual, and pelagic sealing does not begin in that sea till the 1st August, by which time killing on the islands is over, it is evident that the small take on the islands was not due to the results of the pelagic catch of last year.

Taking all these circumstances into consideration, Her Majesty's Government cannot agree that any sufficient evidence as yet exists to show that the Regulations have failed in their effect, or that there is such urgent danger of total extinction of the seals as to call for a departure from the Arbitral Award by which the two nations have solemnly bound themselves to abide.

The Arbitrators had before them all the information both as to the condition of the herd and the results of pelagic sealing which the resources of both nations could supply, and after exhaustive consideration they, in the judicial exercise of their discretion, fixed five years as the period after which the Regulations might be revised. Only one year has elapsed, and beyond the fact that, though the sealers have scrupulously adhered to the Regulations, they have had a successful season, there is no substantial ground to support the contention that the period for revision of the Regulations fixed by the Arbitrators ought to be so materially curtailed.

To set aside their authority upon so slight a ground would, in the opinion of Her Majesty's Government, be a most serious blow to the authority of arbitral decisions, and to the general principle of arbitration which both Governments have it at heart to promote.

Her Majesty's Government are, however, anxious to do all in their power to contribute to a fair and thorough examination of the facts connected with the seal fishery, and to the adoption in useful time of any measures which may be necessary for the preservation of the species. They have examined carefully the specific proposals contained in Mr. Gresham's note in order to see how far any portion of them could be accepted with this view, having due regard to the important British interests involved.

As regards the proposed *modus vivendi* for this season, Her Majesty's Government regret that they find themselves unable to accept this proposal.

Even if some adequate grounds had been furnished for its adoption in the interest of the fishery, it is to be remembered that the sealers have already almost all started, and are now scattered over the whole breadth of the North Pacific, where it is impossible to warn them.

They have made their preparations on the assumption that the interference and interruption to which their industry has been subject more or less for the last ten years had at length come to an end, and that the conditions under which it might be prosecuted had at last acquired some permanence and stability.

To spring upon them again in the midst of their operations so stringent a proposal as that of the United States would be an act of great injustice, and would involve Her Majesty's Government in the payment of heavy compensation.

The measure suggested would in fact put an end to pelagic sealing, as it would leave only the four first months of the year, when from various causes comparatively few seals are caught, while the sealers would have to lay their vessels up during the remaining two-thirds of the year. The adoption of such a restriction under present circumstances, and upon the only grounds which can be adduced to justify it, would be almost tantamount to an announcement that, whenever there has been a successful pelagic fishing, steps will at once be taken to prevent the recurrence of such an event.

Nor can Her Majesty's Government believe that the appointment at present of an International Commission such as is suggested by Mr. Gresham would lead to any useful result.

It will be remembered that the Commissioners appointed by the United States and Great Britain, who visited the islands in 1891 to examine this same question, found themselves unable to agree except as to a few vague general statements, and presented Reports in which they differed widely, not only as to the remedial measures necessary, but even as to many of the most important facts in seal life, and only the same result can be expected from a second more numerous Commission.

Such Commissioners, it must be borne in mind, can only be on the islands for a few weeks at most, while the period during which the seals frequent the islands extends

from May to October or November, and the phases of seal life exhibited are constantly changing.

The question to be dealt with is the progress and the growth or decrease of the herd, and the information required to enable it to be effectively grappled with can only be gathered by continuous observations carried on constantly during the greater part of the period that the islands are resorted to by the seals, and extending over a series of years. The new Commission might, no doubt, be able to gather some new facts as to seal life, but nothing but continuous and comparative study could qualify it to form a judgment as to the effects which the pursuit of the seals at sea and the slaughter on land is producing on the herd, and to suggest any remedial measures with confidence and authority.

Instead of such a Commission, though possibly as a preparatory step to its appointment, Her Majesty's Government would propose the appointment of Agents to reside on the seal islands and to collect authoritative information by observations, which should extend over such a period as will be sufficient to enable a judgment to be formed of the effect of the fishing upon the preservation of the herds.

If such Agents appointed by the United States and Great Britain were to conduct investigations jointly during the next four years, both Governments would by that time have, with the particulars derived from the sealers' logs and other sources, a body of information which would enable the two nations to approach the question of revising the Regulations in a thoroughly scientific manner, and to protect, as far as possible, the numerous and varied interests involved in the seal fishery.

Her Majesty's Government do not wish, however, to be understood as desiring to postpone all discussion until that date. The Agents would naturally make their reports at regular and not too distant intervals, and if the facts disclosed in these Reports, or information obtained from other sources, should at any time show a state of things urgently calling for remedial measures, Her Majesty's Government would be willing at once to examine, with the Government of the United States, the method in which such measures could best be applied. Similarly they will be ready to do what is in their power to obtain early Returns of the results of the fishery during the present year, in order that they may be examined by the two Governments at the first practicable moment.

If these proposals recommend themselves to the Government of the United States, it might be desirable also to approach the Russian Government with a view to the appointment of similar Agents on the Commander Islands. There is little independent information available in regard to the conditions of seal life on these islands, and as the Russian Government desire that the Regulations made by the Arbitrators for the eastern side of the Pacific should be extended to the western side, it seems reasonable that there should be inquiry how far such extension is necessary and applicable.

Your Excellency is authorized to read this despatch to Mr. Gresham, and, if he should so desire, to give him a copy of it.

I am, &c.
(Signed) KIMBERLEY.

No. 9.

The Earl of Kimberley to Sir J. Pouncefote.

Sir,

Foreign Office, May 17, 1895.

I HAVE informed you in my despatch of this day's date that, instead of an International Commission, as suggested in Mr. Gresham's note of the 23rd January, Her Majesty's Government propose the appointment of Agents to reside on the seal islands, and to collect authoritative information by observations, which should extend over such a period as will be sufficient to enable a judgment to be formed of the effect of the fishing upon the preservation of the herds.

As the season is advancing, it would be necessary that the Agents should proceed to the islands without delay if any investigations are to be carried out during the present year, and I therefore request that your Excellency will call Mr. Gresham's immediate attention to the proposal, and report his reply by telegraph. Should it be in the affirmative, communication could at once be made to the Russian Government with regard to the appointment of similar Agents on the Commander Islands.

I am, &c.
(Signed) KIMBERLEY.

The Earl of Kimberley to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, May 18, 1895.

BEHRING SEA.

I have received your Excellency's telegram of the 11th instant, reporting the proposals made by the United States' Government.

In my despatch of yesterday's date, I have instructed your Excellency to inform the United States' Government that Her Majesty's Government cannot without further evidence assent to the proposals contained in Mr. Gresham's note of the 23rd January last, and this refusal applies equally to the suggestions contained in paragraphs 1, 2, and 3 of your telegram.

Her Majesty's Government have refused to renew the Agreement for sealing arms, and this covers the suggestions noted as (a) and (c) in paragraph 4 of your telegram.

It would be impossible for the sealers to get rid of arms lawfully used outside the Award area, where their possession is not forbidden.

The suggestion (b) for throwing the burden of proof on the master of the vessel would increase the danger of seizure on insufficient grounds.

With regard to the suggestion (d) as to the punishment for infringing the Regulations as to logs, in many cases forfeiture would be too severe a penalty if the alternative of a fine, provided by the Behring Sea Award Act, were withdrawn.

The United States' Government ask (2), that it may be made imperative on British naval officers to seize vessels infringing the law. This is already provided by the Award Act, and the Admiralty instructions to cruisers make the point quite clear.

The appointment of inspectors for the examination of the skins as to sex is not acceptable. Sealers are bound to keep a record of sex, and it would only be in the case of skins taken outside the Award area, with which the United States have no special concern, that examination would be of use.

No. 11.

Sir J. Pouncefote to the Earl of Kimberley.—(Received May 24.)

My Lord,

Washington, May 14, 1895.

ON receipt of your Lordship's telegram of the 9th instant, instructing me to inform the United States' Government that Her Majesty's Government would not renew the sealing-up of arms agreement, and to remind them that their naval officers have no authority to seize British sealing-vessels except under the Order in Council for offences against the British Acts of Parliament which embodies the Paris Award Regulations, I addressed a note to Mr. Gresham carrying out your Lordship's instructions.

A copy of this note I now have the honour to forward to your Lordship herewith.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 11.

Sir J. Pouncefote to Mr. Gresham.

Sir,

Washington, May 11, 1895.

IN an informal note dated the 15th December, 1894, you were good enough to transmit to me, for my information, a copy of "Regulations approved by the Secretary of the Treasury for the government of vessels that may be employed in fur-sealing in the season 1895." As it was desirable that Regulations on that subject by our respective Governments should be substantially in accord, it was arranged that I should discuss the matter personally with the Secretary of the Treasury, as I had previously done with respect to the Regulations for the season of 1894. The result of my discussion with Mr. Secretary Carlisle was that on the 17th January last I received from him a modified draft of Regulations which he proposed to recommend to the President, and which I promised to transmit to my Government for their concurrence.

I submitted the draft at the time to Her Majesty's Government, who have most

carefully considered it with reference more particularly to the proposed renewal and extension of the arrangement of last year for the voluntary sealing-up of arms, &c., under Articles 4, 5, and 6.

As regards Articles 1, 2, and 3, which relate to the special licence, the distinguishing flag, and the fitness of the men to be employed in the fishery, sufficient provision has already been made on the side of Great Britain (in pursuance of Articles 4 and 7 of the Award Regulations) by "The Behring Sea Order in Council, 1895," of which I had the honour to communicate a copy to you in my note of the 6th March last. As regards the renewal and extension, under Articles 4, 5, and 6 of the draft Regulations, of the provisions of last year for the voluntary sealing-up of arms, &c., I have now received the observations of my Government thereon, and I am instructed to inform you that, in their opinion, the arrangement in question has not in practice been worked for the protection of British sealers from interference, as Her Majesty's Government had hoped would have been the case.

This is proved by the seizure of the British sealing-vessels "Wanderer" and "Favourite." The possession of arms, &c., by a sealing-vessel within the area of the Award during the close season is not, as you are aware, forbidden by the Award Regulations, and for the above reasons Her Majesty's Government are not prepared to renew the arrangement. No necessity therefore arises for any further concurrent Regulations such as were proposed by Mr. Secretary Carlisle.

It appears from the cases of the "Wanderer" and the "Favourite," the particulars of which were laid before Congress (see Ex. Doc. No. 67, pp. 341 and 386), that the United States' naval officers who effected the seizures were under the erroneous impression that they were empowered to apply the legislation of the United States to those vessels. Thus, in the case of the "Wanderer," Commander Goodrich writes: "My action is based on Section 10 of the Act of Congress of the 6th April," and in the case of the "Favourite," Commander Clark attempts to justify the seizure under the same Section of the Act of Congress.

It is hardly necessary to point out that United States' naval officers have no authority to seize British sealing-vessels except under the British Order in Council of 1894 (No. 1) for offences against the British Act of Parliament ("The Behring Sea Award Act, 1894"), which embodies the Paris Award Regulations.

It is hoped that instructions in the above sense will be issued to the United States' naval officers employed in the duty of enforcing those Regulations.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 12.

Sir J. Pauncefote to the Earl of Kimberley.—(Received May 29)

(Telegraphic.)

Washington, May 28, 1895.

I HAVE carried out the instructions contained in your Lordship's despatch of the 17th instant on the subject of the proposals made by Her Majesty's Government for the better protection of the seal herds, but the reply to my note will no doubt be delayed by the death of the Secretary of State.

No. 13.

Sir J. Pauncefote to the Earl of Kimberley.—(Received May 30.)

My Lord,

Washington, May 21, 1895.

IN my despatch of the 14th instant, I had the honour to transmit to your Lordship a copy of the note on the subject of the Behring Sea Fishery Regulations, which I addressed to the United States' Government, announcing the decision of Her Majesty's Government not to renew the arrangement respecting the voluntary sealing-up of arms and implements of fishery, which was adopted for the fur-seal fishery season, 1894.

That decision has given great dissatisfaction to the United States' Government, and it is made the occasion of more or less violent invectives in the press against Great Britain; some journals, in their ignorance of the true facts of the case, going so far as to assert that Her Majesty's Government now refuse to put in force any longer the Paris Award Regulations.

I have the honour to inclose copy of a note, dated the 18th instant, which I have received on the subject from the Acting Secretary of State, and of my reply thereto.

Mr. Uhl, in that note, expresses the deep regret felt by the President at the decision of Her Majesty's Government, and at its having been communicated at so late a period. He contends, for certain reasons, which he develops at considerable length, that his Government were entitled to assume that Her Majesty's Government had assented to the renewal of the arrangement.

He states, nevertheless, that his Government accept the decision, but they request that British naval officers may be instructed to continue the sealing-up of arms in the case of American sealing-vessels, if they should be requested to do so, in order to carry out the President's Proclamation on the subject. He adds that instructions have been sent to the naval officers of the United States' patrolling fleet, which clearly define the powers intrusted to them. It may be hoped, therefore, that the result of the present discussion will be to obviate a recurrence of any excess of authority on the part of United States' cruisers during this year's fur-seal fishery season.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 13.

Mr. Uhl to Sir J. Pouncefote.

Excellency,

Washington, May 18, 1895.

I HAVE the honour to acknowledge the receipt of your note of the 11th instant, communicating the declination of your Government to agree upon concurrent Regulations for carrying out the provisions of the Paris Award during the present season. The reason assigned therefor is, that the provisions of the Award relating to the special licence and distinguishing flag are already provided for in the British Order in Council of the 2nd February last, and that concurrent Regulations similar to those agreed upon for last season by the respective Governments as to outfit and arms of sealing-vessels are not considered necessary for the present season, inasmuch as, within the Award area and during the close season, the possession by vessels of said outfit and arms is nowhere forbidden by the terms of the Award. As regards the Regulations for last season you are instructed to inform me that, in the opinion of Her Majesty's Government, "the arrangement in question has not, in practice, been worked for the protection of British sealers from interference, as Her Majesty's Government had hoped would have been the case;" and in this connection specific reference is made to the seizure by United States' officers of the British vessels "Wanderer" and "Favourite." You further call my attention to the statement, drawn from the correspondence laid before Congress (Senate Ex. Doc. No. 67, pp. 341 to 386), that the United States' naval officers who effected the seizures were under the erroneous impression that they were empowered to apply the legislation of the United States of the 6th April, 1894, to those vessels, whereas those officers have no authority to seize British sealing-vessels except under the British Order in Council of 1894 (No. 1) for offences against the British Act of Parliament of 1894, which embodies the Paris Award Regulations; and you therefore request that United States' officers engaged in patrolling the Award area during the present season be instructed accordingly. Your present note is the first intimation received from Her Majesty's Government that the jointly-drafted concurrent Regulations for the season of 1895 had not been accepted by your Government. The original draft of those Regulations was transmitted by the Secretary of State to you on the 15th December, 1894, for the approval of your Government. Subsequently, an understanding having been reached whereby you were to confer directly with the Treasury authorities on the subject, a number of interviews were held by you with Secretary Carlisle and Assistant-Secretary Hamlin on the matter. In the course thereof, as I am informed, you submitted a counter-draft of proposed concurrent Regulations, containing certain suggested improvements over the draft submitted by Mr. Carlisle, and after preliminary negotiations, covering a considerable period, a final draft was agreed upon satisfactory to you and to him—the understanding being, that one copy thereof should be submitted to the President for his approval and promulgation; while you, for your part, should forward a copy for the approval of Her Majesty's Government, and for inclusion in an Order in Council shortly to be passed, you having stated that it would be necessary to embrace the Regulations in a new Order in Council, for the reason that the last Order bearing on the subject was limited in its operation to the sealing season of 1894.

The President approved and signed those Regulations on the 18th January last, understanding that they had received your approval, and would be forwarded by you to your Government, as above stated. While it was not understood that you had authority to bind your Government, or had undertaken definitively to do so without a formal transmission of the proposed Regulations, yet the Secretary of the Treasury had every reason to believe that the draft agreed upon by him and you would be promptly accepted by the British Government, or its declination as promptly communicated. In point of fact, this Government has had excellent reasons to suppose that the draft Regulations had been actually accepted as an arrangement made between the two Governments, its authority for this supposition being the formal terms of the British Order in Council, mentioned in your note ("Behring Sea Order in Council, 1895"), which bears date the 2nd February last. On that date a copy of those proposed Regulations must have been in the possession of Her Majesty's Government, it having been given to you on the 17th January for transmission. The preamble of this Order recites that, "Whereas arrangements have been made between Her Majesty's Government and the Government of the United States for giving effect to the Articles 4 and 7 of the scheduled provisions, and it is expedient that effect should be given to those arrangements by an Order in Council . . ."

The word "arrangements," as thus used, can only refer to the proposed Regulations for the season of 1895, which had been framed by yourself and Secretary Carlisle, for no other agreement or regulations than that contained in such Regulations has been entered into this year between the respective Governments as to any of the provisions of the Award, and the arrangements for last season were obsolete and non-existent, having been in terms limited to the sealing season of 1894. It may be suggested that the word "arrangements" in the Order in Council of the 2nd February last cannot refer to the draft of Regulations approved the 18th January last by the President, for the reason that no specific mention is made in said Order as to the provisions of said draft Regulations for securing under seal the outfit and arms of sealing-vessels. The special licence and distinguishing flag, however, were the only matters covered by the said draft of Regulations which depended, as regards British vessels, for their validity upon, and received their binding force from, said Order in Council. It will be noted in this connection that the Order in Council of the 27th June, 1894, likewise contains no reference to the duty of securing the outfit and arms under seal, although the mutual agreement upon which said Order and the Regulations of 1894 were based contained a similar provision imposing upon sealers said duty. That this word "arrangements" can only refer to the agreement or understanding between Secretary Carlisle and yourself, upon which said Regulations were based, is made clear by the use of the same words in identical context in the previous Orders in Council of the 30th April and the 27th June, 1894, respectively. In the first of these it was recited that, "Until arrangements for giving further effect to Articles 4 and 7 of the said scheduled provisions shall have been made between Her Majesty's Government and the Government of the United States, the following provisions shall have effect . . ."

Subsequently to this Order, to wit, on the 4th May, 1894, the President of the United States signed and approved Regulations for the season of 1894, based upon an Agreement made by yourself and Mr. Gresham for the respective Governments Articles 7 and 8 of which provided for a special licence and distinguishing flag.

The Order in Council following, on the 27th June, 1894, contains this significant language:—

"And whereas arrangements have been made for giving further effect to the said Articles, and for regulating during the present year the fishing for fur-seals in accordance with the said scheduled provisions . . ."

It is thus seen that the first Order in Council of the 30th April, 1894, recites the pendency of arrangements, while the second Order of the 27th June, 1894, recites such arrangements (of the 4th May, 1894) as having been actually made; and therefore the word "arrangements," as severally used in these Orders, could only mean the preliminary Agreement upon which was based the Regulations of 1894, which Agreement, as above stated, was expressly limited by its terms to the sealing season of 1894, and was non-existent when the present Order was issued.

By every sound principle of interpretation and precedent, therefore, this Government was entitled to regard the reference to "arrangements" in the Order in Council of the 2nd February last as relating only to the Agreement reached in the draft Regulations furnished to you the 17th January last, and transmitted to your Government—which Regulations were approved by the President as above stated—and to hold that Her Majesty's Government, by necessary implication, had ratified and recognized as subsisting

the proposed Regulations submitted as above, by the passage of the Order in Council of the 2nd February last. We are, however, constrained to accept your note of the 11th instant as a formal notification of the non-concurrence in the same by Her Majesty's Government.

It is my duty to express the deep regret of the President that the British Government should have communicated its declination at this late period of the season, after our Consuls have been instructed and the patrolling fleet of the United States has sailed under orders based on the legitimate assumption that the privilege of sealing-up afforded by said Regulations was to be accorded during the present season as during last season to British as well as American vessels.

It is further to be regretted that what appears to be the chief reason assigned for this declination—namely, the seizure of the steamers "Wanderer" and "Favourite"—should not have prompted a timely refusal to enter upon negotiations for Regulations, thus saving much trouble and uncertainty, which now appear to be unavoidable. The British fleet engaged in sealing last season numbered sixty vessels; of these, the "Wanderer" and "Favourite" were the only ones seized by United States' officers, and these seizures were made because of a direct infraction of the Regulations of 1894, agreed upon as above stated by both Governments. The "Wanderer" was seized on the 9th June, 1894, and the "Favourite" on the 7th August, 1894. The master of the "Wanderer," before the seizure, stated to the boarding officer that all his arms were sealed up, which, upon examination, was found not to be true. No objection has ever been made by Her Majesty's Government because of these seizures until the present time.

The case of the "Wanderer" was made the occasion of the Department's note to Mr. Goschen of the 19th November, 1894, communicating the full report of the naval officer in command. That seizure, like that of the "Favourite" also, was made because of a direct infraction of the Regulations of 1894, agreed upon as above stated by both Governments; and that being the case, it is, I submit, quite immaterial whether the United States' naval officer effecting the seizure was under an erroneous impression that the United States' Act of the 6th April, 1894, was concurrently applicable to the case.

No correspondence whatever between the two Governments appears on record with regard to the seizure of the "Favourite," but the date upon which it was effected—the 27th August, 1894—justifies the supposition that the facts in regard thereto, as were certainly the facts in regard to the seizure of the "Wanderer," were in possession of Her Majesty's Government during all the preliminary negotiations between yourself and Secretary Carlisle from the 15th December, 1894, to the 17th January last; and this Government is at this late date for the first time informed that those seizures are made the ground for the refusal by Her Majesty's Government to adopt concurrent Regulations for 1895.

In view of your present communication on the 11th May, it is presumed that no British sealing-vessel now at sea has applied, or will hereafter apply, for the privilege of having its outfit and arms sealed up. The officers of the United States' patrolling fleet will, however, be instructed that the failure of a British vessel to have her outfit and arms secured under seal is not a violation of the Paris Award or of the British Act of Parliament; they will also be instructed to refuse to grant this privilege in the future to British vessels. Similar instructions will at once be given to our Consuls in Japanese and British Columbian ports.

Notwithstanding this, I have the honour to request, through you, that Her Majesty's Government shall notify its officers engaged in patrolling the Award area to seal up the outfit and arms of American vessels applying for this privilege, in accordance with sections 4, 5, and 6 of the Regulations promulgated by the President on the 18th January last.

With further reference to the precise complaint which your present note of the 11th May appears to convey concerning the seizures of the "Wanderer" and "Favourite" and your request based thereon, I beg to further inform you that the instructions already given to United States' officers as to patrolling the Award area during the present season will not admit of any other doubt as to the proper scope and limitation of the Act of Congress approved on the 6th April, 1894.

I have, &c.
(Signed) EDWIN F. UHL,
Acting Secretary.

Inclosure 2 in No. 13.

Sir J. Poucefote to Mr. Uhl.

Sir,

Washington, May 20, 1895.

I HAVE the honour to acknowledge the receipt of your note of the 18th instant in reply to mine of the 11th, in which I announced the decision of my Government not to renew for the season 1895 the experimental arrangement for the voluntary sealing-up of arms and implements of fishery which was adopted last season with a view to the better protection of sealing-vessels against unnecessary interference within the area of the Behring Sea Award during the close season. You informed me that, pending the reply of my Government to that proposal, its acceptance had been inferred by your Government from the delay in the reply as well as from the language of "The British Behring Sea Order in Council, 1895." You base that inference on the recital in that Order in Council which states that "certain arrangements had been made between our respective Governments," and you conclude that the word "arrangements" must be held to include the agreement or understanding between Secretary Carlisle and myself respecting the renewal of the sealing-up of arms arrangement.

In the first place, I beg leave to remind you that, as explained in my note of the 11th, there was no "agreement or understanding" between Secretary Carlisle and myself except that I should refer his draft of proposed Regulations for 1895 (of which a copy was included in my note) to my Government for their approval and concurrence.

In the next place, it appears to have entirely escaped the observation of your Government that the "arrangements" mentioned in the Order in Council of 1895, as well as in all the previous British Orders in Council as having been made between the two Governments, are expressly stated to be arrangements for giving effect to Articles 4 and 7 of the Regulations prescribed by the Behring Sea Award, which relate to the form of licence, the distinctive flag, and the fitness of the men employed. No inference, therefore, could possibly arise from the language of the Order in Council, that the arrangements therein mentioned extended to the proposed renewal of the arrangement respecting the sealing-up of arms. "Expressio unius est exclusio alterius."

As regards the delay on the part of Her Majesty's Government in replying to the proposal, it should be borne in mind that the question was one calling for careful inquiry into the working of the arrangement during the season 1894. As before mentioned, it was an experimental measure designed for the protection and convenience of the masters of sealing-vessels, who themselves objected to it after the experience of one season.

Moreover, it led to the seizure of two British sealing-vessels by United States' cruisers under a misapprehension by the naval officers concerned as to their legal powers, and in violation of the Agreement between the two Governments of the 4th May, 1894 (see Ex. Doc. No. 67, p. 120), which declared that unless there should be evidence of seal hunting, no sealing-vessel should be seized or detained merely on account of seals, seal skins, or fishery implements being found on board. A lengthened inquiry into the whole working of the arrangement therefore became necessary before Her Majesty's Government could be expected to arrive at a conclusion. They will learn, no doubt with satisfaction, that the instructions which you mention have been sent by your Government to the officers of the United States' patrolling fleet, and I shall not fail to transmit to them a copy of your note by the earliest opportunity.

I have, &c.

(Signed) JULIAN PAUCEFOTE.

No. 14.

Sir J. Poucefote to the Earl of Kimberley — (Received May 30.)

My Lord,

Washington, May 21, 1895.

I HAVE the honour to inform your Lordship that I delayed the transmission of a farther note from the United States' Government, dated the 10th, on the subject of the fur-seal fishery, and which I had requested the Acting Secretary of State to reconsider, with the view to the correction of an error of fact which appeared in it.

The note was only returned to me by Mr. Uhl to-day, and I have the honour to inclose a copy of it.

The passage to which I took exception will be found in brackets (see p. 21), where it is made to appear that Article 4 of the Regulations proposed by the United States' Government for 1895 is now in force, while, on the contrary, Her Majesty's Government have declined to adopt it.

In returning the note to me, Mr. Uhl informed me, in an unofficial letter, that, in view of the facts set forth in his note of the 18th instant relative to the refusal of Her Majesty's Government to renew the arrangement as to the sealing-up of arms, there seemed to be no occasion to modify the passage in question.

Copies of Mr. Uhl's note of the 18th instant, to which he refers, and of my reply thereto, are inclosed in my despatch of to-day's date.

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

Inclosure in No. 11.

Mr. Uhl to Sir J. Pauncefote.

Excellency,

Department of State, Washington, May 10, 1895.

ON the 23rd January last the Secretary of State had the honour to address you an important communication respecting the President's deep solicitude with regard to the future of the Alaskan seal-herd, and suggesting to Her Majesty's Government that a Commission be appointed on behalf of Great Britain, Russia, Japan, and the United States to investigate and report touching the effects of pelagic sealing, and the proper measures needful to regulate such sealing so as to protect the herd from destruction, and permit it to increase in such numbers as to permanently furnish an annual supply of skins; and, furthermore, proposing that during the deliberations of such a Commission a *modus vivendi* be agreed upon extending the area embraced in the Regulations of the Paris Tribunal along the line of the 35th degree of north latitude to the Asiatic shore, and absolutely prohibiting sealing in Behring Sea pending the Report of such Commission.

At the date of that proposition, but little time remained available for reaching an agreement between the two Governments parties to the Paris Award which could be made effectual during the present sealing season, and for obtaining the concurrence of the other Governments interested - Russia and Japan, and early action upon the subject was naturally expected. This Department is, however, yet without information as to whether Her Majesty's Government is prepared to take effective steps, as suggested, to check the appalling diminution of the Alaskan seal-herd within the area of the Award, and avert the imminent destruction of the important industries to which the seal fisheries give rise.

At this late day, the proposition for a quadruple investigation and report can scarcely be executed during the present year, and, were it remains a matter for urgent consideration in prevision of next year's needs, the case brings into more immediate and urgent prominence the second branch of the proposal, and especially the imperative need of agreeing upon the absolute closure of Behring Sea to pelagic sealing until the four Governments may reach a convenient accord on the general features of the problem.

Extended consideration of the subject since Mr. Gresham's note of the 25th January was written has not only confirmed the grave apprehensions then expressed, but has forced upon this Government the conviction that further suggestions designed to expand by mutual agreement the scope of the Paris Award, in order to make it more effective for the purpose of preserving the fur-seal herd, are warranted by the information now in possession of this Government.

The sealing season of 1894 was the first during which the provisions of the Paris Award were applicable, and the pelagic catch of seals, both without and within the area defined in the Award, proved to have been the largest ever known.

The statistics of the seal catch, as estimated in another note addressed to you by the Secretary of State on the same day, the 23rd January, are confirmed by later knowledge. Reliable information discloses that 138,323 skins taken by pelagic sealers in the North Pacific and in Behring Sea, from the American, Russian, and Japanese herds during the season of 1894, were sold in London. Careful estimates show that about 3,000 were retained in the United States for dressing and dyeing, making a total of 141,323. To

this should be added about 800, which were known to have been on a vessel believed to have been lost, making the total catch about 142,000, of which 56,686 were taken within the area covered by the Paris Award.

The following Table gives the number of skins taken by pelagic sealers within said area during the years 1890 to 1894, inclusive:—

1890	..	..	..	..	..	..	..	40,809
1891	..	..	..	..	..	..	..	45,911
1892	..	..	..	..	..	..	..	46,612
1893	..	..	..	..	..	..	..	28,643
1894	..	..	..	..	..	..	..	55,686

It may be estimated, within moderate bounds, that these figures represent only about one-third of all the seals killed, the bodies of the greater part not being recovered.

An examination of these figures must satisfy the most sceptical mind that the fur-seal herd will be speedily exterminated unless the scope and the details of the Award shall be supplemented by enlarged regulation.

So far as the Articles of the Award relating to the North Pacific Ocean, exclusive of Behring Sea, are concerned, whereby all seal-fishing from May to August is forbidden, much good has been accomplished, and favourable results were apparent on the breeding islands early in the season. The fatal defect in the scope of the Award, however, was in opening Behring Sea during August and September to pelagic sealing, and prohibiting only the use of fire-arms.

It has been claimed, and there is evidence in support of the claim, that the spear is as destructive in Behring Sea as the shot-gun, and some experts believe that even greater destruction is accomplished by the use of the spear than by guns; for the reason that the noise of the latter frightens away many seals which may be easily killed while sleeping on the water by spearsmen. While the herd is travelling in the North Pacific Ocean, away from the islands, it is very difficult to kill seals with spears, as they are constantly swimming, and rarely found asleep on the surface. In Behring Sea, however, the females leave their pups on the islands and go out for a distance of 100 to 200 miles, far beyond the inhibited 60-mile zone, to feed. They are there found in large numbers asleep on the water, and can easily be killed by the silent and skillful spearsmen. The large number of pups found dead from starvation on the islands during the latter part of September and October 1891—12,000 by actual count on the accessible parts of the rookeries and 20,000 in all by careful estimates—shows the destructive effect of permitting any pelagic sealing whatever in Behring Sea. With the closure of that sea to pelagic sealing, and with the enforcement of the closed season in the North Pacific Ocean as established by the Award, it is believed that the seals would receive no more than a fair degree of protection, whereby seal-fishing might continue to be profitable both on land and sea for a long time to come. Unless such a restriction in the scope of the Award be made, the fur-seals will be exterminated for all commercial purposes within a very few years at the most, and the dependent industries destroyed. These considerations, joined to the official figures of last season's catch, which are now definitely known, fully bear out the wisdom and necessity of the proposals made in Mr. Gresham's note of the 23rd January, making it more than ever the President's imperative duty to recall to the attention of Her Majesty's Government the defects in the form and scope of the Paris Award, and in the legislation thereunder, for carrying out its provisions, especially that enacted by the British Government; and I am directed by the President to earnestly renew through you the endeavours already set on foot to secure by mutual arrangement appropriate legislation on both sides, in order that the object of the Award, to wit, the preservation of the fur-seal fisheries for the mutual and lasting benefit of the citizens and subjects of the two countries, may be effectually accomplished.

The contention of Her Majesty's Government that Regulations framed for the purpose of carrying out the Award should be co-extensive with, and limited by the terms of, the Award, would seem to be sound, but this circumstance makes it the more incumbent upon the two parties to consider certain aspects in which the Award fails to provide for contingencies which one brief year's experience has shown should be promptly met. No adequate remedy seems effective except through concurrent action, for Her Majesty's Government, by insisting on following the strict terms of the Award, only emphasizes the glaring defects therein, and demonstrates the need of an agreement to cure them.

One of the most radical infirmities of this character, so conspicuous as to amount to a miscarriage of the undoubted purpose of the Award itself, is found in Article 6, which prohibits the use of fire-arms and explosives in fur-seal fishing, the only exception being

shot-guns when used outside of Behring Sea. This prohibition is directed simply against the use of these weapons for one particular purpose, that of killing fur-seal, leaving the possession and use lawful for all other purposes, such as killing whales, walrus, sea-otter, hair-seal, and other animals found within Behring Sea. Experience has shown it to be almost a practical impossibility to detect a sailing-vessel in the act of using fire-arms for this one prohibited purpose. Although the searching officer may be morally certain that fire-arms have been used, and may properly consider the mere presence of fire-arms on the vessel, if accompanied with bodies of seals, seal-skins, or other suspicious evidence, sufficient justification (even apart from the provisions of Section 10 of the Act of Congress of the 6th April, 1894, which is applicable only to American vessels) for the seizure of such a vessel, it must be apparent that in proceedings for condemnation brought in a Court thousands of miles away from the place of seizure, it will be almost impossible to secure conviction and forfeiture on the ground of illegal use of weapons. Furthermore, under the procedure necessarily following the seizure of a British vessel, the United States' officer delivers the vessel, with such witnesses and proof as he can produce, to the Senior British Naval Officer at Unalaska. At the trial no Representative of our Government is present, and the British Government must conduct the prosecution, and must trust to such proofs and witnesses as the American officer could collect and furnish at the time. Under such circumstances, forfeiture of the vessel could not be secured except in the clearest cases of guilt.

The prohibition of the use of fire-arms in seal fishing in Behring Sea can be effectually accomplished only by prohibiting the possession of fire-arms in that sea adapted to the killing of seals.

The provision of Section 10 of the Act of Congress of the 6th April, 1894, by which a presumption of a legal use from the possession of implements forbidden then and there to be used is raised, aids materially the enforcement of the Award in the case of American vessels, to which, as I have said, our Act alone applies. It is greatly to be regretted that no equivalent provision is found in the British Act of Parliament, enacted the 18th April, 1894, for carrying out said Award; and in this connection it is significant that in the prior Act carrying out the *modus vivendi* of the 17th June, 1891, for the prohibition of all sealing in Behring Sea (54 & 55 Vict., cap. 19), a provision similar to that in the Act of Congress above cited was inserted as follows:—

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

The principle thus enunciated is so evidently just and necessary, that it is not easy to understand why the later British Act legislating upon the same subject should have contained no similar provision in terms conforming to the intentment of the Award. The Secretary of the Treasury is of the opinion that, although an amendment bringing the present British Act into harmony with the prior Act and with the American Statute in this regard would render the task of enforcing the Award much easier, and give more effectual results, the most satisfactory amendment would consist in common legislation, rendering a vessel subject to forfeiture if found in Behring Sea with fire-arms on board adapted to the killing of seal.

It should further be provided by concurrent legislation that sealing-vessels having implements or seal-skins on board, desiring to traverse the area covered by the Award during the closed season, if licensed, and during any season, if unlicensed, should have such implements duly sealed, and their catch noted in the log-book (a privilege now accorded at the option of the master, under the Regulations of 1895, Article 4), under the penalty of forfeiture for violation of this privilege.

This privilege, however, as above stated, should not be accorded to vessels having fire-arms in Behring Sea.

It is further to be noted that, under the British Act of Parliament, "the provisions of 'The Merchant Shipping Act, 1854,' with regard to official logs (including the penal provisions), are made applicable to sealing-vessels;" said penal provisions, however, do not appear in the Schedule attached to the copy of the Act in the possession of the Department.

I have, therefore, to request that you will ascertain and inform me whether such penalties include the forfeiture of the vessel and cargo. Section 8 of the Act of Congress expressly provides that any violation of the Award or Regulations will render the vessel and cargo liable to forfeiture. It is feared that because of the specific reference in the British Act to the penal provisions of "The Merchant Shipping Act, 1854," as to official logs, the failure of a vessel to keep log entries might not bring her

within the general liability to forfeiture contained in the British Act, unless said Merchant Shipping Act now made a part thereof contains similar provisions. During the past season, log-book entries were duly made by United States' sealing-vessels in Behring Sea, and were transmitted to Congress.

The Department is also informed that similar entries were made by British vessels in Behring Sea, which entries have been duly transmitted by the British Government. Many vessels, however, had cleared for the coasts of Japan and Russia as early as January, long before the passage of either the Act of Congress of the 6th April, 1894, or the Act of Parliament of the 18th April, 1894. Inasmuch as the Award was not self-operative, and contained no penalties for its violation, the Treasury Department considered that the penalties provided in the subsequent legislation were not retroactive, and could not properly be applied to the failure to make the log entries required by the Award before the passage of said legislation. Entry was therefore permitted for the catch of seals on receipt of the master's oath: that he cleared in ignorance of the provisions as to log-book entries. During the coming season collectors have been instructed rigidly to enforce the law as to log-book entries; and the exact status of the British law, therefore, becomes of great importance, so that an early answer to my present inquiry is very desirable.

While upon this subject of so amending the concurrent legislation of the two countries as to secure uniformity, I may invite attention to the fact that under the British Act it is nowhere made the duty of the British naval officers to seize ships when found in violation of the law. Section 11 of the United States' Act imposes that duty on United States' officers duly designated by the President. You will recall that Mr. Gresham adverted to this point in his note to you of the 10th April, 1894; and in your reply of the 11th April you observed that, in your opinion, the word "may" would be construed as imperative, and that, in any case, the instructions to the naval officers would probably remove all doubt on the point. It is now submitted, however, that this detail is too important to be left to mere administrative interpretation of a Statute which in terms omits to prescribe this most essential duty; and, in the judgment of the President, this discrepancy in the concurrent legislation of the two countries should no longer continue.

Besides advancing these considerations in regard to the concurrent legislation for regulating sealing in the North Pacific and Behring Sea, the Secretary of the Treasury has asked me to ascertain, through you, whether, during the past season, the British Government has employed inspectors to verify the log-book entries of British vessels as to the number and sex of seal-skins landed, in like manner as provided by the legislation of this country. All skins entered during the past season at United States' ports, except Port Townsend, were duly examined by expert inspectors as to number and sex; by an error, however, the skins entered at Port Townsend, although duly examined and counted, were not classified as to sex.

The Secretary of the Treasury further suggests that the British Government be requested to consent to the stationing of United States' inspectors at British Columbian ports for the purpose of verifying said log entries of British vessels, and examining the skins as to sex; reciprocally according the British Government a like privilege in United States' ports. I have, therefore, the honour to make such request, and to invite as early a response thereto as may be practicable.

In thus communicating to you, by direction of the President, the proposals and suggestions of this Government, I desire, by way of recapitulation, to lay especial stress upon—

1. The necessity of immediate agreement to close Behring Sea absolutely to pelagic sealers pending consideration of the proposition for extending the protective area of the North Pacific Ocean along the 35th parallel to the Asiatic coast, with the concurrence of Russia and Japan;

2. The proposal for a *modus vivendi*, whereby the effective concurrence of Great Britain, Russia, Japan, and the United States shall be lent to the protection of the fur-seal herds;

3. The appointment of a Joint Commission, as suggested in Mr. Gresham's note of the 23rd January last; and

4. The advisability, if not the proven necessity, of amending the concurrent legislation of the two countries for the expansion and more precise definition of the scope of the Paris Award, and the duty of the two Governments thereunder.

I have, &c.

(Signed) EDWIN F. UHL, Acting Secretary.

No. 17.

Earl of Kimberley to Viscount Gough.

(Telegraphic.)

Foreign Office, June 17, 1895.

IN compliance with the request of the United States' Government, reported in Sir J. Pannecote's despatch of the 21st ultimo, the officers commanding the British ships of war on seal-fishery duty in Behring Sea will be authorized to continue sealing-up the arms and ammunition of American sealing-vessels if requested to do so. You should so inform the United States' Government.

No. 16.

Viscount Gough to the Earl of Kimberley.—(Received June 22.)

My Lord,

Newport, Rhode Island, June 12, 1895.

WITH reference to Sir J. Pannecote's despatch of the 21st ultimo and to previous correspondence respecting the scope of the arrangements entered into between Her Majesty's Government and the Government of the United States with regard to seal hunting in the Award area, I have the honour to forward herewith copy of a note which I have received from Mr. Uhl, Acting Secretary of State, in reply to the note addressed to him by Her Majesty's Ambassador on the 20th ultimo, copy of which was forwarded in his Excellency's above-mentioned despatch to your Lordship.

Your Lordship will perceive that Mr. Uhl again expresses his regret that Her Majesty's Government were not more prompt in notifying their refusal to continue the arrangement for sealing-up of arms on board sealing-vessels in transit through the Award area during the close season, and he states that the United States' Government must disclaim in advance any responsibility for any consequences of the delay in making known such refusal, not conceding, however, that any would otherwise exist.

I have, &c.

(Signed) GOUGH.

Inclosure in No. 16.

Mr. Uhl to Viscount Gough.

My Lord,

Department of State, Washington, June 8, 1895.

I HAVE the honour to acknowledge the receipt of the Ambassador's note of the 20th May last, in continuation of previous correspondence concerning the scope of the arrangements entered into between the two Governments with regard to seal hunting in the Award area.

Sir Julian takes the ground, first, that no "arrangements" in the sense of an agreement had been entered into between himself and the Secretary of the Treasury except that Mr. Carlisle's draft of the proposed Regulations for 1895 should be submitted to Her Majesty's Government for approval and concurrence; and, second, in effect, that the Order in Council for 1895 in terms excluded, as did the Orders of previous years, any arrangements for the sealing-up of arms on board sealing-vessels in transit through the Award area during the closed season.

As expressly declared in my note of the 18th May, it was not understood that the Ambassador had authority to bind his Government, or had undertaken definitely to do so without a formal transmission of the proposed Regulations. The fact remains, however, as already stated by me, that an understanding or agreement was reached between Sir Julian and the Secretary of the Treasury as to the form and substance of the Regulations in question, which agreement, in the form of Regulations prepared by them respectively, and reduced to writing, was to be submitted to the President and to Her Majesty's Government for approval.

Not only was a formal counter-draft of those Regulations submitted by the Ambassador to the Secretary of the Treasury, but the final form agreed upon between them contained many changes suggested by him, and, indeed, after the agreed draft had been

sent to the President for signature, Sir Julian's letter of the 20th January to Mr. Carlisle pointed out certain words evidently inserted by mistake, and referred to the draft as an "arrangement." Further, Sir Julian is pleased to say that it appears to have entirely escaped the observation of this Government that the "arrangements" mentioned in the Order in Council of 1895, as well as in all previous British Orders in Council, as having been made between the two Governments, are expressly stated to be arrangements for giving effect to Articles 4 and 7 of the Regulations prescribed by the Behring Sea Award, which relate to the form of licence, the distinctive flag, and the fitness of the men employed; wherefore his Excellency asserts that no inference could possibly arise from the language of the Order in Council, that the "arrangements" therein mentioned extended to the proposed renewal of the arrangement respecting the sealing-up of arms.

I beg to submit that the point to which his Excellency refers was not overlooked by this Government in view of the identity of the provisions of the Order of 1895 with those of the previous Orders in Council to which his Excellency adverts.

Knowing that the Order of 1894 referred to arrangements agreed upon between the two Governments, as stated in Sir Julian's note to Mr. Gresham of the 10th May, 1894, and knowing also that those arrangements expressly included Regulations for the sealing-up of fishery implements at the request of the masters of the sealing-vessels, it was not obvious that, by repeating the same provisions, Her Majesty's Government intended in 1895 to exclude a part of the Regulations which were included in the Order of 1894. Otherwise a conclusion—entirely untenable—follows that the slightly varied recital of the Order of the 2nd February last must have concealed a positive decision reached by Her Majesty's Government at that early date to reject the provisions of the arrangement of January relative to the sealing-up of arms, which decision was not announced to this Government till the 11th May following.

So far as touches his Excellency's assertion, that no inference could properly be drawn that the "arrangement" mentioned in the Order of 1895 embraced also the securing under seal of the equipment of sealing-vessels as provided for in sections 4, 5, and 6 of the draft Regulations of 1895, I have the honour to reply that no arrangements whatever have been entered into between the respective Governments during this year on the subject in question other than the "arrangements" contained in the draft from which were phrased the Regulations of 1895, promulgated by the President on the 18th January, and that the reference in the Order in Council of 1895 could only have related to the draft of Regulations prepared by the Ambassador and Mr. Carlisle.

That the effect of the Order in Council in limiting the word "arrangements" to Articles 4 and 7 of the Award (thus by necessary implication ratifying the corresponding Articles 1, 2, and 3 of the draft Regulations) was not regarded by the British Government as a refusal to concur in the remaining Articles of said Regulations is made evident by the fact, that formal notification of such refusal was deemed necessary by the Ambassador's note of the 11th May.

Until that refusal was thus tardily communicated to this Government, I repeat that we had every reason to believe that the Order in Council of the 2nd February last, as communicated by Sir Julian to Mr. Gresham on the 6th March last, related to the antecedent "arrangements" of January last, precisely as did the Order in Council of 1894 relate to the earlier "arrangements" of that year. Either an arrangement was entered into this year on the basis of the draft of Regulations of January last, including the securing under seal of the outfit of vessels, as well as the form of the distinguishing flag, special licence, and fitness of seal hunters, or there was no arrangement whatsoever made this year. Her Majesty's Government cannot, without manifest inconsistency, rely on the first three Articles of the draft, while at the same time repudiating the remainder.

I note the Ambassador's suggestion that the cause of the delay on the part of Her Majesty's Government in communicating its conclusions in regard to the draft Regulations of January last is due to the careful inquiry entered into as to the working of the "arrangements" during 1894, as a result of which inquiry it appeared that the masters of sealing-vessels objected to the practice of having their outfit secured under seal after the experience of last season. The only two cases mentioned in Sir Julian's note upon which to base the contention of Her Majesty's Government that the Agreement between the two Governments of the 4th May, 1894, was violated, had occurred long prior to the date of the negotiations between Sir Julian and Mr. Carlisle.

Correspondence in regard to the "Wanderer" had been exchanged some weeks before between your Embassy and this Department without suggestion of complaint on this particular score.

On the 2nd February last, the date of this Order in Council, Her Majesty's Government, as stated in my previous note of the 18th May, presumably had in its possession the draft of Regulations of January. It also presumably had the Report of the Canadian Minister of Marine and Fisheries to the Governor-General in Council, dated the 9th January last, in which full statistics of the catch of 1894 were given, as also log-book entries of vessels entering Behring Sea, in which Report no mention whatsoever is made of any dissatisfaction with the Regulations of 1894. At the time this Report was published all the sealing-vessels had returned from the cruise of 1894, and on the 2nd February last, the date of the passage of said Order in Council, a large number of them had already left for the cruise of 1895.

Under all these circumstances, it becomes my duty to again express the deepest regret that Her Majesty's Government could have allowed such a space of time to elapse before giving to this Government notice of its refusal to concur in the Regulations drafted by the Ambassador and the Secretary of the Treasury in January last; and this delay is all the more to be regretted, for the reason that the majority of the vessels of the United States' patrolling fleet have sailed under instructions that the Regulations of 1895 apply to British as well as to American vessels. I must therefore again express the judgment of this Government that it was entitled to prompt notice respecting the acceptance or rejection of those arrangements, adding that it was in nowise bound to regard the tardy communication to it of the Order in Council of the 2nd February last as a notice of the refusal, in whole or in part, to accept those draft Regulations.

Under all these circumstances, this Government must disclaim in advance any imputable responsibility for any consequences of the delay in making known such refusal, not conceding, however, that any would otherwise exist.

I have, &c.
(Signed) EDWIN P. HULL,
Acting Secretary.

No. 17.

Viscount Gough to the Earl of Kimberley.—(Received June 27.)

My Lord,

Newport, June 17, 1895.

I HAVE the honour to forward herewith to your Lordship copy of a note which I have received from Mr. Olney, the new Secretary of State, reporting the seizure of the British sealing-schooner "Shelby" on the 11th May last by the United States' revenue-cutter "Corwin."

Mr. Olney informs me that the declaration of seizure states that the vessel was seized for disregarding the Proclamation of the President of the United States and the Act of Congress of the 6th April, 1894, but that, from an examination of the Report of Captain Munger, of the United States' cutter "Corwin," it would appear that the seizure was made on the ground that there was cause to believe that the "Shelby" had killed fur-seals within the Award area during the closed season.

Mr. Olney requests that the consent of Her Majesty's Government be given for the appointment of counsel to represent the Government of the United States in condemnation proceedings against the "Shelby," and such other British vessels as may be seized this season by officers of the United States for violation of the Regulations of the Paris Award.

Mr. Olney adds that he believes that such action will greatly assist in the proper enforcement of the Award provisions.

The United States' Government are anxious for an answer to their request as soon as is convenient to your Lordship.

I have, &c.
(Signed) GOUGH.

I enclose in No. 17.

Mr. Olney to Viscount Gough.

My Lord,

Department of State, Washington, June 14, 1895.

I HAVE the honour to apprise you of the receipt of a letter of the 11th instant from the Secretary of the Treasury, reporting, in view of a communication on the

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11th ultimo from Captain Munger, of the United States' revenue-cutter "Corwin," the seizure of the British sealing-schooner "Shelby" on the 11th May last.

The declaration of seizure prepared by Captain Munger, and delivered to the Commanding Officer of Her Majesty's ship "Pheasant," states that the vessel was seized for disregarding the Proclamation of the President of the United States and the Act of Congress of the 6th April, 1894. From an examination of the Report of Captain Munger it would appear that the seizure was made on the ground that there was cause to believe that said vessel had killed fur-seals within the Award area during the closed season, the reason of such belief being found in the possession by the vessel of seal-skins, implements, and outfits, together with salt, shot-guns, and ammunition.

On receipt of said Report, Captain Hooper, Commanding Officer of the patrolling fleet, was reminded that the Act of Congress of the 6th April, 1894, was applicable only to American vessels; he was also directed, if on investigation he found that said vessel was seized on the charge of illegal killing during the closed season, to instruct Captain Munger to deliver to the Commanding Officer of Her Majesty's ship "Pheasant" an amended declaration of seizure, assigning as the cause the violation of the 2nd Article of the Regulations of the Paris Award, as set forth in the Schedules annexed to the British Act of Parliament, known as the Behring Sea Award Act of 1894.

In this connection the receipt signed by the Commander of Her Majesty's ship "Pheasant" is called to your attention:—

"Sitka, May 13, 1895.

"In accordance with the provisions of section 12, Article 9, of the Behring Sea Fisheries Award, I have this day received from C. L. Hooper, Captain U. S. R. C. S., commanding Behring Sea fleet, the British schooner "Shelby," of Victoria, British Columbia, C. Classen, master, with her tackle, furniture, cargo, and documents, seized by the United States' revenue-steamer "Corwin," Captain F. M. Munger commanding, for violation of the Acts of Congress and of the British Parliament regulating the fur-seal fisheries.

(Signed) "FRANK A. GARFORTH, Lieutenant, R.N.,
"Commanding Her Britannic Majesty's ship 'Pheasant.'"

Under these circumstances, I request that the consent of Her Majesty's Government be given for the appointment of counsel to represent the Government of the United States in condemnation proceedings against the "Shelby" and such other vessels as may be seized this season by officers of the United States for violation of the Regulations of the Paris Award. It is confidently believed that such action will greatly assist in the proper enforcement of the Award provisions.

In this connection I observe that the declaration of seizure will be amended to the end that the libel on Admiralty may set forth the breach of the British Act of Parliament known as the Behring Sea Award Act of 1894.

Asking that you will have the kindness to promptly communicate to Her Majesty's Government the purport of this note, and to apprise me, at your early convenience, of Her Majesty's decision upon the subject, I have, &c.

(Signed) RICHARD OLNEY.

No. 18.

Viscount Gough to the Earl of Kimberley.—(Received July 6.)

My Lord.

Newport, Rhode Island, June 28, 1895.

WITH reference to your Lordship's despatches of the 17th ultimo, addressed to Sir Julian Pauncefote, containing the proposals of Her Majesty's Government respecting the appointment of Agents to reside on the seal islands and to collect authoritative information by observations, which should extend over such a period as will be sufficient to enable a judgment to be formed of the effect upon the preservation of the herds, I now have the honour to forward herewith to your Lordship copy of a note which I have received from Mr. Olney, the Secretary of State, in which he points out that, although the United States' Government firmly believe that the suggestion of Her Majesty's Government is inadequate, and cannot satisfactorily take the place of an International Commission of scientists, they are, however, unwilling to block the way to a better approximate understanding of the important conditions of seal life.

Mr. Olney states that he is of opinion that the proposal of Her Majesty's Government may be advantageously modified in the interest of all concerned, and he adds that he is directed by the President to make a new proposition to Her Majesty's Government based largely upon your Lordship's proposal, viz., that three Agents each be appointed by the respective Governments of Great Britain, Russia, Japan, and the United States, twelve in all, who shall be stationed on the Kurile, Commander, and Pribyloff Islands respectively. That these Agents be instructed to examine carefully into the fur-seal fishery, and to recommend from time to time needful changes in the Regulations of the Paris Award, and desirable limitations of the land catches of each of the said islands; that within four years they shall present a final Report to their respective Governments; and that pending such Report a *modus vivendi* be entered into extending the Award Regulations along the line of the 35th degree of north latitude from the American to the Asiatic shore. Mr. Olney believes that such slaughter as has taken place within the last year affords conclusive evidence that the Regulations, as established by the Paris Award, are not giving that measure of protection to the herds that the Arbitration intended, and that the commercial extermination of the fur-seal herd, Asiatic as well as American, may be regarded as imminent.

