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FUR SEALS CONVENTION.

Report from the Committee on Foreign
Affairs. 1912.



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THE FUR SEALS CONVENTION.

FEBRUARY 3, 1912.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

U. S.

MR. SULZER, from the Committee on Foreign Affairs, submitted the following

REPORT.

[To accompany H. R. 16571.]

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington, July 7, 1911, having had the same under consideration, recommends the adoption of the following amendments, to wit:

On page 3, line 20, after the word "seals," insert the words "or sea otters."

On page 5, line 12, after the word "skins," insert the words, "or sea otter skins," and after the words "seals," on line 12, same page, insert the words, "or sea otters."

On page 5, line 13, after the word "seals," insert the words "and sea otters," so that section 7 of said bill shall read as follows:

SEC. 7. That if any vessel shall be found within the waters to which this act applies, having on board fur-seal skins, or sea otter skins, or bodies of seals or sea otters, or apparatus or implements for killing or taking seals or sea otters, it shall be presumed that such vessel was used or employed in the killing of said seals and sea otters, or that said apparatus or implements were used in violation of this act until the contrary is proved to the satisfaction of the court, in so far as such vessel, apparatus, and implements are subject to the jurisdiction of the United States.

On page 8, line 11, strike out all after the word "authority," down to and including the word "same," on line 16, same page, that is to say, the following words:

to determine the number of fur seals to be taken annually on the Pribilof Islands, or any other islands or shores of the waters mentioned in the first article of said convention and subject to the jurisdiction of the United States to which any seal herds hereafter resort; to direct the taking of the same.

So that section 11 of the bill shall read as follows:

SEC. 11. That the Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. And the Secretary of Commerce and Labor shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to enable the Secretary of Commerce and Labor to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of four hundred thousand dollars.

And as amended the committee recommends that the bill be passed.

The object of this bill is to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911.

The negotiation and conclusion of this convention, for the preservation and protection of the fur seals and sea otters which frequent the waters of the north Pacific Ocean, was a signal triumph of American diplomacy, and when the convention is carried into effect by the high contracting parties, pelagic sealing, which is and has been the scourge of the fur-seal herd, will be a thing of the past, and those best able to judge confidently declare the fur seals will rapidly increase and the herd grow rapidly.

The attention of Congress is especially called to the necessity for legislation on the part of the United States for the purpose of fulfilling the obligations assumed under this convention, to which the Senate gave its advice and consent on the 24th day of July last.

The fur-seal controversy, which for nearly 25 years has been the source of serious friction between the United States and the powers bordering upon the north Pacific Ocean, whose subjects have been permitted to engage in pelagic sealing against the fur-seal herds having their breeding grounds within the jurisdiction of the United States, has at last been satisfactorily adjusted by the conclusion of the north Pacific sealing convention entered into between the United States, Great Britain, Japan, and Russia on the 7th of July last. This convention is a conservation measure of very great importance, and if it is carried out in the spirit of reciprocal concession and advantage upon which it is based, there is every reason to believe that not only will it result in preserving the fur-seal herds of the north Pacific Ocean and restoring them to their former value for the purposes of commerce, but also that it will afford a permanently satisfactory settlement of a question the only other solution of which seemed to be the total destruction of the fur seals. In another aspect, also, this convention is of importance in that it furnishes an illustration of the feasibility of

securing a general international game law for the protection of other mammals of the sea, the preservation of which is of importance to all the nations of the world.

After the discovery of Alaska, in 1741, the Russians devoted their efforts exclusively to the hunting of the valuable sea otter and paid little attention to the collection of other furs. By 1775, however, the supply of sea otters had become so depleted that efforts were directed toward securing those less valuable furs which theretofore had not attracted the cupidity of the hunters. Among these were the skins of the fur seal.

The existence of the fur seal was known to the early Russians only through the capture of an occasional animal in the water. The land habitat of the animal was not known.

Inquiries by the Russians of the native Aleuts disclosed the fact that a profuse migration of these fur seals occurred each spring northward through those passes between the islands forming the Aleutian Archipelago, and that an equally profuse migration southward occurred each fall. From this it was concluded that these fur seals each spring returned to breed at a place to the northward of the Aleutian Islands and that they left this breeding ground each fall to spend their winters in the less rigorous climate of the Pacific Ocean.

As the location of this breeding ground was unknown to the aborigines, the Russians bent their energies to discovering the place to which the fur seal migrated and where they believed it could be found in countless numbers.

Vessels to search for this unknown breeding ground were fitted out and various attempts made toward its location. In 1786 the *St. George*, a small sailing vessel, sailed from Unalaska, in command of Gerasim Pribilof, a navigator in the employ of the Lebedof Co., set out into Bering Sea to search for the haunts of the fur seal. It cruised for three weeks in the supposed vicinity of the seal islands without discovering them, but, withal, finding unmistakable evidences of the close proximity of land. At last, in the first days of June, 1786, the mantle of fog that surrounds this locality was lifted, and before Pribilof loomed the high coast of the eastern end of the most southern island of the group. The discovery was named *St. George*, after Pribilof's vessel. Finding no safe anchorage there the explorer ordered all his hunters ashore with a supply of provisions, while he stood away again for the Aleutian Islands to spread such reports as to keep others from following.

The news, however, of Pribilof's discovery of the breeding place of the fur seal was spread amongst the various companies operating in Alaska, and in 1787, when Pribilof returned to the islands, his ship was followed by others, and the location of the islands became a matter of general information. Various rival companies made settlements at several places on both the islands of *St. Paul* and *St. George*, and as these islands were found to be not inhabited by man they imported native Aleut hunters to perform the work of taking skins.

In 1799, by imperial grant, the Russian American Co. was given the exclusive right to exploit the resources of Alaska in consideration of its bearing all the expenses of administration and of protection of the territory. This company at once expelled all the small traders from the seal islands and retained control of them until the cession of Alaska in 1867.

HISTORY OF THE SEAL HERD.

When Pribilof discovered the islands which bear his name, amphibian life was found thereon in limitless quantity. The shores of St. George literally swarmed with sea otters which, undisturbed so far by man, could be killed as easily as sheep. Large numbers of walrus inhabited the low beaches. The first hunters to land could not secure a foothold on the beaches because of the teeming animal life and were forced to scale the cliffs in order to reach the high ground beyond. As the summer progressed the fur seals made their appearance by millions. In the first year of discovery, by the few hunters left by Pribilof, over 2,000 sea otters were taken as well as 40,000 sealskins and nearly 15,000 pounds of walrus ivory.

With the return of Pribilof to the islands in 1787 and the arrival of the other vessels which followed in his wake, the killing of seals on land became the chief industry. From 1787 to 1799 as many as six rival companies established stations upon these two small islands, imported native workmen from Unalaska and elsewhere, and vied with each other in securing all the skins they could encourage the natives to deliver to them. In the killing no attention was paid to age or sex, but everything in the way of animal life having a marketable skin was killed. These islands were not then a Government reservation, and no restriction or regulation whatever was placed upon the killing of any animal found thereon. What number of skins was taken by these rival companies prior to 1800 will never be known, but it is supposed to be in the neighborhood of several millions. When in 1799 they were either expelled or consolidated into the Russian American Co., killing of seals continued in the same ruthless manner. Between 1801 and 1804 the company had accumulated in warehouses about 800,000 sealskins, over 700,000 of which spoiled from lack of care in curing and had to be destroyed. In 1805 such unmistakable evidences of scarcity of seal life were found by a visiting court official that he took it upon himself to stop the slaughter entirely and to send nearly all the native hunters away from the islands.

Killing of seals began again in 1808 in a more moderate degree. Attempts were made to secure an increase in this life by the provision of seasons in which no killing was done and by a limitation upon the catch. These measures, however, were ineffective, and in 1835 the Pribilof herd reached the condition of numbering not more than 250,000. The situation in that year became so alarming that all killing was prohibited except 6,480 nursing pups for natives' food and 100 bachelors, or young males. Also the vital principle that females should be exempt from slaughter and never disturbed on land was recognized in 1835 for the first time and thereafter enforced, at first partially and finally rigorously. With these restrictive measures in operation the herd gradually increased, contemporaneously with a gradually increasing killing of surplus young males for skins, until in 1867, the year of the cession, the Russians took 75,000 skins and the seal herd again numbered millions.

