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FUR SEALS OF ALASKA.

COMMITTEE ON WAYS AND MEANS,
Wednesday, March 9, 1904.

The committee this day met at 10.30 o'clock a. m., Hon. Sereno E. Payne in the chair.

Members present: The chairman, Messrs. Dalzell, Grosvenor, Tawney, McCall, Metcalf, Hill, Boutell, Watson, Curtis, Williams, Robertson, Swanson, Cooper, and Clark.

The CHAIRMAN. This meeting was called this morning at the request of Mr. Williams, of Mississippi, and it is a hearing on the resolution (H. J. Res. 124) introduced March 2, 1904, by Mr. Robinson, of Indiana. (See p. 57.) Mr. Williams, whom do you desire to hear first?

Mr. WILLIAMS. I do not care, but I think Mr. Elliott would like to be heard first.

Mr. TAWNEY. How much time do you want?

Mr. ELLIOTT. I can hardly tell you. If I can print these tables and facts, I will not desire very much time.

The CHAIRMAN. Well, how much time?

Mr. ELLIOTT. Not over thirty minutes.

The CHAIRMAN. We will give you thirty minutes, and you can print all you want to.

Mr. ELLIOTT. Then I will try to quit when my thirty minutes have expired.

STATEMENT OF MR. HENRY W. ELLIOTT.

(See also p. 41.)

Mr. ELLIOTT. Mr. Chairman and gentlemen of the committee, I stood here before you two years ago, and I believe I told you that we would find trouble if we did not check up our people and the Canadian hunters inside of two years. I told you that before the Canadian hunters had finished that lie our people would accomplish it themselves under existing rules and regulations. We have now come face to face with the realization of my prophecy. We have the evidence here in black and white. We have the evidence here that during the last four years the killing on the islands has run down to the very dregs of the young male life which the law allows them to kill. We have that evidence in indisputable, incontestable figures furnished by the agents of the contractors themselves. We have that evidence furnished by the agents of the Government, although it is clouded, doctored, and concealed, in the reports of the Secretary of the Treasury.

I would not be here, Mr. Chairman, if the report of the Secretary of the Treasury told you all of the truth. It would not be necessary for me to come down here and make an argument of the kind I am

about to make. But when we are face to face, as a recent Senatorial investigating committee declares, with a condition of affairs on the Pribilof Islands which demands our immediate action in holding up the hands of our own butchers on the islands and paying no attention to the men in the sea who are killing seals there I think I am justified in coming before you again.

Mr. Chairman, the Secretary of the Treasury, in his last annual report to Congress, and just before he turned it over to the Secretary of Commerce and Labor last summer, July 1, devotes two short paragraphs to this question only. There is not a line in those paragraphs which speaks of the slightest danger to this life up there; not a hint in it that he intends or thinks it is proper to stop any killing that is now allowed by law up there; not a word about the pelagic hunters who have taken 27,000 skins there; there is in its text not the slightest suggestion that anything is wrong, and it passes from him and goes to the Secretary of Commerce and Labor on the 1st of July last.

Mr. DALZELL. I have just read this resolution for the first time. Is there any contract in existence?

Mr. ELLIOTT. I am coming to that. Oh, yes; I will explain that fully; I know about that. I aided Mr. Windom in drawing that up. He consulted with me over it, having at the time an idea that he might be obliged to suspend the work of the lessees wholly or in part very soon.

The CHAIRMAN. I would suggest that you spend more time on that matter than the other. Of course every member knows more or less about the seal fisheries. I presume you have gotten all this in those printed documents?

Mr. ELLIOTT. Yes.

The CHAIRMAN. I would suggest that you address yourself more particularly to this point—whether this is a remedy and whether there are any difficulties in the way or contracts in the way.

Mr. ELLIOTT. I simply wanted to show the warrant for my being here, on account of the deficiency of knowledge in these departmental reports. Mr. Cortelyou on the 1st of July takes this up. He inherits these agents of the Treasury Department and he inherits all the machinery of the business without any knowledge of it himself; and, in one sense of the word, of course, he is in no way responsible for anything that has taken place. He takes it up, and in his first annual report he gives you an itemized account of what they have taken on those islands, but he does not allude to the work of the pelagic sealers; he does not give you a hint of a desire to stop the killing; but he goes further than Secretary Shaw—he does declare that the breeding bulls on these rookeries in the last three years have diminished nearly 50 per cent. But he says in the same breath that the cows have increased 9 per cent. This seems to have given Mr. Cortelyou an idea that there was something wrong about the charge that the pelagic hunter was doing all the harm.

Fifty per cent of our breeding bulls have been killed off, and yet at and in the same time there is an increase of 9 per cent in the cows! That fact evidently strikes Mr. Cortelyou as something remarkable, but he does not say anything more. He also refers to the fact that these Canadian pelagic seal hunters have appeared as "Japanese" hunters. He says the presence of sealing schooners in sight of the islands this summer, before the beginning of the pelagic season in

Bering Sea, "indicated a pursuit of the American herd of seals during the closed season. It was impossible to determine the nationality of the schooners. There is reason to believe, however, that foreigners are not the only offenders."

Mr. Cortelyou thinks there is something wrong but he can not say what, and, naturally, he can not. There is no way of finding out. The result in short is this: Our people under existing laws and regulations, Mr. Chairman, have killed the young male seal so close that during the last four years no young male that has passed the killing ground as a 2-year-old ever got through the next year as a 3-year-old that he was not killed in the third year as a 4-year-old. He has no more chance to run that gauntlet under existing conditions than you would have of walking down Pennsylvania avenue with men on each side of the street shooting at you from the Capitol to the Treasury, and escaping. In two years more, unless we let these young male seals grow up undisturbed, there will not be a propagator of the species on the breeding grounds. It becomes necessary at once to step in here and stop this work on the islands for a period of some years; it may be four; it may be five; it may be seven years; we can not tell how long.

Mr. TAWNEY. Did Russia at one time stop the killing of seals on the Pribilof Islands?

Mr. ELLIOTT. Yes; it stopped the land killing.

Mr. TAWNEY. I mean land killing.

Mr. ELLIOTT. Yes; the land killing on the Russian side—

Mr. TAWNEY. In what year?

Mr. ELLIOTT. From 1817 to 1834 they ran out. Then they stopped it entirely in 1834; there was no such industry as pelagic sealing in sight or even known of then. They were killing as our people are, and allowing no choice young males to grow up and get on the breeding grounds.

Mr. TAWNEY. How long did they prohibit the killing?

Mr. ELLIOTT. They held it up about twelve years.

Mr. TAWNEY. And in that time to what extent did the herd increase?

Mr. ELLIOTT. In twelve years they were killing from 30,000 to 40,000. In fifteen years they raised it to 50,000, and when we took the islands from Russia—there were 4,500,000 seals there—they were then killing between 45,000 and 60,000 young male seals annually.

Mr. HILL. What is the use of suspending the killing of these males if you are going to allow pelagic sealing to continue?

Mr. ELLIOTT. We want to save the fur-seal species itself. If we do not stop this close slaughter of young male seals we can not save the species. We want to save the life itself; we must save these young males from our own hands or lose the life itself, long before the female life goes out.

Mr. TAWNEY. Did not the last Congress, or the House at least, pass a bill intending to give to the President of the United States authority to reopen negotiations with Great Britain for the purpose of adopting new regulations in regard to pelagic sealing? I know that bill did not pass the Senate in the form it passed the House, but is it not a fact that the sundry civil bill gave to the President of the United States authority to open these negotiations for that purpose?

Mr. ELLIOTT. The President has authority under the Paris treaty to open it every five years. This gave him the power. But the minute the Secretary of State attempted to use that power the chairman of the

Anglo-American Joint High Commission went to him and said, "No; we have got charge of that; we are going to meet soon, and we have got it all settled."

Mr. TAWNEY. What I want to get at is, if this bill is passed there is authority. In fact, Congress has directed the President of the United States to reopen these negotiations for the purpose of adopting new regulations.

Mr. ELLIOTT. The Senate has passed a simple resolution to that effect.

Mr. TAWNEY. The sundry civil appropriation bill gave the provision to that effect.

Mr. ELLIOTT. That is it; that is very true; but it does not carry this clause.

Mr. TAWNEY. But if this was adopted, then it would lead to the—

Mr. ELLIOTT. Oh, yes.

Mr. TAWNEY. It would lead to the negotiations that the President is authorized to open in the sundry civil bill?

Mr. ELLIOTT. It would put a stop to killing on land.

Mr. TAWNEY. And then the State Department would be authorized to go ahead and negotiate with foreign governments.

The CHAIRMAN. How about Great Britain? They kill more by the pelagic sealing, and, as I understand it, we are willing to have it stopped. It is Great Britain we want to act upon. In regard to one of these questions that Mr. Tawney has asked you in regard to Russia having stopped it, at that time was there pelagic sealing going on to any extent?

Mr. ELLIOTT. No, sir; there was none.

The CHAIRMAN. So the effect it produced upon the seal life then can not be compared with the effect it might produce now with pelagic sealing?

Mr. ELLIOTT. Not as rapid or disastrous; but it would amount to the same thing. It shows without pelagic sealing, with the same law we are applying to-day, we can ourselves destroy that life. That is beyond all argument.

The CHAIRMAN. You were going on to speak about the effect of this bill in regard to bringing about negotiations with Great Britain.

Mr. ELLIOTT. The resolution has this simple effect in my opinion. It has a good effect for the Secretary of State, because it eliminates all commercialism from his negotiations. Now, we are constantly being met by the British side of the case: "You want to save seals for your butchers, and my butchers are as good as yours, and if you don't get rid of your butchers I am not going to meddle with mine." That is the long and short of it. If we stop our butchers from killing these seals, which we must do—and the deadly parallel of the Russian record shows it has been done by land killing—we will be able to save the species; if we do not do that, we shall destroy the species itself, and the sin and shame of it will then be on our own hands and not on the hands of the Canadian butchers.

Mr. TAWNEY. Under the contract of this lessee, at what age are they permitted to kill young seals?

Mr. ELLIOTT. They are not permitted to kill young seals under 1 year of age. But I have the records here that show that since 1899 thousands and tens of thousands of yearlings have been killed, and

they don't know whether they are under a year old or not—whether they are 11 months old or 12 months old or 13 months old.

Mr. METCALF. Where do you get the records?

Mr. ELLIOTT. From the London sales, where the skins are tagged and weighed and prepared. I have my figures from the agents of the lessees themselves, and there is no disputing them. Therefore, I want to say if we can stop this killing—which this resolution will stop, and stop it beyond the power of anybody to continue—we will be able to save the species. I have every confidence in Mr. Cortleyou, but we do not know whom we may have as Secretary of Commerce and Labor in the future, and if we do not hold this up and make these people, if they want to kill, come here and give the reason, they will get in there again too soon and undo all the good we are doing.

Mr. TAWNEY. Is there any evidence, except the report of the London sales, tending to show that the lessees are killing male seals under a year old?

Mr. ELLIOTT. Yes; I have the evidence of the Treasury agent on the islands.

Mr. TAWNEY. Do you know whether or not the Senate committee that visited the Pribilof Islands last year discovered whether the lessees were violating their contracts?

Mr. ELLIOTT. Yes; I am authorized by Senator Nelson to tell you all about it, if you want to know.

Mr. FAULKNER. I would like to state, if the committee will permit me, that the Senate committee, to which reference has been made, stated before the Senate Committee on Foreign Relations that they had no criticism whatever to make of the lessee; that they had obeyed the law implicitly.

Mr. METCALF. I suggest that the witness be allowed to go ahead and make his statement and not be interrupted.

The CHAIRMAN. Yes; that is the best way.

Mr. ELLIOTT. I am willing to be interrupted.

The CHAIRMAN. The committee is unwilling to have you.

Mr. TAWNEY. Please answer those questions, and then go ahead.

Mr. WILLIAMS, of Mississippi. The first one was whether you had any evidence about these seals being killed?

Mr. ELLIOTT. Yes; I have here the official reports of the Treasury agents.

Mr. TAWNEY. What do they show?

Mr. ELLIOTT. I will read from the report of Special Treasury Agent Lembkey, in charge of the seal islands, made in August, 1901, to the Secretary of the Treasury:

The lessees during the season (1901) took skins ranging from a maximum of 10 pounds to a minimum of 5 pounds. Previous to 1900 the lowest limit of weight was 6 pounds, but a 5-pound limit was established that year, and during the past season (1901) as many 5-pound skins as could be found were taken.

This official knew what he was saying in 1901, because the following classification was published in 1872 and 1874, and has been accepted as the standard unit of weight and age by all parties concerned, Government officers, lessees, and natives, and it has been the rule ever since.

A 4½-pound skin is the hide of an average yearling.

A 5-pound skin is the hide of a well-grown yearling.

These skins are known as "eye plasters."

A 6-pound skin is the hide of an average 2-year-old.

A 6½-pound skin is the hide of a well-grown 2-year-old.

These skins are known as "short" skins.

All 7 to 8 pound skins are the hides of 3-year-olds.

All 9 to 11 pound skins are the hides of 4-year-olds.

These skins are known as "prime," "fine," and "extra fine" skins.

Here we have the official proof in 1901 of the fact that the lessees dropped their limit from a 2-year-old skin to a yearling skin, and since then they have taken everything they could find. Who disputes it? I do not. I did not make that statement, and that is brought out by these records to the dot. It is borne out by the London echoes. There is no disputing the fact that they have done this thing.

I want to say right here that I am not here to find fault with these men. I have a good deal of sympathy for them. They see these butchers at sea taking everything they can lay their hands on and they say, "We pay \$10 a skin for these, and we had better have them rather than those fellows;" but, unfortunately, the butcher wants everything, whether he is on the water or on the land, and it is hard to stop him. We have reached the point where we must stop him, because they will get all the males and stop the life before those butchers in the water get all the females. Now, I will come to the contract.

Mr. WILLIAMS, of Mississippi. You forgot that other question of Mr. Tawney's.

Mr. ELLIOTT. Mr. Tawney, your question was about Senator Nelson's visit?

Mr. TAWNEY. Yes; I wanted to know whether you had any evidence—

Mr. ELLIOTT. The evidence is the evidence he told me I could present here.

Mr. TAWNEY. Did he make a statement?

Mr. ELLIOTT. He made a statement before the Foreign Relations Committee, but it was not taken down; it was not printed.

Mr. WILLIAMS, of Mississippi. We had better have Senator Nelson's own statement about that.

Mr. ELLIOTT. Shall I take up the contract?

The CHAIRMAN. Yes. Your time is nearly up already.

Mr. ELLIOTT. Mr. Windom, a lawyer skilled in the law, drew a lease which binds these lessees, May 1, 1890, for a period of twenty years to abide faithfully by any restrictions or limitations that he might see fit to put upon their right to kill seals, that he might see fit for the preservation of the seal fisheries of those islands under the law.

The law of July 1, 1870, section 3, reserved to the Government the right to make any killing there that it may see fit. The law of July 1, 1870, reserved the right of the Government to kill seals for food for the natives. The law of July 1, 1870, section 4, gives the lessees their lease—authorizes them in distinct terms, nowhere conflicting with sections 3 and 1.

Now, this question was brought here and argued at great length by the attorney of the lessee in the presence of the subcommittee of this House when the first seal bill was pending, February 20, 1895. Messrs. Thomas B. Reed, W. L. Wilson, Henry G. Turner, and Benton McMillin were the subcommittee, and they listened to the attorney for the lessee, Gen. N. L. Jeffries, who argued at length against the right to suspend the operations of his company which the Dingley bill pro-

vided for. What was the opinion of these lawyers of this committee? [Reading from memorandum:]

The question being raised pending the consideration of the House bill (No. 8633) introduced by Governor Nelson Dingley, jr., the attorney for the lessees, Gen. N. L. Jeffries, argued at length against the right of the Government to completely suspend the work of the lessees, as the terms of the pending bill ordered.

Thereupon the subcommittee held:

1. That the clause in the lease which binds the lessees to "obey and abide by any restrictions upon the right to kill seals that the Secretary of the Treasury shall judge necessary, under the law, for the preservation of the seal fisheries of the United States" enables the Government (the Secretary of the Treasury being the agent only of Congress) at any time to completely restrict or suspend the work of the lessees. This authority for this restriction is found in section 3 of the act approved July 1, 1870.

2. That the right to kill seals for natives' food is expressly reserved by section 1 of the act approved July 1, 1870, for the Government, and is not covered or merged into the terms of the lease which are authorized by section 4 of the act approved July 1, 1870.

This report was unanimous. It was unanimously adopted by the full committee. They were good lawyers, gentlemen, and the bill was reported by Chairman Wilson. (Report No. 1849, 53d Cong., 3d sess.) That is all thrashed over pretty thoroughly.

Now, gentlemen, I want to come right back to the other obligations of this contract.

The lessees claim that they have a benevolent arrangement under their lease, and they will be put to great expense if they are suddenly suspended. I deny it. The Government has borne the entire expense of caring for these people since 1890. The Treasury rules and regulations, which I have here, are so framed that the company to-day does not expend one dollar under the terms of their contract for the support of those natives. It takes it out of them by the fox-skin contract, and it takes it out of them from 10 to 20 per cent on the store goods which it sells to them. The whole cost of their benevolent contract with these natives is not five or six thousand dollars a year—coal, doctors, and schools.

That is all that comes under the benevolent contract. Their widows and orphans' clause costs about \$150 a year. They take from four to five thousand dollars away from the natives under the fox-skin regulation which might go to the natives just as well as not. They take from 10 to 20 per cent on the store goods easily, which brings it up to seven or eight thousand dollars. This amount they get, in short, directly back from the natives. So they are even, so far as the benevolent contract is concerned, and if it was suspended the Government has got nothing to do but go on just as it has been doing—paying the whole thing. There will be no hitch, no crook in lifting them at once from that work of killing, and so saving this life. There is no legal difficulty, and there is no moral trouble about it, and if we do not do it we have lost this life.

I have all these items here, and I am ready to answer any question and close.

Mr. HILL. What is the difference between you and Doctor Jordan in regard to the policy to be followed?

Mr. ELLIOTT. Professor Jordan has assumed that there is no such thing as excessive land killing of male seals. He has assumed that in defiance of the official Russian reports and records, which show that the land killing did destroy this herd from millions of seals in 1800 down to less than 26,000 seals on St. Paul's Island in 1824 by doing

the same work that is going on to-day. There is no difference in the matter. They are taking every fine young male, and that will go on until all the best breeders are gone.

Mr. METCALF. What is the length of life of these animals?

Mr. ELLIOTT. The male reaches his maturity at 5 or 6 years, and the female in 3 years. The male can propagate first when he is 6 years old. The female receives the male when she is 2 years old, but they come out as yearlings exactly alike in weight, size, color, and skin, and every other outward resemblance, and you can not tell them apart unless you turn them over and examine them sub ano.

Mr. METCALF. What is the length of life if they are left alone?

Mr. ELLIOTT. A bull seal will serve sixteen or eighteen years if he is left alone, I think. It is difficult to speak with authority on the subject. I advanced that proposition in 1872-1874, and no man has disputed it since; also no man can positively affirm it. The female reaches her maturity at 3 years old, and I think she lives ten or eleven years. I go on the general analogy that runs through life, taking three times the age of puberty. It takes a male six years to reach puberty. Therefore I argue, as I would with a dog, or a cat, or a horse, that he would be eighteen years in service and then drop out.

Mr. METCALF. Where do they die?

Mr. ELLIOTT. At sea. When they feel the rigor of death coming on they go out to sea; it is more comfortable in the water.

Mr. HILL. Is it Professor Jordan's opinion that no action is necessary?

Mr. ELLIOTT. Yes; he thinks everything has reached a point of equilibrium. He claimed six years ago that they would not increase or diminish very much; that the pelagic hunters were going out of business.

Mr. TAWNEY. What is the size of the herd now?

Mr. ELLIOTT. The Treasury agent, in the presence of his chief and in my presence, December 17, last year, told me there were 150,000 of all classes, which I think is about right. The Treasury agent also told me afterwards that he did not think there were any more. He could not count on any more. That was the 1st of August. Since then 20,000 seals were killed in Bearing Sea. I do not think there will be 120,000 alive there next summer.

Mr. WILLIAMS. And there were 450,000 when Doctor Jordan said that he thought it would remain in equilibrium?

Mr. ELLIOTT. Yes, there were 450,000 left. There is no use in Doctor Jordan or any other man arising here and saying he can improve on a law of nature for the breeding of wild animals. It is not scientific, and real scientific men will never indorse such a doctrine. I could name naturalists who would come here and scout at it, but there is no use in this—that is not necessary—the life is gone. We have the dregs here, and yet these butchers come in and want to drain it. We have spent fourteen years trying to save it, and now if we let it go out with a bad smell it is too bad. I do not believe you will let it go in that scandalous manner.

Mr. METCALF. In this bill (H. R. 13553, 57th Congress) there is this recital: "Whereas the Government of the United States is reduced, by the failure of these official negotiations aforesaid, to the painful position of having been and being obliged to breed and protect annually some

50,000 female seals on the seal islands of Alaska," etc. Are there that many female seals?

Mr. ELLIOTT. There are 50,000 there to-day, yes; that is what there are there to-day; that is right. But they will not last much longer when the male life drops away from them.

Mr. METCALF. Then follows: "Whereas the killing of thousands of mother seals at sea every year," etc.

Mr. ELLIOTT. Yes, sir. I want to tell you right there, Mr. Metcalf, it is impossible for us to tell the exact proportion of female seals these butchers get in the water. We can only get it in a general way. You can depend upon one thing and that is the great bulk taken off the rookeries are nursing mothers, because we see the young pups starving there. Some of our agents have seen the milk and blood commingled on the decks of the sealers' vessels. There is no question but what the great bulk of their catch is nursing mother females while hunting in Bering Sea during August and September, annually.

Mr. WILLIAMS. I would like for you to give the stenographer a brief account of your connection personally with this.

Mr. ELLIOTT. I am glad you asked me to do that. That is frequently asked.

Mr. WILLIAMS, of Mississippi. How you were officially employed.

Mr. ELLIOTT. In 1872 I was asked by Joseph Henry and Spencer F. Baird, the Director and the Assistant Director of the Smithsonian Institution, to make a biological study of the islands, and I did so.

