

His Britannic Majesty, the Right Hon. James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Philander C. Knox, Secretary of State of the United States;

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

Article 1.

The high contracting parties mutually and reciprocally agree that their subjects and citizens respectively, and all persons subject to their laws and treaties, and their vessels shall be prohibited while this article remains in force from engaging in pelagic sealing in that part of the Behring Sea and North Pacific Ocean north of the 35th degree of north latitude and east of the 180th meridian, and that every such person or vessel offending against this prohibition may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be delivered as soon as practicable to the authorities of the nation to which they respectively belong, who alone shall have jurisdiction to try the offence and impose the penalties for the same, the witnesses and proof necessary to establish the offence being also sent with them, or otherwise furnished to the proper jurisdictional authority with all reasonable promptitude; and they agree, further, respectively to prohibit during the same period the use of any British or United States port by any persons for any purposes whatsoever connected with the operations of pelagic sealing in said waters, and to prohibit during the same period the importation or bringing of any fur-seal skins taken in such pelagic sealing into any British or United States port, and by the necessary legislation and enforcement of appropriate penalties thereunder to make such prohibition effective.

Such prohibitions, however, shall not apply to Indians dwelling on the coasts of the territory of Great Britain or of the United States and carrying on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each, in the way hitherto practised by the Indians, without the use of firearms, provided such Indians are not in the employment of other persons, nor under contract for the delivery of the skins to any person.

Article 2.

The United States agrees that one-fifth in number and in value of the total number of seal-skins taken annually upon the Pribilof Islands, or any other islands or shores of the waters above defined subject to the jurisdiction of the United States, to which the seal herd now frequenting the Pribilof Islands hereafter resorts, shall be delivered at the end of each season to an authorized agent of the Canadian Government in the Pribilof Islands: 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 numbers.

Article 3.

It is further agreed that as soon as this article goes into effect the United States shall pay to Great Britain the sum of \$200,000 as an advance payment in lieu of such number of fur-seal skins to which Great Britain would be entitled under the provisions of this treaty as would be equivalent to that amount reckoned at their market value at London at the date of delivery, before dressing or 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 high contracting parties, which skins shall be retained by the United States in satisfaction of such payment.

The United States further agrees that Great Britain's share of the sealskins taken on the Pribilof Islands shall not be less than one thousand in any year, even if such number is more than one-fifth 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 the sum of \$10,000 annually in lieu of any share of skins during the years when no killing is allowed, and Great Britain agrees that after deducting the skins of Great Britain's share 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 Great Britain's share over and above the specified minimum allowance of one thousand skins in any subsequent year or years when killing is again resumed until the whole number of the skins so retained shall equal—reckoned at their market value determined as above provided for—the entire amount so paid, with interest at the rate of 4 per cent. per annum.

If, however, the total number of seals frequenting the Pribilof Islands in any year falls below 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 100,000, enumerated in like manner.

Article 4.

The term "pelagic sealing" as used herein is defined to be the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea outside territorial waters.