

NOTES ON U.S.CASE. (By Dr.Dawson).

- p.14,pa.2. Very inadequate treatment of passes through Aleutian Islands, and widths appear to be understated---speaks of "most important", but not the widest.
- p.15.
pa.1. Why enlarge on shallow character of B.Sea? In this respect it closely resembles, e.g. the North Sea.
- p.15,pa.2. Chief products fur-bearing animals and cod-fish. Why omit whales, walrus, and coal and other minerals, of which much has been said and can be quoted.
- p.18.pa.4. Fogs dwelt upon strongly with subsequent object of stating that zone or limits could not be maintained. Might present some data on this, or look for such data.
- p.19,pa.1. Incorrect---any ice-bergs which could enter Behring Sea could float nearly everywhere in it. None are produced on the shores of the Sea.
- P.20,pa.2. "Colonized". The Aleuts taken there by the Russians for hunting and virtually serfs.
- p.23. "Known as the Pribyloff herd"---not so commonly known. This is a term invented for the purpose of connoting idea of domesticity and separate identity of seals frequenting Pribyloff Islands, which is not borne out by the facts.

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Very inadequate treatment of passes through Aleutian

p.24,pa.2. Cook misplaced chronologically and said to have "appeared in Alaskan waters." Quoted as finding evidence of Russians, but this nowhere in B. Sea, except Unalaska, though stated as if it had been. He took possession for England, tho' stated otherwise. All these points in Cook might be looked up. The map shewing British territory as discovered by Cook might be cited and, if necessary, reproduced, while other references to territorial acquisitions in dispatches, &c., may possibly be found. (This map is in Brit. Museum, but is not official).

p.25,pa.2. As to the extent of the trading posts and particularly in regard to their almost complete absence in B. Sea, see Tikmenieff, and Sir C. Bagot's map. First discovery of shores of B. Sea only partially Russian. "Occupation" see above, and remarks as to nature of occupation in British Case.

p.26 pa.11. N.W. coast defined as from Prince William Sound to mouth of Columbia River. This definition extends the N.W. coast many miles west of Blaines definition, and otherwise differs from that definition---thus shewing its inherent variability and feebleness. The exploration and competition was not confined to N.W. coast, even as here defined, though so stated.

p.27(böt) All this coast had been previously explored and taken possession of by navigators of other nations. See Br. Case. &c

p.28.pa.2. Founding of Sitka wrongly dated. Spoken of as a "fortress". See remarks Brit. Case, p.31, and generally look up

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p. 24, ps. S. p. Cook misplaced chronologically and said to have "appeared

the armament of the 'fortress'.

- p.28,pa.2. "Fort Ross" so called ,being generally Ross Colony (no fort?) was wholly disconnected with the other Russian posts and established for a different purpose.
- p.31,pa.2. Treaty of 1790 with Spain said to be basis of Treaties of 1824 & 1825. Is there any trace of this in negotiations or treaties? How is it shown?
- p.32,p.1. Gray's exploits very doubtful and much lied about. Neither did these explorations and expeditions in any sense serve as a basis for the trading enterprises of the U.S.on the coast. These were initiated from the Eastern States.
- p.33,p.2. Conflict doubtless greater on coast So. of Alaskan peninsula, because interests centered there; but no undisputed control by Russia.
- p.34,pa.1. History of Russian Co.---not the "history of that portion of the Globe", &c. Its proceedings hidden from other civilized nations, except in so far as made known by the reports of other navigators and explorers. What was known of the region was known by published accounts of these navigators.
- p.35,pa.2. "North West rn America"---an attempt here made to differentiate from N.W.coast.
- p.36,pa.1. See sas to obligations of Russ.Am.Co.---Courts,&c. At

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what date was the Manager required to be a high officer of the Navy---
Baranoff?

p.37,pa.1. See jealousy of naval officers and quarrels of Baranoff
and others with them. Bancroft,&c.

p.39,pa.2. "Commerce,Whaling and Fishing" claimed under Ukase of
1821---therefore,when abandoned,all together abandoned.
Ukase applied to whole coast to B.Strait,and forbad all such
whole
occupations along the coast

p.40,pa.1. Explanation of adoption of 100m. limit. Middleton treat-
ed it as a farce---(See correspondence in App.) though it
is now gravely discussed in U.S. Case.

p.41,pa.1. Seal "herd".

p.41,pa.2. The Ukase of 1821 establishing a "new position", precise-
ly as we claim.

p.42,pa.1. This reference to fur-seals shows that the fishery here-
tofore understood to be held by a precarious tenure,which was
changed by the Ukase of 1821.

p.42,pa.2. Subsequent to 1799 "Russia did not permit foreign ves-
sels to enter B.Sea." Is there any instance of vessels being
warned or turned back? This Ukase ,on the contrary,charac-
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p.37,pa.I. See Jealousy of naval officers and drawers of Bancroft
Bancroft?

What date was the Manager required to be a high officer of the Navy---

- p.43,pa.2. Compare Golovnin's report, passage cited in Brit. Case, p.32.
- 47,pa.2. The extracts show the position which the Company had wished to maintain, and which no doubt prompted the issue of the Ukase of 1821 (shows, in fact, merely the pretensions which were subsequently abandoned.)
- 48,pa.2 Here distinctly in reference to the already promulgated Ukase of 1821.
- 49,pa.2. Claims by the Co. leading to Ukase, as explained in Brit. Case, p.37, and which were afterwards abandoned.
- 49,pa.2. See Mr. Middleton's explanation of domestic character of Ukase of 1799 and of want of notification of it to foreign Powers.
50. Though extended on American coast by Ukase of 1821 the Ukase claimed less than before on the Asiatic coast.
50. States, without proof, and contrary to fact, that protests of G.B. and U.S. referred only to Russian assumption over Pacific Ocean (as distinguished from B. Sea). Exclusive of would be more correct, even in sense intended.)
- 51.pa.1. Competition not limited to North by Lat. 55---moreover the Russian centre of interest at the time on this same (restricted) "N.W. Coast."

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Compare Golovin's report, passage cited in Brit. Case,

51,pa.1.

Little or no inducement to enter B.Sea. Meares quoted below as to reason for avoiding Russian settlements. Generally avoided the Russians, as they did other traders, to avoid competition.

Account of Meare's visit to Unalaska, Aleutian Islands, in which he gives his reasons for avoiding Russian settlements:---

Extract from "Voyages made in 1788 and 1789 from China to N.W.Coast of America", by Jno.Meares.

"Finding it, however, impossible to go to the Southward, "by the channel through which we came, on account of the strength "of the current, we bore up and went to the Northward, and "having got as far to the Eastward as Ounalashka, we were so "fortunate as to meet with a strong North wind, which enabled "us to get through between Unamah and Ounalashka. In these "straits the current could not run less than seven knots an "hour, which caused a most tremendous sea.

"When we got round to the South side of the island, a "Russian came off and piloted our ship into an harbour adjacent to that in which Capt. Cook refitted.

"The Russians on these isles, came from Ochotsk and Kamchatka in galleots of about 50 tons burthen, having from sixty "to eighty men each. "They heave their vessel up in some convenient place, during their station here, which is for eight "years; at the end of which time they are relieved by another party. They hunt the sea-otters and other animals whose "nature has clothed in furs. The natives of the different "districts are also employed in the same occupation and are "obliged to give the fruits of their toil as a tribute to the "Empress of Russia, to whom this trade exclusively belongs.

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"....The only animals on these islands are foxes, some
 "of which are black and whose skins are very valuable. While
 "we lay here, we endeavoured to engage the Russians to trade
 "with us; but they set too high a value on their furs to dis-
 "pose of them to us, at least for anything we had to give in
 "return; more particularly as they expected to be relieved
 "the following year. The harbour we entered is about ten
 "miles from that where Capt. Cook refitted, and lies in the
 "latitude of 54 2" North; Long. 193 25" East of Greenwich.

"On the 20th day of August we sailed from Ounalshka, in
 "order to run down the continent, till we should pass the Shu-
 "Kodiak
 "Kodiak Islands, as Capt. Cook describes one of the Southern .
 "Kodiak Indeed we wished to be clear of the Russian settle-
 "ments as we knew nothing was to be got in the vicinity of
 "them, before we went on the coast. "

52.pa.1. The territorial dispute cannot be said to have been con-
 fined to N.W. coast in sense here used. Adams says Russians
 have no territorial rights on the Continent of America. (Br.
 Case, p. 50).

52.pa.2. See as to proof of relation of treaties as here stated.

53.pa.1. No additions seem to have been made to list of maps as
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Behring Sea. (See charter of Co, referred to, &c.)

53, pa. 2. What "express declarations"?

53, pa. 3. This was Russian proposal before treaties were made and in beginning of negotiations... Disposed of otherwise in treaties. The letter to quiet the Co., and even if not rendered obsolete by treaties, would only show the Russian Govt was endeavouring to play a double part.

54, pa. 2. The report of this Committee, appointed to interpret the Treaty of 1824 at instance of Russian Commercial Co. appears to be the most important new document quoted in the Case. We are not placed in possession of the request addressed to the Govt. by the Co.

As a Committee was specially appointed to consider the request of the Company it would appear that the "possible consequences" of the Treaty of 1824 were not so well understood by Russian Govt as claimed. In fact that the object was to seek some way of escape from the obvious meaning of the Treaty. In consequence of report of Com. Russian Ambassador at Washington was instructed to notify U.S. authorities that extent of coast thrown open is that between 54 40" and Yakatat Bay. (I, p. 67). (Letter of Min. of Finance, Sept. 4, 1824.)

Following this, on December 6th, 1824, Baron Tuijl, at Washington, presented and explanatory note to Mr. Adams, practically embodying the interpretation arrived at by the Com. The Treaty was then about to go to U.S. Senate for ratification and Adams persuaded Tuijl to withdraw the note on

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tain verbal assurances offered (which assurances were incorrect and illusory). (See PP.C.6253, pp.48-49).

Subsequently to ratification of Treaty Tully filed the Note with U.S., but no action appears to have been taken further on either side. This appears to be the communication referred to in Bancroft's Alaska (p.545) which is said to have been communicated to all the representatives of that Nation abroad, but which search made in F.O. shows was never received by Great Britain.

The objection thus offered by Russia referred, moreover, only to the temporary rights included under Art. IV of the Treaty of 1824; and even so, Tully's note did not claim any jurisdiction such as to cover B. Sea, for after stating that "the Aleutian Islands, the coasts of Siberia and the Russian possessions in general on the N.W. Coast of America to the N. of 59 30" of N. Lat., are positively exempted from the liberty of hunting", &c., he goes on to state that Russia would be satisfied with a limit of 2 marine leagues to the N. of that Lat. (See PP.C.6253, p.48).

(U.S. App. I, p. 68, 2 letters of Russ. Am. Co. to Govt., mentioned---ask for them.)

The report of the Russian committee spoke in a doubtful manner, giving their opinion that articles of Treaty "could not" have referred to more than "disputed territory on N.W. coast of America". (U.S. App. I, p. 61, ~~par.~~).

This conclusion only reached after division in Committee, some members pressing for demand to 57 N. on American coast. It was, however, decided that the convention must be sustained and could not be denounced.

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It was, however, decided that the convention must be sustained
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p.57.pa.2. Russia could not retain any part of claims protested against in toto, without specific reservation, which not made. If such retention admissible she might have claimed any sort of control which suited her at any particular time.

58.pa.1. All this appears to rest on the finding of the above committee, which disposed of Article VII of 1825, which is referred to, seems however to give some slight colour and to claim that coast only as far as 141st meridian referred to.

58 & 59. U.S. doubtless made efforts (see Greenhow and Banaroff). Is there any evidence that G.B. made such efforts? As a matter of fact, the Hudson Bay Co., by arrangement in 1839, secured all the exclusive rights which the Russian American Co. could give to the whole mainland coast and to interior navigation Northward to Cape Spencer. It is thus probable that British Government felt no further interest in pressing for the renewal of privileges stipulated for in the 10 years clause of the Treaty of 1825.

The Lorient Case referred to (p.59); but in that case U.S. fell back on 1st article, as giving them a right to hunt and trade on all unoccupied parts of the coast of N. America. The notice of 1845, also referred to, speaks only of interior harbours, bays, &c., and the claim of Russians that these and places where Russian establishments were situated should not be visited. It therefore in no way applies to B. Sea.

60.pa.1. All these refer to efforts to be made before the Treaty of 1824 concluded, and does not affect that Treaty. Evidently written to assuage anxiety of Company.

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a matter of fact, the Hudson Bay Co., by arrangement in 1835.

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88 # 20.

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p. 27. ps. 2.

Russia could not retain any part of claims protested

61, pa. 2. Russia said not to have surrendered her claim to control of trade and especially of fur industry in B. Sea. How could she retain part of a general claim without stipulation to that effect? Whaling evidently subsequently free to all.

61, pa. 2. Excellent correlative evidence that the Russian Govt. did not feel able to assume the position taken by the committee of Sept. 4, 1824, is given by the confirming Ukase of 1829. If it had been possible, surely the precise limits would have been defined in that Ukase, together with the reservation of B. Sea. This was not done. The treaties of 1824 and 1825 were only referred to as limiting the operations of Ukase of 1821, which it is further evident had become obsolete or doubtful, *as a charter for the Company.*

61, pa. 2. See Charter of 1842 (or 1844) the Eastern boundary only defined. No mention of Behring Sea as closed sea. Company said to have rights in all places annexed to Russia by the above delimitation, exclusive as regards Russian subjects.
(See App.)

62, pa. 1. "North Eastern Sea"---can this be shown to be B. Sea exclusively? I think not.

62, pa. 2. This was in reply to a special question addressed about fur-seal management, and referred solely to the relative importance of industries. At or about the very same time whalers began to frequent B. Sea, giving rise to the complaints of Eteolin. (Br. Case, p. 83). The ground held by Russia in reply to Eteolin shown on p. 84 of Br. Case.

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Excellent correlative evidence that the Russian Govt did not feel able to assume the position taken by the... of Sept. 4, 1884, is given by the confirming Ukase of 1880. If it had been possible, surely the precise limits would have been defined in that Ukase, together with the reservation of B. Sea. This was not done. The treaties of 1881 and 1885 were only referred to as limiting the operations of Ukase of 1881, which it is further evident had become obsolete of doubtful... for the Company.

61, pa. 2.

See Charter of 1848 (or 1844) the Eastern... defined. No mention of Bering Sea as closed... said to have rights in all places annexed to Russia by the above delimitation exclusive as regards Russian subjects (See App.)

62, pa. 1.

"North Eastern Sea"---can this be shown to be B. Sea exclusively? I think not.

62, pa. 2.

This was in reply to a special question addressed about fur-seal management, and referred solely to the relative importance of industries. At or about the very same time whalers began to frequent B. Sea, giving rise to the complaints of Etolin. (Br. Case, p. 83). The ground held by Russia in reply to Etolin shown on p. 84 of Br. Case.

62, pa. 3.

Further reference in 1853 ~~concerns~~ ^{of} rights ~~to~~ whalers, but says they are to be watched and warned in "district surrounding the Pribyloff and Commander Islands"; no reference to B. Sea as limit. ~~If~~ ~~prohibiting~~ ~~Commander~~ ~~Islands~~ beyond three mile limit, ~~which~~ ~~is~~ ~~the~~ ~~B. Sea~~ in that direction, though less in ~~other~~.

63, pa. 2.

The very fact that ~~the~~ ~~fact~~ ~~was~~ ~~engaged~~ in whaling shows that they had no exclusive ~~privileges~~ ~~over~~ ~~seas~~, as foreigners were actively engaged in the fishery and for ~~other~~ ~~beyond~~ Russian ships. If whaling ~~is~~ ~~not~~ ~~all~~ ~~other~~ fisheries free, as ~~no~~ ~~reservation~~ provided for. It will be remembered that exclusive privileges in whaling had been asked for by ~~us~~ and refused on general grounds.

64, pa. 3
65, pa. 1

This project of protective service looks very well on paper, as written from St. Petersburg. ~~It~~ ~~will~~ ~~be~~ ~~remembered~~ to show that it was ever carried out, or that ~~any~~ ~~rights~~ ~~were~~ ~~ever~~ given to whalers?

67, pa. 1.

"Forbidden seas", "unlawful seas", "Russian seas" - all are delightfully vague, ~~whereas~~ ~~the~~ ~~proclamation~~ ~~is~~ ~~in~~ ~~App.~~ ~~without~~ ~~signature~~, and ~~may~~ ~~consequently~~ ~~never~~ ~~have~~ ~~been~~ more than a project. No evidence given that it was issued.

68, pa. 1.

Domestic regulations over Russian whalers ^{note} ~~is~~ that no such specific instructions contained in references to foreign whalers!

68, pa. 3.

The letter here referred to shews in fact that it was

68. ps. 3.

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68. ps. 1.

Domestic regulations over hunted whales ^{and} that no

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in App. without statements that were made by the

one definitely made. However the regulations were

68. ps. 2.

whalers were, "whalers" which, "whalers" were

given to whalers

show that it was then decided not to give whalers

papers as written from the regulations. It shows that the

68. ps. 3.

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which they had no exclusive privileges over seas as regulations

68. ps. 4.

The very fact that the regulations were not

tion, though less in scope.

beyond three mile limit, which was B. 200 in 1850

ence to B. 200 as limit. It was intended to be

surrounding the British and Canadian whalers; no regulations

fers, but says they are to be regarding the whalers in

68. ps. 5.

Further reference in 1850 regarding whalers

1850

proposed to open the Eastern shores of B. Sea to all Russians, for trade. The suggested correction made in foot-note to *us.* App.(I,p.77) is evidently erroneous as shewn by context, though the translation of the whole passage contiguous is unsatisfactory. (See original).

69,pa.3. Certainly no exclusive rights of fishing or hunting (for instance, whales and walrus) and the exceptional rights affirmed to have been retained as to sealing (except on isds) fictitious.

69,pa.4. Note that the claim here made only that B. Sea was not included in "Pacific Ocean" as used in Treaty of 1885.

70,pa.1. If so it is very singular that no single instance can be found where notification made of such prohibition.

70,pa.2. This is a gross misstatement. If B. Sea passed at all, it passed as an incident. No affirmation or belief in passage of sea, *shown.*

(See Debates in Congress, &c.)

72,pa.3. "Sealeries" here introduced as a special feature, without any manner excuse of so doing in Treaty correspondence, "speeches in Congress, &c.

73,pa.1. Great source of wealth originally the sea-otter, subsequently the fur-seal, became the more important. (Value of seal-skins *had* swell till later years.)

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60, pa. 3.

60, pa. 4.

70, pa. 1.

70, pa. 2.



78, pa. 3.

78, pa. 1.

73, pa. 1. This appears to depend on statement on p. 45, which is contained in private correspondence of company.

74, pa. 1. See as to the values here referred to, and additional matter for value of fur-seal skins at various dates.

74, pa. 3. This statement as to object of purchase of Alaska totally erroneous. See debates in Congress with their origin in Washington petition. *from Washington Territory.*

The same falsehood repeated in report of Committee quoted Br. Case, p. 124.