In 1874 I was again sent to those islands under a special act of Congress, with a revenue-marine cutter put under my service.

Mr. WILLIAMS. Were you in the Navy then?

Mr. ELLIOTT. No; I was the artist of the Smithsonian Institution and the private secretary of Joseph Henry when I went up there. In 1890 I was asked by Mr. Windom to go up again under authority of a special act of Congress which was drafted in this committee and passed by Congress for the express purpose of sending me up there; I made that report to Secretary Windom, which is here and which was suppressed in 1891 by the one who succeeded Mr. Windom as an accident of death. He did so because I insisted that land killing at that time depleted the herd as much as sea killing. Then our own incompetent agents went over to Paris with that untruth in their mouths, and there got beaten out of it, as they ought to have been. I would not allow myself to step down one peg from this truth; not for anybody—not for Mr. Blaine, or even for the President himself; they could not compel me to do it; so I parted company with them there, January 19, 1891.

Mr. TAWNEY. Are you in any way connected with this subject now?

Mr. ELLIOTT. Not officially. I have only that interest which any man would have who knew it as I know it. I don't want to see a life wiped out as I have seen it, the most wonderful—

Mr. WILLIAMS, of Mississippi. You were selected by the Smithsonian Institution to make a special biological study of this question, and you made it?

Mr. ELLIOTT. I was selected by the Smithsonian Institution to make a special biological study of the question, yes; and I made it. I was the first artist that ever lived among those islands. I made the first study and surveys of this work that were ever made by a trained observer. And this work of mine has stood—not a line added to it or

taken from it by these jealous naturalists that have been over my trail since, and they do not attempt to do it. They only differ with me on the land question, and they have come to judgment now in these figures and facts that are piled up against them.

STATEMENT OF HON. CHARLES J. FAULKNER.

(See also p. 19.)

Mr. FAULKNER. Mr. Chairman and gentlemen of the committee, I appreciate very highly the courtesy which you have extended to me as the representative of the North American Commercial Company, the lessees of the Government, to express the views which it has in reference to the approval by you of this joint resolution. I shall not follow Mr. Elliott in his attacks on the officials of the Government. I do not feel it is necessary for me to justify the action of the Secretary of the Treasury in his regulations and control of this subject. He is sufficiently known to the members of this committee to assure them that if he had deemed it proper or necessary to make any special recommendations as to this matter, by reason of the official facts in the possession of the Department, that he would not have hesitated to do so in his report.

There is no reason that I can conceive of why he should not. Permit me to briefly recall some facts to your memory that you gentlemen are more familiar with than I can possibly be. I will ask you, therefore, to pardon me if my statement simply recalls to your recollection facts which it is important to consider in passing on this subject.

There has been an unrest in Congress for a number of years in reference to pelagic sealing. The Government has realized, from the beginning of the negotiations with Great Britain in 1891, that this great industry, bringing us, as it has, revenue every year to the Treasury, is a question that demands its most serious consideration. I think there has been some unjust criticism as to the interest and actions of this Government and of the Government of Great Britain, when the facts are properly known and understood, as to the efforts made by the two Governments to reach a satisfactory conclusion in the preservation of the seal herd. For example, gentlemen, as you well know, in 1891 the two Governments entered into an agreement which ultimately brought into existence the Paris tribunal of arbitration. The award was made in 1893, and although the Government of the United States by that decision lost all the questions of law presented to that tribunal of arbitration involving the right of the Government to control the seal herd in its migrations or its right to control the waters of Bering Sea (the arbitrators deciding unanimously against us), but there was a provision in the treaty which seemed to anticipate this decision, and under which the arbitrators were authorized to provide such regulations as they deemed proper with the view to preserving the seal herd. This was as much in the interest of England as of the United States. This Government receives a revenue by reason of the annual killing of the male seals, and England receives the entire revenue which results in the preparing the raw skins as a manufactured article, which profit perhaps is greater than that received by the United States, even under its first lease, and greater than it is receiv-

ing even under the very high compensation which is now paid by the North American Commercial Company. Therefore England is as deeply interested in this matter as the United States.

The award determined the regulations; the two Governments immediately passed statutes carrying out every recommendation of the arbitrators. There was a clause in the award which provided that there should be a revision of the regulations provided in the award every five years. What do we next find the two Governments doing? In 1896, anticipating the necessity for revision at the end of the five years in 1898, the two Governments appointed commissioners to investigate this entire subject, that the facts ascertained might be laid before their respective Governments. On that commission Great Britain appointed a gentleman to represent Canada and one to represent Great Britain. The United States appointed two to represent the Government. They studied this question upon the islands and in the Bering Sea for two seasons, and in 1898 made their report to their respective Governments. Every view taken by Mr. Elliott is controverted by their unanimous report, especially this idea of the effect of the killings on land. It is the first time in the history of the United States in these long negotiations with Great Britain that Canada's and Great Britain's commissioners have ever admitted the correctness of the view of the United States that pelagic sealing alone was the cause of the destruction of the herd, and that the killing of male seals on the land was a benefit rather than an injury to the herd where there was proper regulation and supervision by Government agents.

That was a unanimous report, and for the first time Canada and Great Britain admitted the entire contention of the United States.

Mr. ELLIOTT. I know the gentleman does not mean to misrepresent. The Canadians have not agreed that pelagic sealing—

The CHAIRMAN. I think it would be more orderly if you would allow Senator Faulkner to conclude.

Mr. DALZELL. It is in print, I suppose?

Mr. WILLIAMS, of Mississippi. Do you mean to say that the land killing does not decrease the herd?

Mr. FAULKNER. Not to its permanent injury, but is essential in the protection of its growth.

Mr. WILLIAMS, of Mississippi. And does not tend to extinguish the species?

Mr. FAULKNER. Not at all, sir. I will suspend my discussion to say to Mr. Williams that he can readily see that if there is an equal division in the sexes in the birth of the pups, that if many of the male seals are not killed annually they will accumulate so rapidly (there is no use for them whatever) that in their bitter fighting in their efforts trying to take the rookeries, they not only kill many of the female seals but many of the younger pups, both male and female. All the scientists agree as to this; there is no dispute about it. I have authority upon authority to sustain the proposition. Every scientist that has discussed this subject, except Mr. Elliott, agrees on this question.

Mr. WILLIAMS, of Mississippi. Are not cow seals killed on land?

Mr. FAULKNER. No, sir; not at all; that is prohibited. There are no cow seals killed.

Mr. CLARK. Do these bulls practice polygamy or monogamy?

Mr. FAULKNER. Polyamy, far beyond anything we know of in this country.

Next comes the Joint High Commission appointed under the treaty with Great Britain. This question was one of the numerous ones submitted. Mr. Chairman, you were a member of that Commission. I do not think that I am going beyond the bounds of propriety in saying—

Mr. TAWNEY. You were also a member of that Commission?

Mr. FAULKNER. Yes, sir; I was a member of the Commission. [To the committee.]—That this question was adjusted by that Commission with the exception of a few details, when the Commission, by reason of their disagreement upon the Alaskan boundary, was compelled to cease its work, the representatives of Canada and Great Britain refusing to pass upon any matter unless all the questions submitted were agreed. If it had not been for the position taken by their representatives, pelagic sealing would have been settled and disposed of in 1898, satisfactorily, I am satisfied, to both countries.

Again, gentlemen, the next efforts to adjust this matter was during 1902-3. I am credibly informed—but I give you this upon information—that prior to the death of the British ambassador this subject had been under very active negotiations between him and the Department of State, and it had virtually been concluded when Ambassador Herbert died.

Mr. GROSVENOR. Who was the representative of this Government?

Mr. FAULKNER. In that recent negotiation?

Mr. GROSVENOR. Yes—Mr. Hay, himself?

Mr. FAULKNER. Yes; I understand it was Mr. Hay, himself.

The next movement was the action of the Senate Foreign Relations Committee, which passed a resolution in the early part of the present session requesting the State Department to proceed at once with these negotiations. I understand that even prior to the passage of that resolution the State Department had taken this question up, and I am informed that it is the purpose of the Executive Department to proceed with the negotiations with the new British ambassador. This is the history of the negotiations relating to this subject by the two Governments. I admit that unforeseen misfortune has followed these efforts. The failure to agree on the boundary line between Canada and Alaska broke up the negotiations in 1898. The hope of the settlement of this question in 1903 was defeated by the death of Ambassador Herbert, leaving the question again open. That is its condition. When you examine the facts I do not think that the Governments in interest are subject to criticism for their failure to adjust this controversy. The Executive branch has fully appreciated the sentiment in the Congress. It realized that our lessees were only getting 17,000 and 20,000 and 19,000 seals on the islands annually; that the pelagic sealers during those years were getting as high as 63,000 seals from this herd.

Mr. WILLIAMS. Do you know whether any negotiations are going on now between our State Department and Great Britain, or whether they have stopped those?

Mr. FAULKNER. I am informed they are in progress.

Mr. WILLIAMS. Do you know whether the Joint High Commission claims that that falls within their scope of duty?

Mr. FAULKNER. The Joint High Commission have nothing to do with it unless again convened. Like the treaty as to the Alaskan boundary, which was submitted to the Joint High Commission, it does

not prevent the State Department from renewing negotiations independent of that submission.

Mr. WILLIAMS. That is your understanding of the view point taken by the State Department?

Mr. FAULKNER. That is my understanding of the view point of the State Department.

Mr. WATSON. Are you at liberty to state what the Joint High Commission proposes to do with the seal question?

Mr. FAULKNER. I would hardly feel at liberty to do so. It is a confidential matter until the State Department should give it out.

Mr. TAWNEY. Under the contract how many seals is the company allowed to kill?

Mr. FAULKNER. That is regulated by the Secretary of Commerce and Labor, annually.

Mr. TAWNEY. How many in fact have been killed?

Mr. FAULKNER. During the *modus vivendi* 7,500. The convention between Great Britain and the United States limiting the killing to that number—pending this award a sufficient number for food for the natives. Subsequently to the award it ran from 16,031, in 1894, to about 30,000, in 1896, which was the highest ever taken. Last year, it is my recollection there were about 19,000 taken. For twelve years, from 1890 to 1901, the average annual taking was 17,506.

Mr. METCALF. On the islands?

Mr. FAULKNER. Yes, sir.

Mr. HILL. And what was the number taken by pelagic sealing last year?

Mr. FAULKNER. I think the estimate is about 27,000 last year. It is falling off.

Mr. HILL. Because of the falling off of the herd?

Mr. FAULKNER. I think that is the reason. They are gradually giving it up, many of the boats are on the retired list.

Mr. HILL. Then, perhaps, in five years more, the fisheries will not be worth pursuing on that basis, will they?

Mr. FAULKNER. I do not think it is possible to exterminate the herd under the regulations of the Department.

Mr. HILL. But you can exterminate it commercially, can you not?

Mr. FAULKNER. I think commercially it can be. If destroyed commercially it would be unfortunate. When you force the people to discontinue the use of sealskins as a commercial article you lose the market for years, and it will be difficult to again build up the trade. That was demonstrated by the experience of the Alaska Commercial Company, of which, I think, Mr. Elliott was an employee. Were you not an employee of that company, Mr. Elliott?

Mr. ELLIOTT. No, sir; I never was an employee of the Alaska Commercial Company.

Mr. FAULKNER. I beg your pardon.

Mr. ELLIOTT. I know it is a common understanding. You do not want to misrepresent me; I am sure of that.

Mr. FAULKNER. This company had to spend thousands of dollars to build up the seal-fur trade. They did not dispose of their annual catch for several years because of a want of demand. If the killing was entirely suspended it would result in something else being substituted for the Alaskan furs. That is the belief of those familiar with the trade.

Mr. HILL. That is rather contrary to the experience of mankind—the scarcer you make a product ordinarily the more valuable it becomes.

Mr. FAULKNER. No; it is a question of fashion that controls all questions of this character. If it is the fashion then the article is in demand.

Mr. WILLIAMS, of Mississippi. The more expensive a seal skin becomes the more it would be the fashion to wear it. That is my experience.

Mr. FAULKNER. I could not say. Fashion in this as in all other similar articles determines the demand.

Mr. SWANSON. I understand you insist that the killing of the male seals, which would be prohibited by this bill, instead of being a benefit to the herd would be a detriment?

Mr. FAULKNER. Yes.

Mr. SWANSON. As I understand it this bill prohibits your company from killing male seals on the islands?

Mr. FAULKNER. We never have killed anything but males.

Mr. SWANSON. I understand; but your position is that the killing of male seals, under the provisions of the Secretary of the Treasury, is a benefit and not a detriment?

Mr. FAULKNER. Yes.

Mr. TAWNEY. What have you to say to this statement (S. Rept. 282, p. 23, 58th Cong., 2d sess.) of the committee that visited the Pribilof Islands:

We are thus brought face to face with the fact that the killing of young seals on the islands since 1896 has been so close that no young male life has been permitted to pass over the slaughter fields on to the breeding grounds. This occasions the rapid falling off in numbers—42 per cent in the last two years—of the breeding males from old age, their places not being filled by the accession of fresh male life. In order to prevent a total collapse of the birth rate in the next two or three years, it is imperative that all killing of all seal life on the islands be stopped next season. This will enable the choicest of the young males to grow up and reach the breeding grounds in the next four years and there take their places, which must be taken by them or the seal life will be extinguished.

The committee therefore recommend that a suspension of all killing by the lessees of the seal islands be made at once and indefinitely, and that the Government of the United States shall attempt to reopen and conclude negotiations with the Government of Great Britain looking to a revision of existing rules and regulations which govern the taking of seals in the open waters of the North Pacific Ocean and Bering Sea, and to enter upon negotiations with the Governments of Russia and Japan to the end that all pelagic sealing may be stopped, and if, after a reasonable length of time, the Government fails to secure a proper revision and enforcement of such rules and to conclude such negotiations, then the Secretary of Commerce may, with the approval of the President, reduce the surplus female life of the herd on the Pribilof Islands to 10,000.

With the herd so reduced in numbers pelagic sealing will not be profitable as an industry, and the herd will be permitted to increase and multiply slowly at first, afterwards more rapidly, until again proper regulations may be adopted for killing.

Mr. FAULKNER. That was a subcommittee of the Committee on Territories that visited Alaska. They were four hours on that island. Mr. Elliott has had the ear of that committee. You can see from the language used that either he has copied their language or else they have copied his language, for the language you have read is identical with the language he has used before the committee.

Mr. TAWNEY. You have served in the Senate. Which is the rule in such cases—that the Senate committee adopts the language of some one who makes a statement, or that the language of the committee is adopted by the other man?

MR. FAULKNER. The rule is to look on both sides of any question broadly and not allow one who has continually advocated a particular view, rejected by the scientists of the country, to secure the ear of a committee or of those who have to pass upon the measure. That has been the rule.

MR. TAWNEY. What have you to state as to the fact?

MR. FAULKNER. I can not say as to the fact.

MR. WILLIAMS. The question I wanted to ask you was this—

MR. FAULKNER. This question will be decided to-day, I suppose, in the Senate Committee on Foreign Relations.

THE CHAIRMAN. I wish the committee would allow the Senator to complete his statement.

MR. SWANSON. Just this one question. I understand this bill prohibits the killing of males?

MR. FAULKNER. Yes.

MR. SWANSON. What is the proportion of males and females in the present herd? Have they got enough males for breeding purposes?

MR. FAULKNER. Yes; I will come to that in a moment.

THE CHAIRMAN. Now, let us let the Senator proceed and complete his statement.

MR. FAULKNER. There are rookeries adjacent to the island where breeding seals are found, as is known to Mr. Elliott, he having married on the islands. On these breeding rookeries the seal is never disturbed, nor are they ever driven. They are thoroughly protected, and there are on them, of all ages and sexes, to-day 15,000 seals. Four thousand five hundred males are ample to impregnate all the female seals on both of the islands. This is the opinion of the experts.

Gentlemen, I have given a brief general review of the negotiations between the two countries. There are three propositions presented by this joint resolution. The first is, What consideration should be shown to the lessee, who, as a contractor with the Government, has rights and property interest which the abrogating of its contract, made in good faith with the United States, would subject to irreparable injury?

In 1890 the North American Commercial Company, after advertisement by the Government, entered into a contract with it for the exclusive right to kill seals for the period of twenty years.

MR. WILLIAMS, of Mississippi. What year was the beginning of the contract?

MR. FAULKNER. May, 1890, or April; I do not remember, but it was in the spring of 1890.

That contract gave the Government the right to protect fully the seal herd. If this is true, why this agitation, I ask? Why are you compelled to attend this meeting session after session to hear this question discussed, when by the terms of this contract it is in the power of the Department, after a full investigation, to limit and control the killing of male seals in the preservation of the herd, as in its judgment it may determine to be to the interest of the United States, having at the same time proper regard to the interest of the lessee?

Further than that, that power is now vested in your agent, who will exercise it and has exercised it annually. He fixes before the season opens the number of male seals that can be taken, after first considering all the facts officially within his knowledge, and especially the fact of the depletion of the herd. The reports of the Treasury agents give him all the information necessary for his decision. They are present on the islands, and not a seal can be killed by the agents of this com-

pany but in the presence of these officials. This contract was entered into by express authority of an act of Congress. Under that act it is provided that the Secretary of the Treasury in making a new lease should have due regard to the interest of the former lessee. What was the action of the Secretary under that provision? He held that under it the North American Commercial Company must purchase the entire plant of the former lessee, the Alaska Commercial Company. This company was compelled to buy from the former lessee every house on that island erected for the protection and the comfort of its inhabitants that had been built by the Alaska Commercial Company. It had to buy its stores, its plant, its boats, its tackle, and, in fact, everything owned by it on the islands. It paid over a full value for all this property.

Mr. ELLIOTT. Sixty-three thousand dollars was all it paid.

Mr. FAULKNER. In the opinion of those who know, the amount paid was above its value. My understanding is it reached far in excess of \$63,000, although I have not the information upon which I can make a positive statement. What do we next find?

The company entered into this contract with the understanding that after the first year they would be permitted to take 100,000 seals. It was limited to 60,000 the first year, but in fact only took about 28,000. The modus vivendi followed for two years, during which period the company was limited to 7,500 each; since then they have never gone over 30,000, but generally far below that number.

Mr. WILLIAMS, of Mississippi. In the meantime the price of seal-skins has gone up?

Mr. FAULKNER. I will explain to you the profits of the company. I am coming to that question. I want to show the relative hardship encountered by this company during this lease. The Alaska Commercial Company was taking 100,000 seals for twenty years. What has the North American Commercial Company taken during its lease? If you will refer to page 20 of the report of the subcommittee of the Committee on Territories you will find the figures. During the twelve years given of this company's lease the average killing of seals has been 17,506 annually. An examination will show that under the original lease the Alaska Commercial Company paid 63 cents a skin as a bonus, whereas this company pays \$7.62½ per skin. You will find the aggregate payment under the Alaska Commercial Company's lease was \$3.17, and that under the lease of the North American Commercial Company the Government receives for every sealskin \$10.22, more than three times the amount paid by its predecessor, and yet the catch has been reduced to an average of 17,506 skins instead of 100,000 skins, the cost of the plant and the cost of running the business being about the same in both cases.

On the same page of this report, Mr. Williams, you will find the price of the skins given in London. The cost of these skins for twelve years, as given by that committee, will show an average price of \$22.31. Deduct from that the \$10.22 they have to pay the Government and you have \$12 as the gross profit. From that you must take the cost of chartering and sending to the island a ship every fall and winter. You also have to deduct 50 cents for every skin taken, which, under the contract, is paid to the natives. On a catch of 17,506 this would amount to \$8,753. In addition to this you must deduct for the support of schools, supplying the teachers, the furnishing of medicine,

and the employment of agents that the company has to have to transact its business. Further, you must reduce this gross profit by deducting the cost of the support of the indigent and the orphans, which burden, under the contract, falls upon the company.

In addition to these liabilities assumed under the contract or incident to the business, the company found it necessary to establish at Dutch Harbor a basis of supplies for coal, water, and supplies. You will remember there are no harbors or docks at the islands. At a cost of \$200,000 this plant was established. Its location and supplies have been of great convenience to the United States. It has furnished coal, water, and supplies to Government ships and to the merchant marine of the United States since the company has been the lessee under this contract. With these facts in your possession I desire to direct your attention to the provisions of this joint resolution. The measure abrogates this contract. No fault is alleged for this action by reason of any act done or left undone by the company. I ask, Is it fair and just to annul this contract by the exercise of the power of the sovereign? Is it just and right that this company should be left without any remedy for the loss of the plant it has on the island, for the stores it has taken there in the belief of the permanency of its contract? Would such action between man and man be just and right? If you determine to abrogate this contract, has not the company the right to say to its representative, "In your action be fair, be just, be equitable?" If a national necessity or public policy requires the abrogation of this contract and compels you to disregard the rights of a citizen under a contract which you have freely and voluntarily entered into, should you not provide in the same measure a remedy the provisions of which will protect and guard the interests and preserve the rights of this company?

This suggestion rests upon a fundamental principle that Congress will not ignore. Let us take up this joint resolution. I assert you will make a great mistake—

Mr. WILLIAMS, of Mississippi. Do you deny that the company has been killing any seals under 1 year old?

Mr. FAULKNER. I do deny it most emphatically. The evidence to disprove it was furnished by Mr. Elliott when he gave you the weight of the skins taken, showing that they were of seals over 1 year of age. The paper he read showed that they were yearlings. The 5-pound sealskins are yearlings. You can appreciate that fact when the company is paying \$10.22 per skin to the Government out of a gross revenue of \$22.31 per skin, that after you deduct the incidental expenses, the cost of curing the skins, the transportation to London, all of which can not aggregate less than \$6 per skin, it could not afford to take inferior or small pup skins. You must remember when you say a yearling you mean every seal that is 1 year and less than 2 years old. When it becomes 2 years old it is called a 2-year old. The company takes only the larger seals over 1 year and under 5. It is in the power of the Secretary of Commerce and Labor, under the contract, to fix by his regulations, if it is deemed wise, that the age limit shall be 2 years or 3 years, if necessary to the preservation of the herd, and this company would be estopped to complain, as it has agreed to abide by the regulations that the Department may promulgate.