I have, &c.
(Signed) GOUGH.

Inclosure in No. 18.

Mr. Olney to Viscount Gough.

My Lord,

Department of State, Washington, June 24, 1895.

ON the 27th ultimo Her Majesty's Ambassador handed to Mr. Uhl a printed copy of an instruction from the Foreign Office, dated the 17th May, 1895, in answer to Mr. Gresham's proposals of the 23rd January last touching the necessity of further provisions to preserve the fur-seal herd of the Northern Pacific and Behring Sea from extermination, in view of the inadequacy of the Regulations laid down by the Paris Tribunal Arbitration, and specifically replying to the proposal of this Government for the appointment of an International Commission by the Governments of the United States, Great Britain, Russia, and Japan respectively, to investigate the fur-seal fisheries of those waters, and, pending a Report by the said Commission, for a *modus vivendi* prohibiting sealing in Behring Sea, and extending the Regulations of the Paris Award along the 35th degree of north latitude to the shores of Asia. With regard to Mr. Gresham's statements concerning the startling increase in the pelagic slaughter of both the American and Asiatic herds, I note that the reply of the Foreign Office takes the position that this Government, because of its contention before the Paris Tribunal that the Asiatic and American fur-seal herds are distinct and do not commingle, cannot now with propriety draw any inference as to the effect of pelagic sealing on the American fur-seal herd from figures indicating increased catches over previous seasons in the total of seals killed on the Asiatic and American sides of the North Pacific Ocean. The claim is further advanced that, although the catch of fur-seals during last season on the Asiatic side was greater than in any previous year, yet the catch taken from the American herd (that is, within the Paris Award area), while admittedly larger than in most previous seasons, was, in fact, not as large as that of the season of 1891. And, in this connection, this Government is further reminded that the success or failure of the Regulations established by the Paris Tribunal must be judged solely by their effect on the herd which they were intended to protect.

I have the honour to reply that, during the hearings before the Tribunal of Arbitration at Paris, it was earnestly contended by Counsel representing Great Britain that the Asiatic and American herds did commingle. This fact was disputed by the American Counsel in the light of the evidence before them. The Tribunal, however, was not called upon to make any definite finding upon this important question.

While I do not wish to be understood as expressing any opinion upon the subject, yet, in view of the admission contained in the note of your Government, in which I cordially join, that "our knowledge of seal life is still far from complete," I feel that this disputed question as to whether said herds commingle still requires most careful consideration and study. It has been suggested that the American seal herd, even if not naturally commingling with the Asiatic herd, may have been driven over to Asiatic shores by incessant slaughter during the past seasons. If such were found to be the fact on careful investigation—which investigation is unfortunately refused by Her Majesty's Government—

it might appear that the total slaughter of fur-seals on both sides of the North Pacific Ocean has a more intimate connection with the present condition of the American fur-seal herd than is now admitted.

However this may be, the Foreign Office seems to have fallen into the serious error of assuming that the proposition of the United States' Government contained in Mr. Gresham's note of the 23rd January last was selfish in its character, having application only to the material interests of the United States' Government in the American, as distinguished from the Asiatic, fur-seal herd. Nothing could be further from the truth. The President acted in the desire to protect the fur-seal fisheries on both sides of the North Pacific Ocean, Asiatic as well as American, for the benefit of mankind. Incidentally, it is conceded, this might have resulted in benefit to the interests of the United States; but the proposition was based on broad humanitarian principles, no peculiar benefit or gain being sought save what would have accrued to all mankind from the proper regulation of these valuable fisheries. It will be recalled that a proposition of a similar nature, limited to Behring Sea, was made by my predecessor, Mr. Bayard, through the United States' Ministers in England, Japan, Russia, Sweden and Norway, to those respective Governments in 1887; and that, subsequently, at the request of Lord Salisbury, then Her Majesty's Secretary for Foreign Affairs, its scope was broadened so as to embrace the whole Northern Pacific Ocean, including Behring Sea, from the Asiatic to the American shores north of the 17th degree of north latitude. Unfortunately, and apparently at the dictatory instance of the Canadian Government, its proposal was indefinitely postponed by Her Majesty's Government in June 1888.

The development of valuable fur-seal fisheries off the coasts of Japan and Russia, followed by the closed season established by the Paris Award, has induced many sealing-vessels to frequent those waters, thus causing a notable increase in the pelagic slaughter off the Asiatic shores. The figures given by the Foreign Office included only the slaughter in Japanese waters. Adding the seals killed in Russian waters, we have a total of over 73,000 in 1893, and over 79,000 in 1894. It was to regulate the killing in those waters, as well as within the Paris Award area, that Mr. Gresham's proposition of the 23rd January was made.

But even if it be assumed that the American and Asiatic herds are distinct and have never commingled, the fact still remains that the slaughter of the so-called "American" or "Alaskan" herd during the past season has been greater than in any season in the history of pelagic sealing. The Foreign Office instruction states that about 12,500 fewer seals were killed from this herd in the Award area in 1894 than in 1891. There is good ground, however, to conjecture that the British computation of seals killed in Behring Sea in 1891, namely, 29,141, swelling their total computation to 68,000, comprised a number of seals taken on the western side of that sea in the vicinity of the Russian islands; the figures for the catch in the same sea in 1894, 31,585, it should be remembered, are limited to seals killed on the eastern side within the area of the Paris Award.

It was a matter of evidence before the Paris Tribunal that, after the promulgation of the *modus vivendi* of the 15th June, 1891, forty-one British vessels were warned out of the American side of Behring Sea by American cruisers between the dates of the 29th June and the 15th August of that year. It is believed that many of the vessels so warned went over to the Russian side of Behring Sea and made catches there. From statistics in the possession of this Government, it would appear that some 8,432 seals were so taken—6,616 by British vessels, and 1,816 by American vessels. This should be deducted, therefore, from the British figures, 6,616, leaving about 23,000 as the catch of British vessels in the Award area in Behring Sea during the season of 1891. A closely similar result is reached by careful examination of all the reported catches of 1891, and of the affidavits scattered through the Cases and Counter-Cases of the United States and Great Britain, whereby, deducting from the catch stated in the United States' Counter-Case, 28,605, the number of seals estimated to have been killed off the Russian coasts, 5,847, a result of 23,044 is reached. Adding to the computed British catch in Behring Sea during 1891, the number of seals computed as killed in Behring Sea by American vessels in that year, 4,920, the total number of seals killed and recovered within the Award area in Behring Sea for the season of 1891 falls below 28,000.

The communication of the Foreign Office states the total catch of American and British vessels within the Award area, comprising the North Pacific in addition to Behring Sea, in 1891, as 68,000. A careful computation made by the Treasury Department of the total catch for 1891, based on an elaborate calculation of all the evidence disclosed in the Case and Counter-Case of both Governments, estimates the number of seals known to have been killed within the Award area at 45,000, leaving about 18,000 undetermined as to the locality of the slaughter. Taking, however, the

figures as given by the Foreign Office, 68,090, and subtracting the number estimated by other computations by the Treasury Department to have been killed in Russian waters, 8,432, we have left 59,568 as the maximum catch within the Award area for 1891.

The official statement of the catch for 1892, contained in the Report of the Canadian Department of Marine and Fisheries, credits 14,805 out of a total of 53,912 to the Asiatic shores. The Report for 1891 gives only a total of 52,995, none being credited to Russian waters; neither does the Report of the British Commissioners of the catch of 1891 give any number as killed in said waters. While admittedly these Russian catches were relatively small in this year, and hence may by inadvertence have escaped the attention of the Canadian authorities, yet it is clear that the British computations of 1891 and 1892 are reached by different methods, omission, if not error, to the extent stated above being distinctly reputable to the figures of 1891. In computing the catch of 1894, the instruction of the Foreign Office states that 55,502 seals were killed within the Award area, including 17,558 as the catch of American vessels. It should be remembered, however, that in the Treasury Department Tables, from which the details mentioned in Mr. Gresham's note of the 23rd January were taken, 6,836 skins taken by American vessels were stated as undetermined as to location. Assuming that these unlocated catches were divided between the American and Asiatic herds in the same proportion as the other skins landed during the season of 1891 at American ports by United States' vessels, we should have for the total catch within the Award area 55,686, plus 6,152, or 61,838 in all, representing the bodies actually recovered, disregarding those killed but not recovered, from two to five times as many, according to the evidence before the Tribunal at Paris.

This total of seals killed and recovered justifies the repetition of the statement previously made, that the pelagic catch within the Award area during the last year's season was the largest in the history of pelagic sealing, the nearest approximation being the season of 1891, in which, even on the theory of the British figures, not more than 59,568 seals were killed and secured. The significance of this catch of 1894 will be better appreciated when it is considered that only ninety-five vessels were employed as against 115 in 1891.

It is further contended in the Foreign Office note that the increased catch, with proportionately fewer vessels, indicates an increased number of seals in 1894 as compared with 1891, and consequently a better condition of the fur-seal herd. When, however, the startling decrease of seals on the Pribiloff Islands—pronounced by experts to be at least one-half since 1890—taken in connection with the great destruction of pups from starvation on the islands last season, caused by the slaughter of their mothers at sea, is considered, it will appear, as is respectfully suggested, conclusively demonstrated that the increased catch is but a measure of the increased efficiency of the crews employed as hunters on the pelagic-vessels; that the seal herd is rapidly diminishing in numbers, and that it is in danger of speedy extermination unless changes are made in the Regulations established by the Paris Award as proposed by this Government.

It is correctly stated by the Foreign Office note that the catch in the Award area of last season outside of Behring Sea was less than during the season of 1893. It should be remembered, however, that it falls only a little short of the catch of 1893, and that it was taken during four months—January to April, while the catch of 1893 was taken during seven months—January to July. The prohibition in the Award Regulations of pelagic sealing during the months of May, June, and July, however, was calculated undoubtedly to do much good to the herd, and some favourable results might naturally have been expected early in the season on the islands. Nevertheless, after the sealing fleet had finished its work in Behring Sea, the alarming increase in the number of dead pups found on the islands (amounting by accurate estimate to about 20,000) revealed unmistakably the fatal error of the Award Regulations in opening said sea to pelagic sealing. The marvellously increased efficiency of the pelagic seal hunters in the use of the shot-gun and spear, as shown by the enormous catches of late years, and specially of the last season under the Award Regulations, cannot fail, it is again submitted, to speedily deplete the fur-seal herd. This depletion has already necessitated a reduction of the land catches on the Pribiloff Islands of 85 per cent. since 1890, and the pelagic catches must soon decrease in like degree on peril of complete extermination. Reports of the coast catches of the present season of 1895 would seem to indicate that this decrease is already observable. It is to be presumed, however, that for some few years the pelagic slaughter in Behring Sea, the great nursery of the fur-seal herd, can be maintained at figures approximating to or possibly exceeding those of last year. But the end cannot be far off. It is respectfully submitted that such slaughter as has taken place within the

last year—largely of nursing females—affords conclusive evidence that the Regulations, as established by the Paris Award, are not giving that measure of protection that the Arbitrators intended.

Commercial extermination of the fur-seal herd—Asiatic as well as American—is imminent. It is to be deeply regretted, therefore, that Her Majesty's Government has declined our propositions for the appointment of an International Commission, and for an efficient *modus vivendi* pending a more comprehensive Agreement in which all the parties in interest may just share.

While thus rejecting the suggested International Commission and *modus vivendi*, the Foreign Office instruction suggests that Resident Agents be appointed by the United States and Great Britain to be stationed on the Pribyloff and Commander Islands, there to make joint investigation during the next four years, and to report from time to time as to the condition of the fur-seal fisheries. Although this Government firmly believes that this suggestion of Her Majesty's Government is inadequate, and cannot satisfactorily take the place of an International Commission of Scientists, nor supply the need of all asked for in said *modus*, it is unwilling to block the way to a better approximate understanding of the important conditions of seal life.

It is thought, however, that the British suggestion may be advantageously modified in the interest of all concerned, and I am directed by the President to make a new proposition to Her Majesty's Government based largely upon that now submitted by the Foreign Office, to wit: that three Agents each be appointed by the respective Governments of Great Britain, Russia, Japan, and the United States, twelve in all, who shall be stationed on the Kurile, Commander, and Pribyloff Islands respectively; that these Agents be instructed to examine carefully into the fur-seal fishery, and to recommend from time to time needful changes in the Regulations of the Paris Award, and desirable limitations of the land catches of each of the said islands. That within four years they shall present a final Report to their respective Governments; and that, pending such Report, a *modus vivendi* be entered into extending the Award Regulations along the line of the 35th degree of north latitude from the American to the Asiatic shores.

The importance of the subject, of which the Governments interested must by this time be abundantly convinced, leads me to hope for the early and favourable attention of Her Majesty's Government to this amended proposal.

I have, &c.
(Signed) RICHARD OLNEY.

No. 19.

Viscount Gough to the Marquess of Salisbury.—(Received July 15.)

My Lord,

Newport, Rhode Island, July 4, 1895.

I HAVE the honour to transmit copy of a note, dated the 1st instant, from the Acting Secretary of State, commenting upon the inadequacy of the measures adopted by Her Majesty's Government for the patrol service of the North Pacific Ocean and Behring Sea during the season of 1895, and asking for the more active and efficient co-operation in enforcing the legislation concurrently enacted for carrying out the provisions of the Paris Award which the United States' Government believes it has the right to expect from Her Majesty's Government.

Mr. Uhl also urges that an early answer should be given to the notes addressed by the United States' Government to this Embassy on the 10th May and 14th June respectively transmitted to the Earl of Kimberley in despatches of the 21st May and 17th June last.

In the note of the 10th May, it was proposed that the carrying of fire-arms be prohibited in the Behring Sea, and that illegal use shall be presumed from the possession of weapons whose use is prohibited.

In that note, it was also requested that the United States should have permission to appoint Agents to examine all seal-skins landed at British Columbia ports.

In the note of the 14th June a request was made that the United States be represented by Counsel in proceedings for the condemnation of vessels, whether seized by British or United States' officers.

I have, &c.
(Signed) GOUGH.

Inclosure in No. 19.

Mr. Ulloa to Viscount Gough.

My Lord,

Department of State, Washington, July 1, 1895.

YOUR note of the 27th May last, informing me that Her Majesty's Government had designated the naval vessels "Nymph" and "Pheasant" to patrol that part of the North Pacific Ocean and Behring Sea embraced within the terms of the Award of the Tribunal of Arbitration during the season of 1895, was duly received and communicated to the Secretary of the Treasury, to whose Department the supervision of the corresponding control of those waters under the Award and Regulations of the Paris Tribunal duly pertains.

It is proper, however, in the interest of the efficient fulfilment of the obligations of the respective Governments under the Award and Findings of the Paris Tribunal, that the attention of Her Majesty's Government should be drawn to the obvious inequality and inadequacy of the measures adopted by Her Majesty's Government to that end, both with regard to the work necessarily to be accomplished, and as compared with the steps taken by the United States' Government to the same end.

This discrepancy was especially marked during the season of 1894, when Her Majesty's Government designated only one patrolling vessel, the "Pheasant," although a majority of the schooners engaged in fur-seal fishing within the Award area were under the British flag, while of those which entered Behring Sea less than one-half were United States' vessels.

In that year twelve United States' vessels were designated by the President to patrol the Award area, viz., the "Mojican," "Bennington," "Alert," "Ranger," "Yorktown," "Adams," "Concord," and "Petrel," the revenue-cutters, "Corwin," "Rush," and "Bear," and the Fish Commission steamer "Albatross."

The expense attending the presence of these vessels in the North Pacific Ocean and Behring Sea for the season of 1894, exclusive of the pay of officers and men, and also excluding rations, was 198,304 dol. 49 c.

For the present season of 1895 the discrepancy, although less marked, is still noteworthy; the conditions under which the patrol of those sealing waters is conducted impose, in some respects, more onerous duties upon the Contracting Parties in the protection of seal herds from illicit destruction.

There is grave reason to suspect that during the approaching season in Behring Sea, which opens on the 1st August, sealing-vessels will take advantage of the refusal of the British Government to continue the Agreement of 1844, which provided for the scaling-up of arms of such vessels, while in Behring Sea, thereby increasing the demands upon the vigilance of the patrolling fleet to detect evasions and infractions of the provisions of the Paris Award.

In a Report from the United States Fish Commission recently transmitted to the Treasury Department, it is stated:—

"We may reasonably expect a fleet of fifty-six vessels in those waters (Behring Sea). . . . Regarding Behring Sea, the sealers appear gratified over the fact that their fire-arms cannot be sealed up. They considered the sealing of arms a great hardship, and their satisfaction over carrying them unsealed must mean a determination to use them whenever they think it safe to do so. Some of them say that when the Japan fleet hear of this they will send more vessels to the sea. There is little doubt but that fire-arms, carried into the sea, will be used."

While the sealing fleet in the Award area is about the same in numbers as in 1894, the British vessels already cleared for the fur-seal fisheries outnumber the Americans so cleared in the proportion of about two to one.

The United States' patrolling fleet for this season consists of seven vessels, viz., the revenue-cutters "Rush," "Bear," "Corwin," "Wolcott," "Grant," and "Perry," and the Fish Commission steamer "Albatross."

In view of the vast area to be patrolled, this Government is constrained to suggest that the detail of two naval vessels only on the part of Her Majesty's Government is totally inadequate to the performance of the proper share of the work and responsibility of patrol, which necessarily falls to that Government.

I am, therefore, moved to invite, through you, the earnest attention of Her Majesty's Government to this matter, and to ask for the more active and efficient co-operation in enforcing the legislation concurrently enacted for carrying out the provisions of the Paris Award, which this Government believes it has a right to expect from Her Majesty's Government, in view of the joint obligations which rest upon them in this regard.

Yours faithfully,
G. GOUGH.

While treating of this subject, I beg to advert to the importance of obtaining from Her Majesty's Government a speedy answer touching the changes proposed in the scope of the Paris Award, and the practicable suggestions and requests contained in my note to Sir Julian Pauncefote of the 10th May last, and in the note of Secretary Olney to you of the 14th ultimo. I refer particularly to the proposition in my note of the 10th May, that the carrying of fire-arms in Behring Sea be prohibited, or that illegal use shall be presumed from the possession of weapons, the use of which is prohibited, as now provided for in Section 10 in the Act of Congress of the 6th April, 1894, and as was formerly provided for in the British Behring Sea Act of 1891 and the Seal Fishery (North Pacific) Act of 1893.

The note of the 10th May* further requested permission to appoint experts on the part of the Government of the United States to examine all seal-skins landed at British Columbia ports, with regard to sex, mode of slaughter, &c., the results found being compared with the log-book entries. In the note of the 14th June, a request was made that Counsel in representation of the Government of the United States be admitted in condemnation proceedings of vessels seized by United States or British officers.

The foregoing suggestions being particularly applicable to Behring Sea, where the season opens on the 1st August next, it will be highly desirable to have a distinct understanding upon the subject reached before that time; and I therefore renew the previous request for an early answer.

I have, &c.
(Signed) E. F. UHL,
Acting Secretary.

No. 20.

The Marquess of Salisbury to Viscount Gough.

My Lord,

Foreign Office, July 22, 1895.

I HAVE considered, in communication with the Secretary of State for the Colonies, the note from Mr. Uhl, of which a copy was inclosed in your despatch of the 12th ultimo, with regard to the refusal of Her Majesty's Government to renew the agreement for the sealing-up of arms and other implements on board sealing-vessels.

I have to instruct you to address a note to the United States' Government, stating that the Arrangement of 1894 on this subject was altogether outside the purview of the Order in Council of that year.

Under that Arrangement no action was contemplated excepting on the application of the master of the sealing-vessel. Consequently, no executive measure was required in respect of it, and, so far as Her Majesty's cruisers were concerned, any action taken was under the instructions issued by the Board of Admiralty.

You will point out that the inference which Mr. Uhl draws from the identity of the Order in Council of this year with that of 1894 cannot, in the circumstances, be sustained.

I am, &c.
(Signed) SALISBURY.

No. 21.

The Marquess of Salisbury to Viscount Gough.

My Lord,

Foreign Office, July 29, 1895.

I HAVE received and considered, in consultation with the Secretary of State for the Colonies, your despatch of the 28th ultimo, containing a new proposal from the United States for the appointment of three Agents by Great Britain, Russia, Japan, and the United States respectively, to be stationed on the Kurile, Commander, and Pribyloff Islands.

In the note, of which you inclose a copy, Mr. Olney criticises at length the figures relating to the catch of seals in successive years, which were given in the despatch to Sir J. Pauncefote of the 17th May. Those figures, as Mr. Olney states, were taken from the Canadian Official Returns, the estimate of the total catch of 1891 (British and American) being that of the British Behring Sea Commissioners. The statement that

* See No. 29.

a small part of the catch of 1891 was actually made on the Asiatic side of Behring Sea will be referred to the Canadian Government for verification.

With this object, you should furnish the Governor-General with a copy of Mr. Olney's note of the 24th ultimo, and you may inform the United States' Government that steps are being taken to investigate this particular point; but you should state, at the same time, that in any case their criticisms do not appear to invalidate the contention of Her Majesty's Government, that there has been no such alarming increase in the pelagic catch of seals on the American side as to justify any extension of the Regulations solemnly laid down by an International Board of Arbitration, for a fixed period of five years, after an elaborate examination and an exhaustive discussion of the voluminous evidence presented on both sides. Nothing but the absolute concurrence of the two Governments in the necessity of a change, based on new and undisputed facts, could, in the view of Her Majesty's Government, justify any departure from the Regulations prescribed by that Tribunal before the time appointed under the Award for their revision, should such revision then be called for.

You should point out that even on the figures given by the United States' Government, the catch of 1891, on the American side, was practically the same as that of 1894, and that the greatly increased dexterity with which the sealers are credited, and especially the fact that the bulk of the catch was made with spears instead of fire-arms, justifies the conclusion that the catch of 1894 was secured at less cost to the herd than that of 1891.

You are authorized to state, in reply to Mr. Olney's note, that Her Majesty's Government cannot recognize that Russia and Japan have any interest in the seal fishery on the American side of the North Pacific, and that they cannot therefore take part in any inquiry on the Pribyloff Islands in which those Powers are associated, but that they are ready to appoint at once an Agent to inquire conjointly with an Agent of the United States alone, as already proposed; and they would also be ready to consider any request from the two Powers concerned to join in an inquiry on similar terms with Russia and Japan respectively in the Commander and Kurile Islands.

I am, &c.
(Signed) SALISBURY.

No. 22.

The Marquess of Salisbury to Viscount Gough.

My Lord,

Foreign Office, August 16, 1895.

THE Earl of Kimberley, in his telegram of the 9th May, requested Sir J. Pauncefoot to inform Mr. Gresham that Her Majesty's Government were unwilling to renew the Agreement with the United States of the 12th May, 1894, relative to the sealing-up of arms on board sealers during the close season in Behring Sea, because the possession of arms was not contrary to the Award of the Paris Tribunal of Arbitration, and because, as proved by the seizures of the "Wanderer" and "Favourite," the Agreement had not in practice worked for the protection of British sealers from unnecessary interference.

His Excellency was also requested to remind Mr. Gresham that United States' naval officers have no right to seize British sealing-vessels except under the Order in Council for offences against the British Act of Parliament which embodies the Award Regulations.

The circumstances in connection with the seizures of the "Wanderer" and "Favourite," above referred to, have been most carefully considered, after some delay occasioned by the necessity of obtaining full information, including Reports from Admiral Stephenson, the Commander-in-chief on the North American Station.

The "Wanderer," while in the waters affected by the Award, and during the close season, was boarded, and the master warned by an officer from the United States' steamer "Yorktown" of the provisions of the Award Act.

A certain quantity of arms and ammunition was sealed up, and the master signed a statement that the fire-arms, &c., then produced were all that belonged to the vessel or to any person attached to her.

The seal-skins on board were counted, and the number amounted to 400.

On the same day the vessel was again boarded while within the Award area by an

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officer from the United States' steamer "Concord." The seals placed on the arms in the morning were found to be intact, and the number of seal-skins on board corresponded with the number counted by the officer of the "Yorktown."

Further search was, however, made, and in the extreme forward part of the ship a shot-gun, with thirty-nine cartridges, were found, which the mate said belonged to him.

The vessel was thereupon towed to St. Paul's, Kadiak Island, formally seized, and sent thence with a prize crew to Unalaska, and handed over to Her Majesty's ship "Pheasant."

The grounds for the seizure, as given by the Commander of the "Concord," were "the possession of an unsealed gun and ammunition in contravention of 'The Behring Sea Award Act, 1894,' clause 1, paragraph 2, and clause 3, paragraph 2, as well as of section 10 of the President's Proclamation."

The master protested, one of his grounds of protest being that the gun and ammunition were the private property of the mate, and had been hidden without his orders or knowledge. The master also said that he was making direct for St. Paul, a port in United States' territory.

Admiral Stephenson, the Commander-in-chief on the North American Station, having, after due consideration, come to the conclusion that the vessel could not be successfully prosecuted, decided not to take proceedings against her, and directed that she should be released.

The vessel, however, was unable to complete her voyage, and the master, on behalf of those interested in her, advanced a claim to the amount of the market value of 1,000 seal-skins, 250 dollars on account of damage done to guns through scaling up, and 120 dols. 50 c. paid for provisions, with interest to be added.

The "Favourite" was seized by the United States' war-vessel "Mohican" while sealing in Behring Sea during the open season. There were no fire-arms on board with the exception of one rocket-gun, to be used for signalling purposes, and this appeared on the ship's manifest, signed by the Collector of Customs at Victoria. While the schooner's papers were under examination by an officer of the "Mohican" the master produced the signalling-gun and placed it on the table before the examining officer, who expressed himself satisfied, and entered the following in the schooner's log:—

"Boarded the 'Favourite.' Found log correctly kept. No violation of Regulations, as per log. One shot-gun unsealed."

The "Mohican" steamed off about 2 miles, but returned. The same officer boarded the "Favourite" again, and ordered the master to take the schooner's papers and the signal-gun on board the "Mohican." There he was informed that his vessel was seized for having fire-arms on board.

Lieutenant Wadhams, who was in command of the "Mohican," stated the grounds for seizure to be that the vessel had on board a double-barrel shot-gun, which was found upon trial to carry No. 10 gauge cartridges, and to shoot accurately at least 50 yards, and that the possession of this shot-gun was in contravention of Article 6 of the Paris Award and of the United States' Act of Congress.

The gun in question was carried for the sole purpose of firing rockets as night signals. It was old, barely 11 inches long in the barrels, with a pistol-handle grip of 9 inches, and quite unfit for killing seals. Not only was the gun mentioned in the ship's manifest, but the master stated that he was verbally authorized by the Custom-house official at Kynuot, where, previous to the opening of the fishery season, his fishing implements had been sealed up, to carry it and rockets unsealed. Moreover, Commander Hunter Blair, of Her Majesty's ship "Pheasant," and Captain Clark, the Commander of the "Mohican," had agreed to authorize sealing-vessels to carry the means of signalling; and the former stated that had application been made to him he would certainly have permitted the "Favourite" to carry the weapon on account of which she was seized.

No cartridges, or shot of any kind, were found on the vessel.

In spite of the master's protest a prize crew was placed on board the steamer, by which she was taken to Unalaska, and there handed over to the Commander of Her Majesty's ship "Pheasant," by whom she was ordered to proceed to Victoria and report to the Collector of Customs. The latter applied to the Admiral for instructions, considering that he was not justified, under "The Behring Sea Award Act, 1894," in taking any action against the vessel; and the Admiral replied that, in his opinion, there was no ground for a prosecution, and therefore requested that the schooner should be released.

The master has preferred a claim for 22,430 dollars, the amount at which he estimates the loss incurred by the interruption of his voyage.

It thus appears, both from the information obtained by Her Majesty's Government and from the statements of the United States' naval officers themselves, that no evidence existed of any unlawful fishing operation on the part of either of these vessels.

Had the master of the "Wanderer" intended to violate the Regulations, he would presumably not have limited his preparations to a single gun and a few cartridges, and it seems highly improbable that after having been boarded, and having had the skins on his vessel counted, he would have run the risk of being discovered with fresh skins on board.

With regard to the "Favourite," the evidence seems conclusive that the gun found on board was intended solely for signalling purposes, and that it was not suitable for killing seals. The fact that no cartridges or shot of any kind were found on the vessel affords presumption almost amounting to proof that this view is correct.

It must also be remembered, in considering the case of the "Wanderer," that the arrangement for the sealing-up of fishing implements was not obligatory, but was to operate only on the application of the master of a vessel traversing Behring Sea for any legitimate purpose during the close season as a protection to the vessel against interference by any cruiser in the said waters.

The "Favourite" was seized during the open season when the Agreement was not in force, though the entry made in her log by the United States' officer seems to indicate that he was not cognizant of this fact.

The statements made by the United States' officers of the grounds of seizure show, moreover, that in both cases they relied upon that part of Section 10 of the United States' Act of Congress which reads: "or if any licensed vessel shall be found in waters to which this Act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case, and the apparatus or implements in the other, was or were used in violation of this Act, until it is otherwise proved."

That section has the obvious effect that without affecting directly to enlarge the obligation which the Award imposes upon sealing-vessels, it creates an artificial presumption of guilt springing from facts which otherwise might not be evidence of guilt at all, and thereby indirectly makes the Award weigh heavier on these vessels.

It is not, however, necessary to discuss the provisions of the Act of Congress. Whether an offence against that Act was committed or not by either the "Wanderer" or the "Favourite"—a point which seems open to doubt, especially in the case of the "Favourite"—the officers of the United States' cruisers were not empowered to seize the vessels, except under the Order in Council for offences against the British Act of Parliament, which embodies the Award Regulations. Those Regulations do not prohibit the possession of fire-arms, nor do the Behring Sea Award Act and Order in Council of 1894 contain any provision corresponding to that in Article 10 of the Act of Congress. A duly authorized officer of the United States is warranted in seizing a British vessel, if he believes, or has reasonable grounds for believing, that the British law has been violated. But he is not warranted in seizing her if there are no reasonable grounds for that belief, nor is he warranted in applying to British vessels the doctrine of presumptive guilt which is contained in Section 10 of the United States' Act.

The seizure of both the "Wanderer" and the "Favourite" was grounded on what, even if it was an offence against the United States' law, was not an offence against British law. For this reason Her Majesty's Government consider that the officers of the United States' cruisers were not justified in seizing the vessels, and they feel bound to present to the United States' Government the claims for compensation which have been made by the owners, and to request that they may receive the consideration to which they are entitled.

You will read and give a copy of this despatch to the Secretary of State.

I am, &c.

(Signed) SALISBURY.

No. 23.

The Marquess of Salisbury to Viscount Gough.

(Telegraphic.)

Foreign Office. August 29, 1895.

WITH reference to your despatch of the 17th June, please ascertain and report by telegraph whether the presence of Counsel on behalf of the United States' Govern-

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ment in the British Courts is desired for the purpose of taking part in the proceedings, or only for that of watching the case.

No. 24.

Viscount Gough to the Marquess of Salisbury.—(Received September 7.)

My Lord, *Newport, Rhode Island, August 19, 1895.*
I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 29th ultimo, containing the views of Her Majesty's Government with respect to the new proposal from the United States for the appointment of three Agents by Great Britain, Russia, Japan, and the United States respectively, to be stationed on the Kurile, Commander, and Pribyloff Islands.

I have this day addressed a note to Mr. Olney, embodying the views of Her Majesty's Government concerning this new proposal.

I have, &c.
(Signed) GOUGH.

No. 25.

Viscount Gough to the Marquess of Salisbury.—(Received September 21.)

My Lord, *Newport, Rhode Island, September 7, 1895.*
I HAVE the honour to report that I was received this afternoon by the Secretary of State at his house in Boston, and read to him your Lordship's despatch of the 16th ultimo relative to the claims for compensation made by the owners of the British ships "Wanderer" and "Favourite."

Mr. Olney said that he would take these claims into consideration.

I have, &c.
(Signed) GOUGH.

No. 26.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received September 24.)

(Telegraphic.) *Washington, September 23, 1895.*
WITH reference to your Lordship's telegram of the 29th ultimo, it is desired by United States' Government that Counsel representing their Government, in cases such as those referred to, receive permission to examine the pleadings, be present at trials, to make to the Government Counsel such suggestions as may seem necessary for protecting the interests of the United States, and for the proper enforcement of the Paris Award.

It is, of course, understood that in similar cases before the Courts of the United States like courtesy be extended to Counsel representing British interests.

No. 27.

Viscount Gough to the Marquess of Salisbury.—(Received September 21.)

My Lord, *Newport, Rhode Island, September 13, 1895.*
WITH reference to Sir J. Pauncefote's despatch of the 21st May and to previous correspondence respecting the refusal of Her Majesty's Government to renew the arrangement for placing under seal the arms and ammunition carried by British sealing-vessels, I have the honour to transmit herewith copy of a note which I have received from the Acting Secretary of State on this subject, inclosing a Report addressed to the Treasury Department by Captain Hooper, the Commander of the United States' patrolling fleet in the Behring Sea.

Captain Hooper states that the masters of twenty-eight British sealing-vessels, at one time assembled in Dutch Harbour, formally applied to him to have their arms

placed under seal, and were unanimous in recognizing the advantages of such a measure.

Mr. Adee observes, however, that Captain Hooper, acting in accordance with his instructions, declined to accede to their request.

I venture to call your Lordship's attention to the statement at the conclusion of Captain Hooper's report, viz., that seals are not unfrequently, when killed with spears, found to have gun-shot wounds previously received, and that these wounds on the skin might raise a presumption that fire-arms had been illegally used by their capturers, unless the innocence of the capturers were made manifest by the arms on board being under seal.

I have, &c.
(Signed) GOUGH.

Inclosure 1 in No. 27.

Mr. Adee to Viscount Gough.

My Lord, *Department of State, Washington, September 11, 1895.*

IN connection with the Department's note of the 18th May last to Sir J. Pouncefote in regard to the action of the Government of Great Britain in refusing to permit British sealing-vessels to have their arms and equipment placed under seal by naval officers, I have the honour to transmit herewith an extract of a report to the Secretary of the Treasury from Captain C. Hooper, commanding the United States' patrolling fleet, dated Dutch Harbour, Alaska, 8th August, 1895, in which he states that at one time during this season there were twenty-eight British sealing-vessels in the harbour, and that they formally applied to him to have their arms and equipment placed under seal, but that, acting in accordance with his instructions, he declined to accede to their request.

In view of the fact that the British Government has communicated to that of the United States its refusal longer to permit the sealing-up of arms and equipment on sealing-vessels on the ground that such arrangement had not worked satisfactorily in practice, I desire to call to your attention the further statement of Captain Hooper in this report, that said British masters were unanimous in their desire to have their equipments placed under seal, stating that the refusal of the British Government above referred to had exposed them to unnecessary risk.

I have, &c.
(Signed) A. ADEE.

Inclosure 2 in No. 27.

Captain Hooper to the Secretary of the Treasury.

*United States' Revenue-cutter Service Steamer "Rush," at
Port of Dutch Harbour, Alaska, August 8, 1895.*

(Extract.)

FORTY-SIX sail of vessels were at anchor in Dutch Harbour, including the seven that arrived previous to our sailing.

These were boarded and examined by the "Rush" and "Grant." Thirty-nine proved to be sealers—eleven American and twenty-eight British. Of these, six American and twenty-seven British vessels were from their home ports; while five American and one British vessel were from the Japan coast.

All vessels from their home ports were without guns, having taken the precaution to leave them behind. Several of the masters had a revolver, which they desired to keep for self-protection.

The masters of the British vessels applied to have their spears, guns, and revolvers sealed up, but were refused.

There were so many expressions of dissatisfaction at this, that officers were sent to make a canvass of the British sealers to ascertain how many were in favour of having their arms secured under seal.

They were found to be unanimous in favour of it, and all stated that the refusal of the British Government to allow it done exposes them to unnecessary risk. They say

it is no uncommon thing to spear a seal that has previously been shot; and they understand that the presence of such on board a vessel carrying unsealed guns furnishes grounds for seizure.

No. 28.

The Marquess of Salisbury to Sir J. Pauncefote.

Sir, *Foreign Office, September 27, 1895.*
 WITH reference to my despatch of the 16th August and to other correspondence relating to the seizure of the sealing-vessels "Wanderer" and "Favourite" by United States' cruisers, I have to request your Excellency to inform the United States' Government that British naval officers will decline to take over any British vessel seized by an American cruiser unless the declaration of seizure alleges a specific offence which is a contravention of the British Act of Parliament.

I am, &c.
 (Signed) SALISBURY.

No. 29.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received October 7.)

My Lord, *Newport, Rhode Island, September 24, 1895.*
 ON returning to my post after leave of absence, I found that there had been some misapprehension with regard to the communication to the United States' Government of your Lordship's reply to their proposal for the inspection of seals-skins at Columbian ports.

I have accordingly addressed to Mr. Olney the note, of which I have the honour to inclose a copy for your Lordship's information.

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

Inclosure in No. 29.

Sir J. Pauncefote to Mr. Olney.

Sir, *Newport, Rhode Island, September 24, 1895.*
 WITH reference to your note to Lord Gough of the 18th instant, in which you renew the inquiry contained in Mr. Adee's note to him of the 13th instant, as to whether Her Majesty's Government have come to any conclusion respecting the suggestion made in Mr. Uhl's note of the 10th May last as to the stationing of United States' Inspectors at British Columbian ports for the purpose of verifying log entries of British sealing-vessels, and examining the skins as to sex, with reciprocal privileges to British Inspectors in American ports, I have the honour to inform you that at the time of my departure for England on leave of absence early in June last, I was under the impression that the answer of Her Majesty's Government to that proposal, as well as to all the other proposals contained in Mr. Gresham's note of the 23rd January, and Mr. Uhl's note of the 10th May, had been substantially communicated by me to Mr. Uhl on the 27th May, when I had the honour to read to him, and to leave in his hands, a copy of the Earl of Kimberley's despatch to me of the 17th of that month.

As regards the particular proposal relating to Inspectors, I had previously been informed by the Earl of Kimberley* that it was not acceptable to Her Majesty's Government, on the ground that the matter is already provided for by the Award Regulations, the sealers being bound thereunder to keep a record of sex.

The proposed examination by Inspectors would, therefore, only be of use in the case of skins taken outside the Award area, which is not a matter of special concern.

* See No. 10.

I regret that the reply of Her Majesty's Government to the proposal in question should not have been made more clear, and that it should have remained in any doubt at the Department of State, during the period of my absence.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 30.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received October 28.)

My Lord,

Washington, October 17, 1895.

WITH reference to previous correspondence respecting the seizures of the British sealing-vessels the "Wanderer" and "Favourite," I have the honour to forward herewith to your Lordship copy of a note, together with its inclosure, which I have received from the Secretary of State on the subject.

The inclosure gives the report of the Attorney-General of the United States on the claims, which is adverse to their validity.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 30.

Mr. Olney to Sir J. Pauncefote.

Excellency,

Department of State, Washington, October 14, 1895.

REFERRING to the claims preferred by Her Majesty's Government for compensation for alleged unjustifiable seizure by United States' cruisers of the British sealing-vessels the "Wanderer" and the "Favourite," which claims were brought to the attention of this Government through a despatch of the British Foreign Office to Lord Gough, read, and a copy thereof given to the Secretary of State the 6th September, 1895, I have the honour to state that the question of the validity of such claims, and of any liability of this Government on account of such seizures, has been submitted to the Attorney-General of the United States for his opinion thereon.

The opinion of that officer, copy of which is appended for your information, is adverse to the validity of the claims, and rests upon considerations of such conclusive nature and effect that the result, it is believed, can hardly fail to be acquiesced in by Her Majesty's Government.

I have, &c.

(Signed) RICHARD OLNEY.

Inclosure 2 in No. 30.

The United States' Attorney-General to Mr. Olney.

Sir,

Department of Justice, Washington, October 3, 1895.

IN the matter of the claims presented by the British Government for damages on account of the seizure by United States' cruisers of the British sealing-schooners "Wanderer" and "Favourite," I have the honour to give my opinion, as requested by your letter of the 27th September.

It appears from the letters of the Secretary of the Treasury to yourself, dated the 12th June and the 24th September, which you inclose, that these schooners were seized by American cruisers, one in the North Pacific Ocean 9th June, 1894, the other in Behring Sea 24th August, 1894, and delivered to British naval officers with a written statement of the facts upon which the seizures had been made, which officers, without in anywise invoking the action of the Courts, released them, having reached the conclusion after investigation, and upon legal advice, "that no case could be made out against them."

The British naval officers, in releasing the schooners, apparently proceeded on the theory that they were invested with the authority of an ordinary examining Magistrate or Court to determine whether the accused vessels should be subjected to regular judicial

inquiry or not. So acting, they seem to have held that the statements of the United States' Commanders, as well as the facts developed by their own investigation, failed to show even probable cases of violation of the laws for the preservation of the fur-seals, passed in pursuance of the Award of the Tribunal of Arbitration at Paris under the Treaty between the United States and Great Britain, concluded at Washington 29th February, 1892. (See Act of Parliament, 23rd April, 1894, 57 Vict., cap. 2, 31 L.R. Statutes 4.)

The statements made and delivered by the United States' officers were to the effect that prohibited and unsealed fire-arms, together with large numbers of seal-skins, were found on board the seized schooners. In the case of the "Wanderer" at least there were other circumstances of suspicion, such as evasion and concealment. The alleged defects in these statements were that they merely set forth as grounds of seizure the facts above stated, but did not specifically assert that seals had actually been taken contrary to law. In other words, considering the statements as pleadings, they set forth mere evidence and not the ultimate fact.

I find nothing in the British Statutes, or in the orders and instructions issued for the due execution thereof, which requires any formal charge by officers making seizures. "An indorsement of the grounds on which it was seized" on the certificate of the vessel is required when it is returned to enable the vessel to proceed to port for trial (57 Vict., cap. 2, sec. 2 (1). Section 12 of the Act of Congress, authorizing seizures of American ships by British officers, provides for the delivery with the ship of "any witnesses and proofs on board." (Act approved 5th April, 1894, 28 Statutes, 52.) The instructions of the Secretary of the Navy to the Commander of the United States' naval force in Behring Sea, dated 4th May, 1894, a copy of which was sent by the Secretary of State to the British Minister (Senate Ex. Doc. 67, 53rd Congress, 3rd Session, p. 124), required the Commanding Officer making the seizure to draw up a declaration in writing, and deliver the same with the vessel, whether such delivery should be made to British or American authorities (*id.* 126). I have found no similar requirement in the British Act, Orders in Council, or Instructions, and the declarations directed by the instructions to American officers were merely intended to carry out Section 12 of the Act of Congress. These, as well as the indorsement on the certificate above mentioned, were manifestly required, not for the purpose of justifying the seizures to other naval officers to whom delivery might be made, but to indicate evidence for use in the Courts where proper charges would be formulated from the evidence produced. As all seizures are to be made by naval officers, and the vessels seized delivered to other naval officers, when not taken direct to the judicial authorities, it could not have been expected that the niceties of legal procedure should be observed in such statements.

The authority of American cruisers to seize British ships is found in the Act of Parliament above cited, and in the Orders in Council authorized thereby, which bear date 30th April, 1891. Section 1 of such Orders provides that American officers may "seize and detain any British vessel which has become liable to be forfeited to Her Majesty under the provisions of the recited Act, and may bring her for adjudication before any such British Court of Admiralty as is referred to in section 103 of 'The Merchant Shipping Act, 1854' (which section is set out in the second Schedule to the recited Act), or may deliver her to any such British officer as is mentioned in the said section for the purpose of being dealt with pursuant to the recited Act." The mode provided by the Behring Sea Award Act for dealing with vessels so seized is to subject them to legal proceedings in the British Courts (second Schedule, section 103). Section 2 of said Orders in Council, which relates to the conduct of British cruisers seizing American vessels, provides that "such officer, after seizing and detaining a ship of the United States in exercise of the said powers, shall take her for adjudication before a Court of the United States having jurisdiction to adjudicate in the matter, or deliver her to any naval or revenue officer or other authorities of the United States." While it is not explicitly stated, it is manifest that the intention was to substitute delivery to the naval authorities of the country to which the vessel belongs in place of delivery to its judicial authorities merely for convenience, and not for the purpose of dispensing with legal proceedings or having a trial by such naval authorities instead. Such delivery is a mere transfer of custody.

The law of each country requires that its vessels, when seized by its own cruisers, shall be brought into Court for adjudication (second Schedule, Act of Congress, *supra*, secs. 9 and 11), and intended to give to the cruisers of the other country the same rights given those of its own (Act of Parliament 3 (3), Act of Congress, sec. 12).

It may be suggested that the Commander of a cruiser conducts an investigation in deciding whether to seize or not to seize, and farther that, after seizure, he may revoke his

decision and release. But two things would prevent the conclusion that a naval officer, to whom delivery is made of a vessel seized under the provisions of the Treaty, has power either to review or to investigate anew. One is the spirit of comity shown by the Acts of both countries, which requires a construction thereof not inconsistent with mutual confidence and respect. The other is that the power of British officers receiving seized vessels from American cruisers is expressly limited to bringing them into Court for adjudication. (Orders in Council, sec. 1, second Schedule, Behring Sea Award Act, sec. 103.)

Nothing is said in the Act of either country about liability for wrongful seizures. If it be conceded, upon principles of comity or otherwise, that such liability was contemplated, it must be assumed that both countries had in mind the well-settled principles of the law common to both relative to such liability.

While the Acts of both countries are, of course, directed only against actual cases of unlawful seal fishing, it would be absurd to limit the right of seizure thereby conferred upon each other's cruisers to vessels caught in the act. In all other cases action must depend upon evidence and indications. This was recognized by the authorities of both countries. See Instructions of Secretary of the Navy, *supra*, p. 126, which adopts from "Instructions to British cruisers as to seizure" sent by the British Minister to the Secretary of State (Senate Ex. Doc. *supra*, 116) the following: "Whether the vessel has been engaged in hunting you must judge from the presence of seal-skins or bodies of seals on board, and other circumstances and indications." The possibility of mistakes in such cases is well known. Certainly it could not have been intended by Great Britain to have liability for wrongful seizures by American officers depend upon any different rules from those expressly made applicable to seizures by its own. These are merely the rules of the common law in the analogous case of groundless arrest or prosecution by the civil authorities. There is no liability in any case where reasonable grounds for the seizure are shown, even when the Court has discharged the vessel. (Second Schedule, *supra*, sec. 103.)

The schooners in question, having been seized by due authority, have never been lawfully discharged. It is not even suggested that the American officers who made the seizures did not act in good faith, and they seem to have acted on reasonable grounds of suspicion. My opinion, therefore, is that the Secretary of the Treasury is right in holding that there is no liability for damages on account of such seizures, assuming that there was, in fact, no violation of law by either of the schooners seized. While voluntary release by the seizing officer might dispense with judicial discharge as one of the conditions of liability, this would result only because such release would be an admission of innocence. It will hardly be claimed that the release by British naval officers operated as an admission by the American officers who made the seizure.

Very respectfully,
(Signed) JULIAN HARMON.
Attorney-General.

No. 31.

Sir J. Poncefote to the Marquess of Salisbury.—(Received February 20.)

My Lord.

Washington, February 11, 1896.

I HAVE the honour to forward herewith to your Lordship copy of a note which I have received from the Secretary of State, containing a request that Her Majesty's Government will notify the British Columbian sealing-vessels to keep a record of all nursing female seals killed during the coming season in Behring Sea.

I have forwarded copy of the above note to the Governor-General of Canada, for his Excellency's information.

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

Inclosure in No. 31.

Mr. Olney to Sir J. Pannercote.

Excellency.

Department of State, Washington, February 6, 1806.

I HAVE the honour to request, in view of a letter from the Secretary of the Treasury of the 3rd instant, that Her Majesty's Government will notify the British Columbian sealing-vessels to keep a record of all nursing female seals killed during the coming season in Behring Sea.

Such a record will greatly assist the Treasury Department in certain investigations it is now making, showing the distance from Pribiloff Islands female seals go for food, leaving their young on the islands. It seems needless to add that the co-operation of the British Government will be of material assistance to the Treasury Department in prosecuting its investigations.

I am, &c.
(Signed) RICHARD OLNEY.

No. 32.

The Marquess of Salisbury to Sir J. Pannercote.

Sir.

Foreign Office, February 21, 1806.

DURING the sealing season of 1895 complaints have been made against the proceedings of the United States' revenue-cruisers in searching and seizing British vessels without sufficient cause.

You are authorized to communicate to the United States' Government copies of the inclosed letter from the Collector of Customs at Victoria of the 15th October, with the declaration of Isaac A. Gould, and the list of boardings which accompany it.

It appears from those papers that out of twenty-nine vessels which had then returned from Behring Sea, no less than twenty-six had been boarded by United States' officers, and these, in the aggregate, eighty-two times. The average was, therefore, more than three boardings for each vessel, and in one case, that of the "Sapphire," the vessel was boarded six times in the course of twenty-four days. In nearly every instance the seal-skins were overhauled and examined and left in confusion, and on each occasion they had to be repacked in salt by the crews. The net result of all this labour and annoyance was that the entries in the log-book of the "Bentrice" were found to be a few days in arrear, and that a hole was discovered in one seal-skin out of a cargo of 386 on board the "E. B. Marvin," which, in the opinion of the United States' naval officer, had the appearance of being a shot wound. Both these vessels were seized, and were subsequently sent to Victoria for trial.

Admiral Stephenson and the Officer Commanding Her Majesty's ship "Phensant" have also commented on the frequency with which the vessels were visited, and on the manner in which the search was conducted. These two officers state, moreover, that the men who command the sealing-schooners are most anxious to carry out all Regulations to the letter.

Her Majesty's Government have also been informed that the United States' naval officers considered themselves authorized by their instructions to board indiscriminately all British sealers.

Your Excellency will observe from the foregoing summary, that the complaints of the sealing-vessels against the United States' revenue-cruisers belong to three different categories:—

1. The seizure of vessels for alleged offences on evidence obviously insufficient.
2. The exercise of the right of search in cases where no suspicion exists as to an offence having been committed.
3. Vexatious and inquisitorial interference.

With regard to the question of seizure, it has been notified to the United States' Government on several occasions that the United States' cruisers are only empowered by the British Order in Council to seize British vessels contravening the provisions of the British Act of Parliament, which contains no provision similar to Section 10 of the United States' Act, and that the United States' naval officers have therefore no power to seize British vessels merely on the ground that they have sealing apparatus or implements on board. The British Act of Parliament only gives a power to seize where

an offence has been committed, and the Order in Council authorizes the seizure and detention of any British vessel which has become liable to be forfeited. Even by the United States' law, no general power is conferred to board and search vessels without specific grounds of suspicion. I have already requested your Excellency, in my despatch of the 27th September last, to inform the United States' Government that British naval officers will in future decline to take over any British vessel seized by an American cruiser unless the declaration alleges a specific offence which is a contravention of the British Act of Parliament.

There appears to have been some misconception on the part of the United States' naval officers, who have attempted to apply United States' law to British vessels, as is shown by the clearance certificate granted to the "E. B. Marvin" by Lieutenant Carmine, United States' navy, in which the Proclamation of the President and the United States' Regulations are quoted. A copy of this certificate is inclosed. It should be brought to the notice of the United States' Government, with the request that the naval officers may be informed that their powers, as far as British vessels are concerned, exist solely in virtue of the British Act of Parliament, and the Order in Council issued under it, and are restricted within the limits of the provisions by which those powers are therein defined.

The exercise of the right of search is likewise subject to restrictions.

The Act of Parliament contains no section enabling an officer to stop and examine any vessel such as existed in the Seal Fishery Acts of 1801 and 1803. The Arbitration Award required that the offences specified in Articles I and II should be prohibited, but did not require any preventive action before the commission of the offence. If an officer has reasonable cause to suspect a vessel of having committed an offence it is open to him to stop and examine her, but he is clearly not justified, in the absence of any specific ground for suspicion, in stopping and examining every vessel he meets as a purely precautionary or preventive measure.

In any case, the vexatious and unalled-for interference reported during the past season gives just cause for complaint. Amongst the points agreed to by the Secretary of the Treasury with reference to the instructions to the United States' naval officers in May 1894 were the following:—

That the masters of the sealing-vessels should be protected from inquisitorial examination; that no sealing-vessel should be seized by reason of the absence of a licence or of fishery implements being found on board; that the United States' naval instructions as to the mode of dealing with sealing-vessels should be similar to the British naval instructions; and that the naval officer who examines a sealing-vessel shall leave a certificate with her master for his protection against interference.

These provisions, which had special reference to the arrangement for sealing-up arms in 1804, show the spirit in which the instructions for carrying out the Award were issued, and it is essential that an international Agreement involving questions of so delicate a nature should be administered with mutual forbearance and moderation.

Her Majesty's Government feel sure that it is not the intention or desire of the United States' Government that men engaged in a perfectly legitimate occupation, who, according to both British and American reports, are most anxious to observe strictly the Regulations imposed for public reasons on that occupation, should be treated as if they were continually engaged in trying to evade and break the law, and subjected to unnecessary loss and trouble. The right of searching British vessels was conferred on United States' officers on the assumption that they would exercise their powers with the same consideration as would in like circumstances be shown to such vessels by Her Majesty's naval officers, and Her Majesty's Government have no doubt that, when the matter is brought to the notice of the United States' Government, they will issue such orders as will put an end to an interference with British vessels on the high seas, which has given rise to so many complaints, and which is not warranted by the provisions of British law.

Your Excellency will address a note to the United States' Government in the sense of this despatch, and make such further representations as you may deem advisable.

I am, &c.
(Signed) SALISBURY.

Inclosure 1 in No. 32.

*Customs, Canada, Victoria, British Columbia,
October 15, 1895.*

Sir,

I HAVE the honour to forward herewith, for your information, a statement giving the names of the sealing-vessels, the latitude and longitude of each at the time the schooners were boarded in Behring Sea while engaged in seal-fishing outside of the 60-mile zone round the Pribyloff Islands.

I beg to say that all the vessels have not yet returned, there being eight still out. All those that have arrived report having been boarded, with only three exceptions.