The report of another Congressional Committee states exactly the reverse of that here quoted, viz: that the fur-seal of little value at date of purchase of Alaska, &c. One may be set against the other: ~~the Committee was, I think,~~

~~that on the Alaska Com. Co: "When the proposition to purchase the Alaska Territory from Russia was before Congress the opposition to it was very much based on alleged barrenness & worthlessness of the Territory to be acquired. It was supposed that though there might be many political reasons for this addition to the American Pacific possessions, there were not commercial or revenue advantages. The value of those Seal islands was not considered at all. Russia had derived but little revenue from them; indeed a sum not sufficient to pay the contingent expenses of maintaining the special authority. Under our system however, we have a very different result."~~ (Rept. Com. on Lease to Alaska Com. Comp. H.R. 24 Cong. 1st Sess. Rept. No 623.)

See also extract from "The Seal Islands of Alaska", by Henry W. Elliott, 1881, pp. 68-69.

"STRANGE IGNORANCE OF THEIR VALUE IN 1867. Considering that this return is the only one made to the Government by Alaska, since its transfer, and that it was never taken into account, at first, by the most ardent advocates of the purchase of Russian-America, it is in itself highly creditable

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78, pa. 1.

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487

*
font note
in original

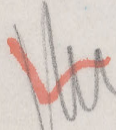
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"makes no reference whatever to the Seal islands, or the fur-
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75, pa. 1. This repeats last assertion---look into it. Refers
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Committee further contended that B. Sea not high sea.
They misrepresent the arguments in Congress.

This Committee sat in 1889.

 It advised legislation based on its findings, which was
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[Red checkmark]

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Sumner's expressions here quoted are merely loose, general ones. Much in his speech is of the same character. The idea of a line at sea dividing two continents is in itself an absurdity. The context of the speech can probably be quoted to shew that the idea here attempted to be attached to the expressions was not that which Sumner intended to convey.

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The Act here quoted refers, however, to these islands and the waters adjacent thereto, which cannot be interpreted to mean B. Sea as a whole. (See Br. Case, pp. 104-5.)

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The argument here advanced is absurd. It implies, apparently, that only the mainland of territory ceded by Russia was that subsequently named Alaska. That islands situated at a distance from mainland were not "in Alaska". They were in B. Sea, and therefore B. Sea must be part of Alaska. There is here merely a play upon the meaning of the word "in" which is employed in different senses. The same reasoning would shew, e.g., that an Act relating to weights and measures in Canada did not apply to, say, the Magdalen Isds., unless the Gulf of St. Lawrence was territorially part of Canada.

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However restricted or fined down, this means and depends on Mare Clausum, which U.S. have specifically disowned.

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81, pa. 1. French's ruling remained a dead letter, though sealing in progress, till 1886. See as to reported confirmations of French's view referred to here.

If "Alaska and the waters thereof" meant the whole Eastern side of B. Sea, as according to French, why was it necessary to enact rules for Pribyloff Islands and waters adjacent thereto? (Partly, however, in connection with months fixed for killing.)

If the legislation so interpreted by French intended to apply only to U.S. vessels, it was, of course, legitimate enough. If U.S. subjects considered it unconstitutional, they had remedy in U.S. courts.

P. 3. For reputation of this in 1868, see Bell's Alaska, pp. 502-503,

82, pa. 1. Evidence already brought forward to show that raids carried on almost from the date of Cession, and pelagic sealing well known to be in progress since 1881. If, however, it be admitted that U.S. took action as soon as they knew of infraction of law in B. Sea, this contention shows very clearly that there could have been no property recognized in seals as such generally.

82, pa. 2. Was this abstention not in consequence of a virtual ultimatum to the U.S.?

82, pa. 3. This citation is out of place. It refers to and should follow report of Com. of Cong. on p. 75 of U.S. Case, and, taken in connection, shews a distinct avoidance of the real issue, and of the meaning here sought to be given.

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P.S. See citation given in 1888, see Deed Alaska, p. 122-123.

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617

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84, pa. 2. I think Judge Dawson, in his judgment, appealed to the shallower character of B. Sea in the Eastern part, and considered it as a submerged plateau of Alaska. This appears to be in view in opening passages of U.S. Case, where shallow character of this part of the Sea specially insisted upon.

85 (mid) The new position as to property right was assumed after the seizures and adjudication upon them and did not appear in the findings of the Court.

The two contentions cannot be combined. That resting in any way on Mare Clausum must be disposed of before the "property" question can be taken up.

85 (bot) Bases "property" in seals, or "right of protection", etc., on 5 grounds:---

1. Common Law;
2. Civil Law;
3. Practice of Nations;
4. Laws of Natural History; and,
5. Common interests of Mankind.

All these must be proved if claimed.

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BY DR. DAWSON.

(C.R. =
Br: Commrs: Report.)

Habits, preservation, value, property.
.....

p: 89. Chief requisite, uninhabited lands for breeding. All other requisites as to /climate, &c, being found on most of the Aleutian Islands and elsewhere. Can prove by analogous *vegetation*, etc, in respect to climate. (C.R.) Robben & Kurile Islands left out.

p: 90. Further on climate. (Compare Unalaska etc. U.S. Coast Pilot, p: 269 etc. Write to Carpmael as to further and later statistics.)

p: 91. Seals like other animals feel safety in numbers.

p: 93. Strong on unreliability of numerical estimates of seals, but it has been upon such estimates that practically all the official (U.S.) statements heretofore made as to good and increasing or bad & diminishing state of seals have been based. (Agrees with statements in C.R.)

p: 94. ^{Lvs} "Fur herds". The Robben Island and Kurile Island seals not considered. The others treated of as separate "herds".

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NOTES ON U.S. CASE -- PART SECOND.
p: 89 et seq:

p: 94. Difference in skins from Commander & Pribylof Islands. (Look into evidence.)
(Differences of curing and care. Differences due to longer sojourn on land, etc.)

p: 96. Analyse evidence offered here as to separate herds. Quote opinions of Experts to contrary. C.R. Also further evidence Macoun. E.N. C.P.R. Steamer Notes.

p: 99. Inability of pups to swim exaggerated.

p: 102. Pinnipedia may not be born in water but are generally capable of taking to water immediately after birth.

p: 103. A good instance of natural destruction of seals to be quoted in this connection.

Generally, regarding dates and time spent on shore--all events scattering--easy to exaggerate by recording extreme limits.

p: 109. Number of cows to a harem--compare with statements in C.R. Power of fertilization much exaggerated and for a purpose. See C.R.

p: 110. Coition at sea denied. Quote counter evidence-- see Macoun, etc:

p: 111. Allen in considering ^{reason for resorting to land} mixes parturition and coition. Parturition ^{is} season enough for rookeries without coition.

enough for rookeries without collision.
tion and collision. Parturition season

p: III. Alien in considering mixes parturition-
Season for southern Island
evidence-- see Maccom, etc:

p: IIO. Collision at sea denied. Quote counter-
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p: II4. Question of cow suckling only her own pup. (C.R. & Macoun.)

p: II5. Cows seeking food doubtful. Said to go within a few days in search of food.

p: II6. Said to be sometimes absent for a week!

p: II6. Seal a surface feeder--agrees with C.R.

Fish said to be scarce near Islands.
See C.R. (also Macoun.)

p: II6 et seq: Length of feeding excursions very much exaggerated. Schooners' sealing grounds are not feeding grounds though purposely confused with them -- neither is absence of seals the reason why Sealers keep away from shores.

p: I2I. Coition of females and older "bachelors" in water denied. (Note how much of evidence adduced on this point has been worked up lately and appears in App: to Case for first time, notwithstanding the great amount already written on the subject.)

p: I2I. "Bachelor" Seals feed very little. (Line endeavoured to be drawn between these and females, but see absence of excrement, etc: C.R. & Macoun.)

p: I23. Stragglers only remain beyond general migration dates about Islands. This

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p: 123. Stragglers only remain beyond general
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p: 121. Condition of females and older packs-
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p: 116 et seq: Length of feeding excursions
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p: 116. Seal a surface feeder--absent with
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DWP. (C.R. & Maccoms.)

p: 114. Question of cow suckling only per cow

occurs in all cases of migration and shews nothing in particular.

Migration habits show the analogy of seals with fishes in regard to habits. Generally speaking only fishes and birds migrate. A peculiarity of these classes of animals. (Wallace. Vol. I. p: 18) (See other Authorities, particularly as to the occurrence of stragglers.)

p: I23. "Seals consider Islands as sole home".

This an inversion of fact. Quote Allen.

See Monograph, p: 365.

p: I24. Is sure that migration from Pribylov Islands confined to E. side Pacific but admits that to a certain extent "conjectured".

p: I24. Seals said to reach California first and then turn up the coast. Not correct. C.R.

p: I25. Separation of males and females in migrating. Not correct in the way here put. C.R. further evidence & Macoun.

p: I26. We do not claim that there are now any rookeries on American coast, but isolated breeding may still occur. (See Macoun.)

p: I27. Seals ^{stated never} ~~been~~ to enter inland waters. They still, however, sometimes do so, and often did formerly. See C.R.

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(See other Authorities, particularly as to
of animals. (Wallace. Vol. I. p: 18)

migrate. A peculiarity of these classes
Generally speaking only fishes and birds
seals with fishes in regard to habits.

Migration habits show the analogy of
nothing in particular.

occurs in all cases of migration and shows

All this evidence of continuous residence in ocean and yet the statement elsewhere that the Seal essentially a land animal!

p: I29. See as to evidence of Commander Isl'd. Seals going into Okotsk Sea. I think this an invention and that it is contradicted even by U.S. Commrs: Report.

p: I30. According to ^{Veniaminov} ~~Variaminov~~ unrestricted killing up to 1805. (Resanov Commrs: Report p: I40.

In 1803 700,000 skins thrown away:
Ibid I47. -- quoted in U.S. case p: I64.
(This figure however, probably exaggerated)

p: I31. Statements as to increase during Russian times here appear to be incorrect. Compare C.R. See also as to reasons assigned for take of 70,000 in '64.

p: I31. Note very long drives under Russian management.

p: I32. If as elsewhere stated Seals one of main objects in buying Alaska, would have received first attention. The Pribylov Islands would not have been "little known", or regarded as a "detail" as here stated in case, & by Dall. (This is one of best evidences of truth of fact that Seals not regarded. Quote also Dall as ^{two} price of seal-skins at this time in letter written to Forest & Stream.)

written to Forest & Stream.)

of seal-skins at this time in letter not regarded. Quote also Doll as ^{the} price best evidences of truth of fact that Seals in case, & by Doll. (This is one of or regarded as a "detail" as here stated Islands would not have been "little known", received first attention. The Pribylov main objects in buying Alaska, would have

p: 132. If as elsewhere stated Seals one of management.

p: 131. Note very long quotes under Russian assigned for take of 20,000 in '64. Compare C.R. See also as to reasons said times here appear to be incorrect.

p: 131. Statements as to increase during Rus- (This figure however, probably exaggerated) Ibid 147. -- quoted in U.S. case p: 164. In 1803 200,000 skins thrown away:

p: 140. Killing up to 1802. (Resononofomms: Report

p: 130. According to ~~Resononofomms~~ ^{Resononofomms and} unrestricted dictated even by U.S. Comms: Report. this an invention and that it is contro- Seals going into Okotsk Sea. I think

p: 139. See as to evidence of Commander Isld. land animal!

elsewhere that the Seal essentially a sledge in ocean and yet the statement

All this evidence of continuous re-

- p: I33. Seals killed included females. Reason to believe that 30,000 also killed on St: George. Compare C.R.
- p: I33. It would appear that the U.S. Govt: did not trust the Natives, notwithstanding what said of their care, etc: on p: I31.
- p: I34. A. C. Co: Capital \$2,000,000. This must have been purely nominal for such capital was never employed.
- p: I35. Permission to take 100,000. No mention of further allowed killings for food, clothing, boats, etc, also included under regulations.
- p: I36. U.S. took great precautions--they did not effect the desired result however.
- p: I38. Why this elaborate ~~argument~~ argument that the Govt: could not have controlled the sealing on Islands itself ?
- p: I40. The kind treatment of the Natives here discarded upon, can be traversed.
- p: I45. "Liberty & civilization" of the Natives. Quote a Missionary enterprise.
- p: I45. The Russian control of taking seals better. See changes of Agents into Company men, etc:
- p: I47. The favourable criticisms of methods of U.S. on Islands here and elsewhere re-

of U.S. on Islands here and elsewhere re-
p: 147. The favourable criticisms of methods
pany men, etc:

better. See changes of Agents into Com-

p: 145. The Russian control of taking seals
Natives. Quite a Missionary enterprise.

p: 145. "Liberty & civilization" of the
here discarded upon, can be traversed.

p: 140. The kind treatment of the Natives
the sealing on Islands itself?

that the Govt: could not have controlled
p: 138. Why this elaborate ~~argument~~ argument
did not effect the desired result however.

p: 136. U.S. took great precautions--they
regulations.

clothing, boots, etc, also included mngmt
tion of further allowed killings for food,

p: 132. Permission to take 100,000. No men-
capital was never employed.

must have been purely nominal for such

p: 134. A. C. Co: Capital \$2,000,000. This
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ing what said of their care, etc: on p:
did not trust the Natives, notwithstanding-

p: 133. It would appear that the U.S. Govt:
George. Compare C.R.

to believe that 30,000 also killed on St:

p: 133. Seals killed included females. Reason

referred to, result from Elliot's Report. (of which something might be said) which is now nowhere quoted.

p: I47. The ease with which seals may be driven, etc: depends not on domesticity but on the slow and laboured movements alone possible to them when on land.

Quote Allen, etc:

They are driven and controlled by taking advantage of their helplessness and gregarious habits when temporarily on land at the breeding season.

p. 148. Clark, said
I have been for 6 years
in charge 'sealing gang'
on St George Island, &
in employ of Company.
Elsewhere says that
Govt. has whole control
of notices taking seals.

p: I49. This attempt to describe the Seal as a "domestic" animal is really ludicrous.

p: I51. Driving of females. See C.R.

p: I53. This 100,000 relates to marketable skins, not to seals killed. "Number entirely in control of U.S.", why then was it not reduced as soon as decrease apparent? This even according to U.S. case, about 1885. See C.R.

p: I54. Killing of pups was not prohibited till 1890 or 1891.

p: I55. Methods which have been employed upon the Islands for 20 years cannot be improved upon! (See if U.S. Commrs: have included the ~~in~~ ~~have~~ agreed-to remarks on this subject in their Report)

p: I56 Driving -- See Commrs: Report.

Control

Control

Control?

p: 156 Drivind -- See Commrs: Report.

this subject in their Report)
cluded the ~~the~~ ~~where~~ agreed-to remarks on
upon. (See if U.S. Commrs: have in-
the Islands for 20 years cannot be improved

p: 155. Methods which have been employed upon
1111 1890 or 1891.

p: 154. Killing of pups was not prohibited
1885. See C.R.

This even according to U.S. case, about
not reduced as soon as decrease apparent ?
ed in control of U.S.". why then was it
skins, not to seals killed. "Number ent-

p: 153. This 100,000 relates to marketable

p: 151. Drivind of females. See C.R.

a "domestic" animal is really Indicators.

p: 149. This attempt to describe the Seal as
at the preceding season.

gregarious habits when temporarily on land
taking advantage of their helplessness and

They are driven and controlled by
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alone possible to them when on land.
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driven, etc: depends not on domesticity

p: 147. The ease with which seals may be
is now nowhere quoted.

(of which something might be said) which
referred to, result from Elliot's Report.

*of another description,
part has not been
agreed to by
in Elliot's Report,
in the book referred to
in Elliot's Report,
p. 149. Clark, and*

Drivind
Drivind

Drivind

See seals dropping by the way in Elliot's pictures of driving.

p: I58. Driving affecting virility. C.R.
Even Veniaminov recognized this fact.

p: I61. Improvement over Russian methods--
compare p: I31 where these extolled.

p: I62. The reduction in time of killing here referred to depended on the introduction of salting the skins instead of drying, chiefly or entirely. (See however Elliott as to date of general practice of salting skins.) See also *U.S. Case, Appendix II*, p. 556 ^{P.2.}
* p. 579.

p: I63. Flesh taken for food -- a very small part of the flesh-- can compute quantity if necessary.

p: I64. "Increase at least up to 1881".
Quote Commrs: Report for true condition as far as can be gathered. According to this the Agents reporting increase after 1881 must have falsified. See which ~~the~~ were and which of them are quoted for other facts in the Case now. Compare p: I65 & compare with C.R.

p: I65. Counts decrease from 1884. See reports of Agents.

p: I66. Exhaustive investigation of ^{U.S.} Behring Sea Commissioners!

p: I67. See evidence-- I think of the same nature -- as reported by Murray and

nature -- as reported by Murray and

p: 167. See evidence-- I think of the same
See Commissioners.

p: 166. Exhaustive investigation of Behring
ports of Agents.

p: 165. Counts decrease from 1884. See re-

p: 162 & compare with C.R.
for other facts in the case now. Compare
these were and which of them are quoted
1881 must have falsified. See which
this the Agents reporting increase after
far as can be gathered. According to
Quote Comms: Report for true condition as

p: 164. "Increase at least up to 1881".
if necessary.

p: 163. Flesh taken for food -- a very small
part of the flesh-- can compute quantity
A p. 244.

skins.) See also W. Case: Appendix II. p. 228 ff.
as to date of general practice of salting
chiefly or entirely. (See however Elliott
of salting the skins instead of drying,
referred to depended on the introduction

p: 162. The reduction in time of killing here
compare p: 131 where the ~~case~~ extolled.

p: 161. Improvement over Russian methods--
Even Venthaminon recognized this fact.

p: 158. Drying affecting vitality. C.R.
pictures of drying.

See seals dropping by the way in Elliott's

printed. Quoted in C.R. Natives there
complain of absence of *bulls* not "cows".

p: I68. *Capt. Turner on decrease.*

Deal with the maps showing decrease
here or elsewhere.

p: I69. Evidence as to decrease at sea.
Compare C.R. and later affidavits.

p: I70. Reason of apparent decrease reported
by Indians. See C.R. for explanation of
this which must be taken in connection
with pelagic sealing reports.

p: I71. Decrease on Islands was progressive
and not ~~earned~~ ^{Caused} by any radical change of
policy. No such contention as appears to
be supposed here has been held by us.

p: I72. "No dearth of males". See C.R. See
Elliott's Report of 1890.

p: I74. Raids -- summarily dismissed. See
C.R. with any fresh evidence of Macoun.

p: I76. Endeavours to entirely clear the
management of Islands from responsibility
but does not allude to excessive **killing**
represented by "legal quota" taken.

p: I77. Insists that decrease has been in
number of females, here reiterating it.

p: I77. See particularly Prof: Allen's paper
which here referred to.

which here referred to.

p: 177. See particularly Prof: Allen's paper number of females, here reiterating it.

p: 177. Insists that decrease has been in represented by "legal quota" taken.

but does not allude to excessive killing management of Islands from responsibility

p: 178. Endeavors to entirely clear the C.R. with any fresh evidence of Macconn.

p: 174. Holds -- summarily dismissed. See Elliott's Report of 1890.

p: 175. "No death of moles". See C.R. See be supposed here has been held by us.

policy. No such contention as appears to and not ~~caused~~ ^{caused} by any radical change of

p: 171. Decrease on Islands was progressive with belated sealing reports.

facts which must be taken in connection by Indians. See C.R. for explanation of

p: 170. Reason of apparent decrease reported Compare C.R. and later affidavits.

p: 169. Evidence as to decrease at sea. here or elsewhere.