Gentlemen, I desire to suggest for your consideration the unwisdom

of such legislation if we intend to enter into further negotiations with England, Japan, and Russia.

The CHAIRMAN. The committee will have to adjourn in about seven minutes.

Mr. FAULKNER. This is an important question. Gentlemen, as representatives of this great Government, will you, by the passage of this measure, repudiate the position the Government has taken as to the cause of the decrease of the seal herd in every international dispute?

Mr. GROSVENOR. Your remarks up to this time will be printed. Now, could you not dictate to a stenographer further and let it appear in the printed hearing? Would that not be as well as for us to have another meeting at some other time?

Mr. FAULKNER. Yes; I will do anything that the committee desire. I am subject to their orders and their convenience and wishes in every respect.

The CHAIRMAN. We want to leave that with you.

Mr. FAULKNER. I have no desire one way or the other. I want to suit myself entirely to the convenience of the committee.

Mr. WILLIAMS, of Mississippi. Speaking for myself individually, I would like you to make a full statement. I would like the Senator to make a statement to the stenographer. I would like to give permission to both sides to extend in print.

Mr. FAULKNER. Every scientist, with the exception of Mr. Elliott, opposes his entire views in reference to the killing on the land. I want to explain the Russian situation in 1834 that has been referred to.

Mr. WILLIAMS, of Mississippi. It seems to me that when you do not leave the question of natural selection and propagation to the strongest males and to nature to determine by this fighting-out business that you will leave it to males that may be inferior and will not produce as healthy progeny.

Mr. FAULKNER. I will refer the committee to the pages of the authorities where every view advanced by Mr. Elliott has been overthrown.

Mr. HILL. The herd is falling off?

Mr. FAULKNER. Of course, and it will fall off so long as pelagic sealing continues. How could it be otherwise when they are frequently killing three seals whenever they kill a female?

Mr. WILLIAMS, of Mississippi. Prior to pelagic sealing it was said that a decrease had taken place in the Russian islands by land killing alone. I would like that point to be brought out.

The CHAIRMAN. Will it suit your convenience to come here to-morrow morning?

Mr. FAULKNER. Yes; I am subject to your wishes.

Mr. WILLIAMS, of Mississippi. Before we adjourn I would like to have permission granted to let the speakers extend their remarks.

The CHAIRMAN. That can be done to-morrow morning.

Thereupon, at 12 o'clock, the committee adjourned until to-morrow, Thursday, March 10, 1904, at 10 o'clock, a. m.

THURSDAY, *March 10, 1904.*

The committee met (pursuant to adjournment yesterday) at 10.30 o'clock a. m., Hon. Sereno E. Payne in the chair.

Members present: The chairman, Messrs. Dalzell, McCall, Hill, Boutell, Watson, Williams, Cooper, and Clark.

STATEMENT OF HON. CHARLES J. FAULKNER—Continued.

(See p. 10.)

Mr. FAULKNER. Mr. Chairman and gentlemen, I noticed in the report of the proceedings as published in the *Star* yesterday evening a statement, alleged to have been made by myself, which, if it conveyed that impression to the members of the committee that it does in the paper, I desire to correct it this morning, for I certainly had no intention of making such a statement.

That statement was that during the four hours the Senators were on the islands Mr. Elliott had the ear of those Senators. I have no knowledge whatever of whether Mr. Elliott was on that island or not, and my statement was intended to be—and if it did not convey that impression I desire to convey it now—that he had had the ear of those Senators, but the time when it is impossible for me to state.

There is another statement here, Mr. Chairman, that I feel it my duty to comment upon. If it was made to this committee in the form it is given in this extract, I certainly did not understand Mr. Elliott's remarks.

I understood him to say that his report, made in 1890, was suppressed, but I did not understand him to say that an officer of this Government so high as the Secretary of the Treasury, or any other official occupying a high position in the Government, had sought and endeavored to force him to make a statement of facts which, in his judgment, he did not feel to be true. If I had understood that to have been his statement—and it so appears in the report of the proceedings as published in the *Star*—I certainly would have made this comment upon that subject: The report of Mr. Elliott of 1890 was made to the Secretary of the Treasury. The reason that it was not received and acted upon as an official report, or an official document, was because of the opinion of the Secretary of the Treasury that it was filled with inaccuracies, the reasons for his action being of record in the Treasury Department, which facts were in my possession yesterday at the hearing. It is perhaps not proper for me to say what those reasons were, but I say to this committee that those reasons are upon the records of the Treasury, and that any member of this committee or the committee has a right to ask for those reasons, and when they shall be received the committee will be thoroughly satisfied of the correctness of the position taken by the Secretary of the Treasury in suppressing the report.

Mr. WATSON. What report is that?

Mr. FAULKNER. The report of Mr. Elliott of 1890.

I desire further to say that the controversy over this report of 1890 did not stop in the Department; that when the United States representatives met before the tribunal of arbitration in Paris they were confronted by a demand of the British counsel to present that report to the tribunal—either a certified copy or the original, and the tribunal of arbitration concurred with the representatives of Great Britain.

The motion was based on a newspaper statement of a letter addressed by Mr. Elliott to the Secretary of the Treasury, in which he conveyed that report to him, and in which he gave a brief outline of the substance of the report, and was published in a paper of Cleveland, Ohio.

The position taken by the counsel of Great Britain was resisted by the attorneys of the United States, but the tribunal of arbitration decided that it was a proper paper under the second clause of the treaty to be demanded by Great Britain from the United States, and it was subsequently placed before the tribunal.

I think, in justice to this Government, that these facts should be stated, all of which can be verified by a reference to the proceedings of the tribunal of arbitration.

Mr. Chairman, it strikes me as rather surprising, when we come to look at the character of this bill or joint resolution, that it is proposed by its author under the idea that it is necessary to preserve the seal herd, and all killing by the company must cease, and yet, with that as the ostensible purpose of this resolution (and I have no doubt it is the real reason of the gentleman who introduced it), we find that this Government is authorized to continue the killing on those islands. Although the joint resolution says we will stop the killing and abrogate, rescind, and annul the contract made between the Government, at its invitation, and the North American Commercial Company, yet in the judgment of Congress we should proceed to have 5,500 seals killed annually; that those skins should be taken by the Government, sold by the Government, and the money covered into the Treasury. Now, if it preserve the seal herd by reducing the number 5,500 annually, what is the reason or necessity for abrogation or rescinding the contract by this act?

If Congress has the power to annul or rescind the contract, then it has the power to state to the Secretary having charge of this subject that under the provisions of the terms of that contract without annulling its provisions, but in accordance with its expressed terms you are directed to limit the number of seals killed on the islands annually, or for the number of years you may desire, to 5,500 skins.

That direction would accomplish the object and purpose of this resolution without a breach of faith on the part of the Government in an attempt to annul the contract. It would act then in accordance with a construction the Department had placed on the contract and the mouth of the lessee would be closed.

Now, it can not be said that the taking of seals is different under the authority of the lessees from the taking under the Government by its agents, for there is not a single seal killed under the regulations of the Department as they exist to-day, not one, that is not killed in the presence of an agent of the Government put there for the purpose of seeing that every regulation is carried out. I repeat, if that is not a correct position, I can not understand the object of this legislation.

If you are going to take the position that by reason of a national question which is involved, that because of a national policy that must be carried out in reference to this industry, you deem it wiser to abrogate the contract which you have invited a citizen to make, then, I say, the exercise of the same principles of sovereignty which you appeal to as authorizing you to annul this contract for the benefit of the general public, should be applied that controls in the exercise of the sovereign right of eminent domain, and that all the property upon these

islands that has been put there under the faith of this contract should be condemned, its value paid for by the United States, the public bearing in the interest of national necessity and public policy which you deem wise to inaugurate, the burden, and not place that burden alone upon the shoulders of a single corporation.

It strikes me that is a sound doctrine. Every lawyer at this table must recognize it as such. If you are willing to step beyond the bounds of this contract (which you assume to control absolutely by a direction to your Secretary or by the direct act of Congress), then you should condemn this property if the public necessity of the country requires it, and let all bear the burden, and not impose it upon a single corporation.

Mr. Chairman, there is one question here that I regard as of vital importance, and to me it is the most serious question involved in this controversy. What is it? It is a declaration (if this joint resolution should pass) by Congress that in order to preserve the seal herd the killing must be stopped upon the islands. What does that declaration mean, when you take the history of this subject during the last twenty years into consideration? It means simply this, Mr. Chairman, that such a solemn declaration by Congress is a distinct denial of the correctness of the position taken by the Government of the United States in the international controversies relative to this subject with Great Britain during the last twenty years. We have stood upon the proposition sustained by every report (except Great Britain's experts at that time, and Professor Elliott), upon the firm foundation that the killing of seals under proper regulations by the Government upon land did not deplete the herd or injure the industry.

Mr. HILL. Senator, was not that accompanied by the concurrent action of other nations in regard to killing at sea at the same time?

Mr. FAULKNER. The position was firm and unquestionable, so far as we were concerned, in all our negotiations, that the killing on land under proper regulations did not in any way affect the increase of the herd.

The CHAIRMAN. Right there, Senator Faulkner. I have always understood in the argument of Mr. Elliott before this committee that the great cause of the destruction of the seal herd was this pelagic sealing.

Mr. FAULKNER. He takes the other view.

The CHAIRMAN. No; I have heard him argue time after time of the inhumanity of killing the mothers while they are on the way to the feeding ground, and he has shown pictures of the young seals dying of starvation by reason of the killing of the mothers. He has made that argument before this committee time and time again.

Mr. FAULKNER. That was his view, there is no question about it, up to 1890.

The CHAIRMAN. I have heard him express that view time and time again since 1890, and you will find—

Mr. FAULKNER. He puts it in the report of 1890 on both grounds. As he stated yesterday, it is useless to stop pelagic sealing, he says, unless you stop the killing on the land.

Mr. ELLIOTT. That is right.

Mr. FAULKNER. Our position has been the reverse. It has been taken after the most mature consideration and examination of this subject by the most competent experts and scientists appointed by the

United States Government. Their conclusion has been opposed to suspending the killing on land and in favor of stopping pelagic sealing. They have maintained that the killing on land was a necessity in order to preserve the herd in good condition, and that the destruction was the result of pelagic sealing, and pelagic sealing alone. That is the distinction, that is the difference, between the position of the Government in all of its international controversies with Great Britain and in all of its negotiations with that country on this subject, and the position taken by Mr. Elliott since 1890.

The tribunal of arbitration sustained the contention of the United States. I repeat, if you pass this act you not only repudiate the foundation upon which our negotiations have always rested with Great Britain, but you also deny the correctness of the decision of the tribunal of arbitration, which rests upon the evidence introduced by our own Government.

Mr. ELLIOTT. Mr. Chairman, I do not think the gentleman wants to misrepresent me.

Mr. FAULKNER. Not at all.

The CHAIRMAN. I think you had better wait, Mr. Elliott.

Mr. FAULKNER. I am perfectly willing—

The CHAIRMAN. I am not. There is no objection to any member of the committee asking questions, but I think any one outside had better wait until Senator Faulkner closes his statement.

Mr. WATSON. Do you mean in the seal business the law of natural selection is set aside and that nature has made a mistake in apportioning the number of males and females, so that man must intervene to perpetuate the species?

Mr. FAULKNER. I mean that with the exception of Mr. Elliott there is not a scientist that I have been able to hear of or who I have been able to talk to who does not maintain that in order to preserve the herd in the best possible condition it is essential that the surplus male life shall annually be killed, and I will refer to the authorities I rely upon in a few moments. Anyone who will study the work of Professor Jordan (he can in one night almost read the condensed first volume of that report) and see the authorities he relies upon will be convinced on this question. I am not surprised that the professor (Professor Elliott) laughs at that. He says his (Elliott's) report to the Smithsonian Institution has stood without question. Gentlemen, if you will just take the report of Jordan and read five or six pages on Elliott's method of estimating the number of seals on the islands, you will be convinced that in his estimate he exceeded the number of seals there by at least 1,400,000.

Take up the report of Captain Mosher, of the United States Navy, who examines carefully Elliott's method of estimating numbers, that by surveying the rookeries ascertain the number of square feet in each and then estimate the number of square feet that would be occupied by each seal, you can determine this number.

Mr. Elliott gives in his report the estimate that 2 square feet is sufficient. The lowest estimate by any other expert, and that is reached by compromise, is 22 or 23 feet. Captain Mosher says:

I can not even fit his coast line, let alone his rookery lines, with his maps.

They are absolutely a misfit. They are of no value, they are not measurements, they are simply sketches. That is his value of Elliott's method of calculation in ascertaining the number of seals. His entire

theory is contradicted by all the subsequent investigations by scientists. It is true Elliott did not have the advantage that these gentlemen had in later investigations nor the information that they possess, but when he states to this committee that his report stands uncontradicted and is the recognized authority by this Government, I think I am at liberty to criticise such a claim and refer to the subsequent reports, which overthrow his views.

Again in his report he says the driving destroys the virility of the males that escape from the killing grounds or are rejected. You are aware, gentlemen, that many are rejected in every drive as either too old or too young. This novel theory is also overthrown. He assumes that the testicles of the seals, dragged on the ground in making his peculiar forward movement, would be injured in coming in contact with rough substances over which the seal was driven. He did not seem to know the characteristics of the seal. When an examination was made it was shown that when they move over the ground that portion of the body is drawn up in the body and no injury can possibly result from it.

He is again in error as to the feed of the pups. He declares that they can be supported on certain roots that are found around or floating about the islands. An examination of the pups demonstrated that they are supported alone upon the milk of the mother. Time and again have all these different questions been discussed and decided adverse to the views of Mr. Elliott.

The committee will find in the authorities I shall refer to the decisions of competent experts sustaining all these views I have maintained. Further, they will see that for the first time, in 1898, the British and Canadian commissioners sustained the propositions that I have laid down, and that they contradict Mr. Elliott on most, if not all, of these controverted questions.

The CHAIRMAN. Senator Faulkner, is there anything to show what proportion of female seals bear young annually?

Mr. FAULKNER. It is about an even division.

The CHAIRMAN. It is about what?

Mr. FAULKNER. Statistics show that the birth rate of male and female is about the same.

The CHAIRMAN. No; you do not understand me. What proportion of female seals bear young?

Mr. FAULKNER. You mean at what age?

The CHAIRMAN. No; after they get to the bearing age, what proportion bear young?

Mr. FAULKNER. Almost every one.

The CHAIRMAN. Then there must be some virility around there.

Mr. FAULKNER. You could almost say every one bears a pup annually.

Mr. HILL. You are opposed to this bill?

Mr. FAULKNER. Yes.

Mr. HILL. What is your position—is it to let things alone and let the herd die out?

Mr. FAULKNER. I am not afraid of the herd dying out.

Mr. HILL. You stated yesterday that it showed a very rapid decrease.

Mr. FAULKNER. Of course; and it will until we stop pelagic sealing. Until pelagic sealing is stopped it will decrease to a certain point. You can see how far it will decrease. It will continue to decrease to

that point when the reduction in the number of the herd will render it unprofitable to continue pelagic sealing.

Mr. HILL. You propose to let it be decreased to that point?

Mr. FAULKNER. No, sir.

Mr. HILL. What action do you propose to prevent it?

Mr. FAULKNER. I propose that the Government proceed with its negotiations as rapidly as possible with the hope that it will, by proper conventions with England, Japan, and Russia, stop pelagic sealing and, in the mean time, the Secretary of Commerce and Labor having the power to regulate the number of seals killed annually, the herd can be protected and improved on land and at the same time a fair revenue from this industry will be brought into the Treasury.

Mr. HILL. What do you mean—to reduce the number that are killed on land?

Mr. FAULKNER. Yes; he has the power under this lease to reduce it to any number that he may deem proper.

Mr. HILL. I thought your position was that it did not affect the case to kill on land. Why is the necessity for reducing the killing on land?

Mr. FAULKNER. As the herd decreases of course you are bound to reduce the number killed on land, for the reason that there is not that number of killable seals.

Mr. COOPER. Is there any way for this Government to prevent the killing at sea?

Mr. FAULKNER. No, sir; none at all except by international agreement.

Mr. WILLIAMS, of Mississippi. I understood you yesterday—and, thinking about it afterwards, I thought perhaps I misunderstood you—to say that the number of seals killed last year was only about 50 per cent of what they were the year previous to that.

Mr. FAULKNER. No, sir; that was with reference to pelagic sealing. No; the number was about 19,000, I think.

Mr. ELLIOTT. Twenty-two thousand in the last three years.

Mr. FAULKNER. I did not make that statement.

Mr. WILLIAMS, of Mississippi. That was it, then; you referred to the pelagic sealing?

Mr. FAULKNER. Yes; the number of killed by this report, and it only goes to 1891. In 1903 it was 19,000, I think.

Mr. ELLIOTT. Twenty-two thousand for the last three years.

Mr. WILLIAMS, of Mississippi. If the killing by pelagic sealing decreased 50 per cent, the reason of the decrease was that they could not find the seals, was it not?

Mr. FAULKNER. I am satisfied that the closed season and the reduction in the number of seals together had that effect. In other words, the reports show that there were only about 50 per cent of the number of vessels engaged in pelagic sealing last year that had previously been engaged in it, and the supposition of all parties of interest is that the result of that reduction in the number of vessels engaged in the catch was for the reason that it was not so paying an industry as formerly.

Mr. WILLIAMS, of Mississippi. Carrying that fact, if that is true, it must have been because the herd had decreased so much that there was not enough business for over 50 per cent of the ships that were in it before?

Mr. FAULKNER. Of course, do not let the committee misunderstand me—

Mr. WILLIAMS, of Mississippi. I do not think I am misunderstanding you. The point I am getting at is this. If the seals are decreasing at that rate, if our negotiations do not hurry up and come to something very shortly, there will not be anything to negotiate about.

Mr. FAULKNER. Oh, yes; you gentlemen are mistaken about that. You will find that these scientists maintain without any question at all in their minds—and I will give you the authorities—that there is no question that you could not destroy the herd by killing in the sea entirely. You could not, in other words, exterminate the species, as Mr. Elliott expressed it yesterday; that as soon as the herd was reduced to that condition that it would not pay pelagic sealers to fit out their boats the decrease would stop, and when that point was reached the increase in the herd would begin. You will see by all the authorities that it is an admitted fact that the killing of the surplus idle bulls is a benefit to the herd. It prevents the bulls from reaching an age when their fighting propensities are such that they not only kill the cows but the young pups. Excessive male life is an injury to the herd. The seal is polygamous in his habits. It takes but one bull for a great many cows. There are recorded instances on the Russian islands where two bulls supplied over four hundred cows, and those cows had pups the succeeding years.

The CHAIRMAN. I suppose there has never been any question but what the making of so many steers or geldings has not had the effect of extinguishing either cattle or horses?

Mr. WILLIAMS, of Mississippi. That is a different proposition.

Mr. CLARK. I understand they drive these bull seals up there through some kind of a chute and pick out the best ones and kill them. Now, that is precisely the opposite operation which we employ to get good horses and cows and sheep, and if they keep that up long enough would not that kill the herd off by the deterioration of the herd?

Mr. FAULKNER. No; you are mistaken in the view you take, I think.

Mr. CLARK. That is what I understood—that they drive them up there and take the best ones.

Mr. FAULKNER. No; in the drives they take the seals of a particular age. Their trade demands seals of a certain age to obtain marketable skins, and those younger or older are rejected. For instance, a bull 5 years old has passed the age when his skin is marketable.

Mr. CLARK. What is the matter with him?

Mr. FAULKNER. It is the condition of the skin; they do not want it; it is not marketable. Then the Government fixes the limit of the age as to the young ones. The young rejected seals are virile, just as good as the ones that have been taken; the same with the bulls that are too old to be taken for their skins; they are just as virile and good animals in every other way as the accepted seals except as to the quality of their skins.

Mr. CLARK. But the young ones that escape this year they drive up the next year the same way, and tap the best ones on the head and get them?

Mr. FAULKNER. It is not the best ones; it is simply those of a particular age. It is not a question of a better seal skin that determines the ones to be killed, but it is the age of the seal under the regulations of the Department.

Mr. WATSON. And you say that is necessary to preserve the herd?

Mr. FAULKNER. Yes, sir.

Mr. WATSON. Then if none were killed and the herd were left alone

your argument would be that the herd would be exterminated in time by its own process?

Mr. FAULKNER. No; when they killed down to that point when there would only be a sufficient number of bulls for the cows the fighting would cease. These fights do not occur until the sexual desire causes the fighting propensities of the bulls to be aroused and the female is in heat.

Mr. CLARK. In these fights they have it is a survival of the fittest?

Mr. FAULKNER. Yes; when it comes to the fighting it is a survival of the fittest.

Mr. WILLIAMS, of Mississippi. That is the point exactly.

Mr. HILL. And it is the killing of the best seals.

Mr. FAULKNER. No, sir; it is the killing of the inferior in age and strength.

Mr. HILL. But the best of that age.

Mr. FAULKNER. No; they will take all of that age within the quota they can get. It must be remembered that at no one time are all the seals of killable age on the islands; large numbers of the seals are in the sea. The 2-year-olds do not reach the driving grounds until perhaps in the middle of July. Under the conditions that are now imposed upon the lessees they do not allow a drive after the 20th of July. That is the recent limitation. It was formerly the 10th of August. Gentlemen, I will not detain you by reading my authorities, but I will refer you to the books and pages relied on, so that you may read it if you desire. I am going to give you the conclusions of some of the authorities. Part 1, *The Fur Seals and Fur Seal Islands*, by David S. Jordan, page 185. He says:

Land killing is not now a factor in the decline of the herd, and has not been since the islands came into the possession of the United States. It has not caused injury to the breeding of the herd, either by undue reduction in the number of males or impairing their virility, or in any other way.

Land killing has tended to increase the size of the breeding herd by the reduction of the number of adult bulls, and their consequent fighting, which results in the destruction of females and pups.

This is the conclusion reached by Mr. Jordan after discussing the questions elaborately in his report.