The boarding officers certified on the official log-book the time of boarding, the position of the vessel, and also the number of seal-skins then on board.

The examination of the seal-skins and the opening out of them, shaking the salt from the skins, tassing and heaving them about the hold of the vessel, and leaving the skins on each occasion without salt, and at no time offering to repack the skins as they found them, seems to be the only cause of complaint of the majority of the masters and crews during their voyage to Behring Sea this year.

There were only two schooners seized in Behring Sea for alleged contravention of "The Behring Sea Award Act, 1894," viz.

Schooner "Beatrice," of Vancouver, British Columbia, Louis Olsen, master, seized in latitude 55° 4' north, longitude 138° 55' west, by United States' ship "Rush," for not entering catch of seals in her official log-book.

Schooner "E. B. Marvin," of Victoria, British Columbia, seized in Behring Sea by the United States' ship "Rush," in latitude 56° 25' north, and longitude 172° 59' west, for violation of Article 6 of the Regulations of the Paris Award, that is, for having one skin which appears to have a shot hole in it. At the time of seizure the "E. B. Marvin" had on board 386 fur-seal skins.

These schooners that have returned have all obtained fair catches, but on the whole the entire catch for the season will be about 25,000 short of last year, owing chiefly to the small British Columbian coast catch and on the coast of Japan caused chiefly by stormy weather.

Those vessels that were boarded in Behring Sea during the past season will not likely, I think, present any claims for detention, as none actually suffered loss.

All the skins on being landed were found to be in excellent condition, and the price paid here for each skin has been 10 dol. 50 c., but the greater proportion of seal-skins has gone forward to London to be sold at the next sale that takes place about the 26th proximo.

I have, &c.

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

Wm. Smith, Esq.,

Deputy Minister of Marine and Fisheries,
Ottawa.

Inclosure 2 in No. 32.

Declaration.

BY this public instrument of protest hereinafter contained, be it known and made manifest unto all people that on the 15th day of October, in the year of our Lord 1895, personally came and appeared before me, Harry Dallas Hebncken, notary public duly authorized, admitted, and sworn, residing and practising in the city of Victoria, Province of British Columbia, and Dominion of Canada, Isaac Archibald Gould, who did duly and solemnly declare and state for truth as follows, that is to say:—

1. That I have been captain and registered managing owner of the schooner "Katherine" since the month of December 1893.
2. That the said schooner left the port of Victoria on the 25th day of January, A.D. 1895, bound for the west coast, and remained sealing until the 30th day of April, A.D. 1895, when the said schooner returned to the said port.
3. That the said schooner with a crew of seven whites and twenty-one Indians, left for Unalaska and Behring Sea on the 15th day of June, A.D. 1895, and remained sealing until the 13th day of September, 1895.
4. That the said schooner, when clearing from the port of Victoria, had no shot-

guns nor rifles, nor shells, nor ammunition of any kind (except one bomb-gun) on board, but had between thirty and forty spears for the purpose of hunting seals.

5. That the said schooner reached Umanaska on the 20th day of July, A.D. 1895, and immediately on arrival reported to the Customs. While in port the said schooner was boarded by two of the American cutters lying at anchor, and I was cross-examined by their officers strictly as to the nature of the voyage, and as to what arms the said schooner carried. They appeared to be satisfied with my replies.

6. That the said schooner left Umanaska on the 31st day of July, A.D. 1895, bound for the Behring Sea.

7. That on the 11th day of August, A.D. 1895, the said schooner was boarded by the United States' revenue-cutter "Grant," and against my wish searched by her officers. The catch of skins, numbering 213, which had been carefully salted and put in the hold, were pulled out of the salt, and left scattered in the hold. The officers volunteered to have the skins replaced as they were, but as I had no confidence in the man tendered, from my own previous knowledge of him, I was obliged to decline the offer, and, in consequence, I was compelled to have the said skins resalted and repacked.

8. That I have no fault to find with the personal behaviour of the several officers of the "Grant" towards me.

9. That the said officers made the following entry in my official log book:—

"Latitude 54° 53' N., Longitude 167° 58' W.,
August 11, 1895.

"Boarded this 11th day of August, 1895, by officers from United States' revenue-cutter "Grant," and the skins on board found to correspond with entries in official log.

(Signed) "D. F. TOZER, Captain, U. S. R. C. S., } Boarding
"K. W. PERRY, 2nd Lieutenant, U. S. R. C. S., } Officers."

10. That the said schooner continued sealing until the 24th day of August, A.D. 1895, when the said schooner was boarded by the United States' revenue-cutter "Rush."

11. That on this occasion the weather was rough, wind freshening, and indications of bad weather. I was sailing under short sail to hunt three of my canoes. About 5 p.m. I was spoken to heave-to and allow them to board. I said I had lost three canoes, and wanted to find them, and did not wish to be detained, as I wished to find the canoes. After I found two of the canoes the boarding officer came aboard to search the vessel. I protested, as I had only found two of my canoes. I was feeling uneasy about the third, and I wanted to find the third canoe, as the weather looked threatening. The officer said he would not overhaul the skins, but would detain me to overhaul the log. He asked me why I did not heave-to when spoken to, and I replied that I considered the men's lives of more importance than his business, and I wished to protest against the assumption that a sealing-schooner must, when on the high seas, heave-to when spoken to and submit to being searched at the will of each and every officer who boards.

12. The said officers did not disturb the skins in salt on account of being called on board the said cutter "Rush," but before leaving made the following entry in my official log:—

"Latitude 54° 47' N., Longitude 168° 27' W.,
August 24, 1895.

"Boarded, and found skins to agree with entries in log.

(Signed) "J. G. BALLINGER, 2nd Lieutenant, Boarding Officer."

13. That on the 27th day of August, A.D. 1895, Captain Folger, of the American sealing-schooner "Webster," visited me in latitude 54° 48' north, longitude 168° 50' west, and in the course of conversation told me that he was sealing near the prohibited zone of the Pribiloff Islands. An American cutter came to him about noon, and told him his boats were inside the line. He replied that he was just taking the sun, as he himself feared he was inside the line, and was flagging his boats to come on board. The cutter told him that he had better get out, as his boats were inside. At the same time he (said Captain Folger) could see American schooner "Willard Ainsworth" some miles further in than he was. She was also allowed to go without being seized.

And this appearer doth protest, and I, the said notary, do also protest, against the aforesaid boarding, searching, interference, and occurrences, and against all loss, damage, and expenses occasioned thereby.

And I, the said Isaac Archibald Gould, do solemnly and sincerely declare that the foregoing statement is correct, and contains a true account of the facts and circumstances.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of "The Evidence Act, 1894."

(Signed) I. A. GOULD.

Taken and declared before me at Victoria, British Columbia, this 15th day of October, A.D. 1895.

(Signed) H. DALLAS HELMCKEN,
*Notary Public in and for the Province of
British Columbia.*

Remarks and United States' Boarding Officers.

Latitude N. Longitude W.

Date.

Boarded by—

Master.

Tons.

Vessel.

Vessel	Tons	Master	Boarded by—	Date	Latitude N.	Longitude W.	Remarks and United States' Boarding Officers.
Kate	58	Otto Buckholz	U. S. R. V. Bush	1897	51 01	167 19	Position and catch verified by F. M. Dunwoody, 1st Lieutenant.
Aurora	41	Thomas Harrell	Grant	September 3	55 73	169 53	F. G. Berry, 2nd Lieutenant.
Ditto		"	Rush	August 4	55 50	168 26	F. M. Dunwoody, 1st Lieutenant.
Ditto		"	Rush	" 9	55 1	167 30	J. G. Berry, 2nd Lieutenant.
Ditto		"	Rush	" 23	51 49	167 53	F. S. van Bokskeck, 3d Lieutenant.
Florence M. Smith	95	Lake W. Grath	Grant	September 13	55 13	169 3	J. G. Berry, 2nd Lieutenant.
Ditto		"	Corwen	August 11	51 40	167 26	"
Ditto		"	Corwen	" 14	54 56	167 1	"
Annie C. Moore	115	Charles Barkley	Grant	" 15	54 43	167 12	"
Ditto	72	George Hamilton	Grant	" 12	55 0	169 36	"
Walker L. Rich	76	Sperry Hagan	Rush	September 12	54 53	169 17	J. M. Dunwoody, 2d Lieutenant.
Ditto		"	Rush	August 12	55 7	170 35	C. S. Craig, 2nd Lieutenant.
Ditto		"	Perry	" 22	55 24	170 17	J. G. Berry, 2nd Lieutenant.
Ditto		"	Grant	" 31	55 11	168 8	"
Ditto		"	Bear	September 5	55 5	169 16	"
Ditto		"	Grant	" 20	55 12	167 31	"
Sapphire	109	William Cox	Perry	August 9	51 52	167 33	G. M. Daniels, 2nd Lieutenant.
Ditto		"	Rush	" 11	54 30	167 6	J. G. Berry, 2nd Lieutenant.
Ditto		"	Rush	" 12	54 48	167 31	F. M. Dunwoody, 1st Lieutenant.
Ditto		"	Grant	" 17	53 9	170 37	"
Ditto		"	Rush	" 21	48 2	170 18	K. W. Ferry, 2nd Lieutenant.
Ditto		"	Rush	" 25	51 47	167 59	F. M. Dunwoody, 1st Lieutenant.
Labrador	25	John G. Scoble	Rush	September 2	51 47	167 11	"
Ditto	63	Reuben Balcum	"	August 24	51 52	167 54	"
Ditto		"	"	" 31	51 53	167 45	"
Ditto		"	Grant	September 2	55 19	166 54	"
Ditto		"	"	August 10	55 6	168 16	"
Ditto	63	George Myers	Rush	" 12	55 5	169 22	J. G. Ballinger, 2nd Lieutenant.
Ditto		"	Rush	" 18	55 8	170 25	"
Ditto		"	Grant	" 24	51 47	168 27	F. M. Dunwoody, 1st Lieutenant.
Ditto		"	Grant	" 31	51 27	168 29	F. G. Berry, 2nd Lieutenant.
Pensacola	69	Wm. Healer	Rush	September 12	51 45	167 31	F. M. Dunwoody, 1st Lieutenant.
Ditto		"	Corwen	August 12	51 2	167 6	"
Ditto		"	Perry	" 14	54 45	167 13	D. F. A. de Otte, 1st Lieutenant.
Ditto		"	Grant	" 15	54 30	166 55	D. V. D. Johnson, 2nd Lieutenant.
Ditto		"	Perry	September 3	54 58	169 9	K. W. Ferry, 2nd Lieutenant.
E. B. Marcus (seized)	99	W. D. Byers	Grant	August 21	53 2	170 27	J. G. Berry, 2nd Lieutenant.
Ditto		"	Rush	" 26	56 0	172 28	T. S. Craig, 2d Lieutenant.
Ditto		"	Rush	September 2	55 16	172 4	F. S. van Bokskeck, 3d Lieutenant.
Ditto	80	L. McLean	Perry	August 5	55 16	168 13	F. M. Dunwoody, 1st Lieutenant.
Ditto		"	Perry	" 11	55 4	166 17	E. V. D. Johnson, 2nd Lieutenant.
Bearce (of Shanghai)	65	D. G. Whalley	Grant	" 11	54 52	169 15	K. W. Ferry, 2nd Lieutenant.

(Signed) A. R. MILNE, Collector.

Victoria, British Columbia, October 17, 1895.

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Inclosure 4 in No. 32.

Clearance Certificate.

WILLIAM D. BYER, master of the schooner "E. B. Marvin," of Victoria, British Columbia, having declared to the correctness of the accompanying manifest, and delivered a duplicate thereof, permission is hereby granted to the said schooner to proceed in Behring Sea for the purpose of hunting fur-seals, according to printed instructions furnished the master, consisting of the President's Proclamation, and Regulations governing vessels employed in fur-seal fishing for 1895.

(Signed)

G. O. CARMINE, 2nd Lieutenant, United States' Revenue-cutter Service, Acting Customs Officer.

United States' Cutter Service, District of Alaska,
Port of Atou, July 29, 1895.

No. 33.

Sir J. Poncefote to the Marquess of Salisbury.—(Received March 9.)

My Lord,

Washington, February 27, 1896.

I HAVE the honour to transmit herewith the text of a Bill "to amend an Act entitled an Act to prevent the extermination of fur-bearing animals in Alaska," which was passed by the House of Representatives on the 25th instant.

I also transmit the text of the Report of the Committee of Ways and Means upon the measures.

The Bill is framed as an amendment of the Act of the 1st July, 1870, providing for the lease of the seal fisheries on the Pribilof Islands, and regulating the catch. It authorizes the President to negotiate with Great Britain, Russia, and Japan, or any of them, for the appointment of a Joint Commission to revise the Regulations now in force, and to conclude a *modus vivendi* pending the Report of the Commission.

If the *modus vivendi* be not concluded, and regulations under the same effectual, in the President's judgment, for the preservation of the Alaskan seal herd, be not put into operation for this year's sealing season, then the Secretary of the Treasury, with the approval of the President, is authorized to kill all seals found on Pribilof Islands.

A similar Bill was passed by the House of Representatives on the 1st March, 1895, but it only came before the Senate on the 1st day of the session, and, in the absence of unanimous consent, was not considered.

I have, &c.

(Signed)

JULIAN PONCEFOTE.

Inclosure I in No. 33.

54th Congress, 1st Session.—H. R. 3293.

(Report No. 151.)

IN THE HOUSE OF REPRESENTATIVES.

January 3, 1896.—Mr. Dingley introduced the following Bill, which was referred to the Committee on Ways and Means, and ordered to be printed.

February 20, 1896.—Committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

A Bill to amend an Act entitled "An Act to prevent the Extinction of Fur-bearing Animals in Alaska," and for other purposes.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that the President of the United States be, and is hereby authorized and empowered to conclude negotiations with the Governments of Great Britain, Russia, and Japan, or any of them, for the appointment of a Joint Commission to consist of not more than three members from each nation, to investigate the present condition, habits, and feeding grounds, both on land and sea, of the fur seal herd in the North Pacific Ocean and in Behring Sea, from the American to the Asiatic shores, and the methods of slaughtering the same, and to consider and report what further regulations, if any, on land and sea, are necessary for its preservation.

If such Commission shall deem it necessary to visit the shores on the American and Asiatic side of the North Pacific Ocean, Behring Sea, Pribilof Islands, Commander Islands, Kurile Islands, and Robben Island, or any other places on or near the North Pacific Ocean and Behring Sea, the President may detail a ship of the United States to convey any or all of said Commissioners, with the ships of either of said other nations.

The members of said Commission for the United States shall be appointed by the President. In addition to their necessary expenses, they shall each receive compensation at the rate of not more than 5,000 dollars per annum; a Secretary and a stenographer may also be appointed for said members of the United States at such compensation, in addition to their necessary expenses, as may be determined to be reasonable by the President. In addition thereto the United States shall bear its proportion of such general expenses of the Commission as the respective Governments may agree upon as necessary. The said Commissioners for the United States, and other employes as aforesaid, shall serve until the completion of their Report, hereinafter referred to. They may be removed by the President at any time, and he may appoint their successors whenever any vacancy shall occur by death, inability to act, resignation, or other cause. They shall report to the President the results of their investigation.

Sec. 2. That pending the investigation and report of said Commission the President of the United States is hereby authorized to conclude and proclaim a *modus vivendi* with said Governments, or any of them, providing for new regulations or suspending or altering the existing regulations established by the Paris Tribunal, or limiting the catch on the Pribilof, Commander, Kurile, and Robben Islands, or any of them, in any manner that may be deemed expedient for the preservation of the fur seal herd. Said *modus vivendi*, and the terms of said Commissioners, shall expire by limitation unless previously terminated on the 1st day of January, 1897.

Sec. 3. That the provisions of the Act approved the 6th April, 1898, providing punishment by fine, imprisonment, and forfeiture of vessels for violation of the article of Award of the Tribunal of Arbitration, are hereby made applicable to all violations of *modus vivendi* herein provided for; and it shall be the duty of the President to make known by Proclamation the provisions of said *modus vivendi*.

Sec. 4. That all needful expenses incidental to the appointment, investigation, and report of the said Commission, as herein provided for, shall be paid by the Secretary of the Treasury out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated.

Sec. 5. That if the means herein authorized by section 2 of this Act be not concluded, and regulations under the same, effectual in the judgment of the President for preserving the Alaskan seal herd, be not put into operation for this year's sealing season, then the Secretary of the Treasury, with the approval of the President, is hereby authorized to take and kill each and every fur-seal, male and female, as it may be found on the Pribilof Islands; the skins of said seals to be sold by him to the best advantage with regard to time and place of sale as he may elect, and the proceeds thereof covered into the Treasury of the United States: Provided that all needful expenses incident to the thorough performance of this work of killing seals, preserving and transportation of skins, erection of necessary buildings, employment of labour, care of the Sea Island and Pribiloff natives, incurred by the Secretary of the Treasury shall be paid by him out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated: Provided also that nothing in the Revised Statutes, sections numbered 1960 and 1961, contained, shall prevent the Secretary of the Treasury from exercising the authority herein conferred upon him to take and kill said seals, but otherwise said sections shall remain in full force and operation.

Inclosure 2 in No. 33.

54th Congress, 1st Session. — Report No. 151.

HOUSE OF REPRESENTATIVES.

FUR-BEARING ANIMALS IN ALASKA.

February 20, 1896.—Committed to the Committee of the whole House on the state of the Union, and ordered to be printed.

Mr. Dingley, from the Committee on Ways and Means, submitted the following

Report.

[To accompany H. R. 3206.]

The Committee on Ways and Means, to whom was referred the Bill (H. R. 3206) to amend an Act entitled "An Act to prevent the extermination of Fur-bearing Animals in Alaska, and for other purposes," have considered the same, and beg leave to report:

In order to prevent the extermination of fur seals, which will soon take place unless prompt measures can be taken to prevent pelagic sealing, this Bill authorizes the President to invite Great Britain, Russia, and Japan, or any of them, to unite with the United States in the appointment of a joint Commission to investigate the present condition and habits of the fur-seal herd in the North Pacific Ocean and in Behring Sea, and the method of slaughtering the same, with the result of such slaughter, and report what further Regulations, if any, are necessary for its preservation, with a view to their adoption and enforcement by the countries uniting in creating such Commission.

Pending this investigation the President is authorized to conclude a *modus vivendi* with said Governments, or any of them, providing for such new or additional Regulations as may be deemed expedient for the preservation of the fur-seal herd, and *modus vivendi* to terminate on the 1st January, 1897.

If, however, the President finds himself unable to secure the co-operation of Great Britain, especially in securing the *modus vivendi* authorized by this Bill, so as to protect and preserve the Alaskan seal herd for this year's sealing season, then the Secretary of the Treasury is authorized to take each and every fur seal on the Pribiloff Islands and to sell the skins as he may elect, and to cover the proceeds into the Treasury.

The necessity for this course arises from the fact that the Alaskan fur-seal herd is being rapidly exterminated by pelagic sealing-vessels—mainly Canadian—which follow

the seal herd as it moves along our Pacific coast in the spring and enter Behring Sea at the end of the close season in August, when they are free under the ineffectual Regulations adopted by the Paris Tribunal to use the spear, more deadly than the shot-gun, in killing, outside the 60-mile zone, the seals that frequent these waters in pursuit of food. As these seals are mainly females that have brought forth their young on the Pribiloff Islands, the killing of the mother seals results in the starvation of the young upon the land and the inevitable rapid extinction of the fur-seal herd.

The rapidity of the decline of the valuable herd which annually resorts to the Pribiloff Islands of Alaska, mainly on account of pelagic sealing, will be seen when it appears in 1874 this herd numbered about 4,893,000. In 1890 the herd had been reduced to 1,039,000, and at the close of the season in 1895 to about 175,500—44,000 seals, mostly females, having been killed during the last season by pelagic sealers, and about 30,000 pups having died of starvation in consequence of the killing of the mother seals.

One year ago it was the estimate of experts that if all killing of seals had been stopped then it would take five years to restore it to its former numbers. It is now estimated that if Regulations can be secured before the next season opens, the herd can be restored in ten years. If, however, the pelagic sealers are permitted to avail themselves of another season's opportunities for slaughter under the ineffectual Regulations of the Paris Tribunal, it is believed by experts that the herd will be so nearly exterminated as to make it very difficult to restore it; and that if pelagic sealing continues, within five years not only the Alaskan herd, but also the Russian and Japanese herds, will be well-nigh extinguished.

When it is borne in mind that our Government received about 6,000,000 dollars between 1870 and 1890 from the lessees who were given the exclusive privilege of annually killing 100,000 male seals above one year of age, and in 1890, under the new lease, 269,673 dollars; but in 1891 only 16,749 dollars, and in 1892 only 23,972 dollars, and since 1892 it has received nothing (notwithstanding 555,000 dollars is due) because of a claim of the lessees for a reduction of rental which awaits determination by the Courts, it will be seen that the Treasury is being deprived of a very valuable source of revenue by the operations of the pelagic sealers.

Not only this, but the Government expended in 1894 about 450,000 dollars in a vain attempt to prevent the killing of seals in Behring Sea by enforcing the inefficient Regulations of the Paris Tribunal.

It will be seen, therefore, that unless Great Britain can be persuaded to unite with this country in so modifying and enlarging the Regulations adopted by the Paris Tribunal—for Russia and Japan are ready to join us—the Canadian pelagic sealers will within five years completely exterminate not only the Alaskan, but the Russian seal herds, and deprive this country of a valuable source of revenue and the world of a great boon. And inasmuch as all these seal skins go to London to be prepared and dyed, giving employment there to nearly 50,000 persons, even Great Britain herself will be deprived of a valuable source of income for her own people.

It is believed that it is Canada that is standing in the way and holding back Great Britain from co-operating with us in the preservation of the seal herd, and that when Canada sees that we propose to take summary measures to end not only the inhumanity that consigns thousands of young seals to slow starvation, but also the farce by which we are expending large sums of money to police Behring Sea practically to aid her pelagic sealers in the work of exterminating seals, she will no longer endeavour to prevent England from uniting with us in efficient measures to save the seal herds to the world.

If, however, we fail in this, as we have failed under present conditions, notwithstanding we have been urging Great Britain for more than a year to unite with us in measures to preserve seal life, then considerations of mercy as well as economy and justice demand that we should stop the further cruel starvation of thousands of seal pups by taking what seals are left and disposing of their skins and covering into the Treasury the proceeds, which would probably reach 5,000,000 dollars.

Your Committee therefore unanimously recommend the passage of the accompanying Bill.

No. 31.

Sir J. Poncefote to the Marquess of Salisbury.—(Received March 21.)

My Lord,

Washington, March 12, 1896.

I HAVE the honour to forward herewith to your Lordship copy of a note which I have received from the United States' Secretary of State respecting the threatened extinction of the seal herd on the Pribiloff Islands.

Mr. Olney states that the Special Agent in charge of those islands reports that "by actual count 28,000 seal pups died on the Pribiloff Islands during the past season from starvation, their mothers having been killed at sea."

He also draws attention to the unprecedentedly large catch of seals in Behring Sea during the past season, and he adds that it is believed that another catch of similar size for the coming season will almost completely exterminate the fur-seal herd.

Mr. Olney points out that while, for the reasons given by him, there was a small falling off in the total catch of last season in the North Pacific and Behring Sea as compared with the catch of 1894, on the other hand, the catch in Behring Sea increased very largely in 1895, as shown by the figures given in his note.

In bringing these facts to the attention of Her Majesty's Government, Mr. Olney expresses the hope that they will realize the absolute necessity of consenting for the coming season to some further regulation regarding the fur-seal fishery, to the end that the valuable herd may be saved from total extermination.

Your Lordship will observe that no action is now proposed by the United States' Government in conjunction with Russia and Japan, or otherwise, for a revision of the Paris Award Regulations.

But in view of the alarming destruction of the seal pups from starvation on the Pribiloff Islands owing to the excessive killing of the mothers at sea, Her Majesty's Government are urged to give their consent to some new regulation applicable within Behring Sea, which shall obviate a result equally calamitous to the interests of both countries. Assuming the facts stated in Mr. Olney's note to be undisputed, his present proposal does not appear to conflict with the views expressed in your Lordship's despatch to Viscount Gough of the 29th July, 1895, as regards the circumstances which would justify a departure from the Regulations prescribed under the Paris Award.

I have transmitted a copy of Mr. Olney's note to the Governor-General of Canada.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 34.

Mr. Olney to Sir J. Poncefote.

Excellency,

Department of State, Washington, March 11, 1896.

IN connection with previous correspondence upon the subject, I have the honour to advise you of the receipt of a letter from the Acting Secretary of the Treasury of the 6th instant, wherein he states that according to the last annual Report of Mr. J. B. Crowley, Special Agent in charge of the seal islands, it appears that, by actual count, 28,000 seal pups died on the Pribiloff Islands during the past season from starvation, their mothers having been killed at sea. A careful estimate, based upon a partial count, places the number of pups which died from starvation during the season of 1894 at 20,000. The count for 1895 was carefully verified by an agent of the North American Commercial Company upon the Pribiloff Islands.

Mr. Crowley's Report, with other papers, was recently transmitted by the Secretary of the Treasury to the Senate, in compliance with the Resolution of that Body, and is now, I understand, in the hands of the public printer, its publication having been ordered. I shall request Mr. Carlisle to give me copies of this publication when printed, and shall send you, if possible, copies thereof at the earliest practicable date.

I desire, also, to call your attention to the unprecedentedly large catch of seals in Behring Sea during the past season. The total was 44,169, as compared with 31,585 during the season of 1894. This is by far the largest catch ever made in Behring Sea,

and it is believed that another catch of similar size for the coming season will almost completely exterminate the fur-seal herd. I am advised that the greater portion of the seals killed at sea were females.

The total catch during the last season in the North Pacific and Behring Sea from the American herd was 56,291, as compared with the total for 1894 of 61,828, the small falling off being due to the inclemency of the weather between January and May along the north-western coast, and also to the diminution of the seal herd. On the other hand, the catch in Behring Sea increases very largely, as the figures herein referred to will clearly indicate.

I have thought it advisable, therefore, to bring these facts to your attention in the hope that Her Majesty's Government will realize the absolute necessity of consenting, in the coming season, to some further regulation regarding the fur-seal fishery to the end that the valuable herd may be saved from total extermination.

Asking that this matter may be promptly laid before Her Majesty's Government, and that I may be advised of the conclusion reached thereon without unnecessary delay, I have, &c.

(Signed) RICHARD OLNEY.

No. 35.

Sir J. Pauncefoot to the Marquess of Salisbury.—(Received April 2.)

My Lord,

Washington, March 23, 1896.

WITH reference to your Lordship's despatch of the 21st ultimo, I have the honour to transmit herewith copy of a note which, in accordance with the instructions therein contained, I have addressed to the United States' Government on the subject of the unnecessary interference of United States' cruisers with British sealing-vessels in Behring Sea.

I have, &c.

(Signed) JULIAN PAUNCEFOOT.

Inclosure in No. 35.

Sir J. Pauncefoot to Mr. Olney.

Sir,

Washington, March 19, 1896.

HER Majesty's Government have had under their consideration Reports from British officials respecting the sealing season of 1895, in which complaint is made of the proceedings of the United States' revenue-cruisers in searching and seizing British vessels without sufficient cause.

I am directed by Her Majesty's Principal Secretary of State for Foreign Affairs to communicate to your Government the inclosed documents, and to submit the following observations thereon.

The documents consist of—

1. A letter from the Collector of Customs at Victoria, of the 15th October last.
2. A Declaration of Isaac A. Gould, master of the sealing-schooner "Katherine," detailing the methods of boarding and searching vessels, and of the examination of seal-skins.
3. A Statement of the names of British vessels boarded by United States' patrol-vessels during the season 1895 outside the 60-mile zone round the Pribiloff Islands, with the latitude and longitude at the time of each visit.
4. Copy of a clearance certificate issued to the British sealing-vessel "E. B. Marvin," by Lieutenant Carmine, United States' Acting Customs Officer at the Island of Atton.

It appears from these papers that out of twenty-nine vessels which had then returned from Behring Sea, no less than twenty-six had been boarded by United States' officers, and these, in the aggregate, eighty-two times. The average was, therefore, more than three boardings for each vessel, and in one case, that of the "Sapphire," the vessel was boarded six times in the course of twenty-four days. In nearly every instance the

seal-skins were overhauled, and examined and left in confusion, and on each occasion they had to be repacked in salt by the crews. The net result of all this labour and annoyance was that the entries in the log-book of the "Peatrice" were found to be a few days in arrear, and that a hole was discovered in one seal-skin, out of a cargo of 386 on board the "E. B. Marvin," which, in the opinion of the United States' naval officer, had the appearance of being a shot wound. Both these vessels were seized, and were subsequently sent to Victoria for trial.

Admiral Stephenson and the Officer Commanding Her Majesty's ship "Phœnix" have also commented on the frequency with which the vessels were visited, and on the manner in which the search was conducted. These two officers state, moreover, that the men who command the sealing-vessels are most anxious to carry out all Regulations to the letter.

Her Majesty's Government have also been informed that the United States' naval officers considered themselves authorized by their instructions to board indiscriminately all British sealers.

It will be observed from the foregoing summary that the complaints of the sealing-vessels against the United States' revenue-cruisers belong to three different categories:—

1. The seizure of vessels for alleged offences on evidence obviously insufficient.
2. The exercise of the right of search in cases where no suspicion exists as to an offence having been committed.
3. Vexatious and inquisitorial interference.

With regard to the question of seizure, it was pointed out in a note to Mr. Gresham of the 30th April, 1894, and it has since been notified to your Government on several occasions, that the United States' cruisers are only empowered by the British Order in Council to seize British vessels contravening the provisions of the British Act of Parliament, which contains no provision similar to section 10 of the United States' Act, and that the United States' naval officers have, therefore, no power to seize British vessels merely on the ground that they have sealing apparatus or implements on board.

The British Act of Parliament only gives a power to seize when an offence has been committed, and the Order in Council authorizes the seizure and detention of any British vessel which has become liable to be forfeited. Even by the United States' law no general power is conferred to board and search vessels without specific grounds of suspicion.

Accordingly, by direction of the Marquess of Salisbury, I had the honour, in a note of the 14th October last,* to inform you that British naval officers would in future decline to take over any British vessel seized by an American cruiser unless the Declaration alleged a specific offence, which is a contravention of the British Act of Parliament.

There appears to have been some misconception on the part of the United States' naval officers, who have attempted to apply United States' law to British vessels, as is shown by the clearance certificate granted to the "E. B. Marvin," by Lieutenant Carmine, United States' Navy, in which the Proclamation of the President and the United States' Regulations are quoted.

A copy of this certificate is among the documents inclosed, and I am directed to bring it to the notice of your Government, with the request that the United States' naval officers may be informed that their powers, as far as British vessels are concerned, exist solely in virtue of the British Act of Parliament, and the Order in Council issued under it, and are restricted within the limits of the provisions by which those powers are therein defined.

The exercise of the right of search is likewise subject to restrictions.

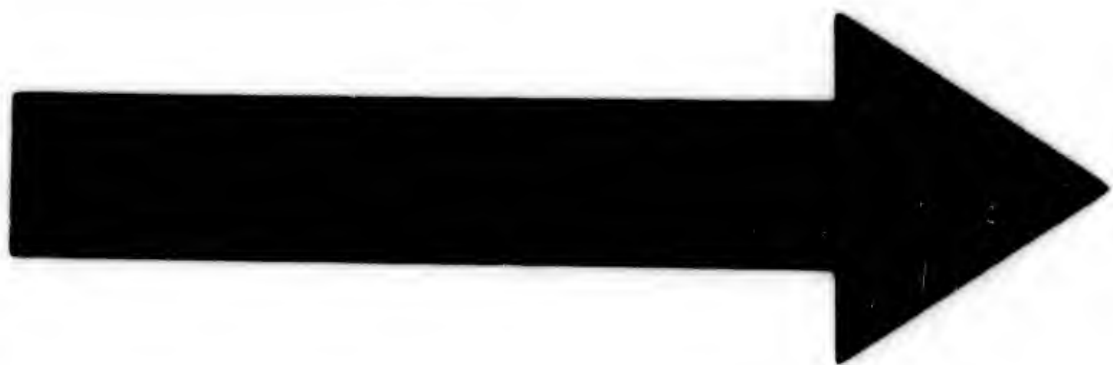
The British Act of Parliament contains no section enabling an officer to stop and examine any vessel such as existed in the Seal Fishery Acts of 1891 and 1893.

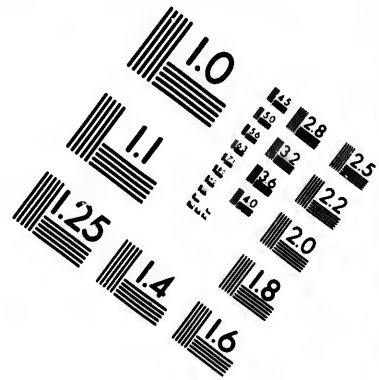
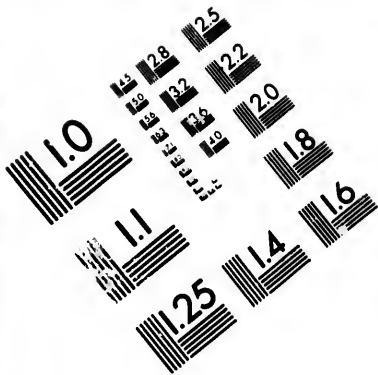
The Arbitration Award required that the offences specified in Articles 1 and 2 should be prohibited, but did not require any preventive action before the commission of the offence.

If an officer has reasonable cause to suspect a vessel of having committed an offence, it is open to him to stop and examine her, but he is clearly not justified, in the absence of any specific ground for suspicion, in stopping and examining every vessel he meets as a purely precautionary or preventive measure.

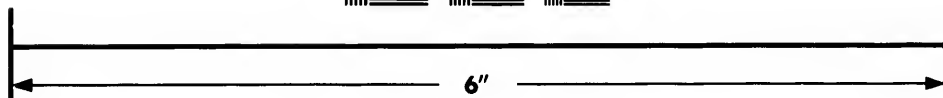
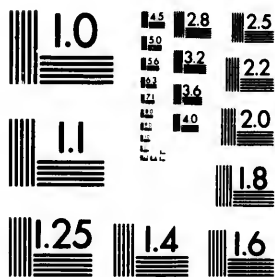
In any case, the vexatious and vexatious interference reported during the past

* See No. 29.





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season gives just cause for complaint. Among the points agreed to by the Secretary of the Treasury when I had the honour to discuss the subject with him by desire of Mr. Gresham, with reference to the instructions to the United States' naval officers in May 1894, were the following :—

That the masters of the sealing-vessels should be protected from inquisitorial examination; that no sealing-vessel should be seized by reason of the absence of a licence, or of fishery implements being found on board; that the United States' Naval Instructions as to the mode of dealing with sealing-vessels should be similar to the British Naval Instructions; and that the naval officer who examines a sealing-vessel shall leave a certificate with the master for his protection against interference.

I would refer you also to the Memorandum of arrangements agreed upon and recorded in my note to Mr. Gresham of the 10th May, 1894, and in his reply of the 11th.

These provisions, which had special reference to the arrangements for sealing-up arms in 1894, show the spirit in which the instructions for carrying out the Award were issued, and it is essential that an International Agreement involving questions of so delicate a nature should be administered with mutual forbearance and moderation.

Her Majesty's Government feel sure that it is not the intention or desire of the United States' Government that men engaged in a perfectly legitimate occupation, who, according to both British and American reports, are most anxious to observe strictly the Regulations imposed for public reasons on that occupation, should be treated as if they were continually engaged in trying to evade and break the law, and subjected to unnecessary loss and trouble.

The right of searching British vessels was conferred on United States' officers on the assumption that they would exercise their powers with the same consideration as would in like circumstances be shown to such vessels by Her Majesty's naval officers, and Her Majesty's Government have no doubt that when the matter is brought to the notice of your Government, they will issue such orders as will put an end to interference with British vessels on the high seas which has given rise to so many complaints, and which is not warranted by the provisions of British law.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 36.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 13.)

My Lord,

Washington, April 2, 1896.

WITH reference to my despatch of the 23rd ultimo respecting the complaint made of the proceedings of the United States' revenue-cutters in searching and seizing British vessels without sufficient cause in Behring Sea, I have the honour to inform your Lordship that I am in receipt of a note from the Secretary of State, dated the 25th ultimo, informing me that the subject shall have the prompt consideration of his Government.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 37.

The Marquess of Salisbury to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, April 17, 1896.

I HAVE received your despatch of the 12th ultimo. A reply to the following effect is being sent to you by this evening's mail :—

The representations of the United States' Government have been carefully considered by Her Majesty's Government, but no proof has ever been given that the mortality of pups is to be ascribed to pelagic sealing, and, in the opinion of Her Majesty's Government, the evidence does not tend to show an imminent risk of the extermination

of the seals. The necessity is not established for at once imposing increased restrictions, and there would not now be time to give effective notice of an alteration in the Regulations.

The desire of the United States' Government for all necessary and practicable measures for preventing the destruction of the seals is fully shared by Her Majesty's Government, who propose to employ an additional cruiser this season or patrol duty. Notice has been issued by the Canadian Government that nursing females should be distinguished from those which are barren in future Returns.

Her Majesty's Government propose to send a naturalist from England to reside this season on the Pribyloff Islands, and the Canadian Government likewise wish that Mr. Macoun should go to continue his investigations. These gentlemen should reach the islands at an early date in June, and it is the hope of Her Majesty's Government that the authorities of the United States will facilitate and co-operate in their mission.

It is suggested that it might be possible to arrange with the Company who lease the catch to permit them to take passage by their steamer.

On this point your Excellency should make inquiry and report the result by telegraph. The departure of the steamer from San Francisco takes place early in May.

No. 38.

The Marquess of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, April 17, 1896.

I HAVE carefully considered, in communication with Her Majesty's Secretary for the Colonies, your Excellency's despatch of the 12th ultimo, inclosing a copy of a note from the United States' Secretary of State, in which Her Majesty's Government are asked to agree to some further restriction on pelagic sealing in Behring Sea for the coming season in view of the alleged imminent extermination of the seal herd.

Mr. Olney's apprehensions on this head appear to be founded mainly on the fact that by actual count 28,000 dead pups were found in the island last year, and on the assumption that the deaths of these pups were the direct result of their mothers having been killed at sea.

But, as your Excellency is aware from the exhaustive discussion of the question in the Report and Supplementary Report of the British Behring Sea Commissioners, it has not been satisfactorily established that the mortality among the pups is caused by the killing of seals at sea. The date, moreover, which the Arbitrators fixed for the opening of Behring Sea pelagic sealing, and the radius within which sealing was prohibited round the Pribyloff Islands, were determined after full consideration to be sufficient to protect nursing females whose pups were not able to provide for themselves.

It should also be borne in mind that in the Behring Sea catch of 1895 the proportion of males to females taken by Canadian sealers was about 45 per cent. of males against 55 per cent. of females, although the returns of the American sealers in that sea gave an average of three females to one male.

In the meantime the admitted fact that the seals at sea show no apparent diminution in numbers, and that the sealers in the Behring Sea were able to make practically as large catches last year, as in the previous year, does not point to the imminent extermination of the seals.

The returns show that the Canadian sealing-vessels all kept well outside the 60-mile radius, and as there seems little doubt that during the period when sealing is allowed in Behring Sea the great bulk of the seals are inside that limit, the natural deduction is that less than half the herd is at any time exposed to capture, and that the danger of extermination by pelagic sealing must therefore be comparatively remote.

It is observed that on the islands 15,000 seals were killed last season as compared with 16,000 in the season of 1894; but in the Reports which have been received on this point, it is not stated whether any difficulty was experienced in obtaining that number of skins nor from what class of seals the skins were taken.

Taking into account the catch on the islands, the whole catch from the Alaskan herd was 71,300 in 1895 as compared with 71,716 in 1894, being only about half the total catch taken in 1889 and previous years; and though it may be the case that a slaughter of some 70,000 a-year is more than the herd can properly bear for a series of years,

Her Majesty's Government see no reason to believe that it is so late as to threaten early extermination.

The necessity for the immediate imposition of increased restrictions to take effect during the coming season does not therefore appear to be established, and it must be borne in mind that at this late period it is no longer possible to give effective warning of any change in the Regulations to the large number of vessels which have already cleared for the Japan coast fishery, and which will, after that is concluded, proceed to Behring Sea for the opening of the fishery in August. The imposition of restrictions without due warning would cause great confusion and hardship, and would undoubtedly give rise to large claims for compensation on grounds which could not with justice or reason be disputed.

But Her Majesty's Government fully share the desire so strongly expressed by Mr. Olney that all necessary and practicable measures should be taken to prevent the possible extermination of the seals.

As a precaution for the strict observance of the Regulations prescribed by the Tribunal of Arbitration, and now in force, they will give directions for the employment of an additional cruiser this season in policing the fisheries, although as far as they have been able to judge, the force employed up to the present time has been sufficient.

In accordance with the desire expressed by Mr. Olney in his note to your Excellency of the 6th February, they have requested the Dominion Government to issue a notice to the effect that the returns which the sealing-vessels are required to furnish shall in future specify which of the females killed are barren and which are in milk, and a reply has been received from the Governor-General of Canada that this will be done.

In order to investigate more completely the question of the necessity of further restrictions in future years, they are desirous at once to take the necessary steps for conducting an independent inquiry on the Pribyloff Islands into the state of the herd by an Agent sent from this country. This gentleman would be a naturalist possessed of the necessary scientific qualifications, and care will be taken to select a person who will be entirely free from bias in carrying out the mission intrusted to him.

The Canadian Government are also desirous of sending Mr. Macoun again to the islands this season in order to continue his investigations.

The British Agent and Mr. Macoun would arrive at the islands early in June and remain until towards the end of September, and Her Majesty's Government would be glad if the United States' authorities would grant them all necessary facilities and co-operate with them as far as possible.

It has been suggested that arrangements might perhaps be made with the Company which leases the seal catch on the Pribyloff Islands to allow the British Agent and Mr. Macoun to proceed in their steamer as passengers; and I shall be glad if inquiries can be made on this point. It is understood that the steamer leaves San Francisco next month.

Your Excellency should address a note to Mr. Olney in the sense of this despatch.

I am, &c.
(Signed) SALISBURY.

No. 39.

Mr. Bayard to the Marquess of Salisbury.—(Received April 20.)

My Lord,

United States' Embassy, London, April 18, 1896.

I HAVE the honour to inform your Lordship that, in compliance with a request to that effect made to my Government, through the Imperial Russian Ambassador at Washington, I have been duly instructed to co-operate with the Imperial Russian Ambassador at this capital in the negotiations which, I am given to understand, have been initiated by his Excellency with your Lordship for the extension of the Award of the Tribunal of Paris of August 1893, establishing Regulations for the taking of fur-seal in the waters of Behring Sea, the North Pacific ocean, and the Sea of Okhotsk, and the expansion of the area within which increased protection to seal life is desired, alike by the Governments of the United States and Russia.

I have, &c.
(Signed) T. F. BAYARD.

No. 40.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 23.)

(Telegraphic.)

Washington, April 22, 1896.

I HAVE the honour to inform your Lordship, in reference to your telegram of the 17th instant, that the desired permission will be granted by the United States' Government to the Canadian official and the English naturalist whom it is proposed to dispatch to the Pribyloff Islands, and application will be made by the United States' Government to the Company for steamer facilities.

No. 41.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 24.)

My Lord,

Washington, April 14, 1896.

WITH reference to your Lordship's despatch of the 21st February last respecting the sealing season of 1895 and the proceedings of the United States' revenue-cruisers in searching and seizing British vessels without sufficient cause, I have the honour to forward herewith to your Lordship copy of a note which I have received from Mr. Olney in reply to one which I addressed to him on this subject.

The Secretary of State reviews at length the complaint made in regard to the proceedings of the United States' revenue-cruisers in searching and seizing British sealing-vessels in Behring Sea and the North Pacific.

Mr. Olney states that the protest as to the action of an United States' revenue-cutter with regard to the schooners "Webster" and "Willard Ainsworth" will receive careful investigation by the Treasury Department.

The form of clearance to be granted in the future by the revenue-cutter officers stationed at the Island of Attou to British sealing-vessels will omit any reference to the President's Proclamation or to the legislation of Congress.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 41.

Mr. Olney to Sir J. Pouncefote.

Excellency,

Department of State, Washington, April 9, 1896.

YOUR note of the 19th ultimo, preferring, on behalf of Her Majesty's Government, certain complaints in regard to the proceedings of the United States' Revenue-cruisers in searching and seizing British sealing-vessels in Behring Sea and the North Pacific without, it is alleged, sufficient cause appearing therefor, heretofore acknowledged by me on the 25th ultimo, having been referred to the Secretary of the Treasury for consideration, I am now in receipt of Mr. Carlisle's reply, the substance of which I have the honour to embody herein, as expressing the views of this Government in regard to the matter.

Three general grounds of complaints are specified in your communication concerning the patrol by the Treasury Department during the past season of the North Pacific Ocean and Behring Sea, under the Paris Award and the legislation enacted by Great Britain and the United States respectively, for enforcing the same. These complaints may be summarized as follows:—

1. That seizure of vessels for alleged offences were made by officers of this Government on evidence obviously insufficient.
2. That the right of search was exercised in cases where there was no just ground to suspect that an offence had been committed.
3. That the interference of United States' revenue-cutters in the operations of British sealing-schooners was vexatious and inquisitorial.

As to the first ground of complaint—that British sealing-schooners were seized for alleged offences on evidence obviously insufficient—it appears that three British sealing-vessels were seized by American cruisers during the past season, namely, the "Shelby," in the North Pacific Ocean, 11th May, and the "Beatrice" and the "E. B. Marvin," on the

20th August and 2nd September respectively in Behring Sea. Of these vessels the "Shelby" was condemned by the British Court; the "E. B. Marvin" was acquitted, but without costs, the Court deciding that there was reasonable cause to believe that she had violated the law, and that the seizure, therefore, was justifiable; and the "Beatrice" was acquitted on the ground that the failure of the master to make the log entries required by the Paris Award was not a violation of the Behring Sea Award Act for which the vessel could be forfeited.

These facts, it is believed, will satisfactorily indicate the discretion and good judgment shown by our revenue-cutter officers in making these seizures, and will demonstrate that the evidence of guilt was not "obviously insufficient."

As to the second ground of complaint—that the right of search was resorted to when no just suspicion existed that an offence had been committed—it appears that information was received by the Treasury Department that during the season of 1894 the law was violated systematically by pelagic sealers, by having shot-guns concealed on board of the vessels and using them in killing seals in Behring Sea, also that the log entries showing the sex of seals killed were systematically falsified.

Under such circumstances, Commanding officers of revenue-vessels could satisfy their suspicions only by making a thorough search of the sealing-vessels met with during the patrol. It would plainly be almost impossible to detect a vessel actually in the act of violating the law by killing seals in the closed season or by fire-arms in Behring Sea. It, therefore, became necessary to board the vessel, to break out the cargo, and to inspect the skins thoroughly to ascertain whether they appeared to have been shot, if in Behring Sea, or whether they appeared to have been freshly killed, if in the closed season.

In view of the dissatisfaction expressed in the communication of your Excellency, this Government can only repeat the expression heretofore made of its deep regret, that the Regulations for the season of 1894, agreed upon by Great Britain and the United States, as to sealing-up arms and equipments, could not have been continued during the season of 1895. Those Regulations provided a simple and easy mode of satisfying the searching officer that no breach of law had been or could have been committed. By sealing-up the arms and equipments, much annoyance, which would otherwise be inevitable, was avoided both by the master of the schooner and by the searching officer.

Inasmuch, however, as Her Majesty's Government refused to agree for the season of 1895 upon a continuance of the Regulations permitting this sealing-up of arms and equipments, or, in fact, upon any Regulations, the only recourse left to the Treasury Department was to order its officers in all cases to make careful and thorough search as to infractions of the law, whether by the use of contraband weapons or in forbidden seasons.

In this connection it may be proper to state that during the past season the masters of twenty-eight British vessels at Unalaska applied to the officers of the Treasury Department to have their fire-arms sealed up, and expressed great dissatisfaction at the refusal of these officers to accede to their requests.

As to the third ground of complaint, that the officers of the patrol fleet had been guilty of vexatious and inquisitorial interference, it seems necessary only to renew the assurance that there was no interference except a careful examination of the vessel and cargo to ascertain whether the skins were shot or freshly killed, in violation of the Award and the British Act of Parliament and Orders in Council. It is respectfully submitted that the right to seize and detain vessels, given to the officers of the United States by the Behring Sea Award Act and the Orders in Council, confers by necessary implication the right to search; and it is further submitted that the right of search thus implied is as complete as in the somewhat analogous case of searching neutral vessels for contraband of war. Until the vessel is visited and searched, it cannot appear whether its purpose is legal or illegal, whether it is licensed or unlicensed, whether, in short, it has violated the law or obeyed it.

It is further claimed in the communication of your Excellency that seizures under the Act of Parliament can only be made in cases where the British Act has been violated; that under the British Act and Orders in Council there is no power of seizure, merely because of the possession of forbidden sealing apparatus and implements.

Nothing is contained in the instructions to the revenue-cutter officers inconsistent with this claim. On the contrary, these officers have been carefully instructed that the power to seize British vessels is limited to violations of the British Act, and must be exercised under British Orders in Council. If the officer has reasonable cause to believe that an offence has been committed, he is authorized, as this Government understands, to seize the vessel under the British law. To ascertain whether or not an offence has been committed, the officer must examine the vessel, for, otherwise, there could be no seizure

except where the vessel is caught in the very act of violating the law, which would rarely happen.

As to the reference in your communication to an agreement with the Secretary of the Treasury in the year 1894, that the instructions to officers of the United States should be similar to those given to the officers of the British navy, your attention is invited to the following extract from the instructions to British naval officers engaged in the patrol for the year 1894, transmitted to this Department by the Honourable W. P. Roberts. The letter of Mr. Roberts also incloses a copy of a letter from the Secretary of Rear-Admiral Stevenson, of the British navy, in which it is stated that the instructions for 1895 were precisely similar to those of 1894.

"If the vessel, which appears to be a sealing-vessel, is found in any waters in which at the time hunting is prohibited, the officer in command of Her Majesty's ship should ascertain whether she is there for the purpose of hunting, or whether she has hunted, or whether she was carried through by stress of weather, or by mistake during a fog, or is there in the ordinary course of navigation on her passage to any place. If he is satisfied that the vessel has hunted contrary to the Act, he will seize her and order her to proceed to a British port hereinafter mentioned; but if the officer is of the opinion that no offence has been committed, he should warn her, and keep her as far as he thinks necessary and is practicable under supervision. He must judge from the presence of seal-skins or bodies of seals on board, and other circumstances and indications, whether the vessel has been engaged in hunting."

The above instructions plainly contemplate that every ship overhauled by a cruiser shall be carefully searched and examined for the purpose of ascertaining whether or not a violation of the law has been committed. Although limited in terms to areas in which seal hunting at the time is prohibited, yet clearly their spirit would seem to apply to searches in Behring Sea, where seal hunting by fire-arms is at all times prohibited. The right of search plainly implied by these instructions has, however, rarely, if ever, been exercised by British cruisers, for the reason that during the season of 1894, although the United States' Government furnished twelve vessels for the patrolling fleet, at an expense, including pay of officers, crews, and rations, of 193,554 dol. 49 c., only one patrolling vessel was furnished by the British Government.

Furthermore, during the season of 1895, although five United States' revenue-vessels patrolled the Award area, at an expense of 69,064 dollars, only one, the "Pheasant," was furnished for the patrol by the British Government.

Furthermore, our official reports are to the effect that the "Pheasant" remained almost constantly in Unalaska Harbour during the season when sealing was permitted in Behring Sea, taking no part in the patrol.

The reference in the communication of your Excellency to the protest annexed to the letter of Isaac A. Gould, owner of the schooner "Katherine," as to the action of a United States' revenue-cutter with regard to the schooners "Webster" and "Willard Ainsworth" will receive most careful investigation by the Treasury Department. It may also be added that the form of clearance to be granted in the future by the revenue-cutter officers stationed at the Island of Attou to British sealing-vessels will omit any reference to the President's Proclamation or to the legislation of Congress.

I have, &c.
(Signed) RICHARD OLNEY.

No. 42.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 30.)

(Telegraphic.)

Washington, April 30, 1896.

BEHRING SEA Regulations.

I have communicated the substance of your Lordship's despatch of the 17th instant to the United States' Government. They urge strongly that the English naturalist who is selected to visit the Pribiloff Islands should visit Washington before proceeding to Alaska, in order to confer with the officials of the Treasury Department. It is thought that his doing so would greatly promote the objects of his mission.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 11.)

My Lord,

Washington, May 1, 1896.

WITH reference to your Lordship's despatch of the 17th ultimo respecting the possible extermination of the fur-seal herd in Behring Sea, I have the honour to forward herewith to your Lordship copy of a note which I have received from the Secretary of State, in which he states that the United States' Government welcome an independent inquiry by the British Government into the present state of the herd, through British and Canadian Agents.

Mr. Olney adds that the United States' Government will grant all needful facilities for their investigations, and suggests that the naturalist selected by Her Majesty's Government shall come to Washington on his way to Alaska.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 43.

Mr. Olney to Sir J. Pauncefote.

Excellency,

Department of State, Washington, April 29, 1896.

I HAVE the honour to acknowledge your favour of the 27th instant, being an answer to my note of the 11th ultimo, wherein is urged the adoption for the coming season of further restrictions on pelagic sealing in Behring Sea, in view of what the Government believes to be the demonstrated imminent extermination of the fur-seal herd.

Without at this time adducing any additional considerations in support of the position taken by the Government, I hasten to say that it welcomes an independent inquiry by the British Government into the present state of the fur-seal herd through the British and Canadian Agents referred to in your note. They will be given all needful facilities for their investigations by this Government, which will request the North American Commercial Company to give them all convenient transportation facilities on its steamers.

