FUR-SEAL, SEA OTTER, AND SALMON FISHERIES.

ACTS OF CONGRESS,

PRESIDENT'S PROCLAMATIONS,

REGULATIONS GOVERNING U. S. VESSELS,

ACTS OF PARLIAMENT,

ORDERS IN COUNCIL,

PERTAINING TO THE

FUR-SEAL FISHERIES IN BERING SEA AND NORTH PACIFIC OCEAN,

SEA OTTER REGULATIONS,

LAWS AS TO SALMON FISHERIES IN ALASKA.

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ACTS OF CONGRESS, PRESIDENT'S PROCLAMATIONS, ACTS OF PARLIAMENT, ORDERS IN COUNCIL, AND OTHER MATTERS PERTAINING TO THE FUR-SEAL FISHERIES IN BERING SEA.

REVISED STATUTES OF THE UNITED STATES, SECTION 1956.

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulation as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

ACT OF MARCH 2, 1889 (STATS. AT LARGE, VOL. 25, P. 1009).

CHAPTER 415—An act to provide for the protection of the salmon fisheries of Alaska.

Be it enacted, etc., That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds, is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced, and to otherwise protect the salmon fisheries of Alaska.

And every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than two hundred and fifty dollars for each day of the continuance of such obstruction.

SEC. 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries and placing them under regular and permanent conditions of production.

SEC. 3. That section nineteen hundred and fifty-six of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea.

And it shall be the duty of the President, at a timely season in each year, to issue his proclamation, and cause the same to be published for one month in at least one newspaper, if any such there be, published at each United States port of entry on the Pacific Coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

Approved March 2, 1889.

MODUS VIVENDI RESPECTING THE FUR-SEAL FISHERIES IN BEHRING SEA.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an agreement for a modus vivendi between the Government of the United States and the Government of Her Britannic Majesty in relation to the fur-seal fisheries in Behring Sea was concluded on the fifteenth day of June, in the year of our Lord one thousand eight hundred and ninety-one, word for word as follows:

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF HER BRITANNIC MAJESTY FOR A MODUS VIVENDI IN RELATION TO THE FUR-SEAL FISHERIES IN BEHRING SEA.

For the purpose of avoiding irritating differences and with a view to promote the friendly settlement of the questions pending between the two Governments touching their respective rights in Behring Sea, and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party.

(1) Her Majesty's Government will prohibit until May next seal killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to ensure the observance of this prohibition by United States citizens and vessels.

(3) Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

(4) In order to facilitate such proper inquiries as Her Majesty's Goverment may desire to make, with a view to the presentation of the case of that Government before arbitrators and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britian will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

Signed and sealed in duplicate at Washington this fifteenth day of June, 1891, on behalf of their respective Governments, by William F. Wharton, Acting Secretary of State of the United States, and Sir Julian Pauncefote, G. C. M. G., K. C. B., H. B. M., envoy extraordinary and minister plenipotentiary.

(Signed) WILLIAM F. WHARTON. [SEAL.]
(Signed) JULIAN PAUNCEFOTE. [SEAL.]

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the said agreement to be made public, to the end that the same and every part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fifteenth day of June, in the year of our Lord one thousand eight hundred and ninety-one [SEAL.] and of the Independence of the United States the one hundred and fifteenth.

(Signed) BENJ. HARRISON.

By the President:

(Signed) WILLIAM F. WHARTON,
Acting Secretary of State.

A CONVENTION BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND HER BRITANNIC MAJESTY, SUBMITTING TO ARBITRATION THE QUESTIONS WHICH HAVE ARISEN BETWEEN THOSE GOVERNMENTS CONCERNING THE JURISDICTIONAL RIGHTS OF THE UNITED STATES IN THE WATERS OF BEHRING SEA.

Signed at Washington February 29, 1892.
Ratification advised by the Senate March 29, 1892.
Ratified by the President April 22, 1892.
Ratifications exchanged May 7, 1892.
Proclaimed May 9, 1892.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Great Britain providing for an amicable settlement of the questions which have arisen between those Governments concerning the jurisdictional rights of the United States in the waters of the Behring Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, was signed by their respective Plenipotentiaries at the City of Washington, on the twenty-ninth day of February, one thousand eight hundred and ninety-two, the original of which Convention, being in the English language and as amended by the Senate of the United States, is word for word as follows:

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for an amicable settlement of the questions which have arisen between their respective governments concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, have resolved to submit to arbitration the questions involved, and to the end of concluding a convention for that purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America, James G. Blaine, Secretary of State of the United States; and

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

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

ARTICLE I.

The questions which have arisen between the Government of the United States and the Government of Her Britannic Majesty concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, shall be submitted to a tribunal of Arbitration, to be composed of seven Arbitrators, who shall be appointed in the following manner, that is to say: Two shall be named by the President of the United States; two shall be named by Her Britannic Majesty; His Excellency the President of the French Republic shall be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy shall be so requested to name one; and His Majesty the King of Sweden and Norway shall be so requested to name one. The seven Arbitrators to be so named shall be jurists of distinguished reputation in their respective countries; and the selecting Powers shall be requested to choose, if possible, jurists who are acquainted with the English language.

In case of the death, absence or incapacity to serve of any or either of the said Arbitrators, or in the event of any or either of the said Arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, as the case may be, shall name, or shall be requested to name forthwith another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And in the event of the refusal or omission for two months after receipt of the joint request from the High Contracting Parties of His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, to name an Arbitrator, either to fill the original appointment or to fill a vacancy as above provided, then in such case the appointment shall be made or the vacancy shall be filled in such manner as the High Contracting Parties shall agree.

ARTICLE II.

The Arbitrators shall meet at Paris within twenty days after the delivery of the counter cases mentioned in Article IV, and shall proceed impartially and carefully to examine and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of the United States and Her Britannic Majesty respectively. All questions considered by the tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the High Contracting Parties shall also name one person to attend the tribunal as its Agent to represent it generally in all matters connected with the arbitration.

ARTICLE III.

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other party as soon as may be after the appointment of the members of the tribunal, but within a period not exceeding four months from the date of the exchange of the ratifications of this treaty.

ARTICLE IV.

Within three months after the delivery on both sides of the printed case, either party may, in like manner deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a counter case, and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

If, however, in consequence of the distance of the place from which the evidence to be presented is to be procured, either party shall, within thirty days after the receipt by its agent of the case of the other party, give notice to the other party that it requires additional time for the delivery of such counter case, documents, correspondence and evidence, such additional time so indicated, but not exceeding sixty days beyond the three months in this Article provided, shall be allowed.

If in the case submitted to the Arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the case; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

ARTICLE V.

It shall be the duty of the Agent of each party, within one month after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other party a printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the Arbitrators by oral argument of counsel; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

ARTICLE VI.

In deciding the matters submitted to the Arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to wit:

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said Treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur-seals frequenting the islands of the United States in the Behring Sea when such seals are found outside the ordinary three-mile limit?

ARTICLE VII.

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea, the Arbitrators shall then determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend, and to aid them in that determination the

report of a Joint Commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit.

The High Contracting Parties furthermore agree to coöperate in securing the adhesion of other Powers to such Regulations.

ARTICLE VIII.

The High Contracting Parties having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it; and, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claim and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

ARTICLE IX.

The High Contracting Parties having agreed to appoint two Commissioners on the part of each Government to make the joint investigation and report contemplated in the preceding Article VII, and to include the terms of the said Agreement in the present Convention, to the end that the joint and several reports and recommendations of said Commissioners may be in due form submitted to the Arbitrators should the contingency therefor arise, the said Agreement is accordingly herein included as follows:

Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Behring's Sea, and the measures necessary for its proper protection and preservation.

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

These reports shall not be made public until they shall be submittted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators can not arise.

ARTICLE X.

Each Government shall pay the expenses of its members of the Joint Commission in the investigation referred to in the preceding Article.

ARTICLE XI.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The decision shall be in duplicate, one copy whereof shall be delivered to the Agent of the United States for his Government, and the other copy shall be delivered to the Agent of Great Britain for his Government.

ARTICLE XII.

Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it and of the Arbitrators appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE XIII.

The Arbitrators shall keep an accurate record of their proceedings and may appoint and employ the necessary officers to assist them.

ARTICLE XIV.

The High Contracting Parties engage to consider the result of the proceedings of the tribunal of arbitration, as a full, perfect, and final settlement of all the questions referred to the Arbitrators.

ARTICLE XV.

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

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

Done in duplicate at Washington the twenty-ninth day of February, one thousand eight hundred and ninety-two.

JAMES G. BLAINE [SEAL.]
JULIAN PAUNCEFOTE [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of London, on the seventh day of May, one thousand, eight hundred and ninety-two;

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the said Convention to be made public, as amended, to the end that the same, and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this ninth day of May in the year of our Lord one thousand, eight hundred and ninety-two, [SEAL.] and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:
JAMES G. BLAINE,
Secretary of State.

CONVENTION BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND HER BRITANNIC MAJESTY—RENEWAL OF THE EXISTING MODUS VIVENDI IN BEHRING SEA.

Signed at Washington, April 18, 1892.
Ratification advised by the Senate April 19, 1892.
Ratified by the President April 22, 1892.
Ratifications exchanged May 7, 1892.
Proclaimed May 9, 1892.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Great Britain for the renewal of the existing *modus vivendi* in Behring's Sea was signed by their respective Plenipotentiaries at the City of Washington, on the eighteenth day of April, one thousand eight hundred and ninety-two, the original of which Convention, being in the English language, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN FOR THE RENEWAL OF THE EXISTING "MODUS VIVENDI" IN BEHRING'S SEA.

Whereas by a Convention concluded between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the twenty-ninth day of February, one thousand eight hundred and ninety-two, the High Contracting Parties have agreed to submit to Arbitration, as therein stated, the questions which have arisen between them concerning the jurisdictional rights of the United States in the waters of Behring's Sea and concerning also the preservation of the fur-seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of the fur-seal in, or habitually resorting to, the said waters; and whereas the High Contracting Parties, having differed as to what restrictive Regulations for seal-hunting are necessary, during the pendency of such Arbitration, have agreed to adjust such difference in manner hereinafter mentioned, and without prejudice to the rights of either party:

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honorable Order of Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States;

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

ARTICLE I.

Her Majesty's Government will prohibit, during the pendency of the Arbitration, seal killing in that part of Behring Sea lying eastward of the line of demarcation

described in Article No. I of the Treaty of 1867 between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels.

ARTICLE II.

The United States Government will prohibit seal-killing for the same period in the same part of Behring's Sea, and on the shores and islands thereof, the property of the United States (in excess of seven thousand five hundred to be taken on the islands for the subsistance of the natives), and will promptly use its best efforts to ensure the observance of this prohibition by United States citizens and vessels.

ARTICLE III.

Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the Nation to which they respectively belong, who alone shall have jurisdiction to try the offence and impose the penalties for the same. The witnesses and proof necessary to establish the offence shall also be sent with them.

ARTICLE IV.

In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case and arguments of that Government before the Arbitrators, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or remain upon the Seal Islands during the sealing season for that purpose.

ARTICLE V.

If the result of the Arbitration be to affirm the right of British Sealers to take seals in Behring Sea within the bounds claimed by the United States, 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 a 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; and, on the other hand, if the result of the Arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens and lessees) for this agreement to limit the island catch to seven thousand five hundred 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 diminution of the seal-herds.

The amount awarded, if any, in either case shall be such as under all the circumstances is just and equitable, and shall be promptly paid.

ARTICLE VI.

This Convention may be denounced by either of the High Contracting Parties at any time after the thirty-first day of October, one thousand eight hundred and ninety-three, on giving to the other Party two months notice of its termination; and at the expiration of such notice the Convention shall cease to be in force.

ARTICLE VII.

The present Convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her

Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London as early as possible.

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

Done in duplicate at Washington, this eighteenth day of April, one thousand eight hundred and ninety-two.

JAMES G. BLAINE [SEAL.]
JULIAN PAUNCEFOTE. [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of London, on the seventh day of May, one thousand eight hundred and ninety-two;

Now, therefore, be it known that I, BENJAMIN HARRISON, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every article and clause thereof, may be observed in good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this ninth day of May, in the year of our Lord one thousand, eight hundred and ninety-two, and [SEAL.] of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON

By the President:
JAMES G. BLAINE
Secretary of State.

ACT OF FEBRUARY 21, 1893 (STATS. AT LARGE, VOL. 27, P. 472).

CHAPTER 150.—An act to extend to the North Pacific Ocean the provisions of the statutes for the protection of the fur seals and other fur-bearing animals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Government of the United States shall conclude an effective international arrangement for the protection of fur seals in the North Pacific Ocean by agreement with any power or as a result of the decision of the tribunal of arbitration under the convention concluded between the United States and Great Britain February twenty-ninth, eighteen hundred and ninety-two, and so long as such arrangement shall continue the provisions of section nineteen hundred and fifty-six of the Revised Statutes, and all other provisions of the statutes of the United States, so far as the same may be applicable, relative to the protection of fur seals and other fur-bearing animals within the limits of Alaska or in the waters thereof, shall be extended to and over all that portion of the Pacific Ocean included in such international arrangement. Whenever an effective international arrangement is concluded as aforesaid, it shall be the duty of the President to declare that fact by proclamation, and to designate the portion of the Pacific Ocean to which it is applicable, and that this act has become operative; and likewise when such arrangement ceases to declare that fact and that this act has become inoperative, and his proclamation with respect thereto shall be conclusive. During the extension as aforesaid of said laws for the protection of fur seals and other fur-bearing animals all violations thereof in said designated portion of the Pacific Ocean shall be held to be the same as if committed within the limits of Alaska or in the waters thereof, but they may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

Approved February 21, 1893.

AWARD OF THE TRIBUNAL OF ARBITRATION CONSTITUTED UNDER THE TREATY CONCLUDED AT WASHINGTON, THE 29TH OF FEBRUARY, 1892, BETWEEN THE UNITED STATES OF AMERICA AND HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

Whereas by a Treaty between the United States of America and Great Britain, signed at Washington, February 29, 1892, the ratifications of which by the Governments of the two Countries were exchanged at London on May the 7th, 1892, it was, amongst other things, agreed and concluded that the questions which had arisen between the Government of the United States of America and the Government of Her Britannic Majesty, concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either Country as regards the taking of fur-seals in or habitually resorting to the said waters, should be submitted to a Tribunal of Arbitration to be composed of seven Arbitrators, who should be appointed in the following manner, that is to say: two should be named by the President of the United States; two should be named by her Britannic Majesty; His Excellency the President of the French Republic should be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy should be so requested to name one; His Majesty the King of Sweden and Norway should be so requested to name one; the seven Arbitrators to be so named should be jurists of distinguished reputation in their respective Countries, and the selecting Powers should be requested to choose, if possible, jurists who are acquainted with the English language;

And whereas it was further agreed by article II of the said Treaty that the Arbitrators should meet at Paris within twenty days after the delivery of the Counter-Cases mentioned in article IV, and should proceed impartially and carefully to examine and decide the questions which had been or should be laid before them as in the said Treaty provided on the part of the Governments of the United States and of Her Britannic Majesty respectively, and that all questions considered by the Tribunal, including the final decision, should be determined by a majority of all the Arbitrators;

And whereas by article VI of the said Treaty, it was further provided as follows:

In deciding the matters submitted to the said Arbitrators, it is agreed that the following five points shall be submitted to them in order that their award shall embrace a distinct decision upon each of said five points, to wit:

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase *Pacific Ocean*, as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said Treaty?

4. Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring's Sea east of the water boundary, in the Treaty between the United States and Russia of the 30th of March 1867, pass unimpaired to the United States under that Treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary three-mile limit.

And whereas, by article VII of the said Treaty, it was further agreed as follows:

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea, the Arbitrators shall then determine what concurrent Regulations, outside the jurisdictional limits of the respective Governments, are necessary, and over what waters such Regulations should extend;

The High Contracting Parties furthermore agree to cooperate in securing the adhesion of other Powers to such Regulations;

And whereas, by article VIII of the said Treaty, after reciting that the High Contracting Parties had found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, and that "they were solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions," the High Contracting Parties agreed that "either of them might submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found, to be the subject of further negociation;"

And whereas the President of the United States of America named The Honourable John M. Harlan, Justice of the Supreme Court of the United States, and the Honourable John T. Morgan, Senator of the United States, to be two of the said Arbitrators, and Her Britannic Majesty named the Right Honourable Lord Hannen and The Honourable Sir John Thompson, Minister of Justice and Attorney General for Canada, to be two of the said Arbitrators, and His Excellency the President of the French Republic named the Baron de Courcel, Senator, Ambassador of France, to be one of the said Arbitrators, and His Majesty the King of Italy named the Marquis Emilio Visconti Venosta, former Minister of Foreign Affairs and Senator of the Kingdom of Italy, to be one of the said Arbitrators, and His Majesty the King of Sweden and Norway named Mr. Gregers Gram, Minister of State to be one of the said Arbitrators;

And whereas We, the said Arbitrators, so named and appointed, having taken upon ourselves the burden of the said Arbitration, and having duly met at Paris, proceeded impartially and carefully to examine and decide all the questions submitted to us the said Arbitrators, under the said Treaty, or laid before us as provided in the said Treaty on the part of the Governments of Her Britannic Majesty and the United States respectively;

Now we, the said Arbitrators, having impartially and carefully examined the said questions, do in like manner by this our Award decide and determine the said questions in manner following, that is to say, we decide and determine as to the five points mentioned in article VI as to which our Award is to embrace a distinct decision upon each of them:

As to the first of the said five points, We, the said Baron de Courcel, Mr Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta and Mr Gregers Gram, being a majority of the said Arbitrators, do decide and determine as follows:

By the Ukase of 1821, Russia claimed jurisdiction in the sea now known as the Behring's Sea, to the extent of 100 Italian miles from the coasts and islands belonging to her, but, in the course of the negociations which led to the conclusion of the Treaties of 1824 with the United States and of 1825 with Great Britain, Russia admitted that her jurisdiction in the said sea should be restricted to the reach of cannon shot from shore, and it appears that, from that time up to the time of the cession of Alaska to the United States, Russia never asserted in fact or exercised any exclusive jurisdiction in Behring's Sea or any exclusive rights in the seal fisheries therein beyond the ordinary limit of territorial waters.

As to the second of the said five points, We, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta and Mr Gregers Gram, being a majority of the said Arbitrators, do decide and determine that Great Britain did not recognize or concede any claim, upon the part of Russia, to exclusive jurisdiction as to the seal fisheries in Behring Sea, outside of ordinary territorial waters.

As to the third of the said five points, as to so much thereof as requires us to decide whether the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean" as used in the Treaty of 1825 between Great Britain and Russia, We, the said Arbitrators, do unanimously decide and determine that the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean" as used in the said Treaty.

And as to so much of the said third point as requires us to decide what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after the said Treaty of 1825, We, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson,

Marquis Visconti Venosta and Mr. Gregers Gram, being a majority of the said Arbitrators, do decide and determine that no exclusive rights of jurisdiction in Behring Sea and no exclusive rights as to the seal fisheries therein, were held or exercised by Russia outside of ordinary territorial waters after the Treaty of 1825.

As to the fourth of the said five points, We, the said Arbitrators, do unanimously decide and determine that all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary, in the Treaty between the United States and Russia of the 30th March 1867, did pass unimpaired to the United States under the said Treaty.

As to the fifth of the said five points, We, the said Baron de Courcel, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta and M. Gregers Gram being a majority of the said arbitrators, do decide and determine that the United States has not any right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary three-mile limit.

And whereas the aforesaid determination of the foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI leaves the subject in such a position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the Tribunal having decided by a majority as to each Article of the following Regulations, We, the said Baron de Courcel, Lord Hannen, Marquis Visconti Venosta, and Mr. Gregers Gram, assenting to the whole of the nine Articles of the following Regulations, and being a majority of the said Arbitrators, do decide and determine in the mode provided by the Treaty, that the following concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary and that they should extend over the waters hereinafter mentioned, that is to say:

ARTICLE 1.

The Governments of the United States and of Great Britain shall forbid their citizens and subjects respectively to kill, capture or pursue at any time and in any manner whatever, the animals commonly called fur seals, within a zone of sixty miles around the Pribilov Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of sixty to a degree of latitude.

ARTICLE 2.

The two Governments shall forbid their citizens and subjects respectively to kill, capture or pursue, in any manner whatever, during the season extending, each year, from the 1st of May to the 31st of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Behring sea, which is situated to the North of the 35th degree of North latitude, and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article 1 of the Treaty of 1867 between the United States and Russia, and following that line up to Behring straits.

ARTICLE 3.

During the period of time and in the waters in which the fur seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will however be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

ARTICLE 4.

Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government and shall be required to carry a distinguishing flag to be prescribed by its Government.

ARTICLE 5.

The masters of the vessels engaged in fur seal fishing shall enter accurately in their official log book the date and place of each fur seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

ARTICLE 6.

The use of nets, fire arms and explosives shall be forbidden in the fur seal fishing. This restriction shall not apply to shot guns when such fishing takes place outside of Behring's sea, during the season when it may be lawfully carried on.

ARTICLE 7.

The two Governments shall take measures to control the fitness of the men authorized to engage in fur seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

ARTICLE 8.

The regulations contained in the preceding articles shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain, and carrying on fur seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars or sails and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the Municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur sealing vessels as heretofore.

ARTICLE 9.

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

And whereas the Government of Her Britannic Majesty did submit to the Tribunal of Arbitration by article VIII of the said Treaty certain questions of fact involved in the claims referred to in the said article VIII, and did also submit to us, the said Tribunal, a statement of the said facts, as follows, that is to say:

FINDINGS OF FACT PROPOSED BY THE AGENT OF GREAT BRITAIN AND AGREED TO AS PROVED BY THE AGENT FOR THE UNITED STATES, AND SUBMITTED TO THE TRIBUNAL OF ARBITRATION FOR ITS CONSIDERATION.

1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the Schedule to the British Case, pages 1 to 60 inclusive, were made by the authority of the United States Government. The questions as to the value of the said vessels or their contents or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from and have not been considered by the Tribunal, it being understood that it is open to the United States to raise these questions or any of them, if they think fit, in any future negotiations as to the liability of the United States Government to pay the amounts mentioned in the Schedule to the British Case;

2. That the seizures aforesaid, with the exception of the "Pathfinder" seized at Neah-Bay, were made in Behring Sea at the distances from shore mentioned in the Schedule annexed hereto marked "C";

3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the commanders of which had, at the several times when they were made, from the Executive Department of the Government of the United States, instructions, a copy of one of which is annexed hereto, marked "A" and that the others were, in all substantial respects, the same: that in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked "B", and that the libels in the other proceedings were in all substantial respects the same: that the alleged acts or offences for which said several searches and seizures were made were in each case done or committed in Behring Sea at the distances from shore aforesaid; and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States: and in those cases in which the vessels were released the seizure was made by the authority of the United States; that the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea at the distances from the shore aforesaid;

4. That the several orders mentioned in the Schedule annexed hereto and marked "C" warning vessels to leave or not to enter Behring Sea were made by public armed vessels of the United States the commanders of which had, at the several times when they were given, like instructions as mentioned in finding 3, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States;

5. That the District courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the Schedule to the Case of Great Britain, pages 1 to 60, inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the prize jurisdiction, but that in each case the sentence pronounced by the Court was based upon the grounds set forth in the libel.

ANNEX A.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 21, 1886.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer *Bear*, under your command, to the seal Islands, etc., you are hereby clothed with full power to enforce the law contained in the provisions of Section 1956 of the United States' Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

You will also seize any liquors or fire-arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated 4th February, 1870.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Acting Secretary.*

Captain M. A. HEALY,
Commanding revenue-steamer Bear, San-Francisco, California.

ANNEX B.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF ALASKA,
AUGUST SPECIAL TERM, 1886.

To the Honourable LAFAYETTE DAWSON, *Judge of said District Court:*

The libel of information of M. D. Ball, Attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner *Thornton*, her tackle, apparel, boats, cargo, and furniture, and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:

That Charles A. Abbey, an officer in the Revenue marine Service of the United States, and on special duty in the waters of the district of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska Territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring sea belonging to the said district, on waters navigable from the sea by vessels of 10 or more tons burden, seized the ship or vessel commonly called a schooner, the *Thornton*, her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said Attorney unknown, as forfeited to the United States, for the following causes:

That the said vessel or schooner was found engaged in killing fur-seal within the limits of Alaska Territory, and in the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

And the said Attorney saith that all and singular the premises are and were true, and within the Admiralty and maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the afore-mentioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore the said Attorney prays the usual process and monition of this honourable Court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture may, for the cause aforesaid, and others appearing, be condemned by the definite sentence and decree of this honourable Court, as forfeited to the use of the said United States, according to the form of the Statute of the said United States in such cases made and provided.

(Signed) M. D. BALL,
United States District Attorney for the District of Alaska.

ANNEX C.

The following Table shows the names of the British sealing-vessels seized or warned by United States revenue cruizers 1886–1890, and the approximate distance from land when seized. The distances assigned in the cases of the *Carolena, Thornton* and *Onward* are on the authority of U. S. Naval Commander Abbey (see 50th Congress, 2nd Session, Senate Executive Documents N° 106, pp. 20, 30, 40). The distances assigned in the cases of the *Anna Beck, W. P. Sayward, Dolphin* and *Grace* are on the authority of Captain Shepard U. S. R. M. (*Blue Book*, United States N° 2, 1890.—pp. 80–82. See Appendix, vol. III).

Name of vessel.	Date of seizure.	Approximate distance from land when seized.	United States vessel making seizure.
Carolena	August 1, 1886	75 miles	Corwin.
Thornton	August 1, 1886	70 miles	Corwin.
Onward	August 2, 1886	115 miles	Corwin.
Favourite	August 2, 1886	Warned by Corwin in about same position as Onward.	
Anna Beck	July 2, 1887	66 miles	Rush.
W. P. Sayward	July 9, 1887	59 miles	Rush.
Dolphin	July 12, 1887	40 miles	Rush.
Grace	July 17, 1887	96 miles	Rush.
Alfred Adams	August 10, 1887	62 miles	Rush.
Ada	August 25, 1887	15 miles	Bear.
Triumph	August 4, 1887	Warned by Rush not to enter Behring Sea.	
Juanita	July 31, 1889	66 miles	Rush.
Pathfinder	July 29, 1889	50 miles	Rush.
Triumph	July 11, 1889	Ordered out of Behring Sea by Rush. (1) As to position when warned.	
Black Diamond	July 11, 1889	35 miles	Rush.
Lily	August 6, 1889	66 miles	Rush.
Ariel	July 30, 1889	Ordered out of Behring Sea by Rush.	
Kate	August 13, 1889	Ditto.	
Minnie	July 15, 1889	65 miles	Rush.
Pathfinder	March 27, 1890	Seized in Neah Bay (1)	Corwin.

(1) Neah Bay is in the State of Washington, and the *Pathfinder* was seized there on charges made against her in the Behring Sea in the previous year. She was released two days later.

And whereas the Government of Her Britannic Majesty did ask the said Arbitrators to find the said facts as set forth in the said statement, and whereas the Agent and Counsel for the United States Government thereupon in our presence informed us that the said statement of facts was sustained by the evidence, and that they had agreed with the Agent and Counsel for Her Britannic Majesty that We, the Arbitrators, if we should think fit so to do might find the said statement of facts to be true.

Now, We, the said Arbitrators, do unanimously find the facts as set forth in the said statement to be true.

And whereas each and every question which has been considered by the Tribunal has been determined by a majority of all the Arbitrators;

Now, We, Baron de Courcel, Lord Hannen, Mr. Justice Harlan, Sir John Thompson, Senator Morgan, the Marquis Visconti Venosta and

Mr Gregers Gram, the respective minorities not withdrawing their votes, do declare this to be the final Decision and Award in writing of this Tribunal in accordance with the Treaty.

Made in duplicate at Paris and signed by us the fifteenth day of August in the year 1893.

And We do certify this English Version thereof to be true and accurate.

ALPH. DE COURCEL.
JOHN M. HARLAN.
JOHN T. MORGAN.
HANNEN.
JNO S D THOMPSON.
VISCONTI VENOSTA.
G. GRAM.

ACT OF CONGRESS, APPROVED APRIL 6, 1894.

CHAPTER 57. An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington, February twenty-ninth, eighteen hundred and ninety-two, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals.

Whereas the following articles of the award of the Tribunal of Arbitration constituted under the treaty concluded at Washington the twenty-ninth of February, eighteen hundred and ninety-two, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland were delivered to the agents of the respective Governments on the fifteenth day of August, eighteen hundred and ninety-three:

ARTICLE 1.

The governments of the United States and Great Britain shall forbid their citizens and subjects, respectively, to kill, capture, or pursue at any time, and in any manner whatever, the animals commonly called fur seals, within a zone of sixty miles around the Pribilov Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of sixty to a degree of latitude.

ARTICLE 2.

The two Governments shall forbid their citizens and subjects, respectively, to kill, capture, or pursue, in any manner whatever, during the season extending, each year, from the first of May to the thirty-first of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Bering Sea, which is situated to the

north of the thirty-fifth degree of north latitude, and eastward of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven between the United States and Russia, and following that line up to Berings Straits.