Here is a very important matter, gentlemen. It is worthy of your attention. The conference of fur-seal experts, representing Great Britain, Canada, and the United States, which convened in the city of Washington November 10, 1897. The delegates were D'Arcy Wentworth Thompson, on the part of Great Britain; and on the part of Canada, Mr. James Melville Macoun; on the part of the United States, Hon. Charles Sumner Hamlin and David Starr Jordan. That was the commission representing Canada, Great Britain, and the United States, that made its report in 1898. They found certain facts to exist and principles controlling this subject that bear with great force upon the question before the committee. I desire to read several conclusions they reached. They decided that you can not count the seals by taking the number of feet they occupy upon the ground, but by counting the pups. In the seventh paragraph of the "Joint statement" they say (p. 242):

The count of pups is the most trustworthy measure of numerical variation in the herd. The counts of harems, and especially of cows present, are much inferior in value. The latter counts, however, point in the same direction. The harems on all the rookeries were counted in both seasons.

Mr. HILL. How many young do they have?

Mr. FAULKNER. One.

Mr. CLARK. One a year?

Mr. FAULKNER. Yes; one a year. This joint conference passed upon the regulations of the Department and the contract of the lessees. This was in 1897, seven years after the report of Mr. Elliott. It is the admission of Canada and Great Britain. It is the first time they have agreed to the proposition which they announce in the extracts. I shall read page 243.

9. The methods of driving and killing practiced on the islands, as they have come under our observation during the past two years, offer no criticism or objection. An adequate supply of bulls is present on the rookeries. The number of older bachelors rejected in the drives during the period in question is such as to safeguard in the immediate future a similarly adequate supply; the breeding bulls, females, and pups on the breeding rookeries are not disturbed; there is no evidence or sign of impairment by driving of the virility of males; the operations of driving and killing are conducted skillfully and without inhumanity.

That is the decision of the experts of Canada, Great Britain, and America.

Mr. COOPER. At whose instance was that report made?

Mr. FAULKNER. This was made at the instance of the two Governments, under the authority of a clause in the award of the tribunal of Paris, which provided that the United States and England should revise the regulations formulated by the tribunal at the end of five years. Looking forward to that revision, in 1896 the two countries appointed this commission, that at the end of the five years they would have additional information upon which to base their new regulations.

Mr. COOPER. Did this Alaska company have anything to do with it?

Mr. FAULKNER. Oh, no, sir; it was a governmental commission entirely.

Mr. CLARK. How did the Bering Sea come to be considered an open sea, by treaty or by international law?

Mr. FAULKNER. Russia claimed to some extent the right to regard it as an inland sea over which it could exercise jurisdiction, and the United States insisted that it had acquired by the treaty all the rights of Russia. That matter was submitted to the tribunal of arbitration of Paris and they decided against the claim of the United States.

Mr. WILLIAMS, of Mississippi. Unanimously, did they not?

Mr. FAULKNER. Yes. Well, Senator Morgan did not vote on the question, but Justice Harlan voted with the other arbitrators.

Mr. DALZELL. Is that a governmental publication?

Mr. FAULKNER. Yes, sir; it is a publication called "The Fur Seal Islands in the North Pacific Ocean," by David Starr Jordan.

Mr. DALZELL. Is it a Senate or House document?

Mr. FAULKNER. It does not mention whether it is a House or Senate document. It says: "Government Printing Office, Washington, D. C." (Note.—Treasury Dept. Doc. 2017, div. special agents.)

Mr. ELLIOTT. I think it is a Treasury document.

Mr. FAULKNER. I suppose it is a Treasury document for the reason that the commission, I think, was appointed by the Department looking forward to the revision of the rules under a provision of the award of arbitration. The report of the conference proceeds (p. 243), in the thirteenth clause:

13. The polygamous habits of the animal, coupled with an equal birth rate of the two sexes, permits a large number of males to be removed with impunity from the

herd, while, as with other animals, any similar abstraction of females checks or lessens the herd's increase, or, when carried further, brings about a natural diminution of the herd. It is equally plain that a certain number of females may be killed without involving the actual diminution of the herd if the number killed does not exceed the annual increment of the breeding herd, taking into consideration the annual losses by death through old age and through incidents at sea.

MR. WATSON. What is the name of that book?

MR. FAULKNER. The Fur Seals and Fur Seal Islands of the North Pacific Ocean, by David Starr Jordan, with the following official associates: Leonard Stejneger and Frederick A. Lucas, of the United States National Museum; Jefferson F. Moser, lieutenant-commander, U. S. Navy, in command of the United States Fish Commission steamer *Albatross*; Charles H. Townsend, of the United States Fish Commission; George A. Clark, secretary and stenographer; Joseph Murray, special agent, with special papers by other contributors.

This joint statement of the conference (p. 243) further says:

14. Whether from a consideration of the birth rate or from an inspection of the invisible effects, it is manifest that the take of females in recent years has been so far in excess of the natural increment as to lead to a reduction of the herd.

The commission now admit our whole contention in regard to pelagic sealing, because there is not a female killed on the islands under the regulations of the Department.

MR. ELLIOTT. Read the rest of it.

MR. FAULKNER. I am going to.

MR. HILL. Is it easy to distinguish the male from the female?

MR. FAULKNER. I understand from these writers—because you gentlemen understand that I am not an expert—that it is after they reach the age of 2 years.

MR. HILL. I thought you killed at 1 year of age.

MR. FAULKNER. I do not remember whether they have reduced the age to 1 year or not, but if they have done so, they only kill a very few of that age, because they are not marketable skins.

MR. WILLIAMS, of Mississippi. Yes; they kill them between 1 and 2 years.

MR. FAULKNER (reading):

Yet the ratio of the pelagic catch of one year to that of the following has fallen off more rapidly than the ratio of the breeding herd of one year to the breeding herd of the next.

MR. ELLIOTT. Therefore we admit that pelagic sealing does not hurt.

MR. FAULKNER. No. It says—

MR. CLARK. There is no way to suppress this pelagic sealing except by a treaty with England, is there?

MR. FAULKNER. A treaty with England, which will be followed by a treaty with Japan and Russia, but the stoppage of the Canadian sealers would virtually stop the preying upon the Pribilof Island herd. They are the ones that do the chief injury.

The United States has shown its good faith in this matter by prohibiting American citizens from pelagic sealing or from fitting out vessels for that purpose, and we stand now, in the opinion of the experts, upon firm ground. We permit the killing only of the surplus males that are an injury to the increase of the herd.

MR. Chairman, I desire to read the conclusions of one of the most competent experts on this subject; that is, an extract from the report of Mr. Stejneger. He has made an elaborate study of our islands and

of those of Russia and Japan. I regard this report as the clearest and perhaps the most satisfactory discussion on the subject. He rests his conclusions on convincing reasoning, fortified by the fullest statistics. This is part 3 of the report of Professor Jordan.

On page 227 of Leonard Stejneger's report he says (he was speaking of the Russians—and see how it fits the case exactly):

The propriety of prohibiting the killing of fur seals on land for a period of five years, as a means of building up the seal herd, has of late been discussed by the Russian authorities. When at sea they would be subject to the same danger from the pelagic hunters as the females. It shows that they have utterly failed to grasp the two essential points of the seal question as it stands to-day, viz, that the decline of the seal herd is solely due to pelagic sealing, and that the increase and consequent rehabilitation of the herd depends solely upon the preservation of the female seals. If pelagic sealing is stopped, no suspension—

I use the English instead of the Russian word—

is necessary, or, as I shall show, it will be directly hurtful. If pelagic sealing be continued, a suspension will not only not protect the herd on shore, but it will directly result in increased catches for the pelagic sealers as long as the suspension lasts, since they will have the additional males to prey upon which will have been spared on land.

Now the future prosperity of the seal herd depends upon the number of females it contains; the number of bachelors is irrelevant in this connection.

Why? Because there are so many surplus bachelors that they are in the way.

MR. CLARK. What do you mean by bachelors, old fellows that have been ruled out of the business?

MR. FAULKNER. No, male seals. The bachelors are generally spoken of as those seals that have not acquired a harem or place on the rookeries. [Reading from the report of Mr. Stejneger:]

Suppose pelagic sealing be suppressed and a five years' suspension instituted on the Commander Islands; what would result? At the end of the five years there would be exactly as many females as if no suspension had been, not one more (possibly some less), because no female seals would have been killed even if the suspension had not been kept. But there certainly would be a great many more killable seals at the beginning of the sixth year than during any one of the preceding years. A little reflection, however, will show that their total number must be less than the total sum of killed during these preceding years, inasmuch as the 2 to 4 years old bachelors of these years would have escaped the killing and become sikatchi, that is, available rookery bulls, and consequently unfit for killing during the suspension. And how would it look on the rookeries? * * *

To sum up, a suspension as contemplated would result in (1) no addition of a single female to the herd; (2) loss in total number of killables; (3) highly injurious overstocking of the rookeries with fighting males, and (4) a consequent heavy loss of young pups killed shortly after birth.

This is the conclusion and summing up of this question, after four investigations of the islands by one of the most competent experts.

MR. ELLIOTT. He does not know anything about our islands.

MR. FAULKNER. I beg your pardon, he is absolutely familiar with our islands—more so than Mr. Elliott is.

MR. ELLIOTT. He was only two days on the American islands.

MR. FAULKNER. I question that; I have read the report.

MR. WILLIAMS, of Mississippi. Who is that?

MR. FAULKNER. Leonard Stejneger. He is a gentleman whom Senator Nelson told me he had known from boyhood, and a man of the highest character; a man whose statement he would credit and for whom he had every respect.

MR. WILLIAMS, of Mississippi. Of course what you have read there is simply an opinion?

MR. FAULKNER. No; this is a conclusion of the report of 400 pages, a conclusion drawn from the facts which he has discussed in 400 pages.

MR. WILLIAMS, of Mississippi. Of course every opinion is based upon some fact.

MR. FAULKNER. It is based on his reasoning, his experience, and observation in four distinct investigations ordered by this Government as its representative.

MR. WILLIAMS, of Mississippi. In that connection it may be science that God Almighty made a mistake to leave the cows and bulls to work out the problem in connection with natural selection. If so, it is the only mistake I have heard of him making, but it is certainly not common sense to say that you must have man interfere with a wild animal and kill some of them in order to propagate the species to the best advantage.

MR. FAULKNER. We have had these scientists working on this question twenty years. We have sent these men time and time again, in fact, almost yearly. The Government sends experts to the islands to get new light and more information on the peculiar habits and characteristics of this animal. Their conclusions have been reached by the process of observation, experiment, and study. They are now giving to you their scientific conclusions and information acquired through those investigations. I can not give it to you. You could not give it to me. We must rely upon the Government officials, accredited to us as competent, capable, and honest men who are sent to make a study of these subjects.

MR. WILLIAMS, of Mississippi. Yes; for facts, but not for conclusions and opinions.

MR. FAULKNER. For facts. I can not read you their arguments, their reasoning, their statistics, by which they reach these conclusions; I can not consume the valuable moments which your generous courtesy has allowed me to read these volumes; I can only give to you their conclusions and refer you in my brief to the pages of these reports, where you can read the reasoning and facts that justify their conclusions; that is as far as I can go. It would be asking too much to burden you further. [Reading from report of Leonard Stejneger, p. 228:]

A suspension without total stoppage of pelagic sealing would be even more senseless, as the females would continue to decrease at a much greater rate than the males, more females than males being killed at sea, and the resultant overstocking of the rookeries with bulls would be even more disproportionate and the more disastrous.

MR. WATSON. That is not on account of the natural law at all, but they are reasoning that by pelagic sealing females will be killed and the males will not be killed on the land. But suppose you leave them all alone and do not kill any.

MR. FAULKNER. If you believe this fact—that 80 per cent of females are killed at sea—that the proportion of the sexes at birth is equal; that the habits of the animal is polygamous, when 50 to 150 cows are served by one bull, you will see that the full male life of the herd is not necessary to preserve and perpetuate the herd; I mean to the extent of the birth of the male.

MR. WILLIAMS, of Mississippi. But on the contrary they are purposely placed that way so they can fight it out and the strongest may procreate the species, and it is by the struggle, the fighting, that the strongest and best fittest survive and serve the females.

Mr. FAULKNER. The older the bull and the more vigorous the bull of course the more able is he to get a position on a particular rookery, and he can contest successfully against the younger bulls and keep them away from his harem. It is the age of the bull that enables him to hold the rookery against the young bull that is trying to capture it, it is not that when of the same age he was a stronger or superior bull, but that age has given him greater strength and weight.

Mr. CLARK. The one that is holding the rookery will be bowled out when some other fellow gets big enough?

Mr. FAULKNER. Of course he will. That is the reason why it is not necessary in any manner to preserve the entire male life, the birth rate being equal. The increase and growth of the herd are controlled by the number of females preserved for the harems in which one bull can serve from 15 to 150 females, and therefore the male full life is not essential to affect this object.

Mr. CLARK. There is no such thing as segregating a bull with his harem from the rest of them?

Mr. FAULKNER. They segregate themselves.

Mr. CLARK. Suppose man undertook to interfere and breed these seals like we breed cattle. There is no machinery that could be devised to segregate Mr. Bull with his harem from the rest of them, is there?

Mr. FAULKNER. I would not like to go near them when they are on these rookeries from what I have read as to their habits and disposition. [Reading from report of Leonard Stejneger, p. 228:]

That these considerations are not mere fanciful theories is plainly shown by our experience on the Pribilof Islands. As soon as the falling off in the catch of the bachelors called attention to the decrease of the seal herd a halt was called; the killing on land was reduced to a minimum. The temporary officials were then under the same erroneous impression as the Russian authorities now, viz, that the calamity consisted in the decrease of bachelors, and they overlooked that it was the females, and they only, that needed being looked after. For several years only a fraction of the killable seals were allowed to be taken. What was the result? A single additional female on the rookeries? No; loss to the lessees and the Government of the bachelors spared; a corresponding gain to the pelagic sealers; a deplorable superabundance of bulls on the Pribilof rookeries, and numerous pups trampled to death soon after their birth. America has thus paid very dearly for her blunder. Are the Russians going to repeat it?

It can now be asserted with certainty that a suspension of five years, or of one year, will retard the rehabilitation of the rookeries not only for so many years as the suspension lasts but until the blunder be corrected by a wholesale killing off of the superfluous bulls resulting at the end of the suspension.

He says there that the injury will be a continuous one after such a suspension until the Government shall go to work and kill off the surplus bulls which cause injury to the herd.

Gentlemen, I have a number of references to authorities relating to the question which I have discussed, killing on land, the effect of the suspension of killing, which I do not feel that it is fair to the committee that I should ask to read.

The CHAIRMAN. You might hand those to the stenographer.

Mr. FAULKNER. I will hand the references to the reporter. (See p. 33.)

Gentlemen, there are several scientists who are equal to any of the scientists or experts whose opinions we have discussed who have investigated carefully, earnestly, and with the desire of obtaining all the information possible with a view to reform the regulations provided for by the Paris award that are within reach of this committee, and I

do think that as this is an important and vital matter to the Government that all the light that can possibly be thrown upon it should be obtained from these gentlemen. I will be glad to give to the committee their names and addresses.

Mr. HILL. Do you know anything about the general sentiment of either the natives or what few whites there are up there in regard to this question?

Mr. FAULKNER. I do not, sir, not the slightest. I do not suppose they feel any interest in it, providing you give them the support they are now getting.

Mr. HILL. I mean as to the best course to pursue in the treatment of one of their native products there, whether they concur with the scientists on that question.

Mr. FAULKNER. I have never ascertained their views and therefore can give you no information upon it.

Mr. HILL. Is it not a fact that there is something of a prejudice against the opinions propounded by Professor Jordan?

Mr. FAULKNER. I have never heard any except from Mr. Elliott.

Mr. COOPER. What is the net revenue this Government derives from the lease that it had made to this company?

Mr. FAULKNER. It has derived a revenue of between \$7,000,000 and \$8,000,000 since the original lease was made.

Mr. COOPER. What has it been in the last few years?

Mr. FAULKNER. It has been small. You may multiply nineteen thousand and something by \$10.27 and that would give you what it is.

Mr. WILLIAMS, of Mississippi. About \$200,000 in round numbers.

Mr. COOPER. That is the gross revenue. What is the net revenue?

Mr. FAULKNER. I can not tell you what the net revenue to the Government is. Of course, the Government has had to keep certain vessels up there, as England does in the Bering Sea, to guard and protect the zone of 60 miles around the islands and other points, but this expense would continue under the terms of this award whether the lease was abrogated or continued.

Mr. COOPER. Does the Secretary of the Treasury make a statement of what net revenue is derived from that lease?

Mr. FAULKNER. I have not seen it; it may be in his report.

The CHAIRMAN. I do not know whether you care to express your opinion, but suppose this resolution was passed and the Government should kill 5,000 or 6,000 seals a year and appropriate the skins, would your company have any claim for damages against the Government of the United States under this contract?

Mr. FAULKNER. I think if you would abrogate and rescind the contract it would.

The CHAIRMAN. Suppose we should simply do what this resolution requires?

Mr. FAULKNER. That abrogates the contract, annuls it. I say, if you abrogate the contract I can not understand why the Government, under the decision of the Supreme Court, after entering into a contract in reference to a property matter, is not bound by the terms of that contract equally with the other contracting party.

Mr. WATSON. But does not the contract itself provide for a suspension?

Mr. FAULKNER. It provides for a regulation, not a suspension of the contract.

Mr. WATSON. Then, what is the difference whether it is a suspension by the Treasury or the agent of the Treasury, or by Congress?

Mr. FAULKNER. No, sir; there is no provision for suspension. There is a provision—

Mr. WILLIAMS, of Mississippi. There is a provision that they shall be taken under limitations and restrictions to be prescribed by the Secretary of the Treasury.

Mr. FAULKNER. Yes; it is in substance. Yes; I will read it. It is a very short clause of this contract.

The CHAIRMAN. We give your company the exclusive right to kill, do we not?

Mr. FAULKNER. Yes; but here is a limitation of the rights of the company and a provision that protects the Government, in my judgment, in the limitation of the annual catch. It has acted under this clause and prescribed yearly the number of seals that shall be taken by the company:

The said company also agrees faithfully to obey and abide by all rules and regulations that the Secretary of the Treasury has heretofore or may hereafter establish or make in pursuance of law concerning the taking of seals of said islands, and concerning the comfort, morals, and other interests of said inhabitants, and all matters pertaining to said islands and the taking of seals within the possession of the United States.

I think there is no question of the right of the Secretary under that clause of the contract to limit and provide by regulations what shall be the annual catch. What I can not understand, and I have never understood, is why if a limitation is necessary in the judgment of Congress, and that it should be limited to 5,500 a year, why is it that you want to abrogate the contract instead of allowing the lessees to take the 5,500. There can be given no satisfactory reason for it.

You invited the entering into this contract in good faith. We obtained the contract under a bid in which we offered three times more than our competitors were paying. We have lost by it. From 100,000 a year we have been reduced to 7,500 two years, and the average for twelve years has been only 17,506 a year. We have therefore made no great profit, as you can see, in this matter.

What can be the object in abrogating a contract when you have the power through your Secretary to control the number of every annual catch and still preserve the good faith of the Government with the lessee?

The CHAIRMAN. I think you stated your position on that very well yesterday. Mr. Hitchcock is here from the Department of Commerce and Labor. He came here upon a letter from me written at the suggestion of one of the members of the committee, and we will now hear Mr. Hitchcock.

REFERENCES TO JORDAN'S REPORT, 1898 (PRESENTED BY SENATOR FAULKNER).

As authorized by the committee, I append to my remarks the following references to the pages where the subject mentioned will be found in part 1 of the Report of David Starr Jordan on the Fur Seal and Fur Seal Islands, 1898.

1. The causes which led to the depletion of the herd on the Pribilof Islands in 1834, page 25.

2. Elliott's method of estimating number of seals on the island overthrown, pages 77, 78, 79, 81, 83, 84, 89, 95.

Elliott's theory of overdriving overthrown, pages 126, 127, 128.

Elliott's theory of nourishment of pups controverted, pages 163 and 164.

3. The only possible method of approximating the number of seals is by count of pups, pages 92, 93, 94, 96, 240.

4. Seals of all classes on islands in 1897, page 100.

5. In 1897 rookeries were overstocked with male life, page 111.

6. Land killing under proper regulations does not injure, but benefits the growth of the herd, pages 106, 119, 120, 150, 185, 210 (Note), 243; overkilling has not occurred, page 121; killing bachelors not a factor in decline, page 123; premature killing wasteful, but not injurious, page 124; hypothetical case of killing injurious, page 120, but such killing not practical, page 121.

7. Conclusions of report of experts, page 189.

8. Table showing killing on land and sea, page 211.

9. Number of bulls necessary on islands, page 194.

10. Idle bulls, page 47; number of idle bulls, pages 97 and 98.

11. Islands where seals are not disturbed adjacent to the Pribilof Islands, pages 32, 94, 98, 121, 138.

12. Percentage of females killed by pelagic sealing, pages 154, 156, 158, 244, and 245.

13. Destructive effect of pelagic sealing, pages 170, 171, 172, 185, 186, 189, 243, and 244.

STATEMENT OF MR. FRANK H. HITCHCOCK, CHIEF CLERK OF THE DEPARTMENT OF COMMERCE AND LABOR.

(See also p. 52.)

Mr. HITCHCOCK. Mr. Chairman, the Secretary received your letter requesting that the Department be represented at this hearing, and he has accordingly directed me to be present and to answer, as well as I am able, any questions your committee may wish to ask regarding the attitude of the Department toward this resolution.

The CHAIRMAN. I wrote the letter at the suggestion of Mr. Williams, of Mississippi. If he has any questions to ask he may proceed.

Mr. WILLIAMS, of Mississippi. The letter was written to Mr. Hitchcock at my suggestion.

The CHAIRMAN. The gentleman from Mississippi requested that the Department be notified to appear, and in response to that I wrote to Secretary Cortelyou, and Mr. Hitchcock appears for the Secretary.

Mr. WILLIAMS of Mississippi. There is nothing particular that I wanted. I just wanted a statement of the opinion of the Department about this matter and wanted that to go before the House, so the House would have the benefit of it.