I venture also to suggest that if the naturalist selected by the British Government should come to Washington on his way to Alaska, and have a free and full Conference with Assistant Secretary Hamlin, the objects of his mission would probably be greatly promoted.

I have, &c.

(Signed) R. OLNEY.

No. 44.

The Marquess of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, May 13, 1896.

THE request of the United States' Government that they should be represented by counsel at the trials of British sealing-vessels seized by United States' cruisers in Behring Sea has received careful attention. Their proposal, as stated in your Excellency's telegram of the 23rd September last, is acceptable to Her Majesty's Government, who see no objection to the cases being watched by counsel on behalf of the Government of the United States, and are willing that the counsel so employed should be permitted to examine the pleadings and to make suggestions to the Government counsel. Such suggestions should, however, be confined to the object of protecting United States' interests, and could not be admitted as regards the enforcement of the Behring Sea Award Act, the enforcement of that Act being the duty of Her Majesty's Government.

Your Excellency is accordingly authorized to signify the assent of Her Majesty's Government to the United States' proposal, with the limitation specified above.

With reference to the suggestion previously made, that the United States' Government should be recognized as a party to the litigation, with a *locus standi* before the

Court, I have to state that Her Majesty's Government would be unable to consent to such an arrangement in the existing circumstances. The situation would be altered if the United States' Government were to enter into an Agreement to satisfy the judgment of the Court if the seizure should be held to be wrongful. They would then have an interest in the result of the case, which would make it reasonable that they should be allowed in some form to take an active part in the conduct of the proceedings. The officer who actually made the seizure might become formally responsible for the conduct of the prosecution, and for any damages which the Court might award. If such an Agreement as to the payment of damages could be arranged, and if the United States' Government should be unwilling to consent to it merely on the terms of being allowed to watch the case and make suggestions, it might perhaps be carried out by allowing them to employ solicitors and counsel to conduct the prosecution of the suit in the name of the Crown. This would insure that the United States' case would be presented to the Court, not only adequately, as at present, but in a manner consonant with their special views in each particular instance.

I have to request your Excellency to ascertain the wishes of the United States' Government in this matter.

In the course of your communications you might sound the United States' Government as to the proposal which has been made that an International Court should be established for dealing with claims arising out of the action of the officers intrusted with the enforcement of the laws enacted by the Legislatures of the two countries for giving effect to the Award.

I am, &c.
(Signed) SALISBURY.

No. 45.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 14.)

My Lord,

Washington, May 5, 1896.

ON receipt of your Lordship's despatch of the 17th ultimo, I addressed a note to the United States' Secretary of State (dated the 27th) explaining in the terms of your Lordship's despatch the views of Her Majesty's Government on the supposed danger to which, as affirmed by Mr. Olney in his note of the 11th March last (inclosed in my despatch of the 12th March), the fur-seal herd in Behring Sea is exposed by reason of the increasing slaughter of female seals in milk in the vicinity of the Pribyloff Islands, though outside the radius prescribed by the Paris Award.

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

No. 46.

The Marquess of Salisbury to Mr. Bayard.

Your Excellency.

Foreign Office, May 14, 1896.

I HAVE the honour to acknowledge the receipt of your note of the 18th ultimo, respecting the question of extending the Seal Fishery Regulations embodied in the Award of the Paris Arbitration Tribunal to the western side of the North Pacific.

Her Majesty's Government wish to dispatch an Agent—a properly qualified naturalist—to the Commander Islands during the approaching season to observe the conditions of seal life there, and to collect information as to the working of the existing arrangement with Russia, and they propose to apply to the Russian Government with a view to the local authorities being instructed to afford all necessary facilities and to co-operate with him in carrying out the object of his mission.

Pending the receipt of the Report which the Agent will be instructed to furnish Her Majesty's Government will not be in a position to enter upon negotiations.

I have, &c.
(Signed) SALISBURY.

No. 47.

The Marquess of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, May 16, 1896.

REFERRING to your telegram of the 30th ultimo:

Instructions will be given to the Agent selected to visit the Pribyloff Islands to proceed by way of Washington, as requested by the United States' Government.

No. 48.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 18.)

My Lord,

Washington, May 6, 1896.

I HAVE the honour to transmit to your Lordship herewith copy of a note which I have received from the United States' Secretary of State, in further reply to the note which, as reported to your Lordship in my despatch of the 23rd March last, I addressed to him on the 19th of that month in regard to the action of United States' cruisers engaged in patrolling the waters of Behring Sea during the past sealing season.

Mr. Olney in that further note refers to "the affidavit of I. A. Gould to the effect that a United States' revenue-cutter last year failed to seize two American sealing-schooners which were within the prohibited zone of the Pribyloff Islands," and he adds that the above statement has been specifically denied by each of the American officers in charge of the patrolling cruisers.

In acknowledging Mr. Olney's note, I have pointed out to him that the charge was made, not by I. A. Gould, but by Captain Folger, of the American schooner "Webster," whose statement is merely quoted in the affidavit of Gould.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 48.

Mr. Olney to Sir J. Pouncefote.

Excellency,

Department of State, Washington, May 2, 1896.

REFERRING to that part of your note of the 19th March last which relates to the affidavit of I. A. Gould, to the effect that a United States' revenue-cutter last year failed to seize two American sealing-schooners which were within the prohibited zone of the Pribyloff Islands, I have the honour to state that the Department has received a letter from the Acting Secretary of the Treasury, in which he says that the American officers in charge of the patrolling vessels were furnished with a copy of this statement, and reports have been received from each of them denying specifically the charge in question.

I have, &c.

(Signed) RICHARD OLNEY.

No. 49.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 18.)

My Lord,

Washington, May 8, 1896.

IN my despatch of the 5th instant I had the honour to report to your Lordship that I had addressed a note to the United States' Secretary of State, embodying the terms of your Lordship's despatch of the 17th ultimo, setting forth the views of Her Majesty's Government on the subject of the danger to which it is alleged by the United States' Government that the fur-seal herd in Behring Sea is exposed by reason of the increase of pelagic sealing and of the slaughter of female seals in milk.

I have now the honour to inclose copy of Mr. Olney's reply, from which it appears that the accuracy of the facts stated in my note, and of the conclusions drawn therefrom,

is challenged by the United States' Secretary of the Treasury, in whose Department the subject of the seal fisheries is specially dealt with.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 40.

Mr. Olney to Sir J. Pauncefote.

Excellency,

Department of State, Washington, May 7, 1896.

HAVING sent to the Honourable the Secretary of the Treasury copy of your note to me of the 27th April last, I am now in receipt of a letter from the Secretary, from which the following extracts are taken :—

"In the note of the British Ambassador it is stated that the whole catch taken from the Alaskan herd, including the land catch on the Pribyloff Islands for the years 1894 and 1895 was 71,716 and 71,900 respectively. While this statement is substantially correct for the year 1895, it would appear that in the year 1894 a larger number was taken, namely, 76,871—61,838 at sea, and 15,033 on the islands.

"The further statement is made in said letter that the fur-seals show no apparent diminution in numbers, and attention is called to the fact that the sealing-vessels in Behring Sea made practically as large catches during the season of 1895 as in that of 1894, which fact the Ambassador contends does not point to the immediate extermination of the fur-seal herd. The fact, however, that the seals on the islands have decreased at least one-half since 1890 would seem to answer this claim. A further answer will also be found in the Report of the Secretary of the Treasury for 1895 on p. cc, wherein it appears that the average catch per vessel on the north-west coast fell off 57 per cent. in 1895 as compared with 1894, while the average catch in Behring Sea fell off 12 per cent. as compared with 1894. At the same time, while the percentage of females killed in Behring Sea were the same for British vessels in 1894 and 1895, there was an increase from 69 to 73 per cent. for American vessels in 1895. That the seal catch is maintained at the figures cited is because of the fact that Behring Sea is a nursery for the herd while it is on the islands, and of the further fact that the seals can be killed easier while in Behring Sea than when travelling off the Pacific Coast towards the islands.

"The statement of the Ambassador that the total land and sea catch from the Alaskan herd in 1895 was only about one-half of what the same was in 1889 would seem to be a further convincing argument as to the decrease in the seal herd. In this connection I would state that in 1889 the catch on land and sea was about 132,000, of which 102,000 were taken on the Pribyloff Islands and 30,000 at sea, the pelagic catch being about 22 per cent. of the total. In 1895, on the other hand, the pelagic catch—56,291—had increased to 78 per cent. of the total—71,291. From 1880 to 1895 the pelagic catch increased from about 8,000 to 56,000, or 600 per cent., while the Pribyloff Island catch decreased from 105,000 to 15,000, or 86 per cent.

"It is stated also in said letter that it would now be too late to give effective warning of any change in the Regulations, and that vessels which have cleared already for the Japanese coast would be seriously injured by any change at this late date. I have the honour, however, to call your attention to the fact that the *modus vivendi* of 1891 was agreed upon as late as the 15th June."

I have, &c.

(Signed) RICHARD OLNEY.

No. 50.

The Marquess of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, May 21, 1896.

WITH reference to the note from Mr. Olney, of which a copy was inclosed in your despatch of the 14th April, I have to state that the reply of the United States' Government to the complaints against the action of their revenue-cruisers in Behring Sea does not remove the impression that, during the sealing season of 1895, British vessels were repeatedly overhauled without sufficient cause, and, although Her Majesty's Government have no desire to prolong the correspondence on this subject, there are certain points in Mr. Olney's note on which it seems necessary to make some comment.

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Her Majesty's Government have now learnt for the first time of the report which reached the United States' Treasury Department that the law had been systematically violated in 1894 by the use of fire-arms in Behring Sea, and by the making of false entries in the logs as to the sex of the seals which were killed. The first part of that report is scarcely consistent with the fact that British vessels showed such readiness to have their arms sealed up in 1894, and again in 1895.

The United States Government are, moreover, well aware that Her Majesty's Government only refused to renew the agreement for the sealing-up of arms in 1895, because it had not afforded to British vessels the immunity from search which had been expected to result from the observance of its provisions.

It should also be remembered that those vessels which cleared from British Columbia direct for Behring Sea were furnished with certificates that they had no arms on board, and that, in the great majority of cases, they were manned with only Indian spearmen as hunters.

If these circumstances were not considered conclusive by the United States' Revenue officers, a single search would have sufficed to settle the matter, and also to verify the accuracy of the entries in the log-books.

Her Majesty's Government are unable to accept Mr. Olney's views in regard to the right of search. In the absence of circumstances warranting suspicion, the sealing-vessels are entitled to be exempt from executive interference, and the British Act of Parliament and Orders in Council do not give any general right of indiscriminate search for the purpose of discovering whether an offence has been committed.

It may be presumed, however, that the United States' authorities have now convinced themselves that the masters of British sealing-vessels do not systematically violate the law, and that they have done their best to act in conformity with the existing Regulations.

I have to request your Excellency to communicate the foregoing remarks to Mr. Olney, and to say that Her Majesty's Government trust that the right of searching British vessels, conferred on United States' naval officers by Imperial Legislation, will be exercised with the discrimination requisite in using so exceptional a power.

I am, &c.

(Signed) SALISBURY.

No. 51.

Colonial Office to Foreign Office.—(Received May 23.)

Sir,

Downing Street, May 23, 1896.

WITH reference to previous correspondence respecting the proceedings of the United States' cruisers to Behring Sea last year, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a copy of a despatch and its inclosures from the Governor-General of Canada reporting the arrangements which the sealers operating on the Japanese coast propose to make to avoid taking arms and ammunition with them into Behring Sea, where the use of fire-arms in killing seals is prohibited by the Regulations of the Arbitration Tribunal.

As the vessels entering Behring Sea direct from Canada are furnished with a certificate that they have no fire-arms or ammunition on board, it appears to Mr. Chamberlain that these arrangements will render any renewal of the Agreement for the sealing-up of arms unnecessary, and he would suggest that their purport should be communicated to the United States' Government.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 51.

The Earl of Aberdeen to Mr. Chamberlain.

Sir,

Government House, Ottawa, April 13, 1896.

WITH reference to my despatch of the 5th February last, I have the honour to forward copy of an approved Minute of the Privy Council submitting a Report of the Minister of Marine and Fisheries, in which he discusses the question of the alleged

dissatisfaction of the sealers with the failure to renew the Agreement for sealing-up of arms.

You will observe that it is stated that the sealers themselves have made arrangements to have their arms shipped to Victoria from Japanese ports before leaving Japanese waters for Behring Sea.

I have, &c.
(Signed) ABERDEEN.

Inclosure 2 in No. 51.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 1st April, 1896.

THE Committee of the Privy Council have had under consideration the annexed Report, dated the 18th March, 1896, from the Minister of Marine and Fisheries, with reference to the Report of Captain Hooper, of the United States' revenue-cutter "Rush," alleging dissatisfaction by British sealers because Her Majesty's Government had not agreed to a renewal with the United States' Government of the arrangement reached in 1894 for the placing of sealing implements under seal.

The Committee, concurring in the said Report, advise that your Excellency be moved to forward a copy thereof 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.

Inclosure 3 in No. 51.

*Marine and Fisheries, Canada,
Ottawa, March 18, 1896.*

To his Excellency the Governor-General in Council :

THE Undersigned has the honour to revert to a despatch from the Secretary of State for the Colonies, covering an extract from a Report* of Captain Hooper, of the United States' revenue-cutter "Rush," alleging dissatisfaction by British sealers, that Her Majesty's Government had not agreed to a renewal with the United States' Government, of the arrangement reached in 1894 for the placing of sealing implements under seal.

Your Excellency will recall that this despatch was dealt with in a Report of the Undersigned, embodied in an approved Minute of Council of the 27th January last, after he had caused inquiries to be made of the sealers, through the Collector of Customs at Victoria, touching the statements in the extract.

The result of such inquiry is fully explained in the Minute of Council above cited, and the objections of your Excellency's Government to the expedient reviewed at considerable length.

It was said, whether the circumstances and conditions of the case, as developed by the events of 1895, would tend to change the views of Her Majesty's Government on the point was not known; but, notwithstanding the forced acquiescence of the sealers, the conclusion could not be avoided that the reasons existing against the measure, in the first instance, retained their full force, and must be greatly supplemented in respect of my obligatory arrangement which may be proposed.

The Minute of Council added :—

"If no other alternative remains for the sealers to avoid seizure under the circumstances, the question of waiving the principle may become expedient; but it would seem that some means might be devised by them, where such large interests are involved, whereby their guns could either be transferred and sent home, or left in custody at some rendezvous, until their operations in Behring Sea were concluded.

"Such a course might change the appearance of necessity for an arrangement for a practical extension of the Award restrictions, out of which may grow other, perhaps more objectionable, expedients.

"It will not be forgotten that last season only eight of the Canadian sealing fleet could have availed themselves of an Agreement for sealing-up of arms prior to entering

Behring Sea had such existed, since only that number operating therein were possessed of fire-arms, and those conditions were practically identical in respect of the year 1894.

"The Undersigned further ventures the opinion that the danger to seal life is not sufficiently great, nor is due protection of the seals of such paramount importance as to warrant a proposal which would deprive sealing skippers of revolvers for their personal protection, or their signal guns for recalling their men in these remote regions.

"The Undersigned would further report that he has caused instructions to be issued that the sealers should again be consulted as to any means which they may be able to devise in the direction above indicated which may render unnecessary the further pressing of the suggestion that an agreement for the sealing-up of arms prior to entering Behring Sea should be reached."

The Undersigned would observe that for this purpose he addressed the appended communication to the Collector of Customs at Victoria, explanatory of the position of your Excellency's Government in this connection, and requesting before final action that an attempt should be made to obtain the views of the interested parties on the proposal.

The Undersigned has now the honour to report, for the information of your Excellency, that he has received in reply from the Collector of Customs two communications, dated respectively the 10th and 15th February, 1896.

In the communication forming Appendix II, the Collector says:—

"In compliance with your directions to further consult the owners and masters of sealing-vessels as to whether some means cannot be devised by them whereby their guns could either be transferred and sent home, or left in custody at some rendezvous until their operations in Behring Sea were concluded.

"I am pleased to inform you that I have seen the greater number of the owners and several of the masters, and I have made, I think, nearly complete arrangements whereby your wishes will be carried out, particularly in regard to twenty-eight vessels which are now on their way to Japanese waters, and have fire-arms on board, and which are likely to proceed to Behring Sea after the sealing season is finished on the Japan coast.

"I have arranged with Captain Cox, who is a representative owner of sealing-vessels, owning himself eight, and the authorized agent for nearly the whole of the other vessels on the Asiatic side, and who has already gone on the last steamer to Yokohama to look after the welfare of the vessels with which he is intrusted, to ship and return all the fire-arms from Hakodate by steamer to this port at the risk and the expense of the owners."

He then explains that after lengthy interviews with Captain Cox he fully appreciates the position, and he feels sure that the arrangement will be faithfully carried out; while regarding any vessels which proceed to the neighbourhood of the Komandorsky Islands endeavours will be made to have their arms transferred to some homeward-bound vessel, or to have them left at some rendezvous until their operations in Behring Sea are concluded.

In the supplementary letter, forming Appendix III to this Report, the Collector, in referring to the alleged canvass of the British sealers made by Captain Hooper touching the point as to the desirability of having their arms sealed prior to entering Behring Sea, shows, as pointed out in the Minute of Council previously cited, that the canvass could only have applied to eight vessels in all, and that many of the sealers denied that they had been so canvassed.

The Undersigned recommends that your Excellency be moved to forward a copy of this Report, if approved, together with its Appendices, to the Right Honourable the Principal Secretary of State for the Colonies, in continuation of the Report and Appendices embodied in the approved Minute of Council of the 27th January, 1896.

Respectfully submitted,

(Signed)

JOHN COSTIGAN,

Minister of Marine and Fisheries.

APPENDIX 1.

Sir,

[Undated.]

I HAVE to revert to your letter of the 6th ultimo, in reply to a Departmental communication of the 24th October last, on the subject of the sealing-up of the implements of the sealing fleet.

The attitude of the sealers, in this respect, as gathered from your communication, is understood to be as follows:—

That while they at first strongly protest against the arrangement for the sealing of arms, the events and experience of the past season have induced them to change their views on the subject, and after diligent inquiry among the owners and masters of sealing-vessels, whether they desire to have their arms sealed up, to prevent interruption and seizure, you met with the reply that they did so desire, so far as the Behring Sea voyage was concerned, but not at any other time.

The explanation offered being, that a number of seal-skins were last year secured in Behring Sea outside the 60-mile zone, with shot-holes in them, which would be, and had been, claimed by the United States' authorities, as sufficient reason for seizure of the vessel possessing them, and having unsealed fire-arms on board.

The position amounted to the danger of facing financial ruin, or having their guns sealed, which latter expedient they conceived would probably lessen their chances of seizure.

You will, of course, observe, from the inclosure to the letter of the 24th October, 1895, that the sealers are made to appear rather to regret the action of Her Majesty's Government on refusing to agree to a renewal of the arrangement for the sealing-up of arms, and considerable stress is laid upon the incident, that when they applied to have their arms sealed, and were refused for want of authority, their seeming embarrassment was impliedly attributed to the fact that Her Majesty's Government had not sanctioned the renewal of the expedient of the previous year.

This position is entirely erroneous, since the Agreement for the sealing-up of arms, which provided the only authority Great Britain has ever given in that direction, was confined solely in its application to vessels traversing the area affected by the Award during the close season, and had no reference whatever to Behring Sea, inasmuch as those waters are not, under the new conditions of the industry, entered by the sealers until the close season has expired.

Therefore, even in 1894, when the Agreement was in full force, the United States' officials had no authority to seal the implements of British sealers, which entered Behring Sea, on and after the 1st August.

The conditions, therefore, in that year in no way differed from those of 1895.

According to Captain Hooper's statement, all the "vessels from their home ports were without guns;" and, according to your Report, only eight vessels which entered Behring Sea had fire-arms on board, these being those which came from the Asiatic side.

Yet none of the other vessels, which had no fire-arms, were exempt from constant boarding, search, and overhauling of seal-skins.

The voluntary nature of the first Agreement for the sealing-up of arms, was, through the incidents of the "Wanderer" and "Favourite," proved to have been a failure, and Her Majesty's Government were induced to discontinue it because it had not provided that protection against unnecessary interference which ostensibly it was designed to do.

Any arrangement of an obligatory nature which may grow out of the present features of the case must necessarily, it seems, seriously affect every sealing-vessel found in the North Pacific Ocean east of the 180th meridian, between the 1st May and the 31st July; and in Behring Sea between the 1st August and the end of the season, whose fire-arms and spears on the one hand, and whose fire-arms on the other hand, had not already been sealed when met by a cruiser.

I do not regard it necessary to discuss fully in this letter the details of the objections in principle which obtain to any arrangement virtually extending the restrictions of the Award; but I have briefly stated the above features to enable you to effectively discuss the question with sealers.

Generally speaking, the same grounds as previously existed to the expedient, and which operated to convince Her Majesty's Government of its unadvisability, are as forcible as they ever were.

It is scarcely to be conceded that because circumstances can combine to coerce the sealers, through fear of unwarranted and disastrous interference, to avail themselves of the only remedy offered them by the United States' authorities, this is a fair and reasonable condition of the industry, as vindicated by the Award.

No such surrender of right, however expedient, ought, it seems, to be necessary.

Should it appear that there is no alternative then a forced waiver of right and principle, the danger of the sealer might possibly suggest such relinquishment; but while the position of the sealers, with extended comments, had been communicated to Her Majesty's Government, I should like you, before final action is taken, to further consult the owners and masters of sealing-vessels as to whether some means cannot be devised by them whereby their guns could either be transferred and sent home, or left in custody at some rendezvous, until their operations in the Behring Sea were concluded.

Such a course might change the appearance of the necessity for an arrangement admitting a practical extension of the Award restrictions, out of which may grow other and perhaps more objectionable expedients.

I should be obliged by an early a reply as possible.

Yours truly,

APPENDIX 2.

*Customs, Canada, Victoria, British Columbia,
February 10, 1896.*

Sir,

I have the honour to acknowledge the receipt of your letter of the 20th ultimo, reverting to my letter of the 6th December last, on the subject of the sealing-up of the implements of the sealing fleet, in which I endeavoured to give the attitude taken by the sealers in this respect.

I beg to say that I have carefully considered your letter, in connection with the inclosure to the letter of the 24th October, 1895, in which the sealers are made to appear rather to regret the action of Her Majesty's Government in refusing to agree to a renewal of the arrangement for the sealing-up of arms, and that when they applied to have their arms sealed up by the American officers at Dutch Harbour, their seeming embarrassment was attributed to the fact that Her Majesty's Government had not sanctioned the renewal of the expedient of the previous year.

I have interviewed nearly all the masters who were in Behring Sea last year, and I could only come to the conclusion that the statement made by Captain Hooper is erroneous, as all the vessels that entered Behring Sea from this port had only spears, and that having reached Dutch Harbour from their home port without fire-arms, there was no necessity for them to have any interview, or request any favour, from the American officers, or to give any expression of dissatisfaction, as they would proceed on the 1st August from there to the sealing-grounds in Behring Sea, as those waters, under the new conditions of the industry, not being entered by the sealers until the close season had expired.

The sealers are perfectly cognizant that the only authority Great Britain ever sanctioned in the sealing-up of arms was for the year 1894, and was confined solely in its application to vessels traversing the area affected by the Award during the close season.

I am impressed from what I have heard that while the sealing-vessels were at Dutch Harbour, just before proceeding to the sealing-grounds, statements were made by the American officers that the United States' patrol fleet would take every advantage of the fact that they had arms on board, knowing that many schooners might be found with some seal-skins with shot-holes in them, and which it would be very hard for the unfortunate sealers to disprove having shot them; in any case the patrol-vessel would no doubt allege that they had justifiable grounds for sending them back to this port for adjudication.

The menacing attitude of the American officers as to the rigidity with which they intended to carry out the patrol, had become well known amongst the sealing fleet, and no doubt at this particular time at Dutch Harbour Captain Hooper might have found our sealers in a frame of mind disposed to accept any reasonable proposition to avert the danger of interruption, seizure, and probable financial disaster.

It appears to me that Captain Hooper, in making a canvass of the British sealers at Dutch Harbour to ascertain how many were in favour of having their arms secured under seal, and which, he says, was found to be unanimous, certainly did not intend to afford any relief to the anxiety of our sealers; but it was evidently for the purpose of impressing them that the contention of the American Government was correct as to the sealing-up of arms, and so endeavour to throw the responsibility of seizures upon the British Government and to furnish the United States' authorities with a great lever by the alleged admission of the sealers that the sealing-up of arms provided the only safeguard, and might give grounds for the necessity for its extension to other parts of the North Pacific Ocean during the close season.

Referring to my letter of the 6th December last, when I stated that I had interviewed the masters of sealing-vessels on their return as to the sealing-up of arms, and that they had replied that they were in favour of having them sealed in Behring Sea, I have now to qualify that statement and say, that I have had further conversation with the greater number of masters of sealing-vessels, including some who were not at Dutch Harbour, who say that they loyally support our Government in conserving our rights in the seal fisheries, and that in the past it has only been under threatened danger that they would concede to adopt any course contrary to the wishes of the British Government, and are aware that any arrangement of an obligatory nature which might grow out of the temporary expedient of sealing-up of arms would seriously affect every sealing-vessel found in the North Pacific Ocean east of the 180th meridian during the close season.

In compliance with your direction to further consult the owners and masters of sealing-vessels as to whether some means cannot be devised by them whereby their guns could either be transferred and sent home, or left in custody at some rendezvous until their operations in the Behring Sea were concluded, I am pleased to inform you that I have seen the greater number of the owners and several of the masters, and I have made, I think, nearly complete arrangements whereby your wishes will be carried out, particularly in regard to twenty-eight vessels which are now on their way to Japanese waters, and have fire-arms on board, and which are likely to proceed to Behring Sea after the sealing season is finished on the Japan coast.

I have arranged with Captain Cox, who is a representative owner of sealing-vessels—owning himself eight, and the authorized agent for nearly the whole of the other vessels on the Asiatic side, and who has already gone on the last steamer to Yokohama to look after the welfare of the vessels with which he is intrusted, to ship and return all the fire-arms from Hakodate by steamer to this port at the risk and expense of the owners.

Having had lengthy interviews with Captain Cox before leaving on the subject of the return of fire-arms, he fully understands the situation, and I am sure he will faithfully carry out my instructions, and in regard to those vessels which may proceed to the neighbourhood of Copper Island he will

endeavour to have their arms transferred to some other vessel bound home, or have them left at some rendezvous until their operations in Behring Sea are concluded.

As to the twenty-three vessels sealing on this side of the Pacific, they will all return here in May to provision and outfit for the voyage to Behring Sea, and I will take every precaution and enjoin upon them that fire-arms of any description will not be permitted under any consideration.

I shall endeavour to faithfully carry out your wishes, and I feel assured that I shall overcome the difficulty of sealing-up of arms during 1896.

I have, &c.
(Signed) A. R. MILNE, *Collector.*

Honourable John Costigan,
Minister of Marine and Fisheries, Ottawa.

APPENDIX 3.

*Customs, Canada, Victoria, British Columbia,
February 15, 1896.*

Sir,

I have the honour to revert to my letter of the 10th instant, in which I may not have made it sufficiently clear, in regard to the letter of the Commissioner of the 24th October last, and the Report of Captain Hooper, that he had made a canvass of British sealers at Dutch Harbour, and that they were unanimous in favour of having their arms sealed up.

To this my intention was clearly to state that this canvass could only apply to those vessels having fire-arms on board, viz., those that came from the Asiatic side, eight in all—as it is apparent that those sealers who went direct from this side knew that they did not require any concession from the American officers, as they had only spears on board.

Many of our sealers, on being questioned by me, say that they had not been canvassed by Captain Hooper or his officers as to their dissatisfaction on that point.

In regard to this year's operations, I wish further to state that Captain Cox will gratuitously assist the sealers at Yokohama and Hakodate to have their arms oiled, carefully boxed, and transhipped to this port, which he informed me he had arranged to have carried for 12 dollars per ton at the risk and expense of the owners.

I believe that the greater number of the owners of the twenty-eight vessels in Japanese waters have already advised their masters that Captain Cox will superintend the transferring of their fire-arms.

The only difficulty that presents itself is regarding those few vessels which will go up to Copper Island for a short season, and thence to Behring Sea; these I have advised to make the best arrangements they can to return their arms by some of the schooners which may be returning direct to this port.

The greater number of the schooners on the Japanese coast, after concluding their season at Hakodate, and transferring their fire-arms, will not go to Copper Island this year, as it is considered unprofitable, and it delays them from reaching the sealing grounds early in August.

I have, &c.
(Signed) A. R. MILNE, *Collector.*

Honourable John Costigan,
Minister of Marine and Fisheries, Ottawa.

No. 52.

The Marquess of Salisbury to Sir J. Pouncefote.

Sir,

Foreign Office, May 28, 1896.

WITH reference to Viscount Gough's despatch of the 13th September last, and to my despatch of the 21st instant, I transmit to your Excellency, for your information, a copy of a letter from the Colonial Office respecting the question of sealing-up fire-arms on board Canadian sealing-vessels in Behring Sea.*

I should wish you to bring to the notice of the United States' Government the arrangements which have been made in order, as far as possible, to insure that the vessels entering Behring Sea during the present season should leave their fire-arms behind. You will also mention that those vessels which proceed to Behring Sea direct will be furnished with a certificate that they have no fire-arms or ammunition on board.

In the opinion of Her Majesty's Government the precautions which have been adopted for the future satisfy all requirements, in respect of which a special arrangement of the sealing-up of arms was made in 1894.

I am, &c.
(Signed) SALISBURY.

The Marquess of Salisbury to Sir J. Paunceforte.

Sir,

Foreign Office, June 15, 1896.

I COMMUNICATED to the Secretary of State for the Colonies a copy of your Excellency's despatch of the 8th ultimo, inclosing a further note from Mr. Olney on the subject of the alleged decrease of the number of fur-seals in Behring Sea owing to pelagic sealing.

Her Majesty's Government have no wish to prolong the controversy on this point, more especially in view of the arrangements which have now been made for conducting inquiry as to the present state of the seal herd.

Mr. Secretary Chamberlain has, however, furnished me with certain explanations showing how the figures as regards the pelagic catch of 1894 given in your note to Mr. Olney were arrived at, and it seems desirable that these should be communicated to the United States' Government, in order to remove any misapprehension on their part in regard to the statements made on behalf of Her Majesty's Government.

The figures of the pelagic catch for 1894 were taken from p. 42 of the Statistics relating to the Behring Sea Seal Fisheries, recently laid before Congress as an Appendix to the Annual Report of the Secretary of the Treasury; and the number of seals killed on the islands was found on p. 6 of the printed Report of the Canadian Privy Council, dated the 4th January, 1896.

The results are as follows:—

North-west coast	24,101
Behring Sea	31,585
Total pelagic catch	55,686
Island catch	16,030
Total	71,716

The note 25 on p. 41 of the Statistics already quoted seems to show that the estimate of the total pelagic catch for 1894, which is given in the letter from the Secretary of the Treasury to Mr. Olney, is made up by adding to the ascertained pelagic catch on the eastern side of the Pacific the bulk of the skins landed at United States' ports from localities not specified or known.

With regard to the diminution in the pelagic catch for 1895, the Secretary of the Treasury arrives at the conclusion that the average catch per vessel in Behring Sea fell off by 12 per cent. in 1895, on the assumption that fifty-nine vessels were engaged in the fishery there, and that they all completed their fishing season.

It appears, however, from the detailed Reports, that only fifty-eight vessels took part in the fishery, viz., forty British and eighteen American vessels. Of these, the "E. B. Marvin," the "Beatrice," and the "Louis Oisen" were seized in the course of the season, and did not therefore complete their catch. Only one vessel, the "Favourite," was similarly seized in 1894.

In bringing these observations to Mr. Olney's notice, I have to request your Excellency to add, with reference to the last paragraph of his note, that, owing to the notice of the *modus vivendi* having been issued so late in 1891, Her Majesty's Government paid a large sum as compensation for interference with the sealing industry, and that they are unwilling to incur such a liability in the present season without paramount necessity being shown to justify an interruption of the fishery.

I am, &c.
(Signed) SALISBURY.

Admiralty to Foreign Office.—(Received June 26.)

Sir,

Admiralty, June 24, 1896.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter, dated the 1st instant, from the Commander-in-chief on the Pacific Station, giving the reasons for

the "Pheasant" having remained in the neighbourhood of Unalaska during the sealing patrol season of 1895, and stating that three ships will be employed on this service during the current season.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure in No. 54.

Rear-Admiral Stephenson to Admiralty.

- Sir,
- "Royal Arthur," at Esquimalt, June 1, 1896.
- I REQUEST you will inform their Lordships that my instructions to Lieutenant and Commander Garforth, of Her Majesty's ship "Pheasant," proceeding to the Behring Sea last year, were to place himself in communication with Captain Hooper, the Senior Officer of the United States' patrolling vessels, and to act in concert with him with regard to carrying out the Behring Sea Award Act.
2. This was done, and Lieutenant Garforth reports Captain Hooper requested him to remain in the vicinity of Unalaska, so that his whereabouts might be known to all the United States' vessels, who would do all the cruising. The "Pheasant" could then receive any schooners seized.
3. This arrangement appears to have given satisfaction to Captain Hooper, and I was of opinion that one ship was sufficient to carry out this duty.
4. In accordance with their Lordships' directions three ships will be sent this year, and instructions given that more cruising is to be carried out in concert with the United States' vessels.
5. The "Pheasant" is now at Sitka with the United States' revenue-cruisers.
6. During the close season no cruising is necessary, as the whole of our sealing-schooners have returned to Victoria, where they will remain until the middle of July, when I propose to send the "Satellite" and "Icarus" to join the "Pheasant."

I have, &c.
(Signed) H. F. STEPHENSON,
Rear-Admiral, Commander-in-chief.

No. 55.

The Marquess of Salisbury to Sir J. Pauncefoot.

- Sir,
- Foreign Office, June 30, 1896.*
- WITH reference to your Excellency's despatch of the 14th April, I transmit to you herewith a copy of a letter from the Admiralty in regard to the complaint of the United States' Government that the patrol of Behring Sea was inadequately performed by Her Majesty's ships during the sealing season of 1895.*
- I shall be glad if you will explain to Mr. Olney that the Officer Commanding Her Majesty's ship "Pheasant" was instructed to act in concert with Captain Hooper, the Senior Officer of the United States' patrolling vessels, and that the latter requested him to remain in the vicinity of Unalaska in order to receive any British vessels seized by the United States' cruisers, who would do all the patrolling.

Admiral Stephenson considered that one ship was sufficient to receive the captured vessels, and it was understood that Captain Hooper was satisfied with this arrangement.

Three vessels will be employed this year, and instructions have been given that more cruising is to be carried out.

I am, &c.
(Signed) SALISBURY.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received July 16.)

My Lord,

Washington, July 6, 1896.

IN compliance with the instructions contained in your Lordship's despatch of the 28th May last, I addressed a note on the 19th ultimo to the United States' Secretary of State, informing him of the arrangements which have been made to insure, as far as possible, that fire-arms shall not be carried by sealing-vessels entering Behring Sea during the present season; those arrangements being set forth in the letter from the Colonial Office, of which a copy was inclosed in your Lordship's despatch.

I have the honour to transmit herewith a copy of a note addressed to me by Mr. Olney in reply and of its inclosure, a letter from the Assistant Secretary of the Treasury, in which Mr. Hamlin suggests certain arrangements supplementary to those already made.

I have communicated a copy of this note and of its inclosure to the Governor-General of Canada, and in view of Mr. Olney's request that he may be informed as early as possible whether Her Majesty's Government will agree to the further arrangements proposed, I venture to suggest that your Lordship should inform me by telegraph of the reply which it is desired that I should return to the United States' Government on the subject.

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

Inclosure 1 in No. 56.

Mr. Olney to Sir J. Pauncefote.

Excellency,

Department of State, Washington, July 2, 1896.

REFERRING to previous correspondence concerning the question of fire-arms on board Canadian sealing-vessels, and particularly with reference to your notes of the 3rd and 19th ultimo respectively on the subject, I have the honour to inclose, for your information and consideration, a copy of a letter of the 30th ultimo from the Acting Secretary of the Treasury, submitting certain modifications of the Regulations proposed in your note of the 19th ultimo in regard to the matter.

You will observe that Mr. Hamlin suggests that vessels proceeding direct to Behring Sea from Victoria should present the certificates alluded to in your note to the Deputy Collector of Customs or to Captain C. L. Hooper, R.C.S., in charge of the United States' patrolling fleet at Unalaska, and that thereupon said vessels be searched by duly authorized patrolling officers, and the fact indorsed on the certificates that such certificates, duly indorsed, may be accepted by the officers of the patrolling vessels as evidence of the fact that no fire-arms are concealed on board unless some information or evidence of violation of law other than mere suspicion is in the possession of or found by the boarding officer; and that a representative of the United States' Government be allowed to inspect all seal-skins taken in Behring Sea and landed at British Columbian ports, to discover whether or not the seals have been shot.

Mr. Hamlin assumes that as regards vessels now in or *en route* to Japanese waters, it would be impossible to carry into effect the arrangement proposed, but that he will communicate with Captain Hooper of the patrolling fleet, and inform him as to the efforts of the Collector at Victoria to bring about the transshipment of fire-arms belonging to Canadian vessels, or the leaving of them at some rendezvous, and that the same information will be communicated to the officers of all the patrolling vessels.

This Department is of the opinion that if the suggestions proposed by the Acting Secretary of the Treasury could be adopted they would obviate much of the trouble and delay caused by the searching of British vessels. I therefore beg to be informed as speedily as possible as to whether or not Her Majesty's Government will agree to the foregoing suggestions, in order that the Treasury Department may be able to cover by one instruction to the patrolling fleet all the questions raised by your note of the 20th ultimo.

I have, &c.
(Signed) RICHARD OLNEY.

Inclosure 2 in No. 56.

Mr. Hamlin to Mr. Olney.

Treasury Department, Office of the Secretary,
Washington, D.C., June 30, 1896.

Sir,

I HAVE the honour to acknowledge your note of the 23rd June last, transmitting a copy of a letter of the 19th instant from Sir Julian Pauncefote. In said letter Sir Julian states that the following arrangements have been made to insure that fire-arms shall not be carried by British vessels in Behring Sea during the present season:—

1. In regard to vessels sailing from Victoria, British Columbia, for Japanese waters, he states that the Collector of Customs at Victoria has seen the greater number of the owners and several of the masters, and has made, as he thinks, nearly complete arrangements for transhipping all fire-arms from Hakodate by steamer to Victoria.

2. In the case of vessels proceeding to the neighbourhood of the Commander Islands, Sir Julian states that the Collector reports that efforts will be made to have the fire-arms transferred to some homeward-bound vessel, or left at some rendezvous until operations in Behring Sea are concluded.

3. With regard to vessels proceeding direct to Behring Sea from British Columbia, he states that the masters will be furnished with certificates that they have no fire-arms or ammunition on board.

I have the honour to reply that I have carefully considered Sir Julian's letter, and would suggest that vessels proceeding direct to Behring Sea from Victoria should present the certificate alluded to in said letter to the Deputy Collector of Customs or to Captain C. L. Hooper, R.C.S., in charge of our patrolling fleet at Unalaska, and that thereupon said vessels be searched by duly authorized patrolling officers, and the fact indorsed on the certificate; that such certificate, duly indorsed, may be accepted by the officers of the patrolling vessels as evidence of the fact that no fire-arms are concealed on board unless some information or evidence of violation of law other than mere suspicion is in the possession of or found by the boarding officer. I would further suggest that a representative of the United States' Government be allowed to inspect all seal-skins taken in Behring Sea and landed at British Columbian ports, to discover whether or not the seals have been shot. If these two suggestions could be adopted, they would certainly obviate much of the inevitable trouble and delay caused by the searching of British vessels.

I assume that as regards vessels now in or *en route* to Japanese waters, it would be impossible to carry into effect any such arrangement. I will, however, communicate with Captain Hooper of the patrolling fleet, and state the efforts of the Collector at Victoria to bring about the transhipment of fire-arms belonging to such vessels, or the leaving of them at some rendezvous, and he will communicate these facts to the officers of the patrolling vessels.

I would respectfully suggest that the British Government be requested to consider and advise us as speedily as possible whether or not it will agree to these suggestions, as I would greatly prefer to cover the various questions raised in Sir Julian's letter in one communication to the patrolling fleet, and as there is but little time in which to communicate with said fleet before the commencement of the sealing operations in Behring Sea on the 1st August.

Respectfully yours,
(Signed) C. S. HAMLIN,
Acting Secretary.

No. 57.

Colonial Office to Foreign Office.—(Received July 31.)

Sir,

Downing Street, July 30, 1896.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 18th instant, inclosing copy of a despatch from Her Majesty's Ambassador at Washington,* forwarding further proposals by the United States' Government for

securing the observance of the law prohibiting the killing of seals by means of fire-arms in Behring Sea.

The Dominion Government, to whom these proposals have been communicated by Sir J. Pauncefoot, will no doubt in due course furnish him with their observations on them; but Mr. Chamberlain has but little doubt that their opinion will be adverse to the acceptance of these proposals, and he does not consider that they are of a nature to commend them to the favourable consideration of Her Majesty's Government.

As Lord Salisbury is aware, Her Majesty's Government have not invited any proposals from the United States' Government in this matter. They have had to complain seriously of the vexatious and unwarrantable manner in which the United States' patrol officers last year exceeded the power conferred on them, of assisting the British officers in policing the fisheries so far as British vessels are concerned.

Vessels were searched time after time, at inconvenient moments; the skins on board were all pulled out of the salt and left scattered over the hold, and then had to be repacked by the crew, only to be pulled out again next time that a cruiser was met. Her Majesty's Government pointed out that the British law under which the United States, as well as British officers, act gave no authority for searching a vessel unless there was reasonable cause for suspicion that an offence had been committed, and that some of the vessels which were most frequently subjected to this harassing search were actually furnished with certificates from the authorities of the port from which they had cleared that they had no arms on board, a document which furnished strong *prima facie* evidence that they had committed no offence, and rendered the proceedings of the United States' officers entirely unjustifiable.

It is lawful to carry fire-arms on board of sealing-vessels in Behring Sea; it is only their effective use that constitutes an offence. The United States' officers are not therefore justified in searching a British vessel simply to see whether she does or does not carry fire-arms. But in order to protect British subjects from these unwarranted annoyances, arrangements have been made for the issue of certificates this year to all vessels clearing from Canadian ports direct for Behring Sea, and for the collection of the arms of all vessels proceeding to Behring Sea from the Japan coast fishery, and Her Majesty's Government had hoped that these arrangements would have satisfied the United States' Government that there could be no justification for their officers to again exceed the powers in regard to British vessels conferred on them by "The Behring Sea Award Act."

Mr. Chamberlain regrets that this expectation has not been fulfilled, and that proposals are now put forward which are based on the assumption that the presence of fire-arms in British vessels is itself a breach of the English Statute, and that not only are all British subjects engaged in the fishery determined to evade and contravene the law, but that the British officers are ready and willing to aid and abet them in so doing and to issue false certificates for the purpose.

Certificates issued by British officers are only to be accepted after the vessel has been searched and the certificates indorsed by a United States' officer, even a British naval officer not being trusted to perform this duty. Further, even after the United States' officers have satisfied themselves that the vessel carries no arms into Behring Sea, the catch is to be examined by a United States' officer after her return to port in order to make sure that no arms have escaped discovery, or presumably been procured in Behring Sea.

Such a demand can only have been put forward under a complete misapprehension of the position in which the question of the seal fishery was left by the Award of the Arbitration Tribunal.

The decision of the Tribunal declared that the United States had no special property, interest, or right in seals on the high seas, and while laying down certain regulations for the pursuit of seals at sea in the common interest of the fishery, left each nation to provide the legislative and executive measures necessary to give effect to these regulations so far as its own subjects are concerned.

International comity undoubtedly demands in these circumstances that each nation shall take adequate measures for preventing injury to the common interest by its subjects, but it also assumes that each nation will faithfully carry out its obligations, and it confers on the one no right to dictate to the other what measures should be taken, though it justifies remonstrance if the measures are found by experience to be inadequate.

The United States' Government has produced no evidence whatever that the legislative and other measures adopted by Her Majesty's Government have failed, but they assume that they are inadequate, and that Her Majesty's Government are not prepared to discharge their duty in regard to the protection of the common interest, and claim the

right to exercise over British subjects and British vessels powers of search and supervision¹¹ in excess of those given by the British law.

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

No. 58.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received August 3.)

My Lord,

Washington, July 24, 1896.

I HAVE the honour to inform your Lordship that, in compliance with the instructions contained in your Lordship's despatch of the 13th May last, I addressed a note in the sense of that despatch to the United States' Secretary of State on the question of the presence of United States' counsel at the trials of British vessels seized for violation of the Behring Sea Award Act. I have now the honour to transmit to your Lordship a copy of a note addressed to me by Mr. Olney in reply, in which he informs me, as your Lordship will observe, that the United States' Government will give their careful consideration to the alternative propositions made by Her Majesty's Government.

I spoke to Mr. Olney of the question, referred to in the last paragraph of your Lordship's despatch, of the establishment of an International Court, which shall deal with future claims arising out of the action of the officers intrusted with the enforcement of the Laws enacted by the Legislatures of the two countries for giving effect to the Paris Award. He was not disposed to entertain the proposal at present, but he thought its consideration might be resumed at a later date, and after some experience had been gained of the working of the Behring Sea Claims Commission.

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

Inclosure in No. 58.

Mr. Rockhill to Sir J. Pauncefote.

Excclency,

Department of State, Washington, July 22, 1896.

REFERRING to previous correspondence concerning the question as to the presence of counsel on behalf of the United States' Government at the trials of British vessels seized for violations of the Behring Sea Award Act, I have the honour to acknowledge, with satisfaction, the receipt of your note of the 25th ultimo, in which you state that Her Majesty's Government sees no objection to the cases being watched, as proposed, by counsel for the United States, and that the counsel so employed should be permitted to examine the pleadings and to make suggestions to the British counsel; such suggestions, however, to be confined to the object of protecting United States' interests, and not to be admitted as regards the enforcement of the Behring Sea Award Act, the enforcement of that Act being the duty of Her Majesty's Government.

The Department has, moreover, noted the further statement in your note to the effect that in existing circumstances Her Majesty's Government is unable to consent to the United States' Government being recognized in the trials in question as a party to the litigation with a *locus standi* before the Court, but that the situation would be altered if the United States were to enter into an agreement to satisfy the Judgment of the Court if the seizure should be held to be wrongful, but that if the United States' Government should be unwilling to assent to such an agreement for the payment of damages, merely upon terms of being permitted to watch the cases, an arrangement might be made by which the American Government should employ solicitors and counsel, and conduct the prosecution of the suits in the name of the Crown.

In reply, I beg to say that your alternate propositions will receive from this Government the consideration which their importance demands.

I have, &c.
(Signed) M. W. ROCKHILL,
Acting Secretary.

No. 59.

The Marquess of Salisbury to Viscount Gough.

(Telegraphic.)

Foreign Office, August 3, 1896.

SIR J. PAUNCEFOTE'S despatch of the 6th July.

A detailed reply will be sent to United States' proposals. Her Majesty's Government regret that they are unable to enter into the suggested supplementary arrangements; the precautions already adopted will, they trust, suffice to insure that the sealers entering Behring Sea will use no fire-arms.

No. 60.

Viscount Gough to the Marquess of Salisbury.—(Received August 8.)

(Telegraphic.)

Newport, Rhode Island, August 7, 1896.

I HAVE communicated to the United States' Government the substance of your Lordship's telegram of the 3rd instant relative to the fire-arms of sealing-vessels entering Behring Sea during the present season.

On the 4th instant Lord Aberdeen telegraphed the desire of the Canadian Government that any final decision in the direction indicated by the United States' Secretary of State should be postponed until their views have been taken into consideration.

No. 61.

Colonial Office to Foreign Office.—(Received August 18.)

Sir,

Downing Street, August 18, 1896.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquess of Salisbury, the accompanying copy of a telegram from the Governor-General of Canada, expressing the views of his Government as to the supplementary arrangements suggested by the United States' Government as regards the sealing-up of fire-arms on sealing-vessels.

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

Inclosure in No. 61.

The Earl of Aberdeen to Mr. Chamberlain.

(Telegraphic.)

(Received August 14, 1896.)

CANADIAN Government concur in proposal to disagree with supplementary arrangements suggested by United States, America, but would be inclined to agree as to that part of suggestion authorizing search by patrolling officers, provided the words "shall be accepted" are substituted for "may be accepted," leaving clause in other respects unaltered.

No. 62.

The Marquess of Salisbury to Viscount Gough.

My Lord,

Foreign Office, September 1, 1896.

I INCLOSE an extract from a despatch from the Commander-in-chief on the Pacific Station regarding the arrangements made for the removal of arms from sealing-vessels, and I should wish your Lordship to communicate it to the United States' Government.

I am, &c.
(Signed) SALISBURY.

Inclosure in No. 62.

Rear-Admiral Palliser to Admiralty.

(Extract.)

"Impérieuse," at Esquinault, July 24, 1896.

THE sealers that have cleared for the Behring Sea direct (thirty-three in all) have taken no arms with them. Those that have cleared for the Japan and Asiatic coast (twenty-eight in all) have arranged to return their arms before entering the Behring Sea; those vessels leaving Japan on freight, and those leaving the neighbourhood of the Commander Islands in one of the sealers not entering the Behring Sea. This should remove one source of difficulty.

No. 63.

Viscount Gough to the Marquess of Salisbury.—(Received September 7.)

My Lord,

Newport, Rhode Island, August 26, 1896.

AS reported in my telegram of the 7th instant, I communicated to the United States' Government the substance of your Lordship's telegram of the 4th relative to the supplementary arrangements proposed by the Secretary of the Treasury in regard to the fire-arms of vessels entering Behring Sea.

I have now the honour to transmit copy of my note and copy of the reply of the Secretary of State.

I have also forwarded a copy of the latter to the Earl of Aberdeen.

I have, &c.
(Signed) GOUGH.

Inclosure 1 in No. 63.

Viscount Gough to Mr. Rockhill.

Sir,

Newport, Rhode Island, August 7, 1896.

I HAVE the honour to inform you that Sir J. Pauncefoot forwarded to Her Majesty's Secretary of State for Foreign Affairs a copy of Mr. Olney's note of the 2nd ultimo, as well as a copy of its inclosure dated the 30th June, in which certain arrangements were suggested by the Acting Secretary of the Treasury supplementary to those already adopted in regard to the fire-arms of vessels entering Behring Sea during the present season.

A detailed reply will be sent in due course to Mr. Hamlin's above-mentioned proposals; but, meanwhile, in accordance with the request of the United States' Secretary of State that he should be informed as speedily as possible of the views of Her Majesty's Government upon this subject, I have been instructed to inform you that Her Majesty's Government regret that they cannot enter into the supplementary arrangements in regard to sealers entering Behring Sea, suggested by Mr. Hamlin.

Her Majesty's Government trust that the precautions already adopted, and which are described in the note of Her Majesty's Ambassador dated the 19th June,* will be sufficient to insure that no fire-arms will be used by the sealers in question.

I have, &c.
(Signed) GOUGH.

Inclosure 2 in No. 63.

Mr. Rockhill to Viscount Gough.

My Lord,

Washington, August 25, 1896.

REFERRING to your note of the 7th instant, the receipt of which was acknowledged on the 12th, I have the honour to inform you that I am now advised of the views of the Secretary of the Treasury concerning the precautions which the Collector of Customs

* See No 56.

at Victoria was adopting and endeavouring to adopt with regard to the transhipment of fire-arms from British vessels operating during the early part of the sealing season on the Asiatic coast and in the neighbourhood of the Komandorsky Islands, as described by Sir J. Pauncefote's previous note of the 20th (? 19th) June last.

On the 2nd July, in answer to the said note of the 20th (? 19th) June, Mr. Olney had the honour to submit, for the consideration of Her Majesty's Government, the supplementary arrangements in regard to sealers in Behring Sea, which arrangement, as I am informed by your present note of the 7th August, cannot be entered into by Her Majesty's Government.

As soon as the refusal of Her Majesty's Government was made known to the Secretary of the Treasury he notified Captain Hooper of the fact, and advised him that the Treasury Department regrets that it cannot direct him to accept the certificates alluded to in Sir J. Pauncefote's note of the 20th (? 19th) June as final on the question of the concealment of fire-arms, but that the entire correspondence is transmitted to him, in order that he may take such action as in his discretion may reduce to a minimum the inevitable annoyance connected with the searching of vessels.

I have, &c.
(Signed) W. W. ROCKHILL.

No. 64.

The Marquess of Salisbury to Viscount Gough.

My Lord,

Foreign Office, September 9, 1896.

WITH reference to my telegram of the 3rd August respecting the precautions for preventing the use of fire-arms in Behring Sea, I have to state that the steps taken with this object by the Canadian authorities were also designed to protect the sealing-vessels from interference in the course of their voyages and sealing operations.

Arrangements were made for the issue of certificates to all vessels clearing from Canadian ports direct for Behring Sea, and for the collection of the fire-arms from vessels which had previously been engaged in the fishery off the coasts of Japan; and it was hoped that these arrangements would satisfy the United States' Government that no fire-arms could be used, especially in the case of the vessels which were provided with certificates.

In the correspondence inclosed in Sir J. Pauncefote's despatch of the 6th July, supplementary arrangements were put forward on behalf of the United States' Government to the effect that vessels proceeding direct to Behring Sea should present their certificates to some United States' authority at Unalaska; that the vessels should be searched, and that the certificates, after being indorsed, might be accepted by the officers of the patrolling fleet as evidence that no fire-arms were concealed on board; and, further, that a Representative of the United States' Government should be allowed to inspect all seal-skins taken in Behring Sea and landed at British Columbian ports, in order to discover whether or not the seals had been shot.

I have already expressed to you by telegraph the regret of Her Majesty's Government that they could not enter into these arrangements. Besides the objections which might be raised to the nature of the proposals, Her Majesty's Government have had some misgiving as to whether the sealing-vessels would be guaranteed from interference after the observance of the preliminary formalities, and previous experience, notably in the case of the Agreement for sealing up arms in 1894, has shown that such expedients have not had the desired effect.