Deal with the maps showing decrease

p: 168. *Capt. Turner* on decrease.

complain of absence of *whales* not "cows". Printed. Quoted in C.R. Notices there

printed. Quoted in C.R. Natives there complain of absence of bulls not "cows".

p: I68. *Capt. Turner on decrease.*

Deal with the maps showing decrease here or elsewhere.

p: I69. *Evidence as to decrease at sea.*

Compare C.R. and later affidavits.

p: I70. *Reason of apparent decrease reported*

by Indians. See C.R. for explanation of this which must be taken in connection with pelagic sealing reports.

p: I71. *Decrease on Islands was progressive and not ~~caused~~^{Caused} by any radical change of policy. No such contention as appears to be supposed here has been held by us.*

p: I72. *"No dearth of males". See C.R. See Elliott's Report of 1890.*

p: I74. *Raids -- summarily dismissed. See C.R. with any fresh evidence of Macoun.*

p: I76. *Endeavours to entirely clear the management of Islands from responsibility but does not allude to excessive killing represented by "legal quota" taken.*

p: I77. *Insists that decrease has been in number of females, here reiterating it.*

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p: 176. Endorsements to entirely clear the C.R. with any fresh evidence of Maccom.

p: 174. Raids -- summarily dismissed. See Elliott's Report of 1890.

p: 175. "No dearth of moles". See C.R. See be supposed here has been held by us. policy. No such contention as appears to and not ~~caused~~ ^{caused} by any radical change of

p: 171. Decrease on Islands was progressive with belated sealing reports.

this which must be taken in connection by Indians. See C.R. for explanation of

p: 170. Reason of apparent decrease reported Compare C.R. and later affidavits.

p: 169. Evidence as to decrease at sea. here or elsewhere.

p: 168. Deal with the maps showing decrease. *Capt. Turner on decrease.*

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printed. Quoted in C.R. Natives there complain of absence of bulls not "cows".

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p: I69. *Evidence as to decrease at sea.*

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p: I72. *"No dearth of males". See C.R. See*

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p: I77. *Insists that decrease has been in*

number of females, here reiterating it.

p: I77. *See particularly Prof: Allen's paper*

which here referred to.

- p: I78. Webster, who probably never saw a seal killed at sea, is here called in as evidence on pelagic sealing.
- p:p: I78-I79. Other evidence of ^{shore} hands on results of sea sealing.
- p: I79. Indians quoted are ^{practically} ~~particularly~~ ignorant of the enormous slaughter on the Islands. Attribute supposed decrease to pelagic sealing seen by them.
- p: I80. Seals wild now ~~it~~ necessary to go far from shore for them -- coincides with C.R. so far.
- p: I81. Evidence of decrease ^{by} ~~of~~ pelagic sealers. Compare British evidence. See into antecedents of men here quoted.
- p: I84. Sealing Vessels here mentioned as if all British. Considerable part of Fleet U.S. If any reason of complaint why did not U.S. look after its own people?
- p: I85. If in spite of discouragement here pointed out, sealing fleet has remained so large, how can it be held as in "conclusion" that profits little if any?
- p: I86. See C.R. for actual number of British Schooners in Behring Sea each year.
- p: I86. It is not contended on our part that sea sealing has had no influence. On the contrary admitted that it acted

contrary admitted that it acted
see sealing has had no influence. On the

p: 186. It is not condensed on our part that
Schooners in Behring Sea each year.

p: 186. See C.R. for actual number of British
"conclusion" that profits little if any ?
so large, how can it be held as in
pointed out, sealing fleet has remained

p: 185. If in spite of discouragement here
not U.S. Look after its own people?
U.S. If any reason of complaint why did
all British. Considerable part of Fleet

p: 184. Sealing vessels here mentioned as if
into antecedents of men here quoted.
sealers. Compare British evidence. See

p: 181. Evidence of decrease ~~of~~ pelagic
by
C. R. so far.
far from shore for them -- coincides with

p: 180. Seals wild now ~~of~~ necessary to go
pelagic sealing seen by them.

Islands. Attribute supposed decrease to
horror of the enormous slaughter on the
p: 179. Indians quoted are ~~British~~ ^{Portuguese} in-
results of sea sealing.

p:p: 178-179. Other evidence of ~~seal~~ ^{seal} hands on
evidence on pelagic sealing.

seal killed at sea, is here called in as
p: 178. Webster, who probably never saw a

concurrently with heavy slaughter on Islands.

p: I88. "Possibility of large rewards" Compare with the ^{no} profit theory.

p: I91. Prof: Allen trotted out again on general questions though he has had no experience or practical knowledge of hunting -- in respect to seals a closet naturalist with good knowledge it may be supposed of structure and classification.

p: I92. Indi an evidence of increased wariness in line with ours.

All this theoretical discussion of why seals should be lost is useless.

p: I95. See tables of loss in C.R. (also Macoun's further evidence.

p: I96. No allowance made for increasing skill of hunters. Arguments here employed ought to show the Sealers how foolish they are to go sealing.

p: I97. Proportion of females killed.

p: I98. It must be borne in mind that of late years the persistent killing of males on the Islands has left a greatly excessive number of females --, also that the gentlemen giving evidence are closely connected with the Company, and as elsewhere stated in U.S. Case happen to be largely its beneficiaries. It is also

largely its beneficiaries. It is also where stated in U.S. Case happen to be connected with the Company, and as else- gentlemen giving evidence are closely sine number of females --, also that the on the Islands has left a grossly excess- late years the persistent killing of moles

p: 198. It must be borne in mind that of

p: 197. Proportion of females killed.

they are to go sealing.

ought to show the Sealers how foolish skill of hunters. Arguments here employed

p: 196. No allowance made for increasing Maccom's further evidence.

p: 195. See tables of loss in C.R. (also why seals should be lost is useless.

All this theoretical discussion of ness in line with ours.

p: 193. Indt an evidence of increased worri- supposed of structure and classification. naturalist with good knowledge it may be hunting -- in respect to seals a closet experience or practical knowledge of general questions though he has had no

p: 191. Prof: Allen trotted out again on bore with the ^{no} profit theory.

p: 188. "Possibility of large rewards" Com- Islands.

concurrently with heavy slaughter on

more than doubtful whether the salted skin of a female ~~skin~~ seal can in all cases be distinguished-- the ~~mammae~~^{nipples} and ducts from these are developed also in the male.

p: 200. The general criterion of N.W. Coast catch is the shot marks in the skin. These being apparent it is not necessary or usual to look for traces of sex in ~~existing~~^{sex} skins.

p: 200. Sir George Baden-Powell quoted.

p: 201. Minister of Marine quoted.

p: 204. The Expert on p: 203 said, however, that sex of seals under two years of age could not easily be determined.

p: 206. "Angel Dolly" in 1887 -- was she not then raiding rookeries? "Challenge" 1891 ditto. *Boat raiding.*

p: 206. All the foregoing depends largely on the paucity of males pointed out in C.R.

p: 212. The theory that pups dead on shore had died because mothers killed at sea never suggested till 1891 -- see C.R.

See evidence as to great numbers of pups killed by surf in some years which contradicts general statement here made.

p: 215. See Akerly's statement to British Commissioners.

p: 216. An epidemic need not affect young

p: 216. An epedemic need not affect young Commissioners.

p: 215. See Akery's statement to British contradicts General statement here made. pups killed by surf in some years which See evidence as to great numbers of never suggested till 1891 -- see ~~Chap.~~ had died because mothers killed at sea

p: 213. The theory that pups dead on shore the paucity of moles pointed out in C.R.

p: 206. All the foregoing depends largely on 1891 ditto. *Not satisfied.* them regarding rookeries? "Challenge"

p: 206. "Angel Dollie" in 1887 -- was she not could not easily be determined.

that sex of seals under two years of age

p: 204. The Expert on p: 203 said, however,

p: 201. Minister of Marine quoted.

p: 200. Sir George Baden-Powell quoted. skins. would to look for traces of sex in ²⁰⁵scouting being apparent it is not necessary or

catch is the shot marks in the skin. These

p: 200. The general criterion of N.W. Coast these are developed also in the males. distinguished-- the ~~moles~~ ^{and ducts} and ducts from of a female ~~skin~~ seal can in all cases be more than doubtful whether the salted skin

suggestion made some years ago. See date Company. It is not "been proposed". This
p: 224. It has been suggested to lease to a
not exist -- see C.R.

interfered with sea sealing, which does
p: 224. Such Cruiser has certainly ~~been~~^{never}
Limits of New Zealand, p: 223.

See, however, the assertion as to
question. (*See document, in C.R.*)

that protection at sea has never come in
p: 222. No pelagic sealing in New Zealand, so
Islands correspondence in British Case.
regulations at sea. See also Falkland
No pretense in Falkland Islands to enforce
Bridgton's opinion not founded on facts.

p: 222. No pelagic sealing-- so that Capt:
Sees British Territory.

anted by great numbers of seals in South
tion". Most of the places formerly ten-
See Seal has received "particular atten-

p: 221. Unfortunately not true that the South
destroyed the South Sea Hookeries.

p: 219. Vituperous reflections by the men who
analogous.
entirely to killing on shore and thus not

p: 218. Depletion of Antarctic Seals due

p: 216. Summary & figures.
and adults equally.

by "Handbook", of which a copy received by Commissioners. (Now in London.)

p: 224. The statement about Cape of Good Hope untrue. See Appendix and C.R.

p: 224. The Seal of coats of G.B. is Phoca ~~Vitulina~~ ^{Vitulina} which never resorts to places where ice suitable to giving birth to young exists. No evidence that laws extend to High Seas.

p: 225. See Canadian Statute referred to. It is clear, however, that the Act can run no further than authority of Government and no exceptional jurisdiction has been claimed.

p: 225. Newfoundland Sealing Acts next dealt with. These Acts will be found in Appendix of C.R.. They make no pretense to control sealing at sea except by means of regulating dates of Vessels leaving Newfoundland Ports and laying down dates between which seals may be killed by Newfoundland Vessels. See C.R. Action of Newfoundland clearly shows how effectively sealing at sea may be regulated. (The Act last referred to -- April 1892 -- is not included in C.R. and should be looked up.)

p: 227. Jan Mayen regulations. These differ from the last in being International by Treaty arrangement. This again is an instance of efficiency of protection by

instance of efficiency of protection by Treaty arrangement. This again is an from the last in being International by

p: 232. Jan Mayen regulations. These differ-
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written. See Appendix and C.R.

p: 234. The statement about Cape of Good Hope
by Commissioners. (Now in London.)
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by close season at sea. No instances of endeavour to force concurrence by other nations. (Wotth noting that the International agreement was only entertained after the interested parties had reached practical unanimity.)

p. 228. Russian Laws in White Sea. See App: to U.S. Case. These refer to local Sealers assembling at the Town of Mezen. So far as quoted in Appendix make no claim to control Foreigners, who in fact could not reach the White Sea at the season indicated, except by crossing Russia overland.

p: 228. Caspian. No one has claimed this as a part of the High Seas -- Russia and Persia may well be allowed to settle their own affairs here.

p: 229. Information given in U.S. APP: pp: 448-449 does not entirely agree with that in C.R. p: 169, but in neither place is there anything to show that other than territorial waters are covered. There is no pelagic sealing. (C.R. p: 169.)

p: 229. Argentine law. See C.R. P: 168. Sealing and other exploitation of natural products on southern ~~parts~~ coasts prohibited at present, but nothing to show that any extra-territorial rights claimed.

p: 229. The Japanese Act here quoted is not the latest. The regulations apply to

the forest. The regulations apply to

p: 229. The Japanese Act here quoted is not any extra-territorial rights claimed.

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ated, except by crossing Russia overland. reach the White Sea at the season indicated, except by crossing Russia overland. control Foreigners, who in fact could not as quoted in Appendix make no claim to ers assembling at the Town of Mezen. So far to U.S. Case. These refer to local Seal-

p: 228. Russian laws in White Sea. See App: practical unanimity.)

after the interested parties had reached national agreement was only entertained nations. (Worth noting that the Inter- endeavor to force concurrence by other by close season at sea. No instances of

by close season at sea. No instances of endeavour to force concurrence by other nations. (Wotth noting that the International agreement was only entertained after the interested parties had reached practical unanimity.)

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p: 229. *Argentine law.* See C.R. P: 168. Sealing and other exploitation of natural products on southern ~~east~~ coasts prohibited at present, but nothing to show that any extra-territorial rights claimed.

p: 229. The Japanese Act here quoted is not the latest. The regulations apply to

sealing in boats and vessels though not to pelagic sealing properly so called.
(See C.R. I64-I65.)

p: 229. None of the enactments referred to in the summing up involve exceptional rights of Powers at sea. They are either Treaty Agreements or Municipal Legislation affecting only subjects of the enacting Nation. This is admitted on p: 231 of U.S. Case.

p: 230. Ornamental opening passage.

p: 231. (bottom) No such principle as that here formulated has been admitted.

p: 232. Irish Oyster Fisheries. Enquire as to what boats other than British have ever been "specified". This information not given either in Case or Appendix.

p: 232. Scottish Herring Fishery Act. This refers to "any person" but it has never been contended that it should apply to "foreign persons" I think.

p: 233. Ceylon Pearl and *Chank* fisheries. This whole subject has been investigated and papers covering it are in Colonial Office, London, to which reference should be made.

p: 233. Pearl Fisheries of Australia. Same remarks as above. The circumstance that it is ^{not} profitable for foreign vessels

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p: 233. Pearl Fisheries of Australia. Some
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p: 233. Scottish Herring Fishery Act. This
given either in Case or Appendix.

been "specified". This information not
what boats other than British have ever
p: 233. Irish Oyster Fisheries. Enquiry as to
formulated has been admitted.

p: 231. (bottom) No such principle as that here
p: 230. Ornamental opening passage.

U.S. Case.

Notion. This is admitted on p: 231 of
affecting only subjects of the enacting
Treaty Agreements or Municipal Legislation
rights of Powers at sea. They are either
in the summing up involve exceptional

p: 229. None of the enactments referred to
(See C.R. 164-165.)

to pelagic sealing properly so called,
sealing in boats and vessels though not

to engage in the Pearl Fishery does not change the fact that the law applies only to British Subjects.

pp: 234-235. French and Algerian Laws.

p: 335. Sardinian Coral Fishery.

p: 236. ~~Norwegian~~ ^{Norwegian} Whale protection. This law has no trace of application to others than Subjects but it would be interesting to know whether territorial rights have been admitted in favour of Norway in the Fiord in question.

p: 236. Panama Pearl diving. This again makes no claim to regulate Foreigners.

p: 236. Mexican Pearl Fisheries. ^{Change} The ~~change~~ of law by which Foreigners were allowed to engage in this Fishery is remarkable. See if U.S. being neighbour chiefly interested did not insist on it.

p: 237. ~~Herring~~ ^{Hovering} Acts referred to. Numerous opinions on restricted validity of such Acts are available for quotation.

Generally referring to the cases above cited it may be remarked that nearly all of them apply to marine forms attaching to the bottom and not to free swimming animals. The distinction is clearly drawn by Dana.

The Treaty between U.S. & France of 1801 (?) making seal fisheries free in all parts of the world might here be quoted, for though this was merely an agreement between the two

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countries concerned and not a general declaration it shows an animus in favour of free sealing. The Treaty in question lapsed in 1809, I think.

p: 237. The "peculiar interest" of nations in fisheries here referred to, applying to stationary and fixed forms of life (generally at least) and then in ~~most~~ ^{warty} in ~~all~~ all cases applying only to subjects of the nation, is not alike in character or excuse to that claimed by U.S. over seals, nor can any case be shown in which it has successfully been applied to Foreigners-- possibly no case in which it has been attempted.

p: 237. The perennial seal herd here crops up again.

p: 238 Seal~~s~~ here said to be exposed to pelagic hunting for at least nine months of the year -- elsewhere alleged that it is a land animal.

p: 238. Approbation by witnesses of "every degree of experience and knowledge". Therefore the lowest as well as the highest degree. The Naturalists referred to have been placed in an unfortunately false position by being induced (ignorant of the circumstances) to give an opinion on the ex-parte statement by Dr. Merriam. It would be interesting to find out how many Naturalists were not trapped. It is ~~but~~ ^{not}

Naturalists were not trapped. If its ^{not} ~~but~~ would be interesting to find out how many the ex-ports statement by Dr. Merriam. It the circumstances) to give an opinion on position by being induced (ignorant of been placed in an unfortunately false degree. The Naturalists referred to have fore the lowest as well as the highest degree of experience and knowledge". There

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stated that all replies of Naturalists are given. Can we ask for any others from U.S. or take other means of finding out? (So far as known this does not apply to Prof: Huxley and Dr. Sclater.)

p: 240. Prof: Huxley gives the opinion here cited in part, with the proviso that it would apply if U.S. controlled Behring Sea and all the North Pacific within a line drawn from Shumigan Islands to California. -- also with many other limitations. As here quoted it actually falsifies his statement.

p: 240. Dr. Sclater also surrounds his opinion with limitations.

p: 241 et seq: All the following opinions to be carefully looked into.

p: 242. Mowat knew nothing practically about sealing and probably never examined a seal skin. His remarks applied moreover to "our" (i.e. Canadian) fishery which the pelagic fishery, and sought to induce means for its protection of which the most obvious would be the cessation of slaughter on the breeding Islands.

p: 243 et seq: Opinions of furriers, &c, all interested parties, but even these are in some ~~some~~ instances tempered with moderation. Examine in full.

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other man responsible for the depletion of the South Sea Seals.

- p: 246. Liebes. Look up his record. He is well known in Victoria.
- p: 246. Culled opinions of Sealers.
- p: 247. Indian opinions. See C.R. as to reasons why the Indians now report fewer seals.
- p: 249. Dr. McIntyre was certainly not engaged on the Pribylov Islands 20 years. See his record.
- p: 249. Again gets back to "sole cause pelagic sealing. "
- p: 250. Means necessary. Says Regulations "can" be enforced, &c, on Pribylov Islands. Have they been? Will they be? Are other questions. ~~Q~~
- p: 251. Sclater again quoted.
- p: 252. Dall's statement as here quoted is logically incomplete. He seems to say that seals may be preserved by protection at sea ^{alone} ~~alive~~, without reference to the Islands.
- p: 252. C.A. Williams quoted as disinterested. He is actually, or was in '91, the Lessee of the Commander Islands, and no doubt hopes to benefit by any restrictions which might be imposed on sea-sealing. Directly ^{or} ~~and~~ indirectly, as already stated, he is

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other man responsible for the depletion of

the great seal pirate of the South Seas.

Speaking generally it is interesting to note that most of the witnesses quoted as in favour of entire stoppage of pelagic sealing are persons who have probably never seen a seal alive and that most of them are either interested in the breeding islands slaughter directly or indirectly as fur-dealers and dressers.

p: 253. "Limited prohibition". discussed as if entirely applicable to pelagic sealing. (See the opinions here referred to in detail and note how many include proviso for limitation, &c, on breeding Islands.)