ARTICLE 3.

During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

ARTICLE 4.

Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

ARTICLE 5.

The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

ARTICLE 6.

The use of nets, firearms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Behring Sea, during the season when it may be lawfully carried on.

ARTICLE 7.

The two Governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

ARTICLE 8.

The regulations contained in the preceding articles shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars, or sails and manned by not more than five persons each in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons, and provided that when so hunting in canoes or undecked

boats they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur sealing vessels as heretofore.

ARTICLE 9.

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

Now, therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilov Islands within a zone of sixty geographical miles (sixty to a degree of latitude) around said islands, exclusive of the territorial waters.

SEC. 2. That no citizen of the United States, or person above described in section one of this act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, in any manner whatever, during the season extending from the first day of May to the thirty-first day of July, both inclusive, in each year, any fur seal on the high seas outside of the zone mentioned in section one, and in that part of the Pacific Ocean, including Behring Sea, which is situated to the north of the thirty-fifth degree of north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven, between the United States and Russia, and following that line up to Behring Straits.

SEC. 3. No citizen of the United States or person above described, in the first section of this act, shall, during the period and in the waters in which by section two of this act the killing of fur seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed, in carrying on or taking part in fur seal fishing operations other than a sailing vessel propelled by sails exclusively, and such canoes or undecked boats, propelled by paddles, oars,

or sails as may belong to, and be used in connection with, such sailing vessels; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the Government for that purpose, and without carrying a distinctive flag prescribed by the Government for the same purpose.

SEC. 4. That every master of a vessel licensed under this act to engage in fur seal fishing operations shall accurately enter into his official log book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port, and before landing cargo, the master shall verify, on oath, such official log book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States.

SEC. 5. That no person or vessel engaging in fur-seal fishing operations under this act shall use or employ in any such operations, any net, firearm, airgun, or explosive: *Provided, however*, That this prohibition shall not apply to the use of shotguns in such operations outside of Behring Sea during the season when the killing of fur seals is not there prohibited by this act.

SEC. 6. That the foregoing sections of this act shall not apply to Indians dwelling on the coast of the United States, and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, or manned by more than five persons, in the manner heretofore practiced by the said Indians: *Provided, however*, That the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands.

SEC. 7. That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this act and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations as in his judgment may seem expedient.

SEC. 8. That, except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this act, every person guilty of a violation of the provisions of this act, or of the regulations made thereunder, shall for each offense be fined not less than two hundred dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and

cargo, at any time used or employed in violation of this act, or of the regulations made thereunder, shall be forfeited to the United States.

SEC. 9. That any violation of this act, or of the regulations made thereunder, may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 10. That if any unlicensed vessel of the United States shall be found within the waters to which this act applies, and at a time when the killing of fur seals is by this act there prohibited, having on board seal skins or bodies of seals, or apparatus or implements suitable for killing or taking seals; or if any licensed vessel shall be found in the waters to which this act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this act until it is otherwise sufficiently proved.

SEC. 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this act is applicable to enforce its provisions, and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this act, or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this act, there to be dealt with according to law.

SEC. 12. That any vessel or citizen of the United States, or person described in the first section of this act, offending against the prohibitions of this act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however*, That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this act.

Approved, April 6, 1894.

SEAL FISHERIES.

By the President of the United States of America.

A PROCLAMATION.

Whereas an Act of Congress entitled "An Act to give effect to the Award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur-seals" was approved April 6, 1894, and reads as follows:

Whereas the following articles of the award of the Tribunal of Arbitration constituted under the treaty concluded at Washington the twenty-ninth of February, eighteen hundred and ninety-two, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland were delivered to the agents of the respective governments on the fifteenth day of August, eighteen hundred and ninety-three:

Article 1.

The governments of the United States and Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time, and in any manner whatever, the animals commonly called fur seals, within a zone of sixty miles around the Pribilov Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of sixty to a degree of latitude.

Article 2.

The two governments shall forbid their citizens and subjects respectively to kill, capture or pursue, in any manner whatever, during the season extending, each year, from the first of May to the thirty-first of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude, and eastward of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven between the United States and Russia, and following that line up to Berings Straits.

Article 3.

During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will however be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

Article 4.

Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

Article 5.

The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two governments to the other at the end of each fishing season.

ARTICLE 6.

The use of nets, firearms and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Behring Sea, during the season when it may be lawfully carried on.

ARTICLE 7.

The two governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

ARTICLE 8.

The regulations contained in the preceding articles shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars or sails and manned by not more than five persons each in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur sealing vessels as heretofore.

ARTICLE 9.

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

Now therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilov Islands within a zone of sixty geographical miles (sixty to a degree of latitude) around said islands, exclusive of the territorial waters.

SEC. 2. That no citizen of the United States, or person above described in section one of this act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, in any manner whatever, during the season extending from the first day of May to the thirty-first day of July, both inclusive, in each year, any fur seal on the high seas outside of the zone mentioned in section one, and in that part of the Pacific Ocean, including Behring Sea, which is situated to the north of the thirty-fifth degree of north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven, between the United States and Russia, and following that line up to Behring Straits.

SEC. 3. No citizen of the United States or person above described, in the first section of this Act, shall, during the period and in the waters in which by section two

of this Act the killing of fur seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed, in carrying on or taking part in fur-seal fishing operations, other than a sailing vessel propelled by sails exclusively, and such canoes or undecked boats, propelled by paddles, oars, or sails as may belong to, and be used in connection with, such sailing vessels; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the Government for that purpose, and without carrying a distinctive flag prescribed by the Government for the same purpose.

SEC. 4. That every master of a vessel licensed under this act to engage in fur-seal fishing operations shall accurately enter in his official log book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port, and before landing cargo, the master shall verify, on oath, such official log book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States.

SEC. 5. That no person or vessel engaging in fur-seal fishing operations under this Act shall use or employ in any such operations, any net, firearm, airgun, or explosive: *Provided however*, That this prohibition shall not apply to the use of shotguns in such operations outside of Bering Sea during the season when the killing of fur seals is not there prohibited by this Act.

SEC. 6. That the foregoing sections of this act shall not apply to Indians dwelling on the coast of the United States, and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, or manned by more than five persons, in the manner heretofore practiced by the said Indians: *Provided, however*, That the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands.

SEC. 7. That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this Act and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient.

SEC. 8. That, except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this Act, every person guilty of a violation of the provisions of this Act, or of the regulations made thereunder, shall for each offense be fined not less than two hundred dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States.

SEC. 9. That any violation of this Act, or of the regulations made thereunder, may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 10. That if any unlicensed vessel of the United States shall be found within the waters to which this Act applies, and at a time when the killing of fur seals is by this Act there prohibited, having on board seal skins or bodies of seals, or apparatus or implements suitable for killing or taking seals; or if any licensed vessel shall be found in the waters to which this Act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this Act until it is otherwise sufficiently proved.

SEC. 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this Act is applicable to enforce its provisions, and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this Act, or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this Act, there to be dealt with according to law.

SEC. 12. That any vessel or citizen of the United States, or person described in the first section of this Act, offending against the prohibitions of this Act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however,* That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this Act.

Approved, April 6, 1894.

Now Therefore, Be it Known that I, Grover Cleveland, President of the United States of America, have caused the said Act specially to be proclaimed to the end that its provisions may be known and observed; and I hereby proclaim that every person guilty of a violation of the provisions of said Act will be arrested and punished as therein provided; and all vessels so employed, their tackle, apparel, furniture and cargo, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the Seal of the United States to be affixed.

Done at the City of Washington this 9th day of April in the year of our Lord One thousand eight hundred and ninety-four, and of the Independence of the United States the One hundred and eighteenth. [SEAL.]

GROVER CLEVELAND.

By the President:
W. Q. GRESHAM,
Secretary of State.

[PUBLIC—No. 54.]

AN ACT To amend section one of an Act approved April sixth, eighteen hundred and ninety-four, entitled "An Act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February twenty-ninth, eighteen hundred and ninety-two, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act

entitled "An Act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain concluded at Washington, February twenty-ninth, eighteen hundred and ninety-two, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals," approved April sixth, eighteen hundred and ninety-four, be amended by striking out the word "exclusive" where it occurs in said section one and inserting the word "inclusive," so that said section will read: That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilov Islands within a zone of sixty geographical miles (sixty to a degree of latitude) around said islands, inclusive of the territorial waters.

Approved, April 24, 1894.

[PUBLIC—No. 76.]

AN ACT Supplementary to an Act approved April sixth, eighteen hundred and ninety-four, for the execution of the award rendered at Paris, August fifteenth, eighteen hundred and ninety-three, by the Tribunal of Arbitration constituted under the treaty between the United States and Great Britain, concluded at Washington, February twenty-ninth, eighteen hundred and ninety-two, in relation to the preservation of the fur seal.

Whereas by the seventh article of the treaty between the United States and Great Britain, concluded at Washington, February twenty-ninth, eighteen hundred and ninety-two, in relation to the preservation of the fur seal, the high contracting parties agree to co-operate in securing the adhesion of other powers to such regulations as the arbitrators under said treaty might determine upon for that purpose; and

Whereas by an Act of Congress approved April sixth, eighteen hundred and ninety-four, provision has been made by the United States for the execution of the regulations so determined upon and for the punishment of any infractions of said regulations: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the procedure and penalties provided by said Act, in case of the violation of the provisions of said regulations, are hereby made applicable to and shall be enforced against any citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, or person belonging to or on board of a vessel of the United States who shall kill, capture, or pursue, at any time or in any manner whatever, as well as to and against any vessel of the United States used or employed in killing, capturing, or pursuing, at any time or in any manner whatever,

any fur seal or other marine fur-bearing animal, in violation of the provisions of any treaty or convention into which the United States may have entered or may hereafter enter with any other power for the purpose of protecting fur seals or other marine fur-bearing animals, or in violation of any regulations which the President may make for the due execution of such treaty or convention.

Approved, June 5, 1894.

RULES AND REGULATIONS PRESCRIBED UNDER THE PROVISIONS OF THE ACT OF CONGRESS APPROVED APRIL 6, 1894, FOR THE GOVERNMENT OF UNITED STATES VESSELS EMPLOYED IN FUR-SEAL FISHING DURING THE SEASON OF 1896.

ARTICLE 1.

Every vessel employed in fur-seal fishing shall have, in addition to the papers now required by law, a special license for fur-seal fishing.

ARTICLE 2.

Before the issuance of the special license required by the fourth article of the award of the Tribunal of Arbitration, the master of any sailing vessel proposing to engage in the fur-seal fishery shall produce satisfactory evidence to the officer to whom application is made that the hunters employed by him are competent to use with sufficient skill the weapons by means of which this fishing may be carried on.

ARTICLE 3.

Every sealing vessel provided with special license shall show, under her national ensign, a flag not less than four feet square, composed of two pieces, yellow and black, joined from the right-hand upper corner of the fly to the left-hand lower corner of the luff, the part above and to the left to be black and the part to the right and below to be yellow. Between the hours of sunset and sunrise all sealing vessels shall exhibit two vertical lights, natural color, where they can best be seen, not less than ten feet above the deck, and to be visible in clear weather at least one mile.

ARTICLE 4.

In order to protect from unnecessary interference sealing vessels found within the area of the award during the closed season (that is to say, between April 30 and August 1), but which have not violated the law, any sealing vessel intending to traverse the area of the award during said closed season, on her way to her home or other port, or to or from the sealing grounds, or for any other legitimate purpose, may, on the application of the master, have her sealing outfit, including guns and ammunition, secured under seal, and an entry thereof made on her log book. Such sealing up and entry shall be a protection to the vessel against seizure during the closed season by any cruiser, so long as the seals so affixed shall remain unbroken, unless there shall be evidence of violation of the articles of the award and said act of Congress of April 6, 1894, notwithstanding.

ARTICLE 5.

Such sealing up and entry may be effected in port or at sea by any naval, consular, or customs officer of the United States, and at sea also by the commander of a British cruiser. An officer will be stationed at the island of Attu for this purpose from July 1st to August 25th.

The officer effecting the sealing up shall make entry in the vessel's log book, certifying the fact and stating in detail the number and kind of guns and other sealing implements, the amount and kind of ammunition, and the number and sex of the seals and seal skins on board.

ARTICLE 6.

All sealing vessels bound to Bering Sea for the fur-seal fisheries shall, before engaging in fur-seal fishing within the award area in said sea, report to the officer of the Revenue-Cutter Service stationed at Attou Island, or to the deputy collector of customs at Unalaska.

The said officers shall respectively secure under seal the guns and ammunition on board all vessels thus reporting, which have not already been so secured under the provisions of article 4 of these rules and regulations, and shall, in either event, make due entry thereof on the log book of said vessel, stating in detail the number and kind of guns and other sealing implements, the amount and kind of ammunition, and the number and sex of the seals and seal skins on board. Such sealing up shall afford the same protection as is provided under said article 4. In lieu of said sealing up, the master of any vessel so reporting may deliver all guns and ammunition on board to the customs or revenue officers, respectively, in charge at said islands, said guns and ammunition to be held at the sole risk of said master until called for at the end of the sealing season.

ARTICLE 7.

Any sailing vessel of the United States may obtain special license for fur-seal fishing upon application to the chief officer of the customs in any port of the United States or to the United States consular officer of any port in Japan, and complying with the requirements of these regulations.

ARTICLE 8.

The masters of all vessels which have been engaged in the fur-seal fisheries, whether within or without the award area, whether licensed or unlicensed, shall make entry of their catch at the custom-house at the return port, and at the time of entry shall file with the collector, duly verified by oath, the official log book, or a copy thereof, required to be kept by section 4, act of April 6, 1894, and in addition thereto must furnish under oath the information required by the form, catalogue 204, which form shall be duly filled out and filed on entry. Copies of this form and of the log book required by said act may be obtained from the collector of customs.

ARTICLE 9.

The foregoing regulations are intended to apply only to the season of 1896.

Approved:

GROVER CLEVELAND.

FORM OF SPECIAL LICENSE.

THE UNITED STATES OF AMERICA, SPECIAL LICENSE FOR SEALING VESSEL—LICENSE FOR CARRYING ON FUR-SEAL FISHING.

[Act of Congress approved April 6, 1894.]

SPECIAL LICENSE NO.
.....
REGISTER NO.
.....

OFFICIAL NUMBER.	
Numerals.	Letters.