AMERICAN OCCUPATION.

Upon the cession of Alaska to the United States, the Congress in 1869 declared the Pribilof Islands to be a special Government reservation. In 1870 an act was passed declaring that no unauthorized person should kill seals on these islands, but that the privilege of killing such animals be leased in 20-year periods to the highest bidder. Under this act, in 1870, a 20-year lease was granted to the Alaska Commercial Co. In 1890, upon the expiration of the first, another lease was granted to the North American Commercial Co. At the expiration of the lease of the latter company, in 1910, Congress passed a further act abolishing the leasing system and authorizing the Secretary of Commerce and Labor, in his discretion, to kill seals of certain classes and to market the skins of such seals. Under this act, in 1910 and 1911, the Secretary of Commerce and Labor, through his agents and officers, took such skins on the Pribilof Islands as the herd would afford and sold the same in London at auction.

During the period of American occupation the taking of seals progressed under careful Government supervision, and not more than 100,000 skins were allowed by law to be taken in any one year. Furthermore, females were exempted from slaughter at all times; neither could any seal be killed for its skin that was less than 1 year of age. These provisions were enforced by agents of the Government, under whose supervision the skins were taken.

From 1870 to 1889, both inclusive, the annual take of skins on these islands was 100,000, except that for two years of this period the catch was arbitrarily restricted by the lessee to a smaller number because of an oversupply of these skins on the market. Notwithstanding this careful regulation of killing, however, the annual catch declined, from 1890, when 20,995 skins were taken, until 1911, when the catch comprised only 12,006 skins.

PELAGIC SEALING.

During the American occupation, however, a practice grew up which previously had been unknown. This practice was called pelagic sealing, or the killing of seals in the water, as opposed to the land killing on the islands. This began as a business in 1881 or 1882, with an annual catch of about 10,000 skins, and reached its apex in 1894, when over 61,000 skins were taken from the Alaskan herd. Thereafter the annual pelagic catch declined because of scarcity of seals. In 1911 it was about 12,700.

The seals killed by the pelagic sealers are taken by means of spears or shotguns. In the water no differentiation can be made with respect to age or sex, whereas the land killing, which can be carefully controlled, is composed only of immature and surplus males, of which, owing to the polygamous habits of the seal, at least twenty-nine thirtieths are not required as breeders. The skins taken in the sea have been demonstrated to be composed of from 50 to 85 per cent of females. The death of the female entails the loss not only of herself but of her unborn fetus and of her nursing pup on the rookeries, which dies of starvation. The death of every pregnant female, therefore, entails the loss of three lives.

MEASURES TO ABOLISH PELAGIC SEALING.

The early pelagic sealers were exclusively Americans and Canadians. Soon becoming aware of the destructiveness of the practice to seal life, this Government took active measures to protect that seal life which, breeding on American territory, was asserted to be the property of this Government wherever found. Assuming that Russia had a right of property by discovery in all the eastern portion of Bering Sea and that those rights were transferred to this Government by the treaty of cession, the war vessels of the United States seized all schooners in Bering Sea engaged in pelagic sealing they could apprehend, whether American or Canadian, and confiscated them with their cargo, apparel, and furniture. This seizing of Canadian schooners led to the convention of the tribunal of arbitration in Paris, in 1891.

The award of this tribunal, rendered in 1893, disallowed all claim of this Government to exclusive jurisdiction in Bering Sea, and held that the seizure of vessels under this claim of jurisdiction was unwarranted. The tribunal, however, promulgated regulations, which, without forbidding the practice of pelagic sealing, were designed to afford protection to the fur seals during the breeding season. They required that all sealing in Pacific waters north of 35° of north latitude and east of the one hundred and eightieth meridian of east longitude should cease on April 30 of each year; that when it was again resumed on August 1 it should be carried on in Bering Sea only with spears and outside of a zone of 60 miles radius about the Pribilof Islands.

After the promulgation of this award pelagic sealing was begun again by both Americans and Canadians. It required but a few months to demonstrate that the Paris award regulations were ineffective in providing that protection to the seal herd necessary to preserve it from gradual extinction. The employment of expert spearmen in the Bering Sea made the spear even a more deadly weapon than the shotgun, while the 60-mile zone about the islands afforded little or no protection, as the seals while feeding traveled usually three times that distance from the islands.

This Government at once strove to reopen the question with Great Britain with a view to obtaining greater protection for the seals, and as an earnest of her good faith, in 1897, passed an act forbidding pelagic sealing on the part of her own citizens. These efforts, however, were without results until the ratification of the present treaty.

Strangely enough, while the pelagic fleet of Canada became smaller, that of Japan increased. These latter vessels, not being bound by the Paris award, could take seals whenever and wherever they pleased outside of territorial waters. In 1911, no Canadian schooners were known to have operated, while the Japanese fleet numbered at least 30, and took approximately 12,700 skins, as opposed to a land catch on the Pribilof Islands of 12,006.

A comparative statement of the land and pelagic catches from the Pribilof herd from 1870 to the present year follows:

[Land catches extracted from official reports in the Department of Commerce and Labor; pelagic catches from report of Paris Tribunal of Arbitration and also from reports of sales of sealskins in London.]

Year.	Land catch from Pribilof Islands herd.	Pelagic catch from Pribilof Islands herd.	Year.	Land catch from Pribilof Islands herd.	Pelagic catch from Pribilof Islands herd.
1870.....	6,017	8,686	1892.....	7,549	46,642
1871.....	95,211	16,911	1893.....	7,425	30,812
1872.....	99,941	5,336	1894.....	16,031	61,838
1873.....	99,485	5,229	1895.....	15,000	56,291
1874.....	99,424	5,873	1896.....	30,000	43,917
1875.....	99,687	5,033	1897.....	20,766	24,321
1876.....	90,000	5,515	1898.....	18,032	28,552
1877.....	75,199	5,210	1899.....	16,812	34,168
1878.....	100,000	5,544	1900.....	22,470	35,191
1879.....	100,000	8,557	1901.....	22,672	24,050
1880.....	100,000	8,718	1902.....	22,386	22,812
1881.....	99,905	10,382	1903.....	19,292	27,000
1882.....	100,000	15,551	1904.....	13,128	29,006
1883.....	75,000	16,557	1905.....	14,368	25,320
1884.....	100,000	16,971	1906.....	14,476	21,236
1885.....	99,995	23,040	1907.....	14,964	16,036
1886.....	100,000	28,494	1908.....	15,001	18,151
1887.....	100,000	30,628	1909.....	14,995	¹ 14,142
1888.....	100,000	26,189	1910.....	13,584	¹ 12,000
1889.....	100,000	29,858	1911.....	12,006	¹ 12,700
1890.....	20,995	40,814			
1891.....	13,482	59,568			
			Total.....	2,205,298	962,849

¹ Estimated.

CAUSE OF DECREASE OF SEAL LIFE.

It will be noted that a decrease in seal life occurred during the Russian as well as the American occupation. It will be instructive to examine briefly the causes which led thereto.

It has already been mentioned that the Russians, in their land killing from 1786 to 1835, killed both sexes indiscriminately, male and female, young and old alike. During these years it is not possible to ascertain the whole number of seals killed, but it is stated that between the years 1801-1805 over a million were taken. The killing previous to that probably was as rigorous. The meager Russian records show that several millions of sealskins were taken on these islands prior to 1805, and that they were taken from males and females indiscriminately. The practice of killing females for skins on land without restriction obtained until 1835, and was never completely abolished, it is believed, until 1847.

During the American occupation it also is proven that while the land killing carefully exempts females from slaughter, the sea or pelagic killing was and is composed in great part of the skins of females, all of which were pregnant and many of which had a nursing pup on shore that died of starvation upon its mother's death.

Furthermore, not by any means all the seals killed at sea are recovered, as many upon being shot sink and are lost before the hunters can reach them. The statistics obtained by this Government from an expert examination of thousands of skins taken in the sea demonstrate that of those taken in the North Pacific Ocean from 50 to 60 per cent are pregnant females, while of those killed in Bering Sea

from 75 to 85 per cent are pregnant females, each of which also was nursing a pup.

