

April 18, 1892.

*Convention between the Governments of the United States and Her Britannic Majesty for the renewal of the existing modus vivendi in Behring Sea. Concluded at Washington April 18, 1892; ratification advised by the Senate April 19, 1892; ratified by the President April 22, 1892; ratifications exchanged May 7, 1892; proclaimed May 9, 1892.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

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

*CONVENTION between the United States of America and Great Britain for the renewal of the existing "modus vivendi" in Behring's Sea.*

Ante, p. 101

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

Post Procs., p. 2

Plenipotentiaries.

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say: The President of the United States of America, JAMES G. BLAINE, Secretary of State of the United States;

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

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

ARTICLE I.

Seal killing prohibited by Great Britain during pendency of arbitration.

Her Majesty's Government will prohibit, during the pendency of the Arbitration, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in Article No. I of the Treaty of 1867

between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels.

## ARTICLE II

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

Seal-killing prohibited by United States during pendency of arbitration.

## ARTICLE III

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

Seizure of offenders.

## ARTICLE IV.

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

Inquiries by British agents.

## ARTICLE V.

If the result of the Arbitration be to affirm the right of British sealers to take seals in Behring Sea within the bounds claimed by the United States, under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the Arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal-herds; and, on the other hand, if the result of the Arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens and lessees) for this agreement to limit the island catch to seven thousand five hundred a season, upon the basis of the difference between this number and such larger catch as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal-herds.

Compensation for not taking seals.

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

## ARTICLE VI.

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

Duration.

## ARTICLE VII.

Ratification.

The present Convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London as early as possible.

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

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

Signatures.

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

Exchange of ratifications.

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

Proclamation.

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

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

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

[SEAL]

BENJ HARRISON

By the President:

JAMES G. BLAINE

*Secretary of State.*