They would, however, be disposed to agree to the provisions for a search by duly-authorized patrolling officers at Unalaska, and for the indorsement of the certificates, if it were understood that the indorsed certificates should be regarded as an absolute proof that no fire-arms were carried.

In communicating the substance of this despatch to the United States' Government, you are accordingly authorized to propose, with reference to the certificates, that the words "shall be accepted" should be substituted for "may be accepted," and to state that, with this alteration, Her Majesty's Government would be prepared to accept the first portion of the supplementary arrangements suggested by Mr. Hamlin.

The examination of the seal-skins by United States' officers in British ports would involve a fresh departure from ordinary international usages, and, as such, would require very serious consideration. There are, moreover, reasons for doubting the

expediency of relying on this investigation for the purpose of ascertaining whether fire-arms have been used, owing to the well-known difficulty of arriving at any conclusive results.

You will therefore explain to Mr. Olney that Her Majesty's Government do not, in present circumstances, feel able to adopt the latter part of Mr. Hamlin's suggestions, and you will represent to him that the additional precautions to which they are now prepared to give their assent will be found fully sufficient to meet the requirements which both Governments have in view.

I am, &c.
(Signed) SALISBURY.

No. 65.

Viscount Gough to the Marquess of Salisbury.—(Received October 12.)

My Lord, *Newport, Rhode Island, September 21, 1896.*

I HAVE the honour to acknowledge receipt of your Lordship's despatch of the 9th instant, on the subject of the precautions for preventing the use of fire-arms in Behring Sea, and to report that I have this day addressed a note to the United States' Government in obedience to your Lordship's instructions.

I have, &c.
(Signed) GOUGH.

No. 66.

Viscount Gough to the Marquess of Salisbury.—(Received October 26.)

My Lord, *Washington, October 14, 1896.*

WITH reference to your Lordship's despatch of the 9th ultimo respecting the precautions for preventing the use of fire-arms in Behring Sea, I have the honour to transmit herewith a copy of the note I addressed to the Acting Secretary of State on the 21st ultimo in compliance with the instructions contained in your Lordship's above-mentioned despatch.

I have now the honour to transmit a copy of the reply I have received from the Department of State, suggesting the postponement of the whole question, pending the receipt of the Report from Professor Jordan and the other naturalists sent to the seal islands this summer, in order that Her Majesty's Government and the Government of the United States may be able later to agree upon the Regulations for the season of 1897.

I have, &c.
(Signed) GOUGH.

Inclosure 1 in No. 66.

Viscount Gough to Mr. Rockhill.

Sir, *Newport, Rhode Island, September 21, 1896.*

IN my note of the 7th ultimo, I had the honour to inform you that a detailed reply would be sent in due course to the suggestions made in Mr. Olney's note of the 2nd July on the subject of arrangements supplementary to those already adopted in regard to the fire-arms of vessels entering Behring Sea during the present season.

The measures described in Sir J. Pauncefoot's note of the 19th June were adopted to insure that fire-arms should not be carried by those vessels, and were also designed to protect the sealing-vessels from interference in the course of their voyages and sealing operations.

Arrangements were made for the issue of certificates to all vessels clearing from Canadian ports direct for Behring Sea, and for the collection of the fire-arms from vessels which had previously been engaged in the fishery off the coasts of Japan; and it was hoped that these arrangements would satisfy the United States' Government

that no fire-arms could be used, especially in the case of the vessels which were provided with certificates.

In Mr. Olney's note to Sir J. Pauncefote of the 2nd July, supplementary arrangements were suggested by the United States' Government to the effect that vessels proceeding direct to Behring Sea should present their certificates to some United States' authority at Unalaska; that the vessels should be searched, and that the certificates, after being indorsed, might be accepted by the officers of the patrolling fleet as evidence that no fire-arms were concealed on board; and, further, that a Representative of the United States' Government should be allowed to inspect all seal-skins taken in Behring Sea and landed at British Columbian ports in order to discover whether or not the seals had been shot.

As I had the honour to inform you in my note of the 7th ultimo, Her Majesty's Government regret that they cannot enter into the supplementary arrangements suggested by Mr. Hamlin (contained in Mr. Olney's above-mentioned note). Besides the objections which might be raised to the nature of the proposals, Her Majesty's Government have had some misgiving whether the sealing-vessels would be guaranteed from interference after the observance of the preliminary formalities; and previous experience, notably in the case of the agreement for sealing up arms in 1894, has shown that such expedients have not had the desired effect.

Her Majesty's Government would, however, be disposed to agree to the provisions for a search by duly authorized patrolling officers at Unalaska, and for the indorsement of the certificates, if it were understood that the indorsed certificates should be regarded as an absolute proof that no fire-arm were carried.

Acting under instructions from the Marquess of Salisbury, I have the honour to propose to the United States' Government, with reference to the certificates, that the words "shall be accepted" should be substituted for the words "may be accepted," and to state that, with this alteration, Her Majesty's Government would be prepared to accept the first portion of the supplementary arrangements suggested by Mr. Hamlin.

The examination of the seal-skins by United States' officers in British ports would involve a fresh departure from ordinary international usages, and, as such, would require very serious consideration. There are, moreover, reasons for doubting the expediency of relying on this investigation for the purpose of ascertaining whether fire-arms have been used, owing to the well-known difficulty of arriving at any conclusive results.

I am therefore instructed to state that Her Majesty's Government do not, in the present circumstances, feel able to adopt the latter part of Mr. Hamlin's suggestions, but I am confident that the additional precautions to which Her Majesty's Government are now prepared to give their assent, and which I have described above, will be found fully sufficient to meet the requirements which both Governments have in view, and I venture to express the hope that the United States' Secretary of the Treasury may, under the altered circumstances, see fit to instruct Captain C. L. Hooper, R.C.S., accordingly.

I have, &c.
(Signed) GOUGH.

Inlosure 2 in No 66.

Mr. Olney to Viscount Gough,

My Lord, *Department of State, Washington, October 13, 1896.*

WITH reference to your note of the 21st ultimo, in which a detailed reply is made to the Department's note of the 2nd July last, on the subject of the use of fire-arms in Behring Sea by pelagic sealers, I have the honour to inform you that I have received a letter of the 3rd instant from the Acting Secretary of the Treasury, reviewing the correspondence on that subject.

Without going into unnecessary details, I beg to say that Mr. Hamlin, in the course of his remarks, calls attention to the "somewhat surprising statement" in your note of the 21st ultimo, to the effect that Her Britannic Majesty's Government has misgivings as to whether sealing-vessels would be guaranteed from interference even if the propositions of this Government were accepted.

In view of the fact that the sealing season is now finished, so that it would be useless to give any instructions to sealers at this time, and inasmuch also as there is

shortly expected a report from Professor Jordan and the other naturalists sent to the seal islands this summer, I would suggest that the whole question be postponed pending the receipt of said report, as each Government will then be in a better position to agree upon regulations for the season of 1897, after having examined the report of its own Commission.

I have, &c.
(Signed) RICHARD OLNEY.

No. 67.

The Marquess of Salisbury to Sir J. Panncefote.

Sir, *Foreign Office, November 11, 1896.*
WITH reference to Viscount Gough's despatch of the 14th October, you are authorized to inform the United States' Government that Her Majesty's Government agree to postpone further discussion in regard to the arrangements for preventing the use of fire-arms in Behring Sea, but in view of the observations contained in the concluding paragraph of Mr. Olney's note of the 13th ultimo, your Excellency should be careful to avoid any expression which might be construed into an admission that Her Majesty's Government contemplate a revision of the Regulations before the period named by the Arbitration Tribunal has expired.

I am, &c.
(Signed) SALISBURY.

No. 68.

Sir J. Panncefote to the Marquess of Salisbury.—(Received December 26.)

My Lord, *Washington, December 17, 1896.*
WITH reference to your Lordship's despatch of the 14th ultimo, instructing me to inform the Secretary of State that Her Majesty's Government agree to the temporary postponement of the correspondence respecting the regulation of pelagic sealing in Behring Sea and the North Pacific Ocean, I now have the honour to forward herewith to your Lordship copy of a further note, together with its inclosure, which I have received from the Secretary of State on the same subject, in which he points out that the suspension of the discussion left pending two unsettled questions, which he proceeds to discuss at some length.

Mr. Olney states that in view of the fact that the time is nearly at hand when the Regulations for the season of 1897 should be agreed upon, the United States' Government hope that Her Majesty's Government will find it convenient to give the subject early attention, and to forward any suggestions they may have to make in the matter.

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

Inclosure 1 in No. 68.

Mr. Olney to Sir J. Panncefote.

Excellency, *Department of State, Washington, December 15, 1896.*
WITH reference to the Department's note of the 13th October last, proposing the temporary postponement of the correspondence concerning the regulation of pelagic sealing in Behring Sea and the North Pacific Ocean, I have now the honour to observe that the suspension of the discussion left two unsettled questions pending: first, as to permitting seal-skins landed at British ports to be examined by American inspectors for the purpose of determining their sex, and whether or not said skins had been shot in violation of the Paris Award and the British law; and, second, the proposal for amending the Regulations on the subject of the use of fire-arms by pelagic sealers.

In reopening the subject, I wish to say that the Department assumes that Her Britannic Majesty's Government, in suggesting that the certificates of search and the

sealing-up of arms (see Lord Gough's note of the 21st September, 1896)* shall be accepted by patrolling officers as conclusive evidence that no fire-arms are concealed on board, in effect proposes that under such circumstances there shall be no search whatever of such vessels. The Government of the United States does not think that the arrangement ought to be made on that line. It considers a search useful for two purposes: first, it discloses whether fire-arms or other implements are on the vessel during any prohibited time in violation of law; and, second, whether there are on board any seal-skins, if in a close season, and whether there are any skins which have been shot, if the vessel has been engaged in Behring Sea where the use of fire-arms is prohibited.

While the suggestion of Her Majesty's Government, if adopted, might properly be accepted as satisfactory evidence that there were no fire-arms or implements, forbidden to be used, concealed on board the vessel, there would still remain the second question as to whether or not in the close season there were on said vessel skins freshly killed, or, if in Behring Sea, shot. As regards American vessels, this latter question is settled by a careful inspection of each skin landed by an expert inspector. This precaution, however, although adopted by the United States upon the broad ground that it is absolutely essential for preventing the unlawful destruction of fur-seals, Her Majesty's Government refuses to adopt and declines to afford the United States an opportunity to make this inspection for itself by its duly-appointed inspectors.

Under the circumstances, it will readily appear that if the United States were to accept the suggestion of Her Majesty's Government above referred to, it would result in discrimination against American vessels in favour of those of Great Britain. At this time the mere fact of the sealing-up of arms does not protect American vessels from being searched; on the contrary, they have been searched as thoroughly and as rigidly as have the British vessels. The sealing-up of arms is merely a part of the evidence from which the boarding officer knows that said arms could not have been used in killing seals. To accept the suggestion of Her Majesty's Government and cease to search British vessels, especially in consideration of the fact above stated, that United States' vessels are rigidly searched, and that no examinations of skins are made at British ports, would be to discriminate doubly against American vessels.

It is believed by this Government to be practicable to discover by an examination of skins landed whether the seals have been shot or speared; also as to their sex, except in the case of pups. This method, I may observe, has been in practice for the past two years by the Government of the United States with most satisfactory results, and I take pleasure in transmitting herewith, for the information of Her Majesty's Government, copies of a Treasury Circular, dated the 12th April, 1895, giving full instructions respecting the pelagic catch of fur-seals.

The sole object of the proposals made by this Government concerning these subjects was to prevent the unlawful destruction of the fur-seals, an object clearly within the purview of the Paris Award, and which seems plainly indispensable, under existing circumstances, to the proper execution of the respective laws enacted by the United States and Great Britain to carry that Award into effect. Nor am I able to perceive that the proposed Regulations would interfere with any lawful business carried on by Her Majesty's subjects.

In view of the fact that the time is nearly at hand when the Regulations for the season of 1897 should be agreed upon, it is hoped that Her Majesty's Government will find it convenient to give the subject early attention, and to afford this Department the benefit of any suggestions it may have to present.

I have, &c.
(Signed) RICHARD OLNEY.

Inclosure 2 in No. 65.

Information respecting the Pelagic Catch of Fur-seals.

*Treasury Department, Office of the Secretary,
Washington, D.C., April 12, 1895.*

To Collectors of Customs and others:

FOR the purpose of complying with the Act of Congress approved the 6th April, 1894, "To give effect to the Award rendered by the Tribunal of Arbitration, at Paris, under the Treaty between the United States and Great Britain concluded at Washington,

* Inclosure 1 in No. 66.

the 29th February, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur-seals," Collectors of Customs and their deputies are informed that the masters of all vessels engaged in fur-seal fisheries, whether licensed or unlicensed, must make entry of their catch at the Custom-house, and at the time of entry must file with the Collector, duly verified by oath, the official log-book, or a copy thereof, required to be kept by Section 4, Act, the 6th April, 1894, and in addition thereto must furnish under oath the information required by the inclosed form (Catalogue No. 204), which form must be duly filled out and filed on entry. Furthermore, each skin in the said catch shall be inspected at the time of entry by inspectors duly appointed for said purpose, as to number, sex, and mode of killing, and the result duly certified to the Collector.

When said form has been filed on entry, two copies thereof shall be prepared and certified by the Collector, who will at once forward by mail one of such copies to the Secretary of the Treasury, and one to the Commissioner of Fish and Fisheries, Washington, D.C.; each of said copies shall have annexed thereto a copy of the log-book entries as to catch of seals filed on entry of the vessel by the master thereof.

Such additional copies of the form as may be necessary for use will be furnished by this Department to Collectors of Customs on requisition; copies of log-books with instructions as to entries will also be furnished Collectors for distribution.

Copies of this Circular and form will also be issued to the Commanding Officers of United States' revenue-vessels employed in patrol service in Alaskan waters, by whom they may be used as a basis for inquiries when boarding vessels engaged in pelagic fur-seal fishing.

As a guide to inspectors in examining skins, appended hereto will be found outline sketches of male and female fur-seals, seen from the under side after the removal of the skins, showing the lines along which the cuts are made in skinning (Figures 1 and 2*); skins of male and female seals, seen from the raw side, showing the positions of the indentations on the margins of the male skin (caused by cutting through the genital opening), and of the teats in the female skin, by which the sexes may be determined (Figures 3 and 4*). The presence or absence of teats furnishes the best evidence as to the sex represented by the skins of adult seals, the differences presented by the skins of the two sexes being shown in the figures which accompany this Circular. The teats, four in number, are situated near the margins of the skin, about midway between the flipper holes and the tail end. They are not readily discernible, but their positions will be disclosed by feeling with the fingers over the raw side of the skin, and, when found, they can easily be pushed through the fur. In the males the teats exist in only an undeveloped condition, and the genital opening, cut through by the operation of skinning, forms a slight indentation on each margin of the skin, a short distance in advance of the rear end, these indentations, however, being often disfigured in the cutting. The skins of male seals over three years old may be recognized by their large size. The sex of young seals is more difficult to determine, the teats being undeveloped; but traces of the genital openings of the young males may be looked for on the margins of the skins as above described.

If, on examination, a vessel appears to have been engaged in fur-seal fishing within the area covered by Article 2 of the Paris Award, without the special licence provided for in Article 4 of said Award, entry should be refused, and the facts reported at once to the United States' District Attorney for proper action. You will duly advise the Department of such action.

(Signed) CHARLES S. HAMLIN,
Acting Secretary.

No. 69.

The Marquess of Salisbury to Sir J. Panncofote.

(Telegraphic.)

BEHRING SEA.

Foreign Office, January 14, 1897.

Please communicate to the Governor-General of Canada, for the observations of his Ministers, a copy of Mr. Olney's note inclosed in your despatch of the 17th ultimo.

Inform the United States' Government at the same time that you have done so, and explain to them that legislation would be required in the Dominion for the compulsory

examination of skins by experts when landed at Canadian ports, and that until the receipt of the Canadian Government's views Her Majesty's Government cannot go beyond the offer which Lord Gough was instructed to make in my despatch of the 9th September last.

No. 70.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received February 4.)

My Lord.

Washington, January 26, 1897.

WITH reference to my despatch of the 17th ultimo, I have the honour to forward herewith to your Lordship copy of a note which I have received from the Secretary of State, asking to be informed as to when the Canadian Government will probably be prepared to take action in regard to the question of the inspection of seal-skins.

I have forwarded a copy of this note to his Excellency the Governor-General of Canada.

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

Inclosure in No. 70.

Mr. Olney to Sir J. Pouncefote.

*Department of State, Washington,
January 23, 1897.*

Excellency.

REFERRING to the Department's note of the 15th ultimo concerning the Regulations of pelagic sealing in Behring Sea and the North Pacific Ocean, and particularly as to the unsettled questions relative to the inspection of skins and the use of fire-arms, I have the honour to acknowledge the receipt of your note of the 16th instant, stating that the former Regulation cannot be made compulsory without legislation by the Canadian Parliament, and that until the views of the Canadian Government had been received, that of Her Majesty cannot go beyond the offer made in Viscount Gough's note to Mr. Rockhill of the 26th September, 1896.

In reply, I beg to say that the Department would be much pleased, in view of the near approach of the sealing season, to be informed as to when the Canadian Government will probably be prepared to take action in regard to the question of the inspection of seal-skins.

I have, &c.
(Signed) RICHARD OLNEY.

No. 71.

The Marquess of Salisbury to Sir J. Pouncefote.

Sir,

Foreign Office, March 6, 1897.

I HAVE received your Excellency's despatch, forwarding a copy of Dr. Jordan's preliminary Report on his Fur-seal Investigation in 1896, which was communicated to you by Mr. Olney, and which was afterwards presented to Congress. With reference to Mr. Olney's request for the communication of a preliminary Report from the British Agent who visited the Pribyloff Islands, I have to request you to inform the United States' Government that no formal record of proceedings has yet been received from Professor Thompson, but that Her Majesty's Government will be happy to furnish them with a copy of his definitive Report, which is in a forward state of preparation, as soon as it has been printed.

From such information as has hitherto been furnished by Professor Thompson, and the facts as to the present condition of the seal-herd set forth in Dr. Jordan's Report, there is, apparently, no reason to fear that the seal-herd is threatened with early extermination.

Her Majesty's Government, however, believe that some modification of the sealing Regulations will be required at the expiration of the five years' term which was named

by the Arbitration Tribunal of 1893. That period expires at the close of the season of 1898, and it would be desirable that the discussion of the modifications, which may be found necessary, should take place in the course of that year, in order that the revised Regulations may be ready for adoption before the sealing season of 1899; and with this object in view, Her Majesty's Government are very desirous of sending out special Agents again in June next to carry on further inquiries and observations in the Pribyloff Islands.

Professor Thompson has expressed his views as to the various points in regard to seal life which require further investigation, to enable Her Majesty's Government to consider the question of revising the Regulations.

The statistics of former observers were found to afford no evidence on which an accurate estimate of the diminution in the number of seals could be based, but the careful count of the seals which was made last summer forms a valuable standard for comparison. It is very essential to ascertain, as far as possible, what has been the result of last season's operations on land and at sea, and also to obtain the latest information as to the number of seals frequenting the islands.

The result of the joint investigations showed that no great difficulty was found in taking 30,000 seals on land in 1896; and, whatever number it may be decided to kill this year, it is important to observe with what degree of facility the total is reached.

For these reasons, Professor Thompson is anxious that British Agents should again be appointed, with the same powers and the same freedom of action as they enjoyed last year.

I should wish your Excellency to communicate the substance of this despatch to the United States' Government, and to request them to be good enough to arrange that facilities and accommodation may, as before, be provided for the British Agents.

You should also state that Agents will be sent to the Commander and Robben Islands, and that an application has been made to the Russian Government on this subject.

I am, &c.
(Signed) SALISBURY.

No. 72.

The Marquess of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, March 9, 1897.

IN your Excellency's despatch of the 24th July, 1896, forwarding a copy of a note from Mr. Rockhill, Acting Secretary of State, it was stated that the United States' Government would give their careful consideration to the alternative proposals of Her Majesty's Government with regard to the representation of the United States by counsel at the trials of British sealing-vessels seized by American revenue cruisers in Behring Sea.

I should wish your Excellency to endeavour to obtain an answer from the United States' Government to the suggestion that they should enter into an agreement to satisfy the Judgment of the Court if the seizure should be held to be wrongful, an arrangement being at the same time made by which they should employ solicitors and counsel, and conduct the prosecution of the suits in the name of the Crown.

In the opinion of Her Majesty's Government, it would be more satisfactory that each country should become responsible for the prosecution of vessels seized by its officers, and in support of this view you should refer to the seizure of the "Beatrice" in 1895, in consequence of which Her Majesty's Government have had to pay costs and damages amounting to 734L. I authorized you in my despatch of the 22nd May, 1896, to state that Her Majesty's Government would not feel justified in proceeding with an appeal in this case, as requested by Mr. Olney, unless the United States' Government were prepared to bear the cost and to satisfy any damages which the Court might award. It would no doubt have been better in this instance that the prosecution should have been conducted from the outset by the United States' Government, who would then have themselves been at liberty to decide on the question of appeal.

You should take this opportunity of stating, with reference to Mr. Olney's note of the 15th December, 1896, a copy of which was inclosed in your despatch of the 17th

December last, that Her Majesty's Government are still in correspondence with the Canadian Government respecting the Supplementary Regulations desired by the United States' Government, providing for the examination of seal-skins at Canadian ports, and for the sealing-up of fire-arms on board British vessels, and that a further communication will be made on these subjects as soon as possible.

I am, &c.
(Signed) SALISBURY.

No. 73.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 29.)

My Lord,

Washington, March 19, 1897.

WITH reference to my despatch of the 20th January last concerning the inspection of seal-skins and the use of fire-arms in Behring Sea, I have the honour to transmit herewith copy of a further note which I have received from the Secretary of State, requesting that a reply to Mr. Olney's note (copy of which accompanied my above-mentioned despatch to your Lordship) may be expedited.

I have forwarded a copy of the note, herein inclosed, to the Governor-General of Canada.

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

Inclosure in No. 73.

Mr. Sherman to Sir J. Pouncefote.

Excellency,

Department of State, Washington, March 12, 1897.

ADVERTING to the Department's note of the 15th December, 1896, in regard to the proposed adoption of amended regulations for pelagic sealing in Behring Sea and the North Pacific Ocean, particularly as to those concerning the inspection of skins and the use of fire-arms, and to your note of the 16th January last, stating that the proposed regulations, in so far as the same relate to the inspection of skins, cannot be made compulsory without legislation by the Canadian Parliament, I have the honour, in view of the near approach of the opening of the sealing season, to recall your attention to Mr. Olney's note of the 23rd January last, asking to be informed of the date when the Canadian Government would take action in regard to the inspection of seal-skins.

The urgency of this matter must be apparent to Her Majesty's Government, for which reason I trust that you will do all that in your power lies to expedite a reply upon this subject.

I have, &c.
(Signed) JOHN SHERMAN.

No. 74.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 1.)

My Lord,

Washington, March 23, 1897.

I HAVE the honour to inclose herewith copy of a note which I have this day addressed to the United States' Secretary of State, in compliance with the instructions conveyed in your Lordship's despatch of the 6th instant, with regard to the revision of the Sealing Regulations and the reappointment of British Agents to visit the islands.

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

Inclosure in No. 74.

Sir J. Pauncefote to Mr. Sherman.

Sir,

Washington, March 23, 1897.

WITH reference to an inquiry made by your predecessor on the 4th January last respecting the Report of Professor D'Arcy Thompson, British Commissioner in charge of the fur-seal investigation for 1896, I have the honour to inform you, by direction of the Marquess of Salisbury, that no formal record of proceedings has yet been received from Professor Thompson, but that Her Majesty's Government will be happy to furnish the United States' Government with a copy of his definitive Report, which is in a forward state of preparation, as soon as it has been printed.

From such information as has hitherto been furnished by Professor Thompson, and the facts as to the present condition of the seal herd set forth in Dr. Jordan's Report, there is apparently no reason to fear that the seal herd is threatened with early extermination.

Her Majesty's Government, however, believe that some modification of the Sealing Regulations will be required at the expiration of the five years' term which was named by the Arbitration Tribunal of 1893. That period expires at the close of the season of 1898, and it would be desirable that the discussion of the modifications which may be found necessary should take place in the course of that year, in order that the revised Regulations may be ready for adoption before the sealing season of 1899; and with this object in view Her Majesty's Government are very desirous of sending out special Agents again in June next to carry on further inquiries and observations in the Pribyloff Islands.

Professor Thompson has stated to Her Majesty's Government his views as to the various points in regard to seal life, which require further investigation, to enable Her Majesty's Government to consider the question of revising the Regulations.

The statistics of former observers were found to afford no evidence on which an accurate estimate of the diminution in the number of seals could be based, but the careful count of the seals that was made last summer forms a valuable standard for comparison. It is very essential to ascertain as far as possible what has been the result of last season's operations on land and at sea, and also to obtain the latest information as to the number of seals frequenting the islands.

The result of the joint investigations showed that no great difficulty was found in taking 30,000 seals on land in 1896; and, whatever number it may be decided to kill this year, it is important to observe with what degree of facility the total is reached.

For these reasons Professor Thompson is anxious that British Agents should again be appointed, with the same powers and the same freedom of action as they enjoyed last year.

In communicating the above I am directed by my Government to express the hope that the facilities and accommodation which were last year provided for the British Agents may be likewise afforded on this occasion.

I may add that Agents will be sent to the Commander and Robben Islands, and that an application has been made to the Russian Government on this subject.

I am informed by telegraph by the Marquess of Salisbury that Professor Thompson is desirous of starting on the 8th April via Japan, and to visit the Russian islands in the first instance. In view of the very short time which remains, I venture to ask you to be good enough to favour me with a reply to this note at your earliest convenience, in order that I may be able to report by telegraph to Lord Salisbury whether the United States' Government are willing to afford the facilities, to which I have above alluded, to the British Agents.

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

No. 75.

Mr. White to the Marquess of Salisbury.—(Received April 10.)

*The Embassy of the United States, London,
April 10, 1897.*

My Lord,

I HAVE the honour to inform your Lordship that, as a result of the investigation made last year in Alaskan waters by Dr. Jordan, with whose views Professor

Thompson, who was sent by Her Majesty's Government to make similar investigations, is believed to concur, the present state of the Alaskan seals has forced itself in the midst of the many cares attending the organization of the Administration upon the attention of the President of the United States, to whom the depleted condition and prospective early extinction of the herd are a matter of grave concern. I have received urgent telegraphic instructions, therefore, to bring the subject to the immediate attention of Her Majesty's Government, and to communicate the President's earnest hope and expectation that effective measures may at once be adopted by the respective Governments with a view to putting a stop to the indiscriminate slaughter of the seals through pelagic sealing.

I am instructed to suggest to Her Majesty's Government that, in the opinion of the President, a *modus vivendi* based upon that of 1891, with equitable provision for the various interests involved, suspending all killing of all seals during the season of 1897 in Behring Sea, should be agreed upon without delay, and that this should be accompanied by an arrangement for a joint Conference at an early day of the Powers concerned for the purpose of agreeing upon the measures necessary for the preservation of the seals in the North Pacific from extermination, and of restoring them to their normal condition with a view to their continued existence.

To deter taking up the subject until after the termination of the season 1898, as contemplated by the Award of the Tribunal of Arbitration at Paris, would, in the opinion of my Government, be fatal to the object in view, as should the destruction continue during two more seasons, there will be no occasion, owing to disappearance of the seals, for a Conference. The President sees, therefore, no escape from the conviction that there is urgent necessity for prompt action such as I now have the honour to propose on his behalf, and in so doing I am instructed to say that if Her Majesty's Government should see their way to agreeing to the *modus vivendi* herein suggested, my Government will have pleasure in giving full opportunity to Professor Thompson and his assistants to visit the seal islands in accordance with a request to that effect which has been made by the British Ambassador at Washington.

In view of the approach of the sealing season, and of the consequent importance that the President should be in a position to know as soon as possible whether he may count, as he hopes, upon the friendly co-operation in this matter of Her Majesty's Government, I have the honour, in accordance with the instructions of the Secretary of State, to ask your Lordship to be so good as to cause a reply to be sent to this note at the earliest date which may be practicable.

I have, &c.
(Signed) H. WHITE.

No. 76.

The Marquess of Salisbury to Mr. H. White.

Sir,

Foreign Office, April 12, 1897.

I HAD the honour to receive the note which you were good enough to leave at this Office on the 10th instant, conveying proposals from the United States' Government for a fresh *modus vivendi*, similar to that of 1891, with regard to the seal fisheries in Behring Sea, and for an arrangement for a joint conference of the Powers concerned, to discuss the measures necessary for the preservation of the seals.

Your communication will receive the immediate consideration of Her Majesty's Government.

I am, &c.
(Signed) SALISBURY.

No. 77.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 14.)

(Telegraphic.)

Washington, April 14, 1897.

WITH reference to your Lordship's despatch of the 6th March, I have received a verbal assurance from the Department of State to the effect that the facilities asked for on behalf of Professor Thompson will be accorded. The United

States' Government hope that Dr. Jordan may accompany Professor Thompson on his journey.

The reply from the United States' Government has been greatly delayed, but a note on the subject has been promised to me.

I have sent to your Lordship by the mails of the 9th instant and this day two important despatches recording an interview with Mr. Sherman, and inclosing a note from him reopening the question of the Regulations concerning the fur-seal fishery, and pressing that the *modus vivendi* should be renewed this season, and a Conference of the Powers interested be immediately summoned.

The Honourable J. W. Foster, who was United States' Agent at the Paris Arbitration, has been nominated by the President a Commissioner, to carry on the negotiations and conduct the correspondence on the subject on behalf of the United States' Government.

No. 78.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 17.)

My Lord,

Washington, April 9, 1897.

YESTERDAY being the day set apart by the Secretary of State for receiving the foreign Representatives, I called on Mr. Sherman at the Department of State, and, after transacting some formal business, he suddenly introduced the subject of the fur-seal fishery, and asked me whether I had not had some recent negotiation with his predecessor on the subject. On my replying that nothing had passed between Mr. Olney and myself except what appeared in the official correspondence, he proceeded to state that he was anxious to know how Her Majesty's Government would view an arrangement among all the Powers interested, that is to say, Great Britain, the United States, Russia, Japan, and Hawaii, to prohibit absolutely the killing of fur-seals both on land and at sea for such period as might be found necessary to enable the herds to recuperate and regain their normal numbers, the gradual decrease of which during the preceding years pointed to early extermination of the species. This fact could no longer reasonably be doubted in view of the statistics and of the reports of scientists, and the danger had to be faced. The only practical solution that presented itself was to adopt the recommendation of the Behring Sea Tribunal of Arbitration formulated in the second paragraph of the Declarations appended to the Award, and to carry it out on a larger international basis. He was convinced that, as regards the nations not parties to the arrangement, no fear need be entertained that they would refuse their adhesion to it in furtherance of the beneficent purpose in view.

In the meantime, a Commission might be appointed to watch the effect of the measure, to advise as to the proper time for the resumption of the industry, and as to the conditions and regulations under which it should be carried on both on land and at sea, with a view to the preservation of the species, and to an equitable adjustment of the rights and interests of all parties.

Mr. Sherman added that Great Britain was quite as much interested as the United States in the recuperation of the fur-seal species, and both countries should be equally willing to make the sacrifices which might be necessary to insure so advantageous a result.

As regards the United States, he believed that such an arrangement would be heartily welcomed and accepted by Congress.

Finally, Mr. Sherman asked me to sound your Lordship as to your views on the subject of his proposal, which, if favourably entertained, might, he thought, be carried out next year.

I promised Mr. Sherman that I would submit his observations and suggestions to your Lordship, and I should be glad to be favoured with instructions as to the language which I should hold to him on the subject.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 21.)

My Lord,

Washington, April 13, 1897.

IN my despatch of the 9th instant, I had the honour to report the language held to me by the new Secretary of State, Mr. Sherman, on the subject of the fur-seal fishery in the North Pacific, and his proposal for an international arrangement on a wide basis, for the recuperation of the fur-seal herds, which, in the opinion of the scientific advisers of his Government, are decreasing in numbers with a rapidity which threatens early extinction.

The following day, but too late for transmission by the same mail, I received a note from him, of which I have the honour to inclose a copy.

This note is a reply to that which I addressed to him on the 23rd ultimo, under the instructions contained in your Lordship's despatch of the 6th ultimo, and of which a copy was inclosed in my despatch of the 23rd ultimo.

The note enters into statistics in support of the contention of the United States' Government, that "pelagic sealing if persisted in will, sooner or later, result in practical extermination," and strongly urges the suspension of all killing of fur-seals in 1897, and a joint Conference, at an early day, of the Powers concerned to agree upon measures necessary to preserve the fur-seals of the North Pacific Ocean from extermination, and to restore them to their normal condition for insuring continued existence.

No reply is made to the request that facilities may be granted to Professor Thompson to visit the Pribyloff Islands again this year, but I hardly think that it is intended to withhold them, and I hope to obtain a favourable answer in a few days, in which case I will advise your Lordship of it by cable.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inelasure in No. 79.

Mr. Sherman to Sir J. Pauncefote.

Excellency,

Department of State, Washington, April 9, 1897.

CIRCUMSTANCES beyond my control have delayed an answer up to this time of the note you did me the honour to address me under date of the 23rd ultimo, wherein you advise me of the desire of your Government that Professor Thompson should revisit the seal islands in Behring Sea, and that the same facilities and accommodations which were last year provided for the British agents may be afforded on the contemplated visit.

The Government of the United States has always cheerfully welcomed the visit to the Pribyloff Islands of duly authorized British agents, who were desirous of making an impartial and scientific study of the seal herd which has its home on those islands, and if your note had been confined to this request, it would have received the prompt and favourable reply for which you expressed a desire. But it contained statements of fact and conclusions reached by Her Majesty's Government of such a serious character, that I felt it my duty to lay the note before the President for his consideration and instructions. Notwithstanding the many and absorbing questions which demand his time in the inauguration of his Administration, he has given to the subjects suggested by your note the preferential attention which their importance demanded, and though he has as promptly as possible devoted his time to the examination and consideration of the facts and correspondence, I have not until the present been able to make the response to your note which a due regard for its tenour required.

The President instructs me to say that he is greatly concerned as to the present depleted condition and the prospective early extinction of the Alaskan seal herd. He cannot agree with your note as to the conclusions reached by Dr. Jordan in his Report.

Unfortunately for the Government of the United States, it does not have the information contained in Professor Thompson's Report possessed by Lord Salisbury. Feeling that the results of the investigations made in 1896 by the

scientists of the two Governments should be respectively made known to each other at the earliest practicable date, my predecessor caused Dr. Jordan's Report to be promptly prepared, and copies of it have been in the hands of the British Government for some time past. It is much regretted that a similar course was not pursued as to the Report of Professor Thompson, and peculiarly unfortunate that another season of pelagic sealing should be entered upon without any opportunity on the part of my Government to examine the Report.

The President is, therefore, forced to reach his conclusion on the points treated of in your note by a careful study of Dr. Jordan's Report, and other ascertained facts and statistics.

Dr. Jordan's Report shows conclusively that there has been a distinct and steady decrease both in the total number of breeding seals and in the number of harems of breeding cows in the season of 1896, as compared with that of 1895.

It further appears from said Report conclusively, that this diminution has been caused by pelagic sealing, the most destructive effects of which are manifested in Behring Sea in August, at which time at least two-thirds of the catch consists of females who are then leaving the islands for food for their pups.

It is further shown that the number of pups thus dying from starvation, their mothers having been killed at sea, amount for the season of 1896 to about 14,473.

It is further apparent from said Report that it was as easy in 1880 to procure 100,000 skins on land of the same quality as those taken during the season of 1896 as it was to obtain the catch of last year's, namely, 30,000. The number of breeding females is not over one-fourth as many now as in 1880. These facts lead Dr. Jordan to the positive conclusion that pelagic sealing will ultimately result in the practical extinction of the herd.

Turning to the statistics of the catch in Behring Sea, it appears that 37 vessels in 1894 killed 31,585 seals, while in 1896 67 vessels only secured 29,500. The average catch per vessel in Behring Sea in 1894 was 853, as compared with 440 in 1896. It may be claimed that the land catch increased in 1896, as compared with 1895, from 15,000 to 30,000, and that this may have had some influence upon the decrease of the pelagic catch of 14,000 in 1896 as compared with 1895.

It should be remembered, however, that the average percentage of females to males in the Behring Sea catches of both British and American vessels was about two-thirds females to one-third males.

At the utmost, therefore, the increased catch on the islands would have affected the pelagic catch a little more than 4,000 skins, leaving a decrease of at least 10,000 unaccounted for except by a falling-off in the female seals.

It should further be remembered that the catch on the islands was increased in 1896 to 30,000, because it was plain upon scientific investigation that the dangerous mortality among female seals brought about by pelagic sealing had left the number of bulls greatly in excess of the due proportion between the sexes, and to properly care for the herd it became necessary to remove as far as possible this menacing excess of male life upon the islands.

The further startling fact appears that in Behring Sea the total catch decreased from 44,169 in 1895 to 29,500 in 1896, a decrease of 33 per cent. in the herds' capacity to yield a pelagic catch, and if allowance is made for the seals which the pelagic sealer was prevented from taking by the increased land killing of 1896, the percentage of decreases in the capacity of the herd for such a yield is still found to be about 25 per cent. in one year.

When it is further considered that the present number of breeding seals (a little over 143,000 in 1896) is but little more than one-half of the number (280,000) computed to be on said islands in 1890, it must become evident that before arrangements can be concluded for the new regulations for the season of 1899, there is grave reason to fear that the herd will have reached a stage so low that recuperation can be secured only with great difficulty, if at all.

From the foregoing and other facts which might be cited, the President is forced to express his strong dissent from the conclusions which seem from your note to have been reached by Her Majesty's Government, that there is no such imminent danger of the early extermination of the seal herd as to call for any action by the two Governments before the close of the season of 1898.

On the contrary, he feels that if the destruction goes on meanwhile there will be little occasion for action then, as the herd will be so far reduced as to render its further protection fruitless. The expression "no reason to fear that the seal herd

is threatened with early extermination" is noted with surprise. Is it the intention of the British Government to delay action until the verge of extinction is reached? Does that course commend itself to its sense of justice and humanity? Is it right that the great interests of a friendly Power and the existence of a useful race of animals should be exposed by the continued practice of a means of slaughter which it is conceded will ultimately result in their destruction?

The Paris Tribunal reached the conclusion, upon the facts before it, that a certain amount of pelagic sealing could be carried on without serious danger to the continued existence of the herd, and upon this conviction it authorized the practice of pelagic sealing under certain restrictions as to time and methods. But the experience of the past years since the decision at Paris has shown that the conclusion there reached is not sustained by the facts, and that pelagic sealing, if persisted in, will, sooner or later, result in practical extermination. Such being the ascertained fact, it seems to the President just and right that the practice authorized by the Tribunal under a fallacious conclusion should be abandoned or modified in such a way as to accomplish the declared purpose of the Paris Arbitration, the continued existence and preservation of the herd.

In view of the foregoing conclusions, the President has directed me to communicate by cable to the Embassy in London his desire that the subject be brought at once to the attention of Lord Salisbury, with the urgent request that a *modus vivendi* should be agreed upon, with equitable provision for the interests involved, suspending all killing for the season of 1897; and that this should be accompanied by an arrangement for a joint Conference at an early day of the Powers concerned to agree upon measures necessary to preserve the seals of the North Pacific Ocean from extermination, and to restore them to their normal condition for insuring continued existence.

Our representative in London was instructed to urge an early answer to the proposal, as the President desired to know whether he could rely upon the friendly co-operation of Great Britain.

In communicating to you, Mr. Ambassador, the foregoing action of the President, I invoke your good offices with your Government at London to secure from it such favourable action as will tend to cement our relations of cordial co-operation and friendship.

I have, &c.
(Signed) JOHN SHERMAN.

No. 80.

The Marquess of Salisbury to Sir J. Pauncefote.

(Telegraphic.)

Foreign Office, April 21, 1897.

A NOTE in the sense of your despatch of the 13th instant was presented by United States' Chargé d'Affaires, except that permission to renew investigation was made to depend upon acceptance of proposals.

You will receive instructions for reply at the earliest date possible.

Danger of extermination is shown by Thompson's Report not to be imminent.

No. 81.

Sir J. Pauncefote to the Marquess of Salisbury.--(Received April 22.)

(Telegraphic.)

Washington, April 22, 1897.

WITH reference to your Lordship's telegram of yesterday's date, I have the honour to report that the Secretary of State has addressed a note to me, in which he states that his Government will welcome the visit of Professor Thompson to the Seal Islands, and will at once issue orders to the local authorities to grant him facilities similar to those extended to him last season.

The Marquess of Salisbury to Sir J. Pauncefote.

Sir,

Foreign Office, April 22, 1897.

I TRANSMIT to your Excellency herewith a copy of a note from the United States' Chargé d'Affaires,* stating that he has received instructions to bring the question of the fur-seal fishery in Behring Sea to the immediate attention of Her Majesty's Government, and to express the earnest hope of the President that effective measures may be at once taken by the respective Governments in order to put a stop to the indiscriminate slaughter of the seals through pelagic sealing. It is suggested that a *modus vivendi*, similar to that of 1891, should be agreed to, to be followed by a Joint Conference of the Powers concerned, with a view to the necessary measures being adopted for the preservation of the seals in the North Pacific.

It is further stated that in the event of Her Majesty's Government concurring in these proposals, full opportunity will be given to Professor d'Arcy Thompson to visit the Seal Islands, in accordance with the request which was made to the United States' Government through your Excellency.

Her Majesty's Government were convinced that the United States' Government did not intend to refuse all further opportunity for investigation unless these proposals were accepted, and I have accordingly been glad to receive your Excellency's telegram of the 14th instant, stating that the requisite facilities will be accorded to Professor Thompson, to enable him to visit the islands again this season, and that Dr. Jordan will, it is hoped, join him in his tour.

The above urgent application is reported to be based on the result of Dr. Jordan's investigations last year, in which, it is stated, Professor Thompson is believed to concur.

I am now able to inclose for communication to the United States' Government copies of Mr. Thompson's Report,† from which it will be seen that the President is mistaken in supposing that, in the opinion of the British Agent, there is any immediate cause for alarm.

Dr. Jordan's Report, moreover, has been carefully examined, and does not appear to contain any facts which would warrant the statement made in Mr. White's note as to the "depleted condition and prospective early extinction of the herd."

On the contrary, both Reports are, generally, to the effect that the number of seals in 1896 showed no evidence of any measurable diminution as compared with 1895, and that no immediate danger is to be apprehended to the herd, which appears to be in a much better condition than was reported in 1894 and 1895.

For instance, in commenting on the statistics for 1895-96 for St. George Islands, Mr. Thompson states at page 7 of his Report, that, although the figures may not afford any positive evidence of an actual increase of the herd between the seasons of 1895 and 1896, on the other hand, it is abundantly clear that there is no evidence at all to show a decrease during that period, and that the state of the herd on the island is, at least, very much better than it was believed to be from the Reports of the American agents in 1895. He further observes (page 17), that had the decrease in the rookeries been as great and evident as it was reported to be up to 1895, the next twelve months would surely have shown signs still more unequivocal of continued impoverishment of the stock. The photographs, however, show with very few exceptions an identical record. The harems were counted in both years by the same agents, and all the rookeries but one show a large increase in the latter year. Owing to the stormy weather prevailing during the last sealing season the pelagic catch was much reduced, the catch in Behring Sea having only been about two-thirds of that of 1895. The low prices, moreover, realized for last year's skins are likely to lead to a smaller number of vessels fitting out for the fishery this season; and there is, therefore, no information before Her Majesty's Government to warrant the belief of the United States' Government, that to defer taking up the subject until after the season of 1898 would be fatal to the preservation of the herd.

Similar statements as to the immediate disappearance of the herd have been made in previous years, but experience has shown that the fears then expressed were groundless, and Her Majesty's Government are convinced that they will prove

* No. 75.

† "United States No. 3 (1897)."

to be equally so on the present occasion. The small catch and low prices obtained for the skins last year brought many of the owners of the sealing vessels to the verge of bankruptcy, and were Her Majesty's Government to prohibit pelagic sealing altogether for this year, it would mean the probable ruin of a considerable number of British subjects engaged in a lawful industry. Of course, if the United States' Government are prepared to give adequate compensation to the sealing fleet on account of its enforced abstention from the fishery this season, Her Majesty's Government would have no reason for refusing their assent to the proposal for a *modus vivendi*, but they do not gather that such is the case, and it would be impossible for them to submit a vote to Parliament for the purpose, holding as they do that no sufficient reason has been shown for its necessity.

As regards the proposed Conference, Her Majesty's Government are of opinion that further investigation is necessary on many points connected with seal life before the questions at issue could be discussed with the hope of attaining any satisfactory result.

Dr. Jordan and Professor Thompson are agreed that it is most important that an accurate count of seals on the principal rookeries should be made during several seasons in order to ascertain the changes from year to year, and there are other important points mentioned in the conclusion of Mr. Thompson's Report on which, pending further inquiry, he finds it desirable to suspend judgment.

It is admitted that the investigations carried out last year afforded for the first time any really reliable statistics in regard to the condition of the herd, and that all previous reports received on the subject are practically valueless for purposes of comparison.

To estimate accurately the effect on the herd of the various agencies now at work, reliable statistics, extending over a sufficient period to enable accidental circumstances to be eliminated, should be available, and Her Majesty's Government must adhere to the view set forth in my despatch of the 6th ultimo, that further investigation is required before the question of revising the Regulations can be considered.

Your Excellency will read this despatch to the Secretary of State, and leave a copy of it with him should he desire it.

I am, &c.
(Signed) SALISBURY.

No. 83

The Marquess of Salisbury to Sir J. Pauncefote.

(Telegraphic.)

BEHRING SEA.

Your telegram of 22nd April.

Mr. Macoun is not mentioned.

We presume that, pending Professor Thompson's arrival on the islands, he will be accorded facilities required for investigation.

Foreign Office, April 28, 1897.

No. 84.

The Marquess of Salisbury to Sir J. Pauncefote.

(Telegraphic.)

WITH reference to your telegram of 14th April.

Professor Thompson proposes in first instance to visit Russian islands, whither he will proceed shortly after his arrival at Yokohama about the 30th May. He will remain at Russian islands till towards the end of July.

You should inform United States' Government should Dr. Jordan desire to join him, Admiralty could provide passage for him in one of Her Majesty's ships from Yokohama.

Foreign Office, April 28, 1897.

No. 85.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 1.)

My Lord,

Washington, April 20, 1897.

WITH reference to your Lordship's despatch of the 13th May last,* in which your Lordship instructed me to ascertain the views of the United States' Government as to the proposition that in future all suits brought in British Courts for condemnation of British sealing-vessels seized by American officers for violation of the Behring Sea Award should be conducted in the name of the Crown by Counsel employed by the United States' Government, and that the United States should further enter into an Agreement to satisfy the Judgment of the Court if the seizure should be held to be wrongful, I have the honour to inclose copy of a note which I have received from the Secretary of State in reply to my inquiries on the subject.

Mr. Sherman states that, for the reason set forth in his note, the United States' Government are not disposed to agree to the proposal made by Her Majesty's Government.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

 Inclosure in No. 85.
Mr. Sherman to Sir J. Pauncefote.

Excellency,

Washington, April 17, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 24th ultimo,* asking to be informed of the views of this Government as to the proposition contained therein; and also, in an earlier note of the 25th June last, to the effect that in the future all suits brought in British Courts for condemnation of British sealing-vessels seized by American officers for violation of the Behring Sea Award be conducted in the name of the Crown by Counsel employed by the United States' Government, and that the United States should further enter into an agreement to satisfy the Judgment of the Court if the seizures should be held to be wrongful.

The proposition has received the careful consideration of the Government, and I beg to reply that the suggestion contained in your note cited above grew out of a request that the British Government give its consent to the appointment of Counsel to represent the United States in proceedings brought against the "Shelby," and to be brought against other British vessels for violating the Behring Sea Award Act. It was not intended, however, by that request to convey the impression that the Government of the United States desired to become a party to the proceedings, but merely that the privilege was desired of watching the progress of the trials, and of making suggestions from time to time as to matters in issue which affect, or might affect, the interests of the United States.

This privilege was very kindly accorded in your note of the 25th June, 1896, and fully satisfied every wish of this Government, which appreciates every effort that has been and will be made by Her Majesty's Government to punish infractions of the said Act by British subjects. Upon careful reflection, therefore, I can see no occasion for entering into the further arrangements suggested in your note to my predecessor of the 25th June, 1896, and recalled to my attention in your note of the 24th ultimo.

I have, &c.

(Signed) JOHN SHERMAN.

 No. 86.
Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 1.)

My Lord,

Washington, April 20, 1897.

WITH reference to your Lordship's despatch of the 6th ultimo, instructing me to request the United States' Government to arrange that facilities and accommodation

* See also No. 72.

should, as before, be provided for the British Agents on their visit to the Pribyloff Islands, I have the honour to transmit herewith copy of a note which I have received from Mr. Sherman, stating that the United States' Government will welcome the visit of Professor Thompson to those islands.

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

Inclosure in No. 86.

Mr. Sherman to Sir J. Pauncefote.

Excellency, *Washington, April 16, 1897.*
I HAVE pleasure in confirming and repeating the oral assurance heretofore given to you that the Government of the United States will welcome the visit of Professor Thompson to the Pribyloff Islands, and that orders will at once be issued to the authorities on the islands to extend to him the same facilities granted him during his visit last year.

I have, &c.
(Signed) JOHN SHERMAN.

No. 87.

The Marquess of Salisbury to Sir J. Pauncefote.

(Telegraphic.) *Foreign Office, May 1, 1897.*
WITH reference to your despatch of the 19th March respecting the Behring Sea negotiations, I have to inform you that the renewal of the Agreement for the sealing-up of arms by a duly authorized officer, on the application of the master, is agreed to by Her Majesty's Government.

The Dominion Government are unable to concur in the suggestion as to the examination of skins by United States' officers at port of arrival.

I authorize you to inform the Government of the United States of the above.

A despatch follows.

No. 88.

The Marquess of Salisbury to Sir J. Pauncefote.

Sir, *Foreign Office, May 1, 1897.*
WITH reference to your despatch of the 19th March, I have to inform you that the Canadian Government have expressed their views on the Supplementary Regulations proposed by the United States' Government for the seal fishery in Behring Sea in regard to the sealing-up of arms, and the examination by United States' officers of the skins landed at Victoria from British sealing-vessels.

I have to-day authorized your Excellency, by telegraph, to inform the United States' Government that Her Majesty's Government are prepared to agree to the renewal of the Arrangement made in 1894 for the sealing-up by a duly authorized officer, on the application of the master, of the arms on board a vessel proceeding to the fishery in Behring Sea, or returning to port during the close season; but that the Canadian Government found themselves unable to concur in the suggestion that the skins landed from the British sealing fleet should be examined at the port of destination by American experts.

As regards this last proposal, the Canadian Government are convinced that even were it possible to establish that any punctures which might be found in the seal-skins were the result of gun-shot wounds, and that they could be readily distinguished from

those made by spears, it would still be impossible to prove that the animal from which the pelt was taken had been killed by means of fire-arms. It is a matter, it is said, of common knowledge that the skins of a large number of seals killed by spears contain shot-wounds, so that no weight can be attached to any argument derived from these wounds as to the manner whereby the ultimate capture of the seal was effected. There is no means of proving that these shot-wounds were not received during the migration of the seals outside Behring Sea, where the use of fire-arms is not prohibited; or that they may not have been inflicted by the crew of a vessel other than the one by which the seal was eventually secured by the spear. Moreover, sealers knowing that an examination such as that suggested awaited them at their destination, could readily add a spear-wound to the skin had the seal been shot, thus effectually destroying the utility of any such test.

The case of the "Kate" is referred to by the Canadian authorities as illustrating the force of the above remarks. As your Excellency is aware, this vessel was seized last season because certain skins were found on board believed to have shot-holes in them, though it was afterwards found that the vessel had no fire-arms whatever on board.

The Canadian Government are further of opinion that an examination of the salted skins when landed at the home ports would prove of little use in establishing the sex of the seals killed. They state that when the United States' Treasury Circular, which is referred to in Mr. Olney's note, first came into their possession, the matter was exhaustively considered, and the conclusion reached that the tests therein indicated were wholly ineffective for determining the question of sex.

The Minutes of the Canadian Privy Council dealing with the matter have been communicated direct to your Excellency by the Governor-General; but I think it well for your convenience to place the views of the Dominion Government on record in a despatch, as it is probable that the question will again be referred to by Mr. Secretary Sherman.

I am, &c.
(Signed) SALISBURY.

No. 89.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 3.)

(Telegraphic.)

Washington, May 3, 1897.

WITH reference to your Lordship's telegrams of the 28th ultimo, authorities at Pribiloff Islands will at once receive instructions to give Mr. Macoun same facilities as were accorded last year.

Should the movements of any of the revenue-vessels sailing to those islands suit Mr. Macoun's convenience, United States' Government will offer him passage on them.

Dr. Jordan has been informed of friendly offer of providing him a passage, but it is not considered probable that he will be able to take advantage of it.

No. 90.

The Marquess of Salisbury to Sir J. Pouncefote

Sir,

Foreign Office, May 7, 1897.

I HAVE had under consideration, in communication with Her Majesty's Secretary of State for the Colonies, Mr. Sherman's note of the 9th ultimo on the subject of the fur-seal fishery, of which a copy was inclosed in your Excellency's despatch of the 13th April.

Mr. Sherman urges that all killing of fur-seals should be suspended for the present, and that a joint Conference of the Powers concerned should meet at an early date to agree upon the measures necessary to preserve the seals from extermination, and to restore the herd to its normal conditions.

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The same proposals were made in the note from the United States' Chargé d'Affaires of the 19th ultimo, a copy of which was transmitted to your Excellency in my despatch of the 22nd April, with instructions as to the answer to be returned to the United States' Government on the subject.