In pursuance of an act of Congress approved April 6, 1894, ——— ———, master of the sailing vessel ———, having furnished satisfactory evidence that the hunters to be employed on board said vessel in taking fur seal in the North Pacific Ocean and Bering Sea are competent to use the weapons for that purpose as provided in article 7 of the award of the Tribunal of Arbitration at Paris, license is hereby granted for the said sailing vessel, called the ———, to be employed in carrying on fur-seal fishing from August 1, 18—, to April 30, 18—, both inclusive, during the period of time, in the manner, and in the waters in which fur-seal fishing is allowed by said award and act.

Attention is specially called to the rules and regulations, hereto attached, and to Circular No. 75, of 1895, which prescribes information to be given the collector of customs on entry. Copies of said circular and also of the log book, required under section 4, act of April 6, 1894, may be procured, on application, from any collector of customs, any United States consular officer in Japan, or any officer of the patrolling fleet designated by the President to patrol the award area.

Any violation of the articles of said award, of said rules and regulations, or of said act of Congress shall be punished by revocation of this license and by the further penalties prescribed in said act.

Given under my hand and seal at the port of ———, in the District of ———, this —— day of ———, in the year one thousand eight hundred and ———.

——— ———,
Collector of Customs.

FUR-SEAL FISHERIES.

By the President of the United States of America.

A PROCLAMATION.

The following provisions of the laws of the United States are published hereby for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, Title XXIII, enacts that—

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides:

Sec. 3. That section nineteen hundred and fifty-six of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea; and it shall be the duty of the President,

at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper, if any such there be published, at each United States port of entry on the Pacific Coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

The act entitled "An act to extend to the North Pacific Ocean the provisions of the statutes for the protection of the fur seals and other fur-bearing animals," approved February 21, 1893, provides:

That whenever the Government of the United States shall conclude an effective international arrangement for the protection of fur seals in the North Pacific Ocean, by agreement with any power, or as a result of the decision of the Tribunal of Arbitration under the convention concluded between the United States and Great Britain February twenty-ninth, eighteen hundred and ninety-two, and so long as such arrangement shall continue, the provisions of section nineteen hundred and fifty-six of the Revised Statutes, and all other provisions of the statutes of the United States, so far as the same may be applicable, relative to the protection of fur seals and other fur-bearing animals within the limits of Alaska, or in the waters thereof, shall be extended to and over all that portion of the Pacific Ocean included in such international arrangement. Whenever an effective international arrangement is concluded as aforesaid, it shall be the duty of the President to declare that fact by proclamation, and to designate the portion of the Pacific Ocean to which it is applicable, and that this act has become operative; and likewise, when such arrangement ceases, to declare that fact, and that this act has become inoperative, and his proclamation in respect thereto shall be conclusive. During the extension as aforesaid of said laws for the protection of fur seals or other fur-bearing animals, all violations thereof in said designated portion of the Pacific Ocean shall be held to be the same as if committed within the limits of Alaska or in the waters thereof, but they may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

An arrangement having been made for the protection of fur seals, as a result of the decision of the Tribunal of Arbitration under the convention concluded as aforesaid, February 29, 1892, which prohibits the killing of seals at any time within a radius of sixty miles around the Pribilof Islands, or during May, June, and July of each year, in that portion of the Pacific Ocean, inclusive of Bering Sea, situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich until it strikes the water boundary described in article one of the treaty of 1867 between the United States and Russia, and following that line up to Bering Straits:

Now, therefore, be it known that I, Grover Cleveland, President of the United States of America, hereby declare that the said act of Congress of February 21, 1893, has become operative; that, in accordance therewith, section 1956 of the Revised Statutes is applicable to the waters above mentioned, included in the award of the Tribunal at Paris given under the said convention of February 29, 1892, and that I have caused the foregoing laws specially to be proclaimed to the end that their provisions may be known and observed.

I hereby proclaim that every person guilty of a violation of the pro-

visions of said laws and of any other provisions of the statutes of the United States so far as the same may be applicable relative to the protection of fur-bearing animals within the limits of Alaska or in the waters thereof, will be arrested and punished as therein provided, and all vessels so engaged, their tackle, apparel, furniture, and cargo, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of April, in the year of our Lord one thousand eight hundred and ninety-six, and of the Independence of the United States the one hundred and twentieth.

[SEAL.] GROVER CLEVELAND.

By the President:

RICHARD OLNEY,

Secretary of State.

ACTS OF PARLIAMENT AND ORDERS IN COUNCIL.

SEAL FISHING (BEHRING'S SEA) ACT 1891.

PUBLIC GENERAL STATUTES, VOL. XXVIII, 1891, LIV, LV. VIC.

CHAPTER 19.—An act to enable Her Majesty, by order in Council, to make special provision for prohibiting the catching of seals in Behring's Sea by Her Majesty's subjects during the period named in the order. (11th June, 1891.)

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) Her Majesty the Queen may, by order in council, prohibit the catching of seals by British ships in Behring's Sea, or such part thereof as is defined by the said order, during the period limited by the order.

(2) While an order in council under this act is in force—

(*a*) A person belonging to a British ship shall not kill, or take, or hunt, or attempt to kill or take, any seal within Behring's Sea during the period limited by the order; and

(*b*) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3) If there is any contravention of this act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanor within the meaning of the merchant shipping act, 1854, and the ship and her equipment and everything on board thereof shall be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said act, and the provisions of sections one hundred and three and one hundred and four, and part ten of the said act (which are set out in the schedule to this act) shall apply

as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this act.

(4) Any commissioned officer on full pay in the naval service of Her Majesty shall have power, during the period limited by the order, to stop and examine any British ship in Behring's Sea, and to detain her or any portion of her equipment, or any of her crew, if, in his judgment, the ship is being or is preparing to be used or employed in contravention of this section.

(5) If a British ship is found within Behring's Sea having on board thereof fishing or shooting implements or seal skins or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this act.

2. (1) Her Majesty, the Queen, in Council, may make, revoke, and alter orders for the purposes of this act, and every such order shall be forthwith laid before both Houses of Parliament and published in the London Gazette.

(2) Any such order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of this act.

3. (1) This act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an order in council under this act, and the expression "seal" in this act shall be construed accordingly.

(2) The expression "Behring's Sea" in this act means the seas known as Behring's Sea within the limits described in an order under this act.

(3) The expression "equipment" in this act includes any boat, tackle, fishing or shooting instruments, and other things belonging to the ship.

(4) This act may be cited as the seal fishery (Behring's Sea) act, 1891.

(Here follow schedules same as those in Behring Sea award act, 1894.)

SEAL FISHING (BEHRING'S SEA) ORDER IN COUNCIL 1891.

AT THE COURT AT WINDSOR, THE 23RD DAY OF JUNE, 1891.

Present, the Queen's Most Excellent Majesty, Lord President, Marquess of Salisbury, Earl of Limerick, Lord Arthur Hill.

Whereas by the seal fishery (Behring's Sea) act, 1891, it is enacted that Her Majesty the Queen may by order in council prohibit the catching of seals by British ships in Behring's Sea, or such part thereof as is defined by the said order, during the period limited by the order;

And whereas the expression "Behring's Sea" in the said act means the seas known as Behring's Sea within the limits described in an order under the said act:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, by and with the advice of Her Privy Council, is hereby pleased to order, and it is hereby ordered, as follows:

1. This order may be cited as the seal fishery (Behring's Sea) order in council, 1891.

2. From and after the 24th day of June, 1891, until the 1st day of May, 1892, the catching of seals by British ships in Behring's Sea, as hereinafter defined, is hereby prohibited.

3. For the purposes of the said recited act and of this order the expression "Behring's Sea" means so much of that part of the Pacific Ocean known as Behring's Sea as lies between the parallel of 65° 30′ north latitude and the chain of the Aleutian Islands, and eastward of the following line of demarcation, that is to say, a line commencing at a point in Behring's Straits on the said parallel of 65° 30′ north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook and the island of Ratmanoff or Noonarbook, and proceeding thence in a course nearly southwest through Behring's Straits and the seas known as Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski to the meridian of 172° west longitude; thence from the intersection of that meridian in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean, to the meridian of 193° west longitude.

C. L. PEEL.

SEAL FISHING (BEHRING'S SEA) ORDER IN COUNCIL 1892.

AT THE COURT AT WINDSOR, THE 9TH DAY OF MAY, 1892.

Present, the Queen's Most Excellent Majesty, Lord President, Lord Steward, Earl of Yarborough, Sir Walter Barttelot, Bart., Mr. Forwood.

Whereas by the seal fishery (Behring's Sea) act, 1891, it is enacted that Her Majesty the Queen may by order in council prohibit the catching of seals by British ships in Behring's Sea, or such part thereof as is defined by the said order, during the period limited by the order;

And whereas the expression "Behring's Sea" in the said act means the seas known as Behring's Sea within the limits described in an order under the said act;

And whereas an order in council was issued on the 23rd day of June, 1891, prohibiting the catching of seals by British ships in Behring's Sea, as therein defined, until the 1st day of May, 1892:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, by and with the advice of Her Privy Council, is hereby pleased to order, and it is hereby ordered, as follows:

1. This order may be cited as the seal fishery (Behring's Sea) order in council, 1892.

2. From and after the date of the present order until the 1st day of May, 1893, the catching of seals by British ships in Behring's Sea as hereinafter defined is hereby prohibited.

3. For the purposes of the said recited act and of this order the expression "Behring's Sea" means so much of that part of the Pacific Ocean known as Behring's Sea as lies between the parallel of 65° 30′ north

latitude and the chain of the Aleutian Islands, and eastward of the following line of demarcation, that is to say, a line commencing at a point in Behring's Straits on the said parallel of 65° 30′ north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook and the island of Ratmanoff or Noonarbook; and proceeding thence in a course nearly southwest through Behring's Straits and the seas known as Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski to the meridian of 172° west longitude; thence from the intersection of that meridian in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean to the meridian of 193° west longitude.

HERBERT M. SUFT.

SEAL FISHING (BEHRING'S SEA) ORDER IN COUNCIL 1893.

AT THE COURT AT WINDSOR, THE 16TH DAY OF MAY, 1893.

Present, the Queen's Most Excellent Majesty, Lord President, Marquess of Ripon, Mr. Secretary Asquith.

Whereas by "the seal fishery (Behring's Sea) act 1891," it is enacted that Her Majesty the Queen may by order in council prohibit the catching of seals by British ships in Behring's Sea or such part thereof as is defined by the said order during the period limited by the order:

And whereas the expression "Behring's Sea" in the said act means the seas known as Behring's Sea within the limits described in an order under the said act:

And whereas an order in council was issued on the twenty-third day of June, one thousand eight hundred and ninety-one, prohibiting the catching of seals by British ships in Behring's Sea, as therein defined, until the first day of May, one thousand eight hundred and ninety-two:

And whereas a further order in council was issued on the ninth day of May, one thousand eight hundred and ninety-two, prohibiting the catching of seals by British ships in Behring's Sea, as therein defined, until the first day of May, one thousand eight hundred and ninety-three.

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act by and with the advice of Her Privy Council, is hereby pleased to order, and it is hereby ordered, as follows:

1. This order may be cited as the seal fishery (Behring's Sea) order in council, 1893.

2. From and after the date of the present order until the first day of May, one thousand eight hundred and ninety-four, unless Her Majesty in council shall otherwise direct, the catching of seals by British ships in Behring's Sea as hereinafter defined is hereby prohibited.

3. For the purposes of the said recited act and of this order the expression "Behring's Sea" means so much of that part of the Pacific Ocean known as Behring's Sea as lies between the parallel of 65° 30′ north latitude and the chain of the Aleutian Islands, and eastward of the following line of demarcation—that is to say, a line commencing at a point in Behring's Straits on the said parallel of 65° 30′ north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook and the island of Ratmanoff or Noonarbook, and proceeding thence in a course nearly southwest through Behring's Straits and the seas known as Behring's Sea so as to pass midway between the northwest point of the island of Saint Lawrence and the southeast point of Cape Choukotski to the meridian of 172° west longitude; thence from the intersection of that meridian in a southwesterly direction so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean to the meridian of 193° west longitude.

C. L. PEEL.

(56 VICT.) SEAL FISHERY (NORTH PACIFIC) ACT, 1893. (CHAP. 23.)

CHAPTER 23.—An act to provide for prohibiting the catching of seals at certain periods in Behring's Sea and other parts of the Pacific Ocean adjacent to Behring's Sea. (June 29, 1893.)

Whereas it is expedient to extend the seal fishery (Behring's Sea) act, 1891, to other waters of the North Pacific Ocean adjacent to Behring's Sea, and for that purpose to repeal and reenact that act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) Her Majesty, the Queen, may, by order in council, prohibit during the period specified by the order, the catching of seals by British ships in such parts of the seas to which this act applies as are specified by the order.

(2) While an order in council under this act is in force—

(*a*) A person belonging to a British ship shall not kill, take, or hunt, or attempt to kill or take, any seal during the period and within the seas specified by the order; and

(*b*) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3) If there is any contravention of this act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanor within the meaning of the merchant shipping act, 1854, and the ship and her equipment, and everything on board thereof, shall be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said act, and the provisions of

sections one hundred and three and one hundred and four, and part ten of the said act, and of section thirty-four of the merchant shipping act, 1876 (which are set out in the schedule to this act), shall apply as if they were herein reenacted and in terms made applicable to an offence and forfeiture under this act, and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry.

(4) Any commissioned officer on full pay in the naval service of Her Majesty the Queen shall have power, during the period and in the seas specified by the order, to stop and examine any British ship, and to detain her, or any portion of her equipment, or any of her crew, if in his judgment the ship is being or is preparing to be used or employed in contravention of this section.

(5) For carrying into effect an arrangement with any foreign State, an order in council under this act may provide that such officers of that State as are specified in the order may exercise the like powers under this act as may be exercised by such a commissioned officer as aforesaid in relation to a British ship, and the equipment and crew and certificate thereof, and that such British officers as are specified in the order may exercise, with the necessary modifications, the powers conferred by this act in relation to a ship of the said foreign State, and the equipment and crew and papers thereof.

(6) If during the period and within the seas specified by the order a British ship is found having on board thereof fishing or shooting implements or seal skins or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this act.

2. (1) Where an officer has power under this act to seize a ship's certificate of registry, he may either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case may direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is not complied with the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding one hundred pounds.

(2) Where in pursuance of this section a provisional certificate is given to a ship or the ship's certificate is indorsed, any British officer of customs or British consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this act.

3. (1) A statement in writing, purporting to be signed by an officer having power in pursuance of this act to stop and examine a ship, as to the circumstances under which or grounds on which he stopped and examined the ship, shall be admissible in any proceedings, civil or criminal, as evidence of the facts or matters therein stated.

(2) If evidence contained in any such statement was taken on oath in the presence of the person charged in the evidence, and that person had an opportunity of cross-examining the person giving the evidence and of making his reply to the evidence, the officer making the statement may certify that the evidence was so taken and that there was such opportunity, as aforesaid.