The collection of a lot of ~~modern~~^{random} & conflicting statements is not the way to arrive at reasonable conclusions. Here cited merely to condemn.

p: 255. G.M.Dawson quoted from what written from the imperfect published accounts of seal life and before personal investigation.

p: 255. Sir G.B-Powell quoted under same circumstances.

p: 256. Huxley misquoted. (See U.S. Appendix I. p: 412) Continuing the same sentence-- the end of which is lopped off -- he writes "which I take to be out of the question", &c.

p: 256. Indian plea for prohibition of fire-
arms.

p: 326. Indian plea for prohibition of fire-
arms
question", etc.

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the end of which is lopped off -- he

I. p: 412) Continuing the same sentence--

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- p: 256. *Closing Behring Sea. Quietly assumed here that the entire decrease or cessation of increase of seals from 1880 to 1885 caused by pelagic sealing. See C.R. as to proceedings on Islands at this time.*
- p: 258, P I. *The concession here attributed to G.B. is not sufficient. Commrs: not only concede but maintain that protection to be accorded to fur-seals should cover entire range of animal, particularly the breeding islands.*
- p: 258. *See also with regard to zone the distances formulated by Blaine (two different estimates I think) one of which he says would afford "ample" or "perfect" protection.*
- p: 259. *The two first British Schooners here referred to were seized in 1887 and their logs here reproduced may be said to be stolen property. The "Ellen" and "Annie" U.S. Schooners.*
- p: 260. *Showing that seals can be taken at large in Behring Sea only shows how little the seals are connected with the breeding islands. The object of a zone is only to give reasonable amount of protection to breeding seals.*
- p: 261. *Such uncertainties are incident to navigation of all kinds and apply equally*

p: 261 Such uncertainties are incident to navigation of all kinds and apply equally breeding seals.

Give reasonable amount of protection to islands. The object of a zone is only to the seals are connected with the breeding large in Behring Sea only shows how little

p: 260. Showing that seals can be taken at U.S. Schooners.

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p: 258. See also with regard to zone the dis- islands.

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p: 258, P. I. The concession here attributed to G.B. time.

C.R. as to proceedings on Islands at this to 1882 caused by belagic sealing. See cessation of increase of seals from 1880 summed here that the entire decrease or

p: 256. Closing Behring Sea. Quietly as-

to the three mile or any other zone. It is quite certain that Sealers would give proscribed and properly patrolled waters a wide berth and that the zone in practice would thus actually be much wider than by definition.

p: 262. Naturally the Officers in charge of protection service would like their powers to be increased and responsibilities lessened.

p: 264. After deciding against a zone round Islands the conclusion is drawn that sealing must be prohibited both in Behring Sea and on North Pacific generally, which is rather a wide deduction from the premises. On p. 52 Burney is quoted to show how excellent a boundary to the Sea is formed by the Aleutian Islands.

p: 264. Southern sealing had declined to very small limits I think long before 1867.

p: 265. All depleted by killing ~~up~~ on shores.

p: 266. See as to China remaining so important a market so late as 1870? The prices and remarks here go against the theory of great value of seals at time of Alaska purchase.

p: 267. Acknowledged *connection* of Lampson & A. C. Co: here mentioned important. A seal ring. See also App. 5 U.S. Case vol II, pp 565, 582

King.

See also App. Case No II, pp 282, 288

A.C. Co: here mentioned Importants. A seal

p: 282. Acknowledged ^{Committee} of Lamson & Alaska purchase.

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p: 286. See as to China remaining so impor-

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p: 268. The N.W. Coast catch would rank second in late years.

p: 269. "No ^{impairment} ~~improvement~~ of seal life by taking 100,000 " is denied and the calculations based on this statement is therefore not admitted.

p: 270. The statement as to duty levied on dressed skins entering U.S. is important. It cuts the ground away from the argument that English dressers owe any consideration to the U.S. U.S. would entirely destroy this trade if found advantageous to do so. They may destroy it at any time in so far as U.S. imports, &c. Is duty under McKinley Bill not more than 20 %

p: 270. If seal skins should fail other skins &c, upon which profits might be made and duties levied, would be required.

p: 271. Consequential claims carried out to last term.

p: 272. All this ^{statement} ~~sentiment~~ respecting the extent of the industry of dressing, &c, in London requires very careful examination and comparison with the evidence in Appendix, &c, upon which it is based. Thus in Martin's evidence, p: 567 deponent states that his firm dressed and dyed over 100,000 skins each year. (This is about two-thirds of the whole world's product of fur-seals) That they had employed (p:568) 500 and now employ 400 persons in so

200 and now employ 400 persons in so fur-seals) That they had employed (p:268) two-thirds of the whole world's product of 100,000 skins each year. (This is about states that his firm dressed and dyed over in Martin's evidence, p: 267 deponent Bendix, etc, upon which it is based. Thus and comparison with the evidence in Ap- London requires very careful examination extent of the industry of dressing, etc, in

p: 272. All this ~~statement~~ ^{statement} respecting the lost term.

p: 274. Consequential claims carried out to duties levied, would be required.

p: 270. If seal skins should fall other skins duty under McKinley Bill not more than 20 % time in so far as U.S. imports, etc. Is to do so. They may destroy it at any destroy this trade if found advantageous tion to the U.S. U.S. would entirely that English dressers owe any considera- It cuts the ground away from the argument dressed skins entering U.S. is important.

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p: 269. "No ~~importation~~ ^{importment} of seal life by tak- in late years.

p: 268. The N.W. Coast catch would rank second

doing. He then goes on to say that about 2,000 persons were directly or indirectly employed in connection with the industry ~~ix~~ in London alone. Martin, however, admits that the firm was engaged in dressing &c, all kinds of skins. I personally visited Martin's factory and found this to be the case. Thus only a portion of the labour of 500 or 400 persons for a part of the year can be employed on fur-seal skins, but if we admit that all are so employed throughout the year, the number of 500 persons (say) may be allowed as that covering the whole fur-seal industry in London. The number so stated by Martin (2,000) is absurd.

Allowing 150,000 skins as the annual catch of the world, the treatment of these skins might give employment to 750 persons—in the same ratio—not more. Martin is a member of the "seal ring"!

Lampson again ~~savtiously~~ says that Alaska and Copper Island skins are "almost exclusively" males; that N.W. Coast skins are "largely" females, (p: 565) In U.S. Case it is claimed, however, that males only are killed on the breeding islands and that nearly the whole of the pelagic seals are females. Knowing what we do of Lampson it is probable that he did not put the case for the Company in any less advantageous ~~ly~~ light than he possibly could.

The buyers of seal-skins enumerated in U.S. APP. II, p. 566 are I believe simply furriers. The list might have been extended by adding individual buyers from the furriers, but means nothing! The whole argument based on London, &c, interests in fact amounts to little, for it is to the chagrin

in fact amounts to little, for it is to the contrary
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and against the best efforts of the United States that any part of the industry remains centred in London. No thanks are due to the U.S. that it is so and the principles of the merchants are not such as to prevent them from making profit on any skins they can buy or sell. The argument is in fact childish. It might be met by quoting such instances as the McKinley attempt to destroy the tin-plate trade of England and the loss to English labourers resulting therefrom.

p: 273. Revillon Freres in France are evidently simply manufacturing furriers. The same amount of work would be expended on beaver, ^{mink} rabbit, or dog, skins if these happened to be fashionable!

p: 274. To the prospective losses might be added here an estimate of the number of persons who might contract catarrh if not dressed in seal-skins, their loss of time and physicians bills!

p: 274. Native interests on Pribylov Islds.
See C.R.

p: 275. Here possible fluctuations in the trade prices of skins to be caused by the wreck of the Alaska monopoly, are adduced apparently in justification of the U.S. in respect to seizures of vessels on the high seas.

p: 276. Tonnage valuation of Canadian Sealers said to be too high. It is however, ~~s~~ considerably less than that of U.S. Vessels

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engaged in this and sea-otter ^{27.} hunting, ~~fishing~~-as
given in U.S. IIth Census Bulletin, which
see.

p: 276. Some of Canadian Vessels are no doubt old but several of them have been re-built at various times. In later years may ~~fi~~ new vessels specially built have been added. Between 1889 and '90 when comparison is drawn, eight new vessels were added. (See C.R. Appendix.) (Look into the actual vessels added). It is further probable (see as to this) that Milne's valuation referred to the vessels alone, whereas the valuations as generally given means vessels as outfitted for cruise.

p: 277. Here compares Canadian investment in Vessels with the whole capital invested in dressing all kinds of skins in England, ~~but~~ ^{not} with the employed capital of the North American Commercial Co: which would be the only fair comparison.

p: 277. Value per ton of Canadian Fleet here stated differently from statement on p:276.

p: 277. (bottom) 20 new vessels added to fleet between 1890 & 1891 (See App: to C.R.) & vessels from year to year improving in all respects.

p: 278. P.I. Here again possibly only the bare value of vessels without outfit, boats, &c, considered.

considered.

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p: 276. Some of Canadian Vessels are no doubt see.

Given in U.S. Fifth Census Bulletin, which engaged in this and sec-often

p: 278, P. 3: & p: 279. The same old miscalculations and wrong statements repeated here.

p: 280. All the former erroneous figures again used here.

Note generally that the persons employed dressing, dying, selling, &c, seal skins are not alone employed on Pribylov Island skins, but largely on Canadian skins.

Generally on ~~the~~ value of Vessels, outfits, &c: a report should be made by Gleadow and Rose who have enquired very fully into the whole matter on the ground.

p: 281. (bottom) The best proof that nearly all the Vessels are Sealers only is that they are always dismantled and laid up in the winter.

p: 282. The almost pathetic fear that the Sealers may lose money on their voyages expressed here may be allowed to answer itself. If the statements true no vessels would go sealing.

p: 283. The former possibility of keeping the sealing business a monopoly is always admitted to have been one of the main benefits of the A.C.Co: Citation to show this.

p: 284. (top) See despatch from which this quotation.

p: 284. It may likewise be questioned whether Mr. D. O. Mills & other investors in N. A. C. Co depend on seals for a livelihood!

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p: 280. All the former erroneous figures
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p: 278, P. 3: & p: 279. The same old miscalculations

p:284. (bottom) If thought worth while the relations of investors in B.C. can be looked up.

p: 285. P.I. Similar arguments might be employed concerning those engaging in any mercantile ~~X~~ particularly in all maritime enterprises. Now a days very few vessels are owned by their Captains or Crews. In sealing the hands are all engaged on the basis of part share in profits in proportion to catch.

p: 285. Note the very high in fact transcendental point of view respecting commercial enterprise here taken. ~~It is quite worthy of some apostle of free trade!~~

p: 286. P.I. Might add in the same strain -- destruction of pelagic sealing means loss of employment to many hardy seamen, loss of capital of enterprising investors, poverty of several thousand unoffending Indians with continued monopoly of Company, speculation and abuses of privileges accorded by U.S., Congressional lobbying, falsified reports as to conditions of rookeries, general demoralization, &c, &c.

p: 286. The argument here used based on wrong premises. Elliott, Goff, and others on part of U.S. reported that no seals should be killed on the Islands for a term of years.

p: 287. Agreement under Modus that only

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p: 286. P.I. Might add in the same strain -- ~~des-~~
~~of some aspects of free trade!~~
enterprise here taken. ~~It is a~~ general point of view respecting commercial

p: 285. Note the very high in fact transaction to catch. parts of part share in profits in proportion

sealing the hands are all engaged on the are owned by their Captains or Crews. In enterprises. Now a days very few vessels ~~contile~~ particularly in all maritime ed concerning those engaging in any mer-

p: 285. P.I. Similar arguments might be employ-
tions of investors in B.C. can be looked up.

p: 284. (bottom) If thought worth while the re-

7,500 seals should be taken, -- 13,482 were fraudulently taken. (See Correspondence) Thus hard to see how U.S. under any circumstances can claim for illegal catch.

p:287. Here speaks of 100,000 skins "prescribed by Statute" -- elsewhere says that the number even under the old lease was subject to regulation by the Treasury Dept: By the lease of N.A.C. Co: the Co: limited to 60,000 seals ^{for} ~~per~~ season ending May 1891, and nothing said of subsequent years. (U.S. App: I, 108.)

p: 291. The allusion to 30,000 as the number which might be taken without damage is rather far-fetched.

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p: 281. The allowance to 30,000 as the number
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Read - Sept 20. 92

NOTES ON U.S. CASE by Dr. Dawson.

CONCLUSIONS, p: 295 et seq:

Exception to the general statements here made may be taken as follows:-

"First".

The "Alaskan fur-seal" is the fur-seal of the North Pacific generally.

The fur-seal is not necessarily begotten on land -- far less on the Pribylov Islands alone.

It is "reared" on land only till such time as it becomes able to seek its natural element, the sea.

So far from being "essentially a land animal" it is exactly the reverse, *resorting* to land only in connection with breeding, staying there only a portion of the year. Provided with fins, not feet. (Quote any general characterization of Pinnepedia, &c, as Marine Animals.

(See Notes on Allen's Monograph). The taking of

seals, even on shore, has always been spoken of as a "fishery". Quote from U.S. documents.

It does not require a "fixed home" upon land, as shewn by the scattered and irregular breeding places chosen when disturbed on shores originally frequented.

There is nothing specially peculiar in the "formation" of the land required for breeding purposes. It is tolerant of very varied

Purposes.

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CONCLUSIONS, p: 292 et seq:

NOTES ON U.S. CASE BY DR. DAWSON.

Gen. Feb 20, 1892

climates even when on shore.

Does "domestic in its habits" mean that the seal is a domestic animal, and if not what does it mean? Domestic as applied to animals is explained in dictionaries as "living in or near the habitations of man", "tame, not wild", &c, -- this certainly does not describe the seal. It is "readily controlled by man" when on shore because comparatively and almost totally helpless when on shore. Equally incapable of efficient defence or flight.

It is domestic perhaps in the sense of a Crustacean or Oyster at low tide, in that it may be approached or killed on the spot. Salmon are nearly as "domestic" when on their spawning beds and are easily taken at such times.

It is of value commercially speaking but not as regarded as a necessity of life.

"The only home of the Alaskan seal herd is on the Pribylov Islands". What is meant by "home"-- does it equal habitat in Zoological senses? (Quote Wallace on habitat and look up other Authorities.) (Analogy of northern breeding birds) Statement as to Pribylov Islands depends on separateness of "Alaskan herd" which not proven and probably not provable. The term "herd" is inapplicable and connotes a wrong meaning. Herd is defined as a "number of animals driven ^{or} ~~and~~ feeding together", generally large animals. Flock is generally used in the same sense for smaller animals. (See other definitions) Transpose to

animals. (See other definitions) I transpose to generally used in the same sense for smaller "gather.", generally large animals. Flock is as a "number of animals driven ^{or} feeding together" a wrong meaning. Herd is *defined* able. The term "herd" is inapplicable and "herd" which not proven and probably not proven Islands depends on separateness of "Alaskan breeding birds) Statement as to Pribilof up other Authorities.) (Analogy of northern senses? (Quote Wallace on habitat and look "home"-- does it equal habitat in Zoological on the Pribilof Islands". What is meant by "The only home of the Alaskan seal herd is not as regarded as a necessity of life.

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Alaska seal flock! Uniform course when absent from the Islands. In a measure true, in so far as we know in the gross. Brit. Comms: were the first to discover and point this out.

It is not however, confined principally to "waters adjacent to the coast of the U.S., even if Alaska be included, (though not usually or properly considered as a part of the U.S.)

Long ~~traverse~~ through open ocean in autumn. Winter "home" near to and almost exclusively off the coast of B.C. "Never mingles with any other herd". This states ^{a universal} ~~an unusual~~ negative and would be ^{not probable} ~~improbable~~ under almost any circumstances. But it must be proven in order to uphold main plea as to property.

There is every reason to believe that the statement made is broadly erroneous. (Quote Authorities on this and array evidence.)

If driven from the present breeding Islands the consequences would doubtless be serious, but it is certain from analogy that new breeding places would be occupied and if undisturbed might probably soon become as important as the old.

'Identity of each individual can be established when in the water.' What does this mean? Probably that seals from Pribylov can be distinguished from other seals. Can only be done on the assumption that locality is a test, for even if minute differences observable on critical study occur between seals breeding in various localities, these could not be ascertained when "in the water."

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critical study occur between seals breeding in even if minute differences observable on the assumption that locality is a test for distinguished from other seals. Can only be done Probably that seals from Pribilof can be distinguished when in the water. What does this mean?

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Fixed intention of return. No doubt true in a general way.

Second.

Br. Comms: show good evidence that the "herd" meaning seals ^{resorting} ~~making~~ to the Pribilof Islands have been almost steadily decreasing even since the Alaska Cession.

Alleged indiscriminate and wasteful methods of pelagic sealing. Decrease observed long before pelagic sealing. See Comms. Report. Extermination, properly so called not possible. No analogy with depletion of Southern Seals.

Third.

The general allegations here made against pelagic sealing are dealt with in Comms. Report and may be answered from it. . . But the terms "illigitimate & improper" require separate treatment. Illigitimate it is to be presumed means unlawful, improper, perhaps means contra bonos mores ?

"Only way to preserve to prohibit pelagic sealing." This is a very wide statement.

Fourth.

Russian control dealt with in notes on previous part of Case.

Fifth.

Behring Sea not included in Pacific. Dealt with in notes on previous part of Case.

Sixth.

Rights of Russia passed to U.S. and were

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Seventh.

Britain acquired in these rights prior to 1886.

Eighth.

Right never questioned till 1885. Why should Sealers be called "adventurers". Excessive slaughter said to have commenced 1885. Compare slaughter on the Islands.

Ninth.

Profits of pelagic sealing often great & generally considerable. If it should become otherwise the danger alleged will cure itself. Relative importance of industries here unfairly stated. The importance of primary industries depending on the fishery only can be justly contrasted. In any case such comparisons relate to expediency and not to the rights which are in question. (Show the value of results to pelagic sealers by figures. Vessels specially built-- others brought round from East Coast. Occupied only a portion of the year and laid up all winter.)

p: 299 et seq:-

The U.S. here presents a new set of questions which are characterized ~~as~~ ex-parte as the "material questions" for determination. The questions upon which decision asked in the Treaty are as it happens those before the Arbitrators. ^{U.S.} ~~It~~ asks:- Ist: As to right of foreigners to engage on "devastation" which forbidden to U.S. Citizens. U.S. Citizens

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have never been interfered with outside of Behring Sea .

2nd: The right to kill seals at sea does not need to be "discovered", but any right to interfere with such killing requires discovery .

Great Britain has already and always been prepared to adopt concurrent and fair regulations.

The idea of a Convention here introduced is a valuable one and would perhaps afford the best means of getting over the unfortunate character of reference in Article VII.

Upon the first of the above questions the U.S. proceeds to make certain claims :-

- I. Property in seals justifying reasonable force. Not clear whether this refers only to seals in Behring Sea or to seals everywhere. Ridiculous claim of seals as "product of its soil".

Sets up the claim of individual interest against common right and common interest.

2. Here becomes bolder and more explicit. Speaks of "distinct right of property". Argues that U.S. has by reason of its interest a valid right of protection of seals on all parts of the High Seas.

3. If U.S. will discharge their trust in the common interest and in accordance with law no objections can be raised. Important to note that U.S. ready to assume the position of Trustee. The existence of a trustee implies an engagement or arrangement in the interest of

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those having a right to property. It cannot be made to cover an incidental benefit such as that alleged to be conferred on England—e.g. by the dressing and marketing of skins.

