



Bering Sea Arbitration

The next meeting in this matter
will be held this evening at the Attorney
General's room, House of Commons, at
7.15

Counsel is sent herewith:

1. Memorandum by Mr. Tupper and Rider
annexed, which he desires to bring to
Counsel's special attention.
2. Revise of the Argument up to
page 68
3. Counsel will be sent in the course
of the day a m.s. revise of
Sir Richard Webster's Chapters on
Regulations and Damages.

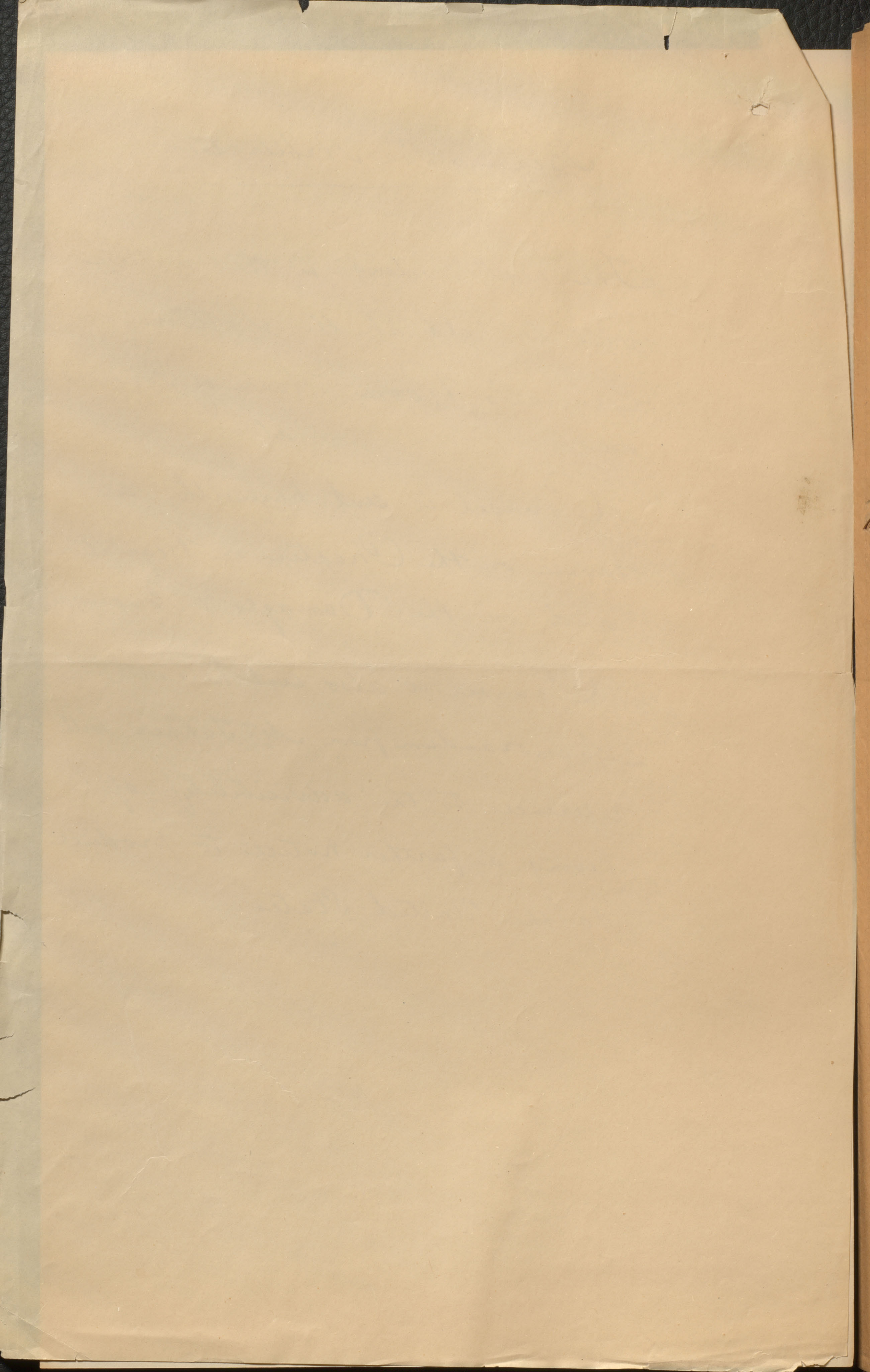


Bering Sea Arbitration

The next meeting in this matter
will be held at the Attorney
General's Room, House of Commons
on _____ at _____

Counsel is sent herewith a
revision on the Chapter on Regulations
and on the Damages & Compensation

Counsel is also sent herewith a
Memorandum from Mr. Tupper with
reference to the advisability of
giving a further notice to produce
to the United States



REGULATIONS.

It is now desired to formulate, on behalf of Great Britain, the outline of the argument which will be presented in connection with the question of Regulations. As stated at p. 9 of the original Case, Great Britain has throughout been favourable to the adoption of general measures for the control of the fur-seal fishery, provided that such measures be equitable, and framed with due regard to the common interest. It is, however, essential that any Regulations should operate to preserve the fur-seal industry for the enjoyment, not of the United States alone, but of all those who may lawfully engage in sealing; in this connection, the attention of the Arbitrators is respectfully directed to the general considerations summarized at p. 159 of the British Counter-Case.

Though in the United States' Case (Conclusions) it is maintained that Regulations must practically be such as to prevent pelagic sealing everywhere, it is also stated that the United States are in the position of *trustees* of the sealing interest, thus involving the idea of other rights besides those of the United States.

United States' Case, p. 301.

The United States further, in their conclusions to their Case, include in the second "Material question" to be determined by Arbitrators:—

Ibid., p. 299.

"Whether the United States and Great Britain ought not in justice to each other, in sound policy for the common interest of mankind, &c., 'to enter into such reasonable arrangement by concurrent Regulations or Conventions, in which the participation of other Governments may be properly invited,'" &c.

In the Counter-Case of the United States, however, a more advanced position is taken. We read:—

United States' Counter-Case, p. 121.

"The United States insist, as claimed in their Case, that they have, upon the facts established by the evidence, such a property and interest in the seal herd frequenting the

islands of the United States in Behring Sea, and in the industry there maintained arising out of it, as entitles them to protection and to be protected by the Award of this Tribunal *against all pelagic sealing, which is the subject of controversy in this Case.*"

Before considering the scope of the Regulations, the question as to the area of waters over which they should extend requires notice. It appears from certain passages in the United States' Case and Counter-Case, that it will be contended on behalf of the United States that the Regulations should amount to a practical prohibition of pelagic sealing in all waters to which seals from the Pribyloff Islands resort, and should effectually prohibit and prevent the capture, anywhere upon the high seas, of any seals from the Pribyloff Islands.

United States'
Case, pp. 301-303.

Counter-Case,
p. 121.

It is submitted that any such contention is entirely beyond any claim ever advanced by the United States at any stage of the controversy prior to the delivery of their Case, and is contrary to the agreement of the parties which was embodied in the Treaty. In no part of the discussion was it suggested that the rights of the United States to limit the killing of seals extended beyond Behring Sea. On the contrary, when the British Government desired the assent of Russia to the *modus vivendi* proposed in the month of June 1891, it was pointed out by Mr. Wharton, in a despatch to Sir Julian Pauncefote, dated the 4th of that month, that the contention between the United States and Great Britain was limited to that part of Behring Sea eastward of the line of demarcation described in the Convention with Russia of the 30th March, 1867; that Russia had never asserted any rights in the waters affecting the subject-matter of the contention, and could not, therefore, be a necessary party to the negotiations if they were not expanded; and further, that the authority of the President was derived from the Statute of the United States, and that no authority was conferred upon him to prohibit or make penal the taking of seals in the waters of Behring Sea westward of the line referred to.

It is scarcely necessary to point out that such language not only depends for its force upon an assumed jurisdiction over an area of sea, but is wholly inconsistent with the contention that pelagic sealing in the parts of the Pacific Ocean outside Behring Sea, or in those parts of Behring

Sea west of the line of demarcation, was the subject of controversy between the parties.

United States' Appendix, vol. i, p. 315.

Further, on the 11th June, 1891, Mr. Wharton, in his letter to Sir J. Pauncefote, stated that the Government of the United States, recognizing the fact that full and adequate measures for the protection of seal life should embrace the whole of Behring Sea and portions of the North Pacific Ocean, would have no hesitancy in agreeing, in connection with Her Majesty's Government, to the appointment of a Joint Commission to ascertain what permanent measures were necessary for the preservation of the seal species in the waters referred to, *such an agreement to be signed simultaneously with the Convention for arbitration, and to be without prejudice to the questions to be submitted to the Arbitrators.*

Later, viz., on the 8th March, 1892, Mr. Wharton wrote to Sir J. Pauncefote :—

Ibid., p. 356

"The United States claims an exclusive right to take seals in a portion of the Behring Sea, while Her Majesty's Government claims a common right to pursue and take the seals in those waters outside a 3-mile limit. This serious and protracted controversy, it has now been happily agreed, shall be submitted to the determination of a Tribunal of Arbitration, and the Treaty only awaits the action of the American Senate. . . . If the contention of this Government is sustained by the Arbitrators, then any killing of seals by the Canadian sealers during this season in these waters is an injury to this Government in its *jurisdiction* and property. . . . The United States cannot be expected to suspend the defence, by such means as are within its power, of the property and *jurisdictional rights* claimed by it, pending the Arbitration."

Ibid., p. 359.

And on the 22nd March, 1892, he again writes :—

Ibid., p. 361.

"For it must not be forgotten, that if Her Majesty's Government proceeds during this sealing season upon the basis of its contention as to the rights of the Canadian sealers, no choice is left to this Government but to proceed upon the basis of its confident contention, that *pelagic sealing in the Behring Sea is an infraction of its jurisdiction* and property rights."

There is no known method whereby the seals resorting to Behring Sea may be distinguished at any rate before capture. Upon no construction of the Treaty could it be pretended that the Tribunal of Arbitration is empowered to regulate the pursuit of seals generally. To prohibit the pursuit of certain specified fur-seals outside of

Behring Sea, or to make Regulations concerning them, would be impracticable.

Passing from the question of the area of waters over which the proposed Regulations should extend, and assuming the Regulations to apply to the whole, or some part of, the non-territorial waters of Behring Sea, the contention of the United States, so far as it can be gathered from their Case, is that pelagic sealing must be entirely prohibited in Behring Sea.

It is submitted that any decision of the Tribunal prohibiting pelagic sealing in Behring Sea would be contrary to the terms of the Treaty.

Article VII contemplated the establishment of Regulations as applicable to the pursuit of seals outside the territorial waters of that sea.

The prohibition of pelagic sealing is not contemplated by any of the questions submitted.

Article VI. To contend that pelagic sealing should be entirely prohibited in Behring Sea would be, under cover of so-called Regulations, to defeat the manifest intention of the parties in agreeing to the terms of the VIIth Article.

The following argument is, therefore, based upon the view that the Regulations should be such as should be fair, both to the United States as owners of the Pribyloff Islands, and to Great Britain as representing those who desire to engage in the lawful industry of pelagic sealing, but at the same time are willing to be bound by such Regulations as are necessary for proper protection and preservation of the fur-seal in, or habitually resorting to, Behring Sea.

Furthermore, it is essential that the Regulations should be such as would be likely to secure the adhesion of other Powers, and would not operate as an inducement to them to withhold their consent with the knowledge that by so doing they would secure to themselves greater advantages from the industry in question.

As appears from the British Counter-Case, and from the Report of the British Commissioners, the main provisions which might be properly embraced by Regulations are the maintenance of a zone of protected waters round the breeding-islands, the establishment of a close season, and restriction as to the date in each year when sealing-vessels should enter Behring Sea.

Having regard to the fact that each of these proposals, when taken separately, is treated in

the United States' Case as being of no value, and that the proposals collectively appear to be considered as wholly insufficient, the way in which the question has been treated by the United States in the correspondence prior to the Treaty of Arbitration is worthy of consideration.

Up to the month of December 1890 suggestions of a more or less general character appear from time to time in the correspondence to the effect that international Regulations should be established through the medium of a Convention, to which all nations interested should be parties. These suggestions led to no definite agreement, and were succeeded by a proposal contained in the following passage from a note of Mr. Blaine to Sir Julian Pauncefote, under date the 17th December, 1890 :—

United States' Case, Appendix, vol. i, p. 284.

"The President will ask the Government of Great Britain to agree to the distance of 20 marine leagues within which no ship shall hover round the Islands of St. Paul and St. George from the 15th May to the 15th October of each year. This will prove an effective mode of preserving the seal fisheries for the use of the civilized world."

And in the same despatch there was formulated a question, in the following words, on which the VIIth Article of the Treaty of Arbitration was founded :—

Ibid., p. 286.

"Sixth. If the determination of the foregoing questions shall leave the subject in such position that the concurrence of Great Britain is necessary in prescribing Regulations for the killing of the fur-seal in any part of the waters of Behring Sea, then it shall be further determined: first, how far, if at all, outside the ordinary territorial limits it is necessary that the United States should exercise an exclusive jurisdiction in order to protect the seal for the time living upon the islands of the United States, and feeding therefrom; second, whether a closed season (during which the killing of seals in the waters of Behring Sea outside the ordinary territorial limits shall be prohibited) is necessary to save the seal-fishing industry, so valuable and important to mankind, from deterioration or destruction; and, if so, third, what months or parts of months should be included in such season, and over what waters it should extend."

To this proposal of Mr. Blaine's Lord Salisbury replied in his despatch of the 21st February, 1891, in which, dealing with the sixth question, he observed :—

Ibid., p. 294.

"The sixth question, which deals with the issues that will arise in case the controversy should be decided in

favour of Great Britain, would perhaps more fitly form the substance of a separate reference. Her Majesty's Government have no objection to refer the general question of a close time to arbitration, or to ascertain by that means how far the enactment of such a provision is necessary for the preservation of the seal species; but any such reference ought not to contain words appearing to attribute special and abnormal rights in the matter to the United States."

Finally, in deference to the objection thus taken by Lord Salisbury, Mr. Wharton, in a letter of the 25th June, 1892, to Sir Julian Pauncefote, proposed what now forms Article VII of the Treaty.

United States' Case, Appendix, vol. i, p. 319.

It is therefore to be noted that the original proposition, emanating from the President of the United States, viz., that the establishment of a protective zone, within which the killing of seals should be prohibited between certain specified dates, was suggested as being an effective mode of preserving the seal fisheries for the use of the civilized world, and it is contended, on behalf of the British Government, that further investigation and examination of the facts fully justify the view that a Regulation containing such provisions is sufficient to protect the interests of the United States in the seals frequenting the breeding-islands.

Even assuming a point which is open to considerable doubt, viz., that the seals suckling their young travel to parts of Behring Sea at considerable distances from the Pribyloff Islands, by far the greater majority, if not the whole, of such female seals will be found within a zone of moderate area.

It is established that the seals, whatever may be the cause of their leaving the islands, do not habitually or regularly go in search of food. Food, ample for their wants, is to be found in the vicinity of the islands, but all the best information points to the fact that they do not feed during their sojourn on land. In addition, the prohibition of the killing of seals during July and August, within the protected zone, would insure that the vast majority, if not all, of the female seals actually suckling their young, would be free from capture by pelagic sealing during such time as the pups are dependent upon them.

It is unnecessary to discuss in detail the minor Regulations which have been suggested as to the means of pelagic capture, and as to the due authentication of all licensed sealing-vessels.

These are matters on which lengthened argument would be out of place.

It is, however, obvious that the adoption of such Regulations, and the enforcement of legislation in order to render them effective, does involve the curtailment of rights which, upon the hypothesis which forms the basis of this argument, now belong to other nationals, including British subjects.

The object of any Regulations is the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea. It would be unjust that other nations should be asked to enforce by legislation this curtailment of the rights of their nationals, without some corresponding concession on the part of the United States, as owners of the islands and the territorial waters thereof.

That during a great portion of the year the seals are feeding upon fish which are valuable for the food of man upon the coasts of the territory of Great Britain, and other nations, cannot be denied.

That during other portions of the year they are consuming fish that are swimming in the high seas in which all nations have an interest is conceded.

It would not be equitable that the restrictions upon the rights of other nations should be demanded solely for the purpose of enhancing the benefit to be derived by the United States from their possession of the islands. The least that can be suggested is that, concurrently with the establishment of such Regulations as are applicable to pelagic sealing, and in order to induce other nations, who are not party to this Arbitration, to concur in, and give effect to, any Regulations, a reasonable limit to the slaughter of seals on the breeding-islands and proper provisions for its conduct should be assented to by the United States.

To apply restrictions to pelagic sealing without equally effective and concurrent Regulations being enforced on the breeding haunts would be as unreasonable and useless as the institution of restrictions over a coastal or estuary salmon fishery, while the salmon on the spawning-beds of the river were being taken without let or hindrance.

It is contended on behalf of the United States that the management of the islands in the past

DAMAGES AND COMPENSATION.

There remain for consideration the questions of fact which are involved in the claims made by the owners of British vessels for injuries sustained by the seizure of their vessels, and by such vessels being prevented by the action of the United States' cruisers from engaging in pelagic sealing in Behring Sea. The British Government are ready to agree with the Government of the United States that, as far as damages are concerned, no questions of mere amount are to be discussed before the Tribunal of Arbitration, and that only questions of fact involved in the claim are proper for consideration. It is admitted in the Counter-Case on behalf of the United States that the seizures and acts of interference complained of took place outside the ordinary territorial waters of the United States, that is to say, outside the 3-mile limit; and, further, that the acts of seizure and interference were authorized and executed under and by the authority of the United States' Government, for the purpose of enforcing certain laws passed by the United States.

United States' Counter-Case, p. 129.

Ibid, p. 130.

Under these circumstances, assuming, as is necessary for the purpose of the question now under discussion, that the claim on behalf of the Government of the United States to interfere with the ships of other nations fishing in the non-territorial waters of Behring Sea is unfounded, the responsible Government of the United States have by force prevented the vessels in question, and their owners, masters, and crew, from engaging in a lawful occupation and industry.

The contention put forward at p. 133 of the United States' Counter-Case is, that all the items of claim there referred to, that is, "Loss of estimated Catch," "Probable Catch," "Balance of probable Catch," "Reasonable Earnings for the months of October, November, and December," and "Loss of Profits," are in the nature of

prospective profits or speculative damages, and are so uncertain as to form no legal or equitable basis for finding facts upon which damages can be predicated.

This view of the law has been rejected by the English Courts. In *Phillips v. the London and South-Western Railway Company*, where an eminent medical practitioner who had been injured by the negligence of a Railway Company was awarded 16,000*l.* damages, the Court of Appeal held that the jury had been rightly directed to take into account the loss of his professional income of 5,000*l.* a-year. And in the "*Argentine*," the House of Lords held that in awarding damages to a ship which had come in collision with another, the fact that the ship could not be repaired in time to fulfil a contract for another voyage, and had lost earnings in consequence, had been properly taken into account. Lord Herschell said:—

5 C. P. D. 280.

14 App. Cas. 519.

"The loss of the use of a vessel and of the earnings which would ordinarily be derived from its use during the time it is under repair, and therefore not available for trading purposes, is certainly damage which directly and naturally flows from a collision."

He then proceeded to explain, what it is not necessary here to consider, that the damages were not limited to the time of actual non-repair, but that account might be taken of the loss of a voyage previously contracted for, setting off against such loss what the ship could have earned by other means after completion of the repairs during the time which such voyage would have occupied.

After due regard has been paid to all considerations, such as the nature of the season, the size and equipment of the vessels, the amount of the catch in previous seasons, an estimate can be formed of the probable catch of each vessel during the season in which their operations were prevented or interfered with.

The loss of catch is due directly to the action of the United States' Government, and the fact that the earnings or profits were prospective in no way affects the right of the claimants to recover, or is only material, if at all, in estimating what is the reasonable amount to be awarded in respect of such prospective earnings or profit.

The indirect claims put forward on behalf of the United States before the Tribunal of Arbi-

tration on the "Alabama" claims in the year 1872 were of a different character. Here the direct consequence of the action of the United States is that the owners of the vessels, masters, and crews are prevented in particular seasons from earning the natural return of their industry.

When the Geneva Arbitrators refused to award damages to the United States for the loss of "prospective earnings," it may well be supposed that they had in view the actual conditions of the case before them. It is by no means certain that, had the British Government been found guilty of no default, the war would not still have continued, and the earnings been prevented. The Award in which the passage quoted in the United States' Counter-Case occurs is not to be regarded as a fully-reasoned judgment.

United States'
Counter-Case,
p. 133.

By Article V of the *modus vivendi* of 1892 it is expressly agreed that, if the result of the arbitration shall be to affirm the right of British sealers to take seals in Behring Sea within the bounds claimed by the United States, under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the arbitration, upon the basis of such regulated and limited catch or catches as, in the opinion of the Arbitrators, might have been taken without an undue diminution of the seal herds. The Article further provides that the amount awarded shall be just and equitable, and shall be promptly paid.