4. (1) Her Majesty the Queen, in council, may make, revoke, and alter orders for the purpose of this act, and every such order shall be forthwith laid before both Houses of Parliament and published in the London Gazette.

(2) Any such order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in council expedient for carrying into effect the object of this act.

5. (1) This act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an order in council under this act, and the expression "seal" in this act shall be construed accordingly.

(2) This act shall apply to the seas within that part of the Pacific Ocean known Behring's Sea, and within such other parts of the Pacific Ocean as are north of the forty-second parallel of (north) latitude.

(3) The expression "equipment" in this act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

(4) This act may be cited as the seal fishery (North Pacific) act, 1893.

(5) The seal fishery (Behring's Sea) act, 1891, is hereby repealed, but any order in council in force under that act shall continue as if it had been made in pursuance of this act.

(6) This act shall be and remain in force until the first day of July, 1895.

Under section 1 of the foregoing act an imperial order in council was passed.

SEAL FISHING (NORTH PACIFIC) ORDER IN COUNCIL 1893.

AT THE COURT AT WINDSOR, THE 4TH DAY OF JULY, 1893.

Present, the Queen's Most Excellent Majesty, Lord President, Lord Steward, Lord Kensington, Lord Vivian.

Whereas by "the seal fishery (North Pacific) act, 1893," it is enacted that Her Majesty the Queen may by order in council prohibit, during the period specified by the order, the catching of seals by British ships in such parts of the seas to which that act applies as are specified by the order; and that for carrying into effect an arrangement with any foreign State an order in council may provide that such officers of that State as are specified in the order may exercise the like powers under the act as may be exercised by a commissioned officer on full pay in the naval service of Her Majesty in relation to a British ship, and the equipment and crew and certificate thereof; and that any such order may contain

any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in council expedient for carrying into effect the object of the said act;

And whereas the said act applies to the seas within that part of the Pacific Ocean known as Behring's Sea, and within such other parts of the North Pacific Ocean as are north of the Forty-second parallel of north latitude;

And whereas an arrangement has been made between Her Majesty the Queen and His Imperial Majesty the Emperor of Russia, whereby British ships engaged in hunting seals within such parts of the said seas as are hereinafter specified may be be seized by Russian cruizers:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. From and after the fourth day of July, one thousand eight hundred and ninety-three, until the first day of January, one thousand eight hundred and ninety-four, the catching of seals by British ships is hereby prohibited within such parts of the seas to which the recited act applies as are comprised within the following zones, that is to say: (1) a zone of 10 marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean, and (2) a zone of 30 marine miles round the Komandorsky Islands and Tulénew (Robben Island).

2. The powers which, under the recited act, may be exercised by any commissioned officer on full pay in the naval service of Her Majesty may be exercised by the captain or other officer in command of any war vessel of His Imperial Majesty the Emperor of Russia in relation to a British ship, and the equipment and crew and certificate thereof.

3. This order may be cited as "the seal fishery (North Pacific) order in council, 1893."

C. L. PEEL.

SEAL FISHING (NORTH PACIFIC) ORDER IN COUNCIL 1894.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE 29TH DAY OF JANUARY, 1894.

Present, the Queen's Most Excellent Majesty, Lord Steward, Sir William Vernon Harcourt, Sir Henry Ponsonby, Sir John Cowell, Sir Philip Currie.

Whereas by "the seal-fishery (North Pacific) act, 1893," it is enacted that Her Majesty the Queen may, by order in council, prohibit, during the period specified by the order, the catching of seals by British ships in such parts of the seas to which that act applies as are specified by the order; and that for carrying into effect an arrangement with any foreign State, an order in council may provide that such officers of that State as are specified in the order may exercise the like powers under the act as may be exercised by a commissioned officer on full

pay in the naval service of Her Majesty in relation to a British ship and the equipment and crew and certificate thereof; and that any such order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of the said act;

And whereas the said act applies to the seas within that part of the Pacific Ocean known as Behring Sea and within such other parts of the North Pacific Ocean as are north of the 42nd parallel of north latitude;

And whereas an arrangement has been made between Her Majesty the Queen and His Imperial Majesty the Emperor of Russia, whereby British ships engaged in hunting seals within such parts of the said seas as are hereinafter specified may be seized by Russian cruisers;

And whereas an order in council, intituled "the seal fishery (North Pacific) order in council, 1893," was issued on the 4th day of July, 1893, prohibiting the catching of seals by British ships within the zones as therein defined until the 1st day of January, 1894:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. From and after the date of the present order until Her Majesty in council shall otherwise direct the catching of seals by British ships is hereby prohibited within such parts of the seas to which the recited act applies as are comprised within the following zones, that is to say:

(1) A zone of 10 marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean; and

(2) A zone of 30 marine miles round the Kormandorsky Islands and Tulénew (Robben Island).

2. The powers which under the recited act may be exercised by any commissioned officer on full pay in the naval service of Her Majesty may be exercised by the captain or other officer in command of any war vessel of His Imperial Majesty the Emperor of Russia in relation to a British ship and the equipment and crew and certificate thereof.

3. This order may be cited as "the seal fishery (North Pacific) order in council, 1894."

C. L. PEEL.

BEHRING SEA AWARD ACT, 1894.

CHAPTER 2.—An Act to provide for carrying into effect the award of the Tribunal of Arbitration constituted under a treaty between Her Majesty the Queen and the United States of America. (23rd April, 1894.)

Whereas by a treaty between Her Majesty the Queen and the Government of the United States of America various questions which had arisen respecting the taking and preservation of the fur seal in the North Pacific were referred to arbitrators as mentioned in the treaty;

And whereas the award of such arbitrators (in this act referred to as the Behring Sea Arbitration Award) dated the fifteenth day of August, one thousand eight hundred and ninety-three, contained the provisions set out in the first schedule to this act; and it is expedient to provide for carrying the same into effect:

Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) The provisions of the Behring Sea Arbitration Award set out in the first schedule to this act shall have effect as if those provisions (in this act referred to as the scheduled provisions) were enacted by this act, and the acts directed by articles one and two thereof to be forbidden were expressly forbidden by this act.

(2) If there is any contravention of this act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanor within the meaning of the merchant shipping act, 1854, and the ship employed in such contravention, and her equipment, and everything on board thereof, shall be liable to be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said act; provided, that the court, without prejudice to any other power, may release the ship, equipment, or thing, on payment of a fine not exceeding five hundred pounds.

(3) The provisions of the merchant shipping act, 1854, with respect to official logs (including the penal provisions) shall apply to every vessel engaged in fur seal fishing.

(4) Every person who forges or fraudulently alters any licence or other document issued for the purpose of article four or of article seven in the first schedule to this act, or who procures any such licence or document to be forged or fraudulently altered, or who knowing any such licence or document to be forged or fraudulently altered uses the same, or who aids in forging or fraudulently altering any such licence or document, shall be guilty of a misdemeanor within the meaning of the merchant shipping act, 1854.

(5) Subject to this act, the provisions of sections one hundred and three and one hundred and four and part ten of the merchant shipping act, 1854, and of section thirty-four of the merchant shipping act, 1876, which are set out in the second schedule to this act, shall apply as if they were herein reenacted, and in terms made applicable to an offence and forfeiture under this act; and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry.

2. (1) Where an officer seizes under this act a ship's certificate of registry, he shall either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case shall direct the ship, by an addition to the provisional certificate or to the

indorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding one hundred pounds.

(2) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of customs in Her Majesty's dominions or British consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this act.

3. (1) Her Majesty the Queen in Council may make, revoke, and alter orders for carrying into effect the scheduled provisions, and this act, and every such order shall be forthwith laid before both Houses of Parliament and published in the London Gazette, and shall have effect as if enacted in this act.

(2) If there is any contravention of any regulation made by any such order, any person committing, procuring, aiding, or abetting such contravention shall be liable to a penalty not exceeding one hundred pounds.

(3) An order in council under this act may provide, that such officers of the United States of America as are specified in the order may, in respect of offences under this act, exercise the like powers under this act as may be exercised by a commissioned officer of Her Majesty in relation to a British ship, and the equipment and certificate thereof, or such of those powers as appear to Her Majesty in council to be exerciseable under the law of the United States of America against ships of the United States; and that such British officers as are specified in the order may exercise the powers conferred by this act, with any necessary modifications specified in the order, in relation to a ship of the United States of America, and the equipment and certificate thereof.

4. (1) Where any offence under this act has been committed by some person belonging to a ship, or by means of a ship, or the equipment of a ship, the master of the ship shall be deemed guilty of such offence, and the ship and her equipment shall be liable to forfeiture under this act;

(2) Provided that if it is proved that the master issued proper orders for the observance, and used due diligence to enforce the observance of this act, and the regulations in force thereunder, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all proper means in his power to prosecute such offender, if alive, to conviction, the master or the ship shall not be liable to any penalty or forfeiture other than such sum as will prevent any profit accruing by reason of the offense to the master or crew or owner of the ship.

5. The expression "equipment" in this act includes any boat, tackle, fishing, or shooting instruments, and other things belonging to a ship.

6. This act may be cited as the Behring Sea award act, 1894.

7. (1) This act shall come into operation on the first day of May, one thousand eight hundred and ninety-four, provided that Her Majesty in council, if at any time it appears expedient so to do, having regard to the circumstances which have then arisen in relation to the scheduled provisions or to the enforcement thereof, may suspend the operation of this act or any part thereof during the period mentioned in the order, and the same shall be suspended accordingly.

(2) Where on any proceeding in any court against a person or ship in respect of any offence under this act it is proved that the ship sailed from its port of departure before the provisions of the award mentioned in the first schedule to this act were known there, and that such person or the master of the ship did not, after such sailing and before the alleged offence, become aware of those provisions, such person shall be acquitted, and the ship shall be released and not forfeited.

8. This act shall remain in force so long as the scheduled provisions remain in force and no longer;

Provided that if by agreement between Her Majesty the Queen and the Government of the United States of America, the scheduled provisions are modified, then Her Majesty in council may order that this act shall, subject to any modifications specified in the order, apply, and the same shall accordingly apply, to the modified provisions in like manner as if they were set out in the first schedule to this act.

SCHEDULES.

FIRST SCHEDULE.

Provisions in award of the Tribunal of Arbitration constituted under the treaty concluded at Washington on the 29th of February, 1892, between Her Majesty the Queen and the United States of America.

And whereas the aforesaid determination of the foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI leaves the subject in such a position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur seal in or habitually resorting to Behring Sea, the Tribunal having decided by a majority as to each article of the following regulations, we, the said Baron de Courcel, Lord Hannen, Marquis Visconti Venosta, and Mr. Gregers Gram, assenting to the whole of the nine articles of the following regulations, and being a majority of the said arbitrators, do decide and determine in the mode provided by the treaty that the following concurrent regulations outside the jurisdictional limits of the respective

Governments are necessary, and that they should extend over the waters hereinafter mentioned; that is to say:

ARTICLE 1. The Governments of the United States and of Great Britain shall forbid their citizens and subjects, respectively, to kill, capture, or pursue, at any time and in any manner whatever, the animals commonly called fur seals, within a zone of 60 miles around the Pribiloff Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

ARTICLE 2. The two Governments shall forbid their citizens and subjects, respectively, to kill, capture, or pursue, in any manner whatever, during the season extending each year from the 1st May to the 31st July, both inclusive, the fur seals on the high sea in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article I of the treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.

ARTICLE 3. During the period of time and in the waters in which the fur-seal fishing is allowed only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

ARTICLE 4. Each sailing vessel authorised to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

ARTICLE 5. The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

ARTICLE 6. The use of nets, firearms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Behring's Sea during the season when it may be lawfully carried on.

ARTICLE 7. The two Governments shall take measures to control the fitness of the men authorised to engage in fur-seal fishing. These men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

ARTICLE 8. The regulations contained in the preceding articles shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connexion with other

vessels and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons, and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

ARTICLE 9. The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

SECOND SCHEDULE.

Enactments of merchant shipping act (17 and 18 Vict. c. 104) applied.

SECTION 103. * * * And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the high court of admiralty in England or Ireland, or any court having admiralty jurisdiction in Her Majesty's dominions; and such court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

SECTION 104. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such

seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

PART X.—LEGAL PROCEDURE.

Application.

SECTION 517. The tenth part of this act shall, in all cases where no particular country is mentioned, apply to the whole of Her Majesty's dominions.

Legal procedure (general).

SECTION 518. In all places within Her Majesty's dominions, except Scotland, the offences hereinafter mentioned shall be punished and penalties recovered in manner following, that is to say—

(1) Every offence by this act declared to be a misdemeanor shall be punishable by fine or imprisonment with or without hard labour, and the court before which such offence is tried may, in England, make the same allowances and order payment of the same costs and expenses as if such misdemeanor had been enumerated in the act passed in the seventh year of His late Majesty King George the Fourth, chapter sixty-four, or any other act that may be passed for the like purpose, and may in any other part of Her Majesty's dominions make such allowances and order payment of such costs and expenses, if any, as are payable or allowable upon the trial of any misdemeanor under any existing act or ordinance or as may be payable or allowable under any act or law for the time being in force therein.

(2) Every offence declared by this act to be a misdemeanor shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds, and may be prosecuted accordingly in a summary manner, instead of being prosecuted as a misdemeanor.

(3) Every offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding one hundred pounds, shall, in England and Ireland, be prosecuted summarily before any two or more justices, as to England in the manner directed by the act of the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, and as to Ireland in the manner directed by the act of the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any act or acts that may be passed for like purposes. And all provisions contained in the said acts shall be applicable to such prosecutions in the

same manner as if the offences in respect of which the same are instituted were hereby stated to be offences in respect of which two or more justices have power to convict summarily or to make a summary order.

(4) In all cases of summary convictions in England, where the sum adjudged to paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions.

(5) All offences under this act shall, in any British possession, be punishable in any court or by any justice of the peace or magistrate in which or by whom offences of a like character are ordinarily punishable, or in such other manner or by such other courts, justices, or magistrates as may from time to time be determined by any act or ordinance duly made in such possession in such manner as acts and ordinances in such possession are required to be made in order to have the force of law.

SECTION 519. Any stipendiary magistrate shall have full power to do alone whatever two justices of the peace are by this act authorised to do.

SECTION 520. For the purpose of giving jurisdiction under this act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

SECTION 521. In all cases where any district within which any court or justice of the peace or other magistrate has jurisdiction, either under this act or under any other act or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice of the peace, or magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such court, justice, or magistrate.

SECTION 522. Service of any summons or other matter in any legal proceeding under this act shall be good service, if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

SECTION 523. In all cases where any court, justice or justices of the peace, or other magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the

master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice or justices, or other magistrate who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pounding and sale of the said ship, her tackle, furniture, and apparel.

