

Under the general head of Management, propose including as many as possible of subjects connected with seal life, &c, on or about the Islands, in order that they may stand as a general indictment against the United States control and that of the Alaska Commercial Company. This arrangement should serve to show that no restrictions can rightly be asked for at sea without stipulated restrictions also on the Islands.

Under this plan I have (following p: 130

et seq: of U.S. Case)

- (1) Sketched the general features of Management.
- (2) Pointed out and quoted proof of too great number of males killed.
- (3) Treated question of advisability of killing males only-- noted and given proof for its effects in paucity of males.
- (4) Treated "driving" and incidental evils at some length.

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pose including as many as possible of subjects

Under the general head of Management pro-

treatment of other matters which have led directly or indirectly to waste of seal life and decrease -- thus :-

- (5) Absence of proper control by Government Agents, of Lessees and of their conduct of sealing and relations with the Natives. (Govt: Agents really servants and pensioners of the Lessees). (Company dealt directly with the Natives and not alone through Government Agents as stated in United States Case, p:145 &c)
- (6) Conduct of the Company and complaints against it. (Complaints leading to Congressional Committees' enquiry -- evidence before these Committees, &c.)
- (7) Absence of proper protection of the Islands from raids and other damaging disturbances.
- (No Cutter specially sent till 1877, &c: Elliott.)
- (Complaints of uselessness of Cutters, &c.)
- (This however, only a part of general want of control elsewhere, liquor selling &c.)
- (Resulting raids, &c, outline and enumeration of.)

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lands from raids and other damaging disturbances.

(7) Absence of proper protection of the Industrial Committees, &c. (these Committees, &c.)

against it. (Industrial Committees, &c. -- evidence before Congress leading to Complaints)

(8) Conduct of the Company and complaints Agents as stated in United States Case, p. 142 &c)

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(9) Absence of proper control by Government and decrease -- thus :-

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(Treasury Dept: list in Appendix to U.S.

Case very incomplete.)

(Exceedingly injurious effects of raids.)

(8) *Native interests on the Islands.*

(Picture drawn in U.S. Case.)

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Memorandum on proposed method of treatment of Part II of United States Case (excluding pp: 218--237, respecting protective laws, &c, & pp: 264 -- 291 respecting industry, investment, damages, &c, which will require to be separately dealt with.)

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A. Various questions relating to the Fur-Seal & Seal Life upon which the "property" claim appears to be chiefly based, & which may therefore be considered as connected with Question 5, Article VI.

- I. That the Fur-Seal is marine & pelagic, & not in any sense a land animal.
2. That the Fur-Seal cannot be regarded as a domestic animal.
3. That there is more or less co-mingling & inter-breeding between the Fur-Seals of both sides & all parts of the North Pacific.
4. Relations of seals to the Pribyloff Islands in respect to birth & the claim that these Islands alone are suitable for breeding stations.

(NOTE. Material on the above has been prepared in draft form & is in the Printers' hands. Copies will be forwarded as soon as possible.)

B. Rejoinder to allegations made by United States in respect to pelagic sealing. Numbers lost, proportion of females, death of "pups" on the Islands, &c/.

All this must be regarded as having bearings chiefly, if not exclusively, on the matter

(The parts 4 to 7 are not yet completed.)

7. Condition & treatment of the Natives on the Islands.
8. Absence of proper protection of the breeding Islands from "raids", &c.
9. Absence of proper protection of the breeding Agents, & resulting complaints.
4. Lack of proper control of the Company, & its Agents, & resulting complaints.

(The above three parts are in print in draft form.)

3. The "driving" of seals on the Islands; its character, & evils resulting.
 2. Excessive killing of male seals upon the Pribiloff Islands, & injury caused thereby, & seals killed under United States regime.
 1. General features of control by Russia & the United States, & excessive number of seals on the breeding Islands.
- restrictions of seal without concurrent Regulations thus be made out against the imposition of that of the Company. A strong case is made as an indictment of the United States Government to cover all points which can be formulated as "Islands", & this has been made sufficiently general heading of "Management of the Pribiloff Islands", have been grouped under the
- The remaining matters relating to Seal

(NOTE. The material under this head has not yet been put into shape.)

of 'Regulations', under Art: VII.

I believe that in the above scheme all the points referred to in the "Memorandum on Part II of the United States Case" by Sir Richard Webster & Hon. W. H. Cross will be fully covered, & the material thus collected can of course be re-arranged subsequently in any manner thought best. If, however, details on any of the above points should be incorporated in the Counter-Case, it is difficult to see how the discussion can be prevented from extending more or less over all of them.

Ottawa, Nov: 1st. 1892.

E. W. D.

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Evans

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MEMORANDUM AS TO WORK IN PROGRESS IN OTTAWA, ETC.

I am at present devoting all the time I can to the preparation, in draft form, of replies to the various allegations connected with Seal-Life, which are included in the Case of the United States. These allegations being understood by the United States as bearing both on 'Property' (Q.5, Art. VI) and Regulation of Sealing (Art. VII.)

Mr. Macoun returned from the West Coast last week, and is now engaged, under my superintendence, in working up his observations of the Summer, and making a report on them for the British Behring Sea Commissioners. This will probably take about two weeks.

Mr. Venning has in hand the analysis and comparison of the affidavits, etc., contained in the United States' Case, and is also working at this under advice from me.

In Victoria Mr. Belyea is engaged in procuring affidavits and evidence from Sealers, and Mr. Sherwood has just been sent out to visit Indian villages on the West Coast of Vancouver Island, and to obtain evidence in San Francisco and elsewhere. The new material which it is thus hoped to obtain will be of value as against the mass of affidavits included in the United States' Case; and it is believed

that evidence of importance in connection with the intermingling of seals of the two sides of the Pacific can be secured in San Francisco.

In Hon. Mr. Tupper's absence, it is almost essential that I should be here for telegraphic reference by these gentlemen.

It is assumed that, in consequence of the position taken in the British Case, matters touching on the Natural History of the Fur-Seal will not be entered into in any detail in the Counter-Case, but that these considerations will be postponed until Article VII comes up for consideration. In this event the material now being prepared by me, together with Mr. Macoun's report and the projected supplementary report by the British Commissioners, will not be required till a later stage in the Arbitration, and, under these circumstances, it seems to me that I can, for a time at least, be of more service here than in London.

Possibly I might with advantage be able to spend a couple of weeks in London before the completion of the Counter-Case; but in the event of the postponement of questions of Seal-Life, I really doubt whether I can be of much use there till such time as that subject may require detailed consideration.

G.M.D.

Ottawa, Oct. 28, 1892.