Great Britain is entitled, under this Article, to the award of a just and equitable sum by way of compensation, to be ascertained by the Arbitrators on the above basis.

With regard to the allegations which are brought forward at pp. 130 to 133 of the United States' Counter-Case, that is to say, that certain citizens of the United States were interested, as mortgagees or otherwise, in some of the vessels in question, Her Majesty's Government do not admit either the truth of the allegations, or that they are proper for consideration; and they further say that they at most affect the quantum of damages only, and are not matters upon which it is necessary to submit detailed argument to the Tribunal.

In the event of its being decided that British sealers have no right to take seals within the waters of Behring Sea, it will be contended by Her Majesty's Government that the basis upon which the amount of such claims is assessed in the Case of the United States is untenable.

The whole of what is called in the United States' Case "the claim of the Government," as distinguished from "the claim of the lessees," is founded on the prohibition of sealing on the islands imposed under the *modus vivendi* of 1891. But no claim can be made in respect of the consequences of fulfilling a contract voluntarily entered into, unless by reason of some contract provision, such as is contained in the *modus vivendi* of 1892, but not in that of 1891. Her Majesty's Government made it a condition of renewing the *modus vivendi* in 1892, that "the Arbitrators should, in the event of a decision adverse to the United States, assess the damages which the prohibition of sealing" should have caused. No such stipulation had been made by either Government in 1891.

United States' Case, p. 287

Ibid., Appendix, vol. i, p. 363.

By Article V of the *modus vivendi* of 1892, if the result of the arbitration should be to deny the right of British sealers to take seals within the specified waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens, and lessees) for the Agreement to limit the island catch to 7,500 a season, upon the basis of the difference between this number and such larger catch as in the opinion of the Arbitrators might have been taken without an undue delimitation of the seal herds.

In fixing the "larger catch" mentioned in this Article, the following facts need consideration:—

The *modus vivendi* of 1891 was originally assented to by Great Britain because it was asserted on the part of the United States that the diminution of seals had become so great as to require some such immediate and drastic provision to prevent extermination.

During the sealing season of 1890 on the Pribyloff Islands, Mr. Goff, the Government Agent, stopped the killing of seals when only 21,857 had been killed, alleging that this was absolutely necessary because of the paucity of killable seals. The agent of the North American Commercial Company thereupon lodged a protest

against the curtailment of the Company's privilege of killing.

In reporting on the sealing season of 1890, Mr. Goff, the Government Agent on the islands, and Mr. Lavender, Assistant Agent, both advised the cessation of all killing for skins upon the islands for several years. Mr. Elliott, in his letter to Secretary Windom, summarizing and transmitting a detailed Report made in pursuance of a Special Act of Congress, makes a recommendation to the same effect, placing the period of abstention from killing at seven years at least. (See "United States No. 2, 1891," pp. 17, 21, 60.)

The result of the investigation of seal life made by the British Commissioners in 1891 was, however, such as to convince Her Majesty's Government that the very stringent measures of the *modus vivendi* of 1891 need not, in the interests of the sealing industries, be repeated in 1892. (See letter from Sir J. Pauncefote to Mr. Blaine, dated 29th February, 1892, and one from the Marquis of Salisbury to Sir J. Pauncefote, dated 18th March, 1892.)

British Case,
Appendix, vol. iii;
"United States"
No. 3 (1892),
pp. 155 and 159.

Consequently, when a new *modus vivendi* was pressed for by the United States, it was proposed by Her Majesty's Government that a zone of protection, not exceeding 30 miles, should be extended about the Pribyloff Islands, while the killing upon these islands should be restricted to a *maximum* number of 30,000. (Sir J. Pauncefote to Mr. Blaine, 29th February, 1892.)

The United States, however, promptly and decisively pronounced this proposal for the *modus vivendi* of 1892 to be, from their point of view, "so obviously inadequate, and so impossible of execution, that this Government cannot entertain it." (Acting Secretary Wharton to Sir J. Pauncefote, 8th March, 1892.)

ibid., p. 161.

The British Government eventually consented to the establishment of a new *modus vivendi*, generally similar to that of 1891, but with the condition as to compensation above mentioned.

It is submitted that, in fixing the dimensions of the catch which might have been made upon the Pribyloff Islands, for the purposes of compensation, the United States cannot now rely, as they seek to do, on the data which they explicitly contradicted in the spring of 1892.

United States'
Case, p. 291.

R. E. W.

against the curtailment of the Company's privilege of killing.

In reporting on the sealing season of 1899, Mr. Coff, the Government Agent on the islands, and Mr. Landoner, Assistant Agent, both advised the cessation of all killing for skins upon the islands for several years. Mr. Elliott in his letter to Secretary Winsor, summarizing and transmitting a detailed report made in pursuance of a Special Act of Congress, makes a recommendation to the same effect, urging the prohibition of the killing of seals for skins for at least a period of ten years at least. (See "United States Mails, 1899," pp. 17, 18, 19.) The result of the investigation of seal-killing by the British Commissioners in 1891 was, however, such as to convince the Secretary of Government that the very stringent measures of the winter season of 1891 had not in the interests of the sealing industry, as reported in 1892. (See letter from Sir J. Hannotelet to Mr. Elliot dated 20th February 1892, and one from the Secretary of State to Sir J. Hannotelet dated 18th March 1892.)

Consequently when a new scheme was proposed for the United States it was proposed by the Secretary of Government that a limit of protection and restriction should be extended about the Frobisher Islands while the killing upon these islands should be restricted to a maximum number of 50,000. (See letter from Sir J. Hannotelet to Mr. Elliot dated 20th February 1892.)

The United States however promptly and decisively pronounced the proposal for the whole amount of 50,000 to be far too large, and so far as possible of execution, that the Government cannot entertain it. (See letter from Sir J. Hannotelet to Mr. Elliot dated 20th February 1892.)

The British Government eventually consented to the establishment of a new sealery, which was generally similar to that of 1892, but with the condition as to competition above mentioned. It is submitted that in fixing the dimensions of the catch which might have been made upon the Frobisher Islands for the purpose of competition, the United States cannot now say as they seek to do, on the date which they explicitly contracted in the spring of 1892.

British Case
L. 1892, 1893
"United States"
No. 2 (1892)
pp. 155 and 156

ibid. p. 161.

United States
Case p. 2, l.

MEMORANDUM as to British Argument.

The United States Counter-case is occupied almost wholly with a discussion of facts relating to seal life -

This touches the claims of rights of property and of protection - and it is therefore probable that the U. S. Argument will in large part be confined to similar points -

The United States Counter-Case teems with mis-statements of important facts.

These can, however, be exposed by reference to papers now before the Arbitrators, though a few additional references to official documents would be useful -

The misrepresentations and erroneous statements in the U.S.C.C. are so numerous that it is not reasonable to conceive that the Arbitrators will trouble themselves to carefully investigate their accuracy -

On the other hand they may be easily misled by them and it would be unsafe to leave them unanswered -

Dr Dawson's notes (printed) deal fully with these points -

In the oral argument it would be tedious and also impossible effectively to follow the numerous mistakes and to supply the corrections. Somewhere this should be done

It is submitted therefore that the British Argument should contain a chapter based on Dr Dawson's notes.

Rider A.

Though in the United States case (Conclusions) it is maintained that regulations must practically be such as to prevent pelagic sealing everywhere, it is also stated that the United States are in the position of trustees of the sealing interest thus involving the idea of other rights besides those of the United States.

U.S. Case
p.301.

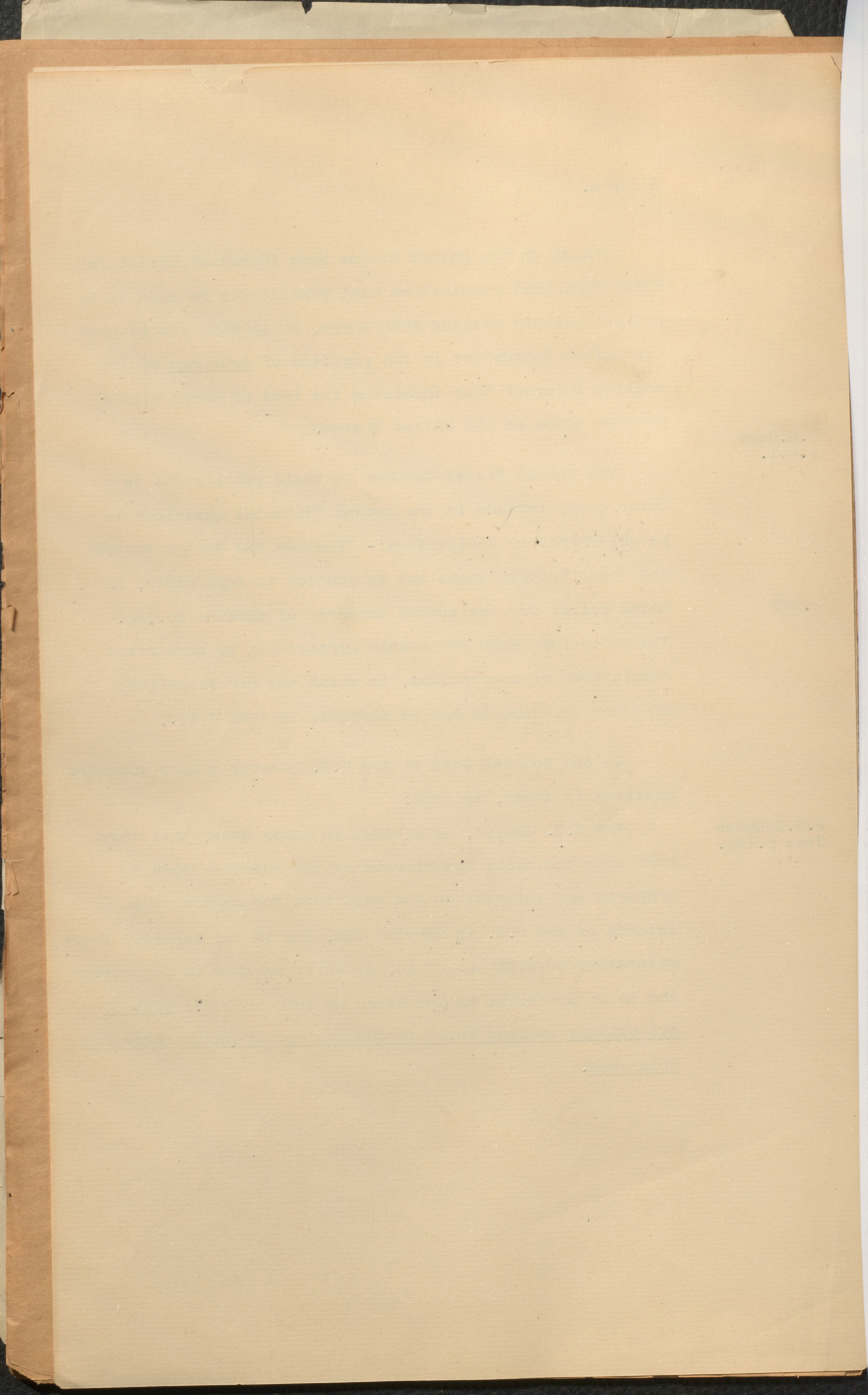
The United States further in their conclusions to their case, include in the second "Material question" to be determined by arbitrators:- "Whether the United States and Great Britain ought not in justice to each other, in sound policy for the common interest of mankind &c., &c. "to enter into such reasonable arrangement by concurrent regulations or conventions, in which the participation of other Governments may be properly invited " &c.,

p.299

In the Counter Case of the U.S. however a more advanced position is taken, we read:

U.S. Counter
Case p.121.

The U.S. insist, as claimed in their case, that they have upon the facts established by the evidence such a property and interest in the seal herd frequenting the Islands of the U.S. in Behring Sea, and in the industry there maintained arising out of it, as entitles them to protection and to be protected by the Award of this tribunal against all pelagic sealing which is the subject of controversy in this case.





Done in compliance
with cable from Minister:-

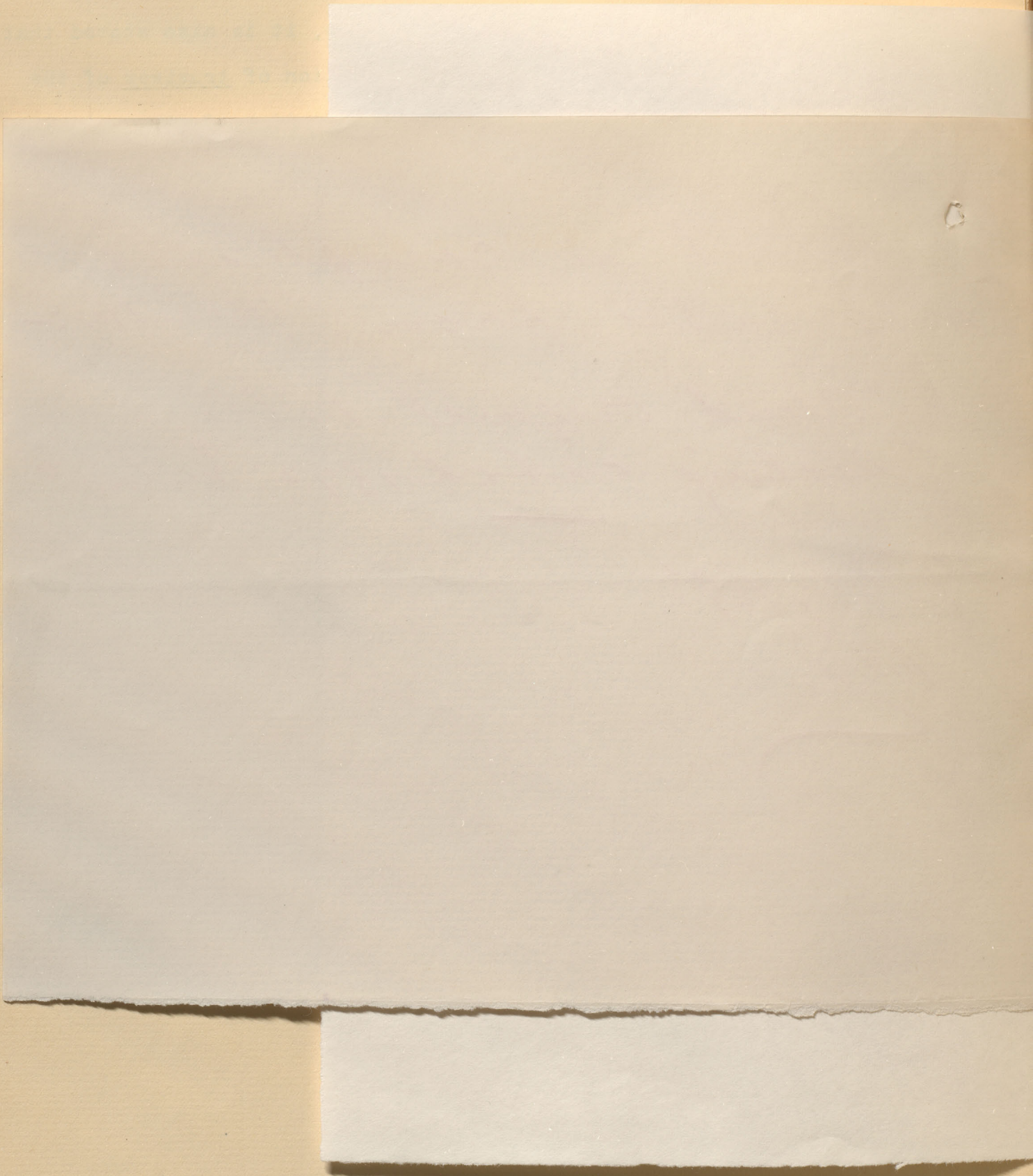
"Send original table
"Sealing catch 1892 value"

27 Feb 1893

H.S.

M.V.





Customs, Canada.

Victoria, B.C. Octr 25th 1892¹⁸⁹.....

W.G.Parmelee Esq.,-
Commissioner of Customs,

Ottawa.

Sir,-

I have the honour to transmit for your information a statement of the result of the catch for this sealing season just finished, and the number of skins delivered at this port.

I would point out that the catch this year with an increased number of vessels has fallen short of last year's yield, owing to the closing of Behring Sea, under the "Modus Vivendi".

Catch 1891 - 52365.

" 1892 - 49743.

Short. 2622.

I have the honour to be,

Sir,

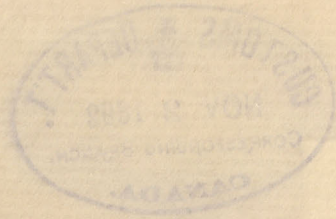
Your obedient Servant,

A. Heilwe
Collector.



Customs, Canada.

Victoria, B.C. Oct 25th 1882



W.G. Parmelee Esq.,
Commissioner of Customs,

Ottawa.

Sir,

I have the honor to transmit for your information a statement of the result of the catch for this sealing season just finished, and the number of skins delivered at this port. I would point out that the catch this year with an increased number of vessels has fallen short of last years yield, owing to the closing of Behring Sea, under the "Modus Vivendi".

Catch 1881	-	52385.
1882	-	49748.
Short.		2637.

I have the honor to be,

Sir,

Your obedient servant,

Collector.

SEALING CATCH FOR SEASON 1892.

Vessel	Tons.	Boats.	Cnos.	Whts.	Inds.	L. Cst.	U. Cst.	Asia.	Total.
Annie E. Paint.	82	5		20		186	412	421	1019
Ainoko	75	2	12	6	24	21	719		740
Aurora	41	1	10	4	20	7	371		378
Annie C. Moore	113	6		23		164	379	447	990
Ariel	91	2	14	7	23		268		268
Ariel	74	7		24					<i>Seized</i>
Arietis	86	7		24			418	738	1156
Anges Mc. Donald	107	7		24			591	373	964
Beatrice	66	1	10	5	20	115	455		570
Borealis	37	1	10	5	20	21	486		507
Brenda	100	7		26			409	512	921
Beatrice (Van.)	49	5		15			678		678
Carlotta G. Cox	76	6		23		436	1605	696	2737
C. H. Tupper	99	6		24		308	967	542	1817
Carmolite	99	6		23		174	705		879 <i>Seized</i>
C. D. Rand	51	2	6	6	12	28			28
Cape Beale	12		6		12	27			27
Dora Siewerd	94	8		25			224	673	897
E. B. Marvin	117	6		22		183	1432	430	2045
Enterprise	69	7		23				507	507
Favourite	80	2	12	6	24		450	202	652
Fawn	59	3	10	6	20		480		480
Geneva	93	7		26		270	420	600	1290
Henrietta	31	2	5	4	10	44	108		152 <i>Seized</i>
Katharine	81	2	14	5	28	27	406		433
Kate	58	2	12	5	24		270		270
Lottie	19	2	2	4	4				<i>Trucked</i>

SHALING CATCH FOR SEASON 1892.

Tons, Baste, Chas, White, Inds, L. Cat, H. Cat, Asia, Total.