SECTION 524. Any court justice, or magistrate imposing any penalty under this act, for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom; and all penalties recovered in any British Possession shall be paid over into the public treasury of such Possession, and form part of the public revenue thereof.

SECTION 525. The time for instituting summary proceedings under this act shall be limited as follows, that is to say—

(1) No conviction for any offence shall be made under this act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the commission of the offence; or, if both or either of the parties to such proceeding happen during such time to be out of the United Kingdom, unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same.

(2) No conviction for any offence shall be made under this act in any proceeding instituted in any British possession, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within such jurisdiction.

(3) No order for the payment of money shall be made under this act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same.

(4) No order for the payment of money shall be made under this act in any summary proceeding instituted in any British possession, unless

such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within six months after they both first happen to arrive or be at one time within such jurisdiction.

And no provision contained in any other act or acts, ordinance or ordinances for limiting the time within which summary proceedings may be instituted, shall affect any summary proceeding under this act.

SECTION 526. Any document required by this act to be executed in the presence of or to be attested by any witness or witnesses, may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

SECTION 527. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, it shall be lawful for the judge of any court of record in the United Kingdom, or for the judge of the high court of admiralty, or in Scotland the court of session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of customs or other officer named by such judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom such order is directed shall detain such ship accordingly.

SECTON 528. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

SECTION 529. In any action, suit, or other proceeding in relation to such injury, the person so giving security as aforesaid shall be made defendant or defender and shall be stated to be the owner of the ship

that has occasioned such damage; and the production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Legal procedure (Scotland).

SECTION 530. In Scotland every offence which by this act is described as a felony or misdemeanor may be prosecuted by indictment or criminal etters at the instance of Her Majesty's Advocate before the high court of justiciary, or by criminal libel at the instance of the procurator fiscal of the county, before the sheriff, and shall be punishable with fine and with imprisonment, with or without hard labour in default of payment, or with imprisonment, with or without hard labour, or with both, as the court may think fit, or in the case of felony with penal servitude, where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

SECTION 531. In Scotland, all prosecutions, complaints, actions, or proceedings under this act, other than prosecutions for felonies or misdemeanors, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature or for penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

SECTION 532. In Scotland all prosecutions, complaints, actions, or other proceedings under this act may be brought either in a written or printed form, or partly written and partly printed, and where such proceedings are brought in a summary form it shall not be necessary in the complaint to recite or set forth the clause or clauses of the act on which such proceeding is founded, but it shall be sufficient to specify or refer to such clause or clauses, and to set forth shortly the cause of complaint or action and the remedy sought; and when such complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

SECTION 533. In Scotland, on any complaint or other proceeding brought in a summary form under this act being presented to the sheriff clerk or clerk of the peace, he shall grant warrant to cite the defender to appear personally before the said sheriff or justices of the peace on a day fixed, and at the same time shall appoint a copy of the same to be delivered to him by a sheriff officer or constable, as the case may be, along with the citation; and such deliverance shall also contain a warrant for citing witnesses and havers to compear at the same time

and place to give evidence and produce such writs as may be specified in their citation; and where such warrant has been prayed for in the complaint or other proceeding, the deliverance of the sheriff clerk or clerk of the peace shall also contain warrant to arrest upon the dependence in common form: Provided always, that where the apprehension of any party, with or without a warrant, is authorized by this act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices, or the sheriff who may have jurisdiction in the place, to be dealt with as this act directs, and no citation or induciæ shall in such case be necessary.

SECTION 534. When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being indorsed by the sheriff clerk or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

SECTION 535. In all proceedings under this act in Scotland the sheriff or justices of the peace shall have the same power of compelling attendance of witnesses and havers as in cases falling under their ordinary jurisdiction.

SECTION 536. The whole procedure in cases brought in a summary form before the sheriff or justices of the peace in Scotland shall be conducted viva voce, without written pleadings, and without taking down the evidence in writing, and no record shall be kept of the proceedings other than the complaint, and the sentence or decree pronounced thereon.

SECTION 537. It shall be in the power of the sheriff or justices of the peace in Scotland to adjourn the proceedings from time to time to any day or days to be fixed by them, in the event of absence of witnesses or of any other cause which shall appear to them to render such adjournment necessary.

SECTION 538. In Scotland all sentences and decrees to be pronounced by the sheriff or justices of the peace upon such summary complaints shall be in writing; and where there is a decree for payment of any sum or sums of money against a defender, such decree shall contain warrant for arrestment, poinding, and imprisonment in default of payment, such arrestment, poinding, or imprisonment to be carried into effect by sheriffs, officers, or constables, as the case may be, in the same manner as in cases arising under the ordinary jurisdiction in the sheriff or justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an act of the fifth and sixth years of William the Fourth, intituled "An act for abolishing, in Scotland, imprisonment for civil debts of small amount."

SECTION 539. In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has

been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it.

SECTION 540. In all summary complaints or other proceedings not brought for the recovery of any penalty or sum of money in Scotland, if a defender, being duly cited, shall fail to appear, the sheriff or justices may grant warrant to apprehend and bring him before the court.

SECTION 541. In all cases where sentences or decrees of the sheriff or justices require to be enforced within Scotland, but beyond the jurisdiction of the sheriff or justices by whom such sentences or decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the sheriff clerk or clerk of the peace of the county or burgh within which such execution is to take place.

SECTION 542. No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, advocation, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, advocation, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided always, That no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

SECTION 543. Such of the general provisions with respect to jurisdiction, procedure, and penalties contained in this act as are not inconsistent with the special rules hereinbefore laid down for the conduct of legal proceedings and the recovery of penalties in Scotland, shall, so far as the same are applicable, extend to such last mentioned proceedings and penalties: Provided always, That nothing in this act contained shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the lord advocate, or the rights of

owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court of Admiralty of England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

ENACTMENT OF MERCHANT-SHIPPING ACT, 1876 (39 and 40 VICT., C. 80.), APPLIED.

SECTION 34. Where under the merchant-shipping acts, 1854 to 1876, or any of them, a ship is authorized or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the board of trade or customs, or any British consular officer may detain the ship; and if the ship, after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offense, shall forfeit and pay to Her Majesty a penalty not exceeding one hundred pounds.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any surveyor or officer of the board of trade or customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding one hundred pounds, or, if the offense is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

BEHRING SEA AWARD. ORDER IN COUNCIL 1894.

AT THE COURT AT WINDSOR, THE 30TH DAY OF APRIL, 1894.

Present, the Queen's Most Excellent Majesty, Lord President, Lord Steward, Earl of Chesterfield, Lord Chamberlain, Sir Charles Russell, Sir Frank Lascelles.

Whereas by "the Behring Sea award act, 1894," it is enacted that Her Majesty the Queen in council may make orders for carrying into effect the provisions of the Behring Sea arbitration award set out in the first schedule to that act, and therein referred to as the scheduled provisions:

And whereas by the said act it is also enacted that an order in council made under that act may provide that such officers of the United States of America as are specified in the order may, in respect of offences

under that act, exercise the like powers under that act as may be exercised by a commissioned officer of Her Majesty in relation to a British ship, and the equipment and certificate thereof, or such of those powers as appear to Her Majesty in council to be exercisable under the laws of the United States of America against ships of the United States, and that such British officers as are specified in the order may exercise the powers conferred by that act, with any necessary modifications specified in the order, in relation to a ship of the United States of America and the equipment and certificate thereof;

And whereas the powers which article 1 of this order confers upon the officers of the United States therein specified are powers which, in respect of offences under the said act, may be exercised by a commissioned officer of Her Majesty in relation to a British ship and the equipment and certificate thereof, and appear to Her Majesty in council to be exercisable under the law of the United States against ships of the United States:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. The commanding officer of any vessel belonging to the naval or revenue service of the United States of America, and appointed for the time being by the President of the United States for the purpose of carrying into effect the powers conferred by this article, the name of which vessel shall have been communicated by the President of the United States to Her Majesty as being a vessel so appointed as aforesaid, may, if duly commissioned and instructed by the President in that behalf, seize and detain any British vessel which has become liable to be forfeited to Her Majesty under the provisions of the recited act, and may bring her for adjudication before any such British court of admiralty as is referred to in section 103 of "the merchant shipping act, 1854" (which section is set out in the second schedule to the recited act), or may deliver her to any such British officer as is mentioned in the said section for the purpose of being dealt with pursuant to the recited act.

2. The commanding officer of any vessel belonging to the naval or revenue service of Her Majesty, and appointed for the time being by Her Majesty for the purpose of carrying into effect the powers conferred by this article, the name of which vessel shall have been communicated by Her Majesty to the President of the United States as being a vessel so appointed as aforesaid, may, if duly commissioned and instructed by Her Majesty, in that behalf, exercise the powers conferred by the recited act in relation to a ship of the United States: Provided that such officer, after seizing and detaining a ship of the United States in exercise of the said powers, shall take her for adjudication before a court of the United States having jurisdiction to

adjudicate in the matter, or deliver her to any naval or revenue officer or other authorities of the United States.

3. Until arrangements for giving further effect to articles 4 and 7 of the said scheduled provisions shall have been made between Her Majesty and the Government of the United States, the following provisions should have effect:

(*a*) A Secretary of State, or any person duly authorized by him for the purpose, may grant a special licence in such form and manner as he may think fit to any British sailing vessel authorizing such vessel for the present year to fish for fur seals during the period of time in the manner and in the waters in which fur-seal fishing is allowed by the recited act, and until the delivery of such special licence any British sailing vessel which before the date of this order has left port and is or is intended to be employed in the said fishing shall be deemed to have been duly authorized and duly provided with a special licence within the meaning of the said article 4; and all persons on board any such vessel, which is or is deemed to have been provided with a special licence, shall be deemed to have been duly authorized to engage in fur-seal fishing within the meaning of the said article 7.

(*b*) A Secretary of State may, by notice published in the "London Gazette," prescribe the flag to be used by such British vessels as are, or shall be, authorized to fish for fur seals under the provisions of this order, and may cause one such flag to be delivered to each authorized vessel which has left port before receiving a special licence; and every vessel which before leaving port has received a special licence, and every authorized vessel to which such flag shall have been delivered, shall carry such flag during the period of time and in the waters in which fur-seal fishing is allowed by the recited act, and shall hoist it at such times and in such manner as may be prescribed by such notice.

(*c*) A Secretary of State may give such further provisional directions as he may deem necessary for the due observance of the provisions of the recited act and this order, and any such directions, on being published in such manner as he may direct, shall be observed as if they were contained in this order.

4. This order may be cited as "the Behring Sea award order in council, 1894."

And the Right Honourable the Earl of Kimberley, K. G., the Most Honourable the Marquis of Ripon, K. G., two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

BEHRING SEA AWARD. ORDER IN COUNCIL (NO. 2), 1894.

AT THE COURT AT WINDSOR, THE 27TH DAY OF JUNE, 1894.

Present, the Queen's Most Excellent Majesty, Earl Spencer, Lord Chamberlain, Lord Kensington.

Whereas by "the Behring Sea award act, 1894," it is enacted that Her Majesty the Queen in council may make orders for carrying into effect the provisions of the Behring Sea arbitration award set out in the first schedule to that act, and therein referred to as the scheduled provisions:

And whereas by article 3 of "the Behring Sea award order in council, 1894," Her Majesty ordered that until arrangements for giving further effect to articles 4 and 7 of the said scheduled provisions should have been made between Her Majesty and the Government of the United States, the provisions contained in that article should have effect;

And whereas arrangements have been made for giving further effect to the said articles, and for regulating during the present year the fishing for fur seals in accordance with the said scheduled provisions; and it is expedient that effect should be given to those arrangements by an order in council under the said act:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, and of all other powers enabling her in that behalf is hereby pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. On the application of the owner of any British sailing vessel intended to be employed in fur-seal fishing under the provisions of the recited act, a Secretary of State may, if satisfactory evidence as required by the said article 7 has been given by such owner of the fitness of the men to be employed by him on the said vessel in the said fishing, grant a special licence in the form in the schedule hereto, authorizing that vessel for the present year to fish for fur seals during the period in the manner and in the waters in which fur-seal fishing is allowed by the recited act; and the said special licence, when so granted, shall be carried on board the said vessel at all times while so employed.

2. Every British sailing vessel provided with a special licence under this order or the recited order, or which, under the recited order, is deemed to have been so provided, shall show under her national colours a flag, not less than 4 feet square, of two equal triangular pieces, yellow and black, joined from the right-hand upper corner of the fly to the left-hand lower corner of the luff, the part above and to the left to be black, and the part to the right and below to be yellow.

3. If, in the case of any vessel, there is any contravention of these regulations, the Secretary of State, whether any penalty has been recovered under the recited act or not, may revoke the special licence.

4. Article 3 of the recited order is hereby repealed, without prejudice, however, to any authorization given thereunder.

5. This order may be cited as "the Behring Sea award order in council (No. 2), 1894," and the recited order and this order may together be cited as "the Behring Sea award orders in council, 1894."

And the Right Honourable the Earl of Kimberley, K. G., and the Most Honourable the Marquess of Ripon, K. G., two of Her Majesty's principal secretaries of state, and the lords of the admiralty are to give the necessary directions herein as to them respectively appertain.

C. L. PEEL.

SCHEDULE.

FORM OF SPECIAL LICENSE.

Behring Sea award act, 1894; Behring Sea award orders in council, 1894.

SPECIAL LICENSE.

Whereas the British sailing vessel ——— is intended to be employed during the present year in fishing for fur seals under the provisions of "the Behring Sea award act, 1894;"

And whereas A. B., the owner (or A. B. and others, owners) of the said vessel have given satisfactory evidence of the fitness of the men who are to be employed on board the said vessel in the said fishing:

Now, therefore, in pursuance of the above-mentioned act and orders in council, I hereby authorize the said vessel for the present year to be employed in fur-seal fishing during the period of time in the manner and in the waters in which fur-seal fishing is allowed by the above-mentioned act.

This special license is subject to revocation in case of any contravention of the above-mentioned act or orders in council.

Given under my hand this —— day of ———, 1894.

(Signed) ——— ———,

Secretary of State.

BEHRING SEA AWARD. ORDER IN COUNCIL, 1895.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE 2ND DAY OF FEBRUARY, 1895.

Present, the Queen's Most Excellent Majesty, Lord President, Marquess of Ripon, Lord Chamberlain, Lord Kensington, Mr. Cecil Rhodes.

