SH 361

.U4

1911

Copy 1

24
U.S. Treaties, etc., 1909 - (Taft)

FUR SEALS PROTECTION

MESSAGE

FROM THE

President of the United States

TRANSMITTING

A CONVENTION LOOKING TO THE PROTECTION AND PRES-
ERVATION OF FUR SEALS AND SEA OTTERS IN A CERTAIN
DEFINED ZONE OF THE NORTH PACIFIC OCEAN, SIGNED BY
THE PLENIPOTENTIARIES OF THE UNITED STATES, GREAT
BRITAIN, JAPAN, AND RUSSIA, AT WASHINGTON
ON JULY 7, 1911

PRESENTED BY MR. LODGE

JULY 25, 1911.—Ordered to be printed

WASHINGTON
1911

35218

1875

1875

1875

PLA SEALS PROTECTION

MESSAGE

President of the United States

AUG 22 1875
1875

54361
44
1911

FUR SEALS PROTECTION.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A CONVENTION LOOKING TO THE PROTECTION AND PRESERVATION OF THE FUR SEALS AND SEA OTTERS IN A CERTAIN DEFINED ZONE OF THE NORTH PACIFIC OCEAN, SIGNED BY THE PLENIPOTENTIARIES OF THE UNITED STATES, GREAT BRITAIN, JAPAN, AND RUSSIA, AT WASHINGTON ON JULY 7, 1911.

JULY 22, 1911.—Read; convention read the first time and referred to the Committee on Foreign Relations, and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

JULY 24, 1911.—Ratified; injunction of secrecy removed.

To the Senate:

With a view to receiving the advice and consent of the Senate to its ratification, I transmit herewith a convention signed by the plenipotentiaries of the United States, Great Britain, Japan, and Russia, at Washington on July 7, 1911, looking to the protection and preservation of the fur seals and sea otters in a certain defined zone of the North Pacific Ocean.

The Senate will observe that by the Article XVI it is provided that the convention shall go into effect on the 15th day of December, 1911, so that, in order that the convention may become effective on the part of the United States on the day stated, it would seem desirable that favorable action thereon be taken by the Senate during its present session.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, July 22, 1911.

The PRESIDENT:

The international fur-seal conference between the United States, Great Britain, Japan, and Russia, which was in session at Washington from May 11 to July 7, 1911, concluded its labors on the latter

date by the signature of a convention. This convention I have the honor to submit herewith with a view to its transmission to the Senate to receive the advice and consent of that body to ratification.

It is to be observed that by its terms the convention is to go into effect on December 15, 1911, so that action thereon by the Senate during its present session would seem to be desirable.

Respectfully submitted.

P. C. KNOX.

DEPARTMENT OF STATE,

Washington, July 21, 1911.

1 The United States of America, His Majesty the King of the
2 United Kingdom of Great Britain and Ireland, and of the Brit-
3 ish Dominions beyond the Seas, Emperor of India, His Majesty
4 the Emperor of Japan, and His Majesty the Emperor of all the
5 Russias, being desirous of adopting effective means for the
6 preservation and protection of the fur seals which frequent the
7 waters of the North Pacific Ocean, have resolved to conclude a
8 Convention for the purpose, and to that end have named as
9 their Plenipotentiaries:

10 The President of the United States of America, the Honorable
11 Charles Nagel, Secretary of Commerce and Labor of the United
12 States, and the Honorable Chandler P. Anderson, Counselor of
13 the Department of State of the United States;

14 His Britannic Majesty, the Right Honorable James Bryce, of
15 the Order of Merit, his Ambassador Extraordinary and Plenipo-
16 tentiary at Washington, and Joseph Pope, Esquire, Commander
17 of the Royal Victorian Order and Companion of the Order of
18 St. Michael and St. George, Under Secretary of State of Canada
19 for External Affairs;

20 His Majesty the Emperor of Japan, Baron Yasuya Uchida,
21 Jusammi, Grand Cordon of the Imperial Order of the Rising
22 Sun, his Ambassador Extraordinary and Plenipotentiary at
23 Washington; and the Honorable Hitoshi Dauké, Shoshii, Third
24 Class of the Imperial Order of the Rising Sun, Director of the
25 Bureau of Fisheries, Department of Agriculture and Commerce;