Vessel

Vessel	Tons	Baste	Chas	White	Inds	L. Cat	H. Cat	Asia	Total
Amie H. Paine	82	3			20				105
Alaska	75	2		12	2				91
Albatross	41	1		10	2				54
Amie G. Moore	113	3			23				139
Ariel	81	2		14	7				104
Ariel	74	7			24				105
Arctic	88	7			24				119
Angus Mc Donald	107	7			24				138
Beulah	86	1		10	3				100
Bovalia	37	1		10	3				51
Brenda	100	7			22				129
Beatrice (Van.)	43	3			13				59
Geoffrey G. Cox	78	3			23				104
G. H. Pupper	98	3			24				125
Gemelle	99	3			23				125
G. F. Rand	31	2		3	18				34
Gabe Beale	18			3	18				29
Horn Stewart	94	3			22				119
H. B. Marvin	117	3			22				142
Isidore	90	7			23				120
Favourite	80	2		12	4				98
Fawn	99	2		10	3				114
Gemva	93	7			22				122
Henrietta	81	2		3	4				90
Katharine	81	2		14	3				100
Kate	82	2		12	3				99
Lothie	19	2		3	4				28

Vessel.	Tons.	Boats.	Cnos.	Whts.	Inds.	L. Cst.	U. Cst.	Asia.	Total.
Laura	19	1	8	4	16				<i>recycled</i>
Labrador	25	4		11		50	225		275
Libbie	93	7		23			39		39
Maria	94	6		21					<i>seized</i>
Maggie Mc.	71	6		23					<i>missing</i>
Minnie	10	2		8		5			5
Minnie	49	2	10	4	20		500		500
Mascot	40	4		17		107	220	119	446
Maud S.	97	6		24		185	769	748	1702
Mary Taylor	42	4		18		135	807		942
May Belle	58	2	10	5	20	149	145	230	524
Mischief Str.	48	2	10	5	20	26	635		661
Mary Ellen	63	3	14	5	28	35	507	304	846
Mormaid	73	6		19			164	238	402
Mountain Chief	23	1	6	4	12		137		137 <i>seized</i>
Ocean Belle	83	6		20		128	687	646	1461
Oscar & Hattie	81	6		23		25	186	261	472 <i>seized</i>
Otto	86	2	8	7	16		263		263
Pioneer	66	5		20		100	329		427
Penelope	70	5		21		345		1362	1707
Rosie Olsen	39	1	10	6	20				<i>seized</i>
Sea Lion	50	5		19		472	629	833	1934
Sapphire	124	2	16	7	32		970		970
Sadie Turpel	56	6		22			451	244	695
Teresa	63	6		23		83	306	176	565
Thistle Str.	147	6		15 7		79		4	83
Triumph	98	2	16	12	32		204	257	541
Umbrina	98	6		23		143	707	623	1473
Viva	92	6		25		193	1555		1748
Venture	48	2	8	4	16	5	160		165

Vessel	Total	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Yankee	48	2	8	4	13	5															
Viva	92	2	25	23	188	135															
Embria	98	2	24	24	142	107															
Triumph	62	2	15	22	204	237															
Thalia Star	147	2	15	15	79	4															
Fortess	52	2	22	22	202	178															
Gadie Turpel	52	2	22	22	221	221															
Gaphine	121	2	12	7	210	210															
See Lion	30	2	12	12	272	232															
Rois Glass	30	1	10	2	60																
Patrique	70	2	21	22	222	1222															
Pioneer	22	2	20	100	222																
Otto	21	2	7	12	222																
Geor & Hattie	21	2	22	22	221																
Green Belle	22	2	20	122	227	227															
Mountain Chief	22	1	2	12	127																
Hornaid	72	2	12	122	222	222															
Mary Ellen	22	2	14	22	207	204															
Alphabet Star	22	2	10	22	222																
May Belle	22	2	10	142	220																
Mary Taylor	22	4	12	122	207																
Hand S.	27	2	22	122	222	222															
Mascot	20	2	17	107	220	119															
Ninia	20	2	10	20	200																
Ninia	20	2	10	20	200																
Magie No.	21	2	22																		
Maria	24	2	21																		
Libbie	23	4	22																		
Laborer	22	4	11	20	222																
Laura	12	1	2	20	222																

Hand S.

Magie No.

Ninia

Mountain Chief

Green Belle

Geor & Hattie

Otto

Pioneer

Patrique

Rois Glass

See Lion

Gaphine

Gadie Turpel

Vessel	Tons.	Boats.	Cnos.	Whts.	Inds.	L. Cst.	U. Cst.	Asia.	Total.
AMERICAN VESSELS UP TO DATE.									
Victoria	63	6		22		23		558	581
W.P. Sayward	59	5		19		180		900	1080
Walter A. Earle	68	6		22		100	1225	541	1863
Winifred	13	2	6	16	12		100	714	100 <i>seized</i>
Wanderer	25	1	5	13	10			137	137
Walter L. Rich	76	5		19			182	204	386
Willie Mc. Gowan	115	7		23			93		93 <i>seized</i>
Walter P. Hall	99	7		20			1190	418	1418
Indians.						2313			2313
Total	4583.	272.	251.	953.	500	6892.	24665.	14805.	46362.

Catch of Canadian Vessels delivered at Victoria B.C. 46362.

Catch of American Vessels " " " " 5331.

Lower Coast Catch ----- 6892.

Upper Coast Catch ----- 24665.

Asiatic Side Catch ----- 14805

Canadian Total Victoria B.C. 46,362

American Total Victoria B.C. 5331.

Grand Total ----- 51,693.

SEALING CATCH FOR SEASON 1892.

AMERICAN VESSELS UP TO DATE.

1. Ariel of Victoria B.C. schooner.

Vessel.	Tons.	Boats.	Cnos.	Whts.	Inds.	L. Cst.	U. Cst.	Asia.	Total.
Anaconda	40	5		15				744	744
City of San Diego	46	5		18		98	408		506
Willard Anisworth	40	5		15			400	480	880
Casco	73	2		9		1			1
Mattie T. Dyer	103	4		13			1190.	1190	1190
Total	302	21		70		99	2058.	1224.	3381

2. Maria of Malthead N.S. schooner.

Catch of Canadian Vessels delivered at Victoria B.C. 46362.
 Catch of American Vessels " " " " " 3381.

3. Mountain Chief of Victoria B.C. schooner.

Lower Coast Catch ----- 6892.
 Upper Coast Catch ----- 24665.
 Asiatic Side Catch ----- 14805

4. Caesar and Mattie of Victoria B.C. schooner.

Canadian Total Victoria B.C. 46,362
 American Total Victoria B.C. 3381.

5. Rosie Olson of Victoria B.C. schooner.

Grand Total ----- 49,743.

6. Willis Mc. Gowan of North Sidney N.S. schooner

Seized on July 18th 1892, about 40 miles from Copper Island by Sabians had 60 seal skins on board.

SEALING DATA FOR SEASONS 1892-1893
AMERICAN VESSELS UP TO DATE.

Vessel.	Tons, Boats, Cows, Wigs, Inds, T. Car, U. Car, Asia, Total.					
Anacanda	40	3	13		744	744
City of San Diego	48	3	13	33	329	329
Willard Alsworth	40	3	13		329	329
Gasco	73	2	2	1	1	1
Mattie T. Dyer	103	4	13		1130	1130
Total	308	31	70	34	99	3381

Catch of Canadian Vessels delivered at Victoria B.C. 4832.
 Catch of American Vessels " " " " " " 3381.

Lower Coast Catch ----- 2892.
 Upper Coast Catch ----- 2433.
 Asiatic Side Catch ----- 1480.

Canadian Total Victoria B.C. 4832.
 American Total Victoria B.C. 3381.

Grand Total ---- 40,743.

Vessels Seized during season 1892.

1. "Ariel" of Victoria B.C. schooner.
Seized on July 28th 1892, 40 miles S.E. of Copper Island by Russian Cruiser "Zabiaka" had 207 seal skins on board.
2. "Carmolite" of Liverpool Nova Scotia schooner
Seized on August 26th 1892, 25 miles Eastward of Copper Island by Russian Cruiser reported to have on board 630 seal skins.
3. "Henrietta" of Victoria B.C. schooner.
Seized in Behring Sea with 460 seal skins on board sent to Sitka Alaska charged with transferring skins in Alaskan Waters.
4. "Maria" of Maitland N.S. schooner.
Seized on 21st August 1892, by "Kotick" near Copper Island, had 600 seal skins on board.
5. "Mountain Chief" of Victoria B.C. schooner.
Seized on July 29th 1892, by U.S. Str. "Adams" in Behring Sea, with 137 seal skins sent to Victoria B.C.
6. "Oscar and Hattie" of Victoria B.C. schooner.
Seized near Atu. Island had 276 seal skins on board sent to Victoria B.C. arrived Oct. 1st 1892.
7. "Rosie Olsen" of Victoria B.C. schooner
Seized on July 24th 1892, about 40 miles from Copper Island by Kotick had 377 seal skins on board released and sent with crews to Vancouver B.C. in charge of Capt. Copp.
8. "Willie Mc.Gowan" of North Sidney N.S. schooner
Seized on July 18th 1892, about 40 miles from Copper Island by Zabiaka had 86 seal skins on board.

Vessels seized during season 1892.

1. Ariel of Victoria B.C. schooner.
Seized on July 25th 1892, 40 miles S.E. of Copper
Island by Russian Cruiser Zaptika had 207 seal skins
on board.
2. Camille of Liverpool Nova Scotia schooner.
Seized on August 20th 1892, 32 miles Eastward of
Copper Island by Russian Cruiser reported to have
on board 630 seal skins.
3. Hennette of Victoria B.C. schooner.
Seized in Behning Sea with 480 seal skins on board
sent to Sitka Alaska engaged with transferring skins
in Alaskan waters.
4. Maria of Matland N.S. schooner.
Seized on 21st August 1892, by Kotick near Copper
Island, had 600 seal skins on board.
5. Mountain Chief of Victoria B.C. schooner.
Seized on July 28th 1892, by U.S. Steamer "Adams" in
Behning Sea, with 137 seal skins sent to Victoria B.C.
6. Gaer and Hattie of Victoria B.C. schooner.
Seized near Atlatlat had 278 seal skins on board
sent to Victoria B.C. arrived Oct. 1st 1892.
7. Rosie Olsen of Victoria B.C. schooner.
Seized on July 28th 1892, about 40 miles from Copper
Island by Kotick had 377 seal skins on board
refused and sent with crew to Vancouver B.C. in
charge of Capt. Gegg.
8. Willie Ma. Gann of North Sidney N.S. schooner.
Seized on July 18th 1892, about 40 miles from Copper
Island by Zaptika had 88 seal skins on board.

Customs, Canada.

Vessels Seized during season 1892.

9. "Vancouver Belle" of Vancouver B.C. schooner

Seized near copper Island.

10. "Winifred" of Victoria B.C. schooner.

Seized on July 20th 1892, with 46 seal skins sent to Sitka under charge of transferring cargo in Alaskan Waters.

Vessels Wrecked and Missing during season 1892.

1. Canadian Schooner "Lottie", Wrecked off Columbia Bar crew lost washed on shore.

2. Canadian Schooner "Laura", Wrecked at Nootka Sound Vancouver Island B.C. 25th January 1892.

3. Canadian Schooner "Maggie Mc". Missing not seen since March 1892

The number of vessels returned from the north so far this season to date is 20, to return 43, wrecked 2.

The number of skins reported as above does not include 5132, seen on the "Coquitlan", also a number of the schooners that have gone to the Asiatic side have retained their upper coast catch of skins on board, no doubt caused by the disturbance following the seizure of the steamer "Coquitlan".

I have the honour to be,

Sir,

Your obedient Servant,

Collector.

Vessels Seized during season 1902.

9. Vancouver Bait of Vancouver B.C. schooner
Seized near Copper Island.
10. Winifred of Victoria B.C. schooner.
Seized on July 10th 1902, with 14 seal skins and 12
skins under charge of transferred cargo in Alaskan
waters.

Vessels wrecked and missing during season 1902.

1. Canadian schooner Patia, wrecked off Columbia Bar over lost
washed on shore.
2. Canadian schooner Janet, wrecked at Hooker Sound Vancouver
Island B.C. North January 1902.
3. Canadian schooner Wagie, missing not seen since March 1902

Customs, Canada.

Victoria, B.C. August 23rd 1892



W.G.Parmelee, Esq.,-

Commissioner of Customs,

Ottawa.

Sir,-

I have the honour to transmit for your information a list of the sealing fleet which cleared and sailed from this port, also I beg to say that the statement will show the catch of the sealing fleet up to date, distinguishing the lower coast catch, or rather the number of skins taken up to the end of April, that is immediately before the fleet leave Vancouver Island to proceed northwards,

Lower coast catch	5250
Upper coast "	18435
Total reported	<u>23685.</u>

The number of vessels returned from the north so far this season to date is 20, to return 43, wrecked 2.

The number of skins reported as above does not include 6192, seized on the "Coquitlam", also a number of the schooners that have gone to the Asiatic side have retained their upper coast catch of skins on board, no doubt caused by the disturbance following the seizure of the steamer "Coquitlam".

I have the honour to be,

Sir,

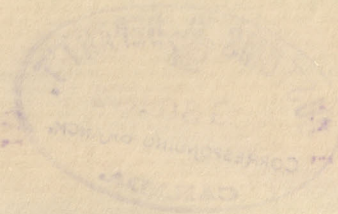
Your obedient Servant,

A. Heilner
Collector.

*I, Enclosure

Customs, Canada.

Victoria, B.C. August 23rd 1888



W.G. Parmelee, Esq.,
Commissioner of Customs,

Ottawa.

Sir,

I have the honour to transmit for your information a list of the sealing fleet which cleared and sailed from this port, also I beg to say that the statement will show the catch of the sealing fleet up to date, distinguishing the lower coast catch, or rather the number of skins taken up to the end of April, that is immediately before the fleet leave Vancouver Island to proceed northwards.

5250	lower coast catch
18435	Upper coast "
23685	Total reported

The number of vessels returned from the north so far this season to date is 20, to return 43, wrecked 2. The number of skins reported as above does not include 6122, seized on the "Cognitiam", also a number of the schooners that have gone to the Asiatic side have retained their upper coast catch of skins on board, no doubt caused by the disturbance following the seizure of the steamer "Cognitiam".

I have the honour to be,

Sir,

Your obedient servant,

Collector.

I, Enclosure

Vessel	Tons	Boats	Cross	White	Indes	Pr. Cap	Op - Cef	Antisepic	Total
Theresa	63	0		33		83	306		389
Sadie Turber	58	0		33			421		421
Sapphire	124	3	16	7	33		610		610
Ben Lyon	60	2		13		413			413
Rosie Olsen	38	1	10	8	30				
Penedobe	10	2		21		342			342
Pioneer	68	2		30		100	239		439
Ofjo	86	3	8	7	18		303		393
Oscar & Harrie	81	0		33		32			32
Ocean Belle	83	0		32		133	631		815
Mountain Chief	33	1	0	4	13				
Mermaid	73	0		13			164		164
Mary Ellen	63	3	14	2	38	32	601		673
Mitschiel Sam	43	3	10	2	30	36	632		681
May Belle	58	3	10	2	30	149	142		394
Mary Taylor	43	4		13		132	301		343

67

Sadie Tulpe	63	6		23		83	306	451
Teresa		6		15		79		389
Thistle Stm.	147							79
Triumph	90	2	16	7	32		204	254
Umbrina	98	6		23		143		143
Viva	92	6		25		193	I	194
Venture	48	2	8	4	16	5	10	15
Victoria	63	6		23		23		23
W.P.Sayward	59	5		19		180		180
Walter A.Earle	68	6		22		100		100
Winifred	13	2	6	6	12		100	100
Wanderer	25	I	5	3	10		137	137
Walter L.Rich	76	5		19			182	182
Willie Mc.Gowan	115	7		23			93	93
Walter P.Hall	99	7		20				
Indians						679		679
	4583	272	251	958	500	5250	18435	23685

American Vessels up to date.

City of San Diego	46	5		18		98	486	566
Casco	73	2		9		I		I
Mattie T. Dyer	103	4		13			1190	1190
	222	11		40		99	1658	1757

Vessel.	Tons.	Boats.	Cnos.	Whets.	Inds.	L. Cst.	Up -Cst.	Asiatic.	Total.
Mary Taylor.	42	4		18		135	807		942
May Belle	58	2	10	5	20	149	145		294
Mischief Stm.	48	2	10	5	20	26	635		661
Mary Ellen	63	2	14	5	28	35	507		542
Mermaid	73	6		19			164		164
Mountain Chief	23	1	6	4	12				
Ocean Belle	83	6		25		128	687		815
Oscar & Hattie	81	6		23		25			25
Otto	86	2	8	7	16		263		263
Pioneer	66	5		20		100	329		429
Penelope	70	5		21		345			345
Rosie Olsen	39	1	10	6	20				
Sea Lion	50	5		19		472			472
Sapphire	124	2	16	7	32		970		970
Sadie Turpel	56	6		22			451		451
Teresa	63	6		23		83	306		389
Thistle Stm.	147	6		15		79			79
Triumph	98	2	16	7	32		284		284
Umbrina	98	6		23		143			143
Viva	92	6		25		193	1		194

C.H. Tupper	99	6		23		308	967	1275
Carmolite	99					174	705	879
C.D. Rand	51	2	6	6	12	28		28
Cape Beale	12		6		12	27		27
Dora Siewerd	94	8		25			224	224
E.B. Marvin	117	6		22		183	1432	1615
Enterprise	69	7		23				
Favourite	80	2	12	6	24		450	450
Fawn	59	3	10	6	20		8	8
Geneva	93	7		26		270	420	690
Henrietta	31	2	5	4	10	44	108	152
Katharine	81	2	14	5	28	27	406	433
Kate	58	2	12	5	24		270	270
Lottie	19	2	2	4	4	W r e c k e d		
Laura	19	1	8	4	16	W r e c k e d		
Labrador	25	4		11		50	225	275
Libbie	93	7		23			39	39
Maria	94	6		21				
Maggie Mc.	71	6		23				
Minnie	10	2		8		5		5
Minnie	49	2	10	4	20		500	500
Mascot	40	4		17		107	220	327
Maud S.	97	6		24		185		185

SEALING CATCH UPTO AUGUST 1892.

CUSTOMS
 ↑
 CANADA
 1892
 VICTORIA
 B.C.

Vessel.	Tons.	Boats.	Cnos.	Whts.	Inds.	L. Cst.	Up -Cst.	Asiatic.	Total.
Annie E. Paint.	82	5		20		186	412		598
Ainoko	75	2	12	6	24	21	719		740
Aurora	41	1	10	4	20	7	371		378
Annie C. Moore	113	6		23		164	379		543
Ariel	91	2	14	7	28		268		268
Ariel	74	7		24					
Arietis	86	7		24			418		418
Agnes Mc.Donald	107	7		24			591		591
Beatrice	66	1	10	5	20	115	455		570
Borealis	37	1	10	5	20	13	494		507
Brenda	100	7		26					
Beatrice (Van.)	49	5		15			678		678
Carlotta G. Cox	76	6		23		436	1605		2041
C. H. Tupper	99	6		24		308	967		1275
Carmolite	99	6		23		174	705		879
C. D. Rand	51	2	6	6	12	28			28
Cape Beale	12		6		12	27			27
Dora Siewerd	94	8		25			224		224
E. B. Marvin				22		183	1432		1615

1.
Action.

No. 3975

2.
Action.

3.
Action.

pass-

CUSTOMS, 1892.

Further from Collector *25th Oct.*

2 Nov.

*Letter to D. M. of M. & F.
25. 11. 92.*

Collector of Customs,
Victoria, B.C.
23-30 Aug.

SUBJECT:

With information re sealers
cleared and sailed from his port.

Welling's Pamphlet

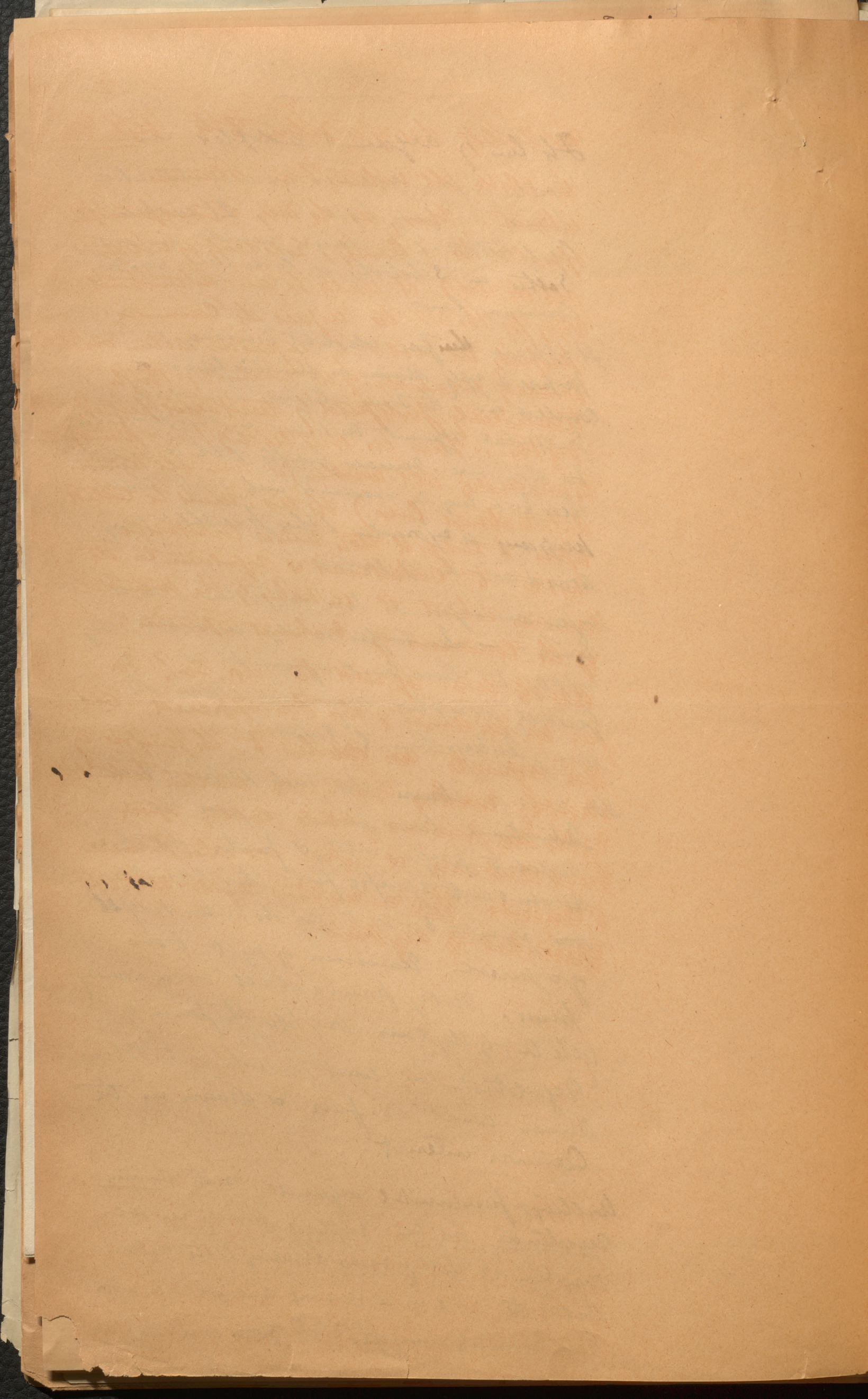
The line of argument adopted in Welling's pamphlet is so clearly that which it is, is going to follow. It is one thing to appeal to foreign jurists, trained rather in Scholastic & Code laws than in Common Law.