Whereas by "the Behring Sea award act, 1894," it is enacted that Her Majesty the Queen in Council may make orders for carrying into effect the provisions of the Behring Sea arbitration award set out in the first schedule to that act, and therein referred to as the scheduled provisions;

And whereas arrangements have been made between Her Majesty and the Government of the United States for giving effect to articles

4 and 7 of the said scheduled provisions, and it is expedient that effect should be given to those arrangements by an order in council under the said act:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. On the application of the owner or master of any British sailing vessel intended to be employed in fur-seal fishing under the provisions of the recited act, a secretary of state, or any person duly authorized by him for the purpose, may, if satisfactory evidence as required by the said article 7 has been given by such owner or master of the fitness of the men to be employed by him on the said vessel in the said fishing, grant a special licence in the form in the schedule hereto, authorizing that vessel (for the year mentioned in the licence) to fish for fur seals during the period in the manner and in the waters in which fur-seal fishing is allowed by the recited act; and the said special licence, when so granted, shall be carried on board the said vessel at all times while so employed.

2. Every British sailing vessel provided with a special licence under this order shall show, under her national colours, a flag, not less than 4 feet square, of two equal triangular pieces, yellow and black, joined from the right-hand upper corner of the fly to the left-hand lower corner of the luff, the part above and to the left to be black, and the part to the right and below to be yellow.

3. If in the case of any vessel there is any contravention of these regulations a secretary of state, or any person duly authorized by him for the purpose, whether any penalty has been recovered under the recited act or not, may revoke the special licence, whether the same was granted by a secretary of state or by such person.

4. This order may be cited as "the Behring Sea award order in council, 1895," and "the Behring Sea award order in council, 1894," and this order may together be cited as "the Behring Sea award orders in council, 1894 and 1895."

And the Right Honourable the Earl of Kimberley, K. G., and the Most Honourable the Marquess of Ripon, K. G., two of Her Majesty's principal secretaries of state and the lords of the admiralty are to give the necessary directions herein as to them respectively appertain.

And whereas the immediate operation of this order is urgent, this order shall come into operation forthwith.

C. L. PEEL.

SCHEDULE.

FORM OF SPECIAL LICENSE.

The Behring Sea award act, 1894; the Behring Sea award order in council, 1895.

SPECIAL LICENSE.

Whereas the British sailing vessel ——— is intended to be employed in fishing for fur seals under the provisions of "the Behring Sea award act, 1894."

And whereas satisfactory evidence of the fitness of the men who are to be employed on board the said vessel in the said fishing has been given by A. B., the owner [or A. B. and others, owners, or C. D., the master] of the said vessel.

[And whereas I (name and description) have been duly authorized by a secretary of state to grant special licences under the provisions of the above-mentioned act and order in council.]

Now, therefore, in pursuance of the above-mentioned act and order in council, I hereby authorize the said vessel for the year [eighteen hundred and ninety-five, or as the case may be] to be employed in fur-seal fishing during the period of time, in the manner and in the waters in which fur-seal fishing is allowed by the above-mentioned act.

This special licence is subject to revocation in case of any contravention of the above-mentioned act or order in council.

Given under my hand this —— day of ———, 189–.

(Signed) ——— ———.

SEAL FISHERIES (NORTH PACIFIC) ACT, 1895.

CHAPTER 21.—An act to provide for prohibiting the catching of seals at certain periods in Behring Sea and other parts of the Pacific Ocean adjacent to Behring Sea, and for regulating the seal fisheries in those seas. (27th June, 1895.)

Whereas it is expedient to repeal the seal fishery (North Pacific) act, 1893, and to reenact it with amendments;

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) Her Majesty the Queen may, by order in council, prohibit, during the period specified in the order, the catching of seals by British ships in such parts of the seas to which this act applies as are specified in the order.

(2) While an order in council under this act is in force—

(*a*) A person belonging to a British ship shall not kill, take, or hunt, or attempt to kill or take, any seal during the period and within the seas specified in the order; and

(*b*) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3) If there is any contravention of this section, any person committing, procuring, aiding or abetting such contravention shall be guilty of a misdemeanor within the meaning of the merchant shipping act, 1894, and the ship and her equipment and everything on board thereof shall be subject to forfeiture to Her Majesty.

2. (1) Her Majesty the Queen may by order in council make, as respects such parts of the seas to which this act applies as are specified in the order, regulations—

(*a*) For entering in the official log of a ship particulars respecting the hunting, killing, and taking of seals, and

(*b*) For regulating the hunting and taking of seals, with power to prohibit or restrict the use therein of any particular kind of vessels, methods, or implements.

(2) If there is any contravention of any such regulation any person who committed, procured, aided, or abetted such contravention shall be liable to a fine not exceeding one hundred pounds.

(3) If the regulations under this section provide for the entry of particulars in the official log of a ship, the provisions of the merchant shipping act, 1894, with reference to official logs (including the penal provisions), shall apply to every ship engaged in seal fishing within such of the seas to which this act applies as are specified in the order.

3. (1) Any offence or fine under this act may be prosecuted or recovered in like manner as if it were an offence or fine under the merchant shipping act, 1894.

(2) For the purpose of the forfeiture of any ship under this act, section seventy-six of the merchant shipping act, 1894, shall apply.

(3) Where any commissioned officer on full pay in the naval service of Her Majesty the Queen has reasonable cause to believe that, during the period and in the seas specified in an order in council under this act, any British ship has been used or employed in contravention of this act, or of any regulation made thereunder, he may stop and examine her, and detain her or any portion of her equipment or any of her crew, and may seize the ship's certificate of registry.

(4) For carrying into effect an arrangement with any foreign State, an order in council under this act may provide that the powers under this act of such commissioned officer may, subject to any limitations, conditions, modifications, and exceptions specified in the order, be exercised in relation to a British ship and the equipment, crew, and certificate thereof by such officers of the said foreign state as are specified in the order, or in relation to a ship of the said foreign state and the equipment, crew, and papers thereof by such British officers as are specified in the order.

4. (1) Where an officer has power under this act to seize a ship's

certificate of registry, he may, subject to the directions of an order in council under this act, either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized; and in either case may, if the ship appears to him to be liable to forfeiture, direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding one hundred pounds.

(2) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of customs in Her Majesty's dominions or British consular officer may detain the ship, until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this act.

5. (1) A statement in writing, purporting to be signed by an officer having power in pursuance of this act to stop and examine a ship, as to the circumstances under which or grounds on which he stopped and examined the ship, shall be admissible in any proceedings, civil or criminal, as evidence of the facts or matters therein stated.

(2) If evidence contained in any such statement was taken on oath in the presence of the person charged in the evidence, and that person had an opportunity of cross-examining the person giving the evidence and of making his reply to the evidence, the officer making the statement may certify that the evidence was so taken, and that there was such opportunity as aforesaid.

6. (1) Her Majesty the Queen in council may make, revoke, and alter orders for the purpose of this act, and every such order shall be forthwith laid before both Houses of Parliament and published in the London Gazette.

(2) Any such order may contain any limitations, conditions, modifications, and exceptions which appear to Her Majesty in council expedient for carrying into effect the object of this act.

7. (1) This act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an order in council under this act, and the expression "seal" in this act shall be construed accordingly.

(2) This act shall apply to the seas within that part of the Pacific Ocean known as Behring's Sea, and within such other parts of the Pacific Ocean as are north of the forty-second parallel of north latitude, and shall be in addition to and not in derogation of the provisions of the Behring Sea award act, 1894.

(3) The expression "equipment" in this act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

(4) This act may be cited as the seal fisheries (North Pacific) act, 1895.

(5) The seal fishery (North Pacific) act, 1893, is hereby repealed as from the passing of this act, but shall be deemed until that passing to have continued in force, and any order in council in force under that act shall continue as if it had been made in pursuance of this act.

(6) This act shall remain in force until the thirty-first day of December, one thousand eight hundred and ninety-seven, and no longer unless continued by Parliament.

SEAL FISHERIES (NORTH PACIFIC) ORDER IN COUNCIL 1895.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE 24TH DAY OF AUGUST, 1895.

Present, the Queen's Most Excellent Majesty, Marquess of Salisbury, Earl of Coventry, Lord Arthur Hill.

Whereas by "the seal fisheries (North Pacific) act, 1895," it is enacted that Her Majesty the Queen may by order in council prohibit, during the period specified by the order, the catching of seals by British ships in such parts of the seas to which that act applies as are specified by the order; and that for carrying into effect an arrangement with any foreign State an order in council may provide that the powers under the act of any commissioned officer on full pay in the naval service of Her Majesty the Queen may, subject to any limitations, conditions, modifications, and exceptions specified in the order, be exercised in relation to a British ship, and the equipment, crew, and certificate thereof, by such officers of the said foreign State as are specified in the order, and that any such order may contain any limitations, conditions, modifications, and exceptions which appear to Her Majesty in council expedient for carrying into effect the object of that act;

And whereas the said act applies to the seas within that part of the Pacific Ocean known as Behring Sea, and within such other parts of the North Pacific Ocean as are north of the forty-second parallel of north latitude;

And whereas an arrangement has been made between Her Majesty the Queen and His Majesty the Emperor of Russia whereby British ships engaged in hunting seals within such parts of the said seas as are hereinafter specified may be seized by Russian cruisers:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of her privy council, to order, and it is hereby ordered, as follows:

1. From and after the date of the present order, until Her Majesty in council shall otherwise direct, the catching of seals by British ships is hereby prohibited within such parts of the seas to which the recited

act applies as are comprised within the following zones (in this order referred to as "the prohibited zones"), that is to say:

(1) A zone of ten marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean; and

(2) A zone of thirty marine miles round the Kormandorsky Islands and Tulénew (Robben Island).

2. The powers under the recited act of a commissioned officer on full pay in the naval service of Her Majesty may be exercised in relation to a British ship, and the equipment, crew, and certificate thereof, by the captain or other officer in command of any war vessel of His Majesty the Emperor of Russia (hereinafter referred to as an "authorized Russian officer"), but subject to the limitations, conditions, modifications, and exceptions following, that is to say:

(1) The said powers shall not be exercised by an authorized Russian officer, except in relation to British ships engaged in hunting seals within either of the prohibited zones.

(2) A British ship shall not be liable to seizure or detention by an authorized Russian officer by reason of the contravention of any regulations made under section 2 of the recited act.

(3) The powers under section 3 of the recited act of detaining any portion of the equipment or any of the crew, and the powers under section 4 of giving a provisional certificate in lieu of a ship's certificate which is seized and retained, or of indorsing on a certificate the grounds on which it was seized, and of directing the ship to proceed forthwith to a specified port, shall not be exercised in relation to a British ship by an authorized Russian officer.

(4) Where an authorized Russian officer in exercise of the said powers stops and examines and detains a British ship or her certificate of registry, he shall as soon as possible hand over the ship, or deliver or transmit the certificate, as the case may be, either to the commanding officer of a British cruiser or to the nearest British authority, as defined by this order, and shall then, or within a reasonable time thereafter, satisfy such officer or authority that there were reasonable grounds for the detention or seizure, and that the case is proper to be adjudicated in a British court, and also furnish to such officer or authority the evidence sufficient, in the opinion of such officer or authority, for such adjudication; and if the said Russian officer fails to satisfy such officer or authority, or to furnish to such officer or authority such sufficient evidence as aforesaid, the said officer or authority may release the ship.

3. (1) Where the commanding officer of a British cruiser receives a British ship from an authorized Russian officer, and is satisfied that there were reasonable grounds for the detention or seizure, and that the case is proper to be adjudicated in a British court, he may exercise the powers conferred by section 4 of the recited act as if he had himself stopped and examined and detained the ship, and that section shall apply accordingly.

(2) Where the commanding officer of a British cruiser, or a British authority, receives a British ship from an authorized Russian officer, and sends the case for adjudication in a British court, he shall, for the purposes of section 76 of "The merchant shipping act, 1894," be deemed to have himself seized or detained the said ship.

4. For the purposes of this order, the expression "British authority" means any officer of customs in Her Majesty's dominions and any British consular officer having authority as such in any port or place.

5. "The seal fishery (North Pacific) order in council, 1894," is hereby revoked, without prejudice to anything done or suffered under that order.

6. This order may be cited as "The seal fisheries (North Pacific) order in council, 1895."

And the Most Honourable the Marquess of Salisbury, K. G., and the Right Honourable Joseph Camberlain, two of Her Majesty's principal secretaries of state, and the lords commissioners of the admiralty are to give the necessary directions herein as to them respectively appertain.

And whereas the immediate operation of this order is urgent, this order shall come into operation forthwith, and shall be a *provisional* order within the meaning of the rules publication act, 1893.

C. L. PEEL.

SEAL FISHERIES (NORTH PACIFIC) ORDER IN COUNCIL 1895.

AT THE COURT AT WINDSOR, THE 21ST DAY OF NOVEMBER, 1895.

Present, The Queen's Most Excellent Majesty, Lord President, Lord Privy Seal, Marquess of Lansdowne.

Whereas by the "The seal fisheries (North Pacific) act, 1895," it is enacted that Her Majesty the Queen may by order in council prohibit, during the period specified by the order, the catching of seals by British ships in such parts of the seas to which that act applies as are specified by the order; and that for carrying into effect an arrangement with any foreign State an order in council may provide that the powers under the act of any commissioned officer on full pay in the naval service of Her Majesty the Queen may, subject to any limitations, conditions, modifications, and exceptions specified in the order, be exercised in relation to a British ship, and the equipment, crew, and certificate thereof, by such offices of the said foreign State as are specified in the order, and that any such order may contain any limitations, conditions, modifications, and exceptions which appear to Her Majesty in council expedient for carrying into effect the object of that act;

And whereas the said act applies to the seas within that part of the Pacific Ocean known as Behring Sea, and within such other parts of the North Pacific Ocean as are north of the forty-second parallel of north latitude;

And whereas an arrangement has been made between Her Majesty the Queen and His Majesty the Emperor of Russia whereby British ships engaged in hunting seals within such parts of the said seas as are hereinafter specified may be seized by Russian cruisers;

And whereas Her Majesty was pleased, by and with the advice of Her Privy Council, on the 24th day of August, 1895, to make an order in council as a *provisional* order within the meaning of the rules publication act, 1893;

And whereas the provisions of the rules publication act, 1893, have been complied with:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said first-recited act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. From and after the date of the present order, until Her Majesty in council shall otherwise direct, the catching of seals by British ships is hereby prohibited within such parts of the seas to which the recited act applies as are comprised within the following zones (in this order referred to as "the prohibited zones"), that is to say:

(1) A zone of ten marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean; and

(2) A zone of thirty marine miles round the Kormandorsky Islands and Tulenew (Robben Island).