It is a recognized fact that any given class of polygamous animals will decrease rapidly if a system of slaughter is maintained which operates directly upon the females of the species. Such killing tends at once to decrease the births of new animals from which the numbers of the herd must be maintained. Whenever the number of animals killed becomes greater than the natural increment through births, the species must decrease. The fact that large numbers of female seals were killed annually by the Russians through a series of many years, points inevitably to the cause of the seal herd's decrease during that period. The killing of large numbers of female seals annually through pelagic sealing during the American occupation indicates the same cause of the decline in numbers of seal life in recent years.

It is reasonable to conclude, therefore, that the decrease in both the Russian and American occupations was due to a like cause, namely, the excessive killing of female seals.

REHABILITATION OF SEAL HERDS.

It is now confidently asserted that, with a complete cessation of seal killing in the open ocean, and the consequent immunizing of the breeding females from slaughter, the Pribilof seal herd will rapidly increase in numbers. It can be cited, in confirmation of this belief, that following the year 1835, when the Russians first recognized the principle of noninterference with the females, the Pribilof herd gradually increased during a period of 35 years to several millions in 1867. It is significant to note that this increase occurred contemporaneously with an annual land killing of surplus males of from 6,580 in 1835 to 75,000 in 1867. Also the fur seals on Robben Island in the Okhotsk Sea, after having been virtually wiped out by raiders in 1855, had by 1869 reestablished themselves in their original numbers.

The committee submits this legislation to carry into effect the convention, especially so far as pelagic sealing is concerned, between the high contracting parties. The real object of the convention is to stop pelagic sealing. That is an international question, and the bill proposed legislates on the subject matter without regard to the question of the killing of the surplus male seals on the Pribilof Islands, which is purely a national or a domestic question, and about which there is much honest difference of opinion and legitimate controversy.

In so far as the matter of the Government killing annually some of the surplus male seals on the Pribilof Islands is concerned, your committee deems it advisable to legislate in that regard in a separate bill, so as not to complicate the international aspect of the case regarding pelagic sealing with the local or national aspect of the case regarding land killing on the islands of the surplus male seals.

If Congress shall determine to legislate for a closed season, or to place restrictions and regulations on the number of surplus male seals to be killed each season, or any season, on our own islands while this treaty is in force, it is exceedingly desirable for many reasons, which must be apparent, that such restrictions and regulations should not be made in the act adopted for the sole purpose of giving effect to the treaty regarding pelagic sealing and to carry out in good faith our international obligations thereunder.

We must recognize the fact that this country can not deal with the herd at sea as its own property, and that the cooperation of Great Britain, Russia, and Japan in the manner provided for in the fur-seal treaty is essential for the protection of the herd against pelagic sealing.

The pelagic-sealing countries have been induced, after difficult and protracted negotiations, to agree to abandon pelagic sealing on condition that they shall receive a compensating interest in the skins taken by us on land. If, however, the interest which they derive in this way does not prove to be of more value to them than the profits to be gained by pelagic sealing, it is not likely that they will be willing to continue the treaty beyond the 15-year period. It is certainly true that if during the 15-year period they receive less than they regard as their fair share of the increase of the herd, they will be inclined to make up the difference by resuming pelagic sealing, which presumably at the end of 15 years will be immensely profitable on account of the increase in the size of our herd.

One of the chief arguments which this Government relied upon throughout the past 15 years covered by the fur-seal controversy to induce Great Britain, and more recently Japan, to abandon pelagic sealing, has been that pelagic sealing was chiefly responsible for the destruction of the fur-seal herd. It will be particularly unfortunate if we lose the opportunity, which is now presented for the first time by virtue of this treaty, to demonstrate by actual experience the soundness of our argument. It is a serious question, however, if this can fairly be tested if land killing and pelagic sealing are both prohibited at the same time.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 20, 1912.

DEAR MR. SULZER: I have been informed that during the consideration by your committee of H. R. 16571, a bill to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911, it has been suggested that the bill be amended providing for a suspension of the killing of fur seals on the Pribilof Islands substantially as outlined in House resolution 277, introduced at the last session of Congress.

The question of killing fur seals on these islands, including the regulations of this department and the manner of conducting the killing under the supervision of the agents of the Government, has been the subject of inquiry and investigation during the year 1911 by the Committee on Expenditures in the Department of Commerce and Labor. That committee has taken considerable evidence and at its last meeting, on August 17, 1911, voted to invite the members of the Fur Seal Advisory Board, upon whose advice this department has acted, to be heard before a final report is made.

While I shall not now attempt to place before you and your committee all of the data in the possession of the department upon which it has acted in this matter, I take the liberty of inclosing herewith for your information copies of statements made to me in August, 1911, by Mr. Charles H. Townsend, director of the New York Aquarium under the management of the New York Zoological Society, and Mr. F. A. Lucas, of the American Museum of Natural History. These statements strongly oppose a closed season.

Within the past few weeks I have talked with Dr. David Starr Jordan, president of Leland Stanford University and chairman of the Fur Seal Advisory Board, and I have also discussed the matter with Dr. Leonard Stejneger, of the National Museum. I also have various statements and reports of these gentlemen and of Dr. C. Hart Merriam, of the National Museum, Mr. J. Stanley Brown, of New York, and Mr. E. W.

Sims, who have devoted much time to this subject. They agree substantially with the two gentlemen, copies of whose statements I am sending you. All seven of them have made a careful study of the fur seal and have visited the islands - some of them several times.

Respectfully,

CHARLES NAGEL,
Secretary.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs, House of Representatives.

STATEMENT OF MR. CHARLES H. TOWNSEND, DIRECTOR OF THE NEW YORK
AQUARIUM.

I can not commend the resolution (H. Res. 277, 62d Cong., 1st sess.), that the Secretary of Commerce and Labor be directed to suspend all killing of fur seals on the seal islands of Alaska for 15 years.

The provision of the resolution is an unwise one. It would result in the undue accumulation of large fighting males on the breeding grounds, and thereby cause serious losses of females and nursing pups during each breeding season.

The provision of the resolution is not only unwise, but unnecessary. The fur seal is the most highly polygamous of all mammals. A single male controls anywhere from 20 to 80 females, according to his age and fighting weight. The careful investigations of the past 20 years show that he will do this whether there be present a large surplus of mature males or not. It is a matter of individual prowess, and this is common to all the older and heavier males.

The provision is not only unwise and unnecessary, but it is unbusinesslike. The important revenue derived from the surplus males of each season would not only be cut off, but the fur trade would be injured without reason.

Since the beginning of the fur-seal controversy the fur seal has been studied more critically than any other wild mammal. The facts of its life history as accepted to-day are all based on prolonged inquiry, under the keen criticism of the representatives of the two great nations interested in the fur-seal industry.

The British and American representatives who spent the seasons of 1896-97 on the seal islands, published a "joint statement" respecting points upon which they were in agreement.

They state in part: That the trampling of fighting bulls was a source of great loss among pups, and that the polygamous habit of the animal permitted a large surplus of males to be removed with impunity.

The criticism of the present administration of the seal islands which doubtless called forth the above resolution of August 12, 1911, was made by men who have not been on the islands for 20 years, and also by men who have not been there at all, and whose opinions upon the subject are of little value.

Even if it could be admitted that it might possibly do no harm to stop land killing for a couple of seasons, the provisions of the resolution would be harmful, because the period of cessation proposed is a very long one. The injury to the herd could not be promptly remedied when the evil (which is sure to result) becomes evident beyond question from any source.

Nature had already fixed a limit to the size of the great seal herd when the islands were discovered by Pribilof, and that the limit is founded chiefly upon the fact that an oversupply of fighting males tends to the reduction of the females and young.

With the cessation of pelagic sealing the killing of females will cease.

If modern zoology may now be permitted to apply its expensively acquired knowledge of the Pribilof seal herd, and to remove the altogether destructive male surplus, we firmly believe that the breeding stock on the Pribilofs may, in the near future, be increased to numbers far greater than those found there when the islands were first discovered.