It appears therefore obviously necessary to prepare a reply drawn on similar lines & couched in the same strain, to meet the particular argument embodied in this pamphlet. In other lines remains possible to the list, & it therefore may be assumed with safety that in keeping a rejoinder to this pamphlet, every word will be of value.

So far our arguments have not followed such lines. — In so far as they are valid, they apply to conventional agreements which are generally accepted by law & form the basis of International Law.

It will be shown that such proposed new International Law forms in fact in respect to previous acts, & further, that when the deal with specific facts, they cannot be so framed so as to give the better benefit to you yourself. Remission of right to one power. That is framed at all — & accordingly to the truth they can only take the form of "Regulations" — they must be such as to obtain common consent i.e. fair & drawn in the common interest.

Welling's fundamental argument is the animus revertendi, but he employs it only in one direction i.e. that of seals returning to the islands. But if the seal is a marine animal (& who can readily deny this) the ~~sea~~ animus is



in reality that of a return to the high sea,
 in which all nations have a common
 interest. Thus, as the very ethical principles
 appealed to (Unity, Solidarity of nations &
 all the rest) it would be an international
 wrong for the U.S. to insure the common
 property in seals by injurious action on the
 breeding islands of the animals, though
 technically justified by territorial property
 rights. Thus on these widely based principles,
 transcending all written (or even all known
 International Law) the U.S. must be called
 upon to subject their minor territorial
 rights to constraint & regulation in the
 common interest & in view of the worldwide
 of the common of inherent opinion.
 Are the U.S. agreed to do so? So
 far in evidence of this has appeared. All
 the arguments are devoted to the purpose of
 strictly wanting ~~the~~ ~~own~~ absolute technical
 rights they possess, while calling upon
 Great Britain & upon all other powers
 to concede them admitted rights without
 equivalent of any kind.

What is the Law respecting fees?
See Ontario Law respecting long trees
& what it is based on or derived
from.

Analysis of Furriers' Evidence.

THERE is another point which is clearly proved by the London furriers' evidence taken on behalf of Great Britain, viz., that the scarcity of seals on the islands was felt not amongst the female seals, but amongst the killable males. This is proved in two ways: first, by Messrs. Poland's Table of the Alaska seal-skins, and by the diagram constructed therefrom, from which it will be seen that there has been a steady decrease annually in the sizes of the skins taken, showing that year by year the Company were driven, in order to make up their quota, to resort to still smaller male seals. The second way in which this is proved is by the evidence of several of the furriers, that of late years they have noticed in the Alaska catch the presence of female skins.

nearby

The following is a statement of the British evidence on this point:—

British Counter-Case, Appendix, Vol. ii.	Name.	Statement.
Page. 245	W. C. B. Stamp Firm established in 1818. 30 years' personal experience. (Has made depositions for the United States.)	"A noticeable feature about the consignments of the Pribyloff Islands has been that while formerly the consignments were entirely composed of male skins, of late years, from 1883 up to 1890, female skins have appeared amongst them, each year in increasing numbers."
246	Sigmund Apfel Firm established 50 years.	"Female skins began to make their appearance about 1883 in this catch [the Alaska catch], and have increased in numbers in each year since, reaching, as I have said, a very considerable percentage in 1884."
246	George Rice The largest dyer and dresser in London. (Has made a deposition for the United States.)	"In that year [1878], for the first time, I noticed the appearance of a few female skins [in the Alaska catch], which I at once drew to the attention of the firm. . . . Since that period I have always noticed amongst the Alaska catch a certain percentage of skins which were females, and which percentage has always increased, and amount, in my opinion, at a rough guess, in 1889, to from 10 to 15 per cent."
248	Howard Vyse Firm established 80 years	"As regards the Alaska catch, in former years this was entirely composed of male skins, but latterly I have noticed amongst them a certain percentage of female skins, which have increased a little more in recent years In my opinion it is about 10 per cent."

British Counter-Case, Appendix, Vol. ii.	Name.	Statement.
Page. 249	Herbert Shelley Bevington .. Firm established 1726. 20 years' experience. (Has made a deposition for the United States.)	"As regards the Alaska catch, I have during the last four or five years noticed amongst them a small quantity—say 10 to 15 per cent.—of female skins."
249	Augustus Allhausen .. 30 years' experience.	"Of late years, that is to say, from 1883 or 1884, I have noticed amongst this consignment [the Alaska consignment] a certain percentage of female skins, which percentage has increased in later years."

As regards the above evidence, it is further to be remarked that it not only proves that the dearth was felt amongst the male killable seals in the islands, but also that such dearth was felt long prior to the time when pelagic sealing could have had any effect. And it also should be pointed out that the 10 or 15 percentage mentioned by the witnesses is not a trifling one when it is remembered that the annual catch was, during the period there spoken of, 100,000 skins. This would, of course, mean about 10,000 skins every year.

Summary of United States' Evidence.

With reference to the first point, that it must be inferred "that the seals from the Pribyloff Islands never intermingle with those on the Commander Island on account of the great differences which exist between their skins," the following is a summary of the United States' evidence on this point:—

*Compare with
Counter Case.*

United States' Case, Appendix, Vol. ii.	Name.	Allegations.
Page. 551	Herbert Shelley Bevington .. Fur merchant. (The later evidence of this witness has already been cited. See <i>super.</i>)	"The difference is that the Copper skins in their raw state are <i>lighter in colour</i> , and that in the dyed state there is a marked difference in the appearance of the fur, that is to say, the <i>Copper fur</i> is a <i>close, short, shiney fur</i> , particularly down by the flank, to a greater extent than the Alaska."
570	Henry Poland .. Fur merchant. (The later evidence of this witness has already been cited.)	"That in the raw state the Copper Island skins is of a <i>lighter colour</i> , and the fur is rather <i>shorter in pile</i> and of an <i>inferior quality</i> ."

United States' Case, Appendix, Vol. ii.	Name.	Allegations.
Page. 572	George Rice Dyer and dresser, London.	"That the differences between the several classes of skins are very marked, and enable anybody who is skilled in the business or accustomed to handling of fur-skins to distinguish the skins of one class from the skins which belong to either of the other two classes." The witness does not say what are the indications he goes by.
574	W. C. B. Stamp Fur dresser, London. (See also his later evidence above quoted.)	"That the skins of these several catches are readily distinguished from each other;" but he does not state what indications he goes by.
587	Emin Hertz Fur merchant, Paris.	"That the said firm can distinguish very readily the source of production of the skins when the latter are in their undressed state;" but the witness does not state by what indications he would judge.
554	Alfred Fraser (Lampson and Co.)	"That Alaska and Copper catches are readily distinguishable from each other, and the herds from which such skins are obtained do not, in fact, intermingle with each other, because the skins classified under the head of Copper catch are not found amongst the consignment of skins received from the Alaska catch, and <i>vice versa</i> He would have had no difficulty had there been included, amongst 100,000 skins in the Alaska catch, 1,000 skins of the Copper catch, in distinguishing the 1,000 Copper skins;" but the witness does not explain what indications he relies on.
564	Sir George Curtis Lampson (Lampson and Co.)	"As stated by Mr. Teichmann, the skins of these several catches are readily distinguished from each other, and separate sets of forms or patterns are used by deponent's firm in sorting and sizing skins of the three catches;" but the witness does not state the indications he relies on.
567	Walter Edward Martin (Lampson and Co.)	"The differences between the Copper Island catch and Alaska catch are marked, and enable any one experienced in handling skins to distinguish one from the other. <i>Copper Island skins</i> show that the animal is narrower in the neck and at the tail than the Alaska seal. The fur is shorter, particularly under the flippers, and the hair has a yellower tinge, so that before the skins are dressed the two might be readily distinguished. . . . If 1,000 Copper Island skins were mingled among 99,000 Alaska skins, it would be possible for any one skilled in the business to extract 950 out of the 1,000 Copper Island skins, and to separate them from the 99,050 of the Alaska catch, and <i>vice versa</i> .
576	Emil Teichmann (Lampson and Co.)	"I should have no difficulty, and would undertake from my knowledge of the various skins to separate Copper skins from Alaska skins The <i>Copper Island skins</i> generally have a darker top hair, and are more yellow on the cheeks. . . . <i>Copper Island skins</i> are much narrower at the head. . . . The fur upon the Copper Island skins is considerably shorter on the flanks and towards the tail."

It is remarkable that Léon Révillon, whose deposition appears in the United States' Appendix, p. 589, and who is the largest fur merchant in France, does not state anything in his deposition as to the difference between Alaskas and Coppers. The reason is clear, for, as has been seen in his subsequent evidence, he says they are very much mixed. The same noticeable omission occurs in the deposition of Arthur Hirschel, of the firm of Hirschel and Meyer, of London (p. 563).

As to the second proposition, "*that 80 or 90 per cent. of the North-West catch are females, and that of these 75 per cent. are gravid females,*" the following is a summary of the United States' evidence in this section on this point:—

United States' Case, Appendix, Vol. ii.	Name.	Allegations.
Page. 251	H. S. Bevington .. Fur merchant, London.	"The skins of the North-West catch are at least 80 per cent. of the female animal. That prior to, and in preparation for, making this deposition deponent carefully looked through two large lots now in his warehouse."
570	Henry Poland .. Fur merchant, London.	"A very large proportion of the adults' skins [North-West catch] are obviously the skins of female animals."
572	George Rice .. Dyer and dresser, London.	"In the North-West catch from 80 to 90 per cent. of the skins are of the female animal."
574	W. C. B Stamp .. London. (See also his later evidence above.)	"I should estimate the proportion of female skins included within the North-West catch at at least 75 per cent. I should not . . . contradict an estimate of upwards of 90 per cent. My sorter . . . estimates . . . 90 per cent."
587	Emin Heriz .. Paris. (See also his later evidence above.)	"Nearly three-fourths of them [the North-West catch] are those of females and pups."
589	Léon Révillon .. Paris. (See also his later evidence above.)	"We have often heard, and from different sources, that these last-named skins [the skins of the female seal] are in the majority. . . . It is impossible for us to test the absolute truth of this statement for ourselves."
554	Alfred Fraser .. (Lampson and Co.)	"Estimates it [the proportion of female skins of the North-West catch] at at least 85 per cent."
567	Walter Edward Martin .. (Lampson and Co.)	"75 or 80 per cent. of skins of this catch [the North-West catch] are skins of the female animal."
576	Emil Teichmann .. (Lampson and Co.)	"The North-West catch, so far as they are skins of adult seals, are almost exclusively the skins of female seals."

As to the third proposition, "*that the suppression of the North-West catch is essential to the maintenance of the seal-skin industry,*" the following is a summary of the United States' evidence in this section:—

United States' Case, Appendix, Vol. ii.	Name.	Allegations.
Page. 563	Arthur Hirschel (Hirschel and Meyer, London)	"The business of dealing in fur-seal skins has of late entered into a speculative stage which is doing much injury. . . . To remedy this I am of opinion that hereafter skins should be taken only from animals of the male sex, and upon land."
554	Alfred Fraser (Lampson and Co.)	"If this pelagic sealing be not prohibited, it is but a question of a few years, probably not more than three, that the industry will cease."
251	H. S. Bevington	} These witnesses state that they are in favour of Regulation, and do not advocate a total suppression of pelagic sealing.
564	George Curtis Lampson	
567	Walter Edward Martin	
570	Henry Poland	
572	George Rice	
574	W. C. B. Stamp	
576	Emile Teichmann (Lampson and Co.).. ..	
587	Emile Hartz	
589	Léon Révillon	

Testimony relating to seal-skin industry in the United States.

As the deponents whose evidence composes this section of the United States' evidence have not been seen on behalf of Great Britain, and as no similar evidence has been obtained from the same class of witnesses, it is not possible to deal with it in the same manner as the evidence taken on behalf of the United States in Great Britain and France. It is only possible to contradict it inferentially from the evidence taken on behalf of Great Britain in England and France. It is, therefore, thought that the most useful way to treat this part of the evidence would be to make an impartial summary of the United States' evidence showing what the depositions purport to prove.

The evidence appears to be directed to practically the same points as the evidence :—

1. That the differences which exist between Alaskas and Coppers prove there is no intermingling.

2. The proportion of females and gravid on the North-West catch.

3. That the suppression of the North-West catch is necessary for the preservation of the industry.

4. Particulars of the seal-skin industry in the United States.

In this section of the evidence there are thirty affidavits, but when they are looked into it will be seen they as a matter of fact only represent

the opinions of seventeen different firms or Companies, if indeed so many, for there are eleven depositions of workmen, &c., who do not state the firm by whom they are employed.

The depositions may be classed in the following way:—

1. Officials of the Alaska Commercial Company .	2
2. Members of the firm of Liebes and Co. ..	5
3. " " Treadwell and Co. ..	5
4. " " Bates, Jun., and Co. ..	2
5. " " J. Ullmann and Co. ..	2
6. " " Asch and Jaeckel ..	2
7. Miscellaneous, including workmen and others	11
Total	30

Summary of United States' Evidence.

With reference to the first point "*That the differences which exist between Alaskas and Coppers show they do not intermingle.*" From the following summary of the evidence contained in this section it will be seen that none of the United States' witnesses seem to agree in what exactly the difference is, and such differences as they do point out do not raise any presumption of intermingling.

United States' Case, Appendix, Vol. ii.	Name.	Allegations.
Page. 510	George Liebes Furrier and dealer.	"They [the Coppers] are evidently a distinct and separate herd. The foundation of the fur of the copper seal is much coarser, and does not cover the belly as thickly."
516	Sidney Liebes Furrier.	"The Russian skins are flat and smaller and somewhat different in colour in the under wool than those caught on the American side. In my opinion they are of inferior quality. The Alaska skins are larger and the hair is much finer."
518	John J. Phelan	"The hair of the copper skin is shorter, thinner, and generally of a somewhat darker colour than that of the Alaska or North-West skins. The shape is sufficiently marked to enable me to distinguish them. . . . It is much more difficult to unhair the Copper skins, furthermore, the pelts of the Copper skins are less porous."
521	Chas. Price Fur dresser.	"The skins of the Russian side are much coarser than those of the American side. The fur is a little darker, and more of a cherry colour. The top hair is darker."
535	C. A. Wilians	States that there is a difference, but does not say what the difference is.
550	Morris Windmiller	"The Russian seal is smaller, and the fur is not so close as the fur of the Alaska seal, nor as good a quality."
524	Hy. Treadwell	States very positively that there is no intermingling, and that he could at once detect a skin of one class were it to get by accident into the other, but does not state on what indications he would rely.
516	J. N. Lofstad	That he can easily distinguish between Coppers and Alaskas, but he does not state by what indications he would judge.

As to the second point, namely, "*The proportion of females in the North-West catch,*" the following is a summary of the evidence in this section:—

United States' Case, Appendix, Vol. ii.	Name.	Alegations.
Page. 510	George Liebes Furrier and dealer, San Francisco.	Examined 14,000 in 1890, North-West catch; proportion of females 90 per cent. Examined portion of same catch in 1891; found same proportion of females. Also examined Behring Sea catch; found even a greater proportion of females.
512	Herman Liebes Furrier, San Francisco.	From 1864 to present time, witness examined and physically handled great portion of the coast catch, and since the commencement of pelagic sealing has personally inspected every cargo bought by his firm, and says that at least 90 per cent of the whole of these skins were those of female skins. Has offered captains of poaching vessels twice as much money if they would obtain male skins instead of female, and was told that it was quite impossible.
516	Sidney Liebes Furrier.	In his examination of skins offered for sale by sealing-schooners, he found over 90 per cent. females.
518	John J. Phelan (Of the firm of G. C. Treadwell. Working foreman, who handled skins.	Recently examined 4,550 skins at the request of his firm. Took four days, working seven hours a-day, to do so, with the result that he found the lot contained 365 males, 2,167 females, and 98 pups. Leaving out of account the pup, the percentage of females was about 82 per cent.
517	Charles E. McClennen (Of the same firm.)	Confirms what is said by Phelan.
524	Henry Treadwell (Of the same firm.)	Nine-tenths of the North-West catch are female seals.
532	Samuel Ullmann (Of the firm of Joseph Ullmann.)	States that his firm are the largest purchasers in Victoria of the North-West catch, and he knows it to be a fact that a very large proportion of the skins in such shipment are female skins.
535	W. Weipert (Of Asch and Jaeckel.)	"I especially noticed the fact that a large proportion were skins of female animals."
530	Hugo Jaeckel	Confirms the last statement.
508	George Bantle Packer and sorter.	"I have examined and sorted a great many thousands of skins taken in sealing schooners, and have observed that they are very nearly all females."
528	C. F. Bates (Of Martin Bates, Jun., and Co.)	Corroborates statement of Samuel Ullmann.
521	Charles Price Fur dresser.	States that he has examined many thousands of skins, purchased from hunters who had taken them along the coast and Behring Sea. 80 per cent. of them were females.
522	B. H. Sternfels Fur merchant.	26 years' experience. States that in buying the catch of schooners he has observed that fully 75 per cent. were females.
523	George H. Treadwell (Of Treadwell and Co., fur merchants.)	35 years' experience. Has noticed the North-West catch largely composed of females.
530	Emile Stake Fur merchant.	10 years' experience. Corroborates statement of Samuel Ullmann.
531	Frank L. Gunter Fur merchant.	23 years' experience. Corroborates the affidavit of Samuel Ullman.
535	C. A. Williams Founder of the Alaska Commercial Company. (Of C. A. Williams and Co., wholesale fur hunters.)	That the North-West catch is almost entirely composed of female skins.

United States' Case, Appendix, Vol. ii.	Name.	Allegations.
548	Josh. B. Williams	15 years' experience. That probably most of the seals of the North-West catch are females.
550	Morris Windmiller Furrier.	"On examining seal skins in the schooners I have observed that 90 per cent. of the catch are females."
516	J. N. Lofstad	"I have bought and examined the catch of many schooners during the last ten years, and I have observed that 85 to 90 per cent. were females."

As to the third proposition, "*That the suppression of the North-West catch is necessary to the preservation of the seal-skin industry,*" most of the witnesses in this section state that in their opinion the North-West catch should be suppressed, giving as their reason its wasteful nature in view of so many females being killed. Some of them, however, rest their claim for its suppression on the ground that it injures the seal-skin business. When these affidavits are read carefully it will be seen that the suppression of the North-West catch is really desired because some of these gentlemen fear that the price of seal-skins may be lowered.

The following is a summary of the evidence of those witnesses who deal with this point in any detail:—

United States' Case, Appendix, Vol. ii.	Name.	Allegations.
Page. 523	G. H. Treadwell	"Besides, skins are now being put on the market at such irregular times, and in such uneven quantities, that buying them has become a speculative business The whole trouble has been brought by the Victoria and other pelagic sealers, who furnish the present cheap skins."
227	Samuel Ullmann	"During the last few years buying fur-seal skins has become a business of a very speculative character The tendency is to unsettle the market, advance or reduce the raw material, and thus directly affect both dealers and manufacturers. . . . I ascribe the present unsatisfactory condition to the injurious operations of Victoria sealers."
527	Ditto	"The still higher prices paid in that year [1891] were directly due to the so-called <i>modus vivendi</i> ."

In addition to the above some three or four other witnesses in their depositions say that they entirely agree with the concluding paragraph of

the affidavit of Samuel Ullmann, sworn the 21st June, 1892, but as will be seen from the above Table Samuel Ullmann has made two affidavits on that date and it is impossible therefore to know to which they refer.

As regards the affidavit of Samuel Ullmann, although he was not interviewed on the subject of his depositions it so happens that a partner of his, Mr. Aby Ullmann, was recently in London, and his evidence will be found at p. 252 of vol. ii, British Counter-Case Appendix. The following extracts may be set against the above statements of his partner:—

“I shall certainly not be in favour of the suppression of the North-West catch, because I consider it would be very prejudicial to the fur trade generally.”