In respect to second question ("material question" as above) U.S. claims that extermination of "herd" "can only be prevented by practical prohibition of pelagic sealing in all the waters to which it resorts". As stated it is doubtful whether the waters are those to which the question "resorts" or the "United States resorts" though probably intended to refer to the fur seal.

p: 30I. P. 3. It is not clear upon which of the above propositions the U.S. defers argument.

p: 30I. P. 4. This is particularly important as it endeavours to define the exact powers of the Arbitrators in respect to prescribing measures of control. Authorities in England appear to think that any control not of an equitable and "concurrent" character need not be binding on the parties to the Arbitration, i.e. that the parties will have some say in respect to findings under this head. This, however, would practically limit the Arbitrators to advising a Convention on certain indicated lines, which I understood Sir T. Saunderson to say would leave the whole question as far from settlement as before. This opinion, however, is I think incorrect, for the settlement of the preceding questions would clear the way to agreement by means of a Convention and would clearly define

means of a Convention and would clearly define questions would clear the way to agreement by incorrect, for the settlement of the preceding as before. This opinion, however, as I think leave the whole question as far from settlement understood Sir T. Sommerson to say would Convention on certain indicated lines, which I practically limit the Arbitrators to advising a finds under this head. This, however, would parties will have some say in respect to finding the parties to the Arbitration, i.e. that the "concurrent" character need not be binding on think that any control not of an equitable and of control. Authorities in England appear to Arbitrators in respect to prescribing measures endeavours to define the exact powers of the

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the actual rights of each nation. It will be observed that the U.S. here speak of the power of the Arbitrators to prescribe any agreement or regulations, placing agreement first. They appeal to equity, justice, humanity, enlightened policy, but do not mention rights.

p: 301. (bottom) The U.S. here prescribe suitable findings for the Arbitrators.

p: 302. First. Control of Behring Sea by Russia to date of Cession including right to exercise "reasonable force". How is reasonable force defined or definable? This is a term without meaning. If a Sealer fully armed were to resist capture would it be "reasonable force" to sink ^{her} ~~here~~, and if so where does "reasonable force" differ from force of arms generally?

p: 302. P.2. Great Britain assented to exclusion from Behring Sea. Denied.

P. 3. Behring Sea was not included in Pacific Ocean. Denied.

P. 4. That all the rights of Russia passed.

On this question it is to be decided whether we will up-hold the plea that when any sea (even if naturally closed) ceased to be surrounded by the territory of a single Power it could no longer be a closed sea. (See doctrine of U.S. Minister at St:Petersburg. Br: Case, p: 114.)

p: 303, P.I. That the U.S. have property in seals and are justified in their actions thereby, &c.

and are justified in their actions thereby, etc.

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Case, p: II.4.)

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It will be noted that the contention here made that the U.S. entitled to secure the "possession and benefit of the same" i.e. seals, to themselves. This advances a stage from the claim made on p: 300 ^{where} ~~about~~ the U.S. ^{poses} ~~forces~~ as a trustee of the fur-seal.

2. The alternative to proposition I for finding by Arbitrators:- If the U.S. has not the rights claimed, to be declared that Great Britain & the U.S. are in duty bound to concur in adoption of measures prescribed by tribunal to prevent sealing upon the High Seas.

This proposition must be combatted in so far as it suggests regulations only for the High Seas. Unfortunately the Arbitrators are limited to ^{non-territorial} ~~territorial~~ waters, but it must be proven to them that by reason of this limitation they are debarred from prescribing efficient measures. They may suggest concurrent regulations covering the whole migration-tract of the seal for ~~no~~ adoption by the Governments, and that is all that they can justly do in view of the facts.

Thus from our point of view it appears absolutely necessary that we should regard the Arbitration merely as a first step to clear the ground for a Convention, and if the Arbitrators strip the untenable and varied pretensions from the Case of the U.S. they will have done much. The U.S. would then be only too ready to join in a Convention for protection measures.

It will be observed generally that there is a great deal of repetition and confusion in

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It will be noted that the contention here

the postulates &c, under the general heading of Conclusions, beginning on p: 295. The legal points and questions of right are gradually dropped out of sight and various claims based in property in seals brought to the front. We should insist on disposing of the questions seriatim as per Treaty. The object of the U.S ~~law~~ in bringing all matters connected with "seal life" into the Case is palpably to confuse the main issue. In so doing they show an apparent weakness in their whole Case, for the assumption evidently is that the findings on the question under Article VI. will be such as to call for consideration of Article VII. In other words that from points of view of law and right they have no Case and that to put in a Case based on these points ~~in~~ alone, would be to stultify themselves.

It will also be noted that in this ~~Conclusion~~ Conclusion every "question" includes a lot of statements of alleged fact which are so embodied as to appear to form part of the "question" but which must be combatted separately and in detail.

detail.

but which must be combatted separately and introduced as to appear to form part of the "question" statements of alleged fact which are so embodied in every "question" includes a lot of Conclusion every "question" includes a lot of It will also be noted that in this ~~Conclusion~~ be to stultify themselves.

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We should insist on disposing of the questions in property in seeds brought to the front. dropped out of sight and various claims based points and questions of right are gradually of Conclusions, beginning on p. 295. The legal the postulates etc, under the general heading

.....

This proposed at request of Secretary of State of United States, and in introduction Mr. Allen's credentials very fully set forth.

The object of the technical or classificatory part of the paper, except in so far as it contains ~~part~~ points of special pleading in the present case, is not very obvious, as Prof: Allen's well known Monograph is readily accessible to Naturalists. p: 367. See comparison of opening statements with those in Monograph.

370. See remarks on destructive Walrus hunting and its effect on Natives. No legislation attempted, however, in this case-- no "Company" interested in Walrus.

370. Eared seals said to spend almost continuously about one-third of the year (This is more correct than the loose statements in the Case) Quote in connection.

372. Is there any reason why the fur seal should be supposed less tolerant of climatic variations than Stiller's sea-lion the habitat of which is here stated to extend from Behring Strait to California and Japan? Fur will not explain. (see range of sea-otter, referred to p: 373, also elsewhere.)

372. Habitat of fur-seal. Compare statement here with that in "Monograph", p: 210. (Author has experienced

a change of heart.) See also Harbor Seal, page from S. California to Behring Strait. (Monograph p. 587.)

from S. Cooper's & Aldrich Street. (Amphibian P. 287.)
a change of heart. See also Cooper's case

382. Habitus of fur-seal. Compare statement here with of sea-otter, referred to p: 373, also elsewhere.) and Japan? Fur will not explain. (see range stated in extent from Behring Strait to California Stiller's section the ~~part~~ of which is here supposed less tolerant of climatic variations than 383. Is there any reason why the fur seal should be rejected.
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.....

Institutes

p: 373. ~~Substitutes~~ a new species (not described) under genus *Arctocephalus* for fur-seal of Californian Coast. States however, that Alaskan fur-seal regularly visited Californian region.

378. McNeill on length of visit to the shores.

379. Wedell ditto.

380. (bottom) Concludes that habits of fur-seals are much the same everywhere.

Fur-seal hunting in Southern Hemisphere.

p: 393 et seq:

All this is interesting enough as showing depletion and destruction of rookeries by promiscuous slaughter of seals on shores, but has not any bearing on the alleged effects of pelagic sealing. It will, however, be noticed throughout, that Sealers from the U.S. were everywhere the chief offenders and the attitude of the U.S. Govt: at the time and under the premises is shown by the agreement made in the Treaty of ISOI (?) with France, that sealing should be free in every part of the world. *also by US. -*
James Ayres Correspondence (British Case)

Alaskan Fur-seal and Pelagic Sealing.

p: 405 et seq:

Allen here submits by request of the Secretary of State a finding based on U.S. Comms: Report.

405. States that the Islands the "true home" -- but not for wintry ~~months~~ ^{weather} they would (~~from~~ analogy) pass the whole year "at" these Islands. This "at" even ~~from~~ from analogy, is very misleading. On the other hand as stated in Br: Comms: Report, if confined to Behring Sea, the seals would perish in a single year.

405. Account of northward migration very misleading.

406. Very little evidence (of which however he makes the

June

400. Very little evidence (of which however he makes the
400. Account of northward migration very misleading.

Behring Sea, the seals would perish in a single year.
had as stated in Br. Commrs: Report, if confined to
from analogy, is very misleading. On the other
the whole year "at" these Islands. This "at" even if
for winter ^{months} ~~months~~ they would ^{from} analogy) pass
400. States that the Islands the "true home" -- but not
States a finding based on U.S. Commrs: Report.

Allen here submits by request of the Secretary of
p: 400 et seq:

Alaskan Fur-seal and Pelagic Sealing.

Green's Paper Conference (British Case)
be true in every part of the world. *Allen p 402. -*
Treaty of 1801 (?) with France, that sealing should
the premises is shown by the agreement made in the
attendance of the U.S. Govt: at the time and under
the U.S. were everywhere the chief offenders and the
however, he noticed throughout, that Sealers from
on the alleged effects of pelagic sealing. It will,
slaughter of seals on shores, but has not any bearing
tion and destruction of rookeries by promiscuous
All this is interesting enough as a hunting deplo-

p: 383 et seq:

Fur-seal hunting in Southern Hemisphere.

much the same everywhere.

- 380. (bottom) Concludes that habits of fur-seals
- 379. Weddell ditto.
- 378. Maxwell on length of visit to the shores.

He visited Californian region.

States however, that Alaskan fur-seal regular-

Genus Arctocephalus for fur-seal of Californian Coast.

p: 373.

Antarctic

a new species (not described) under

most) suffices to satisfy him that Pribyloff and
Commander herds are absolutely distinct.

406. Compare remarks about Californian breeding places
with Monograph, p: 332.

407. Ex parte discussion of probability of copulation
on land.

In regard to statements Allen simply follows
up the U.S. Commrs: Report seriatim. If this is
~~correct~~ ^{correct} why need Allen's confirmation, which depends
on no personal knowledge.?

407. (bottom) P. 8. Says that for last two or three years
necessary to lower sizes of skins and re-drive
animals in order to obtain the greatly reduced
number allowed in 1890. The reduction was made
in 1890, but what has that to do with the proceedings
of former years when it was evidently required but
was not made?

Wants
more
control.

Is the term "Pribyloff herd" here used so
glibly anywhere found in the "Monograph"? I
think not. (Scammon uses it on p: 332, as quoted
in "Monograph".)

408. Says that conservative estimate places loss by pelagic
sealing at 60%, but adds that this much below
the actual facts!

408. Assumes that at least 80 % of seals killed are
females.

409. Where are the "Others" who have had "access to
trustworthy sources of information" and give pelagic
loss at 40 to 50 per cent or even higher, to be
found. Not in the Blue Book which we are here led
to believe is quoted.

409. Assumes that specific gravity of a dead seal is
necessarily less than the water in which it is found.

necessarily less than the water in which it is found,
to believe is quoted.

found. Not in the Blue Book which we are here led
loss of 40 to 50 per cent or even higher, to be
trustworthy sources of information" and also believe
409. Where are the "Others" who have had "access to
females.

408. Assumes that at least 80 % of seals killed are
the actual facts!

etc sealing at 60%, but adds that this much below
408. Goes that conservative estimate places loss by seals
in "Monograph".)

think not. (Gosson uses it on p. 232, as quoted
glibly anywhere found in the "Monograph" ? I
Is the term "Pribyloff herd" here used so
was not made ?

of former years when it was evidently required but
in 1890, but what has that to do with the proceeding
number allowed in 1890. The reduction was made
animals in order to obtain the present reduced
necessarily to lower sizes of skins and require
407. (Boston) P. S. Goys that for last two or three years
or no personal knowledge.?

~~Source~~ why need Allen's confirmation, which depends
up the U.S. Commr's Report seriously. If this is
In regard to statements Allen simply follows
on Long.

406. The writer's discussion of probability of population
with Monograph, p. 232.

405. Compare remarks about Californian preceding places
Commr's Report, heres are absolutely distinct &
most) suffices to satisfy him that Pribyloff and

Argument to show why seals should sink.

409. States that quality of female skin is much inferior.
This I think is nowhere stated in evidence of dressers, etc, though supposed to be derived from this evidence.

409. States that dead pups rare on rookeries before pelagic sealing.

409. Follows U.S. Comms: in regard to female suckling only her own young, as in other respects. Is claims perfectly definite.

409. P. 12. Here again ~~states~~ everything he wants to prove.

410. Here recapitulates and reaffirms, stating that on Islands killing is regulated with reference to number of killables. (What about the quota of 100,000 for 20 years?)

410. P. 14. Last Clause. Necessity of prohibiting all sealing whether pelagic or otherwise for a "considerable period".

This admits (1) Co-relation of Island and Seal sealing. (2) It may be used as an argument against damages claimed by U.S. as against possible catch. (In Case proper.)

Note passion in this "specially written" report. -- a total want of absence to Elliott and Bryant, who were Allen's chief Authorities and very largely quoted in regard to seal life in ^{his} ~~the~~ Monograph.

cf.
p. 107

quoted in regard to seal life in ^{the} "monograph" who were Allen's chief authorities and were largely -- a force want of evidence to Elliott and Bryant,

Note insertion in this "spectacularly written" report (In Case proper.)

damages claimed by U.S. as against possible catch sealing. (2) It may be used as an argument against

This clause (1) Co-revelation of Iceland and sealable herds"; sealing whether pelagic or otherwise for a "con-

410. P. 14. last clause. Necessity of prohibiting all for 80 years?)

P. 14
of 1901

410. Here recognizable and sometimes, stating that or prove.

400. P. 12. Here again ~~reference~~ everything he wants to was perfectly valid.

400. follows U.S. Comms: in regard to Iceland sealing pelagic sealing.

400. States that seal pups were on rookeries before this evidence.

dressers, etc, though supposed to be derived from This I think is nowhere stated in evidence or of

400. States that quality of Iceland skin is much inferior, argument to show why seals should at N.

DR. MERRIAM'S CIRCULAR.

.....

U.S. Appendix, Vol. I. p: 414 et seq:

- p: 414. Dr. Merriam's letter enclosing his Circular is uncan-
did. The several Naturalists addressed cannot be supposed to have been familiar with the circumstances and that Dr. Merriam was one member of a Commission appointed by U.S. to investigate and report in common with a similar Commission appointed by Great Britain. As here stated it might and would naturally be supposed that Dr. Merriam had been sent alone to investigate on his own responsibility.
- p: 414. 2. In winter migrates into N. Pacific. More correct to say that in summer fur-seals resort to certain Islands to breed. ~~Assumes~~ ^{Assumes} without any proof and ob initio the existence of 2 herds.
3. Migration is misrepresented and winter stay on coast of B.C. chiefly is ignored.
5. Arrival of cows is most notable in latter part of time and extends to middle of July, according to best Authorities. ^{equally}
7. Single young at birth-- young ~~scarcely~~ ^{scarcely} divided as to ~~birth~~ sex. Both statements open to exception though none made.
9. "Each male serves 15 to 25 females". How prove this ?
10. Copulation on land ? After birth of pups cows leave and go for food ?
14. The statement here made is distinctly erroneous.
17. Here enlarges on exceptional instances and wafs.

writes.

- IV. Here enters an exceptional instance and
14. The statement here made is distinctly erroneous. Ions are for food ?
10. Copulation on land ? After birth of pups come this ?
9. "Each male serves 15 to 20 females". How prove though none may ?
8. Single young of birth-- young ~~usually~~ ^{usually} divided into the best authorities.
7. Part of time and extends to middle of July, according to best authorities in letter
6. Cause of B.C. chiefly is ignored.
5. Migration is misapprehended and winter stay on coast of B.C. chiefly is ignored.
4. Proof and on in the existence of S herds. ~~Proves~~ without any certain Islands to prove.
3. Correct to say that in summer fur-seals resort to certain Islands to breed.
2. In winter migrates into N. Pacific. More sent alone to investigate on his own responsibility. would naturally be supposed that Dr. Merritt had been by Great Britain. He here states it might and part in common with a similar Commission appointed Commissioner appointed by U.S. to investigate and returns and that Dr. Merritt was one member of a he supposed to have been familiar with the circumstances. The several Naturalists addressed cannot
1. Dr. Merritt's letter enclosing his Circular is

U.S. Appendix, Vol. I. p. 414 et seq.

.....
DR. MERRITT'S CIRCULAR.

18. Here again distinctly erroneous impression conveyed by enlarging on exceptional circumstances. Would be more correct to say :- Bulls remain 3 months -- Cows remain 4 & 1/2 or 5 months. Non-breeding male seals more irregular not having any definite occasion to land. A few seals very exceptionally seen as waifs and stragglers in the ^{winter} ~~summer~~ "Only seals killed on Islands "Holluschickie" "for commercial purposes". Here ~~shows~~ ^{glubs} over killing of pups for food and assumes, contrary to probability, that no females are or have been killed. Speaks of Holluschickie as if completely separate from breeding rookeries. Passes ~~on~~ without mention all the ill-effects of "driving".
20. The prohibition of killing of pups here mentioned did not take effect till 1891 ~~or~~
416. Repeats as facts all the conclusions stated in U.S. Comms: Report as to meaning of grass limits on breeding Islands.
- P. 2. Repeats the erroneous statement as to 90 % females on coast, &c. "Many more than are killed sink before they are reached" "for obvious reasons".
- P. 3. Characterizes pelagic sealing as "destructive work".
- P. 3. Assumes without exception that females killed in Behring Sea are suckling females and that dead pups seen in 1891 had died because such females were killed.
417. P. I. States that number of seals secured "but a fraction of those killed. Argues that pelagic sealing alone accountable for decrease.

sealing alone accountable for decrease.

Proctor of those killed. Admits that pelagic

414. P. 1. States that number of seals secured "but a killed."

seen in 1891 had died because such females were bearing cubs are smothering females and that dead pups were assumed with an exception that females killed in work."

P. 2. Characterizes pelagic sealing as "destructive strike before they are reached" "for obvious reasons." Females on coast, &c. "Many more than are killed

P. 3. Reports the erroneous statement as to 200 ♀ preceding islands.

U. S. Customs: reports as to meaning of grass limits on Reports as facts all the conclusions stated in ioned did not take effect till 1891 ~~NY~~

50. The prohibition of killing of pups here mentioned all the ill-effects of "driving".
arise from pre-emptory prohibitions. Passes ~~over~~ without

Speaks of Holmochronis as if completely sep-
arated, that no females are or have been killed.
of pups for food and assumes, contrary to probab-
"for commercial purposes". Here ~~states~~ ^{speaks} over killing

13. Only seals killed on islands "Holmochronis" exceptionally seen as with an exception in the ~~subject~~ ^{subject} definite occasion to land. A few seals very ex-
pressing male seals more irregularly not heading any
months -- some remain 4 or 5 months. Nor-
would be more correct to say: -- Bulls remain 3
conveyed by enlarging on exceptional circumstances.

There again distinctly erroneous impression

417. P. 2. Takes extreme limits of dates of sealing as the ordinary ones.

417. P. 4. Said before sexes "about equal" at birth. Now states definitely that they are equal and employs this in argument. States definitely "neither females nor breeding males are killed".

"No evidence that there has ever been a lack of males"! No waste! (in italics.)