2. The powers under the recited act of a commissioned officer on full pay in the naval service of Her Majesty may be exercised in relation to a British ship, and the equipment, crew, and certificate thereof, by the captain or other officer in command of any war vessel of His Majesty the Emperor of Russia (hereinafter referred to as an "authorized Russian officer"), but subject to the limitations, conditions, modifications, and exceptions following, that is to say:

(1) The said powers shall not be exercised by an authorized Russian officer, except in relation to British ships engaged in hunting seals within either of the prohibited zones.

(2) A British ship shall not be liable to seizure or detention by an authorized Russian officer by reason of the contravention of any regulations made under section 2 of the recited act.

(3) The powers under section 3 of the recited act of detaining any portion of the equipment or any of the crew, and the powers under section 4 of giving a provisional certificate in lieu of a ship's certificate which is seized and retained, or of indorsing on a certificate the grounds on which it was seized, and of directing the ship to proceed forthwith to a specified port, shall not be exercised in relation to a British ship by an authorized Russian officer.

(4) Where an authorized Russian officer in exercise of the said powers stops and examines and detains a British ship or her certificate of registry, he shall, as soon as possible, hand over the ship or deliver or transmit the certificate, as the case may be, either to the commanding

officer of a British cruiser or to the nearest British authority, as defined by this order, and shall then, or within a reasonable time thereafter, satisfy such officer or authority that there were reasonable grounds for the detention or seizure, and that the case is proper to be adjudicated in a British court, and also furnish to such officer or authority the evidence sufficient, in the opinion of such officer or authority, for such adjudication; and if the said Russian officer fails to satisfy such officer or authority, or to furnish to such officer or authority such sufficient evidence, as aforesaid, the said officer or authority may release the ship.

3. (1) Where the commanding officer of a British cruiser receives a British ship from an authorized Russian officer, and is satisfied that there were reasonable grounds for the detention or seizure, and that the case is proper to be adjudicated in a British court, he may exercise the powers conferred by section 4 of the recited act as if he had himself stopped and examined and detained the ship, and that section shall apply accordingly.

(2) Where the commanding officer of a British cruiser, or a British authority, receives a British ship from an authorized Russian officer, and sends the case for adjudication in a British court, he shall, for the purposes of section 76 of "the merchant shipping act, 1894," be deemed to have himself seized or detained the said ship.

4. For the purposes of this order the expression "British authority" means any officer of customs in Her Majesty's dominions and any British consular officer having authority as such in any port or place.

5. "The seal fishery (North Pacific) order in council, 1894," is hereby revoked, without prejudice to anything done or suffered under that order.

6. This order may be cited as "the seal fisheries (North Pacific) order in council, 1895."

And the Most Honourable the Marquess of Salisbury, K. G., and the Right Honourable Joseph Chamberlain, two of Her Majesty's principal secretaries of state, and the lords commissioners of the admiralty, are to give the necessary directions herein as to them respectively appertain.

C. L. PEEL.

REGULATIONS GOVERNING VESSELS EMPLOYED IN SEA-OTTER HUNTING DURING THE SEASON OF 1896, UNDER REVISED STATUTES, SECTION 1956, AND ACT OF CONGRESS APPROVED FEBRUARY 21, 1893.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., April 29, 1896.

ARTICLE I.

Every vessel employed in sea-otter hunting, or in transporting sea-otter parties, shall have in addition to the papers now required by law a special clearance and license.

ARTICLE II.

No vessels propelled by steam shall be employed in sea-otter hunting within territorial waters—that is, within three miles of the shore—or for the purpose of transporting sea-otter hunting parties within said territorial waters. Only sailing vessels and boats propelled by oars or paddles shall be so employed.

ARTICLE III.

The master of any vessel having on board skins of sea-otter, mink, marten, sable, fur seal, or other fur-bearing animals, shall, before unlading the same, report to the collector of customs at the first port of arrival of his vessel in the United States, and shall file a manifest in detail of such skins with said collector.

ARTICLE IV.

Masters of vessels failing to comply with these regulations will be considered to have violated the provisions of Section 1956 of the Revised Statutes, hereinafter annexed, and will be liable to the penalty described therein.

SEC. 1956. No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulation as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

ARTICLE V.

It will be the duty of the officers of the United States who may be in localities where sea otter are taken, or who may have knowledge of any such offense having been committed, to take all proper measures to enforce the penalties of the law.

ARTICLE VI.

Vessels which have cleared in good faith for sea-otter hunting prior to the issuance of these regulations shall not be seized for a breach thereof made in good faith, without knowledge of said regulations. Masters of said vessels shall, however, be warned by the United States officers charged with the enforcement of these regulations, and shall be given a copy thereof.

ARTICLE VII.

The foregoing regulations are intended to apply only to the season of 1896.

J. G. CARLISLE, *Secretary.*

INDEX.

Acts of Congress: Page.

Revised Statutes, section 1956 1

March 2, 1889, relating to salmon fisheries 3, 35

February 21, 1893, extending section 1956, Revised Statutes, to North Pacific 14

April 6, 1894, giving effect to award 14

Penalty thereunder 26

Penalty extended to citizens of the United States 32

Proclamation of 28–31

Rules and regulations thereunder 33–34

April 24, 1894, amending section 1, act of April 6, 1894 31–32

June 5, 1894, supplementary to act of April 6, 1894, extending penalties to citizens of the United States 32–33

Acts of Parliament and orders in council 37–71

1891. "Seal fishing (Behring's Sea), act of 1891" 37–38

Penalty thereunder 37

Repealed 43

Violation of, a misdemeanor 37, 41

1893. "Seal fishery (North Pacific), act of 1893" 41–43

Repealed 67

1894. "Behring Sea award act, 1894" 45–51

1895. "Seal fisheries (North Pacific), act of 1895" 64–67

Remain in force, how long 67

To what animals applicable 66

To what waters applicable 66

Acts, shipping 41, 42, 46, 50, 51, 58

Ada 22

Agents, British, to visit Seal Islands 5

Agreement for arbitration 6–10

Agreement, international 14, 36

Alfred Adams 22

Anna Black 22

Arbitration:

Agreement for 6–10

Cases, submission of 7

Points to be decided 8

Questions for 7

Tribunal, how constituted 7

Tribunal, meeting of 7

Area of protection 18, 23, 25, 28, 29, 36, 45, 49, 68

Ariel 22

Arms, sealing of 33, 34

Article III, order in council revoked 61

Award of Tribunal 15–23

Annex to, A 21

Annex to, B 21

Annex to, C 22

Page.
Award act (Congress), April 6, 1894 23–27
Violation of, presumption of 27
Proclamation of 28–31
Award act (Parliament), "Behring Sea award act, 1894" 45–50
Goes into effect 48
May be suspended 48
Proceedings in court thereunder 48
Remain in force, how long to 48

B.

Bear, revenue steamer 21
Bering Sea, limits of, defined 39, 40
Black Diamond 22
"British authority," meaning of 69, 71
British officers, examine and seize 38, 42, 59, 65
British ships:
Sealing by, permitted 60, 61, 63
Seizure of 42, 44, 45, 46, 59, 65, 68

C.

Carolena 22
Catch, entry of 19, 24, 26, 28, 30, 34, 49, 65
Certificate, provisional 42
Citizens of United States, penalities extended to 32
Claims, findings of Tribunal as to 20–23
Claims, questions of fact regarding 9
Commission, joint, to be appointed 8
Commissioner, Fish and Fisheries 3
To investigate habits of salmon 3
To investigate methods of salmon fisheries 3
To recommend additional law 3
Compensation, in what cases to be paid 12
Concurrent regulations for protection of seals 18
Contracting parties, liability of 9, 16
Convention of Arbitration 6–10
Corwin, revenue steamer, seizures by 22
Council, orders in 37–71
"Seal fishing (Behring's Sea), order in council, 1891" 38–39
"Seal fishing (Behring's Sea), order in council, 1892" 39–40
"Seal fishing (Behring's Sea), order in council, 1893" 40–41
"Seal fishing (North Pacific), order in council, 1893" 43–44
"Seal fishing (North Pacific), order in council, 1894" 44–45
Revoked 69
"Behring Sea award, order in council, 1894" 58–60
"Behring Sea award, order in council (No. 2), 1894" 61–62
"Behring Sea award, order in council, 1895" 62–63
"Seal fisheries (North Pacific), order in council, 1895" 67–69
Court, admiralty, jurisdiction of 20
Court, Alaska, district of 21
Courts, procedure before, etc 42

D.

Detention of seized vessels 27, 31, 42, 47, 50, 58, 65, 69
Dolphin 22

Page.

Dominion of United States. Section 1956, Revised Statutes, extended over Paris award area 35

E.

"Equipment," meaning of 38, 43, 48, 66
Explosives not to be used 19, 24, 25, 29, 30, 49
Extension, section 1956, Revised Statutes, provisions of 14

F.

Facts, findings of 20–23
Favourite 22
Findings of facts by Tribunal 20–23
Firearms, use of, prohibited 19, 24, 25, 29, 30, 49
First schedule 48–50
Fitness to engage in sealing 24, 29, 33, 49, 61, 63
Flag, sealing 19, 24, 25, 28, 30, 33, 49, 60, 61, 63
Fur-bearing animals. Section 1956, Revised Statutes, extended to area of Paris award under act of February 21, 1893 35

G.

Grace 22
Great Britain:
Agents of, to visit Seal Islands 5–12
Questions of facts submitted by 20–22
Will pay, in what cases 12

I.

Indians, sealing by, permitted 19, 24, 26, 30, 49, 50
International agreement 14, 36

J.

Joint commission 8
Juanita 22
Jurisdiction, in case of seizure 5–12

K.

Kate 22

L.

Legal procedure under "Behring Sea award act, 1894" 51–58
Liability of contracting parties 9–16
Libel of seized vessels 21
License, sealing 19, 24, 26, 28, 33, 46, 49, 60, 61, 63
License, form of 34, 64
Lily 22
List of vessels warned, etc 22
Log, official, entries in 19, 24, 26, 28, 30, 34, 49, 65

M.

Master of ship, guilty, etc 47
Meaning of "equipment" 38, 43, 48, 66
Meaning of "British authority" 69, 71

Page.
Men, fitness of 24, 25, 29, 30, 33, 49, 61
Merchant shipping act, 1854 50
Merchant shipping act, 1876 58
Minnie 22
Modus vivendi, June 15, 1891 4–5
Modus vivendi, May 9, 1892, renewal 11
How terminate 12
Renewal of 11–13
Violators of, to be seized 5–12
Municipal law not affected 19, 24, 29, 48

N.

Nets, not to be used 19, 24, 25, 29, 30, 49

O.

Obstructions in rivers 3
Official log 19, 24, 26, 28, 30, 34, 49, 65
Onward 22
Order directing seizures 21
Orders in council and acts of Parliament 37–71
Orders in council:
"Seal fishing (Behring's Sea), order in council, 1891" 38–39
"Seal fishing (Behring's Sea), order in council, 1892" 39–40
"Seal fishing (Behring's Sea), order in council, 1893" 40–41
"Seal fishing (North Pacific), order in council, 1893" 43–44
"Seal fishing (North Pacific), order in council, 1894" 44–45
Revoked 69
"Behring Sea award, order in council, 1894" 58–60
"Behring Sea award, order in council (No. 2), 1894" 61–62
"Behring Sea award, order in council, 1895" 62–63
"Seal Fisheries (North Pacific), order in council, 1895" 67–69

P.

Parliament, acts of, and orders in council 37–71
Pathfinder 22
Pelagic sealing permitted 19, 24, 25, 28, 49
Pelagic sealing prohibited 18, 23, 25, 28, 29, 39, 40, 49, 64
Penalty prescribed 26, 37, 41, 46, 61, 63, 65
Points submitted, decision on 17–18
President, the:
To make regulations 26, 30
To cause seizures to be made 4, 27, 31
To cause vessels to cruise in Bering Sea 4, 27, 31
Proclamation by—
Modus vivendi 4–5
Agreement of arbitration 6–10
Renewal modus vivendi 11–13
Award act (Congress) 28–31
Season of 1896, regulations 35–37
Extension of Revised Statutes, section 1956, over award area 35
Presumption of violation 27
Pribilov Islands 18, 23, 25, 28, 29, 36
Prize, jurisdiction 20
Procedure, legal 51–58

Page
Procedure, legal in Scotland 55–58
Proclamations by the President 4–5, 6–10, 11–13, 28–31, 35–37
Provisional certificate 42
Prohibited, the taking, etc., of seals 3, 4, 11, 18, 23, 25, 28, 29, 35, 36, 37, 39, 40, 41, 44, 45, 49, 64, 67, 70
Proof, lies with master or owner 38, 42
Protection, area of 18, 23, 25, 28, 29, 36, 45, 49, 68

R.

Regulations, concurrent 18
How terminated 19, 25
Revised Statutes, United States 3, 4, 35
Rush, revenue steamer 22
Rules and regulations, 1896 33–34

S.

Salmon:
Act of Congress, March 2, 1889 3
Ascent of rivers 3
Habits to be investigated 3
Fishing methods to be investigated 3
Schedules 48–51
Scotland, legal procedure in 55–58
Sea, Bering, limits of, defined 39, 40
Sea otter, regulations for 1896 71–72
Sealing of arms, etc. 32, 34
Sealing:
By Indians, permitted 19, 24, 26, 30, 49, 50
License for 19, 24, 26, 28, 33, 46, 49, 60, 61, 63
Pelagic, permitted 19, 24, 25, 28, 29, 39, 40, 49, 64
Regulations for 65
Seals:
Number taken by United States under modus vivendi 4, 11
Taken to be entered in log 19, 24, 26, 28, 30, 34, 49, 65
Taking, etc., of, prohibited 3, 4, 11, 18, 23, 25, 28, 29, 35, 36, 37, 39, 40, 41, 44, 45, 49, 64, 67, 70
Seized vessels, list of 22
Seizures under modus vivendi:
Made by either party 5, 12
Delivered to proper Nation 5, 12
Jurisdiction to try 5, 12
Why made 20
Seizures under award act 27, 31
Shipping act, 1854 50
Shipping act, 1876 58
Shotguns in sealing 19, 24, 26, 49
Sixty-mile limit 18, 23, 25, 28, 29, 36, 49
Special license 19, 24, 26, 28, 33, 46, 49, 60, 61, 63

T.

Termination, renewed modus 12
Territorial waters, outside of 19, 25, 26, 29, 30, 50
Thornton 22
Tribunal, Arbitration 7, 8, 9, 15, 17, 18, 23

U.

Page.

United States:
List of vessels seized or warned by 22
Questions of fact acknowledged 22
Seizures authorized by 20
Will pay, in what cases 12

V.

Vessels, list of, etc 22
Vessels, sealing, to report to 34
Violators, award act, where prosecuted 27, 30

W.

W. P. Sayward 22

Z.

Zones, prohibited 18, 23, 25, 28, 29, 36, 45, 49, 68

O