As regards the fourth head, the joint affidavit (see p. 526) of nine leading American firms states that the number of Alaska seal-skins imported from the United States to London in each year is from 65,000 to 75,000, of the average value of 25 dollars a skin; that the wages paid annually to people engaged in the manufacture amount to 490,000 dollars; that the profits made annually by merchants and others amount to 2,100,000 dollars; and that there are 3,300 people employed in the industry.

With regard to one of the Arbitrators being a Frenchman it is perhaps worth pointing out that at p. 540 of this section of the evidence Mr. C. A. Williams states that Kerguelen Island (which has quite recently been annexed by France) at one time teemed with fur-seals, but that owing, in the year 1800, to 1,200,000 seal-skins being taken by British vessels from the island, seal life thereon was exterminated. This, of course, was killing by land, not pelagic sealing.

CONFIDENTIAL.

Testimony relating to the General Seal-skin Industry in Great Britain and France.

THE evidence produced under this head consists entirely of declarations of fur merchants and brokers and their employés.

The following is a list of these deponents:—

1. H. S. Bevington, of the firm of Bevington and Morris, fur merchants and manufacturers.
2. Arthur Hirschel, of the firm of Hirschel Meyer, fur merchants.
3. Henry Poland, of the firm of P. R. Poland and Son, fur merchants.
4. George Rice, dresser and dyer.
5. William Charles Blatspiel Stamp, of the firm of Blatspiel Stamp and Heacock, fur-skin merchants.
6. Emile Hertz, of the firm of Emile Hertz, fur merchants, Paris.
7. Leon Révillon, of the firm of Révillon Frères, fur merchants and manufacturers, Paris.
8. Alfred Fraser, of the firm of C. M. Lampson and Co., London, agents of the North American Commercial Company.
9. Sir George Curtis Lampson, of the same firm.
10. Emile Teichmann, of the same firm.
11. Walter Edward Martin, of the firm of Martin and Sons, dyers and dressers.

This evidence is used by the United States in their Case to support three contentions:—

1. That the seals presumably never intermingle because of the marked differences existing between "Alaskas" and "Coppers."
2. That 80 to 90 per cent. of the North-west coast catch are females, and that of these 75 per cent. are gravid females.

3. That maintenance of the seal-skin industry requires the total suppression of the North-west catch.

The above-mentioned deponents have been interviewed on behalf of Great Britain, and additional declarations have been obtained from them with the exceptions of Arthur Hirschel (who for private reasons could not go into the matter), and of the last four deponents on the above list. It was found useless to attempt to obtain any depositions on questions which were to any extent matters of opinion from the four last-mentioned gentlemen. The first three of these, as it will be seen, are members of the firm of Lampson and Co., the London agents of the North American Commercial Company, and were naturally completely biassed in favour of the views of their employers. The last-named, Walter Edward Martin, is also practically a partner in Lampson's, as Messrs. Lampson established and, in part, own the business which he conducts. Messrs. Lampson have, however, been good enough to furnish certain statistical information, which will be referred to hereafter.

British Case,
Appendix, vol. ii,
p. 223.

Besides obtaining new declarations from the United States' witnesses above named and the statistical information from Messrs. Lampson, thirty depositions have been obtained from other leading members of the fur trade in London and in Paris, the result of whose evidence will be summarized hereafter.

When the above-mentioned declarations produced by the United States are examined and read side by side, with the further affidavits made by the same deponents on behalf of Great Britain, and when the new evidence produced by Great Britain is also considered, it is clear that the three propositions put forward by the United States are not supported by the evidence, but, on the contrary, that this evidence proves:—

1. That there is constant intermingling and cross-breeding.

2. That by no possibility could more than 19 per cent. of the North-west catch be gravid females, and that the percentage of males in the North-west catch is upwards of 20 per cent.

3. That the continuance of the North-west catch is essential to the continuance of the seal-skin industry.

It will be convenient to take each of the above propositions separately, and examine the evidence in relation to it.

Proposition I.

As regards the first proposition, viz., *that there is no intermingling, and that the Alaska seals are absolutely distinct from all others*, the following is a Table showing the actual statements made by the various witnesses in their declarations on behalf of the United States side by side with extracts from their subsequent declarations, which either considerably modify or explain their former statements:—

Herbert Shelley Bevington, of the firm of Bevington and Morris, established since 1726:—

"That the differences between the three several sorts of skins last mentioned [Alaska, Copper, and North-west] are so marked as to enable any person skilled in the business, or accustomed to handle the same, to readily distinguish the skins of one catch from those of another, especially in bulk, and it is a fact that when they reach the market the skins of each class come separately, and are not found mingled with those belonging to the other class."—(United States' Case, Appendix, vol. ii, p. 551.)

"In my opinion, at least 25 per cent. of the skins found amongst Copper Island skins are undistinguishable from Alaskas, and in the same way at least 25 per cent. of the skins found amongst Alaskas are undistinguishable from Coppers. In both consignments I have noticed also a considerable quantity of skins which in a less marked manner resembled the other class, but I consider the bulk can be distinguished."—(British Counter-Case, Appendix, vol. ii, p. 249.)

H. Poland, member of the firm of P. R. Poland and Sons, established in 1784:—

"That the three classes of skins above mentioned [Alaska, Copper, and North-west] are easily distinguishable from each other by any person skilled in the business or accustomed to handling skins in the raw state.

"That the deponent has personally handled samples of the skins dealt in by his firm, and would himself have no difficulty in distinguishing the skin of the Copper Island catch from the skin of the Alaska and North-west catch."—(United States' Case, Appendix, vol. ii, p. 571.)

"I admit that amongst the Copper Island catch there is a certain percentage of skins which are for the most part undistinguishable from the Alaska (or Pribyloff Island) catch, although that percentage would be difficult to ascertain. At a guess I should say that it was not more than 30 per cent., but, of course, the fur of some of these would be less dense. I have also noticed in the Alaska catch that there are, in some particular years, skins which are undistinguishable from Copper Island skins."—(British Counter-Case, Appendix, vol. ii, p. 250.)

William Charles Blatspiel Stamp, of the firm of Blatspiel Stamp and Heacock:—

"That skins of these several catches [Alaska, Copper, and North-west] are readily distinguished from each other. . . .

"The differences between Copper and Alaska seals are difficult to describe so that they can be understood by any person who has no knowledge of furs, but to any one skilled in the business there are apparent differences in colour between the Copper and Alaska skins, and a difference in the length and quality of the hairs which compose the fur, and there are also apparent slight differences in the shape of the skin. The difference between the skins of the three catches are so marked, that they have always been expressed in the different prices obtained for the skins."—(United States' Case, Appendix, vol. ii, p. 575.)

"In my opinion, there is no absolute line of demarcation between the Copper Island skins and Alaskas, and in inspecting the consignments made in each year from the Pribyloff Islands, through Messrs. Lampson and Co., I have found a certain percentage of skins which were *facsimiles* of Copper Island skins, and in the same way inspecting consignments of Copper Island skins I have seen skins which, had I seen them elsewhere, I should have classed as Alaskas, and also a certain number of the intermediate degrees of similarity."—(British Counter-Case, Appendix, vol. ii, p. 245.)

Emile Hertz, member of the firm of Emile Hertz and Co., Paris:—

“That the said firm can distinguish very readily the source of production of the skins when the latter are in their undressed state.”—(United States' Appendix, vol. ii, p. 588.)

“I have from time to time seen among the consignments of Alaska seals offered for public sale by Messrs. Lampson and Co., of London, skins resembling Copper Island skins, and among the consignments of this latter sort skins resembling the Alaska kind, but I believe it to be impossible to affirm absolutely that these doubtful skins belong to one or other of these two localities.”—(British Counter-Case, Appendix, vol. ii, p. 241.)

In addition to the above, twenty-eight witnesses, constituting the whole of the leading firms engaged in the fur trade in Europe, testify to observing amongst the consignments from the Pribyloff Islands a considerable number of skins which were absolutely undistinguishable from Coppers, and amongst the consignments from the Commander Islands a considerable number which were absolutely undistinguishable from Alaskas. As to what the actual percentage of such skins is the witnesses do not quite agree, but it is apparent that the percentage is very considerable, as the following Table will show:—

British Counter-Case, Appendix, Vol. ii.	Name of Deponent.	Percentage of Copper Skins found amongst Alaskas.	Percentage of Alaska Skins found amongst Coppers.
Page.			
238	Joseph Politzer	30 to 40	30 to 40
243	Oswald Eysoldt	25 30	25 30
243	Henry Friedberg	20 40	20 40
244	Horatio Creamer	15 20	15 20
246	Sigmund Apfel	33	33
251	Ludwig Felsenstein	33	33
249	Herbert Shelley Bevington	25	25
250	Henry Poland	30	30
238	George Boulter	35	35
237	Tom Simpson Jays	25 to 30	25 to 30
236	Richard Henry Poland	} Testify, without mentioning any definite figure, that in each class of skins they have found a certain percentage undistinguishable from the other class.	
231	Léon Révillon		
231	Stanislas Révillon		
235	Thomas Henry Ince		
236	Sydney Poland		
236	Francis Arthur Lavsdell		
241	Félix Jungmann		
242	Emile Grebert		
247	David Wotherspoon		
247	Harry Borrás		
248	Howard Vyse		
251	Wesley Marshall		
252	Henry Meyers		
253	Charles Alfred Sugden		
240	Benjamin Frank Slater	Considerable	Considerable
240	Friedrich August Gustav Webber	“	“
242	Adolph Haendler	“	“
248	Richard Dixon	Large	Large
249	Augustus Allhausen	“	“
251	Julius Richard Thau	Considerable	Considerable

The above evidence proves, it is submitted, “intermingling,” but it is also to be noted that the following witnesses not only speak of finding in each class a certain percentage which are

undistinguishable from the other class, but that also they notice in both classes skins which, in a lesser degree, resemble the other class:—

British Counter-Case, Appendix, Vol. ii.	Name of Deponent.
Page.	
230	Richard Henry Poland.
231	Léon Révillon.
236	Sydney Poland.
228	Joseph Politzer.
240	Benjamin Frank Slater.
240	F. A. G. Webber.
242	Emile Grebert.
242	Adolph Haendler.
574	W. C. B. Stamp.
217	Harry Borrás.
248	Howard Vyse.
249	H. S. Bevington.
251	Ludwig Felsenstein.
251	Wesley Marshall.
251	Julius R. Thau.
252	Henry Meyers.
253	Charles Alfred Sugden.

If the testimony of these gentlemen is to be accepted, it goes a long way towards proving not only intermingling, but actual cross-breeding.

It will therefore be seen that so far as the proposition, that "no intermingling took place between seals frequenting the Pribyloff Islands and seals frequenting the Commander Islands," depends upon the evidence of the fur trade, it completely falls to the ground.

Proposition II.

With reference to the second proposition, namely, that 80 to 90 per cent. of the North-west are females, of which 75 per cent. are gravid females, it will be seen from the following extracts from declarations subsequently made by United States' witnesses, and by other members of the fur trade, that their calculations (with the exceptions hereafter discussed of witnesses who state they actually counted and examined parcels in order to arrive at an estimate) as to the percentage of females are purely surmises, and that in the ordinary course of business fur merchants, brokers, and other persons in the trade have not to consider in the least the question of sex, that skins are never bought and sold by sex, no mention of sex is ever made in the catalogues, and it in no way forms an element of price. What the actual percentage really is will then be shown:—

Henry Poland, of the firm of P. R. Poland and Sons :—

“A very large proportion of the adults are obviously the skins of female animals.”—United States' Case, Appendix, vol. ii, p. 571.)

“As regards what is generally known as ‘the North-west catch,’ I consider that, on the whole, the proportion of females to males taken is from 75 to 80 per cent.; in ‘grey pups’ and ‘extra small pups’ the proportion would be 50 per cent. In the large sizes the proportion, on the other hand, would exceed 80 per cent.”—(British Counter-Case, Appendix, vol. ii, p. 250.)

William Charles Blatspiel Stamp :—

“I should estimate the proportion of female skins included in the North-west catch at at least 75 per cent., and I would not be surprised nor feel inclined to contradict an estimate of upwards of 90 per cent. My sorter, who actually handles the skins, estimates the number of female skins in the North-west catch at 90 per cent.”—(United States' Case, Appendix, vol. ii, p. 575.)

“Referring to the statement made in my said former declaration, that ‘I should not be surprised nor feel inclined to contradict an estimate of upwards of 90 per cent. of female skins of the North-west catch,’ I say that whilst it is possible with tolerable accuracy to separate female from male skins in the larger sizes, as regards the smaller sizes of seals, under the age of two years, it is a matter of great difficulty, and often of impossibility, to determine sex. In the course of our business, it is never necessary for us to consider this question.”—(British Counter-Case, Appendix, vol. ii, p. 245.)

Léon Révillon, member of the firm of Révillon Frères, of Paris :—

“We have often heard, and from different sources, that these last-named skins [North-west] are, in the majority, the skins of the female seal.”—(United States' Case, Appendix, vol. ii, p. 589.)

“2. Q. As to the statement in your deposition, that you ‘have often heard, and from different sources, that the majority of the North-west skins are skins of the female seal,’ as a matter of fact, M. Révillon, have you, in the course of business, to consider the question of sex at all?—*A.* No; we never buy or sell by sex. It is never mentioned in any sale catalogue. We buy in lots, which are made up according to sizes, such as middlings and smalls, large pups, small pups, &c.

“3. Q. Any of these lots, then, may contain both male and female skins?—*A.* Yes.

“4. Q. The question of sex, therefore, is not an element you consider in the price, and is one which you never have to consider at all?—*A.* That is so.”—(British Counter-Case, Appendix, vol. ii, p. 230.)

In addition to the above, the following extract from the declaration of William Henry Smith (a partner for thirty-five years in the firm of George Smith and Sons, wholesale furriers, established ninety-two years), may be quoted :—

“As regards the sex of the seals, I have never considered this matter at all, and I could not give any estimate of the proportion of females and males in the North-west catch. The question of sex does not enter into business calculations in any way. We buy according to the usual sizes.”

With reference to the question as to what is the actual percentage of females, and how many of them are gravid females in the North-west catch, the estimate given at p. 201 of the British Counter-Case of 25 per cent. is, it is submitted, too large, and that the percentage in reality does not exceed more than about 19 per cent. The

error dealt with further hereafter arises from adopting the United States' estimate of 15 per cent. male skins, whereas the actual percentage cannot possibly be less than 20 per cent., and in further spreading this percentage over the whole bulk instead of deducting it entirely from the larger-sized skins. The calculation given at p. 201 of the British Counter-Case is based upon the Tables of Messrs. P. R. Poland and Son, set out at p. 257 of vol. ii, Appendix to the British Counter-Case; and as these Tables will probably give rise to some controversy, it is desirable to explain fully how they came to be compiled, and the manner in which the calculation based upon them is worked out.

Messrs. Poland's custom for many years has been to attend all public sales of seal-skins in London, and to carefully inspect the skins, and, catalogue in hand, to examine each lot, and make a record on the face of their copy of the catalogue of the place of origin of the skins, and their opinion as to their condition, &c. They do this, amongst other reasons, to enable them to make a report to their trade customers as to the amount, quality, and probable price of the supply coming forward. These catalogues Messrs. Poland have carefully filed, and it is from them, and from their records made at the time upon them, that the Tables have been compiled. The first observation which may be made by the United States with reference to the Tables is that while the British contention is that "Coppers," "Alaskas," and "North-wests" are practically undistinguishable, yet Messrs. Poland purport to pick out with accuracy upwards of 1,500,000 Alaskas and nearly 500,000 North-wests from sale catalogues, which also include "Coppers," "Japanese," "Robben Island," "Cape Horn," and other skins, and which catalogues have no indication printed on them of where any of the skins come from. The answer to this objection is that while it is no doubt extremely difficult, particularly in smaller sizes, to distinguish individual skins, yet this difficulty does not arise in separating lots of skins in bulk. In bulk, Alaskas are undoubtedly distinguishable from Coppers. The general appearance of the make-up of the bundles, the kind of salt, and the mode of salting and skinning afford in themselves sufficient indication of the place of origin to an expert. In the case of North-wests the matter

is still more simple, inasmuch as the expert has got the marks of shot and the rough mode of skinning as a certain means by which he can identify them.

With regard to the Table No. 2, dealing with the North-west, upon which calculation of the number of gravid females in the North-west catch is based, the following is an explanation of the plan adopted in working out the calculation:—

The catalogues of all public sales of seal skins held in London since the year 1873 which contained any North-west skins have been analyzed under the various sizes by which they are described in the catalogues, that is to say—

1. Wigs.
2. Large middlings.
3. Middlings.
4. Middlings and smalls.
5. Smalls.
6. Large pups.
7. Large and middling pups (mixed).
8. Middling pups.
9. Middling and small pups (mixed).
10. Small pups.
11. Extra small pups.
12. Extra-extra small pups.
13. Grey pups.

A dividing line has then been drawn between those which it was estimated could, so far as size and weight goes, be the skins of bearing females, and those which could not.

In order to determine the exact point at which this line should be drawn, application was made to Messrs. Lampson for a statement of the weights represented by the various sizes used in the catalogues. From their reply (see pp. 261-262 of vol. ii of Appendix to the British Counter-Case), the various sizes of the North-west coast skins correspond to weight as follows:—

				Lbs.	oz.
Large wigs	..	..	..	34	0
Small wigs	..	..	..	23	0
Middlings	..	..	..	14	6
Middlings and smalls	..	..	..	11	3
Smalls	..	..	..	9	8
Large pups	..	..	..	8	2
Middling pups	..	..	..	6	12
Small pups	..	..	..	5	10
Extra small pups	..	..	..	4	11
Extra-extra small pups	..	..	..	3	13
Grey pups	..	..	..	3	0

United States'
10th Census, 1881,
p. 46

These weights were compared with the Table of weights and ages given by Elliott in his 10th Census Report, p. 46. This Table is headed "Table showing the Weight, Size, and Growth of the Fur-seal (*Callorhinus ursinus*) from the Pup to the adult," and the following is an extract from this Table:—

Age.			Weight of Skin.
			Lbs.
1 year	..	..	4½
2 years	..	..	5½
3 "	..	..	7
4 "	..	..	12
5 "	..	..	16
6 "	..	..	25
8 "	to 20 years	..	45 to 50

Mr. Elliott records that he arrived at these figures by weighing a large number of skins and taking an average, and, further, that as regards the weights given for the 2-year-olds and upwards, he was only able to weigh males, as the rule on the islands being that only males were to be killed, he was not able to experiment on females. It is, however, a well-known fact that under the age of 3 years there is no difference in size between males and females.

Mr. Elliott also states that—

"the adult females will correspond with the 3-year-old males in the above Table."

That is to say, a bearing female would, according to Mr. Elliott, become such at 3 years, and its skin would weigh 7 lbs.

Considerable differences of opinion, however, have existed as to the age at which a female does in fact become capable of bearing.

Thus Bishop Veniminof writes:—

"It is without doubt a fact that female seals do not begin to bear young before their 5th year."

Captain Charles Bryant also writes:—

"At this stage they (the female pups) leave the island for the winter, and very few appear to return to the island until they are 3 years old, at which age they seek the males for sexual intercourse."—"Monograph of North American Pinnipeds," pp. 401-402.)

Captain Bryant appears, however, to have somewhat modified his views. He now writes:—

10th Census
Report, p. 141.

"It is probable that the females of this age (2 years old) are fertilized by the bulls, and leave the islands in the fall pregnant."—(United States' Case, Appendix, vol. ii, p. 6.)

And, again, the British Commissioners, stating their opinion on the question, say:—

"There is now a very general consensus of opinion among those who have studied this question on the Pribyloff Islands to the effect that the females are covered at or shortly after the expiry of the second year from the time of their birth, and bear young in the third year from that time, or early in the fourth year of their age."—(British Commissioners' Report, p. 51, para. 585.)

In order to allow for any difference of opinion, and so that no ground for criticism should exist as to the point at which the dividing line should be drawn, the earliest age, viz., 2 years, has been taken as the age up to which no animal could be classed as "bearing female."

Mr. Elliott, in his Table above referred to, gives the weight of the skin of a "2-year-old" as 5 lbs. 7 oz. To this weight must be added an allowance in respect of the curing and salting, which, as Messrs. Lampson, in the above-mentioned letter of the 21st December, 1892, correctly point out, must of necessity add to the weight. As about 7 lbs. of salt per skin is used in the process an allowance of, say, 9 oz. per skin does not appear to be excessive.

British Counter-Case, Appendix, vol. ii, p. 261.
Ibid., vol. i, p. 53.