417. P. 5. Where are the young males if this is true. Re-assures himself by repeating former assertions.

417. (bottom) Asks judgment on his conclusions and recommendations for none of which he has produced any proof. Trusts merely to a generous belief in his veracity in assertion, based on a very brief and partial visit to Behring Sea in 1891.

The attempt made to obtain a judgment under the actual circumstances from innocent Naturalists on a basis of ^{personal} ~~former~~ friendship or camaraderie, a piece of unparalleled meanness. Note (from replies) that Merriam did not send the letter on his private account but that it was presented to the Naturalists representatives at each place, incriminating the in question by the U.S. Government itself which had agreed to the stipulated course of arbitration.

REPLIES TO CIRCULAR.

419. Milne-Edwards (France) . Parallels seals very appropriately with migratory ^{birds} ~~fishes~~. Quote his words as referring to war on Canadian migrants and ask U.S. if ready to grant protection on same ground as in case of seals.

419. ^{How} ~~Always~~ by his language that he knows only the U.S. side of the Case.

420. Suggests an International Commission.

430. Suggestions on International Convention.

U.S. side of the case.

419. ~~Shows~~ ^{Shows} by his language that he knows only the
in case of seals.

U.S. it needs to grant protection on same ground as
as referring to war on Convention ~~injure~~ and can
appropriately with ~~injury~~ ^{live}. (quote his words

418. Mills-Bowman (France). Parallels seals very

REPLIES TO CIRCULAR.

charged to the stipulated course of arbitration.

In question by the U.S.⁴ Government itself which had
account but that it was presented to the Naturalists
that Morrison did not send the letter on his private
piece of unparalleled meanness. Note (from replies)
on a note of ~~showing~~ ^{showing} friendship or ~~of~~ ^{of} ~~merchandise~~ ^{merchandise} a
the actual circumstances from innocent Naturalists

The attempt made to obtain a judgment under
partial visit to Gehring See in 1891.

partially in assertion, based on a very brief and
proof. Trusts merely to a generous belief in his
own mendacious for none of which he has produced any

417. (bottom) asks judgment on his conclusions and re-
assures himself by repeating former assertions.

416. P.S. Where are the young males if this is true. Re-
plies "I No waste!" (in italics.)

"No evidence that there has ever been a loss of
females nor breeding males are killed."

this in argument. Seals definitely "rather
seals definitely that they are equal and employ

415. P.S. Said before seals "about equal" at birth. Now
the ordinary ones.

414. P. S. Takes extreme limits of dates of sealing as

clearly
On the whole very ~~clearly~~ avoids endorsing Dr. Merriam's statements.

420. Alfred Nehring. (Germany) In the main fully and in gushing terms endorses Merriam. Admits however that local pursuit where seals are destructive to fisheries may be justifiable.

421. Robert Collett (Norway) Recommends International action as to close time.

422. Gustav Hartlet. (Germany) Agrees with Merriam but regrets that for practical reasons sealing cannot be prohibited entirely for a few years.

422. Count T. Salvadori. (Italy) Generally agrees.

Thinks that evidence adduced against pelagic sealing not sufficient. That killing of 100,000 too high interfering with sexual selection.

423. Dr. L. Von Schenck. (Russia). Fully agrees.

423. Dr. Henry. H. Gigleoli. (Italy.) Entirely agrees. (Deplores killing of pups for food) but enters *note* argument which shows that he is not in possession of the pros and cons of the question but has swallowed all the statements made by Elliott, &c, and finally bolted Merriam's statement.

424. Dr. R. Blanchard. (France) Assumes Merriam's statements to be *precise!*

Stipulates for regulation of killing on land also. Suggests International Commission.

425. Dr. W. Lilljeborg and Baron Nordenskiöld. (Sweden)

Include ^{rules} ~~notes~~ for Government of Islands. Assume that such will be made. Agree to putting down pelagic sealing. Give an opinion as to great ~~loss~~ loss by sinking when killed. (Accept Merriam's figures and statements without question.)

- and states his without question.)
- by striking upon killed. (Joseph Merriman's figures die sealing. Give an opinion as to great ~~great~~ loss that such will be made. Agree to publishing down held-Include ~~matter~~ ^{rules} for Government of Iceland. Assume
488. Dr. W. Lilleberg and Baron Nordenskiöld. (Sweden) also. Suggests International Commission. Stipulates for regulation of killing on land wants to be ~~fixed~~ ^{fixed}
489. Dr. H. Blanchard. (France) Assumes Merriman's statement. Finally bolsters Merriman's statement. Lined all the statements made by Killott, do, and of the pros and cons of the question but has swif-argument which shows that he is not in possession (Deplores killing of pups for food) but endures ~~life~~
490. Dr. Henry H. Gigleoli. (Italy.) Entirely agrees
491. Dr. L. Von Schorok. (Russia.) Fully agrees. High interfering with sexual selection. Two not sufficient. Three killing of 100,000 too. Thinks that evidence advanced against pelagic seal-
492. Count T. Salusborg. (Italy.) Generally agrees. be prohibited entirely for a few years. regrets that for practical reasons sealing cannot
493. Gustav Havelok. (Germany) Agrees with Merriman die action as to close time.
494. Robert Collot (Norway) Recommends International Fisheries may be justifiable. that local pursuit where seals are destructive to in questing birds endorses Merriman. Admits however
495. Alfred Nehring. (Germany) In the main fully end Merriman's statements.

On the whole very ~~clearly~~ ^{clearly} evinces endorsing Dr.

430. Dr. A. T. Von Middendorf. (Russia) Only International protection will suffice because of migratory character. Illustrates facts by disappearance of bison which he says is of no economic value!
431. Dr. E. Holub. (Austria-Hungary) Generally agrees. Suggests International Conference and lays down procedure. Instances a new trade springing up which pay ~~gain~~ older ones! (A ~~bumcome~~ letter).
433. Dr. C. Berg. (Buenos Aires.)

Agrees in short terms and without argument to Merriam's conclusions.

Warron's conclusions:

Agrees in short terms and without argument to

499. Dr. C. Berg. (Bremer Aires.)

Not with older ones! (A handsome letter).

Proceeds. Instances a new trade springing up which

Suggests International Conference and lays down

491. Dr. E. Holm. (Austria-Hungary) Generally agrees.

which he says is of no economic value!

error. Illustrates facts by disappearance of piston

into ocean will suffice because of migratory char-

490. Dr. A. E. von Middendorf. (Prussia) Only International

GEOLOGICAL SURVEY DEPARTMENT.

Alfred R. C. Selwyn, C. M. G., L. L. D., F. R. S.,

DEPUTY HEAD AND DIRECTOR,

MUSEUM AND OFFICE, SUSSEX STREET, OTTAWA.

189

Russian American C. Correspondence

app. to U.S. Case, p. 49 et seq.

49. Trade competition previous to 1820.

This whole letter shows only a proposal to permit illicit trade everywhere in 'the colony' mention of Kodiak etc. thus.

p. 51 P. 2. Restrictions ^{as to ports} apply to all parts of Eastern Siberia, not alone to B.S.

p. 55. note 'domain' of land & water'

57. note 'as the waters over which our trade & industry extends'

58. Board of administration feels at the disorderous effect of killing all young whales. March 25, 1821. (Compare with number actually killed at this date.) (Quote passage.)

58. Thanks that with cessation from killing every fifth year 50,000 in all ways to obtain from Pub. Islands without injury.

60. because of 1821 settles a "new position" to be assumed.

60 see the paragraphs here specially referred to as having no part in dispute between Russia & the nations.

GEOLOGICAL SURVEY DEPARTMENT.

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DEPUTY HEAD AND DIRECTOR,

MUSEUM AND OFFICE, SUSSEX STREET, OTTAWA.

.....189.....

82. Skins sold before 1853. ordered to be
distributed at that date.
83. Regular market for sold skins
in 1854.
- ✓ 86. opinion that 70,000 skins might be taken
(1859) without detriment.
87. Whalers raiding upon walrus living upon
Alaska Peninsula.

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Quota in 'Conclusion'

p. 295. Begotten born & reared

Essentially a land animal, requiring to
walk, dig, for food & avoid heat & sun.
Reading controlled by man while on
land & 'domestic' in its habits!

Orig home of Alaskan Seal herd Prob. SAs
296. Come when about unjarsin & depend
principally on water adjacent to coast of
US.

Never mingles with any other herd
& derive from Prob. SAs unless probably from
Scarcity of each individual in water can
be established with certainty.
Fixed intention of return to islands.

Under management of Russia & US. Seal herds
in Canada.

Scarcity of herd due wholly to care of US. &
Russia

Decrease due to pelagic feeding.

297 Pelagic feeding slight increase, implies
& wasteful, barbarous etc.

300 Perhaps in seals as a 'natural product
of its seal'

MINISTER OF MARINE AND FISHERIES

OTTAWA, CANADA.

BEHRING SEA.
CONFIDENTIAL.

9th September, 1892.

*Recd.
Sept. 10.*

My dear Doctor,

It has occurred to me that it would not be a bad plan and we may save one another some work if, in going over the Case, we exchange cursory notes.

For example, I enclose a copy of some rough notes made on the pages as far as I have gone, viz. to page 41 of the Case.

I have already referred the Geographical part to the Geographer of the Department of the Interior, as noted; and I find that we have Reclus and St. Martin in the Library here, and will find Windlay, I suppose, in England.

I have not yet had time to do anything with the other notes.

I should be glad if you should be able to exchange your rough notes with me in the same way.

I am,

Dr. G. M. Dawson, C. M. G.,

Yours faithfully,

&c., &c., &c.,

O t t a w a.

Charles H. Supper

NOTES ON U.S. CASE.

FINDLAY'S NORTH PACIFIC DIRECTORY, 2nd. Ed. London, 1870, p. 517.

Quoted on p. 11, on the point that B. Sea is a great land-locked sea.

See this authority for "Behring Sea"---"Pacific"---"Pribylov" and "Commodore" Islands---Behring Straits"---&c.---as on page 73, British 'Case'.

Refer pp. 11, 12, 13, 14, 15 to The Geographer, Interior Department, for his criticism as to accuracy of statement, &c.

Done

WATER BOUNDARY LINE:

See pp. 13, 14, touching Aleutian Islands and supposition that Commander Islands as part of the same chain as Attu, &c.

Commander Ids are not included in list of Ids in B. Sea - p. 14.

Citing:

Vivien de Saint-Martin, Nouveau Dictionnaire de Geographie Universelle, Paris, 1879, Vol. I, ~~xxx~~ p. 416;
Encyclopedia of Geography, Revised Edition, Philadelphia, 1838, Vol. III, p. 344.

NOTE.

Look up these authorities for reference in full---supporting, if possible, our contention, p. 95, British "Case", as to reason for line of demarcation
Also for further definition as on p. 73, British "Case".

NOTE population shores of Behring Sea, p. 15, and see:

RECLUS, Vol. XV, p. 225, cited---in support of

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Also for further definition as on p. 73, British "Case".

NOTE population shores of Behring Sea, p. 15, and see:

RECLUS, Vol. XV, p. 225, cited---in support of

British "Case", pp. 32, 33.

NOTE p. 19. Indiscriminate hunting of sea-otter and walrus, and extermination. This was on shore.

Should not we demand authorities on which statement is made to bring out distinction between extermination on land and that insinuated at sea?

See authorities cited on p. 20, as to whether the exploration of B. Sea was there said to be the ^{direct} joint result of the occupation of Eastern Siberia and Kamschatka by the Russians.

BERG: CHRONOLOGICAL HISTORY of the Discovery of the Aleutian Islads, or the Achievement of Russian Merchants; and also an Historical Review of the Fur Trade; St. Petersburg, 1823, p. 1, et seq.

See this work---where can it be got?
St Petersburg. 1820. In Russian

See p. 23. The statement that in 1786 Russians had already noticed the Pribyloff herd of Fur Seals as it passed through the Aleutian Islands, and, as the supply of sea-otters diminished, the Russians began to exert themselves to ascertain upon what shores these fur-seals landed. See following passage also.

Is this an accurate statement?

Should we not ask for authority?

On p. 25. Permanent settlements, forts, trading posts, established by Russians on Eastern mainland of Behring Sea during

Russians on Eastern mainland of Behring? See Journal

On p. 88. Permanent settlements, forts, trading posts, established by

Should we not ask for authority?

Is this an accurate statement?

seals landed. See following passage also.

themselves to ascertain upon west shores these fur-see-otters diminished, the Russians began to exert through the Aleutian Islands, and as the supply of the Pribyloff herd of Fur Seals as it passed

See p. 88. The statement that in 1786 Russians had already noticed

of (the) herd 1800. In Russian

See this work---where can it be got?

1828, p. 1, et seq.

HISTORICAL REVIEW OF THE FUR TRADE; St. Petersburg, the Achievement of Russian Merchants; and also an
BERG: CHRONOLOGICAL HISTORY of the Discovery of the Aleutian Islands, or
the Russians.

occupation of Eastern Siberia and Kamtschatka by

See was there said to be the ^{direct} joint result of the

See authorities cited on p. 80, as to whether the exploration of B.

termination on land and that insinuated ~~the~~ seal?

ment is made to bring out distinction between ex-

Should not we demand authorities on which state

extermination. this was on shore.

NOTE p. 19. Indiscriminate hunting of sea-otter and walrus, and

British "Case", pp. 38, 39.

latter part of 18th Century, and early years of 19th.

Should we not demand authority for this?

References: Vivien de St. ~~Maurice~~ Martin, Vol. 1, "Alaska", pp. 55, 56.

"Russia's Early Title to parts of the Coast of America", Vol. I, p. 12.

These should be looked at to see if they support, in any way, statement above.

See p. 26. Universal recognition of Russia's title to Territory North West of and including Peninsula of Alaska.

Should we not ask for authorities?

See p. 27. ^{London. 1787} Coxe is cited to show settlements and establishments by Shelikoff on mainland.

Coxe, p. 264, 268, 269, 273.

Look at Coxe to see if it does not appear that all settlements on mainland but temporary-- no forts, no government, &c.

See British "Case", p. 18, all countries in Prince William Sound exploring, &c.

Yakutat--p. 27. Russians said to have taken formal possession.

Coxe, pp. 240-254.

See Coxe on this.

British "Case", p. 18, says Russian vessels explored simply.

Tikmenief's Hist. Rev. of Development of Russ.

Tikhonietz's Hist. Rev. of Development of Russ.
Alaska simply.

British "Case", p. 18, says Russian vessels ex-

See COKE on this.

COKE, pp. 240-254.

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COKE, p. 284, 288, 289, 279.

by Shelikoff on mainland.

See p. 27. COKE is cited to show settlements and establishments
London, 1787

Should we not ask for authorities?

North West of and including Peninsula of Alaska.

See p. 28. Universal recognition of Russia's title to Territory

port, in any way, statement above.

These should be looked at to see if they sup-
of America", Vol. I, p. 13.

"Russia's Early Title to parts of the Coast

"Alaska", pp. 25, 26.

References: Vivien de St. Martin, Vol. I,

Should we not demand authority for this?

Text.

latter part of 18th Century, and early years of

Am.Co. and its operations; 1861, Vol.1, p,40; cited as to launching of vessel by Russia on shores of Prince Wm. Sound.

See p. 28. Reference to Russia's claim in 1810 to Columbia River---coast down to---

See American State Papers, Foreign Relations, Vol.V, p.442.

Also generally Russia's **Early Title** to the Coast of America, Vol.I, p.12.

Note on pp.29-30. U.S. Case practically admits that all that Russia had been doing towards claims and possession of the coast was done by England and Spain.

Note on p.31. Treaty of 1790 between Great Britain and Spain referred to and Art.III quoted. It is said to be the basis of the adjustments 1824-25.

Note that this Article refers to "Pacific Ocean"---not to waters "commonly called 'Pacific Ocean'".

See passage p.33 as to dispute only as to territory South of 60° ---undisputed above---and note reasons given in British "Case" as to claim of 1799, pp.27,28.

On pp.38,39, object of Ukase of 1821 is said to be as stated in British "Case".

So note on p.40---reason for 100 mile limit---as stated by British

So note on p. 40---reason for 100 mile limit---as stated by British
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British "Case" as to claim of 1799, pp. 27, 28.

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Coast of America, Vol. I, p. 12.
Also generally Russia's Early Title to the

Vol. V, p. 448.
See American State Papers, Foreign Relations,
River---coast down to---

See p. 28. Reference to Russia's claim in 1810 to Columbia
Prince Wm. Sound,
as to launching of vessel by Russia on shores of
Am. Co. and its operations; 1861, Vol. I, p. 40; cited

"Case"---not to protect fur-seals, but to procure Trade monopoly.

Reference to Nootka Sound Convention and to Treaty of Utrecht in support of claim of 100 mile jurisdiction.

Note, however, the great difference---Treaties and claims.

See p.40. Note the clause at end of page, the reason given without authority of reference and contrary to the above---based on desire to protect seal herd of Pribyloff.

In answer show seals not at this time the prime article, and no suggestion of protection of seal life? *See, however, later on in U.S. Case.*

Page 41. Note extract Letter Board of Admn. Co. to Chief Manager of R.A. Colonies, Sitka, Sept. 20, 1821.

In the first place ---this is quoted after statement that Russia regarded Ukase as declaratory of existing rights.

Of what avail when abandoned?

But note important omission from extract on p.

41. See p.60, Vol. I, U.S. Appendix to "Case", where the instructions are as follows:---

"In your dealings with foreigners you will act especially under the provisions of the following paragraphs contained in the new regulations: 35, 39, 41, 43, 44, 46-49, 51, 52, 53, 55-60, 62, 64, 67-70. These paragraphs bear plainly upon the points in dispute between us and other seafaring nations."

The 'paragraphs' referred to are as follows:---

(See "Rules under Ukase of 1821, and regulations of Am. Co.")

(201)
repetition of
"Mineral" in
"Articles" of New
York

The paragraphs, referred to are as follows:---

"between us and other seafaring nations."
"paragraphs bear plainly upon the points in dispute
"41, 48, 44, 48-49, 51, 52, 53, 55-60, 62, 64, 67-70. These
"paragraphs contained in the new regulations: 35, 39,
"especially under the provisions of the following
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41. See p. 80, Vol. I, U.S. Appendix to "Case", where

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Page 41. Note extract letter Board of Admn. Co. to Chief Manager

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Reference to Nootka Sound Convention and to

Furze monopoly.

"Case"---not to protect fur-seals, but to procure

"Sec.35. The Commander of Kamtchatka on receiving this report will order two officers and a sufficient number of men on board the detained vessel."

"Sec.39. The commander of the Russian vessel is obliged, in the course of two days after his arrival at the port of St. Peter and Paul, to make a minute representation to the commander of Kamtchatka of all that shall have happened at the detention of the foreign vessel brought in by him, and to deliver said vessel, together with the sealed packet containing her papers expressed in sec.27."

"Sec.41. Having settled everything on board the arrested vessel, and landed the crew, the court immediately shall open the session and endeavour to ascertain as soon as possible the solution of the enquiry 'whether the vessel be lawfully arrested or not'."