Mr. HITCHCOCK. I will say, Mr. Chairman, that our Department has not been indifferent to this matter of the fur seals. From the time the service was transferred to us on the 1st of July it has received careful attention.

We have taken measures to ascertain the condition of affairs on the islands and the condition of the herd. We have taken advantage of every available source of information. We have obtained the opinion of practically every expert in the United States, including that of Mr. Elliott. As a result of our inquiries, and in view of the opinions

obtained, we have reached a conclusion as to the proper course for the Department to follow if the matter is left in our hands.

It is the opinion of the Department that the time has come to adopt some positive measures for the further restriction of the killing on the islands. The Department, however, does not think it would be wise at the present time to suspend the killing entirely, and for that reason we are not in favor of the resolution as it now stands.

I take it that the purpose of the resolution is to preserve enough male life on the islands to guarantee the perpetuation of the herd. The Department is confident that the desired end can be accomplished by applying less drastic measures. If the herd can be saved without a complete suspension of the killing it would certainly be a serious mistake to take such action at this time. Why? Because the result would be a larger surplus of male seals on the islands, and these seals would go into the sea to become the prey of the pelagic sealers.

Just at this time when we have reason to believe that the pelagic hunters are becoming somewhat discouraged, and when we desire them to become still more discouraged it would seem most unwise to provide for them an additional stock of seals, and thus add to the profits of their business. The great object to be obtained, everybody seems to agree, is the cessation of pelagic sealing. We want the Government to negotiate with Great Britain for a revision of the sealing regulations. In order that we may be successful in these negotiations it is highly important that no impetus be given at this stage to the pelagic sealing industry, because that industry continues to be the chief obstacle to such negotiations. It is the influence the Canadian sealers bring to bear upon the British Government that stands in the way of a revision of the regulations.

Furthermore, if we take this action of suspending immediately all killing on the islands, it deprives us of a measure that can be offered to the British as an inducement for similar action on their part regarding pelagic sealing. Pending the adoption of new regulations for the better protection of the seals, we want to ask Great Britain to stop all killing at sea. In return for such action we can offer on our part to stop the killing on land.

For these reasons it seems to the Department that it would be very unwise, in advance of any understanding with the British, to suspend all killing on the islands. Such action would impede the Government in its efforts to secure an international agreement for the preservation of the seals.

Mr. WILLIAMS, of Mississippi. But what number do you propose to restrict it to?

Mr. HITCHCOCK. I shall be very glad to explain to the committee in detail the plan we have tentatively fixed upon. While we may decide to modify it somewhat as to the details, it will represent in its main features the policy the Department is ready to carry out.

First of all, we propose to limit still further the ages at which seals can be taken; we will prohibit altogether the killing of seals under 2 years of age; we will also prohibit the killing of seals above 4 years of age. Killing will thus be restricted to seals between 2 and 4 years old. Furthermore, a regulation will be issued requiring the company, under the direction of our agents, to cull out from the drives and release a certain number of 3-year-old males, and likewise a certain number of 2-year-old males, say about 1,000 of each. The

enforcement of these measures, according to the opinion of experts well qualified to judge, will undoubtedly provide a supply of male seals amply sufficient to insure the perpetuation of the herd, which I understand to be the object of the resolution your committee is now considering.

The CHAIRMAN. Will these be selected seals; these 1,000?

Mr. HITCHCOCK. They will be required to cull out the best ones.

The CHAIRMAN. They will get the best?

Mr. HITCHCOCK. As the pods come up in the drives they will pick out from each pod the best seals and release them.

Mr. CLARK. For breeding purposes? Do you limit, then, these selected to a certain number or kill all over that age limit?

Mr. HITCHCOCK. In addition to the restrictions outlined, we propose to cut down the quota—the number of seals the company is allowed to take.

Mr. ELLIOTT. How many are they allowed to take?

Mr. HITCHCOCK. At present their quota is 30,000. We propose to cut it down to one-half of that number—to 15,000. I do not mean to say that under these regulations the company will be able to get 15,000. That remains to be seen.

Mr. WILLIAMS, of Mississippi. You propose to forbid the killing of seals under 2 years old?

Mr. HITCHCOCK. Yes.

Mr. WILLIAMS, of Mississippi. At 2 years of age that is the very time you can tell the difference between the bull and the cow. In other words, if you kill nothing under 2 years old there should be no reasonable excuse for a mistake in that respect?

Mr. HITCHCOCK. You are quite right; that is the point. The great objection to killing these small seals, and I take it the only objection, is the difficulty in distinguishing the males from the females.

Mr. COOPER. Has Canada or Great Britain placed any limitation on the sea killing of seals?

Mr. HITCHCOCK. As to number; no.

Mr. FAULKNER. Nor as to sex, either?

Mr. HITCHCOCK. Nor as to sex.

Mr. WATSON. Then you would limit them to 15,000?

Mr. HITCHCOCK. Yes; in addition to culling out these male seals, it is our purpose to limit the catch to 15,000.

Mr. WATSON. After they are culled out you will not permit, under any circumstances, the killing of more than 15,000?

Mr. HITCHCOCK. No, sir; that is our proposition.

Mr. CLARK. How many is that supposed to be?

Mr. HITCHCOCK. I can give you the exact figures. They are from the latest reports of the agents and have not been hitherto published, except in part. I think some of you gentlemen will be surprised when you hear the figures read.

A census taken by the agents last season showed the presence on the two islands (St. Paul and St. George) of 97,296 breeding cows. Taken in connection with the records of the years immediately preceding these figures are surprisingly large. They seem to indicate that the number of cows has been increasing instead of declining. In 1899, five years ago, there were 89,261 cows on the islands, while in 1903, according to the figures I have just quoted, there were over 97,000.

Mr. CLARK. Now, they have one calf or pup or whatever you call them?

Mr. HITCHCOCK. Practically every cow gives birth to a "pup," as the young seal is called.

Mr. CLARK. It would be a liberal estimate to say that 60 per cent would have young?

Mr. HITCHCOCK. That would be an underestimate.

Mr. DALZELL. Nearly all of them have, according to Senator Faulkner.

Mr. CLARK. Cattle will not do that well.

Mr. HITCHCOCK. It is a well-established fact as regards the seals.

Mr. CLARK. What per cent do you say have pups?

Mr. HITCHCOCK. I do not care to commit myself as to the exact per cent, for I am not positive.

Mr. CLARK. I am not trying to get you to commit yourself positively, but you ought to have some idea about it.

Mr. HITCHCOCK. Nearly every cow has a pup. Scientists all agree to that.

The CHAIRMAN. Senator Faulkner said practically all of them.

Mr. HITCHCOCK. Mr. Chairman, that fact is generally assented to. I think Mr. Elliott will agree to that.

Mr. CLARK. Has the Department any information as to how many seals of all sorts these pelagic fellows get hold of?

Mr. HITCHCOCK. Most assuredly.

Mr. CLARK. How many of those?

Mr. HITCHCOCK. I shall be glad to give you the figures in a moment, if you will pardon me for an instant—

Mr. CLARK. Certainly.

Mr. HITCHCOCK. Last year the number of active bulls on the islands—that is, bulls having harems—according to an actual count made by the agents, was 2,343. Five years before there were 4,573, or nearly double the number for last season.

Mr. CLARK. What do you mean by active bulls?

Mr. HITCHCOCK. The bulls that have cows.

Mr. CLARK. How many are there that do not have cows?

Mr. HITCHCOCK. There were close to 500 idle bulls, or bulls without cows, on the islands last summer. Our agents were instructed to count the idle bulls last season, and as a result of their count they state positively that there were nearly 500 on the two islands. The number on St. Paul was 418, while on St. George there were about 75. It would seem from these figures that there is still a considerable supply of surplus bulls in the herd.

Mr. HILL. Does the Department keep account of the expense of supervising and watching this, as compared with the revenue received from it?

Mr. HITCHCOCK. Yes, a complete account.

Mr. HILL. Can you give the net profit or loss on the whole transaction annually?

Mr. HITCHCOCK. I can not give it to you at present, because I have not the figures with me; but I can send them to the committee, if desired. I have the records at my office.

Mr. HILL. Does that account include the cost of the revenue-patrol service?

Mr. HITCHCOCK. Everything in connection with the fur-seal service.

Mr. CLARK. I want to get the figures. You say 97,000 cows?

Mr. HITCHCOCK. Ninety-seven thousand two hundred and ninety-six.

Mr. CLARK. And how many active bulls?

Mr. HITCHCOCK. Two thousand, three hundred and forty-three.

Mr. CLARK. And how many inactive bulls?

Mr. HITCHCOCK. About 500 on both islands.

Mr. CLARK. Is that all the bulls there are up there?

Mr. HITCHCOCK. That is all of the bulls. That does not mean all the male seals, however.

Mr. CLARK. There isn't any sort of a male seal except a bull, is there?

Mr. HITCHCOCK. You understand that before the male seals reach maturity they are not called bulls.

Mr. CLARK. What are they called?

Mr. HITCHCOCK. The term usually employed is "bachelors."

Mr. CLARK. They are of no earthly account, are they?

Mr. HITCHCOCK. The company would not say that; it is the bachelors they take for their skins.

Mr. CLARK. What I want to get at is the total number. You say there are 97,000 cows, 2,300 heads of families, and 500 that are not doing anything?

Mr. HITCHCOCK. There were probably over 200,000 seals of all kinds, including pups, on and about the Pribilof Islands last summer.

Mr. CLARK. Senator Faulkner says this company averages 17,000 that they kill. How many do the English and the Japanese get?

Mr. HITCHCOCK. I am coming to that.

Mr. CLARK. Are those figures in such shape that you can hand them to the reporter?

Mr. HITCHCOCK. Yes; I have them in tabular form.

Mr. CLARK. What I want is to get at the facts, so we can form some rational conclusion as to whether this seal herd is decreasing or increasing, or what it is doing.

The CHAIRMAN. Do your figures show a comparative statement?

Mr. HITCHCOCK. They do.

The CHAIRMAN. You may insert them in the records. (See p. 57.)

Mr. HITCHCOCK. I will do so. But if you will permit me, I should like to present at this time the statistics that were requested a moment ago regarding pelagic sealing. The number of skins taken last season off the northwest coast and in Bering Sea by the Canadian sealing fleet, as officially reported by our consul at Victoria, was 12,026, to which should be added 765 skins taken along the coast by Indians in canoes, making a total of 12,791. These figures relate exclusively to the American herd. They do not include the skins taken by the Canadian fleet in Asiatic waters, amounting last season to 1,910; nor do these figures include skins taken from the American herd by vessels sailing under flags other than the Canadian, and there is reason to believe that during the past season a considerable catch was made by such vessels.

There can be little doubt, however, that the entire pelagic catch, including skins taken by Japanese vessels as well as Canadian, has been much smaller during the past few seasons than it was several years ago. In 1899, and also again in 1900, the Canadian fleet took over 33,000 skins from the American herd. Since then the catch at sea has undoubtedly been much reduced, and consequently the pelagic

sealing industry has ceased to be as profitable as formerly. Through the United States consul at Victoria I have obtained the annual statement of the Victoria Sealing Company (Limited), which shows that the total net profits of the past season were only \$19,852 on a capitalization of \$500,000, or not quite 4 per cent.

Mr. COOPER. What company is that?

Mr. HITCHCOCK. It is the Victoria Sealing Company, of Victoria, British Columbia.

Mr. COOPER. Where do they operate?

Mr. HITCHCOCK. They operate practically all the vessels that are engaged in pelagic sealing under the Canadian flag.

The CHAIRMAN. We will have to suspend. You can give those figures to the reporter. (See p. 57.) I understand that one of the members of the House died since the adjournment yesterday and I do not know whether there will be an adjournment of the House immediately or not. If the House adjourns we might meet this afternoon.

(Informal discussion followed, and thereupon, at 11.55 o'clock a. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The committee reassembled (pursuant to the taking of the recess) at 2 o'clock p. m., Hon. Sereno E. Payne in the chair.

Members present: The chairman, Messrs. Dalzell, Grosvenor, Tawney, McCall, Hill, Boutell, Watson, Williams, and Clark.

STATEMENT OF MR. J. W. IVEY, OF ALASKA.

(Ex-Collector of Customs in Alaska.)

Mr. Chairman and gentlemen of the committee, I would prefer that the reporter be instructed not to take down my remarks, as I am here with no set speech. My attention was called to this hearing by a newspaper article to the effect that the seal question was being considered by this committee. Having heard Senator Faulkner's remarks on this question during the morning session, and being informed that Professor Elliott would be heard this afternoon on the same question, I thought the committee might be pleased to hear from me from the standpoint of an Alaskan resident interested in the preservation of this industry.

The CHAIRMAN. Have you any objection to the proposition of the Department of Commerce and Labor suggested by Mr. Hitchcock this morning?

Mr. IVEY. No, sir. I heard the statement made by Mr. Hitchcock, and while I agree with it in the main, I think it was possibly going a little too far. That is, I do not believe such stringent regulations are necessary in order to preserve the seal herd. The people of Alaska have well-defined ideas on all their industries, but on account of the seal herd being away from the mainland of Alaska we have not taken as much interest in this question possibly as is the case with many other industries.

I have been a resident of Alaska for about seven years; have traveled extensively over that country; have visited the seal islands, and have made quite a study of the seal question.

I agree with Senator Faulkner that the killing of seal by the seal company is not what is causing the diminution of the seal herd. I believe

the whole trouble is caused by the killing of the female seal by Canadian and other seal poachers. If this could be stopped I am satisfied the herd would increase instead of diminish.

On my visit to the seal islands I was informed by the agent of the Treasury Department that they had that year counted 16,000 dead seal pups in the rookeries that had starved to death on account of the mothers being killed while away in search of food for their young. The killing of the mother seal causes death by starvation to all their young, so that during that one year not less than 32,000 seal were lost to our Government through pelagic sealing. There is a feeling in Alaska that our Government has not put forth its best efforts to protect this industry. It is my judgment that 75 or 80 per cent of the seal are killed within the 60-mile zone around the seal islands and within the 3-mile limit of the Aleutian Islands. Within the past two years I have seen Canadians engaged in sealing within our jurisdictional waters, and that, too, within 40 miles of where two or three of our revenue cutters were anchored with apparently nothing to do.

And this brings me to the question upon which I wish to speak particularly. The question is, How can we stop pelagic sealing? Mr. Chairman, our Government sends from five to eight revenue cutters to Alaska each year with apparently very little to do. Now, would it not be a good idea, as long as this expense is incurred, to send these revenue cutters there with instructions to proceed to Bering Sea and cause the arrest of all those engaged in sealing within our jurisdictional waters? I am not here to criticise the Government for not having done this before, nor will I censure those in charge of the revenue cutters, but I am satisfied that if this is done and vigilant action is taken by our officers that 75 or 80 per cent of this killing will be prevented. In fact, it is my opinion that if our Government enters upon this work in dead earnest, affording full protection to the seal within our own waters, that all poaching on the part of Canadians and others engaged in this illegal practice will cease entirely, as it would not pay them to continue in the business.

The officers of these cutters should be instructed to protect the seal in the spring and fall as they pass between the Aleutian Islands, as they go to and fro between the Pacific Ocean and Bering Sea, where thousands of our seals are slaughtered annually. They should also be instructed to patrol the 60-mile zone around the seal islands and put fear of God in the hearts of all those who are engaged in destroying our property.

On the seal question we have had altogether too much so-called scientific and expert nonsense and not enough good, hard horse sense. Let us put in motion the machinery we have, which costs us a large sum of money annually, and see what can be done toward protecting this valuable industry. I positively know that these foreigners year after year engage in destroying our property within our jurisdiction with impunity, while it is made a crime for our own people to kill seal anywhere on the high seas from 300 miles south of San Francisco to the Arctic Ocean.

The CHAIRMAN. Have you called the attention of the Department of Commerce and Labor to this matter?

Mr. IVEY. No, sir. The matter has only recently been placed in that Department, being formerly in the Treasury Department.

While I was collector of customs in Alaska the special agent of the

Treasury Department and myself wrote a letter to the Treasury Department to the effect that if our Government would use machinery it has at hand, such as I have suggested, the seal herd would be saved from destruction.

Mr. DALZELL. What proportion of pelagic sealing do you say is done within our jurisdictional limits, and not on the high seas?

Mr. IVEY. I say from 75 to 80 per cent of it. If this pelagic sealing is stopped I am satisfied seal poaching will all stop, as it would not pay them to continue in the business.

I wish to repeat that I do not think that trouble is on account of the land killing by the seal company. As long as a sufficient number of male seal are retained for breeding purposes the land killing works no injury to the seal herd. The bachelors or young male seal are those killed for the fur, and these are never allowed by the older males to approach the rookeries or breeding grounds. To kill these, leaving enough for breeding purposes, does not injure the herd. It is the same as in raising cattle, the females are retained while only a sufficient number of males are kept for breeding purposes.

Mr. Joseph Murray, a former Treasury agent on the seal islands, told me some years ago that the land killing was no injury to the herd, but that the whole trouble grew out of pelagic sealing, which destroyed both the mothers as well as the pups. I believe the suggestion made by Mr. Hitchcock to the Department of Commerce and Labor to be a good one, that no seal be killed under two years of age by the seal company.

The whole question resolves itself into the prevention of pelagic sealing by Canadians and others engaged in that business, and if the committee will let this question alone, except to have the Department of Commerce and Labor make an order that no seal be killed under 2 years of age and order the revenue cutters to go up there and do their duty for the protection of this industry, you will have no further trouble with this question.

The CHAIRMAN. I hope you will go to the Department of Commerce and Labor and make this statement to them.

Mr. IVEY. I will be pleased to do so.

The CHAIRMAN. It is a new statement to this committee and we are very glad to get the information. Is there any gentleman here who wishes to be heard in opposition to this? If not, we will hear anyone in favor of it. I suppose Mr. Elliott would be glad to be heard.

ADDITIONAL STATEMENT OF MR. H. W. ELLIOTT.

(See p. 1.)

Mr. ELLIOTT. Mr. Chairman, I want to speak in brief reply to certain criticisms of Senator Faulkner, who, in behalf of the lessees, has just made assertions touching the character of my work on the seal islands in 1872-1874 and in 1890; also to ask some questions of the representative of the Department of Commerce and Labor.

The CHAIRMAN. You may ask him some questions if you desire.

Mr. ELLIOTT. I have heard to-day, here, for the first time, from the Department of Commerce and Labor on the point of what it will do to restrict the land killing. I have enjoyed the confidence of the gentleman who has just spoken here, for the Department, and we have always interchanged views without hesitation.

The CHAIRMAN. We all have. What questions have you to ask?

Mr. ELLIOTT. Let Mr. Hitchcock tell the committee how many seals under 2 years old are up there to-day which he proposes to save.

Mr. HITCHCOCK. Kindly repeat that question.

Mr. ELLIOTT. How many seals on those islands next summer under 2 years of age will you be able to save, and will they kill 15,000, as you say you will allow?

Mr. HITCHCOCK. Mr. Elliott, I think you are as competent as I am to make an estimate of that number.

The CHAIRMAN. If you want to ask any questions for information, ask them. We do not propose to allow a cross-examination.

Mr. ELLIOTT. I would like to have the gentleman answer the questions in your presence. How many seals?

Mr. WATSON. I do not understand that they were to have the privilege of killing 15,000. He said that they were to save all under 2 years old.

Mr. HITCHCOCK. Yes, sir; that is correct.

Mr. GROSVENOR. And if the 15,000 did not materialize, that would be their bad luck?

Mr. HITCHCOCK. Yes, sir.

Mr. ELLIOTT. How would you draw that distinction, "long" two years or "short" two years?

The CHAIRMAN. What do you mean by "long" years or "short" years?

Mr. ELLIOTT. They have "long" two years old or "short" two years old.

The CHAIRMAN. We take the ordinary sense of two years which means twenty-four months.

Mr. CLARK. A yearling is a yearling from the time that it is a year old until it is 2 years old.

The CHAIRMAN. He said no seals under 2 years old. A man of ordinary sense understands that, and I do not think we will quibble on that.

Mr. HITCHCOCK. The agents on the island understand perfectly the distinction, and they will be able to carry out the instructions, with the information they have.

Mr. ELLIOTT. He says these agents will carry out these instructions. How have they carried them out heretofore? The law says they shall not kill any seal under a year old up there. I state here, weighing my words carefully, that they have killed thousands of seals under a year old.

The CHAIRMAN. That statement has been made and it has been contradicted. Have you any evidence as to that?

Mr. ELLIOTT. I have it here, and I want to present it. If these agents are going to make this selection in 1904, we want to know what they have done in the past year.

Last summer they were allowed to kill 25,000 seals if they could get them. They only killed 19,000. I have an analysis of a sale made in London on the 17th of December, 1903. Fifteen thousand one hundred and eighty of those 19,000 skins were sold at this sale, on the 17th of December, and I have an analysis of the sale of every skin that was sold.

The CHAIRMAN. You suggested yesterday that you should judge from the weight of the skins—

Mr. ELLIOTT. Yes; from the London classification.

The CHAIRMAN. Is a seal anything like a baby? We hear of different weights in babies.

Mr. ELLIOTT. Yes; they have well-grown babies and underdone babies, and all that sort of thing. The analysis of those 15,180 skins shows that there were 13,034 $4\frac{1}{2}$ -pound skins sold. Those were yearlings.

Mr. WATSON. What is a yearling; does it mean a seal from 1 to 2 years old?

Mr. ELLIOTT. A yearling is a seal after he is 12 months old. He then begins as a yearling.

The CHAIRMAN. We understand that.

Mr. WATSON. The point is how many under 1 year old were killed?

Mr. ELLIOTT. "Short" yearlings, 2,302. Then there were 312 $3\frac{1}{2}$ -pound skins; these were "yearlings," certainly.

Mr. WATSON. That doesn't mean anything to us.

Mr. ELLIOTT. That means under a year.

Mr. WATSON. What does?

Mr. ELLIOTT. That light-weight skin. No man has got the sense, when those yearlings come up, if he kills them, say, on the 4th of July, to know that he is not killing a pup that was born on the 25th of July, the year before.

Mr. GROSVENOR. How are you going to tell?

Mr. ELLIOTT. You can not tell, and therefore I say the burden of proof rests on the Treasury agent not to have them killed.