This would make the weight of the highest salted skin which could be that of a bearing female to be 6 lbs. 7 oz., and would indicate that the dividing line should be drawn, having regard to Messrs. Lampson's figures, between middling pups (6-12) and small pups (5-10); but unfortunately there appears in the catalogues a class the average weight of which Messrs. Lampson do not furnish particulars, viz., "middling and small pups mixed," but assuming their average weight to be half-way between the weight of the class above and of the class below, viz., 6 lbs. 6 oz., they would have to be classed as too small to be bearing. The dividing line has therefore been drawn, and it is submitted, properly drawn, between the "middling pups" and "middling and small pups." If it is considered that the dividing line should be drawn above the "middling and small" class, it will not make much difference to the per cent. result, inasmuch as there are not more in all than

by Elliott

10th Census
Report p. 41

drawn with safety

1,608 skins of this class in the whole Table, which deals with a total of 363,131 skins.

Acting upon the above lines, the Table shows the following result:—

Total of large sizes, viz.:—			
Wigs, middlings, middlings and smalls, large pups, large and middling pups, middling pups	211,103		
Total of small sizes, viz.:—			
Middling and small pups (mixed), small pups, extra small pups, extra-extra small pups, grey pups, and odd and faulty	152,632		
			363,135

From these figures, it will be seen that the large sizes form about 58 per cent. and the smaller sizes about 41 per cent. of the whole; or, in other words, there are, out of every hundred skins, only, say, fifty-eight which are large enough to be the skins of bearing females.

But if the Table is examined from another aspect, it will be seen this figure of 58 per cent. must be considerably reduced. The male seal is very much larger than the female. Elliott says: The female seals, when alive, weigh from 80 to 85 lbs. as a rule, while the males run up as high as 400 to 500 lbs. There is, of course, a corresponding difference in the weight of their skins. Elliott says the adult females will correspond with the 3-year-old males in his Table, which gives the weight of the skins of the latter as 7 lbs.

Allowing for any artificial increase of weight by salting, say, 32 oz. (which is an extremely liberal allowance, considering that in the above calculation, when any increase of weight by salting was in favour of the British contention, an allowance of only 9 oz. was taken), it follows that all skins weighing 9 lbs. and upwards would be too large to be those of bearing females. If the Messrs. Poland's Table be compared with Messrs. Lampson's Table of weights (British Counter-Case, Appendix, vol. ii, p. 262), it will be seen the size known as "smalls," and all sizes above it, come under this description. The total number of skins of these sizes included in Messrs. Poland's Table is as follows:—

10th Census
Report, p. 47.

Size.	Number.	Weight by Lampson's Table.
		Lbs.
Wigs	1,642	34 to 23
Middlings	6,167	14·6
Middlings and smalls	11,498	11·3
Smalls	54,757	9·8
	74,064	

This means that there is 20·4 (say, 20 per cent.) of the North-west catch composed of skins which, by reason of their sizes, must be the skins of male seals.

Of course, to arrive at the number of skins in the catch which could be skins of gravid females, this 20 per cent. must be deducted from the above-mentioned 58 per cent., thus reducing the total of skins in the catch which could be (so far as size go) the skins of gravid females to 38 per cent., but it must also be remembered that one-half at least of the North-west catch is taken in the fall long after the females have given birth to their young, so that the total numbers of gravid females in the North-west catch cannot exceed 19 per cent. of the whole catch. This calculation, it should be mentioned, is made without making any allowances for barren females or males in the medium and smaller sizes.

As to the IIIrd Proposition.

With reference to the third proposition, that the suppression of pelagic sealing is essential to the maintenance of the fur trade, this appears to be based by the United States' witnesses entirely on the ground that a regular supply is desirable, and that this cannot be insured whilst the North-west catch continues.

As stated at p. 308 in the British Counter-Case :—

“No doubt the last few years the variation in supply and price has been considerable, but this is due to the result of the operation of the *modus vivendi* and the exaggerated rumours of all descriptions circulated in connection with the present arbitration and the antecedent negotiations. When these elements of uncertainty pass away, there is no conceivable reason why the seal-skin supply should not continue to be as even and constant as that of any other of the numerous furs dealt with in the trade.”

As against these fears must be set the remarkably unanimous objection of the fur-trade generally to the creation of the monopoly which the suppression of the North-west catch means. This objection is shared not only by the new witnesses called on behalf of Great Britain, but by the fur merchants whose evidence is given on behalf of the United States, Messrs. Bevington and Morris, Messrs. Révillon Frères, and Messrs. Stamp and Haycock, merchants.

The following is a comparative statement of the evidence of the latter gentlemen as given by the United States, and the explanatory evidence subsequently given by them on behalf of Great Britain:—

Herbert Shelley Bevington:—

"The deponent further said that . . . the continual supply of fur-seal skin, which it is important should be constant and regular in supply, is absolutely necessary to the maintenance of this industry.

"He has no hesitation in saying that the best way to accomplish that object would be to prohibit absolutely the killing of all seals except upon the islands, and furthermore to limit the killing of seals in the islands to the male species at particular times, and to limit the number of the males to be killed. If, however, the rights of individuals are to be considered, and sealing in the open sea is to be allowed, then deponent thinks that the number of vessels to be sent out by each country ought to be limited, and the number of seals which may be caught by each vessel should be specified."—(United States' Case, Appendix, vol. ii, p. 553.)

"I am not in favour of its [North-west catch] total suppression.

"I am of opinion that the North-west catch is a useful element in the market, and I think the trade would object to its disappearance. Its total suppression, in my opinion, would tend to create a monopoly, and would place the whole business in the hands of the persons for the time being owning the islands, and this I should object to."—(British Counter-Case, Appendix, vol. ii, p. 249.)

Léon Révillon, member of the firm of Révillon Frères, of Paris:—

"We firmly believe that if the slaughter of the North-west coast fur-seals is not stopped or regulated, the Alaska fur-seals will disappear entirely."

[The marginal note to this paragraph is: "If pelagic sealing is not stopped, Alaska fur-seals will disappear."—(United States' Case, Appendix, vol ii, p. 59.)

"5. Q. The next point, M. Révillon, is as to the last paragraph of your deposition, of which the marginal note reads: 'If pelagic sealing is not stopped, Alaska fur-seals will disappear.' Does that marginal note fairly represent what you meant to convey?—A. No; I do not think it does. I did not intend to convey that I was in favour of any particular way of regulating the question. All that I meant was that if what I heard was true. I thought some sort of Regulation was necessary for the protection of the seals.

"6. Q. Would not the total suppression of all pelagic sealing have the effect of giving the Company leasing the islands an absolute monopoly of the business in this class of seals?—A. This might be so; I do not know.

"7. Q. Well, assuming that it would be so, do you think it would be a result that would be beneficial to the fur-seal business?—A. It depends upon how the monopoly is managed, but, speaking generally, I am against monopolies, and in favour of a free market. I think monopolies injure the progress of business."—(British Counter-Case, Appendix, vol. ii, p. 230.)

William Charles Blatspiel Stamp:—

"That the continued existence of the fur-seal business is dependent, in deponent's judgment,

"I am not in favour of the suppression of the North-west catch. My opinion is, that it would

upon the preservation of the seal herds frequenting the North Pacific region, and is also a most important element in the industry; that the supply of seal-skins coming into the market each year should be regular and constant.

* * * * *
 "That some Regulations are necessary for the preservation of the seal herds frequenting the Northern Pacific region."—(United States' Case, Appendix, vol. ii, p. 574.)

be neither just nor practicable. It would not be just, because I consider that the Canadians have a right to catch the seals frequenting the sea adjoining their own shores, and which feed to a large extent on the food there found, provided they do so in a proper manner.

"I think it would be impracticable, because the only effect of entire prohibition would probably be to cause the Canadian schooners to register under the flags of other nations. I am of opinion also that the North-west catch is a very important element in the market in keeping the price of the articles within the reach of the ordinary consumer."

In addition to the above, the following gentlemen also express strong antagonism to the creation of any monopoly:—

British Counter-Case, Vol. ii.	Name.	Opinions on the subject of the Suppression of the North-west Catch and the creation of a Monopoly in the Lessees of the Islands.
Page.		
232	Richard Henry Poland ..	I should not approve.
231	Léon Révillon ..	I think monopolies injure the progress of business.
232	W. H. Smith ..	It would not be beneficial to the fur trade.
235	Thomas Henry Ince ..	It would be injurious to the fur trade generally.
236	Sydney Poland ..	It would be very injurious to the fur trade.
237	T. A. Lansdell ..	It would not be beneficial to our interests generally. . . . As a business man, I would oppose.
237	Thomas Simpson Jay ..	It would result in serious injury to the fur trade.
238	George Boulter ..	I should . . . strenuously object.
239	Joseph Politzer ..	It would be a serious thing to the fur trade.
240	B. F. Slater ..	It would be extremely injurious to the fur trade.
240	M. A. G. Webber ..	I should be very strongly opposed to it. . . . This would be . . . exceedingly injurious to it [the trade].
243	Oswald Eysoldt ..	This would be injurious to the fur trade.
243	Henry Friedberg ..	I should not be in favour.
244	Horatio Creamer ..	I am also opposed.
245	W. C. B. Stamp ..	I am not in favour. . . . This would neither be just nor practicable.
246	Sigmund Apfel ..	I should most strongly object.
247	David Wotherspoon ..	Would be most injurious to our business.
247	Harry Borrás ..	I should not approve.
248	Howard Vyse ..	Ditto.
251	Wesley Marshall ..	Ditto.
248	Richard Dixon ..	It would injuriously affect the market.
249	H. S. Bevington ..	This I should object to.
250	Augustus Allhausen ..	This, I think, would be a very dangerous state of affairs.
250	Henry Poland ..	This, I hold, would not be beneficial to the trade.
253	Charles Alfred Sugden ..	I should not approve.
251	Ludwig Felsenstein ..	North-west catch is of the greatest importance to our business.
252	Julius Richard Thau ..	I should be very strongly opposed.
252	Henry Meyers ..	I should not be in favour.
252	Aby Ullman ..	It would be very prejudicial to fur trade generally.

It is therefore submitted that the three propositions, for which the furriers' evidence has been produced by the United States, fail.

D. Dawson

MR. AMERSON:

MEMORANDUM

15 Sep. 92.
L.S.P. 169.

Translation of Fikhenieff?

REFERENCES, & C., ASKED FOR.

17 Sep. 92.
L.S.P. 204.

London Furriers.

21 Sep. 92.
L.S.P. 242.

Sea Turtle Legislation. ✓

BEHRING SEA.

23, 1892.
p. 404.

London Furriers.

12, 1892.
p. 428.

re Sir G. Lampson.

*Penguin Ordinances
Zaklana Ids.*

MR. ANDERSON:

13 Sep. 92.
L.B.p. 169.

Translation of Tikhmenieff?

17 Sep. 92.
L.B.p. 204.

London Furriers.

21 Sep. 92.
L.B.p. 243.

Sea Turtle Legislation. ✓

Oct. 9, 1892.
L.B.p. 404.

London Furriers.

Oct. 12, 1892.
L.B.p. 426.

re Sir C. Lampson.

MR. A. L. BELYEA:

8 Oct. 92. LB. p. 385.	Instructions. Sibylloff Islands, &c..
10 Oct. 92. LB. p. 397.	<i>Proc. Court of Alaska 91.</i> Affidavits.
Oct. 11, 92. p. 407, LB.	King-Hall---Capt. Reilly, &c..
Oct. 11, 92. LB. p. 420.	Afdts. returned.
12 Oct. 92. LB. p. 422.	do. do.
12 Oct. 92. LB. p. 434.	Re J.G. Swan, ---get statement of, &c.
14 Oct. 92. LB. II, p. 5.	Returning Afdts.
15 Oct. 92. LB. II, p. 34.	do. do.
17 Oct. 92. LB. II, p. 35.	do. do.
20 Oct 92	do do
20 Oct 92	inf ⁿ given by King Hall re San Francisco
22 Oct 92	San Francisco newspapers Articles
26 Oct.	Inf. <u>sub</u> to S. Francisco.

MR. CHAS. CARPMAEL:

10 Oct. 92.
LB. p. 408.

Evidence of Lower Tertiary.
Climate of Pribyloff Islands, &c..

21 Oct.

Pac. Coast Pilots of Alaska '91.

MR. CHAS. CARPENT: 123

Climate of British Islands, &c.

10 Oct. 98.
L.B. p. 403.

For Cash Value of Islands &c.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

10 Oct.

MR. COLMER:

CONSUL, at SAN FRANCISCO:

17 Sep. 92.
L.B.p.189.

Evidence of London Furriers.

(See: DENNIS DONOHUE.)

17 Oct. 92.
LB'II, p.41.

Sir C. Lampson & Furriers.

MR. COLMER:

Evidence of London Writers.

IV Sep. 98.
L.R. p. 189.

Sir G. Hampson & Writers.

IV Oct. 98.
L.R. p. 41.

R. J. G. COX:

CONSUL, at SAN FRANCISCO:

(See: DENNIS DONOHUE.)

Solemn declarations re Sealing—(property owned,
value, capital invested, etc.)

8 Sep. 92.
p. 184.

6 Oct. 92.
p. 259.

re Account.

10 Nov. 92.
p. 317.

Further Report re Account re U.S. Bank.

10 Dec. 92.
p. 374.

Further Report of Account re U.S. Bank.

10 Jan. 93.
p. 441.

Letter from Mr. Williams.

10 Feb. 93.
p. 517.

Letter from Mr. Williams.

10 Mar. 93.
p. 594.

Depositions re U.S. Bank re Account.

10 Apr. 93.
p. 661.

Sir A. Webster's letter to Sir T. Anderson.

10 May 93.
p. 717.

Further letter from Mr. Williams.

10 Jun. 93.
p. 784.

Continued.

10 Jul. 93.
p. 831.

in context of U.S. Bank re Account.

10 Aug. 93.
p. 891.

Letter from Mr. Williams.

CONSUL, SAN FRANCISCO:

(See: DENNIS DONOHUE)

MR. J. G. COX:

16 Sep. 92.
L.B.p. 184.

Solemn declarations re Sealing--(property owned,
value, capital invested, etc.)
Minister's Notes on U.S. Case.

6 Oct. 92.
L.B.p. 359.

re Macoun.

17 Sep. 92.
L.B.p. 185.

Further Notes by Minister on U.S. Case.

16 Sep. 92.
L.B.p. 176.

Further Notes of Minister on U.S. Case.

16 Sep. 92.
L.B.p. 185.

Letter from Mr. Robinson.

17 Sep. 92.
L.B.p. 191.

Last Page of Issue 1882 (U.S. Case, pp. 214-5.)
No sealing in 18817

18 Sep. 92.
L.B.p. 222.

Suggestions as to further instructions to be asked.

20 Sep. 92.
L.B.p. 230.

Sir R. Webster's letter to Sir T. Sanderson.

20 Sep. 92.
L.B.p. 230.

Further letter from Mr. Robinson.

1 Oct. 92.
L.B.p. 237.

Granditany.

4 Oct. 92.
L.B.p. 238.

re Protest of U.S.
SashlarKayagana

4 Oct. 92.
L.B.p. 238.

Black's Voyages.

20 Oct. 92.
L.B.p. 238.

Mr. Robinson's Draft.

MR. J. G. COX:

Solemn declarations re Realizing--(property owned,
value, capital invested, etc.)

8 Sep. 88.
P. p. 184.

re account.

8 Oct. 88.
P. p. 389.

DR. DAWSON:

DR. DAWSON, /continued/

3 Sep. 92.
L.B.p. 109.

re Wm. Gavitt's offered evidence.

Disposed of

9 Sep. 92.
L.B.p. 158.

Minister's Notes on U.S. Case.

✓

9 Sep. 92.
L.B.p. 159.

Omission, p. 41, U.S. Case.

✓

13 Sep. 92.
L.B.p. 170.

Further Notes by Minister on U.S. Case.

✓

14 Sep. 92.
L.B.p. 174.

Further Notes of Minister on U.S. Case.

✓

16 Sep. 92.
L.B.p. 183.

Letter from Mr. Robinson.

✓

17 Sep. 92.
L.B.p. 191.

Dead Pups on Isds. 1891, (U.S. Case, pp. 214-5.)
No sealing in 1891?

✓

19 Sep. 92.
L.B.p. 222.

Suggestions as to further instructions to Macoun
asked.

Disposed of

20 Sep. 92.
L.B.p. 230.

Sir R. Webster's letter to Sir T. Sanderson.

✓

20 Sep. 92.
L.B.p. 239.

Further letter from Mr. Robinson.

✓

1 Oct. 92.
L.B.p. 327.

Grebniisky,

4 Oct. 92.
L.B.p. 339.

re Protest of U.S.
XXXXXXXXXXXXXXXXXXXX

✓

4 Oct. 92.
L.B.p. 348.

Cook's Voyages.

✓

12 Oct. 92.

L.B. p. 423

Mr. Robinson's Draft.

✓

DR. JAWSON:

2 Sep. 98.
L.B.p. 109.

re Mr. Gavitt's offered evidence.

9 Sep. 98.
L.B.p. 158.

Minister's Notes on U.S. Case.

9 Sep. 98.
L.B.p. 159.

Omission, p. 41, U.S. Case.

13 Sep. 98.
L.B.p. 170.

Further Notes by Minister on U.S. Case.

14 Sep. 98.
L.B.p. 174.

Further Notes of Minister on U.S. Case.

18 Sep. 98.
L.B.p. 183.

Letter from Mr. Robinson.

17 Sep. 98.
L.B.p. 181.

Head page on Lads, 1891 (U.S. Case, pp. 314-5.)
No sailing in 1891?

19 Sep. 98.
L.B.p. 222.

Suggestions as to further instructions to Macoun
asked.

20 Sep. 98.
L.B.p. 280.

Sir R. Webster's letter to Sir T. Sanderson.

20 Sep. 98.
L.B.p. 289.

Further letter from Mr. Robinson.

1 Oct. 98.
L.B.p. 327.

Grebniak.

4 Oct. 98.
L.B.p. 329.

re Protest of U.S.
Garktskayev

4 Oct. 98.
L.B.p. 348.

Cook's Voyage.

18 Oct. 98.

Mr. Robinson's draft.

Original of

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DR. DAWSON, /continued/:

MR. S. E. DAWSON:

(GIVEN'S PRINTER)

13 Oct. 92.

p. 448, LB.

LB. p. 447.

Head E---Pacific Ocean.

Printg. of Minister's Draft.

14 Oct. 92.

LB. II, p. 4.

LB. p. 334.

App. re Value of Fur-Seal Skins.

Return Sea-Otter App. with other.

14 Oct. 92.

LB. II, p. 28.

Mr. R. s Notes. Robinson's Draft.

14 Oct. 92.

LB. II, p. 81.

(a) References fr. various authorities:

1. Destruction of Seal.
2. Males decreasing more thn females.
3. Migrations.
4. Killing on Islands. of Case, 8 Vols.
5. Increase or Decrease on Isds.
6. Waste of Life on Isds.
7. Driving.
8. Dead Pups and Causes of Death.

(b) Experience of Witnesses.

(c) Memo on Phelps (by Dr. D.)

(not complete)

Sept., 92.
(not in LB.)

Head R--Pacific Ocean.

18 Oct. 98.
p. 222, 18.

App. re Value of Fur-Seal Skins.
Return Sea-Outer App. with other.

14 Oct. 98.
p. 11, p. 4.

Mr. H. S. Notes.

14 Oct. 98.
p. 11, p. 28.

References fr. various authorities:

14 Oct. 98.
p. 11, p. 31.

1. Destruction of Seal.
2. Sales decreasing more than females.
3. Migrations.
4. Killing on Islands.
5. Increase or decrease on Isds.
6. Waste of life on Isds.
7. Drifting.
8. Head pups and Causes of death.

(b) Experience of Witnesses.

(c) Memo on Phelps (by W.D.).

(Handwritten signature)

DENNIS DONOHUE, H. M. CONSUL, SAN FRANCISCO, CAL.
MR. S. E. DAWSON: (QUEEN'S PRINTER)

Oct. 6, 92.
LB. p. 347.

"Daily Alta Cal" Newspaper: Alaska.
Printg. of Minister's Draft.
" " Post
" " Mornng. Call.

6 Oct. 92.
LB. p. 354.

Par. Const. Survey—Alaska, App. I.
do. do. do.

8 Oct. 92.
(not in LB)

Printg. of Mr. Robinson's Draft.

Sept. 92.
(not in LB)

Mr. R's Books to be bound.

Sept., 92.
(not in LB)

Reminder re Minister's Draft of Case, 6 Vols.

MR. S. E. DAWSON: (GUBNER'S PRINTER)

Prints of Minister's Draft.

Oct. 9, 92.
L.B. p. 847.

do. do. do.

8 Oct. 92.
L.B. p. 844.

Prints of Mr. Robinson's Draft.

8 Oct. 92.
(not in L.B.)

Mr. R's books to be bound.

Sept. 92.
(not in L.B.)

Reminder to Minister's Draft of Case, 8 Vols.

Sept. 92.
(not in L.B.)

(Faint handwritten text)

DENNIS DONOHUE, H. M. CONSUL, SAN FRANCISCO, CAL.