Let the Congress "investigate" the fur-seal matter to its entire satisfaction, but do not let us have a hastily made law at the critical moment when the killing of females has stopped, and we are ready to demonstrate what we have learned.

I sincerely hope that you will do all in your power to procure the withdrawal of this resolution. I value my 10 years' labor on the islands, where I was associated with many competent and faithful naturalists, too highly to let this resolution pass without criticism.

C. H. TOWNSEND.

AMERICAN MUSEUM OF NATURAL HISTORY,
New York, August 17, 1911.

DEAR SIR: I beg to acknowledge the receipt of your letter of August 14, with its accompanying documents, in which you ask for my opinion regarding the merits of House resolution 277, suspending the killing of fur seals on the seal islands of Alaska for 15 years.

In response to this, I wish to say that I regard such suspension of killing as absolutely unnecessary as well as impractical and unscientific. I have never seen the slightest reason to modify my view that up to the present time the killing on land has had no effect in diminishing the numbers of the fur-seal herd; and there is no reason why a carefully regulated killing should do so in the future.

The suspension of land killing is impractical, because it would result in the absolute waste of many thousands of seal skins and many hundreds of thousands of dollars; this, too, at a time when, by treaty, Japan and Canada are to have a share in the proceeds of seals killed by the United States. Incidentally, I would say that in a period of 15 years every seal now living would die from old age or from other natural causes. Furthermore, it would seem that such suspension would be a direct attempt to evade our treaty obligations to Japan and Canada.

The cessation of killing is unscientific for the following reasons: We have for the first time an opportunity to test the conditions of the seal herd when unaffected by the attack of pelagic sealers, and it is of the utmost importance, for the making of future treaties and regulations, that we should know the exact facts in the case. The arbitrary suspension of killing for a period of 15 years would be extremely unwise, as we know, from observations of seals made on Robben Island and of sea elephants on Kerguelen Island, that a seal herd that has been reduced almost to extinction will so recover in from 5 to 10 years as to yield a large number of killable males.

Finally, as has so often been stated, there is not the slightest danger of exterminating animals like the fur seals where their breeding grounds are guarded. How much less is the danger when the actual killing can be regulated year by year according to the numbers present!

The sole suggestion I would make would be that in the event that pelagic sealing is actually ended, a smaller number of males be killed for two or three years to come. But this is a matter for the fur-seal and advisory boards to consider.

I remain, very respectfully, yours,

F. A. LUCAS.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, January 12, 1912.

Hon. WM. SULZER,

Chairman Committee on Foreign Affairs, House of Representatives.

SIR: I have the honor to inclose a set of tables designed to show the effect on the Pribilof seal herd of the passage of the bill (H. R. 16571) which prohibits pelagic sealing during a period of 15 years in the waters frequented by these seals.

These tables are as follows:

Table 1. Number of females estimated to be in the herd each year to 1926.

Table 2. Number of cows to be served by bulls each year to 1926.

Table 3. Number of bulls required to serve these cows at the normal ratio of 1 bull to 30 cows.

Table 4. Total number of bulls that would be produced in the herd if land killing were discontinued as well as sea killing; this is taken from Table 7.

Table 5. Number of bulls that will be produced if a rational land killing of surplus young males be allowed; this is taken from Table 8.

Table 6. Number of sealskins that could be taken during this period while producing the number of bulls shown in Table 5; this is taken from Table 8.

Table 7. Total number of male seals estimated to be in the herd each year to 1926, without land or sea killing; Table 4 is based upon this.

Table 8. Total number of male seals estimated to be in the herd if a rational land killing were allowed. Tables 5 and 6 are based upon this.

The foregoing tables are constructed upon the following hypotheses, namely:

(a) That all females above the age of 2 years bear one young annually.

(b) That these young are equally divided as regards sex.

(c) That a mortality of 40 per cent occurs among these pups or newborn seals between the time of birth and their return from their migration as yearlings.

(d) That a mortality of 10 per cent per annum occurs among all other seals than pups.

Table 1 deals with the expected increase in females during the 15-year period covered by the treaty. As the females measure the producing capacity of the herd, and therefore are the most important factor in the replenishment of the rookeries, their increase must be considered first.

The table shows that 84,719 females of all classes, in the herd in 1911, will be increased in 1926 to 357,673, of which 179,243 will be adult females.

Table 2 shows that in 1926 219,195 cows, adults, and 2-year-olds will be present to be served by the males.

Table 3 shows that at the estimated normal ratio of 30 cows to 1 bull, 7,307 bulls will be required to serve these cows.

Table 4 shows that, if all land killing be suspended during this 15-year period, 71,589 adult bulls will be present on land in 1926, of which only 7,307 will be needed. The remainder, 64,282 will be useless and will represent simply economic waste.

Table 5 shows the number of bulls that can be provided each year, while at the same time killing, when their pelts will be valuable commercially, those young males which, as adults, will be superfluous and not required as breeders. The table demonstrates that, in 1926, 18,800 bulls will be present, of which only 7,300 will be necessary to impregnate the females, while a take in that year of 35,000 2 and 3 year old male pelts could be secured.

Table 6 shows the number of seal pelts that can be taken during this period while yet providing over twice as many males as will be required for breeding. The table shows that an aggregate of 262,000 sealskins could be taken, which, at \$35 each, would bring into the Treasury \$9,170,000.

Tables 7 and 8 are the full computations upon which the foregoing tables are based (except Tables 1, 2, and 3), and demonstrate the number of each class of male life present during any given year of this period.

These computations at the rate of increase stated show that in 1926, with no pelagic sealing, and with such land killing as has been assumed in Table 6, there will be the following numbers of seals in the herd in 1926:

Adult bulls.....	18,810
6-year-old males.....	2,996
5-year-old males.....	2,407
4-year-old males.....	2,686
3-year-old males.....	3,270
2-year-old males.....	10,952
1-year-old males.....	48,857
Pups, males.....	89,621
Adult females.....	179,243
2-year-old females.....	39,952
Yearling females.....	48,857
Pups, females.....	89,621

537. 272

Of course killing during this period can be made greater or less than that stated in Table 6. If greater, the number of breeding bulls will be decreased, and vice versa. The table is intended to show, however, the absurdity of an entire cessation of killing.

The statement has been made to the committee that there should be an eliminative test applied to the fur seal whereby to rid the herd of weaklings and to insure that only the physically perfect survive as breeders. To this principle I agree. It is not true, however, that this test can be made only by combat among the males. If such were the case, no test would be provided for the females, and the physically imperfect of these would breed along with the perfect.

Nature herself, in the case of the fur seal and other pinnipedia, provides an eliminative test entirely apart from the struggling of bulls with each other for supremacy on land. This test occurs through the extremely rigorous environment in which these seals are placed by nature and which weeds out the physically imperfect more effectually than any other known process and operates on both sexes alike. This test begins almost with the seal's birth.

Before the baby seal has scarcely learned to swim beyond the borders of the rookery on which it is born, while it is still a suckling and knows not how to seek other food, it is separated from its mother and driven off the land by the rigor of the climate.

Weak and unskillful swimmer as the pup is, not only must it withstand the severe winter storms in the northern ocean but in the same unfavorable element pursue and

capture its food and elude its natural enemies of the sea. As the result of this struggle with the natural conditions in which it is placed it is estimated that one-half of the pups die during the initial migration. Only the strongest and most wary can survive this trial.

This struggle for existence continues incessantly during the animal's life. From each migration it sends back to the breeding grounds only those animals hardy enough to withstand its severity. That animal leaving the rookeries with any physical imperfection does not return. It dies at sea. Those that do return are the most perfect examples of their class.

With this severe eliminative test occurring as the result of natural environment, to superimpose a violent struggle with his own kind after the animal has reached the breeding ground would be to subject him to further stress entirely unnecessary to prove his ability as a breeder. Having passed successfully through the winter's migration, the animal returns to the rookeries a perfect specimen of its kind. A severe trial by combat could not have the effect of increasing its breeding efficiency, but, on the other hand, could only seriously impair if not wholly destroy it. It would be the same if two valuable stallions, each physically perfect, and matched in strength and courage, were allowed to fight each other until one were killed. The survivor, if one did survive, would be so seriously injured by its opponent as to be rendered incapable of service for the time being, if not permanently.