The CHAIRMAN. If it is extended to 2 years old it will help a good deal?

Mr. ELLIOTT. It will. But will they extend it if they have not done so here?

The CHAIRMAN. Mr. Hitchcock appears to be a reputable gentleman.

Mr. ELLIOTT. Yes, I agree with you perfectly. I want to make this point on the matter: I want to help Mr. Hitchcock in this business. I want to put this entirely in his control. That is the point and the sense of this resolution, that all the killing up there, until the rookeries are in shape to kill again, should be entirely in his control.

The CHAIRMAN. It already is, is it not?

Mr. ELLIOTT. Not if he allows the lessees to make the selection after giving them a permit to kill so many seals. If he can so handle his agents as to make the selection and reservation he has announced as the order of the Department, then he can.

The CHAIRMAN. He can stop it altogether.

Mr. ELLIOTT. Not if he gives them a permit to kill 15,000 before they start up next May.

The CHAIRMAN. I say he can stop it altogether.

Mr. ELLIOTT. Yes, sir; if he does not let them have the permit to kill, then at the start they are checked.

The CHAIRMAN. Then it is entirely under his control?

Mr. ELLIOTT. When the permit is given it is under his complete control only so far as preventing the lessees from taking more than 15,000 seals; then the shade of selection is done up there far from his immediate reach or control, unless his agents are like himself.

Mr. WATSON. If you want to discuss the regulations you ought to discuss them with him and not with us.

Mr. ELLIOTT. That is very true, but I go further here. I want him

bound by a distinct statement to this committee that he will restrict this killing of young male seals beyond all question, so as to really save them.

The CHAIRMAN. What we want to hear is whether we shall pass this resolution.

Mr. ELLIOTT. This resolution will put the matter of excessive land killing on the islands beyond any power of interference with the Department for at least three or four years. It will rest and save the few choice young male seals now alive and permit them to grow up, so as to reach the breeding grounds by 1907 or 1908, where they must appear then or we will lose the life itself. The resolution permits him to kill "food" seals; he then kills only the poor ones; there is no incentive or stimulus to get the good ones, which would prevail were the lessees to have the selections of the "food" skins, after he had given them a permit to kill—this resolution puts him in sole charge, and then the difficulty of the thing is obviated at once.

Mr. CLARK. This last gentleman seems to indicate that these active bulls, the heads of families, segregate themselves from these bachelor bulls; that the bachelor bulls are driven off to reservations. Is that so?

Mr. ELLIOTT. These young fellows are not allowed by the old bulls to go where the breeding is going on. A young male must attain a growth of six years before it is physically heavy and strong enough to fight with the breeding bulls for a place on the rookery. To stay there he must be at least as old as that.

Mr. CLARK. Now, if there is enough of these active bulls that get together with the cows, and these other fellows are entirely separated from them, what harm would it do to kill that whole gang?

Mr. ELLIOTT. They must grow up so as to fill those places on the breeding grounds which become vacant by reason of old age and excessive service.

Mr. CLARK. Just the young ones, I mean.

Mr. ELLIOTT. They are all young ones.

Mr. CLARK. What becomes of the surplus old ones?

Mr. ELLIOTT. They lie right on the rookeries, and do nothing; they are the superaged and impotent old bulls, which can neither attract, nor control, nor serve as breeders; they lie around, somnolent for a season or two, then disappear by death.

Mr. CLARK. But they are not mixed up with these active, breeding bulls?

Mr. ELLIOTT. No; for the best of reasons. They are impotent; and the prepotent bulls pay no attention to them; nor do the cows; the rookery grounds are so scant in life now that there is plenty of room for these old and worthless bulls to lie in there, undisturbed, with harems all around.

Mr. CLARK. Why not knock them in the head and get the skins?

Mr. ELLIOTT. The skins are not valuable.

The CHAIRMAN. Don't you think the idea carried out by Mr. Hitchcock allowing them to kill 15,000 would leave a sufficient supply of bulls for all purposes of propagation?

Mr. ELLIOTT. If I thought Mr. Hitchcock would be there to enforce the grades of selection which he says he will order spared, and which he announced to you this morning, year after year, I would not hesitate.

Mr. CLARK. If you thought that would be carried out you would be in favor of it?

Mr. ELLIOTT. Yes; if I thought he would be there, but I have found that these officers are constantly changing, and men come and go; good men are supplanted by men who are not so good, and the opportunity comes in—

Mr. TAWNEY. Have you any evidence of collusion between these Treasury agents and the company that has this lease, for the purpose of getting any special privileges up those?

Mr. ELLIOTT. I do not know exactly what you mean by collusion.

Mr. TAWNEY. Are they under the influence of or in the employ or connected with this company in any way?

Mr. WATSON. Do they get a rake off?

Mr. ELLIOTT. The Government agent in charge to-day on St. Pauls Island left the employ of the company two or three years ago and walked over into the Treasury agent's office. He is there to-day. He is giving information to the Department of Commerce and Labor. I do not mean to say that he would not discriminate against his company for the Government—well, what would he do?

Mr. TAWNEY. Is he still an employee of the company?

Mr. ELLIOTT. No. What I mean to say is this: Unless there is some man like Mr. Hitchcock here, it is more than likely that the lessees, through such means, will get back again and make their own selections as usual, and not his selections, if he should leave the office. That is the point I make in this thing. If we had this business for a few years so fastened down that they could not get in there, and would be obliged to kill exactly as the Department of Commerce and Labor prescribes, even if the man who succeeds Mr. Hitchcock is not as straight as he is—

The CHAIRMAN. You heard the statement of Mr. Ivy that 75 per cent of the pelagic sealing is done within our jurisdictional waters. What do you say about that?

Mr. ELLIOTT. That is news to me; I do not believe it.

The CHAIRMAN. How long has it been since you have been up there?

Mr. ELLIOTT. Not since 1890. But why should they come there? Their favorite feeding grounds are from 80 to 90 miles from the sealing islands, and that is where these hunters get them.

The CHAIRMAN. Mr. Ivy seems to say that that is not where they get them.

Mr. ELLIOTT. Yes; I have heard that. I have formed a very high opinion of the revenue-marine service in Alaskan waters. I know that the seal patrol does not amount to much; but that is not in the slightest degree the fault of the revenue-marine service; the fault lies elsewhere.

The CHAIRMAN. You know nothing to the contrary, but it is against your judgment?

Mr. ELLIOTT. It is against all the knowledge and judgment I have had on that. I know that since 1901 the Canadians have masqueraded as "Japanese" fur-seal hunters, and in "Japanese" vessels have been able to practically nullify what little restraint the Bering Sea Tribunal rules and regulations impress.

Mr. CLARK. How old do male seals live to be?

Mr. ELLIOTT. Sixteen or 18 years old, on an average.

Mr. CLARK. What is the reason these 5 and 6 year bachelor seals are not good for commercial purposes?

Mr. ELLIOTT. Because the fur on their withers becomes patchy and harsh.

Mr. McCALL. Would it not be good to make a man's overcoat out of?

Mr. ELLIOTT. No, not even good for door mats. The male skins are not good after the fifth year of the seal's life.

Mr. CLARK. The period for the bulls is from three years to seven?

Mr. ELLIOTT. No; from the sixth year to the sixteenth or eighteenth year, as breeders, they must get flesh and strength enough to fight and stay on the breeding ground from 4th of May to 1st of August annually, without leaving their posts for an hour in that time, either to eat or drink.

Now, I want to take up another point that might as well be clearly understood.

Mr. CLARK. Does it relate to this resolution?

Mr. ELLIOTT. It relates to the record of land killing under the Russian administration. I have the official records here, and I want to lay them before the committee. They show that when there was not even the thought of a pelagic hunter in the mind of anybody, much less the industry itself, that the Russian herd under a systematic principle of killing off all the choice young males every year passed from an immense aggregate of life in 1808 down to the point of almost total extermination in 1834 in these Pribilof Islands.

Mr. FAULKNER. Allow me to state that up to that period the Russians killed both female and male, and I was not able to bring that out. I had the authorities and all that for it, but I shall put it in my brief.

Mr. ELLIOTT. I am glad he stated that. I do not object to the interruption.

The CHAIRMAN. That is a fact?

Mr. ELLIOTT. No; it is not a fact. I do not like to say that, but I have the official records here of the work. In 1819—now, this is a point that ought not to be lost on the committee, because it is not my assertion; it is a record of fact here; it is a record of excessive land killing, to the ruin of the herd, when there was no pelagic sealing even known; it is authentic and worthy of your respect; it denies what Doctor Jordan and his associates have said beyond all successful contradiction or sensible disputation. Let me read what the official examiner, sent out by the board of directors of the old Russian-American Company, and who reviewed the whole season's work of 1819 on the killing grounds of St. Paul Island, reports back to his company. Under date of March 15, 1821, the secretary of the Russian-American Company writes from St. Petersburg to Governor Muraivev, at Sitka, who is in charge of the entire Alaskan district, and in control of the seal islands, to wit:

In his report, No. 41, of the 25th of February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observed that every year the young bachelor seals are killed and that only the cows, "sekatch," and half "sekatch" are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors remain alive in the autumn they are sure to be killed the next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct.

The CHAIRMAN. That would seem to indicate that the Russians killed all the young male seals?

Mr. ELLIOTT. Yes, they did; from 1 year old to 4 years old; just as we have been doing since 1896 down to date, and as some "experts" are proposing to continue, even now. And these "experts" are now being quoted to you as "authorities" to prove that no excessive killing of young male seals ever harmed this herd—that pelagic sealing alone injures it.

The CHAIRMAN. No; we reserve enough now for the propagation of the species?

Mr. ELLIOTT. Yes; we do intend to; but the argument made this morning by the counsel for the lessees is that you can not kill so as to hurt the herd. He quotes Doctor Jordan and Doctor Stejneger at length to prove this and to deny the fact of the Russian record. This attempt on their part is foolish; it is dogmatic nonsense.

The CHAIRMAN. No man would say that if you killed all the males every year that finally you would not destroy the herd. It would only be a question of time.

Mr. ELLIOTT. Doctor Jordan has said it. He says that land killing would not and never hurt this herd; he says that no killing by the lessees can be severe enough to hurt the life of this herd, and Stejneger is quoted to show that two bulls are enough for the service of 500 cows. Stejneger does not know that those bulls and all those cows have disappeared from the south rookery, Bering Island, three years ago. They are extinct. That is the kind of an object lesson these gentlemen present to you.

The CHAIRMAN. That is a different proposition.

Mr. ELLIOTT. This is land killing.

The CHAIRMAN. In 1819?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. Doctor Jordan did not go back as far as that.

Mr. ELLIOTT. But he blindly denies these authentic records. We have this official record of the past to guide us for the present. I ask that it go in as a part of my remarks.

The CHAIRMAN. All right, put it in.

The matter referred to is as follows:

"The official Russian record of the decline of the Pribilof fur-seal herd from excessive land killing."

NOTE.—The full details of this record of the Russian period of diminution from 1817 to 1834 and its gradual restoration to fine form and number in 1857-1860 will be found on pages 1599, 1601, 1602, 1603, 1614, 1615 of the Congressional Record, February 2, 1903, Fifty-seventh Congress, second session.

The full details of Jordan's and Moser's blunders in criticism of my rookery surveys will be found on pages 1599, 1600, 1601 et seq. of Congressional Record, February 2, 1903.

The full text of Jordan's branding blunders will be found on pages 1603, 1604, 1614, Congressional Record, February 2, 1903.

The full text of Jordan's "joint agreement" with my annotations will be found on pages 1604, 1605, and 1606, and 1611, Congressional Record, February 2, 1903.

The original surveys of the breeding rookeries which I made in 1872-1874, have never been published, duplicated, or seen by either Jordan or Moser; they have seen nothing but the small census sketch maps of 1882, or my own sketches of 1890, which were enlarged by photography in 1891, and distorted even as sketch maps, hence their criticisms are puerile and are fully answered as above cited. The attorney for the lessees has been unfortunate in referring to them this morning.—(H. W. E., March 10, 1904.)

Mr. ELLIOTT. Now I have a further remark to make. Doctor Jordan was introduced to you by Mr. Faulkner as a scientist, with four asso-

ciates, Stejneger, Lucas, Clark, and Moser, who completely deny the sense and intelligence of my work. [Stejneger, least of all, should be heard. He has had just nine days' experience and knowledge of the Pribilof herd on the seal islands of Alaska.] Doctor Jordan came down in 1896, after spending forty-three days on the islands for the first time in his life (never having seen a fur seal heretofore or having known anything about one), with three propositions which he called "discoveries:" First. That the fur seal bulls naturally trampled their young to death, and that that was the chief cause of the check upon their life, so that it would not increase above a certain figure in a state of nature.

Second. That he had got a complete and successful scheme to put the pelagic sealer out of business by branding the female seals.

Third. That he had secured a perfect agreement with the Canadians to suppress pelagic sealing; that he had this understanding with his British associates. [See letter to Senator Perkins, U. S. Senate, Cong. Record, Feb. 28, 1897, p. 2619.]

Next year Doctor Jordan "discovered" that the pups were not trampled by their parents to death, because a certain scientist in the Department of Agriculture found, after examining the specimens of "trampled pups" which had been brought down to Washington from the islands, that it was due to the ravages of an intestinal worm! and now, after he had modified this "scientific" blunder of himself and associates in 1897, by charging this "chief check upon the increase of seal life in a state of nature," to the sand worm (*uncinari*), which Doctor Stiles had found as the real cause of death. Now, this sand worm itself has disappeared from the islands and has not been noticed there since 1900, so the "scientific" checks of Doctor Jordan and his associates "discovered" in 1896 and 1897 have evaporated into thin air—a sporadic worm, and that, too, only found on the sandy areas, less than one twenty-fifth of the breeding ground area.

In 1896, in November, I remonstrated with Doctor Jordan and urged him not to make this unfortunate blunder go into cold type, and cited my personal knowledge (in 1872, 1873, 1874) of the utter nonsense of his claim; but he persisted, and it appears in extenso in his preliminary report of November 7, 1896. (Treasury Doc. No. 1913, pp. 45, 46, 47.)

Not satisfied, however, with this publication, he insisted on having his scientific associates announce the "trampled pup" discovery to the scientific world by means of a paper read before the Biological Society of Washington, January 4, 1897. It was duly done and publicly indorsed by all of these gentlemen then. I alone, that evening, when it was read, entered my denial of its truth; that denial was heard by Doctor Stiles, and he proceeded to investigate with the result as I have stated.

I therefore object stoutly to the charge made this morning by the lessees' attorney that Doctor Jordan's scientific acumen is so overpowering in the premises that I am to be regarded as not being possessed of good sense when I differ from him. Why, indeed, should he be any better judge of what the effect of land killing is than he has been of the cause which killed these pups in 1896?

Also, what about this branding of seals, which he publishes in this same preliminary report (p. 62) as a swift, feasible, and certain means of putting the pelagic hunters out of business. He spread the

“discovery” by syndicated letters all over the country, and his associates, Stejneger, Lucas, Moser, Clark, Murray, and Townsend, all joined in the chorus. This was “science,” with a “weight of evidence” which was awful in its import for me to deny. I did, and did so with all plainness of speech. Doctor Jordan now knows that the branding of seals is abject tomfoolery. He knows that it accomplishes no sensible purpose whatever. Has he admitted the fact? Is it “scientific” to be dogmatic in error?

That mistake, like the “trampled pups,” is another “scientific” blunder, which I never made; but at the same time you will remember I told this committee, in this room two years ago, that I was one of those men who did not claim to be above making mistakes—that I had made them and I had self-confessed them.

Then he signed up an agreement with the Canadians in 1897, whereby he surrendered every indictment we had made against pelagic sealing. There is not a hint in that “joint agreement,” with its 16 articles, not a hint that pelagic sealing is harmful or should be suppressed. How did they get him to surrender that? By agreeing to the showing in article 9 that “during the past two years” there had not been any harm in driving the Canadians succeeded in getting him to drop any reference to the harm, or suppression, of their work in the sea. They would not stand, however, for anything more than the “past two years” as to the record of harmless land killing, nor for any future but the “immediate.”

So, if he has thus signally failed in those points, how can he claim to be an authority in all these matters as against me?

The CHAIRMAN. Mr. Jordan has never surrendered the main contention that the main difficulty has been in pelagic sealing.

Mr. ELLIOTT. No; he has not, to us, but he has to the Canadians, as I have just pointed out; he has estopped us from making any complaint, officially, to Great Britain on that score.

The CHAIRMAN. So that is about all he has left now?

Mr. ELLIOTT. That is all he has left.

The CHAIRMAN. Had we not better keep it?

Mr. ELLIOTT. The pelagic sealing?

The CHAIRMAN. No; our contention that that is the main difficulty and the main instrumentality in the destruction of the herd.

Mr. ELLIOTT. If that would save that life I would say keep it; but we must step in now to stop the elimination of that young male fur-seal life by our own butchers. If I thought that young man [Mr. Hitchcock] would stay there, up in his present office, and be in charge of this thing as he has outlined the work of killing for next year, and knowing him as I have known him in the last six weeks, I would not object to any modification of this resolution; but is he certain to be there? He may be sent somewhere else next year, or death may strike him down; so perhaps we ought to close this out from any chance of anybody getting in there and getting around the next man who may have charge. The next man may not be so good a man; and it might be broken up.

The CHAIRMAN. Congress might change its mind next year and repeal it.

Mr. ELLIOTT. I think the chances are infinitely less that that will be done by Congress than that he will leave.

Mr. CLARK. Did not the House pass a resolution once to kill off all the seals?

Mr. ELLIOTT. I believe they did, except enough to save the species. The CHAIRMAN. That was your original idea, was it not?

Mr. ELLIOTT. Yes; but I planned to save enough for the preservation of the species. I think if we had done that in 1895 we would have saved ourselves a good deal of mortification and shame up there; and I think it would have been an act of great mercy to those animals if it had been done.

Mr. CLARK. How many years will a seal cow breed?

Mr. ELLIOTT. A female will breed, in my opinion, from the second year up to the ninth or tenth year. No man knows exactly.

Mr. CLARK. Is her hide any good after death?

Mr. ELLIOTT. As long as she lives the female hide is good. It is like a 2-year-old male, almost weight for weight, and the same quality and of the same value. It is as fine a skin as the 2-year-old male skin, and it is almost impossible to distinguish them apart as individuals if they are "scraped up" on to the killing grounds. They look, act, and are outwardly precisely alike when side by side, 2-year-old males and adult females.

The CHAIRMAN. Is there anything further you desire to say?

Mr. ELLIOTT. No, sir.

The CHAIRMAN. Mr. Hitchcock wants a moment or two.

Mr. ELLIOTT. I would like to ask him one question further in the presence of the committee. He stated that the total pelagic catch this year was 12,000.

Mr. HITCHCOCK. Practically that, by the Canadian fleet.

Mr. ELLIOTT. Then how do you reconcile the fact that the Lampsons sale was 13,000, the Hudson Bay 7,000, and the Lampsons held over 7,000 for the market sales, making a total of 27,000, as shown by these figures I have here?

Mr. HITCHCOCK. Are all those "northwest" skins?

Mr. ELLIOTT. Yes; here they are [exhibiting a statement]; you can look at them. I do not doubt the sincerity of your statement; but how do you reconcile this?

You see here 13,406 "northwest" skins in this Lampson sale catalogue of December 17, 1903.

Mr. HITCHCOCK. As I stated, my returns were procured through the consul at Victoria, showing the catch of the Canadian fleet. Those figures gave a total of something over 12,000 skins. Now, I have no doubt that the difference can be accounted for by the sealing under other flags, and particularly under the Japanese flag.

Mr. ELLIOTT. But, Mr. Hitchcock, the Hudson Bay Company sold 7,000 odd on the same day (December 17, 1903).

Mr. HITCHCOCK. Where is the record of it?

Mr. ELLIOTT. In the Fur Trade Review. I have not that here. Not only that, but 7,000 of the Lampson's Company was held over to the March sales.

Mr. HITCHCOCK. I should like to see the records proving the source of those skins.

Mr. ELLIOTT. It is in the Fur Trade Review. [New York, January 1, 1904.] Now, gentlemen, you see how easy it is for an honest young man to be imposed upon by these fellows up in Victoria. It just shows the trouble where a perfectly honest Government official comes before

you and states something as a fact which is not true. He tells you that the pelagic people are going practically out of business, when in truth they have done a big business last year. Instead of only getting 12,000 skins, I have the proof that they got 27,000. How was he deceived? I will tell you.

Mr. FAULKNER. Will you present the proof to the committee?

Mr. ELLIOTT. Yes; I have shown here more than his statement. He has gone of course, on official orders, to the United States consul at Victoria. Our consul goes to the Canadian collector of customs; the collector of customs is in with this Victoria Sealing Company. He wants to make as poor a showing of the work of his hunters for our people as possible, so we will have less opposition to them. They have been doing that for years; they have been hiding their returns from the Secretary of the Treasury. They only allowed 7,296 skins through our consul in 1902, when they took 22,812, and had Mr. Shaw tell you so. Mr. Shaw put certain clerks in his office on the carpet when I opened his eyes, December 4, 1902, to the error of his report to Congress of December 3, and they had a great clerical circus and a bad half hour with the Secretary. I don't know what became of it, but that didn't make any difference; the high official mischief was done—with all respect to this young man. He is in a position where he will be terribly tried and tempted; but I am perfectly willing to trust him. He is fully equal to the task if he is not interfered with.

The CHAIRMAN. I don't think we will go into that. We are not going to assume that everybody connected with the sealing business is dishonest or likely to be except yourself, and I think you are going away off from the question. The question is whether you will regulate the killing on the island and not how many thousands of seals these pelagic sealers kill.

Mr. ELLIOTT. I think we should restrict the land killing to a minimum of small male seals annually; indeed, it is imperative that we do so. Why, 42 per cent of the breeding bulls have disappeared since 1901. Fifty per cent will go of what is left in the next two years, and then all go, unless young bulls are spared now. I think Congress ought to restrict it to-day, so it will stay shut down that way for a few years at least. The killing of food seals is especially provided for in the law. It does not interfere with the contract; it gives the Department of Commerce a chance to get nothing but the inferior male seals and lets the surplus bull seals fight it out in a state of nature. If you do not, you will never get young, virile breeding bulls to take the place of those old fellows now rapidly passing away.