Mr. Sherman, however, adduces certain statistics in support of the contention that the seals are threatened with early extermination, which make it necessary for Her Majesty's Government to deal with his despatch in a separate communication.

With regard to Mr. Sherman's complaint that the United States' Government had not been furnished with a copy of Professor Thompson's Report of his investigations last year, I have to state that Her Majesty's Government regret the delay that has occurred in the matter. It has been caused partly by Mr. Thompson's professional duties, and also by the necessity of his waiting for certain notes and information with which he had asked Mr. Macoun, the Agent of the Dominion Government, to furnish him. The Report is, however, now in the hands of the United States' Government.

Mr. Sherman proceeds to state that in the absence of Professor Thompson's Report the President has been forced to reach his conclusions as regards the condition of the seal fishery by a careful study of Dr. Jordan's Report, and other ascertained facts and statistics. It is to be regretted that Mr. Sherman has not referred to the passages in Dr. Jordan's Report on which the conclusions of the President have been arrived at. So far as Her Majesty's Government can judge in the absence of such indications, the President's conclusions would appear to be based only on general assertions and deductions in that Report.

Mr. Sherman states that Dr. Jordan's Report shows conclusively that there has been a distinct and steady decrease both in the total number of breeding seals, and in the number of harems of breeding cows in the season of 1896 as compared with that of 1895, and that it further conclusively appears from the Report that this diminution has been caused by pelagic sealing.

Dr. Jordan, however, states on p. 21 as follows: "In 1895 Mr. Murray made a careful count of the number of harems on two islands, finding 5,000 in all. At the same period in 1896 he found that the number of harems was reduced to 4,853, a loss of 3½ per cent., the number of bulls without harems having increased 7 per cent."

On p. 16 Dr. Jordan himself gives the number of harems in 1896 as 5,009, a small increase on Mr. Murray's count of 5,000 in 1895, instead of a decrease of less than 3 per cent. (not 3½ per cent. as calculated by Dr. Jordan). Similarly, as regards the number of breeding cows, Dr. Jordan's count, as recorded on p. 16, gives 81,793 for 1896, while the figures for 1895, as given by himself on p. 20, were only 70,423. The state of the rookeries in 1895, as compared with 1896, is fully dealt with by Professor Thompson, and is referred to in my despatch of the 22nd ultimo, and it is therefore unnecessary to discuss the matter at length. That Report also deals, so far as the information at present available is concerned, with the question of the mortality of pups owing to the killing of their mothers at sea, and the general conclusions at which he arrived, as set forth on p. 25 of his Report, show that the number 14,473, at which Mr. Sherman places the deaths from this cause, must be subject to very large deductions.

It may be the case, as stated, that it was as easy in 1880 to procure 100,000 skins on land of the same quality as those taken during the season of 1896, as it was to obtain the catch of last year, viz., 30,000, but it must not be forgotten that in 1890 not even 30,000 skins could be obtained. The question of the comparative ease or difficulty with which a stated catch was obtained in two years so far apart as 1880 and 1896 would, even if the same individuals were employed on each occasion, be an uncertain foundation on which to base any estimate of the comparative numbers of the herd; but Her Majesty's Government have never denied that the herd has diminished largely since 1880, though they maintain that any share pelagic sealing may have had in bringing about that decrease is insignificant compared with that of other causes which appear to be overlooked in the United States.

If, as alleged, the number of breeding females in 1880 was four times as many as in 1896, or 600,000 in the former year, and 150,000 in the latter, while in 1890 there were 280,000, the figures completely negative the conclusion that the pelagic sealing has been the cause of the decline, for in the eleven years, 1880 to 1890, while the herd was reduced, according to Dr. Jordan's estimate, by 320,000 breeding females, only 246,902 seals were killed at sea, while in the period 1891 to the end of the spring season of 1896 the pelagic catch reached a total of 269,388, and during this period the decrease in the number of breeding cows was only 130,000.

A herd of 600,000 breeding cows should mean, according to Dr. Jordan's estimat

an annual addition of 100,000 breeding cows to the rookeries, yet in the eleven years, 1880 to 1890, while the pelagic catch only averaged some 22,000 a-year, there was not only no addition to the rookeries, but an average annual decrease of some 30,000. If this enormous loss was entirely due to pelagic sealing, as Dr. Jordan maintains, it would have doubled when pelagic sealing doubled, and the herd ought to have ceased to exist some years ago. Yet during the years which followed with a herd supposed to range from 280,000 to 150,000, and with an annual addition of cows to the rookeries which should, if Dr. Jordan is correct, have been from 48,000 to 25,000, the pelagic catch has averaged about 50,000 a-year, yet the loss to the rookeries has been only some 25,000.

These statistics of Dr. Jordan's, as set forth in his Report, prove clearly that the loss to the herd in the period during which pelagic sealing has been a large factor in the influences affecting it, has been insignificant compared with the destruction which went on prior to 1890 on the islands, and that the effect on the herd of that mode of sealing is much less serious than that of killing on land restricted to males only.

The frequent recurrence, moreover, of seasons characterized like that of last year by weather during which sealing operations at sea are interrupted affords a natural protection to the herd from exhaustion by pelagic sealing. The difference between the spring catch on the north-west coast in 1895 and 1896 furnishes an excellent illustration, fifty-two vessels in the former year securing only 8,333 skins, while forty-one vessels in 1896 secured 11,786 skins. The falling-off in the Behring Sea catch last season, which Mr. Sherman cites as due to the reduction of the herd, was, according to the information in the hands of Her Majesty's Government, fully explained by the interruptions due to bad weather; and as the great fall in the price of skins has led to a smaller number of vessels fitting out for the fishery this year, their contention that there is no immediate danger to the herd, so far as any rate as pelagic sealing is concerned, appears to be fully justified. But if the proceedings which led to the wholesale reduction of the seals between 1880 and 1890 are resumed, and all the best young male life is destroyed, there can be no question that the herd will at an early date cease to be of commercial importance.

In Mr. Sherman's note the killing of 30,000 males last year is justified on the ground that "it was plain upon scientific investigation that the dangerous mortality among female seals brought about by pelagic sealing had left the number of bulls greatly in excess of the due proportion between the sexes," and that "to properly care for the herd it became necessary to remove as far as possible this menacing excess of male life upon the islands."

If there was such a "menacing" excess of bulls, it is unfortunate that instead of attempting to reduce the excess, the killing was confined to males who would not become "bulls" able to take a place on the rookeries for another three years, during which period, so far as the killing of 1896 is concerned, the alleged excess of bulls on the rookeries will continue.

Mr. Sherman, in the conversation reported in your Excellency's despatch of the 9th April, pointed out that Great Britain was quite as much interested as the United States in the recuperation of the fur-sealing species.

As a matter of fact, the interest of this country has now for some years exceeded that of the United States, and should the herd be destroyed a large amount of British capital will be lost, and a large number of British subjects thrown out of employment. They have, therefore, reason to be more anxious for the establishment of proper Regulations than the United States, but the examination of the Reports of last year's investigations, while it has shown that there is no indisputable evidence that the herd has quite recently been decreasing, and that there is no ground, therefore, for immediate alarm, has also shown that all previous statements as to the numbers of the herd have been conjectural, and that there is consequently no means available for testing the efficiency of the existing Regulations, or for showing the direction which any amendment of them should take.

To enable a thoroughly satisfactory revision to be made accurate statistics should be available, extending over a sufficient period to eliminate accidental circumstances affecting the herd during the greater part of its life, which is spent where observation is impossible.

Until such information is available it would, in the opinion of Her Majesty's Government, be premature to enter upon the proposed conference to discuss measures based on conjectures admitted to be of doubtful value, and the interests of this country in the question are too serious to warrant Her Majesty's Government in imperilling them by the adoption of any hasty decision.

Your Excellency will read this despatch to Mr. Sherman, and leave a copy of it with him should he desire it.

I am, &c.
(Signed) SALISBURY.

No. 91.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 10.)

My Lord,

Washington, April 29, 1897.

I HAVE the honour to acknowledge the receipt of your Lordship's telegrams of yesterday's date on the subject of the visit of British Agents to the Pribyloff Islands; and to inclose herewith copy of a note which I have this day addressed to the United States Secretary of State, informing him of the proposed itinerary of Professor Thompson, and asking that facilities should likewise be accorded to Mr. Macoun.

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

Inclosure in No. 91.

Sir J. Pauncefote to Mr. Sherman.

Sir,

Washington, April 29, 1897.

I HAVE the honour to inform you that I communicated to my Government the contents of your note of the 16th instant, stating that orders would be issued to the authorities on the Pribyloff Islands to extend to Professor Thompson the same facilities as were granted to him during his visit last year.

I am now informed by Lord Salisbury that it is proposed that Mr. Macoun, who accompanied Professor Thompson last year, should again act under his directions and with his assistance. I venture, therefore, to ask you to be good enough to extend to Mr. Macoun the same facilities as have kindly been accorded to Professor Thompson, in order that Mr. Macoun may be enabled to commence his investigations prior to Professor Thompson's arrival on the islands.

Lord Salisbury further informs me that Professor Thompson proposes to visit the Russian islands first. He hopes to reach Yokohama on or about the 30th proximo, and to proceed to the Russian islands, where he will remain until about the end of July.

I am directed by Lord Salisbury to inform you, in communicating the above intelligence, that if Dr. Jordan wishes to join Professor Thompson, a passage from Yokohama to the Russian islands could be provided for him on board one of Her Majesty's ships.

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

No. 92.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 13.)

My Lord,

Washington, May 3, 1897.

WITH reference to your Lordship's telegram of the 28th ultimo respecting the facilities desired for Mr. Macoun on his visit to the Pribyloff Islands, I have the honour to transmit herewith copy of a note which I have received from the United States' Secretary of State, informing me that instructions will at once be issued to extend to

Mr. Macoun the same facilities as were granted to him during his visit last year, on the understanding that the object of his visit is to act under the direction of Professor Thompson and as his assistant.

Mr. Sherman also offers to Mr. Macoun a passage on board one of the United States' revenue-vessels sailing to those islands, and states that it is improbable that Dr. Jordan will be able to avail himself of the offer made by Her Majesty's Government for a passage for him from Yokohama to the Russian islands on board a British ship. This offer was conveyed to me in your Lordship's telegram of the 28th ultimo.

I have had the honour to report the substance of the above to your Lordship by telegram this day.

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

Inclosure in No. 92.

Mr. Sherman to Sir J. Pauncefote.

Excellency,

Department of State, Washington, May 1, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 29th ultimo relating to the visit to the Seal Islands of Behring Sea of Professor Thompson and Mr. Macoun.

Instructions will at once be given to the authorities on the Pribyloff Islands to extend to Mr. Macoun the same facilities as were granted to him during his visit last year, it being understood that the object of his visit is to act under the direction of Professor Thompson and as his assistant.

It will further be the pleasure of this Government to afford Mr. Macoun passage on any of the revenue-vessels making voyages to those islands, should their movements suit his convenience.

Note is taken of the friendly offer of Her Majesty's Government to provide a passage for Dr. Jordan from Yokohama to the Russian islands in a British ship, and Dr. Jordan will be so advised; but it is probable that it will not be possible at this date to avail of the offer.

I have, &c.
(Signed) JOHN SHERMAN.

No. 93.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 13.)

My Lord,

Washington, May 4, 1897.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 22d ultimo, containing the reply of Her Majesty's Government to the proposals put forward by the United States' Government respecting the fur-seal fishery, and inclosing six copies of Professor Thompson's Report, for communication to the United States' Government.

I have the honour to report that I called yesterday at the Department of State and read to Mr. Sherman your Lordship's above-mentioned despatch, and left a copy of it with him, in compliance with your Lordship's instructions.

I also delivered to him the copies of Professor Thompson's Report.

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

Mr. Sherman to Mr. Hay.—(Communicated by Mr. Hay, May 22.)

Sir,

Department of State, Washington, May 10, 1897.

THE British Ambassador called upon me on the 3rd instant and handed me a copy of a despatch to him from Her Majesty's Principal Secretary of State for Foreign Affairs, bearing date the 21st ultimo. This despatch constitutes the reply of the British Government to the proposals of the President, as presented in the note of your Embassy of the 10th ultimo, for a *modus vivendi* for the suspension of all killing of seals for the present season, and for a joint Conference of the Powers concerned with a view to the necessary measures being adopted for the preservation of the fur-seal in the North Pacific. It will be seen that both proposals are rejected.

I need hardly say that the President is greatly disappointed at this action, especially when it is based upon such unsubstantial and inadequate reasons. The President's concern, in view of the depleted condition of the seal herd, was occasioned not alone from an examination of Dr. Jordan's Report of 1896 and what he had reason to suppose were the conclusions of Professor Thompson, but it was based upon a series of observations and statistics covering a much longer period than that treated by those gentlemen, establishing a state of facts beyond refutation, and which is in part set forth in my note to the British Ambassador of the same date as my cablegram to you. It is therefore quite surprising that Her Majesty's Secretary should base his rejection of the proposals of this Government, so impressively presented, upon the Report of one scientist whose facts and conclusions are incorrectly apprehended and the delayed Report of another, which is for the first time made public concurrently with the receipt of his Lordship's note.

It would have been gratifying to me and useful to my Government, in studying the important subject under consideration, if Professor Thompson's Report could have been made public with the promptness which marked the appearance of that of Dr. Jordan. In that case there would have been ample time for both Governments to have examined the Reports of these two eminent scientists before the opening of another sealing season. But it seems to have better suited the purposes of Her Majesty's Government to withhold Professor Thompson's Report until an opportunity was afforded to examine that of Dr. Jordan, and thus enable the former to pass the latter in review, criticize its statements, and as far as possible minimize its conclusions. It is not pleasant to have to state that the impartial character which it has been the custom to attribute to the reports of naturalists of high standing has been greatly impaired by the apparent subjection of this Report to the political exigencies of the situation. It is further to be regretted that the Report was so long delayed that no opportunity was afforded this Government to examine it before the definite and final rejection of the President's proposals, based mainly upon its conclusions, was communicated to me. This conduct recalls the incident which preceded the Arbitration at Paris, and which came near rendering that Arbitration abortive, when a similar Report of a British Commission was withheld until after the Case of each Government was exchanged and the Report of the American Commission made public.

Lord Salisbury asserts that Dr. Jordan's Report does not contain any facts warranting the statement that there is a "depleted condition and prospective early extinction of the herd." The note of your Embassy of the 10th ultimo does not attribute such a statement to Dr. Jordan, but it is difficult to understand how any one can read his Report without reaching the conclusion that such is the real condition of the herd. On p. 18 he says: "From this time (1886) on the decline has been more rapid and has been continuous." On p. 21 he clearly recognizes diminution, as evidenced by photographs, as also by decrease of harems. On p. 66 he uses this expression: "As the herd is steadily diminishing the spring or north-west catch is becoming relatively unimportant." Other citations might be made, but it would seem unnecessary in view of his declarations, often repeated in his Report, respecting pelagic sealing, from which I give only one extract (p. 29): "Pelagic sealing, in the judgment of the members of the present Commission, has been the sole cause of the continued decline of the fur-sea' herds. It is at present the sole obstacle to their restoration, and the sole limit of their indefinite increase. It is therefore evident that no settlement of the fur-seal question as regards either the American or Russian islands can be permanent unless it shall provide for the cessation of the indiscriminate killing of fur-seals, both on the sealing grounds and on their migrations. There can be no 'open season' for the killing of females if the herd is to be kept intact."

Professor Thompson's Report is plainly written with a view to minimize as far as possible the depleted condition of the herd on the Pribyloff Islands, and requires a critical examination not possible within the limits of the present instruction, but its general purport may be briefly stated. It is to be regretted that he should have contracted his study far within the purview of his instructions. In the outset of his Report he says: "The main object of my mission was the collection of information and statistics with regard to the working and effectiveness of the Regulations" of the Paris Tribunal. But we look in vain in his Report for any discussion of that all-important subject. He confined his inquiry and Report to the subordinate subject of the number of seals resorting to the islands, and particularly to the relative numbers in 1895 and 1896. The result of his observations and inquiry seemed to be that on some rookeries there was an increase and on others a decrease, but on the whole a possible state of equilibrium for the past two years, although he concedes a diminution as compared with 1892. If all the Professor claims is admitted, it does not militate against the contention that since pelagic sealing became general the decline of the herd has been steady and rapid. The apparent equilibrium noted in his Report is well explained by Dr. Jordan when he says (p. 18): "There is evidence that the *modus vivendi* of 1892-93, by which Behring Sea was closed to the sealing fleet, has produced for 1895 and 1896 a slight check of the diminution. The reason for this is that, in addition to the saving of mothers, no pups were starved to death in 1892 and 1893, and those which might have been starved have returned as breeders or as killable seals in 1895 and 1896." Since the receipt of Lord Salisbury's despatch explicit inquiry has been made of Dr. Jordan as to the relative condition of the herd in 1895 and 1896 and in previous years, and he has furnished the chapter on the "Decline of the Herd" from the forthcoming Final Report of himself and associates, from which the following extract is taken: "While the amount of the decline cannot be stated with mathematical exactness, it is possible from the data at hand to make an approximate estimate. From a careful study of all the conditions, in our opinion the fur-seal herd of the Pribyloff Islands has decreased to about one-fifth its size in 1872-74; to somewhat less than one-half its size in 1890, and that between the seasons of 1895 and 1896 there has been a decrease of about 10 per cent."

Although Professor Thompson has been very careful throughout the Report to say nothing likely to embarrass his Government, in the "conclusions" the voice of the true scientific investigator speaks in firm and certain tones. While he regards "the alarming statements of the herd's immense decrease" as overdrawn, he says "there is still abundant need for care and for prudent measures of conservation in the interest of all. . . . It is not difficult to believe that the margin of safety is a narrow one, if it be not already in some measure overstepped. We may hope for a perpetuation of the present numbers, we cannot count upon an increase. And it is my earnest hope that a recognition of mutual interests and a regard for the common advantage may suggest measures of prudence which shall keep the pursuit and slaughter of the animal within due and definite bounds." In view of such explicit language it is not easy to understand how Lord Salisbury can reconcile his refusal to entertain the proposals of the President with the interests of his own countrymen, to say nothing of the friendly relations which he desires to maintain with the United States, Russia, and Japan.

The experience had with the scientific Commissions of 1892, as well as the Reports of 1896 just under review, shows that it is difficult through them to reach a harmony of views; but we have at hand certain statistics of undisputed authority pointing unmistakably to conclusions which should be controlling.

The operations of the pelagic fleet in Behring Sea since the Paris Regulations have been in force are as follows:—

1894—37 vessels, 31,585 seals taken, or an average of 853 per vessel.

1895—59 vessels, 44,169 seals taken, or an average of 745 per vessel.

1896—67 vessels, 29,500 seals taken, or an average of 440 per vessel.

It thus appears that nearly double the number of vessels in 1896 were not able to take as many seals as were taken in 1894, and the catch per vessel fell off nearly one-half. Lord Salisbury attributes this large falling-off in Behring Sea "to the stormy weather prevailing," but does not cite his authority. I am not aware of any published report to that effect. Captain Hooper, who commanded the American cruising fleet in Behring Sea in 1895 and 1896, reports: "The weather in Behring Sea was not materially different in the past two years. Conditions admitted of boarding operations by the fleet twenty-five days in 1895 and twenty-four days in 1896." An examination and comparison of the logs of sealing-vessels for 1895 and 1896 confirm Captain

Hooper's report. The above figures, with the statistics contained in my note of the 9th ultimo to the British Ambassador, make it very clear that the seal herd is becoming rapidly depleted, and that "the margin of safety," as Professor Thompson expresses it, has been "already overstepped." It is to be inferred that "the margin of safety" is intended to signify the point at which pelagic sealing ceases to be profitable. He cannot have had in mind biological extermination, for that point could not have been reached so long as a single bull and harem existed. The point when sealing ceased to be profitable seems to have been reached during last year. A Table appended to his Report shows that the total product of the pelagic catch of 1896 in the London market was about half the amount of that of 1895, and Lord Salisbury informs us that this result has "brought many owners of the sealing-vessels to the verge of bankruptcy." It thus appears that the condition of things predicted by the Government of the United States, as quoted below, has already come to pass—the commercial extermination of the seals. If pelagic sealing continues to be tolerated a limited number of vessels will carry on the indiscriminate slaughter, in the hope, by a favourable cruise, of recouping the losses of the previous year, and the rookeries on the islands will be still further depleted. But the biological existence of the fur-seal may still be continued, and Her Majesty's Ambassador may repeat the declaration, so often made during the past two years, that there is "no reason to fear that the seal herd is threatened with early extermination."

In this connection it may not be unprofitable to recall the action of the two Governments respecting the efforts made to revise the Regulations adopted at Paris. The expressed object of the Paris Arbitration was "the preservation of the fur-seals," and the Regulations adopted by the Tribunal were framed with a view to "the proper protection and preservation of the fur-seal resorting to Behring Sea." On the 23rd January, 1895, Secretary Gresham addressed a note to the British Ambassador, stating that the first year's experience had "convinced the President that the Regulations enacted by the Paris Tribunal have not operated to protect the seal herd from the destruction which they were designed to prevent," and he asked that a Commission of scientists and experts be appointed by the Governments of the United States, Great Britain, Russia, and Japan to report upon the proper measures to be adopted, and pending the deliberations of the Governments a *modus vivendi* be agreed upon suspending sealing in Behring Sea. Nearly four months elapsed without an answer from the British Government, when, on the 14th (? 10th) May, 1895, a second note was sent, reiterating the President's solicitude, urging a reply, and predicting that unless some further restrictions were adopted the seals would "be exterminated for all commercial purposes within a very few years." On the 27th May the British answer was received, in which it was complacently stated "that the condition of affairs is not of so urgent a character as the President has been led to believe," and that there was no "such urgent danger of total extinction of the seals as to call for a departure from the arbitral Award by which the two nations have solemnly bound themselves to abide."

Secretary Olney, 21st June, 1895, by direction of the President, renewed the proposition in different terms, but the British Government repeated its declination to make "any extension of the Regulations solemnly laid down by an International Board of Arbitration."

After a second year's experience of the Regulations, Secretary Olney, 11th March, 1896, called the attention of the British Ambassador to the catch of 1895 in Behring Sea (the largest ever made in that sea), and expressed the hope that the British Government would realize "the absolute necessity of consenting for the coming season to some further Regulation . . . to the end that the valuable herd be saved from total extinction." On the 27th April Sir Julian Pauncefote replied that Her Majesty's Government saw no reason to believe the catch in Behring Sea was "so large as to threaten early extermination," and that there was no "necessity for the immediate imposition of increased restrictions."

This correspondence is recalled to show that, from the first year the Paris Regulations were put in force, each succeeding President and Secretary of State has been firmly convinced that they were inadequate for the purpose for which they were adopted, and that the British Government has just as firmly resisted all overtures for even a conference of the Governments concerned for the purpose of considering whether further Regulations were required to protect the seals, and has rested its refusal upon "the Arbitral Award by which the two nations have solemnly bound themselves to abide."

In view of this attitude of the British Government, I deem it opportune to make

an examination (even at the risk of being somewhat tedious) into the manner in which it has responded to the action of the Paris Tribunal, and to what extent and in what spirit it has observed the decision and recommendations of that Tribunal.

A perusal of the Protocols of that Tribunal will show that the preparation of the Regulations was intrusted to the three Arbitrators nominated by the neutral Governments, and when their unanimous Report was presented it was provided in Article II that the Regulations should be applied to all the waters of the Pacific Ocean and Behring Sea north of the 35th degree of north latitude, thereby including all the waters east of Japanese and Russian territory. Lord Hannen, the British Arbitrator, objected to this provision, and moved an amendment limiting the area to all that part of the ocean and sea east of the 180th meridian. Baron Courcel, President of the Tribunal, stated on behalf of the neutral Arbitrators that, in framing Article II, "they had acted out of regard for Russia and Japan, Powers not represented before the Tribunal of Arbitration, and towards the waters of whom it appeared not equitable to drive back the English and American pelagic sealers during the whole time of the close season." But he acquiesced in Lord Hannen's amendment, and it was adopted. (Protocol J.IV.) It is plain from the proceedings that the Tribunal regarded the extension of the Regulations to the Asiatic waters as a matter of justice to Russia and Japan, and they would have been so extended if those Powers had been parties to the Arbitration.

When, in accordance with Article VII of the Treaty of 1892, the Russian and Japanese Governments were approached with a view to securing their adhesion to the Regulations, they both replied they could only do so on their extension to the Asiatic waters. Secretary Gresham reports that as early as October, 1893, he verbally brought this attitude of the subject to the attention of the British Ambassador, who recognized the force of the position assumed, and said the situation seemed to suggest the propriety of a Treaty between the four Powers "for the preservation, for their common benefit, of the fur-seals between the two continents and north of the 35th degree of north latitude."

Mr. Bayard was instructed, 27th October and 20th November, 1893, to seek to bring about such an arrangement or Treaty; 23rd January, 1894, Mr. Gresham brought the subject to the attention of the British Ambassador, and on the 2nd May, no answer being received, the proposition was again urged. Secretary Olney brought the subject again to the attention of the British Government in a note dated the 24th June, 1895, the proposition being presented in a new form; and on the 19th August a general negative reply was made to Mr. Olney's note.

Under date of the 2nd April, 1896, Secretary Olney informed Mr. Bayard that the Russian Government was about to initiate negotiations at London for the extension of the Paris Regulations over the Asiatic waters, and at the request of the Government Mr. Bayard was instructed to co-operate in such negotiations. Mr. Bayard at once put himself in communication with the Russian Ambassador, but on the 14th May he was informed by Lord Salisbury that Her Majesty's Government had decided to dispatch a naturalist to the Russian seal islands, and that, pending the receipt of his Report, his Government would not enter upon negotiations. The British naturalist returned to London in October, 1896, but up to this date his Lordship has given no indication of a desire or intention to open the negotiations. In fact, the despatch to which I now reply rejects the proposition of the President for a similar Conference or negotiation. The effect of Lord Hannen's amendment of Article II of the Regulations has been to bring about the state of affairs which the neutral Arbitrators desired to avoid—to wit, to transfer the sealing-vessels to the Asiatic waters during the closed season in the American waters, which they expected would be prevented by negotiations between the interested Governments. Such negotiations Great Britain has steadily omitted and declined to enter upon.

Again, the Arbitrators appended to their decision or Award a series of declarations, not binding upon the contracting Governments, but which were recommended for their adoption. The American Arbitrators at once accepted the declarations, but Lord Hannen hesitated to accept the second paragraph, which is as follows:—

"In view of the critical condition to which it appears certain that the race of fur-seals is now reduced in consequence of circumstances not fully known, the Arbitrators think fit to recommend both Governments to come to an understanding in order to prohibit any killing of fur-seals, either on land or sea, for a period of two or three years, or at least one year, subject to such exceptions as the two Governments might think proper to admit of.

"Such a measure might be resorted to at occasional intervals if found beneficial."

Lord Hannen declared that, "although approving the spirit in which it (the second paragraph) is conceived, and although regarding as very desirable that the destruction of the fur-seals might be entirely suspended during a certain period of time, so as to enable nature to retrieve the losses which this race of animals has undergone, he does not feel authorized by the terms of his mandate to express an opinion on the subject;" and the Canadian Arbitrator concurred with his British colleague. (Protocol LIV).

Immediately after the receipt of the official copy of the Award and declarations, the 12th September, 1893, Secretary Gresham cabled instructions to Mr. Bayard to ask the concurrence of Great Britain in the enforcement of the second declaration. Mr. Bayard reported, the 13th September, that he had made known his instructions to the British Government. No answer having been received on this point, Secretary Gresham repeated the offer to Sir Julian Pauncefote, the 24th January, 1894. I do not find that response to this proposition was ever made. The wisdom of the recommendation is abundantly proved by the experience of the past three years, and it strongly supports the repeated applications which have been made by the Government of the United States for a *modus* suspending all killing of the seals until a Conference could be had to readjust the Paris Regulations.

The indifference with which the British Government treated the repeated appeals of this Government for prompt action towards the adoption of measures to enforce the Regulations "solemnly laid down by an International Board of Arbitration," illustrates the measure of respect entertained for that august Tribunal. On the 12th September, 1893, within a month after the Award had been rendered, Secretary Gresham instructed Mr. Bayard by cable (cited above) to inform the British Government of the desire of the Government of the United States to take up without delay the subject of the enforcement of the Regulations, so as to make them effective before the next sealing season. This notice was given to the British Foreign Office on the 13th September, more than three months before the opening of the sealing season. No progress having been made, the 17th November, Secretary Gresham cabled Mr. Bayard that the President was anxious that an agreement on this subject should speedily be reached. On the 4th December, Secretary Gresham consented, at the desire of the British Government, that the negotiations might be transferred to Washington, but he gave notice to Lord Rosebery that "the rapidly shortening interval before the next season will commence admonishes both Governments to expedite the negotiations." On the 24th January, 1894, the Secretary addressed an urgent note to the British Ambassador, complaining that nothing had yet been accomplished, and the time lost had brought them "to the opening of another sealing season without any definite steps having been taken for the execution of the Paris Award." A month later, the 22nd February, the Secretary cabled Mr. Bayard that, in answer to his repeated inquiries, the British Ambassador informed him he was still without instructions, and he was directed to say "this long delay is difficult to understand, and it is the President's desire that you represent the matter impressively to Her Majesty's Government." On the 17th March Secretary Gresham sent another urgent cablegram to Mr. Bayard, complaining of still further delay, for which "this Government is not responsible," and which was threatening to "become embarrassing for both Governments." The negotiations were not entered upon until six months after they were invited by the United States; the British Act (the 23rd April, 1894) to enforce the Regulations was not passed until four months after the sealing season had opened, and the final Order in Council (the 27th June, 1894) on the subject was not issued until six months after the sealing fleet had put to sea in disregard of the Award of the Tribunal.

The manner in which the British Government has discharged its police duties under the Award is in marked contrast with its appeal for a strict observance of the five years' period of the Regulations. An equal obligation rests upon each Government to patrol the waters embraced in the Award area, in order to see that the Regulations are not violated by the sealing-vessels. In 1894, the Government of the United States furnished twelve vessels for the patrolling fleet at great expense, and only one vessel was furnished by the British Government. In 1895, five United States' vessels patrolled the Award area and only two British vessels, one for a short time only in Behring Sea, and the other took no part whatever in the patrol, as its presence was almost constantly required in Unalaska Harbour to take over the British sealing-vessels seized in Behring Sea. Owing to the repeated complaints of the Government of the United States as to the inadequacy of the British patrol, an additional cruiser was ordered into Behring Sea during the season of 1896, although it was stated by the British Government that, "so far as they have been able to judge, the force employed up to the present time has been sufficient." As it is shown that practically no patrol-

service had been rendered in Behring Sea by the British cruisers during the previous year, the inference from this language would seem to be that Her Majesty's Government understood that the American cruisers only were to perform the patrol duty, and the British cruiser to take over and act upon the validity of seizure of British vessels.

The defective enforcement of the Regulations has further developed on the part of the British Government a strange misconception of the true spirit and intent of the Arbitrators. Under Article 6 of the Regulations the use of fire-arms in Behring Sea was prohibited, and to enforce that prohibition it was agreed between the two Governments for the year 1894 that sealing-vessels might have their arms and ammunition placed under seal. But on the 11th May, 1895, although this Government had every reason to believe from the Order in Council that the British Government had given its assent to the arrangement, the British Ambassador gave notice that his Government would not renew the arrangement as to the sealing of arms for the coming season, and defended its action on the ground that the possession of arms, &c., by a sealing-vessel was "not forbidden by the Award Regulations."

This tardy action of the British Government in refusing to renew the arrangement of 1894 led to much trouble and inconvenience in connection with the patrol of Behring Sea. The British Government made grievous complaint against the severe measures of search resorted to by the American cruisers, which gave rise to a lengthy correspondence. On the 2nd July, 1896, Secretary Olney submitted a proposition to put an end to the controversy by an examination of vessels entering Behring Sea, and an inspection by a Representative of the United States at British Columbian ports of all skins taken in Behring Sea, to discover whether or not fire-arms were used; but this proposition was not accepted. A further attempt was made by Secretary Olney to procure some agreement for the season of 1897, when it was urged that American vessels frequenting Behring Sea were required to have their arms sealed, and on returning to their home ports their skins were carefully inspected, while Her Majesty's Government refuses to enforce the provision as to arms, and declines the inspection of skins—measures which this Government regards as "absolutely essential for preventing the unlawful destruction of the seals." Nevertheless, another season has been entered upon without any settlement of this vexed question.

In this connection, I recall the serious defect, pointed out in the correspondence, in the British Act for the enforcement of the Regulations. Under the British Act passed to carry out the *modus vivendi* of 1891, whereby all killing of seals was prohibited in Behring Sea, it was provided that the presumption of guilt would lie against the vessel "having on board fishing or shooting implements or seal skins." A provision of a kindred nature was inserted in the British Act for the enforcement of the Russian *modus* of 1893. The Act of Congress of 1894 to enforce the Regulations of the Paris Award contained a similar provision: but the British act of 1894 for the same purpose contained no provision whatever as to presumptive guilt respecting the possession of fire-arms or skins at forbidden times or in forbidden waters. And to emphasize its purpose in the matter, when the British Act to enforce the Russian agreement was re-enacted in 1895, the provisions of the Act of 1893 as to presumptive illegality was omitted. This action of the British Government was made the subject of an earnest protest on the part of my predecessor, but to no purpose. The practical effect is to make it impossible in many cases to convict British sealing-vessels, although there may be the strongest presumptive evidence of guilt, evidence which, under the Act of Congress, would in most cases procure the conviction of an American sealing-vessel.

I shall only cite one further instance of the failure and refusal of the British Government to give full effect to the Paris Regulations. Article 5 provided that the vessels engaged in sealing should enter daily in their official log-books the number and sex of the seals taken and that these entries should be communicated by each Government to the other at the end of each season. This Regulation was prescribed in order to procure reliable statistics as to the proportion of female seals killed, but it was found to be unsatisfactory and imperfect in its practical operation. The catch of American vessels was subjected to an official inspection at the home port, and it was found that they reported a much greater proportion of female seals taken than the British sealers. Although in many instances the British sealers were close to the American sealers, yet the American sealers reported from two to five times as many females as males, a result entirely at variance with the British returns. This state of facts led the Acting Secretary of State, the 10th May, 1895, to request of the British

Government their consent to the stationing of United States inspectors at British Columbian ports for the purpose of verifying the log entries of British sealing-vessels, with the offer of a reciprocal privilege in American ports to British inspectors. No answer having been received, on the 13th September, and again on the 18th September, the request made in the previous May was renewed. On the 24th of September* the British Ambassador replied that the request for inspectors was not acceptable to Her Majesty's Government, "on the ground that the matter is already provided for by the Award Regulations, the sealers bring bound themselves to keep a record of sex."

The measure was regarded by this Government as so important that on the 15th December, 1896, Secretary Olney recalled it to the attention of the British Ambassador, in connection with the sealing of arms. The answer of the British Government to this second application was that "the compulsory examination by experts of skins on landing at British ports would require legislation in Canada," and that the views of the Canadian Government would have to be ascertained. In answer to the inquiry of Secretary Olney on the 23rd January, 1897, as to when the Canadian Government was likely to take action, the Ambassador replied on the 24th March that Her Majesty's Government were "still in correspondence with the Canadian Government" and that a further communication would be made as soon as possible. No further communication has been made.

I regret that this statement has become so lengthy, but in view of the fact that the British Government, when pressed for a remedy to well-established defects in the Regulations or the Acts and Rules agreed upon for their enforcement, has appealed to "the Arbitral Award which the two nations have solemnly bound themselves to abide." I have felt the present occasion opportune to make a review of the events which have transpired since that Award was rendered, and to challenge a comparison of the conduct of the two Governments with regard to the final action of the International Tribunal of Arbitration. In no respect has the United States Government failed to observe the exact terms of the Award or to accept its recommendations in their true spirit and full effect, even though they have entailed heavy expense and caused great damage to long-established interests of this nation.

On the other hand, I think I have shown that the British Government has from the beginning and continuously failed to respect the real intent and spirit of the Tribunal or the obligations imposed by it. This is shown by the refusal to extend the Regulations to the Asiatic waters; by the failure to put in operation the recommendations for a suspension of the killing of the seals for three, for two, or even for one year; by the neglect to put the Regulations in force until long after the first sealing had been entered on; by the almost total evasion of the patrol duty; by the opposition to suitable measures for the enforcement of the prohibition against fire-arms; by the omission to enact legislation necessary to secure conviction of the guilty; and by the refusal to allow or provide for an inspection of skins in the interest of an honest observance of the Regulations.

The obligations of an international Award, which are equally imposed on both parties to its terms, can not properly be assumed or laid aside by one of the parties only at its pleasure. Such an Award which in its practical operation is binding only on one party in its obligations and burdens, and to be enjoyed mainly by the other party in its benefits, is an Award which, in the interest of public morality and good conscience, should not be maintained. Having in view the expressed object of the Arbitration at Paris and the declared purpose of the Arbitrators in prescribing the Regulations, when it became apparent, as it did after the first year's operation of them and with increased emphasis each succeeding year, that the Regulations were inadequate for the purpose, it was the plain duty of the British Government to acquiesce in the request of that of the United States for a Conference to determine what further measures were necessary to secure the end had in view by the Arbitration.

A course so persistently followed for the past three years has practically accomplished the commercial extermination of the fur-seals and brought to nought the patient labours and well-meant conclusions of the Tribunal of Arbitration. Upon Great Britain must therefore rest, in the public conscience of mankind, the responsibility for the embarrassment in the relations of the two nations which must result from such conduct. One of the evil results is already indicated in the growing conviction of our people that the refusal of the British Government to carry out the recommendations of that Tribunal will needlessly sacrifice an important interest of the United States. This is shown by the proposition seriously made in Congress to

* See No. 29

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abandon negotiations and destroy the seals on the islands, as the speedy end to a dangerous controversy, although such a measure has not been entertained by this Department. We have felt assured that as it has been demonstrated that the practice to pelagic sealing, if continued, will not only bring itself to an end, but will work the destruction of a great interest of a friendly nation, Her Majesty's Government would desist from an act so suicidal and so unneighbourly, and which certainly could not command the approval of its own people.

The President therefore cherishes the hope that, even at this late day, the British Government may yet yield to his continued desire, so often expressed, for a Conference of the interested Powers; and, in delivering to Lord Salisbury a copy of this instruction, you will state to him that the President will hail with great satisfaction any indication on the part of Her Majesty's Government of a disposition to agree upon such a Conference.

Respectfully yours,
(Signed) JOHN SHERMAN.

No. 95.

The Marquess of Salisbury to Sir J. Pouncefote.

Sir,

Foreign Office, May 27, 1897.

I HAVE to request you to inform the United States' Government that the sloop "Wild Swan," Commander Napier, and the gun-boat "Pheasant," Commander Garforth, will be employed in Behring Sea on patrol duties this season on behalf of Her Majesty's Government.

I am, &c.
(Signed) SALISBURY.

No. 96.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 29.)

My Lord,

Washington, May 19, 1897.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 7th instant on the subject of the fur-seal fishery, and to report that I read the despatch to the United States' Secretary of State this day, and left a copy of it with him, in accordance with his desire.

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

No. 97.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 29.)

My Lord,

Washington, May 18, 1897.

I HAVE the honour to inform your Lordship that I have this day addressed a note to the United States' Government in the sense of your Lordship's despatch of the 1st instant respecting the sealing-up of arms and the inspection of skins landed at Victoria from British sealing-vessels.

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

No. 98.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received June 20.)

My Lord,

Washington, June 5, 1897.

WITH reference to my telegrams of the 14th April and the 3rd ultimo respectively, reporting that facilities would be granted to the British scientists on their visit to Behring Sea, I have the honour to report that I am in receipt of a note from the United States' Secretary of State, dated the 3rd instant, informing me that a letter was, on the 1st instant, addressed by the Treasury Department to Mr. Joseph Murray, the Special Agent in charge of the seal islands in Alaska, informing him that Professor Thompson and Mr. Macoun, representing Her Majesty's Government, intend to visit the islands during the coming summer to renew the investigations of seal life commenced by them last year, and directing him upon their arrival to extend to them every courtesy within his power, and to place within their reach every possible facility for the prosecution of their work of investigation.

I have brought the above information to the knowledge of the Governor-General of Canada.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 99.

Sir J. Pouncefote to the Marquess of Salisbury.—(Received June 21.)

My Lord,

Washington, June 9, 1897.

I HAVE the honour to report that, upon receipt of your Lordship's despatch of the 1st ultimo, I addressed a note to the United States' Secretary of State in the sense of your Lordship's instructions as to the sealing-up of arms and the inspection of skins landed at Victoria from British sealing-vessels engaged in the Behring Sea (copy inclosed).

I have now received a reply from Mr. Sherman, dated the 7th instant (copy inclosed), together with the Rules and Regulations prescribed for the fishery season 1897, under Act of Congress of the 6th April, 1894. As your Lordship will observe, Mr. Sherman, instead of accepting the proposal of Her Majesty's Government, states that the "United States' Government consents that" these Rules and Regulations for the government of United States' vessels employed in fur-seal fishing in 1897 "shall be extended for the remainder of the present season to British sealing-vessels," and that he is prepared, with my assent, to make the necessary changes therein to adapt them to British vessels.

In acknowledging the receipt of this note, I stated that I would forward it to your Lordship for the consideration of Her Majesty's Government, but I thought it right to point out that the Regulations which govern British vessels in the prosecution of the fur-seal fishery can only be prescribed by British law, and that any extension or alteration of them would require the sanction of a further order of Her Majesty in Council. I also pressed him to inform me whether the proposal of Her Majesty's Government as to a renewal of the arrangement of 1894 respecting the sealing-up of arms, which requires no further legislation, is acceptable to his Government.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Inclosure 1 in No. 99.

Sir J. Pouncefote to Mr. Sherman.

Sir,

Washington, May 18, 1897.

I HAD the honour of informing you verbally on the 3rd instant, under telegraphic instructions from Her Majesty's Principal Secretary of State, that Her Majesty's Government are prepared to agree to the renewal of the arrangement made in 1894 for the sealing-up by a duly authorized officer, on the application of the master, of the arms on

board a vessel proceeding to the fishery in Behring Sea or returning to port during the close season, but that the Canadian Government found themselves unable to concur in the suggestion that the skins landed from the British sealing fleet should be examined at the port of destination by American experts. The proposals of the United States' Government in regard to both these points were contained in your predecessor's note to me of the 15th December, 1896.

I am now in receipt of a despatch from the Marquess of Salisbury stating the grounds on which this decision was arrived at. As regards the proposed inspection of skins the Canadian Government are convinced that, even were it possible to establish that any punctures which might be found in the seal-skins were the result of gun-shot wounds, and that they could be readily distinguished from those made by spears, it would still be impossible to prove that the animal from which the pelt was taken had been killed by means of fire-arms.

It is a matter, it is said, of common knowledge that the skins of a large number of seals killed by spears contain shot-wounds, so that no weight can be attached to any argument derived from these wounds as to the manner whereby the ultimate capture of the seal was effected. There is no means of proving that these shot-wounds were not received during the migration of the seals outside Behring Sea, where the use of fire-arms is not prohibited, or that they may not have been inflicted by the crew of a vessel other than the one by which the seal was eventually secured by the spear. Moreover, sealers knowing that an examination such as that suggested awaited them at their destination could readily add a spear-wound to the skin had the seal been shot, thus effectually destroying the utility of any such test.

The case of the "Kate" is referred to by the Canadian authorities as illustrating the force of the above remarks. As you are aware, this vessel was seized last season, because certain skins were found on board believed to have shot-holes in them, though it was afterwards found that the vessel had no fire-arms whatever on board.

The Canadian Government are further of opinion that an examination of the salted skins when landed at the home ports would prove of little use in establishing the sex of the seals killed. They state that when the United States' Treasury Circular, which is referred to in Mr. Olney's note, first came into their possession, the matter was exhaustively considered, and the conclusion reached that the tests therein indicated were wholly ineffective for determining the question of sex.

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

Inclosure 2 in No. 99.

Mr. Sherman to Sir J. Pouncefote.

Excellency, *Department of State, Washington, June 7, 1897.*

I HAVE the honour to acknowledge the receipt of your note of the 15th ultimo, stating that the British Government was prepared to agree to a renewal of the arrangement made in 1894 for the sealing-up by a duly authorized officer on the application of the master of the arms on board the British sealing-vessels engaged in killing seals in Behring Sea during the present season, or upon such vessels when proceeding to port during the closed season.

In reply, I desire to say that the Government of the United States consents that the provisions of the Rules and Regulations prescribed by the President under the Act of Congress, approved the 6th April, 1894, for the Government of United States' vessels employed in fur-seal fishing during the season of 1897, shall be extended for the remainder of the present season to British sealing-vessels.

Although Article 8 of the said Regulations is not applicable to British sealing-vessels, I respectfully suggest that Her Majesty's Government be asked to require of said vessels the information under oath called for by Form Catalogue No. 204, copies of which I take pleasure in inclosing.

In case you are authorized to accept the terms of the Regulations of 1897, copy of which I also inclose, I shall be glad to cause the slight changes that it will be necessary to make to the end that the Regulations may be adapted to British sealing-vessels.

Asking that the matter may be given immediate attention, and that I be advised of the conclusion reached, so that no unnecessary delay shall arise in arriving at an understanding alike desirable to both Governments, I have &c.

(Signed) JOHN SHERMAN.

Inclosure 3 in No. 99.

Form Catalogue No. 204 for Report of Catch of Fur-seals.

Inclosure 4 in No. 99.

Regulations governing Vessels employed in Fur-seal Fishing and Sea-otter Hunting during the Season of 1897.

Rules and Regulations prescribed under the Provisions of the Act of Congress, approved April 6, 1894, for the Government of United States' Vessels employed in Fur-seal Fishing during the Season of 1897.

ARTICLE 1. Every vessel employed in fur-seal fishing shall have, in addition to the papers now required by law, a special licence for fur-seal fishing.

Art. 2. Before the issuance of the special licence required by the 4th Article of the Award of the Tribunal of Arbitration, the master of any sailing-vessel proposing to engage in the fur-seal fishery shall produce satisfactory evidence to the officer to whom application is made, that the hunters employed by him are competent to use with sufficient skill the weapons by means of which this fishing may be carried on.

Art. 3. Every sealing-vessel provided with special licence shall show under her national ensign a flag not less than 4 feet square, composed of two pieces, yellow and black, joined from the right hand upper corner of the fly to the left hand lower corner of the luff, the part above and to the left to be black, and the part to the right and below to be yellow. Between the hours of sunset and sunrise all sealing-vessels shall exhibit two vertical lights, natural colour, where they can best be seen, not less than 10 feet above the deck, and to be visible in clear weather at least 1 mile.

Art. 4. In order to protect from unnecessary interference sealing-vessels found within the area of the Award during the closed season (that is to say between 30th April and 1st August), but which have not yet violated the law, any sealing-vessel intending to traverse the area of the Award during said closed season, on her way to her home or other port, or to or from the sealing-grounds, or for any other legitimate purpose, may, on the application of the master, have her sealing outfit, including guns and ammunition, secured under seal, and an entry thereof made on her log-book. Such sealing-up and entry shall be a protection to the vessel against seizure during the closed season by any cruiser, so long as the seals so affixed shall remain unbroken, unless there shall be evidence of violation of the Articles of the Award and said Act of Congress of the 6th April, 1894, notwithstanding.

Art. 5. Such sealing-up and entry may be effected in port or at sea by any naval, Consular, or Customs officer of the United States, and at sea also by the Commander of a British cruiser. An officer will be stationed at the Island of Attu for this purpose from the 1st July to the 25th August.

The officer effecting the sealing-up shall make entry in the vessel's log-book certifying the fact and stating in detail the number and kind of guns and other sealing implements, the amount and kind of ammunition, and the number and sex of the seals and seal-skins on board.

Art. 6. All sailing-vessels bound to Behring Sea for the fur-seal fisheries shall, before engaging in fur-seal fishing within the Award area in said sea, report to the officer of the Revenue-cutter Service stationed at Attu Island, or to the Deputy Collector of Customs at Unalaska.

The said officers shall respectively secure under seal the guns and ammunition on board all vessels thus reporting, which have not already been so secured under the provisions of Article 4 of these Rules and Regulations, and shall in either event make the entry thereof on the log-book of said vessel, stating in detail the number and kind

of guns and other sealing implements, the amount and kind of ammunition, and the number and sex of the seals and seal-skins on board. Such sealing-up shall afford the same protection as is provided under said Article 4. In lieu of said sealing-up the master of any vessel so reporting may deliver all guns and ammunition on board to the Customs or Revenue officers, respectively, in charge of said islands, said guns and ammunition to be held at the sole risk of said master until called for at the end of the sealing season.

Art. 7. Any sailing-vessel of the United States may obtain special licence for fur-seal fishing upon application to the Chief Officer of the Customs in any port of the United States or to the United States' Consular officer of any port in Japan, and complying with the requirements of these Regulations.

Art. 8. The masters of all vessels which have been engaged in the fur-seal fisheries, whether within or without the Award area, whether licensed or unlicensed, shall make entry of their catch at the custom-house at the return port, and at the time of entry shall file with the Collector, duly verified by oath, the official log-book, or a copy thereof, required to be kept by section 4, Act of 6th April, 1894, and in addition thereto must furnish under oath, the information required by the form, catalogue 204, which form shall be duly filled out and filed on entry. Copies of this form and of the log-book required by said Act may be obtained from the Collector of Customs.

Art. 9. The foregoing Regulations are intended to apply only to the season of 1897.

Approved:
(Signed) GROVER CLEVELAND.

Inclosure 5 in No. 99.

Sir J. Pauncefote to Mr. Sherman.

Sir,

Washington, June 9, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 7th instant in reply to mine of the 18th ultimo, in which I informed you that Her Majesty's Government were prepared to agree to a renewal for the season 1897 of the arrangement made in 1894 relating to the sealing-up of arms, &c., with a view to the protection from unnecessary interference of sealing-vessels proceeding to the fishery in Behring Sea, or returning to port during the close season.

You now inform me that the United States' Government consent to extend to British vessels the Regulations prescribed by the President under an Act of Congress for United States' vessels during the fishery season 1897 (a copy of which you inclose), and you inquire whether I am authorized to accept the terms of those Regulations, in which case certain changes would be made in them so as to adapt them to British vessels.

I have the honour to state, in reply, that I have no authority to agree to the application of those Regulations to British sealing-vessels. The latter are governed by Regulations of a similar character, prescribed under powers derived from a British Act of Parliament, and any extension or alteration of them imposing any new restrictions or obligations would require the sanction of a further British Order in Council.

The arrangement of 1894 as to the sealing-up of arms being of an entirely voluntary character required no legislation, and it can be renewed for the present season merely by instructions to the naval or other officials charged to carry it out. I should be much obliged if you would be good enough to inform me whether the proposal on the subject conveyed to you in my note of the 18th ultimo is agreeable to your Government.

In the meanwhile, I shall not fail to transmit your note, now under reply, to the Marquess of Salisbury, for the consideration of Her Majesty's Government.

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

Sir J. Pauncefote to the Marquess of Salisbury.—(Received July 1.)

My Lord,

Washington, June 20, 1897.

IN my despatch of the 9th instant I transmitted to your Lordship copies of recent correspondence exchanged between the United States' Department of State and Her Majesty's Embassy respecting the proposal of Her Majesty's Government to renew for the fur-seal fishery season, 1897, the Agreement of 1894 as to the sealing-up of arms.

In reply to my note of the 9th instant (Inclosure 5 in my despatch of that date) Mr. Sherman addressed me a note, dated the 18th instant, copy of which I inclose herewith.

As your Lordship will observe, Mr. Sherman omits to reply in this note to the inquiry whether the proposal for the renewal of the Agreement of 1894 is agreeable to the United States' Government, and makes a counter-proposal in the following terms:—

"The United States' Government is willing to give to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season of 1897, and it will accordingly so instruct its naval officers, should your Government" (Her Majesty's Government) "intimate its desire to this effect, at the same time informing said officers that the fact of sealing-up fire-arms shall afford to British vessels the same protection and immunity against seizure after search as is now afforded American vessels."

I have this day replied to Mr. Sherman, stating that I am not authorized to deal with this counter-proposal otherwise than by transmitting it to your Lordship. I inclose copy of my note of this day's date.

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

Inclosure 1 in No. 100.

Mr. Sherman to Sir J. Pauncefote.

Excellency,

Department of State, Washington, June 18, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 9th instant in reply to mine of the 7th, in which you state that British sealing-vessels are now subject to Regulations prescribed under Acts of Parliament, and that any extensions or alterations imposing any new restrictions would require a further Order in Council to bear any force or validity. You further state that the Regulations prescribed for American sealing-vessels for the season 1897 go beyond the scope of the so-called Arrangement of 1894, and, therefore, in the absence of a new Order in Council, you are not empowered to agree upon said Regulations. You conclude by stating that the Arrangement of 1894 was of a largely voluntary nature, and you ask whether your proposition to agree to a renewal of such Arrangement is acceptable to my Government.

I have the honour to reply that I am well informed that the Regulations for 1897 now applicable to American sealing-vessels contain much that is beyond the scope of the Agreement of 1894, which was merely of a temporary and provisional nature, the same being prepared hastily during the early part of May 1894 after the sealing fleet had put to sea. It is evident, therefore, that to accept the said Regulations of 1897 a new Order in Council will be necessary, but I had no reason to assume that your Government would not be willing to enact a proper Order in Council to bring about this result.

The provisions of the Arrangement of 1894, as I have stated, were merely of a temporary or provisional nature. Experience has shown the necessity of further and more stringent Regulations properly to carry out the true intent and purpose of the Paris Award. For example, there were no provisions in the Arrangement of 1894 as to lights on sealing-vessels at night, nor as to the storing of arms, nor as to the sworn Returns required of American vessels, nor was there anything contained in said Arrangement as to the inspection of seal-skins landed in ports of the United States or Great Britain. The latter safeguard—the inspection of skins by pelagic inspectors—the United States regards of the utmost importance.