To breed a large number of surplus male seals that they may fight among themselves and determine the strongest in combat is useless. By the time the strongest individuals have proved their superiority they have expended so much of their energy in fighting that physically weaker but fresh animals may overpower them and take their cows. Such is the history of the Pribilof rookeries during the time when thousands of idle bulls were present. Instances to substantiate this conclusion have been witnessed many times.

Since physical combat is not required to test the ability of a male fur seal, no reason is known for providing a number of males beyond that necessary to fertilize the females in the herd. Therefore the practice of killing surplus males at the time when their pelts have a considerable commercial value should be continued.

From the foregoing tables, it can be demonstrated:

First, that upon the suppression of pelagic sealing, seals of all classes will increase at a comparatively rapid rate.

Second, that during this period of increase judicious killing of surplus bachelors on the islands not only will work no injury to the herd, but will be a positive benefit in restraining the increase of the nonproductive class, the surplus of which will add no additional lives to the herd, but will constitute only a menace to the breeding females and males alike.

Respectfully,

GEO. M. BOWERS, *Commissioner.*

TABLE 1.—NUMBER OF FEMALES ESTIMATED TO BE IN THE HERD IN 1926 WITH TOTAL CESSATION OF PELAGIC SEALING.

Classes.	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926
Breeding females.....	39,400	44,728	52,667	56,975	62,147	68,731	75,703	83,236	91,615	100,849	110,990	122,154	134,445	147,971	162,858	179,243
2-year-old females.....	10,297	13,790	10,638	12,077	14,220	15,353	16,779	18,558	20,439	22,473	24,736	27,229	29,967	32,982	36,300	39,952
Yearling females.....	15,322	11,820	13,418	15,799	17,092	18,643	20,619	22,710	24,976	27,484	30,254	33,296	36,646	40,333	44,391	48,857
Pups, females.....	19,700	22,364	26,353	28,487	31,073	34,365	37,851	41,618	45,807	50,424	55,494	61,077	67,222	73,985	81,429	89,621

TABLE 2.—NUMBER OF COWS TO BE SERVED BY BULLS IF PELAGIC SEALING CEASES.

Total number.....	49,697	58,518	63,305	69,052	76,367	84,114	92,482	101,794	112,054	123,312	135,626	149,373	164,412	181,953	199,158	219,195
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TABLE 3.—NUMBER OF BULLS REQUIRED TO SERVE THESE COWS AT NORMAL RATIO OF 1 BULL TO 30 COWS.

Total number.....	1,656	1,950	2,110	2,301	2,545	2,803	3,082	3,393	3,735	4,111	4,524	4,979	5,481	6,066	6,639	7,307
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TABLE 4.—NUMBER OF BULLS THAT WOULD BE PRODUCED IF LAND KILLING WERE DISCONTINUED.

Total number.....	1,685	1,967	2,338	2,834	3,339	4,778	12,444	17,484	22,869	28,981	35,168	41,561	48,365	55,600	63,312	71,589
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TABLE 5.—NUMBER OF BULLS THAT WILL BE PRESENT IF A RATIONAL KILLING OF SURPLUS MALES WERE ALLOWED.

Total number.....	1,685	1,967	2,338	2,834	3,339	4,778	6,408	7,196	8,163	9,381	11,164	12,674	14,493	16,061	17,426	18,810
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TABLE 6.—NUMBER OF SEALS KINS THAT COULD BE TAKEN DURING THIS PERIOD WHILE PRODUCING THE NUMBER OF BULLS SHOWN IN TABLE 5.

3-year-olds.....	.....	.....	2,000	2,000	2,000	2,500	2,500	3,000	3,000	3,000	4,000	4,000	6,000	6,000	6,000	6,000
2-year-olds.....	.....	8,000	6,000	7,000	8,000	8,000	9,000	10,000	12,000	13,000	15,000	16,000	20,000	23,000	26,000	29,000
Total.....	.....	8,000	8,000	9,000	10,000	10,500	11,500	13,000	15,000	16,000	19,000	20,000	26,000	29,000	32,000	35,000

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, January 6, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Relations,
House of Representatives, Washington, D. C.

SIR: As requested by you during the hearings on H. R. 16571, to give effect to the recent treaty on the fur-seal question, I have the honor to inclose herewith a statement of the receipts from the sale of sealskins, and of the expenditures incident to taking the same, and the maintenance of the establishments on the seal islands during the season of 1910. A similar statement for 1911 is not furnished for the reason that the full data upon which to make such statement have not all been received.

Respectfully,

GEO. M. BOWERS, *Commissioner.*

Receipts and expenditures, Alaska fur-seal service, 1910.

Received from sale of fur-seal skins.....	\$403,946.94
Cost of operations and support of native inhabitants of Pribilof Islands:	
Charter of supply vessel and expenses thereof.....	15,757.50
Fuel.....	4,399.41
Food, clothing, supplies, merchandise.....	59,711.25
Travel and subsistence.....	2,752.96
Services, school teachers and physicians.....	3,782.58
Salaries.....	14,430.00
Telegrams and miscellaneous.....	69.87
	100,903.57
Estimated stock of merchandise on hand at close of season.....	20,000.00

NOTE.—Practically all of the above expenditures would be necessary in any event for the support and care of the native inhabitants.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, January 18, 1912.

HON. WILLIAM SULZER,
House of Representatives, Washington, D. C.

SIR: Referring to the table submitted by Henry W. Elliott to the Committee on Foreign Affairs at the hearing on January 4, 1912, and printed on page 99 of the hearings, showing the prospective increase in the seal herd of the Pribilof Islands, I have the honor to advise that a critical examination of this table shows such serious errors in computation and such glaring discrepancies as to render the table unreliable and wholly misleading. The bureau transmits herewith a copy of Elliott's figures for breeding cows, nubles, and female pups, with the correct computations in parallel columns, so that the nature of the discrepancies can be seen at a glance. The corrected figures have been arrived at throughout by using Elliott's own basis of computation. Some of the errors are so palpable as to be readily apparent to the committee. The prospective number of breeding cows in the herd in 1927 is shown to be 303,371, whereas Elliott claims that there will then exist 800,000 breeding cows.

If the committee consider it worth while to have a hearing on this matter, the bureau will be pleased to show in detail the numerous inaccuracies in Elliott's table.

By direction of the commissioner.

Very respectfully,

H. M. SMITH, *Acting Commissioner.*

Table showing prospective increase in Pribilof seal herd from 1911 to 1927, submitted by Henry W. Elliott, with correct computations in parallel columns.

Year.	Breeding cows.		Nubiles.		Female pups.	
	Elliott.	Correct.	Elliott.	Correct.	Elliott.	Correct.
1911.....	50,000	50,000	10,000	10,000	25,000	25,000
1912.....	54,000	54,000	10,000	10,000	27,000	27,000
1913.....	57,600	57,600	15,750	15,750	28,800	28,800
1914.....	66,870	66,015	24,300	17,010	33,435	33,008
1915.....	74,358	74,723	26,000	18,144	37,179	37,362
1916.....	88,793	83,580	30,092	20,795	44,396	41,790
1917.....	103,314	93,938	33,462	23,538	56,657	46,969
1918.....	120,066	105,728	42,163	26,328	65,033	52,864
1919.....	143,997	118,852	46,496	29,590	77,998	59,426
1920.....	192,000	133,598	57,100	33,304	96,000	66,799
1921.....	225,000	150,213	58,000	37,439	112,000	75,106
1922.....	260,000	168,887	61,000	42,084	130,000	84,443
1923.....	321,000	189,874	74,000	47,317	165,000	94,937
1924.....	395,000	213,473	100,000	53,199	197,000	106,736
1925.....	450,000	240,005	162,000	59,810	225,000	120,002
1926.....	612,000	269,834	200,000	67,244	306,000	134,917
1927.....	800,000	303,371	200,000	75,601	400,000	151,685

AMERICAN MUSEUM OF NATURAL HISTORY,
New York, January 5, 1912.