11 Oct. 92.
LB. p. 487.

"Daily Alta Cal" Newspaper; Alaska.
" Eveng. Bulletin
" " Post
" Mornng. Call.

17 Oct. 92.
(not in LB)

Pac. Coast Survey--Alaska, App. I.

17 Oct. 92.
LB. II, p. 36.

N.Y. "Tribune" --- 1869 & 1870.
"Nation" --- 1875.

Res. Cong. 1888, Cong. Globe, 40 Cong., 3 Sess., p. 77.
Any Return?

Act referred to by Washburn, p. 341.

M. J. GRIPPEIN: ...

Ex. Doc. Report of Gov. of Alaska. Oct. 8. 92. L.B. p. 270.

Pac. Coast Survey--Alaska, App. I. IV Oct. 92. (not in LB)

Res. Cong. 1888, Cong. Globe, 40 Cong., 2 Sess., p. 77. "Nation" -- 1875. W. Y. "Tribune" -- 1889 & 1870. LB. II. p. 38. IV Oct. 92.

Act referred to by Washburn, p. 341.

M. J. GRIFFIN:

Oct. 8, 92.

LB. p. 370.

p. 140.

Ex. Doc. Report of Gov. of Alaska.

17 Oct. 92.

(not in LB)

Pac. Coast Survey--Alaska, App. I.

17 Oct. 92.

LB. II, p. 36.

N. Y. "Tribune" --- 1869 & 1870.

"Nation" -- 1875.

Res. Cong. 1868, Cong. Globe, 40 Cong., 3 Sess., p. 77,
Any Return?

Act referred to by Washburn, p. 341.

LORD HANNEN:

HON. W. H. HERBERT:

26 Aug. 92. L.B.p. 140. U.S.p. 161.	<u>Re</u> postponement of U.S. Case.
17 Sep. 92. L.B.p. 180.	Extra copy of U.S. Case. "Daily Chronicle" & "Manchester Times."
23 Sept. 92. L.B.p. 237.	"Daily Union".
28 Sep. 92. L.B.p. 289.	Notice for Service on U.S.
27 Sept. L.B.p. 271.	do. do.
27 Sept. L.B.p. 272.	do. do.
28th Spt. L.B.p. 280.	do. do.
30 Sept. L.B.p. 310.	do. do.
1 Oct. 92. L.B.p. 286.	Re Protest.
1 Oct. 92. L.B.p. 380.	Resolution of H.R.
1 Oct. 92. L.B.p. 375.	Comm. of Mass. vs. Manchester.
1 Oct. 92. L.B.p. 378.	Notices.
1 Oct. 92. L.B.p. 379.	Re Notices.
1 Oct. 92. L.B.p. 408.	Re "Daily Union."

LORD HANRIK:

28 Aug. 98.
L.B.p. 140.

Re postmortem, 21 Aug. 1898.

17 Oct. 98.
(L.B.p. 141)

See report, 17 Oct. 1898.

17 Oct. 98.
(L.B.p. 142)

N.Y. "Nation" - 1898.

See report, 17 Oct. 1898.

See report, 17 Oct. 1898.

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L.B.p

HON. M. H. HERBERT :

Oct. 11. 92. 9 Sep. 92. L.B.p.161.	Omission on p.41 of U.S. Case.
17 Sep. 92. L.B.p.188.	Extra copy of U.S. Case. "Daily Chronicle" Washgtn. Newspapers.
23 Sept. 92. LB.p.267.	"Daily Union".
26 Sep. 92. LB.p.269.	Notice for Service on U.S.
27 Sept. LB.p.271.	do. do.
27 Sept. LB.p.272.	do. do.
28th Spt. LB.p.280 $\frac{1}{2}$	do. do.
30 Sept. LB.p.310.	do. do.
4 Oct. 92. LB.p.338.	Re Protest.
6 Oct. 92. LB.p.360.	Resolution of H.R.
7 Oct. 92. p.375, LB.	Comm. of Mass. vs. Manchester.
7th Oct. 92. LB.p.378.	Notices.
7 Oct. 92. LB.p.379.	Re Notices.
11 Oct. 92. LB.p.408.	Re "Daily Union."

HON. W. H. HERBERT:

Omission on p. 41 of U.S. Case.

9 Sept. 92.
L.R. p. 161.

Extra copy of U.S. Case.

17 Sept. 92.
L.R. p. 188.

"Daily Union".

28 Sept. 92.
L.R. p. 267.

Notice for service on U.S.

28 Sept. 92.
L.R. p. 268.

do. do.

27 Sept.
L.R. p. 271.

do. do.

27 Sept.
L.R. p. 272.

do. do.

28th Sept.
L.R. p. 280 1/2

do. do.

30 Sept.
L.R. p. 210.

Re Protest.

4 Oct. 92.
L.R. p. 286.

Resolution of H.R.

6 Oct. 92.
L.R. p. 280.

Comm. of Mass. vs. Manchester.

7 Oct. 92.
p. 278, L.R.

Notices.

7th Oct. 92.
L.R. p. 278.

Re Notices.

7 Oct. 92.
L.R. p. 279.

Re "Daily Union".

11 Oct. 92.
L.R. p. 408.

HON. M. H. HERBERT, /continued/ :

Oct. 11, 92.
LB. p. 410.

Re Notices.

The practical sketch of E. Sea.

Oct. 12, 92.
LB. p. 431.

"Evening Star", and:
"Daily Chronicle": Washgtn. Newspapers.

:

Oct. 92.
LB. p. 272.

do. do. do.

Oct. 92.

Charts & books of ref. sent Mr. Burgess.

Oct. 92.

Chart sent with Mr. Williams.

- 1. Seal's nest
- 2. Seal's pup
- 3. " " with young
- 4. " " in water

(Chart of E. Sea.)

- 5. Sketch of island before the eruption
- 6. Sketch of island after eruption
- 7. Sketch of E. Sea
- 8. Map of E. Sea for present reference

(Chart of E. Sea, for Mr. Williams)

- 9. Sketch of E. Sea, for Mr. Williams

Sketch of island before and after eruption

of E. Sea.

Map of E. Sea.

Sketch of island before eruption

HON. W. B. HERRICK, (continued)

Oct. 11, 98.
L.H. p. 410.

Re Notices.

Oct. 12, 98.
L.H. p. 481.

"Daily Chronicle"; Washington Newspapers.
"Evening Star"; and:

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DEPARTMENT OF THE INTERIOR:

- 9 Sep. 92.
L.B.p. 157. Geographical sketch of B. Sea.
1. U.S. deponents;
2. V.P. Sealers' Assn.;
3. McManus;
4. King-Hall; and,
do. affids. do. to be procured.
- 5 Oct. 92.
L.B.p. 246. do. do. do. do. do.
- 17 Oct. 92.
L.B.p. 372. do. do. B. Sea. do.
- 17 Oct. 92.
L.B.p. 194. 2 Charts & books of ref. sent Mr. Burgess.
Consult Burns and Riley of "Ottis" re newspaper men.
- 19 Sep. 92.
L.B.p. 208. Consult Hall and Milne re Major Williams.
- 21 Sep. 92.
L.B.p. 245. Instructions for information as to:
a. Seals lost;
b. Females taken;
c. " " with young;
d. " " in milk;

(Coast and B. Sea.)

e. Absence of pelagic sealers in connection
with dead pups on islands.
f. Character of U.S. witnesses.
g. Means used by U.S. to procure evidence.

(Consult Milne, Cox and Hall;)
h. Washington Ter. and San Francisco.
- 22 Sep. 92.
L.B.p. 204. Employment of Belyea and enclosing
affds. of U.S. Capt.
- 1 Oct. 92.
L.B.p. 238. Rel. of U.S. affds.
- 2 Oct. 92. L.B.p. 351. Affid. returned for correction, &c.

DEPARTMENT OF THE INTERIOR:

Geographical sketch of B. Sea.

9 Oct. 92.
L.B.P. 157.

do. do.

9 Oct. 92.
L.B.P. 157.

Charts & books of ref. sent Mr. Purpass.

Oct. 92.

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1 Oct
L.B.P.
6 Oct

MR. MACOUN: MR. MACOUN /continued/

15 Sep. 92.
L.B.p. 178.

re Instructions re: S. Francisco.

1. U.S. deponents;
2. V.P. Sealers' Assn.;
3. McManus;
4. King-Hall; and,
5. Affidavits to be procured.

7 Oct. 92.
L.B.p. 373.

Afdts. re:

17 Sep. 92.
L.B.p. 192.

Fogs in B. Sea.

17 Sep. 92.
L.B.p. 194.

Consult Borns and Riley of "Otto" re newspaper men.

10 Oct. p. 397.

19 Sep. 92.
L.B.p. 206.

Consult Hall and Milne re Major Williams.

13 Oct. p. 422.

14 Oct. 92

21 Sep. 92.
L.B.p. 245.

Instructions for information as to:

- a. Seals lost;
- b. Females taken;
- c. " " with young;
- d. " " in milk;

(Coast and B. Sea.)

- e. Absence of pelagic sealers in connection with dead pups on islands.
- f. Character of U.S. witnesses.
- g. Means used by U.S. to procure evidence.

(Consult Milne, Cox and Hall;)

- h. Washington Ter. and San Francisco.

22 Sep. 92,
L.B.p. 264.

Employment of Belyea and enclosg.
afdts. of U.S. Case.

1 Oct. 92.
L.B.p. 326.

Bal. of U.S. afdts.

6 Oct. 92. L.B.p. 351. Afdts. returned for correction, &c.

MR. MAGOON:

15 Sep. 92.
L.R.p. 178.

- Instructions re:
1. U.S. Deponera;
 2. V.P. Sealers, Asan;
 3. Makana;
 4. King-Jail; and
 5. Affidavits to be procured.

17 Sep. 92.
L.R.p. 192.

Fogs in B. Sea.

Consult Burns and Riley of "Otero" re newspaper man.

17 Sep. 92.
L.R.p. 194.

Consult Hall and Mine re Major Williams.

19 Sep. 92.
L.R.p. 200.

- Instructions for information as to:
- a. Seals lost;
 - b. Females taken;
 - c. " " with young;
 - d. " " in milk;

(Coast and B. Sea.)

- e. Absence of pelagic sealers in connection with dead pups on islands.
- f. Character of U.S. witnesses.
- g. Means used by U.S. to procure evidence.

(Consult Mine, Cox and Hall; Washington Ter. and San Francisco.)

21 Sep. 92.
L.R.p. 245.

Employment of Belver and enslog. rights of U.S. Case.

22 Sep. 92.
L.R.p. 284.

Rel. of U.S. rights.

1 Oct. 92.
L.R.p. 320.

6 Oct. 92. L.R.p. 351. Aids returned for correction, etc.

MR. MACOUN /continued/:

6 Oct. 92.
LB. p. 352. re Pamphlet and re S. Francisco.

7 Oct. 92.
LB. p. 373. Afdts. returned. of U.S. Case.

7 Oct. 92.
LB. p. 376. Pamphlet. p. 11; Findlay's N. Pac. Directory---definitions to be verified.

8 Oct. 92.
LB. p. 388. Afdts. returned.

10 Oct. p. 397. 1. Verify references to Berg, p. 22, U.S. Case.
2. " Verify Coxe, p. 27, U.S. Case, re Shelikoff's establishments.

11 Oct. p. 420. 3. " Also " .27, re Yukatat, taken by Russians.

12 Oct. p. 422. 4. Eng. translation of Tikhonnieff---pp. 27 and 44, " " Pigott's Affair).

14 Oct. 92 " "

LB. II, p. 5.

15 Oct. LB. II, p. 34. London Furriers.

8 Sep. 92.
L.B. p. 215. re King-Hall.

28 Sep. 92.
L.B. p. 273. H.B. Co. re Fyrs.

1 Oct. 92.
L.B. p. 228. Veniaminov.

6 Oct. 92.
L.B. p. 349. Map /Cook/ for C-Case.

10 Oct. 92.
L.B. p. 290. p. 42, U.S. Case---Foster's note.

10 Oct. 92.
L.B. p. 290. Map---Cook.

MR. MACCOUN (continued):

re Pamphlet and re S. Francisco.

9 Oct. 98.
L.B. p. 888.

Adts. returned.

7 Oct. 98.
L.B. p. 873.

Pamphlet.

7 Oct. 98.
L.B. p. 878.

Adts. returned.

8 Oct. 98.
L.B. p. 888.

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10 Oct. p. 897.

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11 Oct. p. 480.

" "

12 Oct. p. 455.

" "

14 Oct. 98.
L.B. II. p. 5.

15 Oct. L.B. II. p. 84.

MR. MA
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MR. MAXWELL: MR. MAXWELL /continued/ :

3 Sep. 92.
L.B.p. 108.

B. Sea chart (to be compared). Furriers.

9 Sep. 92.
L.B.p. 161.

Omission on p. 41 of U.S. Case.

9 Sep. 92.
L.B.p. 163.

U.S. Case, p. 11; Findlay's N. Pac. Directory---definitions to be verified.

13 Sep. 92.
L.B.p. 172.

1. Verify references to Berg, p. 22, U.S. Case.
2. Verify Coxe, p. 27, U.S. Case, re Shelikoff's establishments.
3. Also p. 27, re Yukatat, taken by Russians.
4. Eng. translation of Tikhmenieff---pp. 27 and 44, (Pigott Affair).

17 Sep. 92.
L.B.p. 203.

London Furriers.

9 Sep. 92.
L.B.p. 215.

Re King-Hall.

28 Sep. 92.
L.B.p. 273.

H.B.Co. re Furs.

1 Oct. 92.
L.B.p. 328.

Veniaminov.

6 Oct. 92.
L.B.p. 349.

Map /Cook/ for C-Case.

10 Oct. 92.
L.B.p. 390.

p. 42, U.S. Case---Foster's note.

10 Oct. 92.
L.B. p. 400

Map---Cook.

MR. MAXWELL

1. B. p. 108. 8 Sep. 92.
B. Res. report (to be compared).

1. B. p. 181. 9 Sep. 92.
Discussion on p. 41 of U.S. Case.

1. B. p. 188. 9 Sep. 92.
U.S. Case, p. 11; Windley's W. Pac. Directory--
notations to be verified.

- 1. B. p. 178. 18 Sep. 92. Verify references to Berg, p. 22, U.S. Case.
- 2. Verify Cox, p. 27, U.S. Case, re Sheikoff's es-
tablishments.
- 3. Also p. 27, re Yankata, given by Russians.
- 4. The translation of Tikhonoff--pp. 27 and 44,
(Pigot Affair).

1. B. p. 202. 17 Sep. 92.
London Butchers.

1. B. p. 216. 9 Sep. 92.
Re King-Hall.

1. B. p. 278. 28 Sep. 92.
H.B. Co. re Furs.

1. B. p. 288. 1 Oct. 92.
Vermont.

1. B. p. 298. 6 Oct. 92.
Map Hook for C-Case.

1. B. p. 290. 10 Oct. 92.
p. 92, U.S. Case--Foster's notes.

1. B. p. 400. 30 Oct. 92.
Map--Cook.

MR. MAXWELL /continued/ :

12 Oct. 92.
L.B.p. 426.

re Sir C. Lampson--London Furriers.

1. U.S. Deponents;
2. V.P. Sealers' Assn.;
3. Medams;
4. King-Hall; and, and Preliminary
5. Affidavits to be procured.

17 Sep. 92.
L.B.p. 183.

Fogs in B. Sea.

4 Oct. 92.
L.B.p. 350.

Reminder of instructions.

MR. MAXWELL (continued) :

re Sir G. Lambson--London Writers.

IS 100, 02.
LB 9, 486.

[Faint, illegible text, likely bleed-through from the reverse side of the page]

MR. MILNE: SIR GEORGE BADEN-POWELL.

15 Sep. 92.
L.B.p.177.

References re Raids.

Re instructions to Macoun and assistance:

1. U.S. deponents;
2. V.P. Sealers' Assn.;
3. McManus;
4. King-Hall; and,
5. Affidavits to be procured.

Oct. 14, 92.
L.B. II, p. 1.

17 Sep. 92.
L.B.p.193.

References re Raids (reminder).
Fogs in B. Sea.

4 Oct. 92.
L.B.p.350.

Reminder of instructions.

MR. MILLER:

Re instructions to Messrs and assistance:

- 1. U.S. Deputies;
- 2. V.P. Seizers' Assn.;
- 3. Messrs;
- 4. King-Hall; and
- 5. Affidavits to be procured.

15 Sep. 92.
L.P. 177.

Wrote in B. Sec.

14 Sep. 92.
L.P. 183.

Reminder of instructions.

4 Oct. 92.
L.P. 250.

MR. ROBINSON SIR. GEORGE BADEN-POWELL.

July, 92. L.B.p. 158.	References re Raids. Notes of Minister on U.S. Case.
Oct. 14, 92. LB. II, p. 1. L.B.p. 160.	'Material for Counter-Case' and 'Preliminary Notes'. Omission on p. 41 of U.S. Case.
14 Oct. 92. LB. II, p. 30.	References re Raids (reminder). U.S. Case.
18 Sep. 92. L.B.p. 175.	His printed draft. Further Notes of Minister on U.S. Case. Notes of Dr. Dawson on U.S. Case.
18 Sep. 92. L.B.p. 182.	Points and Principles of Law Agreement between H.B. Co. and R.A. Co. of Law.
20 Sep. 92. L.B.p. 225. L.B.p. 225.	Sir A. Webster's letter to Sir T. Sanderson. His Notes under Goods.
20 Sep. 92. L.B.p. 240.	Further Notes by Dr. Dawson on U.S. Case.
Aug. 25, 92. LB.p. 249.	Draft V.
29 Sept. 92. LB.p. 282.	Further Notes by Dr. Dawson.
30 Sept. 92. LB.p. 307.	Material for Counter-Case.
30 Sep. 92. p. 309, LB.	Notes by Dr. Dawson.
3 Oct. 92. LB.p. 329.	Re affidavits R.C. & Co.,

SIR GEORGE BARN-POWELL.

July, 98.

References re Raids.

Oct. 14, 98.
LB. 11, p. 1.

'Material for Counter-Cases' and 'Preliminary
Notes.'

14 Oct. 98.
LB. 11, p. 30.

References re Raids (reminder).

MR. ROBINSON, /continued/ :

MR. ROBINSON:

4 Oct. 92.

9 Sep. 92.
L.B.p.158.

Protest of U.S.
Notes of Minister on U.S. Case.

6 Oct. 92.

9 Sep. 92.
L.B.p.160.

'Russia's Early Title' and Heads.
Omission on p. 41 of U.S. Case.

8 Oct. 92.

13 Sep. 92.
L.B.p.170.

Affidavits, &c.,
Further Notes of Minister on U.S. Case.

12 Oct. 92.

14 Sep. 92.
L.B.p.175.

His printed Draft,
Further Notes of Minister on U.S. Case.
Notes of Dr. Dawson on U.S. Case.

14 Oct. 92.

16 Sep. 92.
L.B.p.182.

Points and Principles of Law
Agreement between H.B. Co. and R.A. Co.
of Loss.

20 Sep. 92.

L.B.p.225.
L.B. II, p. 25.

Sir R. Webster's letter to Sir T. Sanderson.
His Notes under Heads.

20 Sep. 92.

L.B.p.240.

Further Notes by Dr. Dawson on U.S. Case.

Aug. 25, 92.

LB.p.249.

Draft V.

29 Sept. 92.

LB.p.282.

Further Notes by Dr. Dawson.

30 Sept. 92.

LB.p.307.

Material for Counter-Case.

30 Sep. 92,

p.309, LB.

Notes by Dr. Dawson.

3 Oct. 92.

LB.p.329.

Re affidavits B.C. &c.,

MR. ROBINSON: [illegible]

18 Sep. 92.
L.B.p. 158.

Notes of Minister on U.S. Case.

19 Sep. 92.
L.B.p. 160.

Continuation on p. 41 of U.S. Case.

12 Sep. 92.
L.B.p. 170.

Further Notes of Minister on U.S. Case.

14 Sep. 92.
L.B.p. 175.

Further Notes of Minister on U.S. Case.
Notes of Dr. Dawson on U.S. Case.

19 Sep. 92.
L.B.p. 182.

Agreement between H.B. Co. and R.A. Co.

20 Sep. 92.
L.B.p. 185.

Sir R. Webster's letter to Sir T. Sanderson.

20 Sep. 92.
L.B.p. 186.

Further Notes by Dr. Dawson on U.S. Case.

Aug. 25. 92.
L.B.p. 189.

Grate V.

29 Sept. 92.
L.B.p. 188.

Further Notes by Dr. Dawson.

30 Sept. 92.
L.B.p. 197.

Material for Counter-Case.

30 Sept. 92.
p. 208, L.B.

Notes by Dr. Dawson.

3 Oct. 92.
L.B.p. 229.

Re affidavit B.C. &c.