Mr. HILL. You do not think it would be right for the Department of Commerce to take 15,000 seals and sell them themselves in the face of a binding contract?

Mr. ELLIOTT. Under this contract the Department of Commerce can take them and turn them right over for the tax. There is nothing to prevent that.

Mr. FAULKNER. It directs them to be sold by the Department and turn into the Treasury the amount of money.

Mr. ELLIOTT. They can be sold without your tax.

Mr. FAULKNER. We do not buy skins.

Mr. ELLIOTT. You can have them for your tax.

Mr. WILLIAMS, of Mississippi. The resolution could be amended to meet that.

Mr. ELLIOTT. Yes; I think that is right. I would give the preference to "food skin" killing over everything, for the main thing now is to have only the inferior seals killed. The "food skin" seals are antiscorbutics in the late fall, winter, and in the early spring. That is the time they need them most. I think if you did that you would do exactly right. If that is the trouble between the company and the Government, that can be easily fixed; but the point is to fix it so that they can not get beyond, for a number of years, 5,500 skins annually, and give all of the best young bulls a chance to grow up and fight. Why, gentlemen, just think of the mistake of so killing these young bulls off as to prevent their being in sufficient number to fight among themselves for places on the breeding grounds. You in doing that thing actually nullify the very fundamental law of their life, and you prevent any elimination of feeble and inferior bulls from the breeding grounds; you defy a law of nature, and the moment you do so you destroy this life. You make no selection of the best young bulls; you kill them all under existing rules, and then call in "scientists" who, as naturalists, approve the work and deny nature. Save all of these young bulls from this hour on for at least six or seven years and then we will do what is sane.

The CHAIRMAN. That would increase the herd?

Mr. ELLIOTT. That would allow the bulls to increase, to fight, and thus permit only the best of their race to go onto the breeding grounds as sires for the herd. We can not do this work of selection for them.

The CHAIRMAN. Do you think that would increase it?

Mr. ELLIOTT. Yes, it would; it has done so before, in 1834-1847, as I have explained; history will repeat itself.

The CHAIRMAN. And make more seals for those pelagic sealers to operate on?

Mr. ELLIOTT. I hope we will do something on that line. I think we ought to do it; I think it would be a good thing to amend this resolution by inserting the fur-seal bill you adopted last winter immediately after the enacting clause. The Senate is wrestling with the subject now; so let it rest here.

Mr. CLARK. Are those bachelor bulls good food for the natives?

Mr. ELLIOTT. Oh, yes.

Mr. CLARK. But those old surplus bulls—

Mr. ELLIOTT. Those are not "bachelors." The idle bulls are not good for any purpose; they are practically dead bulls.

Do you want me to bring in these figures about the pelagic catch?

The CHAIRMAN. Bring in anything, as you like.

NOTE.—For exhibits, etc., submitted by Mr. Elliott, see Appendix, page 59.

ADDITIONAL STATEMENT OF MR. FRANK H. HITCHCOCK.

(See p. 34.)

Mr. Chairman and gentlemen, I should like to say to the committee that some years ago I was engaged professionally in biological work. In 1891 I was one of the assistants of Doctor Merriam, the Biologist of the Agricultural Department, at the time he was serving on the Alaskan Fur Seal Commission. From that time to this I have maintained a deep interest in the seals. I have studied them from what I consid-

ered to be a scientific as well as a practical standpoint. I am familiar with the literature on the subject.

I have read Professor Elliott's work and I appreciate very fully the ability he has shown as a naturalist. I give him all credit for the interest he has taken in this problem and the efforts he has made to accomplish what he considers the best solution of it. But at the same time I do not think that Mr. Elliott intends to claim any monopoly of expert knowledge on the subject. There are other gentlemen in the country who have given equal time to it and who are equally qualified to speak, and they seem to take a different view of the present situation. I feel that the Department is bound to follow the weight of opinion in this matter, and to accept the practically unanimous judgment of these other scientists.

We have described to these experts the conditions that exist to-day. They have had a chance to study them from the latest available facts. We have their responses in writing, and they are unanimous in the opinion that it would be both unnecessary and unwise to require a total suspension of the killing in the manner called for by the resolution.

I want to say to the committee that the restrictions I proposed this morning would be considered extreme by these gentlemen. There is not one of these scientists who has suggested measures that are nearly as radical as those I have proposed. I have purposely made the regulations somewhat extreme, in the view of these gentlemen, with the idea of being on the safe side, particularly during this first year of the Department's administration of the seal service.

So much in a general way. There is only one other point I want to take up, and that is the analysis Mr. Elliott has made of the London sales.

Mr. WATSON. After you have determined on the method of procedure and fixed the limit, do you think there will be any trouble in having your orders executed, absolutely?

Mr. HITCHCOCK. I do not. It is my opinion that those orders can be executed. As I said, the orders are so stringent that even if they are somewhat imperfectly executed there will be little danger of any serious injury to the herd.

Mr. WILLIAMS. Is there anybody up there to watch and see if the orders are executed?

Mr. HITCHCOCK. During the sealing season there are four of our agents on the islands—two on each island. There is an agent on each island the year round; and during the period of active operations there are two additional men there to help supervise the work. I have no reason to believe, from what I have seen of the records, that they do not do their work faithfully.

Mr. WATSON. Do they change very often, or are the same fellows there nearly all the time?

Mr. HITCHCOCK. No change has been made now for some years, and I should like to say in regard to the agent Mr. Elliott referred to as having been a former employe of the company that he has never been in charge of the islands. He is merely a subordinate. It is true, however, that this agent was previously in the employ of the company.

Mr. HILL. He is an honest man?

Mr. HITCHCOCK. Yes; as far as I can judge.

Mr. HILL. If he is honest it does not make any difference.

Mr. HITCHCOCK. I have no reason to think otherwise. He came in through a civil-service examination.

Mr. HILL. Now, with your regulations all in force and honestly carried out, will it not cost the Government more than it will get from the whole transaction?

Mr. HITCHCOCK. Do you mean in enforcing the regulations?

Mr. HILL. Is not the net result of Government interference in the matter a pecuniary loss, or will there be any net revenue to the Government with your regulations carried out?

Mr. HITCHCOCK. I will say in reply that of course the revenue depends on the size of the catch.

Mr. HILL. But I say, as you propose to make it, with the 15,000 limitation.

Mr. HITCHCOCK. With the 15,000 limitation of course the revenue will be cut down.

Mr. ELLIOTT. How many will they get?

Mr. HILL. Never mind; let him answer my question.

The CHAIRMAN. Suppose you let Mr. Hitchcock answer the question.

Mr. HITCHCOCK. I will say frankly it depends largely on the expense of the patrol. Aside from that—

Mr. HILL. I mean with the faithful carrying out of these regulations and the present size of the herd, is there any money in Government control of the matter at all?

Mr. HITCHCOCK. I doubt if there is very much if we charge against the seal service the entire cost of the patrol of the Revenue-Cutter Service along the Alaskan coast as well as in Bering Sea.

Mr. HILL. If a business man was going into it ---

Mr. HITCHCOCK. Aside from the expense of maintaining the revenue-cutter patrol, the cost to the Government of the fur-seal service is comparatively small, amounting to only about \$30,000 a year. Of this sum about \$12,000 covers the salaries and expenses of the agents employed, and the remainder is appropriated to furnish supplies to the natives of the islands. The expenses of revenue cutters in Alaskan waters last year, I understand, aggregated about \$160,000, but only a portion of this sum can be properly charged to the seal service; just how much I do not know. On the other hand, the amount of revenue derived from the seals has averaged above \$200,000 a year.

Mr. TAWNEY. Is this patrol within the 60-mile zone; are the revenue cutters limited?

Mr. HITCHCOCK. The main purpose of the patrol is to keep the pelagic sealers outside of the 60-mile zone. To accomplish this I presume they patrol chiefly along the borders of the zone, but so far as I am aware they are not limited to any area.

Mr. TAWNEY. How many cutters are there?

Mr. HITCHCOCK. My impression is that recently the Treasury Department has not been sending more than one revenue cutter into Bering Sea each season to maintain the patrol. Four or five other cutters are sent along the Alaskan coast, but they are engaged principally in work not connected with the seal service.

Mr. WATSON. The revenue-cutter service is not under your Department, is it; it is under the Treasury Department?

Mr. HITCHCOCK. It remains under the Treasury Department, but so far as its duties pertain to the protection of the Alaskan seal herd, it must be governed by the regulations of our Department, just as it

must be governed by our regulations in the enforcement of the navigation laws.

The CHAIRMAN. Are not we obliged to have this revenue-cutter service there under the provisions of the treaty to some extent, by international obligation?

Mr. HITCHCOCK. Yes; each government is expected under the agreement to maintain a patrol.

Mr. TAWNEY. So that the cost of maintaining that service should not be charged to the account of the revenue derived from the lease of this company?

Mr. HITCHCOCK. It depends on how you regard it. When once this pelagic sealing question is settled that expense will be largely done away with.

Mr. TAWNEY. Is there any hope of that being done?

Mr. HITCHCOCK. There is hope. Our Department most earnestly hopes that something will be done. We propose to push the matter as much as we can. We are acting upon the supposition that something will be done.

Mr. TAWNEY. Have you any reason to believe that the patrol was unsuccessful or of no consequence or inefficient in protecting the seal life within the 60-mile zone?

Mr. HITCHCOCK. I have no positive evidence as to that.

Mr. TAWNEY. Have you any positive evidence of pelagic sealing going on within the 60-mile zone.

Mr. HITCHCOCK. Yes, sir; there is positive evidence that pelagic sealers have been within the zone. They approached within a few miles of the islands last season, as you will see stated in the Secretary's annual report in the chapter with reference to the Alaska seal service.

Mr. ELLIOTT. They were Japanese boats.

Mr. HITCHCOCK. The agents were unable to tell the nationality of the vessels.

Mr. ELLIOTT. If they are Japanese, you can not interfere with them.

Mr. HITCHCOCK. Now, if you will permit me, Mr. Chairman, I should like to refer again to Mr. Elliott's analysis of the London sales of last December as showing the average weights of the skins, and therefore the ages of the seals that were taken during the past season. Mr. Elliott in his statement places the number of what he terms "prime" skins—that is, 8 to 9 pound skins, or skins of seals from 3 to 4 years old—at only 646. He places the number of "short" skins, or 5½ to 6 pound skins, or skins of seals 2 years old, at 1,500; and he places the number of "eye plasters," as he terms them, or 4½ to 5 pound skins, the skins of yearling seals, at 13,034. On the showing made by these figures he claims that a large portion of the 15,295 skins sold in December came from yearling seals, which if true would go to prove that most of the seals taken by the company last season were of that class.

Now, Mr. Chairman, I have gone to considerable trouble to make an analysis of these sales, and before doing so I took the precaution to obtain from the New York representatives of Messrs. C. M. Lampson & Co., the London auctioneers, a statement of the average weights for the past season of the various classes upon which Mr. Elliott bases his computations. I find that the class termed "large pups"—and, by the way, it is understood, of course, that in the trade classification of seal skins the term "pup" does not have the usual significance; it

does not mean a pup in the sense in which the term is used on the islands. In trade usage it means a much older seal. I find that the class of skins termed "large pups," of which there are 1,500, averaged in weight 7 pounds 5 ounces. Now, if that average weight is correct—and I have no reason to doubt it since it is a matter of trade information—the 1,500 seals which Mr. Elliott placed in the 2-year-old class should be transferred over to the "prime" column and added to the 646 skins of 3-year-old and 4-year-old seals.

In other words, these records show a total of 2,146 seals above the age of 2 years, which you will immediately see controverts Mr. Elliott's contention that last season the company did not get any seals to speak of over the age of 2 years.

Furthermore, I find that the average weight of the class known as "middling pups," of which there were 4,631, was 6 pounds 4 ounces, while the average weight of the class known as "small pups," of which there were 6,128, was 5 pounds 6 ounces. According to Mr. Elliott's classification, therefore, these two classes should be transferred from his column designated "eye plasters or yearling seals" to the column of "short" skins, or skins of seals that were, according to his own statement, 2 years old. By combining these two classes we have a total of 10,759 skins of seals that had reached the age of 2 years.

Now, that leaves for the smallest class skins of $4\frac{1}{2}$ to 5 pounds only 2,340, and consequently an entirely different aspect is given to the compilation he has made. A correct analysis of the London sales will show conclusively that under the regulations as enforced by our agents the great bulk of the skins taken last season were skins of so-called 2-year-olds, the proportion of skins under that age being exceedingly small. There is evidence, however, and plain evidence, too, that some very small skins were also taken. The figures do not show whether any of these were the skins of yearlings—that is, of seals only a year old; but the indications are that skins of seals under 2 years of age, according to the accepted classification by weights, were taken to some extent, but certainly not in anything like the numbers claimed by Mr. Elliott.

I felt that I wanted to place these facts before the committee, Mr. Chairman, because Mr. Elliott has laid the principal stress of his argument on the supposition that the company was unable last season, owing to the depleted condition of the herd, to get more than a mere handful of seals over two years of age. From his analysis of the London sales he argues that the killable seals have been cut down, as he expresses it, to the very dregs. From my own analysis of these sales, based on what I believe to be the correct average weights, I can not admit the accuracy of Mr. Elliott's deductions. The average weights he has used are unquestionably too low, and consequently his argument on that basis as to the necessity for the radical measure proposed in this resolution is without proper foundation.

I thank you for your attention.

The CHAIRMAN. If there is nothing further, we will adjourn.

Thereupon (at 3.20 o'clock p. m.) the committee adjourned.

APPENDIX.

JOINT RESOLUTION UNDER CONSIDERATION.

[H. J. Res. 124, Fifty-eighth Congress, second session.]

JOINT RESOLUTION authorizing and directing the Secretary of Commerce and Labor to suspend at once and indefinitely the killing of fur seals on the Pribilof Islands of Alaska.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to suspend all killing of male fur seals on the Pribilof group of seal islands of Alaska by the lessees thereof, known as the North American Commercial Company. Said suspension of killing shall be made at once and indefinitely: Provided, That the Secretary of Commerce and Labor may permit the annual killing, under his direction and supervision, to provide food for the natives of said islands, the number of three thousand five hundred young male seals on Saint Paul Island and two thousand on Saint George Island, the skins of which shall be carefully preserved and sold by said Secretary of Commerce and Labor. The proceeds of said sale shall be covered into the Treasury of the United States.

TABLES SUBMITTED BY MR. HITCHCOCK.

Statement showing the number of breeding seals on the islands during each season from 1899 to 1903, inclusive, according to the counts made by the agents.

Year.	On St. Paul.		On St. George. ^a		Total.	
	Bulls.	Cows.	Bulls.	Cows.	Bulls.	Cows.
1899	3,698	72,082	880	17,179	4,573	89,261
1900	3,433	75,152	877	17,980	4,310	93,132
1901	3,160	75,565	637	14,671	3,797	90,236
1902	2,381	80,052	456	14,830	2,837	94,882
1903	1,979	82,649	364	14,647	2,343	97,296

^aPartly estimated.

Statement showing the number of skins taken on the islands during the years 1899 to 1903, inclusive.^a

Year.	Number of skins taken—		
	On St. Paul.	On St. George.	Total.
Ended Aug. 10—			
1899	^b 13,648	2,535	17,183
1900	17,159	4,766	21,925
1901	17,445	5,621	23,066
1902	18,930	3,252	22,182
1903	16,245	3,092	19,337

^aThe statistics here given represent the number of skins taken during the several years to which they relate, and not the number of skins shipped during those years. As it is customary to hold over a portion of the skins from one year to another, the annual record of shipments varies somewhat from that of skins taken.

^bThe record of skins taken on St. Paul during the year ended August 10, 1899, was not given in the agent's report for that year, but the number here stated has been computed from the record of skins held over and shipped.

Statement showing the number of seal skins taken on the northwest coast and in Bering Sea, by the Canadian sealing fleet and by Indians in canoes, during each year from 1897 to 1903, inclusive.

Year.	Number of vessels in Canadian fleet. ^a	Number of skins taken—				
		By Canadian fleet.			By Indians in canoes.	Grand total.
		North-west coast.	Bering Sea.	Total. ^b		
1897	41	5,082	15,607	20,689	1,018	21,707
1898	35	9,646	16,943	26,589	1,100	27,689
1899	26	10,471	23,282	33,753	892	34,645
1900	37	16,438	17,513	33,951	1,364	35,315
1901	39	7,265	10,362	17,627	1,268	18,895
1902	35	4,936	5,193	10,129	1,343	11,472
1903	24	3,865	8,161	12,026	765	12,791

^aIn 1897 five vessels took their entire catches from the Asiatic herd and seven vessels a portion of their catches. In 1898 and in 1899 one vessel took its entire catch from the Asiatic herd. In 1900 two vessels took a portion of their catches from the Asiatic herd. In 1901 eight vessels took their entire catches from the Asiatic herd and two vessels a portion of their catches. In 1902 ten vessels took their entire catches from the Asiatic herd and one vessel a portion of its catch. In 1903 one vessel took its entire catch from the Asiatic herd and five vessels a portion of their catches. Two vessels of the 1903 fleet, not included in the number mentioned, were sent to the South Atlantic.

^bThe statistics here given do not include skins taken from the American herd by vessels sailing under flags other than the Canadian. The New York representative of Messrs. Lamson & Co. reports on the basis of the London sales that the Japanese catch last season amounted to about 11,700 skins, including skins taken from the American as well as the Asiatic herd. The Asiatic catch of the Canadian fleet last season, according to our consul at Victoria, amounted to 1,910 skins. As shown in the above table, the Canadian fleet took 12,026 skins from the American herd, to which should be added 765 skins taken by Indians in canoes, making a total of 12,791. According to the figures quoted, the entire pelagic catch last season in the North Pacific and Bering Sea by Japanese, Canadians, and Indians did not reach 27,000 skins. In other words, the catch from the American and Asiatic herds together was considerably less than the catch from the American herd alone several years ago.

Statement showing the number of seal skins, male and female, taken on the northwest coast and in Bering Sea by the Canadian sealing fleet during each year from 1897 to 1903, inclusive.

Year.	Number of skins taken.					
	Northwest coast.		Bering Sea.		Northwest coast and Bering Sea.	
	Male.	Female.	Male.	Female.	Male.	Female.
1897	2,263	2,819	6,549	9,058	8,812	11,877
1898	4,093	5,553	7,595	9,348	11,688	14,901
1899	5,384	5,087	9,567	13,715	14,951	18,802
1900	7,629	8,809	7,175	10,338	14,804	19,147
1901	3,379	3,886	4,814	5,548	8,193	9,434
1902	2,612	2,324	2,470	2,723	5,082	5,047
1903	2,163	1,702	3,658	4,503	5,821	6,205

Statement showing the number of seals, male and female, taken by the Canadian fleet off the coast of Japan and in the vicinity of Copper Islands during each year from 1897 to 1903, inclusive.

Year.	Off Japanese coast.			Around Copper Islands.			Entire Asiatic catch by Canadian fleet.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
1897	3,677	3,644	7,321	454	928	1,382	4,131	4,572	8,703
1898	201	159	360	20	30	50	221	189	410
1899				210	489	699	210	489	699
1900				134	74	208	134	74	208
1901	1,310	820	2,130	1,472	1,925	3,397	2,782	2,745	5,527
1902	1,530	1,801	3,331	817	523	1,340	2,347	2,324	4,671
1903				1,072	838	1,910	1,072	838	1,910

Statement showing the number and average weight of Alaskan sealskins sold by Messrs C. M. Lampson & Co., London, at the sales in December, 1903.

Classification.	Number of skins.	Average weight.
Middlings and smalls	69	<i>Lbs. ozs.</i> (a)
Middlings	3	11 11
Smalls	<i>b</i> 574	8 11
Large pups	<i>c</i> 1,500	7 5
Middling pups	<i>d</i> 4,631	6 4
Small pups	<i>e</i> 6,128	5 6
Ex-small pups	<i>f</i> 2,272	4 11
Ex-ex-small pups	68	4 2
Faulty	50	(<i>g</i>)
Total	<i>h</i> 15,295	.....

a See average weights of "middlings" and of "smalls," respectively.

b Includes 70 unhaired and dressed.

c Includes 80 unhaired and dressed.

d Includes 90 unhaired and dressed and 90 dressed and dyed.

e Includes 200 unhaired and dressed.

f Includes 110 unhaired and dressed.

g Average weight not reported.

h These figures do not represent the entire stock. The remaining skins were held over to be sold later.

EXHIBITS, ETC., SUBMITTED BY MR. ELLIOTT.

EXHIBIT A.

[Memorandum prepared for Ways and Means Committee, by Henry W. Elliott, March 10, 1904.]

A tabulated statement of the items of cost and gain, showing the profits of the business of the pelagic hunter.

The Jordan-Thompson "joint agreement," in 1897, declared a number of direct denials of the truth as to the status of the fur-seal herd of Alaska and the business of the human land and sea killers of the same.

Touching the pelagic hunter, this agreement declared that his business had ceased to be profitable, and that he was going out of it faster than the herd declined in numbers; so that an equilibrium had been reached and was maintained then and would be in the future whereby the herd would not diminish much nor would it increase; but it was perfectly safe from extermination, even though it had ceased to be commercially valuable. (See items 15 and 16 of "joint agreement;" see p. 47, "Treasury Document No. 1994: Office of Secretary." Government Printing Office, 1898.)

The utter error of this agreement is shown by the record of the pelagic hunters' work, to wit:

Year.	Skins taken.	Price received (each).
1897	24,332	\$8.50
1898	28,552	8.50
1899	34,168	10.25
1900	35,115	16.00
1901	24,050	15.25
1902	22,812	19.00
1903	27,000	17.00

From the above table of indisputable figures it is seen at once that the pelagic hunter has been making an enormous profit out of the business since Doctor Jordan declared him bankrupt and going out of business November 17, 1897. The cost to the hunter in 1897 of each skin taken was not to exceed \$4.50 laid down in London. It has not varied much since.^a

In 1901, when the Canadian hunter found his catch falling off heavily, he bethought himself of the "Japanese masquerade," whereby ten or twelve of his vessels are enabled to hunt all the year round, and thus nullify what little restraint the Bering Sea

^a See supplemental details of cost, following.

rules and regulations impose upon him. So, in spite of the speedy decline annually of the herd, he is enabled to apparently find more seals to-day than he did three years ago.