Even with all these precautions, however, American sealing-vessels undergo rigid search when met at sea by American cruisers. If, on examination, all fire-arms found on

board are sealed, this fact constitutes evidence that they have not been used since the sealing-up for illegal purposes, and may save the vessel from seizure in those cases where skins are found on board with some evidence of having been shot.

It is not unnatural that both Governments should desire that the inevitable annoyance caused by the searching of vessels should be reduced to a minimum.

My predecessor, on the 2nd July, 1896, made certain suggestions which would certainly have reduced to a minimum this annoyance, at least as regards vessels clearing direct from Victoria for Behring Sea. His suggestions were: First, that all British sealing-vessels before entering Behring Sea should be searched at Unalaska by United States' revenue officers, and the fact that they have on board no fire-arms should be duly certified to; secondly, that all skins landed by said vessels should be examined by expert inspectors at the home port, to discover whether any had been shot. The reply of your Government, communicated by Lord Gough, on the 21st September, 1896, was substantially to the effect that unless said preliminary search and certificate should absolutely exempt British vessels from further search by American cruisers, the proposition could not be entertained. Your Government also declined to authorize the examination of skins landed in British ports by pelagic inspectors on the ground, among others, as stated in your note dated the 18th May, that such examination was not of practical value.

Although the British Government may not consider such an inspection of value, it is to be regretted that it could not have consented to such an inspection in view of the fact that the United States' Government, advised by eminent experts, deemed it of great value, and was willing to make certain arrangements, based in part upon such examination, which would, as stated above, reduce to a minimum the inevitable annoyance resulting from a search by our cruising vessels.

I regret that the views of the right of search expressed by my predecessor in his note to you of the 15th December, 1896, are not agreeable to your Government. I feel constrained to state that this Government regards this right as indispensable to a proper execution of the intent and spirit of the Paris Award. The fact that fire-arms are sealed up has not in practice released American sealing-vessels from most rigid search whenever fallen in with by an American cruiser, nor should any different result follow in the case of a British sealing-vessel.

In view of the fact, however, that said sealing-up may be regarded after times as a most important piece of evidence to prove that the vessel has not used, illegally, fire-arms in Behring Sea, and that said sealing-up may relieve the patrolling vessels of much extra trouble, this Government is willing to give to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season of 1897, and it will accordingly so instruct its naval officers, should your Government intimate its desire to this effect; at the same time informing said officers that the fact of sealing-up fire-arms shall afford to British vessels the same protection and immunity against seizure after search as is now afforded American vessels.

I would respectfully suggest an answer to this suggestion at your earliest convenience, in order that proper instructions may be speedily prepared to the officers of the patrolling fleet.

I have, &c.
(Signed) JOHN SHERMAN.

Inclosure 2 in No. 100.

Sir J. Pauncefote to Mr. Sherman.

Sir,

Washington, June 20, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 18th instant, in answer to mine of the 9th, in which I had the honour to inquire whether the proposal of Her Majesty's Government to renew for the fur-seal fishery season, 1897, the Agreement of 1894 as to the sealing-up of arms is agreeable to your Government.

In reply to that inquiry, you state that your Government "is willing to give to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season of 1897."

I would beg leave to point out that the above reply hardly answers the inquiry of my Government. The Arrangement of 1894 was a reciprocal one for the

mutual benefit of the sealing-vessels of both nations. Its discontinuance, at the desire of the Canadian sealers, has been deprecated ever since by your Government, at whose instance, therefore, it may be said, it is now proposed to renew it.

The precise terms of the Arrangement were settled by the then Secretary of the Treasury (the Honourable J. Carlisle) and myself, and are to be found recorded in my note to the late Mr. Secretary Gresham of the 10th May, 1894.

If your Government should be disposed to renew that Arrangement, as proposed by my Government, for the season 1897, there will be no difficulty in extending its benefits reciprocally to the sealing-vessels of both nations. But your counter-proposal "to extend to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season 1897" is not one which I am authorized to deal with otherwise than by transmitting it to my Government by the earliest opportunity.

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

No. 101.

Mr. Tower to the Marquess of Salisbury.—(Received July 10.)

My Lord, *Manchester, Massachusetts, June 30, 1897.*

WITH reference to Sir Julian Pauncefote's despatches of the 9th and 20th instant respectively on the subject of the sealing-up of arms in Behring Sea, I have the honour to transmit herewith copy of a note which I have received from the Acting Secretary of State, repeating the assertion contained in Mr. Sherman's note of the 18th instant (inclosed in Sir J. Pauncefote's despatch of the 20th instant), that the arrangements of 1894 were of a temporary and provisional nature, and stating that, on that account, they are considered by him inadequate to properly carry out the intent and purpose of the Paris Award. He states, therefore, that the proposal of Her Majesty's Government for a renewal of the said arrangements is not acceptable to the United States' Government.

Mr. Day concludes his note by expressing the hope that an early and favourable decision may be returned by Her Majesty's Government as to the offer to give to British sealers the benefit of Articles 4, 5, and 6 of the Regulations governing vessels employed in the fur-seal fishing during the season of 1897 (Inclosure No. 3 in Sir J. Pauncefote's despatch of the 9th instant), on account of the limited time in which to issue instructions to carry out those Regulations.

I have informed the Department of State, in reply to this note, that I have brought its contents to the knowledge of your Lordship, and have reported the substance of it to your Lordship by telegraph this day.

I have, &c.
(Signed) REGINALD TOWER.

Inclosure in No. 101.

Mr. Day to Mr. Tower.

Sir, *Department of State, Washington, June 28, 1897.*

I HAVE the honour to acknowledge the receipt of the note of the British Ambassador of the 20th instant, in answer to the Department's letter of the 18th relative to sealing Regulations for British vessels in Behring Sea. Sir J. Pauncefote states that the offer of the Government of the United States to give to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season of 1897 does not answer the inquiry of his Government as to whether or not this Government will accept the arrangement of 1894 for the coming season of 1897.

I have to say, in reply, as stated in the Department's note of the 18th instant, that the provisions of the arrangements of 1894 were necessarily of a temporary and provisional nature, and are deemed by me inadequate to properly carry out the intent and purpose of the Paris Award. I regret, therefore, to have to state the proposition to agree to a renewal of said arrangements is not acceptable to this Government.

Trusting that the decision of the British Government as to the offer to give to British sealers the benefit of Articles 4, 5, and 6 of the Regulations of 1897 will receive early and favourable consideration, because of the limited time in which to issue instructions to carry out said Regulations.

I have, &c.

(Signed) WILLIAM R. DAY.

No. 102.

Mr. Tower to the Marquess of Salisbury.—(Received July 15.)

My Lord,

Manchester, Massachusetts, July 5, 1897.

I HAVE the honour to report that, upon receipt of your Lordship's despatch of the 27th May last, Sir Julian Pauncefote addressed a note to the United States' Secretary of State, dated the 13th ultimo, informing him of the names of the two vessels which will be employed in Behring Sea on patrol duties this season on behalf of Her Majesty's Government.

I have now received a note from Mr. Sherman in reply, copy of which I inclose, expressing the "deep regret of the President at the obvious inadequacy of the proposed fleet," and stating that the President hopes that Her Majesty's Government will augment rather than reduce the fleet of three vessels employed last year.

Mr. Sherman asks for an early reply to his note, intimating that the designation of only two vessels by Her Majesty's Government might be interpreted by the sealers as evidence of an abandonment of the patrol, which would render it necessary for him to detail a much larger fleet of United States' vessels for the present season.

I have conveyed the substance of Mr. Sherman's note to your Lordship by telegraph this day.

I have, &c.

(Signed) REGINALD TOWER.

Inclosure in No. 102.

Mr. Sherman to Mr. Tower.

Sir,

Department of State, Washington, July 2, 1897.

FURTHER referring to Sir J. Pauncefote's note of the 13th June last*, in which the information is contained that the sloop "Wild Swan" and the gun-boat "Pheasant" will be employed in Behring Sea on patrol duties this season, I am constrained to express the deep regret of the President at the obvious inadequacy of the proposed fleet.

Five vessels have been designated by the President for this purpose, and in view of the area to be patrolled and of the number of sealing-vessels which have already engaged in and are preparing to fit out for sealing operations this season, the President hopes that Her Majesty's Government will decide for the present season to add to the fleet of three vessels employed last season rather than to reduce its numbers. The President believes it to be impossible properly to execute the laws enacted to enforce the Paris Award unless a larger fleet be designated by Her Majesty's Government.

An early reply to this note will be appreciated, as the President fears that the designation of two vessels only by Her Majesty's Government would be accepted by the sealers as evidence of an abandonment of the patrol which would render it necessary for him to detail a much larger fleet of United States' vessels for this season.

It is unnecessary in this connection to repeat what I have already stated in my instruction to Mr. Hay, dated the 10th May, 1897, as to the inadequacy of the British patrolling fleet during the past three years in which the Paris Award has been in operation.

I have, &c.

(Signed) JOHN SHERMAN.

* See No. 95.

The Marquess of Salisbury to Mr. Adam.

(Telegraphic.)

Foreign Office, July 21, 1897, 2:40 p.m.

BEHRING Sea patrol.

With reference to your despatch of the 5th July, you should inform United States' Government that a third vessel, Her Majesty's ship "Amphion," will be sent.

No. 104.

Mr. Adam to the Marquess of Salisbury.—(Received July 24.)

My Lord,

Manchester, Massachusetts, July 16, 1897.

WITH reference to Sir Julian Pauncefote's despatch of the 5th ultimo, reporting that facilities would be granted to Professor Thompson and Mr. Macoun on their visit to Behring Sea, I have the honour to report that I yesterday received a despatch from the Governor-General of Canada, expressive of the appreciation by the Dominion Government of the action taken by the United States' Government.

I addressed a note yesterday to the United States' Secretary of State, copy of which I also inclose, conveying at the same time the thanks of the Dominion Government for the offer made to transport Mr. Macoun to the Pribyloff Islands on board a United States' revenue-vessel, an offer of which Mr. Macoun will not be able to avail himself.

I have, &c.

(Signed) C. F. FREDERICK ADAM.

Inclosure in No. 104.

Mr. Adam to Mr. Sherman.

Sir,

Manchester, Massachusetts, July 15, 1897.

WITH reference to your note of the 1st May last to Sir Julian Pauncefote, I have the honour to inform you that I have this day received a despatch from the Earl of Aberdeen, expressing the high appreciation by the Government of Canada of the prompt action taken by that of the United States to afford facilities to Mr. Macoun in his mission to investigate seal life on the Pribyloff Islands.

His Excellency, at the same time, desires me to convey to the United States' Government the thanks of that of the Dominion for the courteous offer made to transport Mr. Macoun to the islands in question on board a United States' revenue-vessel. Mr. Macoun has found himself unable to avail himself of this offer, as the arrangements for his voyage had already been concluded before its receipt.

I have, &c.

(Signed) C. F. FREDERICK ADAM.

No. 105.

Colonial Office to Foreign Office.—(Received July 26.)

Sir,

Downing Street, July 26, 1897.

I AM directed by Mr. Secretary Chamberlain to acquaint you, for the information of the Marquess of Salisbury, that he has had under his consideration the despatch from Mr. Secretary Sherman to Mr. Hay respecting the seal fishery.*

After an expression of disappointment and surprise at Her Majesty's Government having rejected the proposals made by the Government of the United States, Mr. Sherman proceeds to comment on the delay which occurred in the publication of Professor D'Arcy Thompson's Report. He says (paragraph 3):—

"It would have been gratifying to me and useful to my Government, in studying the important subject under consideration, if Professor Thompson's Report could have been

* See No. 94.

made public with the promptness which marked the appearance of that of Dr. Jordan. In that case there would have been ample time for both Governments to have examined the Reports of these two eminent scientists before the opening of another sealing season. But it seems to have better suited the purposes of Her Majesty's Government to withhold Professor Thompson's Report until an opportunity was afforded to examine that of Dr. Jordan, and thus enable the former to pass the latter in review, criticize its statements, and as far as possible minimize its conclusions. It is not pleasant to have to state that the impartial character which it has been the custom to attribute to the reports of naturalists of high standing has been greatly impaired by the apparent subjection of this Report to the political exigencies of the situation. It is further to be regretted that the Report was so long delayed that no opportunity was afforded this Government to examine it before the definite and final rejection of the President's proposals, based mainly upon its conclusions, was communicated to me. This conduct recalls the incident which preceded the arbitration at Paris, and which came near rendering the arbitration abortive, when a similar Report of a British Commission was withheld until after the case of each Government was exchanged and the Report of the American Commission made public."

Again (paragraph 5):—

"Professor Thompson's Report is plainly written with a view to minimize as far as possible the depleted condition of the herd on the Pribiloff Islands;" and (paragraph 6) "although Professor Thompson has been very careful throughout the Report to say nothing likely to embarrass his Government."

The reasons for the delay in the preparation and publication of Professor Thompson's Report were given in Lord Salisbury's despatch to Sir J. Pauncefote of the 7th May.* Those explanations cannot, however, have been before Mr. Sherman when he permitted the insertion of the above-quoted statements in his despatch, and Mr. Chamberlain would not refer to this point, although so prominently put forward, if he did not feel it necessary for the vindication of Professor Thompson's high character and reputation to declare that the allegations made against him are totally unfounded, and therefore equally unjustifiable. Turning to the practical issues raised in Mr. Sherman's despatch, I am to point out that he is mistaken in assuming that Her Majesty's Government attributed to Dr. Jordan the statement that there is a "depleted condition and prospective early extinction of the herd." The words in question were used in Mr. Sherman's note to which Her Majesty's Government were replying, and they must adhere to their opinion that the statement is not warranted by any facts contained in the Report.

The passages cited from that paper are merely expressions of opinion, and the grounds upon which such opinions are based are not set forth in the report, and the passage on p. 21, where it is asserted, "he clearly recognizes diminution, as evidenced by photographs, as also by decrease of harems," must be read with his statement that "there is no assurance that photographs taken the same date on successive years show the same or relative conditions, as the arrival of the seals, and doubtless their movements on the rookeries, are affected by the state of the weather and the advancement of the season."

The statement quoted from Dr. Jordan's final report with which Her Majesty's Government have not yet been furnished, is interesting. It says:—

"From a careful study of all the conditions, in our opinion the fur-seal herd on the Pribiloff Islands has decreased to about one-fifth of its size in 1872-74, to somewhat less than half its size in 1890, and that between the seasons of 1895 and 1896 there has been a decrease of about 10 per cent."

On p. 22 of his preliminary report, Dr. Jordan estimates the seal-herd in 1896 as consisting of "143,071 breeding females, or a total number of about 440,000 of seals of all grades," and he adds, there may have been, in 1895, 155,000 breeding seals, or a total of 475,000." Dr. Jordan's matured reflections therefore, on the comparative state of the herd, have apparently led him to consider that the loss during the period 1895-96 was not $7\frac{1}{2}$ per cent. as he thought in November last, but "about 10 per cent."

In the passage referred to on p. 22, he only carries his comparison back to 1880, when he estimates the herd at "600,000 breeding females, 1,500,000 of all grades," but he has now apparently carried his comparison further back, and estimates that in 1872-74 the herd was about five times its present size. This would mean that at that period the herd numbered 700,000 breeding females, and 2,200,000 seals of all grades collectively, and Her Majesty's Government will await with interest his explanation of the disappearance of 100,000 breeding females and 700,000 seals of all grades in the period between 1872-74 and 1880, when pelagic sealing had not yet begun. Mr. Chamberlain is not aware that it has ever previously been admitted that there was a decrease in the herd between 1872-74

* See No. 90.

and 1880, and apparently Dr. Jordan himself was not aware of it when he wrote his preliminary Report, as on p. 17 of that paper, he states that "until 1872, and perhaps a few years after, the herd continued to increase. During the period 1872 to 1878, it doubtless remained practically in a state of equilibrium under the various checks acting upon it, of which the trampling of pups was the chief. The North-west catch, which remained stationary at about 5,000 during those years, being another element of check." Whether the earlier or later views of Dr. Jordan are to be taken as expressing his final opinion, the discrepancy shows the difficulty attending the discussion of the question in consequence of the absence of any really trustworthy data on which comparisons of the size of the herd at different periods can be based, and justifies the action of Her Majesty's Government in refusing to be drawn into a discussion of the question until further information has been acquired.

Mr. Sherman again refers to the falling-off in the pelagic catch last year in Behring Sea in support of the contention that the herd has declined, and cites the figures of the catch for 1894, 1895, and 1896, from which it would appear that the catch per vessel in 1896, had fallen off nearly one-half as compared with 1894.

The catch of 1894 was altogether exceptional, as will be seen from the Table printed at p. 198 of the Report of the Secretary of the United States' Treasury for 1895, and exceeded that of any previous year, as well as that of the subsequent years, and the extraordinary variations in the catch from year to year which characterize the industry, render it impossible to deduce from the average catch per vessel in any year any safe conclusion as to the state of the herd.

Mr. Sherman questions the assertion that the falling-off in last season's catch was partly due to stormy weather, and cites Captain Hooper's statement that boarding operations were possible during twenty-four days in 1896, as compared with twenty-five in 1895, a statement which Her Majesty's Government have no reason to doubt, though it does not follow that sealing operations in canoes are practicable whenever boarding is practicable, still less that the weather is favourable for sealing, and, as Lord Salisbury is aware, Admiral Palliser, in his Report on the season, described the weather as "exceptionally bad." It is unnecessary to elaborate this point further than to add that Her Majesty's Government might equally well maintain from a comparison of the results of the North-west coast catch in 1895 and 1896, that seals were more numerous in the latter year.

The number of seals is limited, and it is impossible, therefore, that the catch per vessel should remain the same while the number of vessels engaging in it has almost doubled. The presence of a greater number of vessels must necessarily interfere to some extent with each other's operations, and moreover the constant patrolling of the limited area of the fishery by steam-vessels must tend to disturb the seals and diminish the catch, which in Behring Sea is made almost entirely from sleeping seals, even if the constantly repeated boarding to which the British vessels have been subjected had not constituted a material hindrance to the operations of the sealing fleet. 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 a-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. It is interesting to note that in 1895 seventy-six United States' vessels were subjected to only 156 boarding operations. 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 resalted and repacked 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 scaring the seals. In addition, most of the vessels were boarded one or more times by Her Majesty's ships. It is necessary here to note that, in his efforts to prove the approaching commercial extermination of the fur-seal, Mr. Sherman has, unintentionally no doubt, by quoting without reference to its context a passage from Lord Salisbury's despatch of the 21st April, placed upon it a construction which is not borne out by its language.

He says:—

"A Table appended to his Report shows that the total product of the pelagic catch of 1896 in the London market was about half the amount of that of 1895, and Lord Salisbury informs us that this result has 'brought many owners of the sealing-vessels to the verge of bankruptcy.'"

What Lord Salisbury did actually say was that "the small catch and low prices obtained for the skins last year brought many of the owners of the sealing-vessels to the verge of bankruptcy."

It is perhaps unnecessary to dwell further on this part of Mr. Sherman's despatch, as it has been answered by anticipation in Lord Salisbury's despatch of the 7th May, to which no reply has been received, but in view of the fact that Mr. Sherman speaks throughout as if pelagic sealing were the sole cause of the alleged depletion of the herd, it may be well to again call attention to the conclusion there drawn from Dr. Jordan's estimates of the herd at different periods, viz., that the decline of the herd was much more extensive before pelagic sealing became general than it has been since.

Mr. Chamberlain cannot pass without notice the attack upon Her Majesty's Government for declining to consider an immediate revision of the Fishery Regulations established by the Arbitration Tribunal at Paris in 1893, as this attack forms so considerable a portion of the despatch, that silence might be construed by the United States' Government as an admission that Mr. Sherman's observations cannot be answered.

The expressed object of the arbitration was "the preservation of the fur-seals," and the Regulations adopted were framed with a view to "the proper protection and preservation of the fur-seal . . . resorting to Behring Sea."

From a perusal of this despatch of the 10th May it might be inferred that the "proper protection and preservation of the fur-seal" is identical with the suppression of pelagic sealing, and this view is consistent with the attitude maintained by the United States' Government from the outset.

In support of their views the United States' Government have departed from the noblest traditions of their country which had earned universal honour by their efforts to vindicate the freedom of the high seas.

The nation which is now so zealous for prohibiting the killing of seals on the high seas was, in 1832, with equal zeal asserting a claim of right for its citizens not only to kill seals on the high seas, but to land and slaughter them on the shores of a friendly nation. The Power which now reproaches Her Majesty's Government with "unneighbourly" conduct because they decline to abolish an industry the lawfulness of which has never been questioned except by the United States, and has, only four years since, been vindicated by the highest international Tribunal, did not shrink in 1832, when the United States' sealing-vessel "Harriet" had been seized for violating the territory of the Republic of Buenos Ayres in the pursuit of fur-seals, from landing an armed party at Soledad and carrying off the crew and cargo of the vessel, and from declaring that the seal fishery on those coasts was in future to be free to all Americans, and that the capture of any vessel of the United States would be regarded as an act of piracy.

The shores of the Pribiloff Islands are to-day just as much uninhabited as were the shores of the Falkland Islands and Tierra del Fuego fifty years ago, but no British subject has ever claimed the right to land and kill seals there as the United States' citizens did on the South Atlantic under the protection of the guns of a United States' man-of-war.

British subjects, and Her Majesty's Government for them, have only claimed the right of every subject of a free State to exercise their undoubted right of fishery on the high seas; yet, while exercising that right, British subjects have been seized, fined, and imprisoned, in the face of the protests of Her Majesty's Government. And now, after Her Majesty's Government, in their desire for an amicable arrangement with the United States, had agreed to submit to arbitration their claim to exercise a right never before disputed, and to leave to the Tribunal to determine when that right had been vindicated, under what restrictions it should, in the interests of both countries, continue to be exercised, and after they have ever since scrupulously adhered to those restrictions, they find themselves, notwithstanding these concessions and sacrifices, accused of unneighbourly conduct.

When the Award was made it was welcomed in the United States because it was believed that the restrictions were sufficient to render pelagic sealing unprofitable, and that the interests of the lessees of the Pribiloff Islands would not under the new condition of affairs be materially or injuriously affected.

When it was discovered from the results of the first year's fishery that the Regulations, severely as they pressed on the British industry, were not sufficient to destroy it, the United States' Government began to press Her Majesty's Government to agree to revise the Regulations. The same arguments as had just before been urged in vain upon the Tribunal were repeated. Pelagic sealing it was declared was suicidal, and the extermination of the fur-seal was imminent. Her Majesty's Government refused to agree to set aside an Award arrived at after the most careful deliberation by the Tribunal,

merely because it was found that British subjects could, under the restrictions imposed by it, still continue to prosecute their industry successfully.

The negotiation and pressure were continued, and exaggerated statements as to the condition of the herd were circulated, till, when Her Majesty's Government sent their Agents to inquire into the actual facts in 1896, it was found that, in spite of the large catch of 1895, the herd actually numbered more than twice as many cows* as it had been officially asserted to contain in 1895. The result of these investigations, as pointed out in Lord Salisbury's despatch of the 7th May, has further been to show that pelagic sealing is much less injurious than the practice pursued by the United States' lessees of killing on land every male whose skin was worth taking. If the seal herd to-day is, as Professor Jordan estimates, but one-fifth of what it was in 1872-74, that result must be, in great measure, due to the fact that, while the islands were under the control of Russia that Power was satisfied with an average catch of 33,000 seals, subsequently under the United States' control more than three times that number have been taken every year, until the catch was perforce reduced because that number of males could no longer be found.

Last year while the United States Government were pressing Her Majesty's Government to place further restrictions on pelagic sealing they found it possible to kill 30,000 seals on the islands, of which Professor Jordan says, p. 21, 22,000 were to the best of his information 3-year olds, though on p. 17 he estimated the total number of 3-year old males on the islands as 15,000 to 20,000. If such exhaustive slaughter is continued it will, in the light of the past history of the herd, very quickly bring about that commercial extermination which has been declared in the United States to be imminent every year for the last twelve years.

Enough has perhaps been said to justify the refusal of Her Majesty's Government to enter on a precipitate revision of the Regulations, and if further justification were required it is to be found in the nature of the industry as carried on by British subjects, especially if compared with the proceedings of United States' citizens.

A large amount of British capital has been invested in ships specially fitted for the seal fishery, which cannot readily be turned to other uses, and much skill has been acquired by those employed on the vessels which is useless for other purposes, and Her Majesty's Government would require very complete justification before they could assent to measures which would render a large proportion of this capital and labour unprofitable. The United States industry is carried on on land, no capital is required except a small sum annually for the maintenance of the few Indians on the islands, whose principal sustenance is, in fact, seal's flesh, and for bringing the skins to market. A partial or total cessation of sealing is therefore a light matter to the United States' citizens as compared with its result to British subjects.

The sealing industry, moreover, as carried on by British subjects is at best a highly speculative one. If by good fortune seals are met with in abundance and the weather is suitable it may prove highly remunerative, provided prices are good. But when the weather is bad, and seals are timid and prices as last year are low, heavy losses are incurred. To add to these risks uncertainty as to the conditions under which the industry may be carried on would be equivalent to putting an end to it altogether. Mr. Sherman's strictures on the conduct of Her Majesty's Government should be read in the light of these facts.

In further support of his indictment of Her Majesty's Government Mr. Sherman proceeds to review "the manner in which it (the British Government) has responded to the action of the Paris Tribunal, and to what extent and in what spirit it has observed the decision and recommendations of that Tribunal."

This review contains some signal omissions and also some inaccuracies to which attention must be called. Mr. Sherman begins by recalling the fact that when the draft Regulations were submitted to the Tribunal they provided that the Regulations should apply to all the waters of the Pacific Ocean to the north of the thirty-fifth degree of north latitude and that the late Lord Hannen objected to this provision, and moved an amendment limiting the area to that part of the ocean and sea east of the 180th meridian, and he cites part of the words used by the President of the Tribunal in acquiescing in the amendment, but omits the concluding portion which was "Nevertheless, as far as he was concerned he did not desire to do anything which might be prejudicial to the position of Great Britain or of the United States, in the negotiation which the Governments of these two countries might engage ultimately with Russia and Japan." Mr. Sherman also omits

* The number of cows, according to the official estimate of 1855, was 70,423; the count in 1896 showed 143,071 cows.

to mention that the amendment was unanimously agreed to. Lord Hannen's views on this point, therefore, were equally shared by his United States' colleagues on the Board.

Mr. Sherman continues, "When, in accordance with Article VII of the Treaty of 1892, the Russian and Japanese Governments were approached with a view to securing their adhesion to the Regulations, they both replied they could only do so on their extension to the Asiatic waters," and when Secretary Gresham verbally in October, 1893, brought this view of the subject to the attention of the British Ambassador, he recognized the force of the position, and said the situation seemed to suggest the propriety of a Treaty between the four Powers "for the preservation, for their common benefit of the fur seals between the two continents, and north of the 35th degree of north latitude." As a matter of fact the identic note to the Maritime Powers inviting their adhesion to the Regulations was not dispatched till the 20th August, 1894.

In a despatch of the 26th October, 1893, however, Sir J. Pauncefote records a conversation with Mr. Gresham, in which he reports:—

"He (Mr. Gresham) took the opportunity of mentioning that the Russian and Japanese Governments would probably, as a condition of their adhesion to the Regulations prescribed by the Award, insist that the southern limit laid down in Article 2 of the Regulations, namely, the 35th degree of north latitude should be extended as far as the Japanese coast, so as to protect the Russian and Japanese rookeries. Mr. Gresham was of opinion that it would be difficult to resist this demand on equitable grounds, it being based on reciprocity. In reply to his inquiry, I said that the contention might seem plausible enough, but I did not know how it would be viewed by Her Majesty's Government. I understand that Mr. Bayard has been instructed to confer with your Lordship thereon."

There is thus a discrepancy between Mr. Gresham's report, as quoted by Mr. Sherman of the language used at this interview by Sir J. Pauncefote, and Sir J. Pauncefote's own report of the same interview.

However, this may be, and whatever instructions may have been sent to Mr. Bayard as to the interests of Russia and Japan, he apparently did not consider that he was desired to bring the question before Her Majesty's Government for his official note of the 20th November made no allusion to the subject, and that note, with the exception of a verbal communication on the 20th September, 1893, expressing the desire of his Government for prompt action in procuring legislation to give effect to the Award, and in securing the adhesion of other Powers was the first communication received from him on the question of the Award.

No note from Mr. Gresham of the 23rd January, 1894, on the subject of the seal fishery appears to be on record, and the note of the 24th January, to which possibly Mr. Sherman alludes, contains no allusion to the subject of the Japanese and Russian fisheries, nor does any communication appear to have been made to Her Majesty's Government on the 2nd May, 1894, in reference to this question. Mr. Sherman appears to have been misinformed as to what actually took place in regard to this matter.

On the 11th March, 1894, Mr. Gresham, in the course of a discussion on the subject of the legislation proposed by the respective Governments for enforcing the Award, threw out a suggestion for a Convention between the four Powers principally interested, namely, Great Britain, the United States, Russia, and Japan, to embrace a complete scheme of regulations applicable not only to the high seas, but also within the sovereignty of each Power, and he coupled this with a proposal that meantime the *modus vivendi* established during the arbitration, should be renewed and extended over the whole area of the Award. Such a *modus vivendi* would have practically prevented any pelagic sealing on the eastern side of the Pacific, and would have driven the whole body of pelagic sealers to the western side, the Japanese and Russian fisheries which Mr. Sherman now believes the United States' Government were anxious to protect. Her Majesty's Government replied, five days later, on the 16th March, that they saw no objection to the proposed negotiation between the four Powers, and were willing to renew the *modus vivendi* on the same terms as before, but could not consent to its extension. As the United States insisted on the extension, the proposal dropped for the time.

It is possible that Mr. Sherman may have had in mind the proposals made by Mr. Gresham, on the 23rd January, 1893, to which he previously referred. To that note, after communication with the Dominion Government, a reply was returned on the 17th May, which was received by the United States' Government, as Mr. Sherman states in an earlier part of his despatch on the 27th May. That reply, to which Mr. Sherman refers as "complacently" stating "that the condition of affairs is not of so urgent a character as the President has been led to believe," and that there was no "such urgent danger of total extinction of the seals as to call for a departure from the Arbitral Award by

which the two nations have solemnly bound themselves to abide," contained a very full statement of the reasons for the belief expressed by Her Majesty's Government to which they have not yet had any reply, and Mr. Sherman omits to mention that alternative proposals were submitted for the prosecution of a joint inquiry into the facts, the necessity for which has been fully established by the results of last year's investigations. If that proposal of Her Majesty's Government had been promptly accepted, the first trustworthy information as to the state of the seal herd would have been available at the end of 1895 instead of at the end of 1896, and would have afforded, with the information collected in the latter year, some criterion of the progress or decline of the herd.

The reasons which induced Her Majesty's Government to decline to enter upon a joint negotiation with the three Powers interested in suppressing pelagic sealing were fully set forth in the correspondence, and it is unnecessary here to do more than call attention to the fact that since 1893 Great Britain has had an arrangement with Russia in regard to the seal fishery in which that Power is interested, and that, as the seal herds are generally alleged to be quite distinct and not to intermingle, no advantage would have been gained by a joint negotiation, which could only have been based upon incomplete knowledge of the facts.

Mr. Sherman proceeds further to reflect upon the action of the late Lord Hannen and of Her Majesty's Government in regard to the second Declaration annexed to the Award of the Tribunal, which urged a suspension for a short period of any killing of seals either on land or sea. Mr. Sherman states that Mr. Gresham instructed Mr. Bayard on the 12th September, 1893, to ask the concurrence of Great Britain in the enforcement of this Declaration, and that Mr. Bayard reported on the 13th September that he had made known his instructions to the British Government. Mr. Bayard must have failed to make his meaning clear, for Lord Rosebery's despatch of the 13th September to Sir J. Pauncefote, recording his conversation with Mr. Bayard, speaks only of arrangements "for carrying into effect the Award of the Behring Sea Tribunal of Arbitration," and makes no reference to the second Declaration annexed to the Award. On the 20th of the same month Mr. Bayard communicated a further instruction from his Government on the subject of the enforcement of the Award, but also without any reference to the Declarations, as is also the case in the formal note addressed by Mr. Bayard to Lord Rosebery on the 20th November. The first reference to the subject is contained in Mr. Gresham's note to Sir J. Pauncefote of the 24th January, 1894, in which, after urging the early enforcement of the Regulations, he adds "the United States would be glad to prohibit entirely for a period of three years, or for two years, or for one year, the killing of seals, but unless Her Majesty's Government should be willing to agree to that measure it only remains for the two Governments at once to give effect to the Regulations determined upon by the Tribunal as necessary in conformity with the Treaty." In forwarding this note Sir J. Pauncefote observed that he had read this statement in Mr. Gresham's note with surprise, as it was inconsistent with his former language on the same subject at an interview on the 13th December, when, as reported by Sir J. Pauncefote in a despatch dated the 16th of that month, Mr. Gresham had stated "as regards the second Declaration, respecting a further cessation of seal killing at sea and on land, Mr. Gresham stated that he was opposed to closing the industry during the coming season. Such a course would, he thought, raise a great outcry in this country, and, moreover, it was important to ascertain what had been the effect of the cessation of seal killing for two consecutive seasons in Behring Sea." This language, it need scarcely be observed, disproves Mr. Sherman's belief that the United States' Government had been urging Her Majesty's Government to agree to the adoption of the second Declaration from the moment they were informed of it. Moreover, it is to be observed that on the 24th January, 1894, when in the manner quoted, the suggestion to adopt the Declaration was thrown out, it was too late, as the sealing-fleet had already started for the spring fishery. Her Majesty's Government did not, however, as Mr. Sherman supposes, fail to respond, for in their reply, dated the 24th February, they stated with reference to the suggestion that they were willing to agree as a temporary measure to renew the *modus vivendi* for the continued closing of Behring Sea. This offer did not meet with the views of the United States.

Mr. Sherman's account of the action of Her Majesty's Government in regard to the adoption of measures for enforcing the Regulations is also incomplete. In calling attention to the delay which took place in passing the legislation for giving effect to the Award, he omits to mention that part of the delay was due to the difficulty caused by the desire of the United States' Government to transfer the negotiations to London, although all the previous discussions in connection with the Behring Sea difficulties had been carried on at Washington, and Her Majesty's Ambassador

there was fully informed on the whole question, and, further, that for some time the United States' Government persisted in a desire to proceed to enforce the Regulations by means of a Convention instead of by legislation, a course which was impossible for this country, where Treaties restricting or interfering in any way with the rights and liberties of the subject require the sanction given by express laws. The proposed legislation, too, mainly affected Her Majesty's subjects in Canada, and it was necessary therefore to refer constantly to the Dominion Government in the matter, and there was no undue delay on the part of Her Majesty's Government in dealing with it.

The British Act received the Royal assent on the 23rd April, 1894, just seventeen days after the United States' Act was passed; the Order in Council giving the necessary powers to United States' officers to act under the British Act was passed on the 30th April, and instructions were sent to Her Majesty's naval officers by telegraph the same evening, and the Act was thus brought into force before the beginning of the close time fixed by the Regulations. The statement in Mr. Sherman's despatch, therefore, that "the British Act to enforce the Regulations was not passed until four months after the sealing season had opened, and the final Order in Council (the 27th June, 1894) on the subject was not issued until six months after the sealing fleet had put to sea in disregard of the Award of the Tribunal" is misleading. The Regulations, except in so far as they prescribed a special flag for sealing-vessels, and the making certain entries in the log and taking out a licence, all made no change in regard to the methods of sealing during the spring. The legislation was passed in time to enforce the close season, and during the close season arrangements were completed with the United States in regard to the flags, &c., and it was to give effect to these arrangements that the second Order in Council, viz., that of the 27th June was passed, more than a month before the close season ended. It is difficult therefore to know what is exactly meant by saying that "the sealing fleet had put to sea in disregard of the Award of the Tribunal," unless it refers to the departure of the fleet for the coast fishery in which the Award makes practically no change.

In regard to the charge of neglect of the police duties under the Award, Mr. Chamberlain would observe that the sealing fleet consists entirely of small sailing-vessels. In 1894 forty-four were employed during the spring season, and thirty-seven in Behring Sea. In 1895 the number in the spring season was fifty-two, and in Behring Sea fifty-nine, and in 1896 the numbers were forty-three and sixty-seven respectively. The main duty of the patrol is to prevent infringement of the 60-mile zone in Behring Sea, and to prevent sealing during the close time, and even if the masters of the sealing-vessels were bent on evading the law, instead of being, as they are, most anxious to conform to it, Her Majesty's Government are satisfied that one man-of-war or revenue-cutter is quite equal to looking after eight small sailing-schooners.

Her Majesty's Government also send three vessels to patrol the western side of the Pacific to see to the enforcement of the arrangement with Russia, and though United States' pelagic sealers equally engage in the fishery on that side, and United States have a similar arrangement in regard to it, Mr. Chamberlain has never heard of any United States' vessel taking any part in the patrol on that side, and Her Majesty's Government have, therefore, had employed in the patrol of the seal fisheries on one side of the Pacific or the other five or six men-of-war as a rule, as compared with five or six revenue-cutters on the part of the United States, and they have every reason to believe that this force is ample for the discharge of the proper duties of the patrol.

The "strange misconception of the true spirit and intent of the Arbitrators," said by Mr. Sherman to have been developed on the part of the British Government, has been entirely on the part of the United States—a misconception which Her Majesty's Government have frequently had to point out. The Agreement for allowing vessels to have their arms sealed up was not renewed, because, as Mr. Sherman was well aware, it was made a pretext by United States' officers for the unwarrantable seizure of two British vessels. Moreover, Her Majesty's Government made provision for the examination of sealing-vessels before clearing for Behring Sea, and the issue to them of certificates by the Customs authorities, to the effect that they had no fire-arms on board. The United States' Government declined to accept these certificates and insisted that British sealing-vessels should undergo a further and, as might be expected, unsuccessful search at the hands of a United States' Customs officer.

The United States' Government can scarcely have seriously expected that Her Majesty's Government would consent to cast such a grave aspersion on the character of their officials. The Award, it must be remembered, is carried out, so far as British vessels are concerned, under a law of the Imperial Parliament, and Her Majesty's Government have accepted the assistance of United States' commissioned officers in enforcing that law, but they have not conferred on them, nor did the Tribunal of Arbitration suggest that they should confer on them, the duty of supervising and controlling the action of British

naval or customs officers appointed to that duty, and they are pleased to think that in spite of all the boarding and searching with which the British sealing fleet has been harassed, not a single instance has been established of the use of fire-arms by British vessels contrary to the Regulations.

The so-called serious defect in the British Act for the enforcement of the regulations is the next point in Mr. Sherman's indictment. He refers to the omission of the clause, contained in the Act passed to carry out the *modus vivendi* of 1891, which provided that the presumption of guilt would lie against the vessel having on board fishing or shooting implements, or seal-skins at forbidden times or in forbidden waters, and declares that "the practical effect is to make it impossible in many cases to convict British sealing-vessels, although there may be the strongest presumptive evidence of guilt, evidence which, under the Act of Congress, would in most cases procure the conviction of an American sealing-vessel."

It would have been of much assistance to Her Majesty's Government if Mr. Sherman had mentioned one or two of these cases, as only ten British vessels have been seized during the three years that the Act has been in force. Of these, two were seized in 1894, not for violation of the Award, but having unscaled arms on board, the alleged arms in one case being a musket with the barrel cut down, used for signalling to the vessel's boats. There was absolutely no evidence in either case that the arms had been used, and the Admiral decided not to bring vessels so improperly seized to trial. One vessel was seized last year by the United States on the pretext that there was a shot-hole in one of the skins, though the most exhaustive search failed to reveal any arms on board, and after a few days' detention the United States' officer in charge of the patrol released her. There remain only seven vessels, therefore, brought to trial in three years, and of these four have been convicted and heavy fines or forfeiture indicted. The cases referred to by Mr. Sherman are therefore reduced to three. One of these vessels was seized on the ground that the master had not entered up in his log for two days the number of seals taken, and the Court promptly dismissed the case with costs against the prosecutor. The other vessel released had been seized on a charge of using fire-arms in killing seals in Behring Sea. Having been previously sealing on the Japan coast, where the use of fire-arms is allowed, on entering Behring Sea the master had his ammunition and arms carefully counted by the United States' officers at Attu before beginning sealing. When searched subsequently there appeared to be some discrepancy in the ammunition, and one skin had a hole in it presenting an appearance like that of a shot-hole. The discrepancy in the ammunition was fully accounted for, but the vessel was sent for trial, and of course acquitted. The third case of acquittal was somewhat similar to the last, except that the evidence was even less strong, and the Commander of the British patrol fleet only sent her for trial because his instructions gave him no discretion where a distinct offence is charged against a vessel by a United States' officer. It is implied that because the clause making the possession of sealing implements *prima facie* evidence justifying seizure appeared in the Act for the enforcement of the *modus vivendi* in 1891 it should also have appeared in the Act of 1894 for enforcing the Award. But the circumstances were completely altered. Under the *modus vivendi* Behring Sea was closed to sealing. If a vessel with sealing equipment was found within the well-defined limits of the sea, her presence raised the presumption that she was there for an unlawful purpose. The Award, on the other hand, established a close season over the whole area of the North Pacific east of 180° from the 1st May to the 1st August. When the close season begins the sealers have to find their way back to port through the closed area for hundreds of miles with their arms and skins on board. Before the season opens in Behring Sea they have again to find their way through the closed area with their equipment on board to be ready to begin operations as soon as the close time ends. If the clause were in the British Act every one of the vessels either going to or returning from the prosecution of their lawful fishery could be seized solely because of the possession of the implements and produce of her calling. It would be evidently unjust to enforce such a provision.

Even if the operation of the clause were restricted to the 60-mile zone in Behring Sea, it would obviously, with the fogs and currents there prevailing, when for days together it is impossible to get a sight of the sun, be unjust to presume that whenever a sealing-vessel was found inside a geographical line which she may have had no opportunity of fixing, that she was necessarily there for an unlawful purpose. Such a measure would be contrary to the spirit of justice, and inflict unnecessary and unmerited hardship on a part of Her Majesty's subjects who are most anxious to observe the law in every particular.

The final instance cited by Mr. Sherman of "the failure and refusal" of the British Government to give full effect to the Paris Regulations," deals with the question of the entries required in the official log-books of the number and sex of the seals taken. He

speaks of the "daily" entry, though the word does not appear in the Regulations, and complains that the Returns furnished by British sealing vessels are untrustworthy, and that Her Majesty's Government have refused to allow the catch of British sealing-vessels to be examined in Canadian ports by United States' Inspectors.

Mr. Sherman omits to mention the contention of Her Majesty's Government that the results of such inspection for the purpose of determining the sex of the seal from which the skin has been taken are at the best of very doubtful value, and that although in the case of males three years old or over, or of females which have borne young, it is possible to determine the sex from an examination of the skin with more or less accuracy, it is not possible to do so with any approach to certainty in the case of the skins of young males or females.

Mr. Sherman's charges are summed up in the final paragraphs of his despatch. They have been answered above in detail, and it has been shown in regard to the alleged refusal to extend the Regulations to the Asiatic waters that Regulations believed at the time by Her Majesty's Government and the Government of Russia to be adequate in regard to these waters, have been in force there since 1893, and that when Russia in 1895 complained of their inadequacy, Her Majesty's Government took the first opportunity in 1896 of inquiring into the state of the herd on the Russian Islands, and are conducting further investigations with the same object this year.

In regard to the refusal of Her Majesty's Government to agree to the total suspension of the killing of seals for a period of years, it has been shown that such a measure was in the first instance deprecated by the United States' Government, and when it was brought up it was too late, though in any case Her Majesty's Government could not have agreed to such a measure, as it would have involved the ruin of an important British industry.

The alleged neglect to put the Regulations in force until after sealing had been entered upon has been answered by showing that all the substantive Regulations were enforced by the date fixed by the Tribunal.

The "evasion of the patrol duty" has been disposed of by showing that Her Majesty's Government have actually had a larger force engaged in patrolling the seal fisheries of the Pacific than the United States, and that the force is more than adequate for the purposes.

The "opposition to suitable measures for the enforcement of the prohibition against fire-arms" has been shown to be unfounded. The possession of fire-arms by a sealing-vessel is not in itself illegal. It is their use which is prohibited, but it has been shown that British vessels do not clear with fire-arms, that no instance of their use has been established, and that Her Majesty's Government were compelled to withdraw from the arrangement for the sealing of arms, because they found that not only did it not serve to save British vessels from unnecessary interference, but was actually made a pretext for unwarrantable seizures.

They have not omitted to enact legislation necessary to secure the conviction of the guilty, but they have refused to pass legislation certain to embarrass and injure the innocent.

They have refused to seek legislation authorizing an inspection of skins because they do not believe that such an inspection would serve any useful purpose.

They have performed with the utmost rigour all the requirements of the Award, but they have had to make continual and unavailing protests against the attempts of the United States to hamper and embarrass the operations of British subjects pursuing their lawful vocation.

The fact that in spite of these embarrassments British sealers have been able to prosecute their industry with success has led to the continual efforts of the United States to obtain such further Regulations as would effectively prevent that result, without regard to the object aimed at by the Tribunal in the Regulations they laid down, which was to preserve the seal fishery for the benefit of both countries.

Her Majesty's Government have never argued that the Regulations were perfect, but they have maintained that before they can be revised in a scientific manner accurate information as to the increase or decrease of the herd must be available, and that such information can only be obtained by accurate observations extending over a sufficient period to enable accidental circumstances to be eliminated, and as soon as that is at hand they will be ready to enter on a discussion of the question in the impartial and friendly spirit with which they can confidently claim to have acted throughout this controversy.

I am, &c.

(Signed) EDWARD WINGFIELD.

No. 106.

The Marquess of Salisbury to Mr. Hay.

Your Excellency,

Foreign Office, July 28, 1897.

IN the last paragraph of the despatch addressed to you by Mr. Sherman under date of the 16th May last, and communicated by you to me on the 22nd of that month, a wish is expressed for a Conference of the Powers interested in the fur-seal fishery of the North Pacific.

In reply, I have to state that Her Majesty's Government are willing to agree to a meeting of experts nominated by Great Britain and Canada and by the United States in October next, when the further investigations to be made on the islands during the present season will have been completed. The object of the meeting would be to arrive, if possible, at correct conclusions respecting the numbers, conditions, and habits of the sea's frequenting the Pribyloff Islands at the present time as compared with the several seasons previous and subsequent to the Paris Award.

It seems to Her Majesty's Government that Washington would be the most suitable place for such a meeting.

The other portions of Mr. Sherman's despatch, in so far as they require any reply from Her Majesty's Government, have been answered by anticipation in despatches which I addressed to Her Majesty's Ambassador at Washington on the 22nd April and 7th May last, and which have been communicated to the Government of the United States.

I have, &c.
(Signed) SALISBURY.

No. 107.

The Marquess of Salisbury to Mr. Adam.

(Telegraphic.)

Foreign Office, July 30, 1897.

MR. TOWER'S despatch of the 30th June and previous correspondence.

Her Majesty's Government regret that they are unable to accept the proposal made by the United States' Government that their 1897 Regulations should be adapted to the sealing-vessels of Great Britain.

Her Majesty's Government consider, with regard to the sealing-up of arms, that the certificate of a British Customs officer, which is carried by the majority of British sealing-vessels, stating that they have no fire-arms on board, already provides a sufficient guarantee.

You should, however, inform the United States' Government that instructions have been given that the officers of Her Majesty's patrolling-vessels should seal up the arms and ammunition of any British vessel which applies to them, and make an entry to that effect in the vessel's log.

UNITED STATES. No. 1 (1898).

DESPATCH

FROM

PROFESSOR D'ARCY THOMPSON

FORWARDING A

REPORT ON HIS MISSION TO BEHRING SEA
IN 1897.

[In continuation of "United States No. 3 (1897)."]

*Presented to both Houses of Parliament by Command of Her Majesty,
January 1898.*

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Despatch from Professor D'Arcy Thompson, forwarding a Report
on his Mission to Behring Sea in 1897.

Professor Thompson to the Marquess of Salisbury. (Received October 9.)

My Lord,

October 6, 1897.

I HAVE the honour to submit to your Lordship herewith a Report of my inspection, made during the past summer, of the seal rookeries on the Pribiloff Islands. An account of my observations made on Robben Reef, and on the Commander Islands, will form the subject of a second Report:—

I arrived at St. George Island, on board Her Majesty's ship "Rainbow," on Sunday the 1st August, together with my Assistant, Mr. Alexander Hodger. Dr. Jordan, the American Commissioner, had arrived there during the previous week, and had already departed for the Island of St. Paul. I left St. George for St. Paul Island on the 5th August; on the 16th August I embarked on board Her Majesty's ship "Amphion," and after cruising for three days among the sealing fleet to the south-westward of the islands, proceeded to Unalaska and thence to Esquimaux, where I arrived on the 30th August.

Dr. Jordan had left St. Paul for San Francisco on the 14th August.

Mr. J. M. Macoun, the Agent of the Dominion Government, and Mr. G. A. Clark, Secretary to the American Commission, had arrived at St. Paul Island in the beginning of June; they inspected the season's work of killing on the island, and performed most of the counts that were made upon the rookeries. Mr. F. A. Lucas accompanied Dr. Jordan to the islands, and left when I did. There remained behind upon the islands a party of five younger assistants attached to the American Commission. Among other matters entrusted to them was the repetition and extension of experiments in branding such as were performed last year, and also the erection of a strong fence around the large inlet of shallow water known as the Lagoon, within which it is proposed to confine, next year, during the open season of the pelagic fishery, those male seals that are rejected at the drives from the neighbouring rookeries. No seals had been branded during this season up to the date of my departure.

A staff of American engineers spent the whole summer upon the islands, making a complete topographical survey with especial reference to the outlines of the rookeries.

From Dr. Jordan and his whole staff, from Colonel Murray, who now occupies the position of United States' Treasury Agent on the islands, from the other Government officials resident on the islands, and from Mr. Stanley Brown and the other representatives of the North American Commercial Company, I received, this year as last, the friendliest welcome and assistance.

I have, &c.
(Signed) D'ARCY W. THOMPSON.

Inclusion.

Report of Inspection of the Seal Rookeries on the Pribiloff Islands.

ST. GEORGE ISLAND.

North Rookery.

I visited North Rookery on the 2nd August, three days later than the date of the count made last year by Colonel Murray, Mr. Lucas, and me. Although the date so nearly corresponded, it was plain to me that the best time for a count had past. No less than forty-three large old bulls were sleeping on the beach beyond the western extremity of the rookery, and several others were swimming in the water near by. Many

of these were doubtless bulls that had possessed harems, but had now left their stations on the rookery; while on the rookery itself were many small harems of young cows, many of which harems were presumably of recent formation.

When we counted the rookery last year we were not yet alive to the changes that take place about this period, and accordingly I am not able to say how far the conditions are comparable, or whether, as I am tempted to think, the alteration in composition and aspect of the rookery took place somewhat earlier this season than last. On the whole, I could see no change in the extent of the rookery—it reached the same limits as last year; it was somewhat thin last year, and is so still.

In the large gully near the western end of the rookery were 59 harems and 12 idle bulls; still farther to the west were 11 families, 4 of the bulls having only 1 young cow each. Proceeding towards the east, the next, low-lying, gully contained 14 harems, and about a dozen unoccupied bulls. The curving bay which follows had 62 harems and 9 idle bulls, and in the subsequent portion were altogether 43 harems and 14 idle bulls; 41 solitary bulls were sleeping on the beach beyond the western end of the rookery. I make the whole number 249 bulls with harems or single cows, and 88 solitary or idle bulls. The number is almost identical with last year, when we counted 225 harems and 100 idle bulls; it is in excess of Dr. Jordan's count made in the week preceding mine, as he found only 196 harems. I saw about 300 bachelors, mostly young, on the hunting ground near the eastern end of the rookery, about 150 more in the middle, and 100 at the western end.

All these figures teach us very little, save that on this rookery there is at least no sign of increase since last year. There is at the same time no clear evidence of diminution.

Staraya Atil.

I visited Staraya Atil on the same day. A large patch of between 500 and 600 bachelors, mostly young, lay upon the hill-side parallel to the breeding rookery; but there were no more higher up the hill near the patches of wild celery, where we saw them last year. On the beach in front of the lake were about 40 large solitary bulls and a number of half-grown ones; 16 other idle bulls were observed on the margin of the rookery. I counted 55 large and 37 small harems, the latter consisting of one or two females only. The whole number gives 148 bulls, 92 of them with one or more cows.

Dr. Jordan in the previous week had counted 56 harems only; our number for 1896 was 76, with 75 idle bulls. It is plain that here, about the time of my visit, there was a large absorption into the rookery of bulls that had been formerly idle, and that were now obtaining their share of the younger females as they came in from the sea. The rookery is not an easy nor satisfactory one to observe and count. I notice, from the statistics given me last year by the American Commissioners, that on the 9th July, 1896, Dr. Jordan counted here 68 harems and 45 idle bulls, whereas Mr. Clark, on the same day, made only 50 harems and 33 idle bulls.

Zapadnic.

At Zapadnic (3rd August) the one marked feature of change is the disappearance since last year of the first or northernmost of the three patches of seals then existing on the beach. This first patch contained last year 32 harems; it was represented this year only by a group of 14 solitary bulls. In what was this year the first, and last year the middle patch, were 22 harems and 9 idle bulls; the harems seemed to have been large—one bull, who had only one cow beside him at the time, having 47 pups.

Straggling between this patch and the next were 20 bulls with small harems and 10 idle ones. In the last, or main patch, were 19 harems below the edge of the beach, and 12 others (mostly small groups of young cows) above the margin. Behind this patch were 11 solitary bulls and many "half-bulls," and about 24 full-sized bulls lay farther back in the valley with the bachelors. Passing to the main portion of the rookery on the rising ground, I counted, firstly, in an isolated round patch on the face of the hill, 3 bulls with 33 young cows; secondly, on the main "platform," 45 harems and 14 idle bulls; thirdly, on the beach below, 30 harems and 8 idle bulls; lastly, on the intermediate slope, 21 harems.