MR. ROBINSON, /continued/ :
LORD ROSEBERRY:

4 Oct. 92.
LB. p. 343.
LB. p. 387.
Protest of U.S.
Protest of U.S.

6 Oct. 92.
LB. p. 364.
LB. p. 313.
'Russia's Early Title' and Heads.
do.

8 Oct. 92.
LB. p. 383.
LB. p. 340.
Affidavits, &c.,
Protest; and leavg. for Eng.

12 Oct. 92.
LB. p. 437.
LB. p. 356.
His printed Draft.
Extension of 60 days.

14 Oct. 92.
LB. p. 444.
LB. p. 392.
Points and Principles of Law
Din Pt. II of U.S. Case; also calculation
of Loss.

14 Oct. 92.
LB. II, p. 25.
Mr. Robinson's draft of C-Case.
His Notes under Heads.

18 Oct.
LB. II, p. 7.
Asking definition of powers and
duties as Agent.

MR. ROBINSON, (continued) :

4 Oct. 92.
LB. p. 443.

Protest of U.S.

8 Oct. 92.
LB. p. 384.

'Mussie's Early Title' and Heads.

8 Oct. 92.
LB. p. 383.

Attendants, &c.

12 Oct. 92.
LB. p. 437.

His printed Draft.

14 Oct. 92.
LB. p. 444.

Points and Principles of Law
in Pt. II of U.S. Case; also calculation
of loss.

14 Oct. 92.
LB. II. p. 35.

His Notes under Heads.

SIR THOMAS LORD ROSEBERRY:

29 Sept. 92.
LB. p. 287.

Protest of U.S. against "Sayward" Case to be added to
Claim.

30 Sep. 92.
LB. p. 312.
L.B. p. 199.

do.

U.S. Case, p. 222 et seq.

Legislation of Falkland Isds., New Zealand,
Cape, Ireland and Scotland, France, Italy, Norway, Co-
lumbia, Mexico, Ceylon and Australia. ✓

4 Oct. 92.
LB. p. 340.

Protest; and leavg. for Eng.

20 Sep. 92.
6 Oct. 92.
LB. p. 356.

Re Berg's Veniaminoff and Tikhaenieff. ✓
Extension of 60 days.

22 Sep. 92.
10 Oct. 92.
LB. p. 392.

Berg---Alaskan Boundary.

Drafts (Minister's).

27 Sep.
13 Oct.
LB. p. 441.

Agreement between R.B.Co. and R.A.Co. ✓

Mr. Robins n's draft of C-Case.

12 Oct.
LB. II, p. 7.

~~Drafts~~ Asking definition of powers and
duties as Agent.

LORD ROSEBURY:

29 Sep. 98.
L.B. p. 287.

Protest of U.S.

30 Sep. 98.
L.B. p. 318.

Protest and leave for Eng.

4 Oct. 98.
L.B. p. 340.

Protest; and leave for Eng.

6 Oct. 98.
L.B. p. 356.

Extension of 80 days.

10 Oct. 98.
L.B. p. 392.

Drafts (Minister's).

18 Oct.
L.B. p. 441.

Mr. Hobins n's draft of G-Casse.

18 Oct.
L.B. II. p. 7.

Asking definition of powers and duties as Agent.

MR. A.P. SANDERSON:

SIR THOMAS SANDERSON:

25 Aug. 92.
L.B.p. 139.

B.C. Cases.
Expenses of Appeal "Sayward" Case to be added to Claim.

17 Sep. 92.
L.B.p. 199.

U.S. Case, p. 222 et seq.
Legislation of Falkland Isds., New Zealand, Cape, Ireland and Scotland, France, Italy, Norway, Columbia, Mexico, Ceylon and Australia. ✓

20 Sep. 92.
L.B.p. 233.

Re Berg, Veniaminoff and Tikhmenieff. ✓

22 Sep. 92.
L.B.p. 263.

Berg---Alaskan Boundary.

27 Sep.
L.B.p. 280.

Agreement between H.B.Co. and R.A.Co. ✓

SIR THOMAS SANDERSON:

Expenses of Appeal "Sward" Case to be added to
Claim.

85 Aug. 98.
L.B.p. 189.

U.S. Case, p. 288 et seq.
Legislation of Iceland, New Zealand,
Cape, Ireland and Scotland, France, Italy, Norway, Co-
lombia, Mexico, Ceylon and Australia.

14 Sep. 98.
L.B.p. 190.

Re Berg's Venetianoff and Tikhmenoff.

80 Sep. 98.
L.B.p. 288.

Berg--Alaskan boundary.

22 Sep. 98.
L.B.p. 288.

Agreement between H.R. Co. and R.A. Co.

27 Sep.
L.B.p. 280.

Further asking definition of terms and
other as Agent.

11.11.98.

MR. A.P. SHERWOOD:

SIR RICHARD WESTER:

11 Oct. 92.

p. 415, L.B.

L.B. p. 151.

B.C. Coast.

Should notices be served as to:

U.S. Case, p. 42, re Russian Records.

U.S. Case, p. 45, re Correspondence re control of Russia.

U.S. Case, p. 81: Rev. cutters in B. Sea since '67.

10 Sep. 92.

L.B. p. 164.

U.S. Case, p. 19: Sea otter and walrus hunting at sea---Authorities?

U.S. Case, p. 23: Russia knew "Pribyloff herd" in 1786---Authority?

U.S. Case, p. 26: Russia's title---Authorities?

U.S. Case, p. 424: Challenging of foreign vessels in Behring Sea---Authorities?

Oct. 4.

L.B. p. 335.

Oct. 4.

13 Sep. 92.

L.B. p. 168.

U.S. Case, p. 254: Permanent (?) settlements of Russ. Authorities?

Oct. 7.

L.B. p. 332.

Notes by Mr. Dawson.

17 Sep. 92.

L.B. p. 195.

Notices should be served re:

1. U.S. Case, p. 58-9---Russian rights recognized by U.S. and G.B.

2. U.S. Case, p. 61---Russia did not give up claims by Treaty of 1824 and 1825.

3. U.S. Case, p. 62-5,--omissions from letter.

4. U.S. Case, p. 74,--value of Fur Industry known to negotiators of Treaty of 1867?

5. U.S. Case, p. 81---Rev. cutters sailed every year since 67 to B. Sea?

Oct. 8.

L.B. p. 392.

Mr. Robinson's notes.

Oct. 12.

L.B. p. 435.

Re postponement; (enclg. copy of Lord H's letter.

Oct. 15.

L.B. p. 438.

Mr. Robinson's notes on records.

19 Sep. 92.

L.B. p. 217.

1. London Furriers;
2. U.S. App. Vol. II, p. 554 (bot).
3. Gladstone and Rose.

Oct. 16.

L.B. p. 437.

20 Sep. 92.

L.B. p. 236.

20 Sep. 92.

L.B. p. 241.

Notes of Dr. Dawson and Mr. Robinson.

MR. A. F. SHERWOOD:

11 Oct. 98.
p. 415, 18.

B.C. Coast.

Mr. A. F. Sherwood, 1000

1000

1000

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SIR RICHARD WEBSTER:

7 Sep. 92.
L.B.p.151.

Notes by Dr. Dawson.

Should Notices be served as to:

U.S. Case, p. 42, re Russian Records.

U.S. Case, p. 45, re Correspondence re control of Russia.

U.S. Case, p. 81; Rev. cutters in B. Sea since '67.

10 Sep. 92.
L.B.p.164.

U.S. Case, p. 19: Sea otter and walrus hunting at sea---Authorities?

U.S. Case, p. 23: Russia knew "Pribyloff herd" in 1786---Authority?

U.S. Case, p. 26: Russia's title---Authorities?

U.S. Case, p. 42+ Challenging of foreign vessels in Behring Sea---Authorities?

Oct. 4.
L.B.p. 335.

13 Sep. 92.
L.B.p.168.

U.S. Case, p. 25: Permanent (?) settlements of Russ. Authorities?

Oct. 7.
L.B.p. 371.

Notes by Dr. Dawson.

Notices should be served re:

1. U.S. Case, p. 56-7---Russian rights recognized by U.S. and G.B.

2. U.S. Case, p. 61---Russia did not give up claims by Treaties of 1824 and 1825.

3. U.S. Case, p. 62-5---omissions from letter.

4. U.S. Case, p. 74---value of Fur Industry known to negotiators of Treaty of 1867?

5. U.S. Case, p. 81---Rev. cutters sailed every year since 67 to B. Sea?

Oct. 9.
L.B.p. 398.

Oct. 12.
L.B.p. 428.

Oct. 13.
L.B.p. 442.

Mr. Robinson's Draft.

Re postponement; (enclg, copy of Lord H's letter.

Oct. 14.
L.B. II, p. 29.

Mr. Robinson's Notes on Heads.

1. London Furriers;
2. U.S. App. Vol. II, p. 554 (bot).
3. Gleadowe and Rose.

20 Sep. 92.
L.B.p. 236.

20 Sep. 92.
L.B.p. 241.

Notes of Dr. Dawson and Mr. Robinson.

SIR RICHARD WESTER:

7 Sep. 98.
L.P. 151.

Should Notices be served as to:
U.S. Case, p. 48. re Russian Records.
U.S. Case, p. 45. re Correspondence re control of
Russia.
U.S. Case, p. 81: Rev. cutters in B. Sea since '87.

10 Sep. 98.
L.P. 164.

U.S. Case, p. 19: See other and "air" busting at
sea--Authorities?
U.S. Case, p. 23: Russia knew "Prilyoff herd" in
1788--Authority?
U.S. Case, p. 28: Russia's title--Authorities?
U.S. Case, p. 48: Challenging of foreign vessels in
Bering Sea--Authorities?

13 Sep. 98.
L.P. 168.

U.S. Case, p. 25: Postment (?) settlements of Russ.
Authorities?

14 Sep. 98.
L.P. 195.

Notices should be served re:
1. U.S. Case, p. 50-7--Russian rights recog-
nized by U.S. and G.B.
2. U.S. Case, p. 81--Russia did not give up
claims by Treaty of 1824 and 1825.
3. U.S. Case, p. 62-5--omissions from letter.
4. U.S. Case, p. 74--value of Fur Industry
known to negotiators of Treaty of
1825?
5. U.S. Case, p. 81--Rev. cutters sailed every
year since 87 to B. Sea?

19 Sep. 98.
L.P. 216.

re postment: (encl. copy of Lord H's letter.

20 Sep. 98.
L.P. 226.

1. London Writers;
2. U.S. App. Vol. II, p. 254 (bot).
3. Gladstone and Rose.

30 Sep. 98.
L.P. 241.

Notes of Dr. Dawson and Mr. Robinson.

SIR RICHARD WEBSTER, /continued/ :

29 Sep.92.
LB.p.288.

Notes by Dr. Dawson.

30 Sep.
LB.p.311.

W.S.Protest.

30 Sep.
LB.p.324.

do.

Oct.4.
LB.p.335.

do.

Oct.4.
LB.p.336.

do.

Oct. 7.
LB.p.371.

Notes by Dr. Dawson.

Oct.9.
LB.p.398.

Minister's Draft.

Oct.12.
LB.p.428.

re Sir C.Lampson.

Oct.13.
LB.p.442.

Mr. Robinson's Draft.

Oct.14.
LB.II,p.29.

Mr. Robinson's Notes on Heads.

SIR RICHARD WEBSTER, (continued) :

29 Sep. 93.
L.B. p. 287.

Notes by Dr. Dawson.

30 Sep.
L.B. p. 211.

W.S. Protest.

30 Sep.
L.B. p. 284.

do.

Oct. 4.
L.B. p. 285.

do.

Oct. 4.
L.B. p. 286.

do.

Oct. 7.
L.B. p. 271.

Notes by Dr. Dawson.

Oct. 9.
L.B. p. 288.

Minister's Draft.

Oct. 12.
L.B. p. 488.

re Sir C. Lamson.

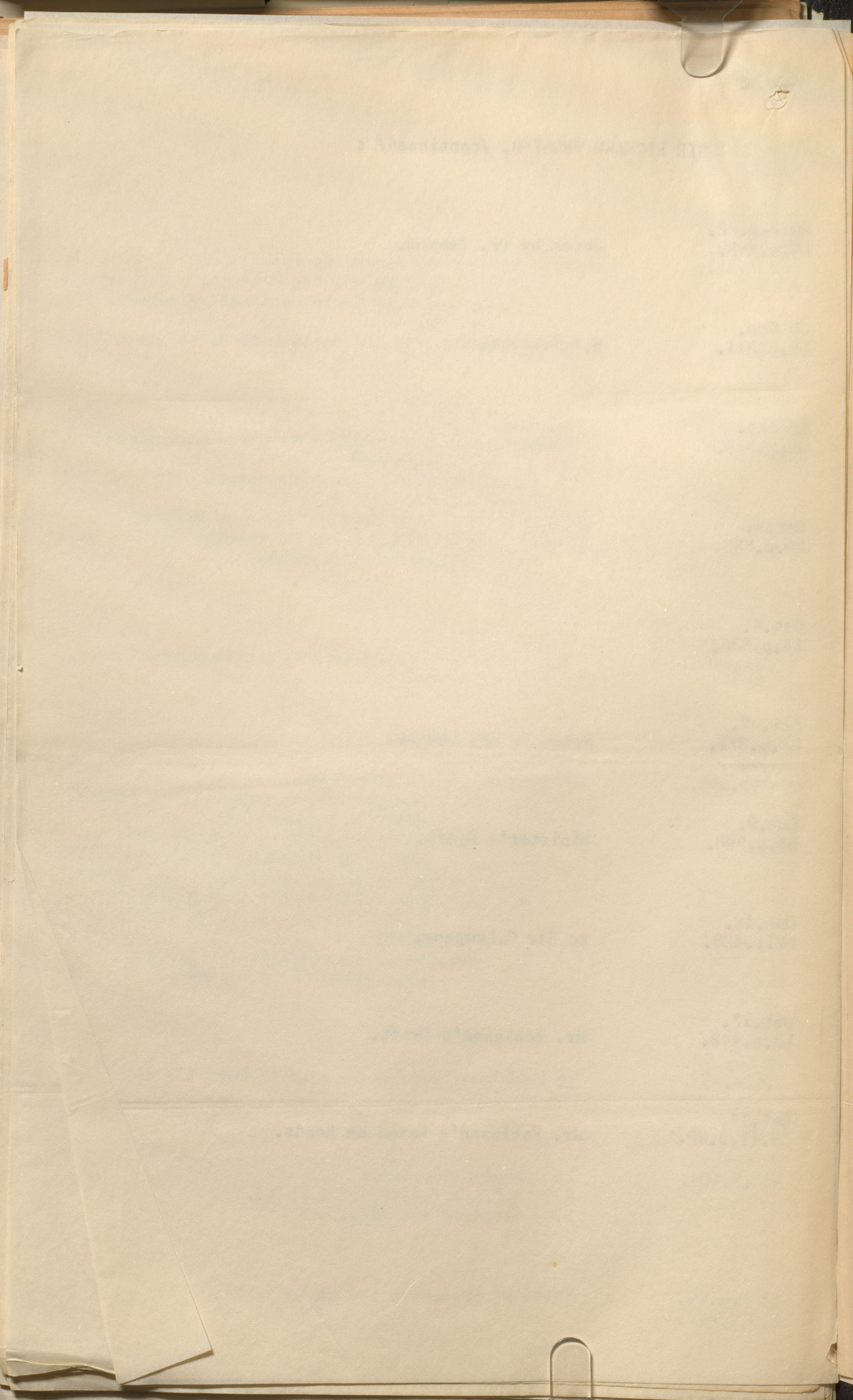
Oct. 13.
L.B. p. 448.

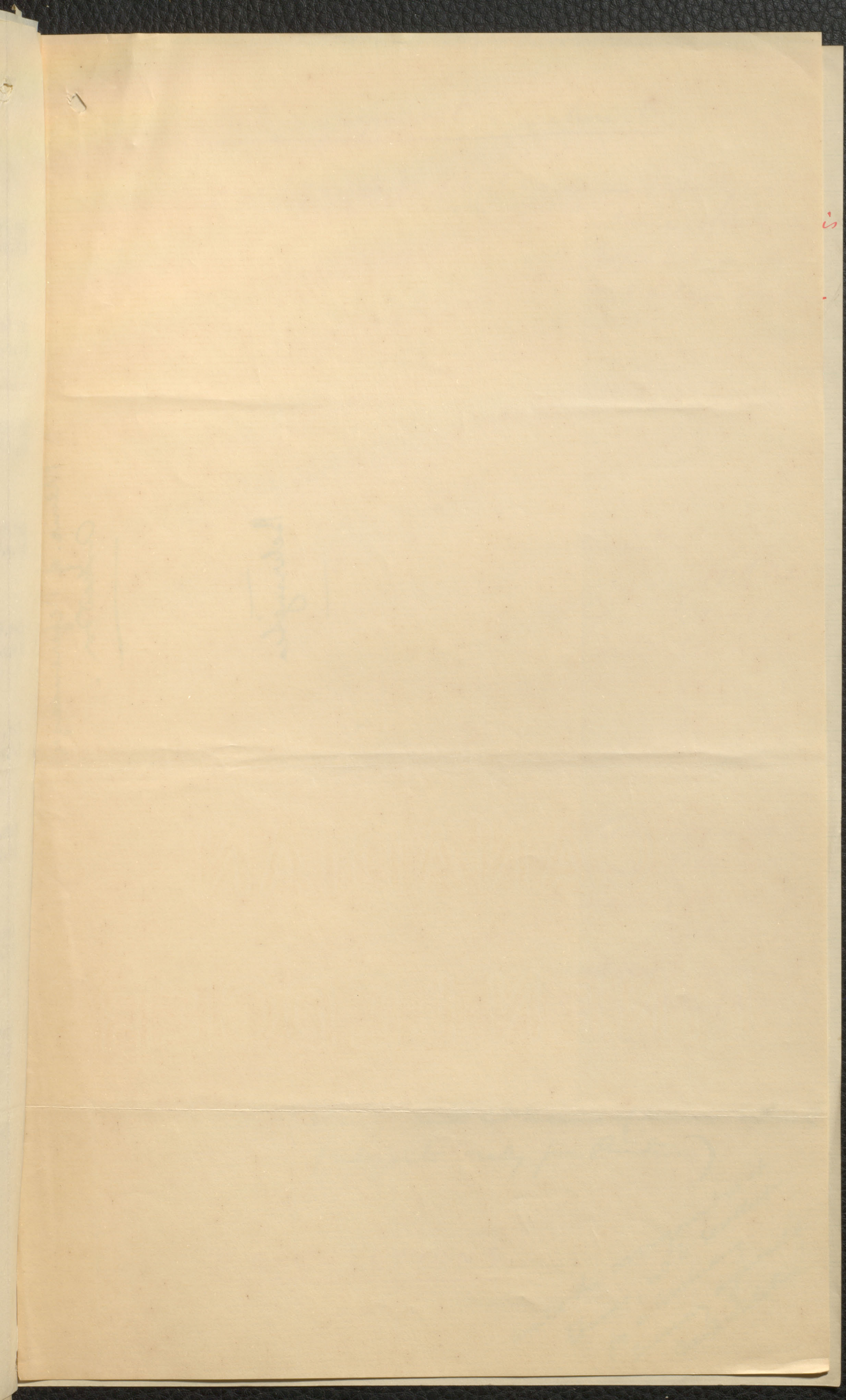
Mr. Robinson's Draft.

Oct. 14.
L.B. p. 29.

Mr. Robinson's notes on Heads.

88
1.1
2.02
1.31
0.7
1.71
0.7
1.71
0.7
1.71
0.7
1.71
0.7
1.71
0.7
1.71
0.7
1.71





Memor. of Reference
Admission.

Beltington.

Outline of argument - Lecture B

See para 296 (4c) of U.S. Cases - Property in seals claimed because existence of identity is due to U.S. Protection and Expenditure alone: & leading up to conclusion that Pelagic Sealing is destroying this.

REPLY

Not so because; -

A. MANAGEMENT ON ISLANDS

causes waste loss & diminution in seals.

- | | | |
|------------------------------------|---------|-----------|
| 1) Bad methods of killing. | (9-17) | pp of MSS |
| 2) Inefficient Government Control. | (20-44) | |
| 3) Inadequate Protection | (45-64) | |
| 4) "Natives" Suffer | (65-70) | |

B. CONDITION OF ISLANDS

- | | |
|---|-----------|
| Introductory | (79-81) |
| i Date of commencement of decrease | (81-88) |
| ii Kind of seals in which decrease | (89-103) |
| iii Amount of decrease | (104-106) |
| iv Causes of decrease - all shores | (107-110) |
| v Previous instances of decrease - all shores | (111-112) |

C. PELAGIC SEALING.

shiny could not be cause of decrease - entirely (subject matter for Protection)

D. REGULATIONS

would this arrangement as it stands, not be excellent for a concluding summary argument & acceptance?