DEAR SIR: I understand that the question of a closed season for the fur seals is likely to come up again, and I take the liberty of writing you to protest against this closed season as being absolutely unnecessary as well as unpractical and unscientific. I have never seen the slightest reason to modify my view, which is that of all scientific men who have actually studied the fur seal, that up to the present time killing on land has had no effect in diminishing the numbers of the fur seal herd, and there is not the least reason why a carefully regulated land killing should do so in the future. By killing on land it is, of course, understood that the bachelor seals are referred to.

The suspension of land killing is unpractical, because it would result in the absolute waste of many thousands of seal skins and many hundreds of thousands of dollars; this, too, at a time when by treaty Japan and Canada are to have a share in the proceeds of seals killed by the United States. Incidentally, I would say that in a period of 15 years every seal now living would die from old age or from other natural causes. Furthermore, a suspension of land killing would seem to be a direct attempt to evade our treaty obligations to Japan and Canada.

The cessation of killing is unscientific for the following reasons: We have for the first time an opportunity to test the conditions of the seal herd when unaffected by the attacks of pelagic sealers, and it is of the utmost importance for the making of future treaties and regulations regarding the taking of seals that we should know the exact facts in the case. Such suspension of killing is wholly unnecessary as regards the depletion of the seal herd, for we know from the observations of seals made on Robben Island and of sea elephants on Kerguelen Island that a seal herd that has been reduced almost to extinction will so recover in from 5 to 10 years as to yield a large number of killable males, this where every seal that could be taken (whether male, female, or young) has been slaughtered by the sealers. With pelagic sealing at an end, the control of the seal herd is absolutely in our hands, and as the killing is now done by the Government and not by any parties directly interested in the number of seals taken, it is a simple matter to control the killing as may be desired.

The sole suggestion I would make would be that as pelagic sealing has ceased, a smaller number of males be killed for two or three years to come, but this is a matter that the fur seal and advisory boards can consider at leisure. I sincerely trust that no such absurd measure will be considered as to prohibit the killing of bachelor seals.

I remain, faithfully, yours,

F. A. LUCAS.

HON. WILLIAM SULZER,
Chairman House Committee Foreign Affairs, Washington, D. C.

H. Rept. 295, 62-2—2

THE AMERICAN MUSEUM OF NATURAL HISTORY,
OFFICE OF THE PRESIDENT,
New York, January 5, 1912.

DEAR SIR: I desire to direct your attention to the economic importance and value of the proposed participation of the United States in the permanent international council for the exploration of the sea. My acquaintance with Sir John Murray, the greatest living student of the life of the ocean and an eminently practical man as well as a distinguished theorist, and the conversations which I have had with him regarding the distribution of the food life of the sea, especially in the North Atlantic Basin, have convinced me that the United States has much to gain through the exploration proposed.

The trustees of this museum have recently decided to enter definitely into oceanographic exploration, and to devote two large halls of a new building to the subject of the life of the sea, on its economic as well as on its purely scientific side—the two, however, prove to be nearly identical.

I therefore as president, feel that I am reflecting the opinions of the majority of the board in supporting this measure, and expressing the hope that you will lend to it your valuable support.

Believe me, dear sir, very truly, yours,

HENRY FAIRFIELD OSBORN,
President.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
~~United States~~ House of Representatives, Washington, D. C.

NEW YORK ZOOLOGICAL SOCIETY,
New York, January 22, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs, Washington, D. C.

DEAR SIR: My attention has been called to an editorial in the New York Times on Saturday, January 20, 1912, which purports to quote Dr. William T. Hornaday, director of the New York Zoological Park, as being in favor of an amendment to the State Department bill for the protection of seals by the prohibition of pelagic sealing.

As this might lead to misapprehension in the minds of your committee as to the attitude of the New York Zoological Society, I beg to state that Dr. Hornaday is speaking in this connection as an individual and as a member of the Camp Fire Club, and not as in any way representing the New York Zoological Society. I understand that Dr. Hornaday has repeatedly made statements to this effect in his testimony before your committee, and I know he is desirous of having his attitude clearly understood in this matter.

The New York Zoological Society has never taken official action in the matter of the protection of seals; but I know that the officers and scientists of this society other than Dr. Hornaday are unanimously in favor of the prompt passage of the bill in question and the cessation of pelagic sealing, and they are unanimously opposed to any amendment limiting in any respect the control and regulation of the Bureau of Fisheries in regard to the killing of male seals on the islands themselves.

The executive committee has entire confidence in the character and management of the experts under whose advice the Bureau of Fisheries has acted in this matter, and does not in any way countenance the recent attacks on their methods, technical knowledge, or personal integrity.

Furthermore, we are of the opinion that an accumulation of surplus males, such as would rapidly result if killing on the islands were stopped, would be seriously detrimental to the rapid recovery of the seal herd in numbers.

These matters have been thoroughly studied on the spot by a number of highly qualified scientists, and their views are entitled in our opinion to every consideration and weight.

We trust, therefore, that this bill prohibiting pelagic sealing will receive the prompt approval of your committee without any amendment limiting in any manner the control of the seal herds on the island by the Bureau of Fisheries.

I remain, yours, very truly,

MADISON GRANT,
Chairman Executive Committee.

NEW YORK ZOOLOGICAL SOCIETY,
New York, January 22, 1912.

MY DEAR MR. SULZER: I understand there is a proposal to add to the fur-seal bill drafted by the State Department an amendment for a 15-year closed season on male seals.

This amendment is a vicious one, which will certainly lead to the complete extermination of the seals. I understand it was proposed by Mr. Elliot, who has no standing in this country as a zoologist, and I believe is supported by my friend Dr. Hornaday, whom, I regret to say, has come under the influence of Mr. Elliott. Dr. Hornaday's position in the matter is entirely personal, and does not in any way represent the judgment of the New York Zoological Society. All the zoologists of note in this country, all the scientific experts whose opinions are worthy of consideration, all the trained experts who have made a special study of the fur-seal problem, all naturalists who understand that an excess of males is fatal both to the females and the young, and, finally, all those who desire through intelligent study of the question from motives of humanity as well as from motives to protect the economic interests of the United States, are opposed to the 15-year closed season.

The reason is a very simple one, which you can yourself readily understand, namely, that there is an unnatural excess of males on the islands, due to the fact that pelagic sealing has destroyed 85 females out of the 100 in the herd; thus the balance of nature has been destroyed. When there are not enough females to go around the bulls will fight for them, and in doing so will kill both the females and the pups. Under natural conditions of breeding there would be an equal number of females and males; nature takes care of these things, but the pelagic sealers have produced a set of new and entirely artificial conditions, consequently the proposal of the United States Fish Commission experts to keep down the resulting excess of males, and thus to restore gradually the balance which nature has instituted for all time between the sexes is the only one which will preserve this great herd.

I have given this matter very prolonged study and have read all the documents, and I regret to say that your committee has been given a great amount of misinformation under the guise of sentiment for the protection of these animals. I am one of the most ardent advocates of protection of the wild animal life of this country and in this spirit and in the interests of my country I can not express myself too emphatically. My opinion is identical (with the exception of my friend Dr. Hornaday) with that of all the leading zoologists and mammalogists of rank in the United States, and if you desire I can have prepared for your committee at short notice a document signed by all these men. The article by Hugh M. Smith of the United States Fisheries Bureau, one of the finest and most unprejudiced and unbiased men of science in the country, in the last number of the National Geographical Magazine exactly expresses the truth on this subject.

With your permission, I should like to publish this letter, but will not do so without your permission.

With best wishes for the prosecution of the many grave and important questions which are before your committee, and with continued personal regard, I am,

Sincerely, yours,

HENRY FAIRFIELD OSBORN, *President.*

HON WILLIAM SULZER,
*Chairman House Committee Foreign Affairs,
House of Representatives, Washington, D. C.*

THE AMERICAN MUSEUM⁷ OF NATURAL HISTORY,
OFFICE OF THE PRESIDENT,
New York, January 22, 1912.

DEAR SIR: As president of the American Museum of Natural History I have been securing the advice of the expert zoologists of this institution, especially of Dr. Frederic A. Lucas, who is a trained authority, on the fur-seal question. I desire to protest against the proposed amendment to the fur-seal bill (drafted by the State Department), which amendment provides a 15-year closed season on male seals. This amendment, should it become law, would exterminate the great seal herd of the United States, and is founded upon ignorance of the first principles of breeding under

natural conditions and of the artificial conditions which have been brought about on the islands through prolonged and fateful pelagic sealing.