26 His Majesty the Emperor of all the Russias, the Honorable
27 Pierre Botkine, Chamberlain of His Majesty's Court, Envoy
28 Extraordinary and Minister Plenipotentiary to Morocco, and
29 Baron Boris Nolde, of the Foreign Office;

1 Who, after having communicated to one another their respec-
 2 tive full powers, which were found to be in due and proper form,
 3 have agreed upon the following articles:

4 ARTICLE I.

5 The High Contracting Parties mutually and reciprocally agree
 6 that their citizens and subjects respectively, and all persons
 7 subject to their laws and treaties, and their vessels, shall be pro-
 8 hibited, while this Convention remains in force, from engaging
 9 in pelagic sealing in the waters of the North Pacific Ocean,
 10 north of the thirtieth parallel of north latitude and including
 11 the Seas of Bering, Kamchatka, Okhotsk and Japan, and that
 12 every such person and vessel offending against such prohibi-
 13 tion may be seized, except within the territorial jurisdiction
 14 of one of the other Powers, and detained by the naval or other
 15 duly commissioned officers of any of the Parties to this Con-
 16 vention, to be delivered as soon as practicable to an author-
 17 ized official of their own nation at the nearest point to the
 18 place of seizure, or elsewhere as may be mutually agreed upon;
 19 and that the authorities of the nation to which such person
 20 or vessel belongs alone shall have jurisdiction to try the offense
 21 and impose the penalties for the same; and that the witnesses
 22 and proofs necessary to establish the offense, so far as they are
 23 under the control of any of the Parties to this Convention,
 24 shall also be furnished with all reasonable promptitude to the
 25 proper authorities having jurisdiction to try the offense.

26 ARTICLE II.

27 Each of the High Contracting Parties further agrees that no
 28 person or vessel shall be permitted to use any of its ports or
 29 harbors or any part of its territory for any purposes whatsoever
 30 connected with the operations of pelagic sealing in the waters
 31 within the protected area mentioned in Article I.

32 ARTICLE III.

33 Each of the High Contracting Parties further agrees that no
 34 sealskins taken in the waters of the North Pacific Ocean within
 35 the protected area mentioned in Article I, and no sealskins
 36 identified as the species known as *Callorhinus alascanus*, *Callo-*
 37 *rhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the
 38 American, Russian or Japanese herds, except such as are taken

1 under the authority of the respective Powers to which the breed-
 2 ing grounds of such herds belong and have been officially marked
 3 and certified as having been so taken, shall be permitted to be
 4 imported or brought into the territory of any of the Parties to
 5 this Convention.

6 ARTICLE IV.

7 It is further agreed that the provisions of this Convention
 8 shall not apply to Indians, Ainos, Aleuts, or other aborigines
 9 dwelling on the coast of the waters mentioned in Article I,
 10 who carry on pelagic sealing in canoes not transported by or
 11 used in connection with other vessels, and propelled entirely
 12 by oars, paddles, or sails, and manned by not more than five
 13 persons each, in the way hitherto practiced and without the
 14 use of firearms; provided that such aborigines are not in the
 15 employment of other persons, or under contract to deliver the
 16 skins to any person.

17 ARTICLE V.

18 Each of the High Contracting Parties agrees that it will not
 19 permit its citizens or subjects or their vessels to kill, capture or
 20 pursue beyond the distance of three miles from the shore line of
 21 its territories sea otters in any part of the waters mentioned in
 22 Article I of this Convention.

23 ARTICLE VI.

24 Each of the High Contracting Parties agrees to enact and
 25 enforce such legislation as may be necessary to make effective
 26 the foregoing provisions with appropriate penalties for violations
 27 thereof.

28 ARTICLE VII.

29 It is agreed on the part of the United States, Japan, and Russia
 30 that each respectively will maintain a guard or patrol in the
 31 waters frequented by the seal herd in the protection of which it
 32 is especially interested, so far as may be necessary for the
 33 enforcement of the foregoing provisions.

34 ARTICLE VIII.

35 All of the High Contracting Parties agree to cooperate with
 36 each other in taking such measures as may be appropriate and
 37 available for the purpose of preventing pelagic sealing in the
 38 prohibited area mentioned in Article I.

ARTICLE IX.

The term of pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE X.

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government: provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

ARTICLE XI.