"Sec.43. In order to decide either case, the court is to inspect all documents presented, and tracing on one part all proofs of guilt, and on the other all doubts, which might clear the foreign vessel, summon the commanding officer of the Russian vessel to give all additional information deemed needful, and completing thus all circumstances ~~xxxxxxxxxxxx~~ condemning the foreign vessel, the court shall draw up a clear statement of the reasons of her condemnation."

"Sec.44. Should the court in making out said statement find that the foreign vessel has been arrested without sufficient cause said court on passing the sentence is to determine the damages suffered by such detention, and to furnish both parties with a certified copy of this resolution."

"Sec.46. Should both parties be satisfied with the decision of the Court, then the commander of Kamtchatka is to release immediately the detained vessel, returning everything to the master according to the inventory, along with the adjudged damages, exacting them from whomsoever is to pay the same."

"Sec.47. If on the contrary the court receives on the third day a repeal to its decision, it is bound to take that repeal into immediate consideration, and finding it just, to change its decision; if not, to confirm the same and make it known to the parties a second time. After this no representation shall be admitted, and both parties shall be summoned before the court, which will allow them to make their protest in writing, and will then state all the reasons why the sentence should be carried into execution."

"Sec.48. If the Court find by the indictment

"that the vessel has been lawfully detained, then
 "the master of the foreign vessel, or the two eldest
 "in command under him, shall be summoned, and the
 "reason of their detention made known to them, giving
 "them a certified copy of the condemnation."

"Sec. 49. The court is to receive within three
 "days, and no later, the representation of the mas-
 "ter, and if he do not present the same within the
 "time limited, the court summoning him with two of
 "his crew, notifies that his silence is received as
 "a mark of compliance, and that the condemnation is
 "just."

"Sec. 51. Should however the master deliver
 "within the time limited his protest, then the court
 "examining it with all possible impartiality, shall
 "call for all further explanations, and having in-
 "serted the whole into the journal of the court,
 "shall pass a final sentence and pronounce it as
 "stated in section 47."

"Sec. 52. If by sentence of the court the vessel
 "be released and adjudged to receive damages for
 "her detention, and if the vessel has been arrested
 "by any of the Company's officers, and the damages
 "are not above five thousand rubles, the commander
 "of Kamchatka shall demand immediate payment of d
 "said sum from the office of the Russian American
 "Company, but if the damages exceed the sum, he is
 "to notify it to the Company's office, and give to
 "the foreign master a certificate; but the money
 "cannot be paid by the Company otherwise than af-
 "ter the inspection and resolution of its court of
 "directors. If, on the other hand, the foreign
 "vessel has been detained unlawfully by a Russian
 "man-of-war, the commander of Kamchatka is to pay the
 "adjudged damages (not exceeding the sum of five
 "thousand rubles) out of any Government sum, and to
 "report, in order to incash it from the guilty; but
 "if the damages should exceed the sum of five thou-
 "sand rubles, the commander of Kamchatka is to fur-
 "nish a certificate for the receipt of that money,
 "after the regulation and confirmation of the
 "Russian Government."

"Sec. 53. The reimbursement of such damages as
 "may have been incurred by unlawful detention shall
 "be exacted from the commander and all officers of
 "the man-of-war who, having been called by the com-
 "mander to a council, shall have given their opinion
 "that such a ship should be detained."

"Sec. 55. After this the commander of Kamchatka
 "shall order a committee to value the vessel and
 "her cargo. The committee is to be ~~xxxx~~ composed
 "of one member appointed by the commander of Kamt-
 "chatka, one by the commander of the man-of-war, and
 "a third by the Russian American Company."

"Sec. 56. These commissioners are to make up a

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"them a certified copy of the condemnation."

"reason of their detention made known to them, giving

"in command under him, shall be summoned, and the

"the master of the foreign vessel, or the two eldest

"that the vessel has been lawfully detained, then

"specified list and valuation according to the following rules:

"(1) All provisions, rigging, iron, powder and arms shall be put down at such prices as they cost Government there.

"(2) All merchandise which might be used in Kamchatka and the Company's colonies, and which are carried there at times from Russia, shall be valued at the prices then existing.

"(3) All goods which are not imported into these places by Russia, but are wanted there, shall be valued like goods brought from Russia, being the nearest to them and in proportion to their wants.

"(4) All goods not in use at Kamtchatka or the Colonies shall be sent to Irkutsk, and sold at ~~xxxxxx~~ public auction by the proper authorities."

"Sec.57. The said commissioners shall present their valuation to the commander of Kamtchatka for his approbation; who, in case of not finding the same exact, shall return it with his remarks, and shall appoint other officers to inspect such articles as may appear unfairly valued."

"Sec.58. If the commissioners hereafter continue in their opinion and the commander of Kamtchatka find it impossible to agree thereto, he shall provisionally consent, and leave the final decision to Government."

"Sec.59. According to this valuation, the commander of Kamtchatka shall mark for the use of Government all those articles which he thinks are wanted the remainder is left at the disposal of the officers of the ship, or of the Russian American Company. The seized vessel shall be valued by the court, and the valuation sent immediately to the Minister of the Navy, with a report, whether such a vessel is wanted for Government service or not."Q

"Sec.60. The whole sum of valuation of the confiscated vessel and cargo is to be divided in the following manner: The expenses necessary to forward the ship's crew to one of the ports in the Baltic are to be deducted, and the remaining sum divided, if the vessel has been taken by the Russian American Company's officers, and carried to the port of St. Peter and Paul, by a ship of said company, without the interference of a man-of-war, into five parts, of which one goes to Government, and the remaining four-fifths to the American Company. If the vessel be taken in any of the Company's settlements by the Company's officers, but brought to the port of St. Peter and Paul by a man-of-war, after deducting one-fifth for Government, two-fifths are to belong to the crew of the man-of-war, and the remaining two-fifths to the Russian American Company; and, finally, if such foreign vessel be detained by men-of-war only, without the assistance of the Company's officers, then, after deducting one-fifth for Government, the remainder

"is left to the officers of the men-of-war."

"But if the vessel be taken by the conjoint forces of a man-of-war and a Company's vessel, then the prize shall be divided between them in proportion to their strength, regulating the same according to the number of guns."

"Sec. 62. If a foreign vessel detained by a Russian, being under the command of a Russian officer, should be cast away before reaching the port of St. Peter and Paul, the following principle shall be observed:

"If the foreign vessel alone be lost and the Russian accompanying her arrive at the port of St. Peter and Paul, then the court acts according to the foregoing rules to determine whether the vessel was lawfully seized. In this case Government takes upon itself the expenses of conveying to a port of the Baltic such of the ship's crew as were saved. But if such vessel should not be proved to have been obtained unlawfully, then independent of those expenses the ship shall be valued and such valuation forwarded to Government for the payment of what may be deemed just; at the same time investigations shall be made on the loss of the vessel; and the officer that had the command, if saved, is to be tried according to the maritime rules and regulations."

*Regulations of Russ
Am Co.*

"Sec. 64. (The Minister of Finance will see that the Company keeps strictly within the terms of its privileges.) "

"Sec. 67. (In order to control the proceedings of the Company's servants in the Colonies, the Government stipulates that the Chief Manager shall be a naval officer, and that the sanction of the Emperor shall be necessary to his appointment.) "

"Sec. 68. (Points on which the Government wishes to be kept informed.) "

"Sec. 69. (Action to be taken by commanders of ships-of-war if anyone complains to them of ill-treatment.) "

Sec. 70. A ship of war, after visiting, not only the Company's settlements, but also, and more particularly, the channels which foreign merchant vessels are likely to frequent for the purpose of illicit trading with the natives, will return to winter whenever the Government orders it; but if the Chief Manager of the Colonies considers it necessary for a ship of war to winter in the Colonies, the Commander will receive orders accordingly. The Commanders of ships of war will receive orders to capture all foreign ships found in Russian waters."

Department of Finance

"The all foreign ships found in Russian waters."
"Masters of ships of war will receive orders to cap-
"ture a ship of war to winter in the Colonies, the
"Commander of the Colonies consider it necessary
"whenever the Government orders it; but if the chief
"trading with the natives, will return to winter
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"and such valuation expenses the ship shall be valued

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"as were saved. But if such vessel should not be

"to a port of the Baltic such of the ship's crew

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"Peter and Paul, then the court shall accompany to

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"Russian, being under the command of a Russian of-

"Sec. 63. If a foreign vessel detained by a
"the to the number of guns."

NOTES ON U.S.CASE (continued).

P.42. The statement on p.42, that foreign vessels not permitted by Russia to visit Behring Sea should be challenged.

Documents should be required on Notice, by terms of Convention.

p.44. Reference to prohibition of killing seals at sea. This was a regulation of the Company for its own purposes and over Russians. At any rate, no evidence of attempt to enforce the prohibition against others---and all anterior to Treaty of 1824 and 1825.

The Pigott Affair---Tikhmenieff;

Vol.I, pp.192--200.

Even as cited it does not appear to be in point. The license which was repudiated covered Russian waters in 3 mile limit on Siberian coast.

See Tikhmenieff as to facts.

Note of p.46, referring to Pigott Affair; the Min. of Finance, April 10, 1820, did not prohibit foreigners from the sea or ocean, but from the ports of Eastern Siberia---and the waters of Eastern Siberia.

On p.47, is a letter from the Russ. Co. to the Chief Manager of the Colonies. It shows, of course, the desire of the Co. to exclude traders, and to prevent their visiting the waters

the waters frequented by the sea-otter and fur-seal
over which our operations extend.

The important fact is wanting, however, as to
the driving away.

On p.49 the U.S. make it quite clear (by accident, considering the
references to sealing, &c., already touched upon)
that the main object of the Ukase concerned trade.
"The Ukase of 1821 was merely declaratory of pre-
existing claims of exclusive jurisdiction as to
"trade."

p.50. Reference to absence of protest, re Ukase of 1799. See
British Case and explanation from U.S. authorities
as to this.

p.51. It is stated that there is no record of hunting or trading
in Behring Sea.

See B. Case both before 1821 and after 1824-25.

Even if record is small before 1821 the argu-
ment based on record subsequent to Treaties of
1824-25 tells with greater effect against U.S.
contention.

do. The Case sums up foregoing reference to history and cor-
respondence by asserting the object of U.S. and
Britain in contesting pretension of Russia was to
maintain their respective claims to the territory
indicated, to preserve their trade with the Natives
on the North West Coast and to enjoy the free navi-
gation of the great ocean which watered that coast.

portion of the West coast which watered that coast, on the North West Coast and to enjoy the free navigation, to preserve their trade with the natives maintain their respective claims to the territory Britain in contesting pretension of Russia was to respondence by asserting the object of U.S. and no. The Case sums up foregoing reference to history and convention.

1884-85 tells with greater effect against U.S. went passed on record subsequent to Treaty of even if record is small before 1881 the argument See B. Case both before 1881 and after 1884-85. in Behring Sea.

9.51. It is stated that there is no record of hunting or trading as to this.

British Case and explanation from U.S. authorities 9.50. Reference to absence of protest. The Ukase of 1799. See "Where."

"existing claims of exclusive jurisdiction as to "The Ukase of 1881 was merely declaratory of provisions that the main object of the Ukase concerned trade. reference to sealing, etc., already touched upon) On p. 49 the U.S. make it quite clear (by accident, considering the the driving away.

The important fact is wanting, however, as to over which our operations extend. the waters frequented by the sea-otter and fur-seal

For this statement is cited Vivien de Saint
Martin, Vol. 1, p. 56, q.v.

p. 52. "The ocean commonly called the Pacific Ocean."

Maps, charts and writings of navigators--re-
ferred to---list of maps appended---to prove dis-
tinction of B. Sea by separate name.

p. 53. Russian interpretation of Treaty "during the negotiation
and after the treaties."

Imperial Minister of Finance, July 18, 1822,
writing to Russian Co. ^{says,} referring to the "rules to be
proposed" will probably imply --exclusive juris-
diction abandoned on coast facing open ocean---but
over "waters enclosed by Russian territory," including
Behring Sea; "strictest control will be maintained."

This was before the Treaty.

It is no stronger than the Edict---not so
strong.

The Extract, pp. 53, 54, is from a letter informing the Co. of the
protests; and the following important part thereof
is omitted in the U.S. Case. The extract is from
sec. 2. See it in full in App.

sec. 8. See it in full in App.

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The Extract, pp. 53, 54, is from a letter informing the Gov. of the
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It is no stronger than the first---not so
This was before the Treaty.

British sea^{territory} will be retained."
over "waters enclosed by Russian territory," including
dition abandoned on coast being open ocean---but
proposed " will properly fully ---exclusive juris-
writing to ^{see} ~~protest~~ referring to the "rules to be
Imperial Minister of Finance, July 18, 1858,"
and after the protest, "

9. 53. Russian interpretation of Treaty "during the negotiation
inction of H. See by separate name.

ferred to---list of maps appended---to prove dis-
Maps, charts and writings of navigators---re-
9. 53. "The ocean commonly called the Pacific Ocean."

Martin, Vol. 1, p. 20, 21, v.

For this statement is cited Vivien de Saint

MINISTER OF MARINE AND FISHERIES

OTTAWA, CANADA.

13th September, 1892.

*Recd.
Sep. 14.*

My dear Doctor,

Herewith I send you some further notes on the U.S. Case, which follow on after those you already have of mine, as you will see by the paging.

Yours faithfully,

Arthur - R. S. S. S.

Dr. G. M. Dawson, C. M. G., & Co.,

O t t a w a.

NOTES ON U. S. CASE (continued).
(by Minister.)

p.54. The reference after the Treaty as to interpretation is very weak. The R.Co.applied to the R.Govt.upon this.

The report of a Com.signed by Nesselrode, July 21, 1824, is referred to and 7th paragraph quoted.

It will be observed that, even taking this ex parte statement, the ~~main~~ object of Russia is as to exclusion from Trade on the coasts of Behring Sea, &c.

It is a discussion of Art.2---not Art.1---a difference of importance.

On p.56. It is contended that this Com.as to Behring Sea affected the interpretation of the British Treaty made subsequently. This although not made known to G.B.!

pp.56,57. The Case concludes this argument by submitting that Behring Sea not being included in Treaties was left "where it had stood before, except that the exercise of these rights by Russia had through these Treaties received the implied recognition of two great Nations."

Should not notice be served for authorities as to exercise of these rights by Russia as there stated?

p.57. It is admitted that "Russia never sought to prevent vessels from passing through B.Sea in order to reach the Arctic Ocean; nor did she always strictly

the Arctic Ocean; nor did she always strictly
seal from passing through B. Sea in order to reach
p. 57. It is admitted that "Russia never sought to prevent ves-
sels from
sailing?"

as to exercise of these rights by Russia as there
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Nations."

then received the implied recognition of two Treaties
of these rights by Russia had through these Treaties
"where it had stood before, except that the exercise
Behring see not being included in Treaties was left
p. 58, 59. The case concludes this argument by submitting that
apparently, this although not made known to U.S.!

the interpretation of the British Treaty made and
On p. 56. It is contended that this Com. as to Behring Sea a limited
affirmance of Japan's

It is a discussion of Art. 5---not Art. 1---a
Co.

exclusion from Treaty on the course of Behring Sea,
Dalrymple statement, the main object of Russia is as to
It will be observed that, even taking this or
SI, 1881, is referred to and yet particularly noted.

The report of a Com. signed by Hasselrode, July
week. The R. Co. applied to the R. Govt. upon this.
p. 54. The reference after the Treaty as to interpretation is very

NOTES ON U. S. CASH (continued).

(of Administration)

enforce the prohibition of whaling within the distance of 100 miles from its shores; but so far as fur-seals are concerned" jurisdiction was exercised for their protection.

p.58. Southern boundary said to be fixed at 54.40 N.

pp.58,59. Reference to "futile efforts" of U.S. and England to obtain renewal of provisions of 10 year clause--- and to case of "Loriot" being a recognition of the end of privilege!

And to notice of termination published by U.S. in 1845

But nothing in "Loriot" or Notice to show recognition of more than the power and right of Russia to exclude vessels from trade and frequenting interior seas, &c. See Notice.

p.59,60. It is important to note statement on these pages that great object of Russia was to secure monopoly of trade interests of Russian Co.

p.61. To support statement that after Treaties Russia continued to exercise control over B.Sea, Dispatches are quoted wherein it is stated that everything must be done to prevent extermination of seals---and March 20, 1853, the Board of Adm. writes that the cruisers are to watch and warn foreign whalers in Colonial waters.

No interference otherwise is shown.

Facts in British Case show the user at this time and the express instructions as to jurisdiction.

Should not, therefore, a notice be served for further authorities, if any, on which statement on p.61 is made. See it and quote it in full for Sir R.W. It is the middle paragraph.

p.62. The Board's letter of March 20th, 1853, referred to for purpose of an extract is in Appendix Vol.1, p.71.

The extract shows a little that the waters around the islands are in mind; but the following extracts from this letter are clear on this point and answer the very statement they are cited to support:

[Extracts are on p.p. 64, 65
+ 67 of Case]

p.64. "On the outward voyage Com
groups."

p.65. "The conclusion of this September."

p.67. "It has come to my knowledge
. Uehring Sea."

... "Whoring her"

p. 61) "When come to my knowledge"

p. 62) the construction of this ... "afterwards"

Frank's"

p. 64) On the western ... "con-"

... of cases

[unclear] are in p. 64 & 65

support:

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time and the express instructions as to, juris-
pects in British Case show the user at this
No interference otherwise is shown.

The last paragraph is from the Commander's letter of instructions, June 20, 1861, following letter of March, 1853 in Appendix.

Note there are omissions from letter of March 20, 1853, and a complete copy should be required on notice.

p.64. The instructions to cruisers show that in 1854 foreign ships were entering B. Sea unobstructed, and were to be warned only against "cruising in pursuit of whales in the vicinity of the Seal Islands of the Prib. and Com. Groups."

This is hardly consistent with foregoing statement as to exclusive jurisdiction being exercised in waters 100 miles from shore. Consider distance 100 miles from islands and 100 miles from opposite coasts?

p.65. These instructions clearly recognise free navigation and whaling in B. Sea.

p.67. So on this page. The instructions touching vessels trading on Pribyloff Islands or hunting in their vicinity are to prevent unlawful acts on their behalf. This is in 1861.

p.68. Preface to Charter to Russo-Finⁿish Co. in 1850. Purely municipal regulations touching in 1850 precautions against ships alarming marine animals, whales, &c.

Then on p.69 it is contended ~~xxxx~~ from this review that

Questions 1,2,3,& 4 should all be answered in favour of U.S.contention.

THE CESSION.

On p. 70 it is contended that Russia by this pretended to transfer portion of B.Sea and no one objected.

p.71...Boundaries referred to.

p.72. Lord S. admits that all of Russia's rights passed by this Cession.

p.73. Reference to previous parts of Case as establishing:---

1. That great source of wealth of Russ.Co.was Fur-seal of Prib.Isds.
2. Foreign vessels prohibited from hunting seals in any part of B.Sea or passes of Aleutian Isds.

NOTE on p.73,a reference to Berg,p.168,that \$25,000,000. worth of seals up to 1828 marketed by Russians,and "Furs taken and lost at sea and otherwise in those years exceeded the number which reached a market."

p.74. Value well known to the U.S.negotiators of Treaty of 1867.

Proof of this?

EX.DOC.

.....
Hse.Ex.Doc.No.3888,p.xvii.

This report long after Cession is produced to prove that Furs chief inducement to U.S.to purchase Alaska!