The total number, without attempting to differentiate between the newer and older harems, was 172 harems and 90 idle bulls. Our number last year was 182 harems and 100 idle bulls. Dr. Jordan, in his count of the week before, made this year only 135 harems. The rookery has decreased since last year.

The watchmen told us we should find about 500 bachelors on the rookery.

Mr. Rodger and I counted over 700 on the hill-side as they left their station and passed before us in a straggling procession. There were three small parcels of bachelors besides down in the valley.

Little East Rookery.

Here I counted (1st August) 46 harems, precisely the same number that Dr. Jordan had found in the previous week. I counted 1,080 pups on shore, and saw a considerable number more (probably about 100) swimming and paddling in the water. The result is in accord with Dr. Jordan's, who counted 1,190 (plus 26 dead ones) in the previous week. This shows a decrease from last year, when, though only 41 harems were counted, there were 1,381 pups.

A thick fog descended, which rendered it impossible to see anything of East Rookery, and I left St. George without revisiting it, as it was more important to hasten to St. Paul's.

Dr. Jordan found on East Rookery 128 harems; our count for last year was 135.

ST. PAUL ISLAND.

Observations more lengthened and important than mine were made on St. Paul Island by Mr. J. Macoun, on behalf of the Dominion Government, and by Mr. Clark, the Secretary to the American Commission, before Dr. Jordan's arrival or my own. The best time for taking photographs and for viewing the precise outlines of the rookeries had passed away before I reached the island.

Between the 5th August and 16th August I visited all the rookeries on the island (except Sea Lion Rock), most of them more than once. In no case could I detect any enlargement of the area formerly occupied, or any other visible sign of increase since last year. In the majority of cases no change was visible in a general view, either in such a case as the Lagoon, where the count of pups (to be presently discussed) shows an increase to have taken place, or on Ketavie where the same count reveals a decrease. There were certain localities, however, where it was impossible to doubt, even from a general survey, that a decrease had taken place. At Tolstoi, the western part of the rookery, around and to the west of the sandy patch, seemed to me to be curtailed; at North-east Point, the great sandy area on which one looks down from the summit of Hutchison's Hill was bare last year, and the seals did not, as they did at the corresponding date of last year (9th August), extend up to or near to the photographic station on the hill; lastly, at Polovina, in more marked degree than in the other two cases, the rookery as a whole appeared to me to have diminished.

The counts of harems, made by Messrs. Macoun and Clark on the same dates as last year, are given, together with last year's, in the following Table:—

	1896.		1897.	
	Colonel Murray.	Dr. Jordan.	Macoun and Clark.	
Ketavie	190	182	179	
Lukamou	265	147	139	
Polovina	285	138	133	
.. (cliffs)		86	61	
.. (Little)		15	10	
North-east Point, East (Morjovic)	1,595	293	235	
.. West (Vostarhin)		975	910	
Zapadnie	577	583	458	
.. (Little)		210	176	
.. (great)		176	114	
Tolstoi (main)	325	389	295	
.. (cliffs)		108	98	
Lagoon	115	120	116	
Garbotch	900	302	308	
Ardiguch		27	33	
Reef		504	464	
Sea-Lion Rock		63	102	
Total	4,192	4,318	3,838	

rookery.

The Count of Pups.

The crucial importance of a count of pups on those rookeries, where such a count is feasible, was admitted last year; it is more clear now than ever that this count is incomparably better than any other as a basis of computation and comparison.

The count of bulls or harems and the count of cows are alike unsatisfactory. The old bulls are not molested on land, and are on the shore or near it while the pelagic fleet is in Behring Sea; save for deaths by old age and their combats with one another, there is no reason why they should greatly vary in number from any one year to the next. The number of harems is a mere matter of proportion between the successful and the unsuccessful or "idle" bulls. It is an accident of their own competitive warfare; and we know by the experience of last year as well as of this that a bull which has in the early part of the season got possession of a large harem may afterwards in the ordeal of battle be robbed of part of it; and also that as the young and virgin females come in towards the beginning of August from the sea, many of the formerly idle, and especially the younger, bulls obtain harems from among them.

Our statistics show this year on Ketavie 179 harems against 182 last year; the difference is well within the limits of error or of diurnal fluctuation. In the portion of the same rookery known as the "amphitheatre" there were, on the 8th July, 35 harems, on the 13th 46, and on the 25th 59; by the beginning of August some of the old bulls, worried, begin to relinquish their places for a longer or shorter time, and the small new harems of younger cows begin to be formed; we have no well-marked period of equilibrium in which to make our counts from year to year with confidence in their fitness for comparison.

The count of cows is still less trustworthy—at least, on our present data. Their number fluctuates very largely indeed with the progress of the season and under varying conditions of weather. The following observations made by Dr. Jordan's assistants show this in a striking way. A precisely similar record for another year would have greater value, but, in the face of such fluctuations as these, there can be no comparison with the isolated enumerations of last year.

RECORD of Arrival of Cows.

Amphitheatre of Ketavie.

Date.		Cows.	Date.		Cows.
1897			1897		
June	12	.. .. .	July	7	550
"	13	.. .. .	"	8	585
"	14	.. .. .	"	9	587 (rain)
"	15	.. .. .	"	10	660
"	16	.. .. .	"	11	703
"	17	.. .. .	"	12	..
"	18	.. .. .	"	13	654
"	19	.. .. .	"	14	556
"	20	.. .. .	"	15	703
"	21	.. .. .	"	16	678
"	22	.. .. .	"	17	698
"	23	.. .. .	"	18	566
"	24	.. .. .	"	19	556
"	25	.. .. .	"	20	429
"	26	.. .. .	"	21	523
"	27	.. .. .	"	22	416
"	28	.. .. .	"	23	169
"	29	.. .. .	"	24	465
"	30	.. .. .	"	25	426
July	1	.. .. .	"	26	163
"	2	.. .. .	"	27	406
"	3	.. .. .	"	28	304
"	4	.. .. .	"	29	414
"	5	.. .. .	"	30	327
"	6	.. .. .	"	31	375

RECORD of Harems.

Date,				Harems,	Date,				Harems.
1897					1897				
June 14	..	..	..	1	July 8	..	..	..	35
.. 20	..	..	..	3	.. 13	..	..	..	46
.. 30	..	..	..	10	.. 25	..	..	..	53

Weather clear; no storms or surf, except one day, when rain fell, causing a larger number of cows to take to water, and making it difficult to distinguish those present from the racks,

RECORD of Arrival of Cows,

Lukannon Rookery.

Date,				Cows,	Date,				Cows.
1897					1897				
June 12	..	..	..	1	July 8	..	..	..	1,531
.. 13	..	..	..	1	.. 9	..	..	..	1,541 (rain)
.. 14	..	..	..	3	.. 10	..	..	..	1,686
.. 15	..	..	..	5	.. 11	..	..	..	1,755
.. 16	..	..	..	6	.. 12	..	..	..	..
.. 17	..	..	..	11	.. 13	..	..	..	1,780
.. 18	..	..	..	19	.. 15	..	..	..	1,841
.. 19	..	..	..	25	.. 14	..	..	..	306
.. 20	..	..	..	37	.. 15	..	..	..	327
.. 21	..	..	..	52	.. 16	..	..	..	326
.. 22	..	..	..	74	.. 17	..	..	..	338
.. 23	..	..	..	103	.. 18	..	..	..	228
.. 24	..	..	..	131	.. 19	..	..	..	290
.. 25	..	..	..	176	.. 20	..	..	..	214
.. 26	..	..	..	207	.. 21	..	..	..	215
.. 27	..	..	..	257	.. 22	..	..	..	219
.. 28	..	..	..	..	.. 23	..	..	..	212
.. 29	..	..	..	..	.. 24	..	..	..	196
.. 30	..	..	..	635	.. 25	..	..	..	186
July 1	..	..	..	..	.. 26	..	..	..	148
.. 2	..	..	..	800	.. 27	..	..	..	157
.. 3	..	..	..	938	.. 28	..	..	..	177
.. 4	..	..	..	1,088	.. 29	..	..	..	149
.. 5	..	..	..	1,197	.. 30	..	..	..	127
.. 6	..	..	..	1,264	.. 31	..	..	..	121
.. 7	..	..	..	1,371					

After July 14 it became impossible, on account of the scattering of the cows, to continue the count for the entire rookery without too great a loss of time, and so a section of eighteen harems was singled out and the count continued on it.

Lastly, we know from our work both of last year and of this that all counts of harems, and even of cows, must be multiplied by a large and arbitrary co-efficient to give us an approximate measure of the total number of breeding females actually present or of pups born; and all errors in the former counts are multiplied in the process.

The count of pups is open to one objection only—to wit, the laborious character of the operation and the attendant errors and discrepancies of individual observers.

The following counts were made during the last week in July by Mr. Macoun and Mr. Clark :—

	Live Pups.	Dead Pups.	Total.
Ketavie	5,163	126	5,289
Lagoon	2,528	70	2,598
Zapadnië Reef	2,971	70	3,041
Pelagica Cliffs	2,119	(51)	2,200
Arizumun	29	10	736
Total	13,597	327	13,864

On the 13th August (the count for 1896 was made on the 15th August) I repeated the count on Ketavie, and on the 16th I repeated that on Zapadnië Reef. I had no reason to anticipate a result materially different from the former one, and I was very reluctant to cause the disturbance of the rookeries that the count entails, but the paramount importance of the matter seemed to justify a repetition. Colonel Murray at once, and in the kindest way, authorized the work, and Mr. Lucas and the younger members of Dr. Jordan's staff were equally kind and ready to perform it with me.

Accordingly, Mr. Lucas, Mr. Adam, Mr. Warren, and I, counted the pups on Ketavie on the 13th August, and spent the whole day in doing so. The day was rough—a circumstance in our favour, for the waves kept the pups on land or in the sheltered pools. Mr. Lucas and I kept tally, patch by patch; the younger men fought off the bulls and assisted us by searching out the numerous straggling pups that hid under boulders and in crevices of the rocks. My total for the whole rookery came to 5,534 live pups, while Mr. Lucas counted 5,577. The discrepancy arose at two crowded points—one in the first or western portion of the rookery, where I counted some 20 more than Mr. Lucas, and again in the amphitheatre, where, as a great mass of pups passed quickly by us in a long procession, Mr. Lucas counted 1,318, and I only 1,217. Though certainly neither of us counted pups that we did not see, it is convenient to accept the mean of the two results—viz., 5,555, an excess of 392 over the former count by Messrs. Clark and Macoun. It is very probable, and indeed more than probable, that this excess over the number found at the end of July is to be in part attributed to additions made by new births in the interval; for we have it on Dr. Jordan's authority (Report, 1896, p. 23) that "the birth of pups extends from early in June until the middle of August, with probably scattering births as late as the first week in September." But such belated births were not actually conspicuous during the progress of our count, and I am inclined to attribute the greater part of the large discrepancy firstly to the fact that it was easier to explore the rookery than it had been a fortnight before, and that on the day in question we had not to face the countervailing difficulty from pups going out into the water to swim; and secondly, to the great care that our younger colleagues took in hunting out all hidden stragglers among the rocks.

On the previous day Messrs. Lucas, Warren, and Adam had counted 202 dead pups on the same rookery, and to this number we added 3 during our count on the 13th—that is to say, we found altogether 5,555 live and 205 dead pups, where Messrs. Macoun and Clark had counted 5,055 live and 126 dead.

On Zapadnië Reef, on the 16th August, Mr. Lucas and I, assisted by Messrs. Farmer and Warren, attempted a similar recount with an unsatisfactory result. The pups were swimming actively and in large numbers, and our count was constantly perturbed as they swam back and forwards along the front of the straight and narrow rookery. We counted 2,716, where Messrs. Macoun and Clark had found 2,971.

It did not seem necessary to recount the Lagoon. The conditions there are essentially similar to those on Zapadnië Reef, and different from those on Ketavie; there was no reason to suppose that on either of the former small rookeries the advanced period of the season should be the more favourable for a count, in the same way as we had shown it to be in the case of the larger and less accessible stretch of ground, with its many rocks and gullies, at Ketavie.

Replacing, then, in the case of Ketavie, the count made by Mr. Lucas and me for that of Messrs. Clark and Macoun, and leaving in the other cases the original count of these gentlemen, we may state the case in tabular form:—

	1896.			1897.			Percentage Change since last Year.
	Live Pups.	Dead Pups.	Total.	Live Pups.	Dead Pups.	Total.	
Ketavie ..	5,200	109	6,019	5,555	205	5,760	- 4.8 per cent.
Lagoon ..	2,106	78	2,484	2,528	79	2,598	+ 4.6 ..
Zapadnië Reef ..	3,758	101	3,852	2,971	76	3,040	- 21.5 ..
Polovina Cliffs ..	2,115	51	2,496	2,149	51	2,200	- 11.9 ..
Ardeguen ..	650	2	652	726	10	736	+ 12.8 ..
			15,513			14,341	- 9.1 per cent.

The increase in Avdigen is a matter of no very great importance, inasmuch as the place is merely a small and artificially delimited portion of a great rookery, which rookery as a whole has certainly not increased. The fall in the case of Zapadnië Reef is a very serious one, and it tallies with the count of harems, which were estimated this year at 114 against 176 last year. Both here and at Polovina Cliffs we seem to have an example of the outlying fringe or extension of a rookery showing signs in a period of diminution of greater loss than the main rookery itself has yet sustained.

While the above Table shows a total or average diminution of 9.1 per cent., yet it behoves us to be very careful in applying, and to regard as very imperfect indeed, the results of any such simple method of summation and average. We are dealing with very unequal factors, with rookeries or portions of rookeries very different in extent and very different in the signs they manifest of change. We are confronted by one not unimportant discrepancy of observation. We are leaving out of account altogether the greater rookeries, which are the mainstay of the supply, and which transcend our powers of direct communication. And lastly, we have here and hitherto omitted to take into account a factor that time may show to be of very considerable importance, to wit, a tendency on the part of the cows to fluctuate from year to year in their movements, and to frequent now one and now another rookery. The few observations that have been made on this matter were made this year before my arrival on the islands, and I take my information from the following account communicated by Mr. J. Macoun:—

"The female when she lands goes, if possible, to that rookery or part of a rookery on which the greatest number of seals is congregated, so that the seals might wholly disappear from the small straggling rookeries while thousands remained on the larger, more compact ones.

"There was never any evidence in support of the theory that young seals returned to the rookeries upon which they were born, nor even that the females returned to the rookeries upon which they had been impregnated the previous year, though there was a natural presumption in favour of the latter theory. Observations in 1897, however, show that this is not the case. A few female seals (nine in number, according to Dr. Jordan, Report, 1896, p. 62) were branded on North Rookery, St. George Island, in 1896. Two of these were seen in 1897, one on East Rookery, St. George Island, the other on Zapadnië Rookery, St. Paul. None were seen on the rookery upon which they were branded. One of two branded on Lukannon Rookery in 1896 was seen to land there in 1897 by Mr. Clarke, but it was lost sight of. So that what data we have goes to show that female seals not only do not usually return to the rookeries on which they were the previous year, but that sometimes at least they go to another island."

The weather on the Pribyloff Islands during the summer of 1897 was exceptionally fine, with a marked absence of gales during June and July, and unusual periods of bright warm sunshine. We have no evidence of a direct influence on the distribution of the seals of the exceptional conditions of weather and temperature, but it would not be unreasonable to suppose it at least possible that such conditions might render more frequent or more protracted the animals' excursions to the open sea.

The Dead Pups.

The count of dead pups was not repeated on all the rookeries this year.

For those rookeries or parts of rookeries on which it was made, the following Table shows the number found last year and this:—

[1903]

C

	1896	1897.
Ketavie	109	205
Lakamon	205	251
Lagoon	78	70
Zapadnie Reef	304	70
Ardugen	2	10
Tolstoi, sand-flat and beach	1,493	591
Zapadnie, gully and beach adjacent	1,151	682
Total	3,444	1,881

The most important point indicated in this Table is the falling off in the great mortality observed last year on the sandy flats and gullies of Tolstoi and Zapadnie, which spots came last year to be called the "death-traps." In the case of Tolstoi it is certain that the immediate neighbourhood of the sandy area under consideration was this year sparsely inhabited as compared with last year; the difference was plain even at the date of my visit, and is indicated in the photographs. For Zapadnie I cannot speak positively to the same effect, as neither my memory nor the photographs record very precisely the distribution of the breeding seals on these small areas last year. The main facts are that in these two localities a loss was suffered still great, though, especially on Tolstoi, much less than last year; but that on the whole a heavy mortality of pups was witnessed, which as before was plainly independent of and antecedent to any effects of pelagic sealing.

A very important result of this summer's work has been the discovery of a cause hitherto unsuspected, contributing in large measure to this mortality.

During last winter Dr. Stiles, a well-known American helminthologist, reasoning from the very high mortality of the pups on sandy as compared with that on the rocky areas, suggested to the American Commissioners that a cause of the mortality might be found in a parasitic worm of the genus *Uncinaria* (*Dachnias*), which passes a portion of its life-history in sand, and of which one species is known to be a common and fatal parasite of young puppy-dogs. This fruitful and ingenious suggestion has been found correct. The worm is exceedingly minute, and I do not wonder that neither it nor its attendant symptoms were discovered last year by Mr. Lucas and me, who are neither of us skilled in the matter of parasitic diseases. This year Mr. Lucas devoted himself in particular to a study of the animal, and has preserved material for a full investigation of its structure and of the tissues affected. The worm inhabits the small intestine, where it lives, not on the food-material contained in the gut, but by sucking blood from the intestinal walls. Its presence is marked by small clots and extravasations of blood in the walls of the intestine, while attendant symptoms are emaciation of the body and a pale anemic condition of the muscles. On Tolstoi in particular, and also on Zapadnie, I saw this year one case after another where, on dissection, these symptoms were present and the worms found. Many such cases we undoubtedly mistook last year for cases of starvation, and many deaths, whose immediate cause is injury by crushing, probably take place when the pup is weakened by the parasite.

The main point of which we are thus made aware is that there exists a disease of an epidemic character, of which we can only say as yet vaguely that it at least constitutes a heavy check on the increase of the herd. As it is certain that the seals prefer the rocky to the sandy areas, and only overflow on to the latter for want of space elsewhere, it is reasonable to assume that this check operates with rapidly increasing force in those times when the herd is most prosperous and dense. And it is more than probable that, like other epidemics, this one is of a fluctuating character, and, under certain conditions of temperature, or of moisture, or combination of circumstances of which we know nothing, may at times result in loss still more serious than that we have witnessed. The fact that in 1892 Mr. Macom saw about 4,000 dead pups on the spot where last year we saw 1,493 and this year 593, is very suggestive.

And, furthermore, the existence of this cause of death gives us the right, though in what measure we do not know, to deduct to a very considerable extent from the number of pups that die in the latter part of the season when we seek to estimate the loss due to starvation as a result of pelagic slaughter of the cows. It was shown last year that one-half of the mortality of pups occurred before pelagic sealing could exert its influence, but we do not know at what period, if at any period, of infancy the parasite ceases to be fatal to the pup. The presumption is certainly strong that to this epidemic cause is due

a very considerable proportion of that moiety of deaths which do not constitute but only include the loss from pelagic sealing.

The Catch on the Pribyloff Islands.

The following Table shows the number of seals killed on the islands during the season of 1897, together with the small number taken for food in the autumn of 1896; it shows also the total number of seals included in each drive, the numbers rejected as being over or under the proper size, the percentage thereby left for slaughter, and the average weight of the skins obtained:—

STATISTICS of Killing on St. Paul Island, 1896-97.

Date.	Roekery.	Killed.	Rejected.		Per cent. killed.	Average weight in lbs.
			Large.	Small.		
Food skins since August 1896		1,701	..	..	..	..
1897						
June 15	Reef	492	144	119	65.1	..
" 18	Zapadne	316	130	26	66.9	9
" 23	Zoltoi Reef, Lukannon	708	556	181	48.9	7.7
" 26	Tolstoi, Middle Hill, English Bay	1,098	402	214	66.5	7.4
" 30	North-east Point	790	376	214	57.2	7
July 1	Idito	763	288	224	57.9	..
" 2	Lukannon	208	107	90	51.3	7.7
" 5	Reef, Zoltoi	703	229	175	63.5	7.8
" 6	Tolstoi, Middle Hill, English Bay	1,230	304	306	66.9	7.6
" 8	North-east Point	1,713	355	551	69.3	..
" 9	Polavina	456	97	145	68.2	7.5
" 12	Reef, Lukannon	804	140	638	50.8	..
" 14	North-east Point	1,219	216	661	58.7	..
" ..	Zapadne	886	394	586	47.5	7.8
" ..	Middle Hill, English Bay	297	180	112	53.4	8
" 15	Reef, Zoltoi, Lukannon	988	377	1,174	38.9	7
" 22	North-east Point	1,322	500	2,047	31.1	..
" 23	Polavina	274	161	698	21.2	8.5
" 24	Reef, Lukannon	526	352	1,380	23.3	7.4
" 26	Zapadne	544	491	890	27.1	8.3
" 27	Tolstoi, Middle Hill	199	24	545	20.6	..
" 29	North-east Point	268	298	1,114	15.9	..
" 30	Idito	276	383	708	17.6	..
" 31	Polavina	108	118	456	15.8	7.9
Aug. 2	Reef, Lukannon	418	350	1,410	18.9	8
" 5	Middle Hill, English Bay	104	150	376	15.9	7.7
" 7	Reef	172	200	486	20.0	7

Including all animals killed, whether the skins were accepted by the Company or not. The rejected skin numbered 131.

STATISTICS of Killing on St. George Island, 1896-97.

Date.	Rookery.	Killed.	Rejected.		Per cent. killed.	Average weight in lbs.
			Large.	Small.		
1896						
Aug. 8 to	Food-kins	137	..	..	..	..
Nov. 30						
1897						
May 23 ..	.. North	22	..	..	..	..
June 4 ..	.. East	19	..	..	..	..
June 13 to	.. watchmen, Zapadne	32	..	..	..	..
Aug. 9						
June 13 to	.. East	10	..	..	..	..
Aug. 5						
		266				
June 16 ..	.. East	150	94	159	37.3	..
.. 25 ..	.. Zapadne	143	74	192	34.5	..
July 3 ..	.. Staraya Atd	70	24	330	16.6	..
.. 7 ..	.. East	227	41	711	22.5	..
.. 13 ..	.. North and Staraya Atd	250	54	645	20.4	..
.. 16 ..	.. East	209	34	690	22.4	7.1
.. 19 ..	.. Zapadne	104	71	564	14.4	..
.. 22 ..	.. East, North, and Staraya Atd	391	82	1,620	18.7	7.4
Aug. 2						
.. 3 ..	.. East	179	49	591	21.6	..
.. 4 ..	.. Staraya Atd and North	154	..	..	..	..
.. 10 ..	.. Staraya Atd, North, and East	297	..	..	..	..
.. 11 ..	.. Zapadne	47	..	..	..	..
Total		3,664				

For the season 1896-97, the two islands yielded, as the above Table shows, 31,883 skins against 31,995 for the preceding season; the Island of St. Paul yielded 18,520 as against 23,842, that of St. George 2,353 as against 6,163. Last year the catch amounted to the full number permitted by law; this year the lessees were permitted to take as many males of the usual size as they could get, under the supervision of the United States' Treasury Agents on the Islands.

Were the catch upon the islands strictly limited to the seals of a given year, the comparison of such figures would leave little more to be said; but the case is not so. Together with the 3-year olds, which constitute the main bulk of the catch, it is the custom to take such 2-year olds as approximate to them in size, and such older seals as do not yet exhibit a coarser fur. There is thus in all seasons a certain latitude of which the lessees may more or less avail themselves; and it is quite conceivable that, apart from, and far short of, any danger to the future supply of breeding bulls, they may in any one year so far encroach upon the outer limits of the regulation size, as to leave for the ensuing year the appearance of a diminished crop, without any actual or proportionate decrease in the size of the general herd.

There are four possible interpretations of the diminished catch that may be considered in the light of other evidence.

The diminution of the catch may be assumed as a fair indication and measure of a diminished herd; or the catch of 1895 may have been inflated, either at the expense of this year's, or from a surplus accumulated in the years before; or, lastly, the catch of last year may have been a normal one, and that of this year may have been artificially and unnecessarily restricted by the lessees. The first simple hypothesis cannot be admitted. The decrease of the catch is, according to all our observations of the rookeries, and all the statistics of bull's, barrens, and pups counted thereon, very much beyond the visible or measurable decrease of the general herd.

The catch on the islands this year was not limited by law, but only by the judgment of the Company's agents, acting under the supervision of the agents of the United States' Treasury. Bearing in mind the present low price of seal-skins, and the small margin of profit that can be left after payment of the dues to the American Government, it is not unreasonable to inquire whether a greater number of skins might not have been taken than was actually the case. In answer to this hypothesis, I may say that, except on Zapadne (St. George), where I think another couple of hundred might have been

taken, I saw nowhere on the islands after the killing season had ended, any considerable number of "killable bachelors;" that at the single drive which I attended, from East Rookery, the seals killed and the seals rejected were precisely such as were taken or rejected last year; and that my colleague, Mr. Macoun, told me he also could see no signs of artificial restriction of the catch at any of the earlier drives on St. Paul Island, which it was part of his business to inspect. There was, on the contrary, greater industry, I think, exhibited this year than last year in making up the quota, as may be seen from the greater number of drives made upon the several rookeries.

NUMBER of Drives from each Rookery.

Rookery	Number of Drives—	
	1896.	1897.
St. Paul Island—		
Uluamanu and Keleke	4	4
Talotoi, including Middle Hill	4	5
Zapadne	1	4
Rod	6	8
Polovani	2	6
North-east Point	1	5
	19	30
St. George Island—		
North	4	4
East	4	6
Zapadne	4	2
Stavva Ahi	4	5
	15	17
Total	34	47

I believe, in accordance with all the above facts, that the catch on the islands for this season was a fair one, in reasonable accord with the available supply.

As regards last year's catch, there can be no reasonable doubt that it was enhanced by an overplus from the two previous years, in each of which only 45,000 skins were permitted to be taken. That it encroached unduly on what should more properly have been this year's catch, we have no evidence, though we may recall the fact that in last year's Report it was stated that St. George was drawn upon "to the utmost," while on St. Paul's the number taken might have been considerably exceeded, as bearing on the heavier drop apparent this year in the catch upon St. George.

To sum up, it is my opinion:—

1. That the ratio of the catch of 1897 to that of 1896 is not a fair proportionate measure of, but is largely in excess of, the actual diminution of the general herd, and that we are thrown back on other sources of information to determine the measure of the actual diminution.

2. That the killing on the islands was conducted in both years in a fair manner, that the skins taken were such as it was intended the lessees should take, and that there is no evidence that in the season of 1897 they could safely or properly have taken more.

3. That the number taken in the years immediately preceding 1896 was below the natural yield of the islands, and that in a proportionate manner the catch of 1896 was abnormal and unfitted for strict comparison with that of 1897.

We may continue our examination of the same Tables in the attempt to draw from them further inferences.

The weight of the skins is not given in detail, but merely as an average. In the case of St. George Island, for which we have the weights given in conjunction with 150 drives only, I am informed by Mr. Judge that the skins were weighed in batches of 10,

and that the average weight of the skins in each batch ranged on the first occasion from 6 lb. to 7.8 lb., and on the second from 6.65 to 8.3 lb. This indicates, in the case of St. George Island, a considerable number of small skins, doubtless of 2-year old seals. The average over all for the two islands is a little under $7\frac{1}{2}$ lbs. In the only case where I was able to obtain similar statistics for the Commander Islands, namely, at Karabelnoye Rookery, the average of about 800 skins was about $8\frac{1}{2}$ lbs., and 152 of these skins weighed 10 lbs. or over, the two largest weighing 18 lbs. each; no skins, however, under 7 lbs., were recorded here.

Whatever be the causes, it is abundantly clear that the supply of bachelors was this year greatly reduced as compared with last year. The one single rookery from which a greater number were taken this year than last was Zapadnié, St. Paul Island. Last year a single drive only was made from this rookery, which yielded 784 skins: the rookery, as I mentioned in last year's Report, lay partly fallow. This year three drives were made, and yielded 1,716 skins. It deserves to be added that in 1894 and 1895 two drives in each year from the same rookery yielded 1,770 and 1,695 skins.

On North-east Point the fall this year is from 9,396 to 7,321 skins, but it took five drives to obtain them as against four last year, and on the first three occasions this year, the total number *driven* was not equal to the number *killed* in the corresponding drives last year.

DRIVES ON NORTH-EAST POINT, 1896-97.

Drive.	Number killed, 1896.	Number killed, 1897.	Total Number driven, 1897.
No. 1	2,822	1,493	2,595
.. 2	2,505	1,713	2,609
.. 3	2,214	1,240	2,125
.. 4	1,855	1,322	3,869
.. 5	..	514	3,217
	9,396	7,321	

At Pelavina, the falling off is more serious; here last year two drives yielded 1,546 skins, this year three drives yielded 848.

At Zapadnié (St. George), 1,122 skins were got in three drives last year, 244 in four drives this year; and though I have said above that I think somewhat more could have been got on this rookery, yet it is noteworthy that at the second killing 563 seals were rejected as too young and only 14.1 per cent. of those driven were killed.

The Pelagic Fleet.

The Canadian fleet consisted this year of the following thirty vessels, against sixty-four in the season of 1896. The result of their fishing is not yet known:—

No.	Vessels.	Tons.	No. of Licence.	Masters.	Cleared for—	Remarks.
1	Mary Taylor ..	46	1	F. Cole ..	Behring Sea ..	From Victoria.
2	Casco ..	63	2	C. Le Blanc ..	" " " "	Via Japan.
3	Mermaid ..	73	5	J. W. Anderson ..	" " " "	" "
4	Urabrina ..	99	6	C. Campbell ..	" " " "	" "
5	Annie E. Paint ..	32	8	A. Bissett ..	" " " "	" "
6	Geneva ..	92	9	W. O'Leary ..	" " " "	" "
7	Ainoko ..	75	10	G. Hentz ..	" " " "	From Victoria.
8	Carlotta G. Cox ..	76	11	W. D. Byers ..	" " " "	Via Japan.
9	Director ..	87	13	F. W. Gilbert ..	" " " "	" "
10	Borealis ..	37	14	A. Nelson ..	" " " "	" "
11	E. B. Marvin ..	96	15	C. I. Harris ..	" " " "	From Victoria.
12	Triumph ..	98	17	C. N. Cox ..	" " " "	" "
13	Pioneer ..	66	18	W. E. Baker ..	" " " "	Via Copper Island.
14	Sadie Turpel ..	56	19	A. S. Crane ..	" " " "	Japan.
15	Vera ..	60	22	W. T. Brazz ..	" " " "	" "
16	Penelope ..	70	26	D. G. Macauley ..	" " " "	From Victoria.
17	Beatrice ..	66	27	W. Hentz ..	" " " "	" "
18	Dora Siewerd ..	93	30	H. F. Siewerd ..	" " " "	" "
19	Zillah May ..	66	31	S. Galeen ..	" " " "	" "
20	Otto ..	86	32	J. McLeod ..	" " " "	" "
21	Minnie ..	16	31	V. Jacobson ..	" " " "	" "
22	City of San Diego ..	46	31	D. Martin ..	" " " "	" "
23	Aricus ..	80	35	P. Martin ..	" " " "	" "
24	Ocean Belle ..	83	36	R. Cox ..	" " " "	" "
25	Enterprise ..	69	37	J. W. Todd ..	" " " "	" "
26	Teresa ..	63	38	G. Meyer ..	" " " "	" "
27	Fawn ..	59	40	M. Foley ..	" " " "	" "
28	South Bend ..	21	42	C. F. Dillon ..	" " " "	" "
29	Victoria ..	63	41	R. Baleen ..	" " " "	" "
30	Favourite ..	80	45	L. McLean ..	" " " "	" "

From Victoria, B.C., to Behring Sea direct ..	..	..	..	..	19
From Japan to Behring Sea ..	..	..	..	..	10*
From Victoria, B.C., to Copper Island ..	..	..	..	..	1*
Total ..	..	..	..	..	30

Mr. Macoun's Observations on Seals caught at Sea.

On the 11th and 12th August Mr. Macoun, cruising in Her Majesty's ship "Pheasant," obtained from four schooners the bodies of forty-six female seals. The uteri were removed from the carcasses and preserved for further investigation. They will be carefully examined, in order to discover what proportion were virgin, what proportion pregnant, what had recently given birth to young, and other matters of the same nature. From Mr. Macoun's brief notes, with which he has furnished me, it appears that milk was present in the mammary glands of 23 and absent or imperceptible in an equal number; the uterus was swollen and thickened in 31, and apparently normal, showing no signs of pregnancy in 13; in one case it was atrophied or diseased. The stomach is noted as empty in 29 cases, and full of fish and squid in 13; the colour of the whiskers is noted in 14 cases—in 5 of these the whiskers were white, that is to say the seals were fully adult; in all of these cases the uterus was enlarged, but in 2 of these milk was not perceptible; in 5 others, probably old seals, the whiskers were grey, and again in all of these the uterus was enlarged, though again in 2 cases milk was not observed in the mamma; in the remaining 4 the whiskers were black, a sign of youth, and in 3 of these the uterus is described as normal or not enlarged, though in 1 of these milk is said to have been present.

These results are in the meantime imperfect and tentative, but they go to show, as might be expected, that among the females included in the pelagic catch a very considerable number, approximating to a third, were young females that leave no young to run the risk of starvation.

I regret that when I afterwards cruised in the sea on board Her Majesty's ship

* This number may not all have gone into Behring Sea.

"Amphion," of five schooners which we boarded four had their hunters idle on board on account of rough weather, and none of the five had any carcasses to supply us with.

Conclusion.

In my Report of last year I brought evidence to show that the condition of the rookeries was at least vastly better than we had been led to expect by the statements of certain recent observers. I said that the breeding rookeries had undoubtedly decreased since 1892, when trustworthy photographs began to be taken, and when Her Majesty's Commissioners visited the islands; and I estimated (p. 17) the existing herd to be in all probability about one-third as great as it had been in the days of its abundance in the time of the Alaskan Commercial Company. On the other hand I maintained that, though when multiplied into a term of years a diminution was perceptible, yet no such decrease had taken place within a single year as either photographs or any extant statistics enabled us to measure or even demonstrate. It was the main object of our second journey to the islands to discover, on the better basis of our former work, whether the annual decrease were, indeed, a measurable one. The answer is in the affirmative.

In an aggregate count of pups to the number of over 14,000 on five different rookeries, there was found to be a mean decrease of a little over 9 per cent, since 1896. On the largest and most typical of these rookeries, viz., Ketavie, the loss is 4.8 per cent.; on two other and smaller rookeries, each an outlier of a greater one, the loss is from nearly 12 to over 21 per cent. On the small and isolated rookery of the Lagoon there is an increase of 4.6 per cent., and on Ardiguen, a very small and artificial sub-division of the great Reef rookery, the count of pups shows an increase of 12.8 per cent. The count of bulls and harems, itself a much less trustworthy guide, points in the same direction; and on certain of the more populous rookeries, in particular on North-east Point and on Polavina, I am bound to admit that the decrease was patent to the eye. I was not a little surprised to find so manifest a diminution.

During the twelvemonth in question, the loss to the breeding herd by the net of man is measured by a catch of some 29,000 in Behring Sea (including about 3,000 taken by American schooners) during the summer and autumn of 1896, and a catch of some 6,000 on the British Columbian Coast in the spring of 1897. If we admit, for argument sake, even so high a proportion as 80 per cent. of these seals to have been females, we have to suppose a loss to the herd by capture of only some 28,000 females; and we may further see the result of Mr. Macom's observations in the sea (*vide supra*, p. 13) as ground for supposing that one-third of these were probably young or non-breeding females, leaving a total loss of less than 19,000 adult individuals taken from the breeding herd. Now if we are to take our count of pups as good evidence of a decrease since last year of 9.1 per cent., that is to say, a decrease to that extent among the breeding females of the herd, and if we may still trust to our very careful estimate of 143,000 as representing the number of females that brought forth pups last year, this is as much as to say that a loss of 13,000 breeding females has been sustained in the interval by the herd. In other words, our figures tell us that in this still immense herd the course of nature has only added in the year some 6,000 mature breeding females to the rookeries against, that is to say, towards the replacing of, the 19,000 that man has taken away. This result is paradoxical, and the apparent diminution of the herd that our figures show is, in my opinion, out of proportion to, and more than can be explained by, the destructive operations of the year.

I can call to mind no other animal whose numerical abundance and fluctuations are open to observation as are those of the fur-seal. It is the only animal in the world of whose actual numbers we have something like a definite idea. Nevertheless, my experience of a second year renders me inclined to trust less confidently than before to the accuracy of the figures that even here the most industrious observer can obtain.

On the larger rookeries a count of the pups is impossible, and on the smaller ones there is a very brief period during which it can be performed; the difficulty of entering the rookeries with freedom has scarcely disappeared when the growing activity and swimming power of the pups throws new difficulties in the way. Experience shows that the results of different observers are often widely discrepant.

Moreover, in all their circumstances the various rookeries are very different one from another. We found last year surprising differences in the different rookeries in regard to the early mortality of the pups, and again other differences in regard to the later mortality; and this year we found very great differences indeed in the apparent

change that has taken place since a year ago. We are forced again and again to select approximate figures, and we are apt afterwards to forget their vagueness and to treat them as precise; and in our summary of separate results, extremely different, we are constrained to adopt averages, though we have no knowledge of our right to use so simple an arithmetic.

It is safe to say that the breeding herd has diminished by 5 per cent. since 1896; we may, I believe, reasonably presume that the decrease is somewhat greater than this; but I do not think we need or ought to ascribe to the decrease a preciser figure.

But whether we confine ourselves to a diminution of 5 per cent. that, I think, has indubitably taken place, or permit ourselves to consider the possibility or probability of the diminution having been greater still, it behoves us to remember that a remedy has already been automatically applied in the reduction of the pelagic fleet to less than one-half its numbers of a year ago. The tendency is to equilibrium. The total pelagic catch for this year is not likely to exceed 20,000 against 30,000 last year; and it may be that, with a catch so greatly diminished, the point of equilibrium has been at length attained.

(Signed) D'ARCY W. THOMPSON.

UNITED STATES, No. 1 (1898).

Despatch from Professor D. Argy Thompson
forwarding a Report on his Mission to Helig
Sea in 1897.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. January 1898.*

LONDON:
PRINTED BY HARRISON AND SONS.

JOINT STATEMENT OF CONCLUSIONS

SIGNED BY THE

BRITISH, CANADIAN, AND UNITED STATES' DELEGATES

RESPECTING THE

FUR-SEAL HERD FREQUENTING THE PRIBYLOFF
ISLANDS IN BEHRING SEA.

*Presented to both Houses of Parliament by Command of Her Majesty,
January 1898.*

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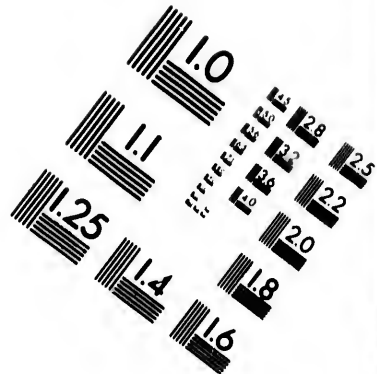
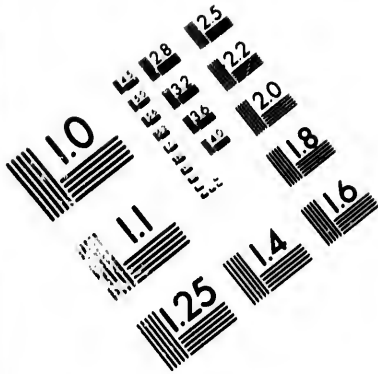
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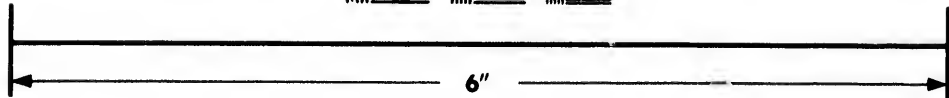
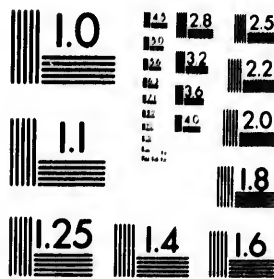
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Joint Statement of Conclusions signed by the British, Canadian,
and United States' Delegates respecting the Fur-Seal Herd
frequented the Pribyloff Islands in Behring Sea.

Professor Thompson to the Marquess of Salisbury.—(Received November 24.)

My Lord,

Washington, November 16, 1897.

I HAVE the honour to transmit to your Lordship a Joint Statement of Conclusions regarding the fur-seal herd of the Pribyloff Islands which has to-day been completed and signed by all the Delegates.

Your Lordship will perceive that we agreed upon specific statements that a certain number of females may be taken without actually diminishing the herd, that the diminution of the herd is far from a stage involving or threatening the extermination of the species, and that under the methods in force upon the islands, and safeguarded by the protected zone at sea, pelagic sealing can never accomplish this final end; further, that the pelagic industry is conducted in an orderly manner and in a spirit of acquiescence in the limitations imposed by the law.

On the other hand, we have, unhappily, to record a decrease in the herd, and a still greater decrease of the pelagic industry.

I have, &c.

(Signed) D'ARCY W. THOMPSON.

Inclosure.

Joint Statement of Conclusions respecting the Fur-Seal Herd frequented the Pribyloff Islands in Behring Sea.

THE Undersigned, duly empowered Delegates, engaged during recent years in the investigation of the condition and habits of the fur-seal herd frequented the Pribyloff Islands in Behring Sea, viz:—

On behalf of the United States,
CHARLES SUMNER HAMLIN, and
DAVID STARR JORDAN;
On behalf of Great Britain,
D'ARCY WENTWORTH THOMPSON;
On behalf of Canada,
JAMES MELVILLE MACOUN;

have met in Conference under instructions from our respective Governments. Under these instructions we were directed:—

“To arrive, if possible, at correct conclusions respecting the numbers, conditions, and habits of the seals frequented the Pribyloff Islands at the present time compared with the several seasons previous and subsequent to the Paris Award.”

As a result of such Conference, now completed, we, the above-named Charles Sumner Hamlin, David Starr Jordan, D'Arcy Wentworth Thompson, and James Melville Macoun, find ourselves in accord on the propositions contained in the following joint Statement of conclusions respecting the fur-seal herd frequented the Pribyloff Islands, and make this our Report:—

JOINT STATEMENT.

1. There is adequate evidence that, since the year 1884, and down to the date of the inspection of the rookeries in 1897, the fur-seal herd of the Pribiloff Islands, as measured either on the hauling grounds or breeding grounds, has declined in numbers at a rate varying from year to year.

2. In the absence for the earlier years of actual counts of the rookeries such as have been made in recent years, the best approximate measure of decline now available is found in these facts:—

(a.) About 100,000 male seals of recognized killable age were obtained from the hauling grounds each year from 1871 to 1889. The Table of Statistics given in Appendix I shows, on the whole, a progressive increase in the number of hauling grounds driven and in the number of drives made, as well as a retardation of the date at which the quota was obtained during a number of years previous to 1889.

(b.) In the year 1896, 28,961* killable seals were taken after continuing the driving till the 27th July, and in 1897, 19,189 after continuing the driving till the 11th August. We have no reason to believe that during the period 1896 and 1897 a very much larger number of males of recognized killable age could have been taken on the hauling grounds.

The reduction between the years 1896 and 1897 in the number of killable seals taken, while an indication of decrease in the breeding herd, cannot be taken as an actual measure of such decrease. A number of other factors must be taken into consideration, and the real measure of decrease must be sought in more pertinent statistics drawn from the breeding rookeries themselves.

3. From these data it is plain that the former yield of the hauling grounds of the Pribiloff Islands was from three to five times as great as in the years 1896 and 1897, and the same diminution to one-third or one-fifth of the former product may be assumed when we include also the results of hunting at sea.

4. The death-rate among the young fur-seals, especially among the pups, is very great. While the loss among the pups prior to their departure from the islands has been found in the last two years to approach 20 per cent. of the whole number born, and though the rate of subsequent mortality is unknown, we may gather from the number which return each year that from one-half to two-thirds have perished before the age of three years—that is to say, the killable age for the males and the breeding age for the females.

5. The chief natural † causes of death among the pups, so far as known at present, are as follows, the importance of each being variable and more or less uncertain:—

(a.) Ravages of the parasitic worm, *Uncinaria*, most destructive on sandy breeding areas and during the period from the 15th July to the 20th August.

(b.) Trampling by fighting bulls or by moving bulls and cows, a source of loss greatest among very young pups.‡

(c.) Starvation of pups strayed or separated from their mothers when very young or whose mothers have died from natural causes.

(d.) The ravages of the great killer (*Orca*), known to be fatal to many of the young, and perhaps also to older seals.

At a later period drowning in the storms of winter is believed, but not certainly known, to be a cause of death among the older pups.

6. Counts of certain rookeries, with partial counts and estimates of others, show that the number of breeding females bearing pups on St. Paul and St. George was, in 1896 and 1897, between 160,000 and 130,000, more nearly approaching the higher figure in 1896 and the lower in 1897.§

7. On certain rookeries, where pups were counted in both seasons, 16,241 being

* The nominal quota of 30,000 for 1896 and of 20,990 for 1897 included food skins taken in the fall of 1895 and 1896.

† That is to say, not including losses ensuing from the killing of mothers at sea.

‡ The number of dead pups counted on the rookeries between the 8th and 14th August in 1896, was 11,045. It is recognized that this number is an underestimate, inasmuch as a greater number must have been overlooked than were counted twice. It is also recognized that the great majority of these pups died from the attacks of the worm *Uncinaria*.

§ The importance of this source of loss we now find to be much less than was supposed to be the case from the investigations made in 1896. (See Reports for 1896, Jordan, p. 45; Thompson, p. 20; Macoun, MSS.)

§ For detailed account of the census of 1896, see Jordan, Preliminary Report for 1896, p. 15; Thompson, Report for 1896, p. 19; Macoun, Report, 1896, MSS. For a discussion of suggested corrections to the census of 1896, Jordan, Final Report, 1897. For details of the census of 1897, see Thompson, Report, 1897; Macoun, Report, 1897; Jordan, Report, 1897. A correction to be made in the census of 1896 arises from the agreed assumption that the total number of breeding females was 1.75 times the number seen in the height of the season. Later observations show that the actual total is at least twice the maximum number ever seen at once on a rookery.

found in 1896, and 14,318 in 1897, or applying a count adopted by Professor Thompson, 14,743 in the latter year, there is evident a decrease of 9 or 12 per cent. within the twelvemonth in question. The count of pups is the most trustworthy measure of numerical variation in the herd. The counts of harems, and especially of cows present, are much inferior in value. The latter counts, however, point in the same direction. The harems on all the rookeries were counted in both seasons. In 1896 there were 4,932; in 1897 there were 4,418, a decrease of 10.41 per cent. The cows actually present on certain rookeries at the height of the season were counted in both seasons. Where 10,198 were found in 1896, 7,307 were found in 1897, a decrease of 28.34 per cent.*

8. It is not easy to apply the various counts in the form of a general average to all the rookeries of the islands. We recognize that a notable decrease has been suffered by the herd during the twelvemonth 1896 to 1897, without attempting, save by setting the above numbers on record, to ascribe to the decrease more precise figures.

9. The methods of driving and killing practised on the islands, as they have come under our observation during the past two years, call for no criticism or objection. An adequate supply of bulls is present on the rookeries; the number of older bachelors rejected in the drives during the period in question is such as to safeguard in the immediate future a similarly adequate supply; the breeding bulls, females, and pups on the breeding rookeries are not disturbed; there is no evidence or sign of impairment by driving of the virility of males; the operations of driving and killing are conducted skillfully and without inhumanity.*

10. The pelagic industry is conducted in an orderly manner and in a spirit of acquiescence in the limitations imposed by the law.

11. Pelagic sealing involves the killing of males and females alike, without discrimination and in proportion as the two sexes coexist in the sea. The reduction of males effected on the islands causes an enhanced proportion of females to be found in the pelagic catch; hence this proportion, if it vary from no other cause, varies at least with the catch upon the islands. In 1895 Mr. A. B. Alexander, on behalf of the Government of the United States, found 62.3 per cent. of females in the catch of the "Dora Seward" in Behring Sea, and in 1896 Mr. Andrew Halkett, on behalf of the Canadian Government, found 84.2 in the catch of the same schooner in the same sea. There are no doubt instances, especially in the season of migration and on the course of the migrating herds, of catches containing a very different proportion of the two sexes.

12. The large proportion of females in the pelagic catch includes not only adult females that are both nursing and pregnant, but also young seals that are not pregnant, and others that have not yet brought forth young, with such also as have recently lost their young through the various causes of natural mortality.†

13. The polygamous habit of the animal, coupled with an equal birth-rate of the two sexes, permits a large number of males to be removed with impunity from the herd, while, as with other animals, any similar abstraction of females checks or lessens the herd's increase, or, when carried further, brings about an actual diminution of the herd. It is equally plain that a certain number of females may be killed without involving the actual diminution of the herd, if the number killed do not exceed the annual increment of the breeding herd, taking into consideration the annual losses by death through old age and through incidents at sea.

14. While, whether from a consideration of the birth-rate or from an inspection of the visible effects, it is manifest that the take of females in recent years has been so far in excess of the natural increment as to lead to a reduction of the herd in the degree related above, yet the ratio of the pelagic catch of one year to that of the following has fallen off more rapidly than the ratio of the breeding herd of one year to the breeding herd of the next.‡

* The extreme irregularity of the number of cows present on the rookeries from day to day, and the consequent invalidity of any comparison of their number is shown by the counts made on Lukania and Kitovi rookeries during the season of 1897. See Appendix II.

† Statements on which to base an estimate of the relative numbers of these several classes are necessarily incomplete, but the following notes may serve as a partial guide:—

Townsend, Report 1895, pp. 46, 47. Alexander, Report 1895, pp. 142, 143. Macoon, Report 1897, MSS. Lucas, Report 1897, MSS.

‡ The catch of the pelagic fleet, Canadian and American, in 1897 in Behring Sea was 16,667 seals. In the summer of 1896 it was 29,500. The aggregate catch which directly influenced the herd of 1897 was 38,922, a number made up by adding to the summer's catch of 1896 the north-west coast catch in the spring of 1897. Up to the present time, accordingly, the pelagic catch already taken (16,667), and operating directly against next year's supply, is 57.12 per cent. less than the pelagic catch which operated against the supply of 1897 (see, also, Appendix I); or, if we compare merely the summer catches, inasmuch as the possible spring catch of 1898 is an unknown factor, we have a reduction of 43.46 per cent.

15. In this greater reduction of the pelagic catch, compared with the gradual decrease of the herd, there is a tendency towards equilibrium, or a stage at which the numbers of the breeding herd would neither increase nor decrease. In considering the probable size of the herd in the immediate future, there remains to be estimated the additional factor of decline resulting from reductions in the number of surviving pups caused by the larger pelagic catch of 1894 and 1895.

16. The diminution of the herd is yet far from a stage which involves or threatens the actual extermination of the species, so long as it is protected in its haunts on land. It is not possible during the continuance of the conservative methods at present in force upon the islands, with the further safeguard of the protected zone at sea, that any pelagic killing should accomplish this final end. There is evidence, however, that, in its present condition, the herd yields an inconsiderable return either to the lessees of the islands or to the owners of the pelagic fleet.

(Signed)

CHARLES SUMNER HAMLIN.
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D'ARCY WENTWORTH THOMPSON.
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APPENDIX I.

STATISTICS regarding Land and Sea Killing, 1871-1897.

Year.	Date quota filled.*	Hauling grounds driven. ²	Number of Drives. ³	Killed on land †	Killed at sea.
1871	.. July 28	.. 46	13	102,960	16,911
1872	.. .. 25	.. 43	30	108,819	5,336
1873	.. .. 21	.. 51	37	109,177	5,229
1874	.. .. 17	.. 61	41	110,585	5,873
1875	.. .. 16	.. 55	37	106,160	5,033
1876	.. August 1 †	.. 36	30	94,657	5,515
1877	.. July 14	.. 41	32	84,310	5,210
1878	.. .. 18	.. 51	35	109,323	5,544
1879	.. .. 16	.. 71	56	110,411	8,557
1880	.. .. 17	.. 78	38	105,718	8,418
1881	.. .. 20	.. 99	34	105,063	10,382
1882	.. .. 20	.. 86	36	99,812	15,551
1883	.. .. 19	.. 81	39	79,509	16,557
1884	.. .. 21	.. 101	42	105,434	16,971
1885	.. .. 27	.. 106	63	105,024	23,040
1886	.. .. 26	.. 117	74	104,521	28,491
1887	.. .. 24	.. 101	66	105,760	30,628
1888	.. .. 27	.. 102	73	103,304	26,189
1889	.. .. 31	.. 110	71	102,617	29,858
1890	.. .. 29 ‡	.. 87	55	28,059	40,814
1891	.. .. ..	(¶)	( )	12,040	59,568
1892	.. .. ..	(¶)	( )	7,511	16,642
1893	.. .. ..	(¶)	( )	7,396	30,812
1894	.. .. August 1	.. ..	..	16,270	61,338
1895	.. .. July 27	.. ..	..	11,846	56,291
1896	.. .. 27	.. 31	21	28,961	13,917
1897	.. .. August 7	.. 42	27	20,890	25,079(¶)

* These figures refer to the hauling grounds of St. Paul.

† These totals include all males killed for any purpose on the islands.

‡ In 1876 the killing was begun at an unusual date, said to be on account of an exceptionally late season.

§ Closed by order of the agent in charge.

¶ Years of the *modus vivendi*.

¶ As reported to date.

UNITED STATES, No. 2 (1898).

Joint Statement of Conclusions signed by the
British, Canadian, and United States Delegates
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Pribiloff Islands in Behring Sea.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty, January 1898.*

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