The United States further agrees to pay the sum of two hundred thousand dollars (\$200,000) to Great Britain and the sum of two hundred thousand dollars (\$200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars (\$200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

1 The United States further agrees that the British and Japanese
 2 share respectively of the sealskins taken from the American herd
 3 under the terms of this Convention shall be not less than one
 4 thousand (1,000) each in any year even if such number is more
 5 then fifteen per cent (15%) of the number to which the author-
 6 ized killing is restricted in such year, unless the killing of seals
 7 in such year or years shall have been absolutely prohibited by
 8 the United States for all purposes except to supply food, clothing,
 9 and boat skins for the natives on the islands, in which case the
 10 United States agrees to pay to Great Britain and to Japan each
 11 the sum of ten thousand dollars (\$10,000) annually in lieu of
 12 any share of skins during the years when no killing is allowed;
 13 and Great Britain agrees, and Japan agrees, that after deducting
 14 the skins of their respective shares, which are to be retained by
 15 the United States as above provided to reimburse itself for the
 16 advance payment aforesaid, the United States shall be entitled to
 17 reimburse itself for any annual payments made as herein required,
 18 by retaining an additional number of sealskins from the British
 19 and Japanese shares respectively over and above the specified
 20 minimum allowance of one thousand (1,000) skins in any subse-
 21 quent year or years when killing is again resumed, until the whole
 22 number of skins retained shall equal, reckoned at their market
 23 value determined as above provided for, the entire amount so
 24 paid, with interest at the rate of four per cent (4%) per annum.

25 If, however, the total number of seals frequenting the United
 26 States islands in any year falls below one hundred thousand
 27 (100,000), enumerated by official count, then all killing, except-
 28 ing the inconsiderable supply necessary for the support of the
 29 natives as above noted, may be suspended without allow-
 30 ance of skins or payment of money equivalent until the number
 31 of such seals again exceeds one hundred thousand (100,000),
 32 enumerated in like manner.

33 ARTICLE XII.

34 It is agreed on the part of Russia that of the total number
 35 of sealskins taken annually upon the Commander Islands, or
 36 any other island or shores of the waters defined in Article I
 37 subject to the jurisdiction of Russia to which any seal herds
 38 hereafter resort, there shall be delivered at the Commander

1 Islands at the end of each season fifteen per cent (15%) gross
 2 in number and value thereof to an authorized agent of the
 3 Canadian Government, and fifteen per cent (15%) gross in
 4 number and value thereof to an authorized agent of the Japa-
 5 nese Government; provided, however, that nothing herein
 6 contained shall restrict the right of Russia at any time and
 7 from time to time during the first five years of the term of this
 8 Convention to suspend altogether the taking of sealskins on
 9 such islands or shores subject to its jurisdiction, and to impose
 10 during the term of this Convention such restrictions and regu-
 11 lations upon the total number of skins to be taken in any sea-
 12 son, and the manner and times and places of taking them as
 13 may seem necessary to preserve and protect the Russian seal
 14 herd, or to increase its number; but it is agreed, nevertheless,
 15 on the part of Russia that during the last ten years of the term
 16 of this Convention not less than five per cent (5%) of the total
 17 number of seals on the Russian rookeries and hauling grounds
 18 will be killed annually, provided that said five per cent (5%)
 19 does not exceed eighty-five per cent (85%) of the three-year-
 20 old male seals hauling in such year.

21 If, however, the total number of seals frequenting the Russian
 22 islands in any year falls below eighteen thousand (18,000) enu-
 23 merated by official count, then the allowance of skins mentioned
 24 above and all killing of seals except such as may be necessary for
 25 the support of the natives on the islands may be suspended until
 26 the number of such seals again exceeds eighteen thousand (18,000)
 27 enumerated in like manner.