Also Sumner's Speech is brought forward as to
this--q.v.

Com. of Cong. relied on to prove also U.S.
thought they were buying the sea.

See extract from the Com. report, wherein appar-
ently the U.S. Case adopts Com. view that if B. Sea
is not a mare clausum, or that sea (as it is put)
were the "high seas" the seals are free to all!

Now the Case is largely made up in support of the
argument of the U.S. Com.

It goes almost wholly so far on the abandoned
~~xxix~~ ground of mare clausum.

Great stress is laid on the statement of Congress in

1887 as to moving causes in 1857 which induced pur-
chase:

See p. 77, as to great value of Seal Islands to U.S.

At p. 78 argument is based on action of U.S. since Cession--what
U.S. supposed they purchased.

p. 79. Sumner's Speech again referred to--the delimitation--and
our part of B. Sea.

p. 80. The Aleous letter--San Francisco--as to Treasury instruc-
tions.

p. 81. Rev. cutters sail every year to B. Sea for purpose of appa-

rently guarding from pelagic sealing.

This should not only be contradicted; but the instructions should be required to be produced.

p.82. It is said vessels had not entered B.Sea in any ^{numbers} ~~xxxx~~ for purpose of pelagic sealing prior to 1886.

See previous statements in Blaine reports :
no vessels----now: none in any numbers---Give list.

p.83. It is claimed that Congress by Act of 1889 ratified interpretation heretofore made by Executive "as to boundary of U.S. in B.Sea."

It is clear, therefore, that the U.S. Case stands on Mare Clausum.

The various contentions should be summarized from the dispatches and this Case---just for the effect!

p:84. The unfair deduction from the Sup.Crt. decision.

Reference also to Alaska decision---Mare Clausum.

On p.85 it is claimed that, regardless of the principles above, the U.S. has right of protection and property in the fur seals frequenting the Prib. Isds. "when found outside the ordinary three mile limit."

Therefore, all over the Pacific Ocean---North and South---wherever a Prib. seal can be found the U.S. have jurisdiction to board, search and arrest ships engaged in sealing.

or suspected to be so engaged.

The claim is confined to Prib. seals. How known?

How about jurisdiction over an offending ship on high seas?---Suppose property of U.S.---or U.S. citizen on board illegally of British ship in mid-ocean---can the property be retaken and the ship be subjected to municipal laws?

HABITS, &c., of ALASKAN SEAL HERD.

pp.89,91. Pribiloff Islands their home.

p.90. Majority on land from May to November.

No authority for this?

p.91. Absurd deduction from Cox's deposition, stating they "seem to be at home" at Prib. Isds.

p.93. Census of seal life impossible---even an approximate estimate cannot be made.

Is this not against their Case?

p.94. Two distinct herds on Russ. and U.S. Islands.

Easily distinguishable by experts?

Examine authorities cited in foot-note and App.

p.95. Martin's evidence as to this. It does not appear he was ever at the islands. He is a dresser and dyer.

p.95. Evidence of dressers and dyers on this point of distinction between Comander and Pribyloff.

between Commander and Peppyloff.

p. 95. Evidence of dressers and dyers on this point of distinction
ever at the islands. He is a dresser and dyer.

p. 96. Merwin's evidence as to this. It does not appear he was
examined substantiated cited in foot-note and App.
essentially distinguishable by experts?

p. 94. Two distinct herds on Russ. and U.S. islands.
Is this not against their case?
None cannot be made.

p. 98. Contents of seal life. Impassible---even an approximate esti-
mate cannot be made.
to be returned" at Prib. I. I. I.

p. 91. Apparent derivation from COX's deposition, stating they "seem
to have authority for that?

p. 80. Authority on land from day to tomorrow.

pp. 88, 89. Prib. I. I. I. Islands their home.

HABITS, ETC., OF ALASKAN SEAL HERD.

ship be subjected to municipal laws?
mid-ocean---can the property be taken and the
officer on board illegally of British ship in
on high seas?---suppose property of U.S.---or U.S.
how about jurisdiction over an offending ship

p.96

So p.130.

They do not mingle.

p.99.

After distinction between Alaskan and Comman-
der Seals on p.99:

*These are natives
from whom evidence
was taken.*

Anton Melovedoff, Vol. II, p. 144; Aggie Kushin,
Karp Buterin, and others referred to as authorities
touching birth, &c., of pups.

Did these writers distinguish the herds?

pp.99,100,101.

Inability to swim.

p.102.

Aquatic birth impossible.

p.101.

Greater portion of pup's life spent on land
until final departure in Nov.

p.115.

Feeding of mothers during suckling.

p.120.

Statement that pups dependent on mother till
middle of Novr.

*10 days I think
between suckling &
sewee.*

Note: statement somewhere that 10 days only is
period of suckling. How about this?

Statement that greater part of bachelors
leave early part of May.

Is this not early?

p.121.

Bachelors very little in water---very little
feeding.

p.121.

Attempt begin to show that practically only females go out to feed; therefore chiefly females that are shot.

Quote authority that none but mother seals go out to sea to eat during the time the herds are on the islands.

p.122.

While admitting Alaskan seal is migratory--- it is only on account of weather.

p.125.

NOTE: Would it not be good to take various authorities on Seal Life relied upon and analyze their views and make comparison? I think the inconsistencies would be enormous. The Case simply takes out of each authority so much as will suit the present purpose.

p.126.

Herd lands only on Prib.Isds---not on coast.
Does not enter inland waters of the coast.

p.128'

Rev'd.Wm.Duncan---should we not have statement from him direct?

pp.136,137.

Satisfactory conduct and management of Lessees of U.S.

On this Gavitt can contradict.

p.147.

Herd of seals like a herd of cattle on the plains---easily domesticated, controlled & driven.

p.155. Care and caution in taking seals on the isds;
driven slowly.

p.156. Driving is very injurious.

See p.158, where driving is said not to be
injurious.

p.158. Over-driving not injurious!

p.164. Touching Increase. Bryant referred to to
show great increase, B. Sea, in 1887.

See statement at bottom of page on slaughter
in 1868, and note raids.

p.165. 1880-84-85; no increase nor decrease on roo-
keries.

In 1884 decrease perceptible---in 1885, marked.

Period of Stagnation, 1880 to 1884.

Note: This is period when it is said no pelagic
sealing occurred.

Why then stagnation?

p.166. Evident since then (decrease) in rookeries and
at sea. As to decrease, note that old Company
responsible to some extent.

p.168. See statement of Turner, R.M., as to decrease.

Goff's Rept.--as to decrease 1889-90.

p.171. Evidence that seals along coast are most killed off

p.173.

Note statement in 1890 nearly every cow with a pup by her side, and contrast statement ante as to dead pups.

p. 174.

Raids on the rookeries not the cause of decrease.

Comparatively harmless!

Estimate of number of seals taken by raids might be made.

pp.173,174.

Decrease of cows in 1888,1889,1890,1891 particularly; but,NOTE,

No pelagic sealing in some of those years.

p. 175.

Alaska Commercial Company and Treasury Department Reports---but few raids.

"

Mr. Brown thinks raids will never do much harm!

p.175. Sixteen raids only since 1867.

p.176. Management on the rookeries not the cause of diminution.

NOTE: Work up the authorities as started by me in my paper in answer to Blaine, showing bad practices of the Fur Cos., &c.

p.176. Excessive killing by man the cause,

p.177. and that all at sea!

Open sea sealing is the sole cause!!

Ex parte opinions of *scientists* based on U.S. evidence!

H.H. McIntyre referred to as an authority of 20 yrs. standing---as to decrease---NOTE this man's denials of decrease elsewhere.

p.178. Experts as to above.

p.179. Indian hunters.

p.181. White sealers.

*Recd
Sept. 15*

MINISTER OF MARINE AND FISHERIES

OTTAWA, CANADA.

14th September, 1892.

Behring Sea.
Confidential.

Dear Dr. Dawson,

In the absence of the Minister from town to-day, I beg to send you herewith some further ^{rough} notes of his on the United States Case---Behring Sea Arbitration.

I have not yet hit upon the Committee report referred to by you in your notes; but I will go to the Library to-morrow morning and hunt ~~xxxx~~ it up there.

I am,

Yours very truly,

Dr. G. M. Dawson, C. M. G., & c.,

The Geological Survey,

O t t a w a.

A. J. Horan

MINISTRY OF MARINE AND FISHERIES

OTTAWA, CANADA

1911

1911

1911

1911

1911

1911

1911

1911

NOTES ON U.S.CASE (contd) (By the Minister.)

- p.180. Native trader, Cook's Inlet quoted as to falling off of fur-seals in that neighbourhood.
Compare p.128---statement that seals do not frequent inland waters, and statement here that seals formerly in Cook's Inlet in great numbers.
So Ellabash's statement as to seals in Juan de Fuca Strait.
- p.181. White sealers.
Watkins' statement as to hunting seals in canoe off Cape Flattery.
- p.184. NOTE, en passant, entire absence of reference to Elliott, his report or works.
- p.186! NOTE statement as to absence of sealing schooners in B. Sea 1881 to 1884---and see ante, no increase of seals during that period.

Taking arguments at their best, those for chief argument against pelagic sealing rest on damage by fire-arms
- p.187. Important statement here that spearing by the Indians produced little or no waste of life.
- p.188. Fire-arms the chief trouble.
- p.190. Statement as to securing more by Indian spear.

p. 180.

Statement as to securing more by Indian spear.

p. 188.

Fire-arms the chief trouble.

p. 187.

produced little or no waste of life.

Important statement here that spearing by the Indians

p. 186.

against pelagic sealing rest on damage by fire-arms

taking arguments at their best, those for chief argument

p. 186.

seals during that period.

See 1881 to 1884---and see ante, no increase of

p. 186.

NOTE statement as to absence of sealing schooners in B.

his report or works.

p. 184.

NOTE on passage, entire absence of reference to Bliffett,

Flattery.

Watkins, statement as to hunting seals in canoe off Cape

p. 181.

White sealers.

de Puce Straits.

So Milbush's statement as to seals in Aran
merly in Cook's Inlet in great numbers.

Indian waters, and statement here that seals for-
Compare p. 188---statement that seals do not frequent

of fur-seals in that neighbourhood.

p. 180.

Native trader, Cook's Inlet quoted as to falling off

NOTES ON U.S. CASE (contd.) (By the Minister.)

p.197. Statement that 80 to 90 per cent of seals killed in open sea are females, either pregnant or in milk.

p.198. Statement from Lampson on this and following pages touching the N.W. catch of seals being mostly females.

NOTE: "N.W. catch" refers to coast catch.

We have always admitted that on the coast the majority of the seals caught are females.

p.200. NOTE, Powell's statement that Canadian catch is entirely composed of females.

p.201. NOTE, reference to Hawkins' report, and see the Report.

Brit. Blue Bk, No. 3, p. 675.

See: Report, Dept. Fisheries, 1888, p. 240, as to the female seals; Also, Rept. D. Fisheries, 1886, p. 267.

p.202. Hackett and Cox as to females.

p.203. Examination of pelagic catch 1892 to show majority female.

Does not show whether coast catch or B. Sea.

p.204. Appears to be Spring catch---that would be coast catch.

p.205. Canadian Sealers' testimony as to females in catch.

McLean, et al.

Enquiry will have to be made as to these statements by Canadian sealers.

p.207. Destruction of pregnant females.

Here again authorities must refer to coast catch.

p.210. Sealers' experience as to taking seals with milk--B.Sea.

NOTE---exaggerrated statement of Peterson---"flooding the deck with milk"!

p.211. Who is McManus, the newspaper correspondent, on the Canadian schooner "Otto"?

p.212. Who is King-Hall?

As to above statements write Master of "Otto", &c.

p.214. Who is this Stanley Brown that is referred to all thro?

Number of dead pups in 1891:15,000 to 30,000.

Was there pelagic sealing in 1891?

p.215. do. do.

p.219. Reference to Antarctic seal destruction---this was all on the islands.

p.220. As to same effect on Commander Islands from pelagic sealing in Russian waters.

See reference to Niebaum in App., and ascertain to what extent pelagic sealing is carried on there. I thought very slight--and, if so, it would be rather against the argument that herds are separate and distinct.

p.221. Begins reference to laws in other countries.

Falkland Isds. referred to---but the Close Time is specifically within the limits of the Colony, as appears on this page.

p.222. NOTE statement that these rules are enforced outside the three mile limit. Ascertain this fact officially through Sanderson.

Ascertain also officially from New Zealand, through Sanderson, whether foreign vessels are interfered with outside three mile limit.

So also at Cape of Good Hope.

p.225. Reference to Canadian statutes as to sealing.

Show that no application outside limits. Newfoundland regulations.

p.227. Jan Mayen regulations referred to.

Statement that G.B. and Colonies have protected by legislation the hair-seal in N. Atlantic.

NOTE important fact that rights of all other Nations were respected and joint action obtained, and common interests protected by an arrangement equally beneficial to all---not as is proposed in Case, which would procure advantage for one Power.

p.230. Game Laws referred to.

How is it relevant to examine the Game Laws of England and America?

Show that protection to animals extends to

animals ferae naturae during breeding season only.

- p.232. Ascertain as to application of legislation touching Irish Oyster Fisheries, and Scotch Herring Fishery Acts.
- p.233. Pearl Fisheries of Ceylon. In addition to what has already been noted touching these fisheries in discussions, Note, that possession may be taken of submarine stationary fisheries or property.
- p.233-4. Pearl Fisheries of Australia. Note how irrelevant the reference is.
- p.
234-5. French and Italian legislation mentioned.
- Ask Sanderson to ascertain as to application, reminding him that in various other cases while the legislation is general the application is to ships of the country's flag, when outside the ordinary limits of jurisdiction.
- p.236. Ditto, as to Norwegian legislation.
- Also as to the Republic of Columbia and Mexican Pearl Fisheries.
- p.237. Other cases of extra-territorial jurisdiction.
- Reference to the British "Hovering Acts"; the St. Helena Act; and, the Quarantine Act, 1825.
- NOTE: To what end these references?
- Are the U.S. prepared to go the length of their

Are the U.S. prepared to go the length of their

NOTE: To what end these references?

Helson Act; and, the Grenadine Act, 1882.

Reference to the British "Hovering Acts"; the St.

p. 237.

Other cases of extra-territorial Jurisdiction.

Pearl Fisheries.

Also as to the Republic of Columbia and Mexico.

p. 238.

Disto, as to Norwegian legislation.

Primary limits of Jurisdiction.

ships of the country's flag, when outside the or-
the legislation is general the application is to
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Ask Sanderson to ascertain as to application,

p. 234-5.

French and Danish legislation mentioned.

reference is.

p. 233-4.

Pearl Fisheries of Australia. Note how irrelevant the

submarine stationary fisheries or property.

discussions. Note, that possession may be taken of
already been noted touching these fisheries in

p. 233.

Pearl Fisheries of Ceylon. In addition to what has

Acts.

Irish Oyster Fisheries, and Scotch Herring fishery

p. 232.

Ascertain as to application of legislation touching

animals ferre nestras during breeding season only.

argument, as, e.g., in the case of the mackerel fisheries and whale fisheries of Canada off the Atlantic coast and in the Hudson Bay---and the wild ducks, &c.,---and concede such territorial jurisdiction and territorial rights as will secure the permanency of these important interests?

p.240.

Merriam should be scored for his breach of faith in publishing ex parte statements of his report, in order to obtain opinions of naturalists.

p.247.

Mowatt's Report of 1886 is ~~xxxxxxxxxxxx~~ quoted to support statement of Canadian recognition of necessity to protect seals.

Canada has time and again expressed readiness to adopt and enforce regulations shown to be necessary for the preservation of the fur-seal fisheries---but objects to the control, regulations and benefit being given to the U.S. alone.

p.248.

Opinions of London Furriers.

Can we not get evidence of the pecuniary interest or connection of these people---such as Lampson---with the Lessees?

p.246.

NOTE: Opinions of pelagic sealers again referred to.

Enquiry to be made as to McLean; and Moss, Vice-Presdt. of the Sealers' Association.

p.249.

NOTE: en passant, affidavits referred to in the Case.

NOTE: on passant, affidavits referred to in the Case.

Vice-President of the Sealers' Association.

Industry to be made as to Molson; and Moss.

NOTE: Opinions of pelagic sealers again referred to, with the license?

or connection of these people---such as Langdon---can we not get evidence of the pecuniary interest

Opinions of London furriers.

benefit being given to the U.S. alone.

eries---but objects to the control, regulations and ^{of the} necessary for the preservation of the fur-seal fish-

to adopt and a force regulations shown to be necessary Canada has time and again expressed readiness to protect seals.

Howett's Report of 1888 is ~~xxxxxxxxxxxx~~ quoted to support statement of Canadian recognition of necessity order to obtain opinions of naturalists.

Merrill should be scored for his preach of faith in publishing ex parte statements of his report, in perpetuity of these important interests? dictation and territorial rights as will secure the ducks, &c.,---and concede such territorial rights Atlantic coast and in the Hudson Bay---and the wild fisheries and whale fisheries of Canada off the continent, as, e.g., in the case of the Mackenzie

They are of no particular value.

Shall we use declarations or statements, and point out the absence of importance to be attached to such affidavits?

p.253. Fishing must be absolutely prohibited, both on N.W. coast and in B. Sea.

NOTE: U.S. never tried to do this---Convention does not cover it---absolutely impracticable--and yet whole argument of U.S. is that nothing short of this will be effectual!

Reference to small numbers of Indians and spears.

NOTE. Indians from time immemorial, and, probably, in great numbers.

See p.87, and look up history of Indian hunting as far as possible.

p.250. NOTE en passant,--reference should be made to position of Canadian Govt. which it is endeavoured to represent,--from the outset not opposed to regulations, if necessary---investigations show that none required, except on islands.

Note, Govt's readiness to abide by fair regulations.

p.257. Prohibition of pelagic sealing, ^{should be} adopted everywhere.

p.264. Reference again to prohibition of all sealing.

p.265. NOTE: Tremendous productiveness of seals referred to, at

p. 865.

NOTE: Tremendous productiveness of seals referred to, at

p. 864.

Reference again to prohibition of all sealing.

p. 857.

Prohibition of pelagic sealing adopted everywhere,
should be

lasted.

Note, Govt.'s readiness to abide by fair return
required, except on islands.

Plans, if necessary----investigations show that none
present--from the outset not opposed to renuncia-
tion of Canadian Govt. which it is endeavored to re-

p. 856.

NOTE on passage--reference should be made to position
as far as possible.

See p. 87, and look up history of Indian hunting
in great numbers.

NOTE: Indians from time memorial, and probably,
Reference to small numbers of Indians and spears.

short of this will be effectual!
and yet whole argument of U.S. is that nothing
tion does not cover it--absolutely impracticable--

NOTE: U.S. never tried to do this--Conven-
and in P. Sec.

p. 853.

Fishing must be absolutely prohibited, both on N.W. coast
to such affidavits?

point out the absence of importance to be attached
Shall we use declarations or statements, and
They are of no particular value.

times when there was indiscriminate slaughter.

Touching preservation, reference is made to C. Sumner's opinion that preservation in B. Sea would benefit the coast fishery; but, Note---

U.S. Case is based on the necessity of stopping the coast Fisheries as well.