I am, very respectfully,

HENRY FAIRFIELD OSBORN, *President.*

HON. WILLIAM SULZER,

Chairman House Committee on Foreign Affairs,

House of Representatives, Washington, D. C.

I am strongly in favor of the bill itself.

FUR MERCHANTS' CREDIT ASSOCIATION

OF THE CITY OF NEW YORK,

January 19, 1912.

HON. WM. SULZER, M. C.,

Washington, D. C.

DEAR SIR: You may perhaps recall that last summer there was an attack made on the Department of Commerce and Labor by Messrs. Hornaday and Elliott, of New York, in reference to the Alaska seal fisheries. It recently came to the knowledge of the Fur Merchants' Credit Association that the Department of Commerce and Labor were under the impression that our association was involved in some way in this controversy. As this is not correct and we felt the Department of Commerce and Labor were doing the best they could in the conduct of the seal business, a resolution of confidence was passed at the annual meeting, December 21, 1911, a copy of which was sent to the Department of Commerce and Labor in Washington. I am informed that you are interested somewhat in this question, and take this occasion to send you a copy of the resolution.

Yours, respectfully,

CHAS. S. PORTER, *Vice President,*

Chairman of Committee on Sealskins.

RESOLUTION ADOPTED AT THE ANNUAL MEETING OF THE FUR MERCHANTS' ASSOCIATION OF NEW YORK, HELD ON DECEMBER 21, 1911.

Whereas it has been brought to the attention of this association that the Department of Commerce and Labor at Washington, D. C., is under the impression that this association is in some degree responsible for recent attacks that have been made upon the said department in reference to conducting the business of taking raw sealskins on the Pribilof Islands, Bering Sea, Alaska; and

Whereas neither this association as a body nor any of the individual members thereof have taken any part, directly or indirectly, in said controversy: Now, therefore, be it

Resolved, That the Fur Merchants' Credit Association of New York hereby record their confidence in the Department of Commerce and Labor and their approval of its methods in conducting the business of taking Alaska sealskins on the Pribilof Islands; and be it further

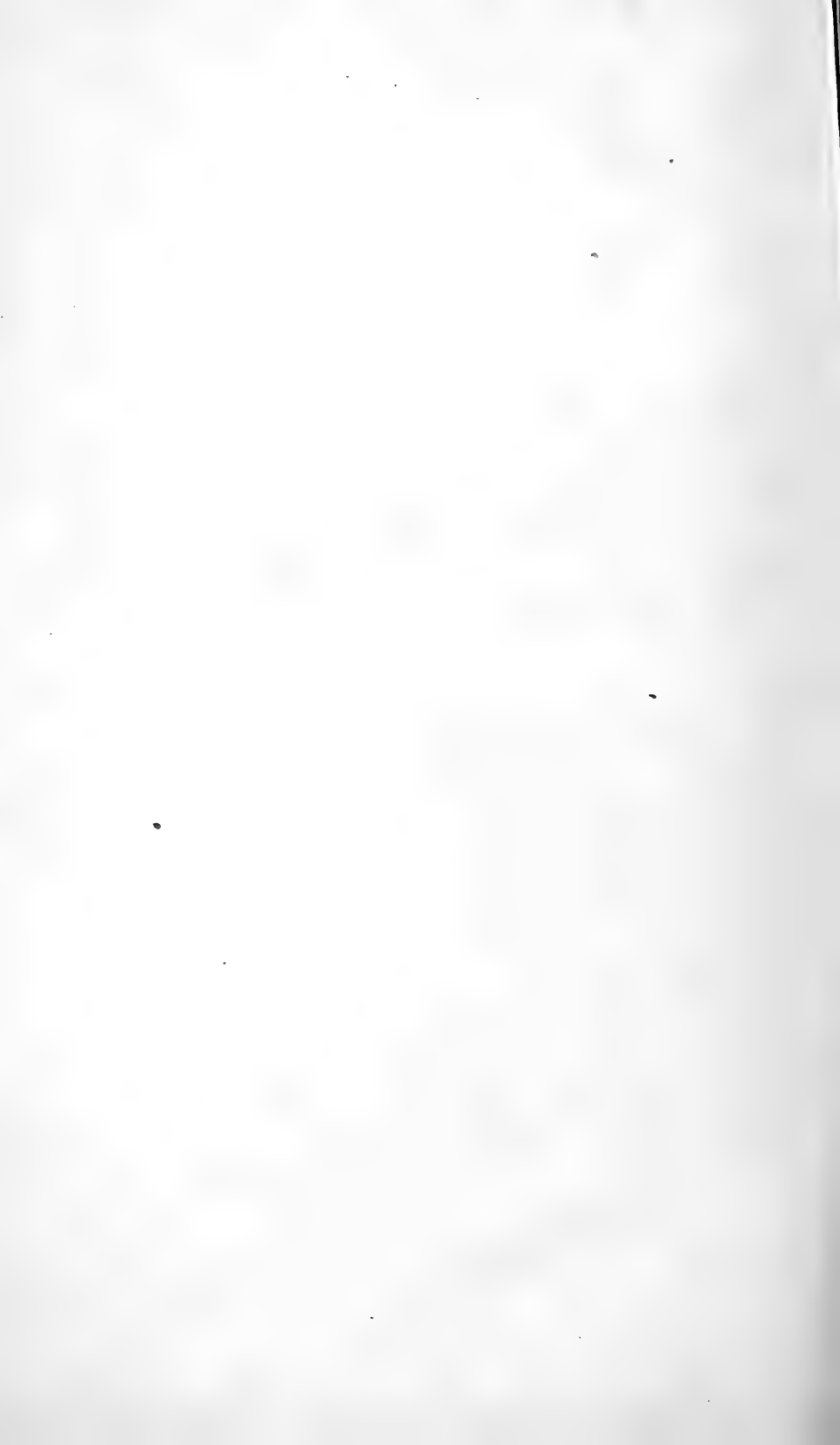
Resolved, That the secretary be instructed to forward a copy of this resolution to the Hon. Charles Nagel, Secretary of the Department of Commerce and Labor.

The undersigned, being the secretary of the Fur Merchants' Credit Association, hereby certifies that the foregoing is a true copy of the resolution adopted at the annual meeting of said association, held December 21, 1911.

TREATY SERIES, No. 564

CONVENTION BETWEEN THE UNITED STATES AND
OTHER POWERS PROVIDING FOR THE
PRESERVATION AND PROTECTION OF FUR SEALS

Signed at Washington, July 7, 1911
Ratification advised by the Senate, July 24, 1911
Ratified by the President, November 24, 1911
Ratified by Great Britain, August 25, 1911
Ratified by Japan, November 6, 1911
Ratified by Russia, October 22, 1911, and November 4, 1911
Ratifications exchanged at Washington, December 12, 1911
Proclaimed, December 14, 1911



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America, Great Britain, Japan and Russia providing for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, was concluded and signed by their respective Plenipotentiaries at Washington, on the 7th day of July, one thousand nine hundred and eleven, the original of which Convention, being in the English language, is word for word as follows:

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

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

His Britannic Majesty, the Right Honorable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

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

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

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectively, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while

this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offense.

ARTICLE II.

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

ARTICLE III.

Each of the High Contracting Parties further agrees that no seal-skins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article I, and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE IV.

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

ARTICLE V.

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories

sea otters in any part of the waters mentioned in Article I of this Convention.

ARTICLE VI.

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

The term 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.

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

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE XII.

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

to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention 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 preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

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

ARTICLE XIII.

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article I subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end of each season ten per cent (10%) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10%) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10%) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention 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 preserve and protect the Japanese herd, or to increase its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eight-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

ARTICLE XIV.

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

ARTICLE XV.

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.

ARTICLE XVI.

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

ARTICLE XVII.

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

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

Done at Washington the 7th day of July, in the year one 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]

And whereas the said Convention has been duly ratified on the part of each of the High Contracting Parties, and the ratifications of the four Governments were exchanged in the City of Washington, on the twelfth day of December, one thousand nine hundred and eleven;

Now, therefore, be it known that I, William Howard Taft, 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 and fulfilled with good faith by the United States and the citizens thereof.