28 ARTICLE XIII.

29 It is agreed on the part of Japan that of the total number of
 30 sealskins taken annually upon Robben Island, or any other
 31 islands or shores of the waters defined in Article I subject to the
 32 jurisdiction of Japan to which any seal herds hereafter resort,
 33 there shall be delivered at Robben Island at the end of each
 34 season ten per cent (10%) gross in number and value thereof to
 35 an authorized agent of the United States Government, ten per
 36 cent (10%) gross in number and value thereof to an authorized
 37 agent of the Canadian Government, and ten per cent (10%)
 38 gross in number and value thereof to an authorized agent of the

1 Russian Government; provided, however, that nothing herein
 2 contained shall restrict the right of Japan at any time and from
 3 time to time during the first five years of the term of this Con-
 4 vention to suspend altogether the taking of sealskins on such
 5 islands or shores subject to its jurisdiction, and to impose during
 6 the term of this Convention such restrictions and regulations
 7 upon the total number of skins to be taken in any season, and
 8 the manner and times and places of taking them as may seem
 9 necessary to preserve and protect the Japanese herd, or to
 10 increase its number; but it is agreed, nevertheless, on the part
 11 of Japan that during the last ten years of the term of this Con-
 12 vention not less than five per cent (5%) of the total number of
 13 seals on the Japanese rookeries and hauling grounds will be
 14 killed annually, provided that said five per cent (5%) does not
 15 exceed eighty-five per cent (85%) of the three-year-old male
 16 seals hauling in such year.

17 If, however, the total number of seals frequenting the Japanese
 18 islands in any year falls below six thousand five hundred (6,500)
 19 enumerated by official count, then the allowance of skins men-
 20 tioned above and all killing of seals except such as may be neces-
 21 sary for the support of the natives on the islands may be sus-
 22 pended until the number of such seals again exceeds six thousand
 23 five hundred (6,500) enumerated in like manner.

24 ARTICLE XIV.

25 It is agreed on the part of Great Britain that in case any seal
 26 herd hereafter resorts to any islands or shores of the waters
 27 defined in Article I subject to the jurisdiction of Great Britain;
 28 there shall be delivered at the end of each season during the term
 29 of this Convention ten per cent (10%) gross in number and value
 30 of the total number of sealskins annually taken from such herd
 31 to an authorized agent of the United States Government, ten per
 32 cent (10%) gross in number and value of the total number of
 33 sealskins annually taken from such herd to an authorized agent
 34 of the Japanese Government, and ten per cent (10%) gross in
 35 number and value of the total number of sealskins annually taken
 36 from such herd to an authorized agent of the Russian Government.

37 ARTICLE XV.

38 It is further agreed between the United States and Great
 39 Britain that the provisions of this Convention shall supersede,

1 in so far as they are inconsistent therewith or in duplication
 2 thereof, the provisions of the treaty relating to the fur seals,
 3 entered into between the United States and Great Britain on
 4 the 7th day of February, 1911.

5 ARTICLE XVI.

6 This Convention shall go into effect upon the 15th day of
 7 December, 1911, and shall continue in force for a period of
 8 fifteen (15) years from that date, and thereafter until termi-
 9 nated by twelve (12) months' written notice given by one or
 10 more of the Parties to all of the others, which notice may be
 11 given at the expiration of fourteen years or at any time after-
 12 wards, and it is agreed that at any time prior to the termination
 13 of this Convention, upon the request of any one of the High
 14 Contracting Parties, a conference shall be held forthwith between
 15 representatives of all the Parties hereto, to consider and if pos-
 16 sible agree upon a further extension of this Convention with
 17 such additions and modifications, if any, as may be found
 18 desirable.

19 ARTICLE XVII.

20 This Convention shall be ratified by the President of the
 21 United States, by and with the advice and consent of the Senate
 22 thereof, by His Britannic Majesty, by His Majesty the Emperor
 23 of Japan, and by His Majesty the Emperor of all the Russias;
 24 and ratifications shall be exchanged at Washington as soon as
 25 practicable.

26 In faith whereof, the respective Plenipotentiaries have signed
 27 this Convention in quadruplicate and have hereunto affixed their
 28 seals.

29 Done at Washington the 7th day of July, in the year one
 30 thousand nine hundred and eleven.

CHARLES NAGEL [SEAL]

CHANDLER P. ANDERSON [SEAL]

JAMES BRYCE [SEAL]

JOSEPH POPE [SEAL]

Y. UCHIDA [SEAL]

H. DAUKE [SEAL]

P. BOTKINE [SEAL]

NOLDE [SEAL]

BOBBS-BROS.
LIBRARY BINDING

JAN 76

ST. AUGUSTINE
FLA.

32084

LIBRARY OF CONGRESS

0 002 894 258 8