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 December in the year of our Lord one thousand nine hundred and [SEAL] eleven, and of the Independence of the United States of America the one hundred and thirty-sixth.

WM H TAFT

By the President:

P C KNOX

Secretary of State.

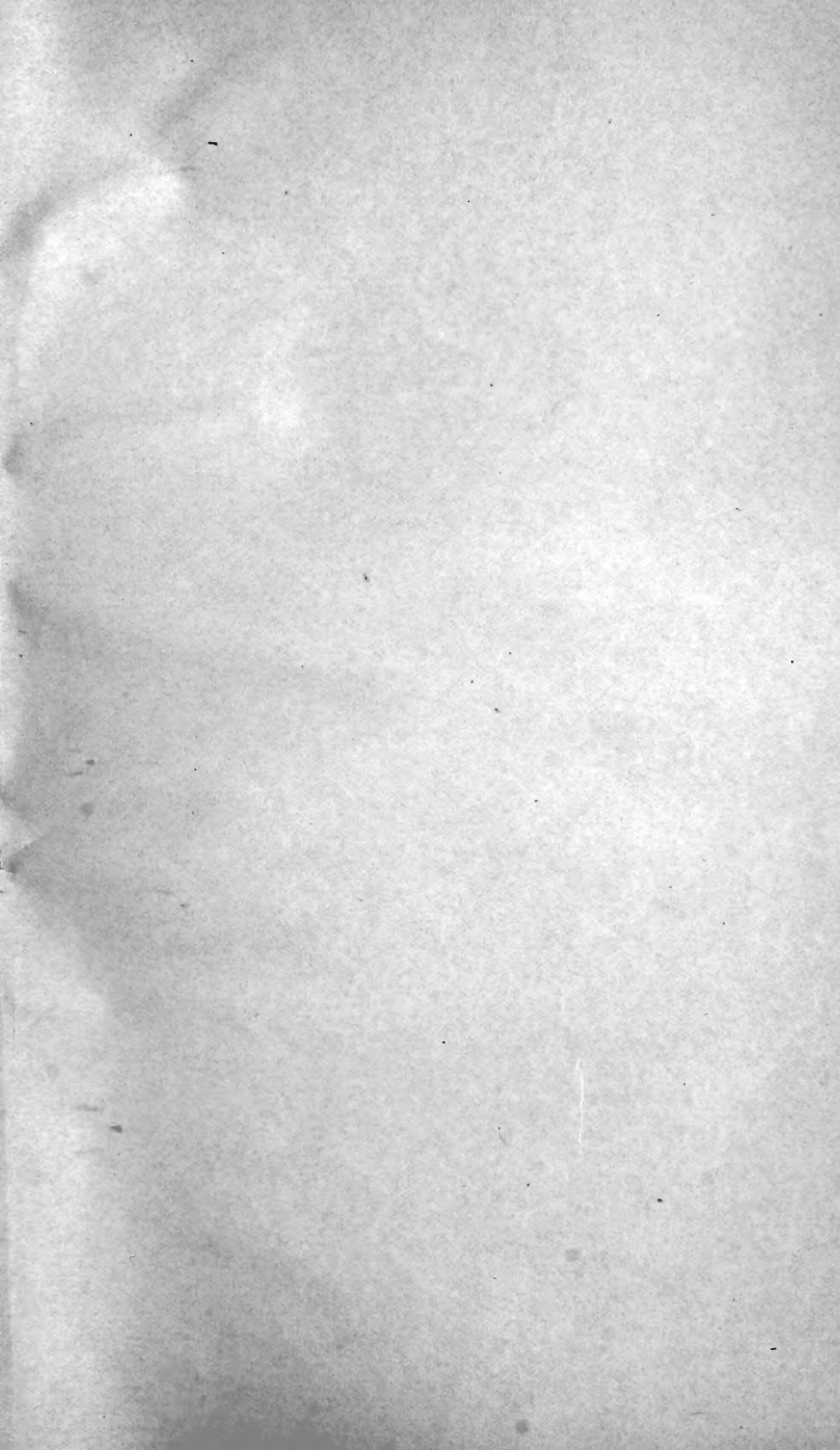


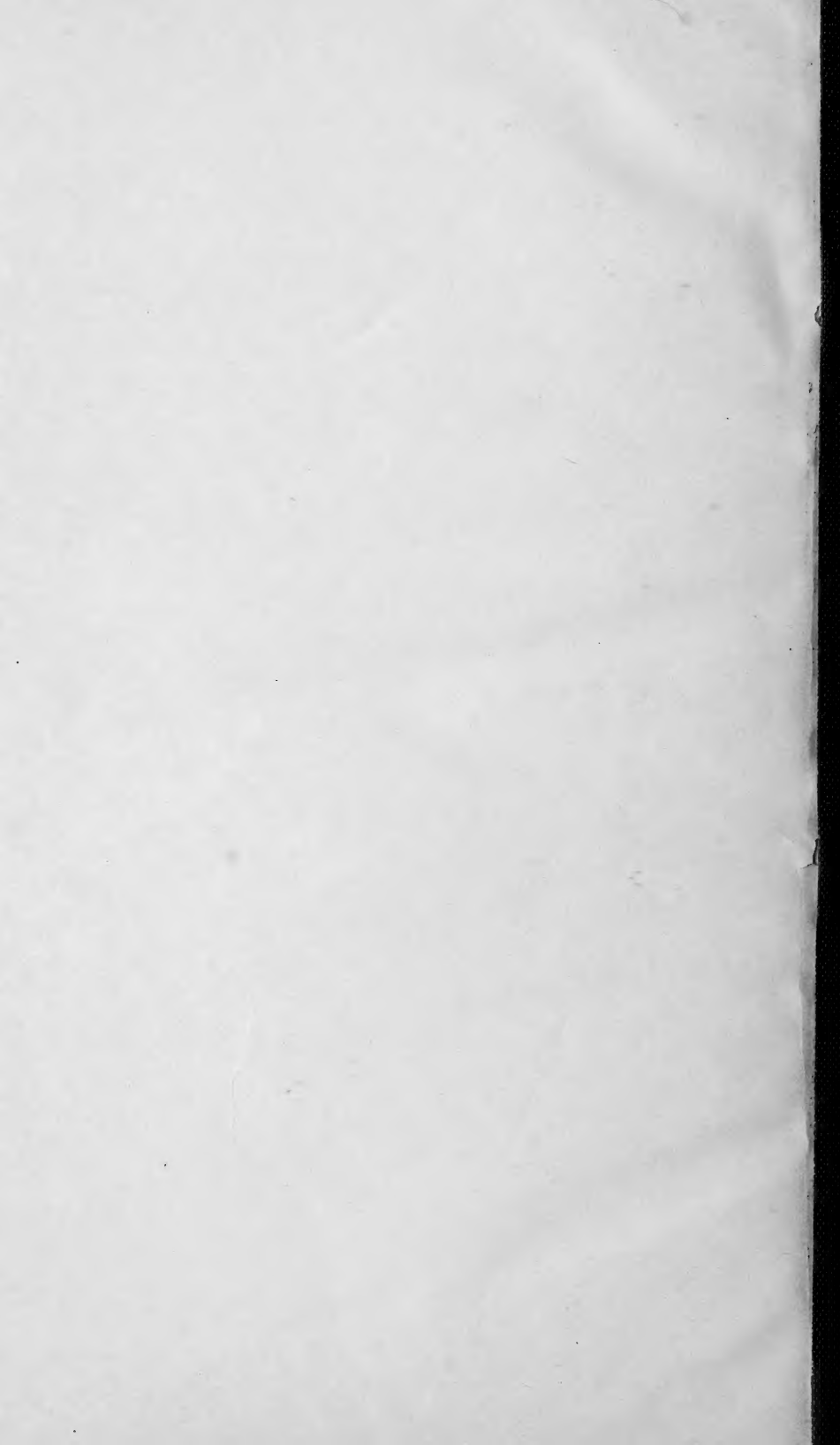
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