VICTORIA SEALERS.

The Victoria Sealing Company, of Victoria, British Columbia, has declared a dividend of 50 cents a share on the business of the past year. The sealing fleet of the British Columbia coast this season will comprise about twenty vessels; schooners will also be sent as usual to Japanese waters. (Fur Trade Review, New York, p. 85, February 1, 1904.)

This combination of the business of the pelagic fur-sealing fleet, known as the Victoria Sealing Company (Limited), of Victoria, V. I., was made in 1898; it was done primarily in 1897, as the Victoria Sealers' Association, with the Hudson Bay Company and R. P. Rithet & Co., of Victoria, as the trustees.

The suggestion having been made by Doctor Jordan and C. S. Hamlin in the fall of 1896 (the former, commissioner in charge of fur-seal investigations, and the other Assistant Secretary of the Treasury) that the Government would buy out the Canadian fleet, in settlement of the pelagic hunting problem, these hunters got together.

They appraised their vessels and lumped the sum, so that it aggregated nearly \$700,000, and then prepared to deal with the question as an association duly organized, etc.

When the Joint High Commission came into the field this association was all ready for business, and it actually got a subcommittee of our representatives, Messrs. Fairbanks and Foster, to agree upon the payment to them of a lump sum of \$500,000 for their fleet of some thirty small schooners and paraphernalia; but when it came to selling the rights of a British subject to seal or fish in the open waters of Bering Sea, or the North Pacific, Sir Wilfrid said they could not be sold. That a right in turn of ours must be conceded; a free port on Lynn Canal, or some tariff concession.

That at once ended the negotiations and the Canadians have not changed their attitude since.

The Victoria Sealing Company (Limited), of Victoria, to-day controls every vessel and every pelagic hunter engaged in the business of fur sealing at sea; every hunter, white or Indian, that kills Alaskan seals at sea is under the orders of this company, and obeys them.

The twenty-three or twenty-four schooners which comprise its fleet are those which are actually engaged; but the whole number of vessels which are in its control is between thirty-five and forty.

This sealing company is capitalized at \$500,000, and the full amount of stock to that sum is issued in shares of \$1 each; it covers all the vessels and paraphernalia, which, in turn, were inventoried and valued in 1900 as follows (Report Minister Marine and Fisheries, 1900, Canada, p. 203):

35 vessels	\$207, 645
102 hunting boats, dories, skiffs, etc	10, 200
336 hunting canoes	8, 150
Total value.....	225, 995

(P. 203, Sessional Papers, vol. xxxiv, No. 9, 1900, 63 Victoria, A, 1900; Sessional Paper, No. 11a.)

The above official valuation of the fleet is very liberal, and the amount given is certainly well above the actual capital invested.

Therefore a dividend of 50 cents per share, or of \$250,000 declared and paid on the stock of the Victoria Sealing Company, as the profits of its season's work in 1903, is an enormous and lucrative return to the stockholders.

The pelagic catch of Alaskan fur seals in 1903 was 27,000 skins. These skins sold in London at an average per skin of \$17. The average cost of each skin from hunter to London sale (including the extra cost of the "Japanese Canadian" masquerade) is not to exceed \$7 per skin; this would leave the net profit at least \$270,000 for the season's work of 1903. It is quite as likely that it was at least \$300,000, because, without the increased "Japanese" expense, the average cost of the skins would not go over \$5 each, about \$4.50 to \$5 each.

On Bering Sea.—In 1903 not more than 23 or 24 vessels were employed actively. On them were some 213 white sailors and hunters, 607 Indian hunters, 200 (?) Japanese sailors and hunters.

The same fleet worked on the herd while it traveled up the northwest coast into Bering Sea between February 1 to July 10, 1903.

	Skins.
The northwest coast catch was about	7,000
The Bering Sea catch was about	20,000
	<hr/>
Total catch 1903	27,000

Items of expense and profit for the Canadian pelagic hunters' season of 1902, now entirely combined and controlled by a trust in Victoria, V. I.

(1) The Victorian fur-sealing schooner usually registers between 60 and 70 tons; its cost of construction is about \$5,000—some cost as much as \$7,500, and others as little as \$3,500. This cost covers sails, rigging, and everything needful for the season's cruise except stores, ammunition, and salt.

(2) The stores, consisting of dried salmon, salt codfish, bacon, flour, beans, coffee, etc., for a fur-sealing cruise of six months on this vessel will cost about \$1,000, and they are sufficient for a crew of one captain or master, one mate, one cook, two or three white seamen and hunters, and 20 to 24 Indian hunters, which is the usual crew now shipped to each vessel engaged. Sometimes a supercargo goes along.

(3) The pay of the captain is from \$60 to \$75 per month, with a "lay" or commission on the catch, skin by skin; the mate and cook the same per month, but a smaller "lay;" the white seamen or hunters are paid \$40 per month and \$2 for each skin they bring in.

(4) The Indian hunters receive \$1.50 to \$2.50 for each skin they bring in. When the weather is unusually "nasty" and the "seal signs" good, this bonus per skin is raised to \$3, with a ration of grog to every hunter.

(5) During the season of 1902, 23 of these Victorian schooners were in the North Pacific and Bering Sea busily engaged, some of them flying the Japanese flag; this under American or Canadian officers. This arrangement and masquerade enables the fleet to hunt throughout the entire season from February 1 to October 15 annually, and nullifies what little good is in the Bering Sea rules and regulations of the Paris award.

(6) During the season of 1902 this fleet of 23 sealing schooners secured 22,812 skins, which were sold December 17, 1902, in London as "N. W. coast" or Alaskan fur-seal skins, at an average price of nearly \$20 per skin, being an advance of 35 per cent over the high prices of December 17, 1901, for the pelagic "N. W. coast" skins of that season.

With the above items of cost and amount of catch in view, the following recapitulation will show the profits of the season's work in 1902 for the pelagic hunter:

RECAPITULATION.

Profits of the pelagic hunter..... \$263,970

CR.

Pelagic catch, season of 1902, of Pribilof fur-seal skins in North Pacific and Bearing Sea was 22,812
 Number of vessels actually engaged in taking this catch was 23
 22,812 skins sold December 17 in London, at an average price of \$19.50 each..... \$445,034

DR.

Cost of outfitting 23 vessels, at \$1,000 each \$23,000
 Salaries, master, mate, cook, and white seamen, per vessel, at \$1,380 each for a 6-months cruise (13 vessels) 17,940
 Cost of 22,812 skins at an average of \$2 per skin paid to the Indian hunters.. 45,624
 Freight, casks, packing, Victoria to London..... 3,000
 Insurance, Victoria to London 5,000
 Brokerage, London sales, and expenses attendant 15,000
 Interest, at 10 per cent, on \$115,000, capital invested in fleet of 23 vessels.. 11,500

Total cost of the season's work of 1902 in securing 22,812 skins is.... 121,064

Or thus declares a profit of \$323,970 for the pelagic hunter's work in 1902.

This profit of \$323,970, divided equally among the Canadian vessels engaged, gives each one an average catch of 990 skins and a net gain of \$14,086 to each schooner, over all expenses.

NOTE.—But from this must be deducted the cost of the “Japanese” masquerade. How many of these “Japanese” vessels were engaged in helping the 23 Canadian vessels above itemized in getting the sum total of 22,812 skins we can not ascertain at this hour. It is safe to assume that not less than six or seven such vessels were so employed in 1902. The cost of their work to the Victorian combine which orders this business and controls it, can not have been less than \$60,000. This sum, deducted from the \$323,970 above specified, gives beyond all question a net gain of \$263,970 to the pelagic hunting business at Victoria for the season of 1902.

The Canadian minister of marine and fisheries made the following official valuation of the pelagic fur-sealing fleet of Victoria, British Columbia:

[Report for 1900, p. 203, Vol. XXXIV, No. 9, 1900, 63 Victoria, A, 1900; sessional paper No. 11a.]

Season of 1898:

Vessels employed in fur sealing, 35; value.....	\$207, 645
Boats employed in fur sealing, 102; value.....	10, 200
Canoes employed in fur sealing, 326; value.....	8, 150
Total	225, 995
White sailors and hunters in fleet.....	324
Indian hunters in fleet.....	656

[Report for 1901, p. 165, Vol. XXXV, No. 9, 1901, 64 Victoria, A, 1901; sessional paper No. 22.]

Season of 1899:

Vessels actually employed in fur sealing, 26; value.....	\$84, 500
Boats actually employed in fur sealing, 68; value.....	6, 800
Canoes actually employed in fur sealing, 285; value.....	14, 250
Total	105, 550
White sailors and hunters in fleet.....	213
Indian hunters in fleet.....	607

EXHIBIT B.

[Memorandum for Ways and Means Committee, prepared by Henry W. Elliott, March 10, 1904.]

THE RUSSIAN PERIOD OF GREAT DIMINUTION OF THE PRIBILOF FUR-SEAL HERD, 1834-1844.

I bring this period in to show that the present loss of life on the fur-seal rookeries of the seal islands of Alaska is not the first experience of the kind which has been recorded by white men, or, rather, since this life came into the supervision and control of white men, in 1786-87; prior to that date these breeding grounds had been undiscovered by either savage or civilized men.

Away back as far as 1820 the Russians themselves recognized the fact that they were culling the herds too closely—that they were ruining the business by the land killing of all the choice males—they knew that they alone on the islands were to blame, because no such thing as hunting fur seals in the water by white men then was dreamed of, much less done.

In 1818, and after a period of over ten consecutive years of active driving and culling out of all the largest and very finest young-male seals that could annually be secured, the board of directors at St. Petersburg of the Russian-American Company were informed by their agent at Sitka that the supply of these large young male seals had been practically exhausted, and that a smaller grade of skins must be taken or none at all. A trusted associate of the board, General Yanoosky, was sent out by them to go to the Pribilof Islands and investigate and report to them what the exact status of the herd was. This gentleman did so. He arrived on St. Paul Island in the spring of 1819 and remained there during the whole season, until late in November, when he departed and went down to Sitka, where, on the 25th of February, 1820, he finished and forwarded to the board at St. Petersburg his report. A brief of it is

given in the papers of the old Russian company and was produced in the counter case of Great Britain, at Paris, as follows:

No. 6.—From the board of administration of the Russian-American Company, under the protection of His Imperial Majesty, to Capt. Matvei Ivanovitch Muravief, etc., chief manager of the Russian-American Colonies.

(No. 175.)

In his Report No. 41, of the 25th February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that every year the young bachelor seals are killed and that only the cows, "sekatch," and half "sekatch" are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors remain alive in the autumn they are sure to be killed the next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct.

This view is confirmed by experience. In order to prevent the extinction of the seals it would be well to stop the killing altogether for one season and to give orders that not more than 40,000 are ever to be killed in any one year on the island of St. Paul or more than 10,000 in any one year on the island of St. George.

Mr. Yanovsky considers that if these measures are adopted the number of seals will never diminish. The board of administration, although they concur in Mr. Yanovsky's view, have decided not to adopt the measures proposed by him unless it is found that there is no migration of seals to the two small islands which are believed to exist to the south and north of the chain of islands. * * *

The board would be glad if, when you next go to the islands, you would suggest any measures which you think would tend to improve the fur-seal industry. Should it, however, be impossible for you to visit the islands at present, you will lose no time in giving orders for the rules laid down by this board to be applied forthwith.

MICHAEL KISSELEF.
 VENEDICT CRAMER.
 ANDREI SEVERIN.
 ZELENSKY, *Chief Clerk.*

MARCH 15, 1821.

Here is this evil of overdriving and culling the herd presented and defined fifty years before I saw it, and nearly seventy years before Jordan denies its existence in 1898. Think of it! We have sent two investigating commissions since 1890 up to our ruined fur-seal preserves on the Pribilof Islands—one in 1891 and the other in 1896-97—and yet, in spite of this plain Russian record and my detailed and unanswerable indictment of that particular abuse in 1890, these commissioners blindly and stupidly deny it. They attempt to set aside the Russian record by saying that the Russians then killed females as well as males and drove them up to the shambles in equal numbers.

The Russians did nothing of the sort. They began the season early in June by driving from the hauling grounds, precisely as we do to-day, and continued so to drive all through the rest of the season. They never went upon the rookeries and drove off the females; they never have done so since 1799. How, then, did the females get into their drives?

The females fell into these drives of the Russians because that work was protracted through the whole season—from June 1 to December 1. In this way the drivers picked up many cows after August 1-10 to the end of November following, since some of these animals during that period leave their places on the breeding grounds and scatter out over large sections of the adjacent hauling grounds, so as to get mixed in here and there with the young males. Thus the Russians in driving across the flanks of the breeding grounds, going from the hauling grounds, during every August, September, October, and November, would sweep up into their drives a certain proportion of female seals which are then scattered out from the rookery organization and are ranging at will over those sections of the hauling grounds driven from. What that proportion of this female life so driven was in Russian time no man to-day can precisely determine. From the best analysis I can make of it, I should say that the Russian female catch in their drives never exceeded 20 per cent of the total number driven at any time, and such times were rare, and that it ranged as low as 5 per cent of female life up to the end of August annually.

Now, what does Jordan say to-day about this work which the Russians condemned seventy years ago and I in 1890?

"As land killing has always been confined to the males, and as its operations are to-day what they have been since the herd came into the American control, except

in so far as they have been improved, this means that land killing is not and has not been a factor in the decline of the herd."

The Russian records show that from 1817 down to 1834 the supply of choice young male seals was constantly growing less and less as each year followed the other; they show that no such method of killing these seals at sea, now so well known to us as "pelagic sealing," was known to white men or practiced by them, or by the Alaskan natives, during the entire period of Russian ownership and control, ending in 1867; they show that this remarkable shrinkage of the herd from 1817 down to 1834 was due entirely to overdriving and culling of young male seals; they show that fourteen years before the utter collapse of the herd took place this result of ruin was announced by an official investigator, who urged, in 1820, that steps be taken then to avert the disaster, and they show that in spite of this clear note of warning and remonstrance the greed and the avarice of a Russian board of directors overruled Yanovsky's appeal; then they show that the end was reached in 1834, just as he had predicted under date of February 25, 1820, saying:

* * * "that every year the young bachelor seals are killed, and that only the cows, 'seecatchie' and 'polseecatchie' are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct." * * *

Then he asks that the killing be stopped altogether in 1821; and then, when resumed in 1822, that only 40,000 be killed, etc. (Proc. Tribunal of Arbitration Bering Sea, vol. 8, pp. 323-325, No. 6, 1893.)

To this warning and remonstrance against overdriving and killing young male seals on the Pribilof Islands in 1820 the Russian board of directors from St. Petersburg, under date of March 15, 1821, made the following reply and denial: "That although they concur in Mr. Yanorsky's view they have decided not to adopt the measures proposed by him," etc.

What was the result?

The entire disappearance of the killable young male life occurred on the islands in 1834. Then came the long rest of ten years on these rookeries before killing to any noteworthy extent of young males was or could be resumed.

In 1834 the Russian records show that just 100 "halluschickie" were taken—all that could be secured on St. Paul Island "safely"—"leaving in 1835 for breeding 8,118 fresh young seals, males and females together." (Veniaminov: Zapieskie, etc., Vol. II, p. 568 et seq., 1842.)

Here is the authentic record made by an unusually intelligent and personally well-informed man, written in 1837, that less than 9,000 seals that were "fresh and young" were left alive on St. Paul Island in 1835—reduced to this feeble remnant entirely by excessive killing on the island of young male seals; yet we have had two commissions of our "experts" and scientists visit those rookeries, in 1891 and in 1896-97, only to return and stupidly deny this record, and charge every harm to that herd upon the pelagic sealer and his work since 1886.

Bishop Veniaminov's count of 8,118 seals left on the St. Paul grounds in 1835 was an authentic one, made by the "Bidarshik" Kazean Shaieshnikov, who was the headman and in charge of the island; he also was the man who entertained Yanovsky in 1819 during the whole of that season, while his investigation was being made then, and which resulted in Yanovsky's warning report, which is quoted above.

This unquestioned record of the Russians is of the greatest interest to us at this hour, because it shows the recuperative powers of the fur-seal herd. Here in 1835 we have but 8,118 young seals left out of millions that existed on the same ground in 1790-1800. In 1857 the Russian records declare that this remnant of 1835 had so multiplied that it overflowed on the breeding grounds way up to and even beyond the utmost limit it had ever occupied in the days of its finest form and number when first discovered by man; and that no further concern as to the number taken annually need bother the board of directors.

The gentlemen of this committee will, in the light of that record, easily understand how safe it is for us to put the pelagic sealer out of business by killing off these 100,000 female seals now existing down to a residuum of 10,000 or 15,000, and then still have in reserve sufficient power to restore the herd, ample in every respect.

The Russian record of diminution to the point of complete collapse begins in 1817, and is given to us by Bishop Veniaminov, who himself spent the season of 1825 on the islands, and who had free access to all the records of the Russian-American Company. He closed this record in 1837 and its continuation, quoted below, is taken from the record made by Kazean Shaieshnikov, who lived on St. Paul Island during the time covered by it.

Russian record of diminution, 1817-1834.

[Table I, part 2.—Veniaminov's Zapieska, etc., St. Petersburg, 1842.]

Year.	Seals taken from—		Total.
	St. Paul Island.	St. George Island.	
1817.....	47,860	12,328	60,188
1818.....	45,932	13,924	59,856
1819.....	40,300	11,925	52,225
1820.....	39,700	10,520	50,220
1821.....	35,750	9,245	44,995
1822.....	28,150	8,319	36,469
1823.....	24,100	5,773	29,873
1824.....	19,850	5,550	25,400
1825.....	24,600	5,500	30,100
1826.....	23,250	.....	23,250
1827.....	17,750	1,950	19,700
1828.....	18,450	4,778	23,228
1829.....	17,150	3,661	20,811
1830.....	15,200	2,834	18,034
1831.....	12,950	3,084	16,034
1832.....	13,150	3,296	16,446
1833.....	13,200	3,212	16,412
1834.....	12,700	3,051	15,751
1835.....	a 4,052	2,528	6,580
1836.....	a 4,040	2,550	6,590
1837.....	a 4,220	2,582	6,802
Total.....	464,259	114,665	578,924

a Only 100 yearlings and 3,952 "pups" (5 months old) in this total; same for 1836 and 1837.

EXHIBIT C.

[Initial memorandum for Ways and Means Committee, by Henry W. Elliott, March 9, 1904.]

The official record showing the loss of life on the seal islands of Alaska, from 1872 down to 1903, inclusive.

Year.	Authority.	Number of fur seals (males, females, and young).
1872-1874	The Surveys of Elliott and Maynard (act approved Apr. 22, 1874).....	4,500,000
1890	The Survey of Elliott (act approved Apr. 5, 1890).....	1,059,000
1891	The Canadian-American joint commission survey (about).....	1,000,000
1896	The Jordan-Thompson joint commission survey (p. 22 of Jordan's Preliminary Report, Treasury Dept. Doc. No. 1931).....	440,000
1897	The Jordan-Thompson joint commission survey declares that the rookeries on which the pups were counted show a reduction of 14.4 per cent (i. e., 14.4 per cent fewer seals than in 1896)—p. 16 of Jordan's Second Preliminary Report (Treasury Dept. Doc. No. 1994); this gives us.....	376,640
1898	Report Secretary of the Treasury, p. xxxiv, Dec. 6, 1898: "The conditions of the rookeries show a most apparent decrease in the number of seals frequenting the islands." No estimate of percentage of loss is made, but it can not be "most apparent" unless that loss of life is at least 12 per cent of the figures agreed upon in 1897, or.....	331,000
1899	Report Secretary of the Treasury, p. xxxi, Dec. 5, 1899: "The condition on the rookeries shows a continued decline in the herd." (The agent in charge reports "a decline of 20 per cent" from the figures of 1898. Report Secretary of the Treasury, p. xxxii, Dec. 4, 1900.) This gives us.....	264,962
1900	Report Secretary of the Treasury, p. xxxii, Dec. 4, 1900: "The agent in charge reports that the seal life on the islands in 1899 was 20 per cent less than in 1898 * * *. The rookeries were examined last season by an agent of the Fish Commission. He reports a decrease in the seal life on the rookeries, as compared with former years. * * * Smaller seals were taken this year than ever before." Report U. S. Fish Commission, 1900, p. 165: " * * * The seals have been diminishing upon the breeding grounds for many years, the annual decrease during the past few years amounting to about 20 per cent." This testimony reduces the herd in 1900 to.....	233,962
1901	Report Secretary of the Treasury, p. 38, Dec. 2, 1901: "The enumeration of live pups shows a marked falling off from the previous years." A "marked falling off" in the number of pups would not be noticed as such unless the percentage of loss was at least 12 per cent, or.....	204,887

The official record showing the loss of life in the seal islands of Alaska, from 1872 down to 1903, inclusive—Continued.

Year.	Authority.	Number of fur seals (males, females, and young).
1902	Report Secretary of the Treasury, p. 30, Dec. 3, 1902: No mention or hint of any decrease in the herd in this report; but a set of erroneous figures is given for the pelagic catch of the year—only one-third of this catch is announced. Upon this false return of that catch is based here an allegation that the pelagic hunter is retiring from business, and that this retirement puts "the herd in a more stable condition," and that "it is not decreasing now as rapidly as heretofore." Also no reference is made of the new "Japanese" sealing fleet which joined the Canadian fleet this season, and has been busy all around the islands inside of the "60-mile zone." No reference is made to this new power for destruction, although the Department on Sept. 25, 1902, received an official report declaring that "about 16" of these vessels were so engaged during the season of 1902. Therefore, since the same forces for destruction which have been at work on the herd since 1896 have again this season been all actively employed, with the addition of the "16 Japanese" vessels, it is only reasonable for us to declare a reduction of at least 12 per cent from the number allowed for 1901, and this gives us at the close of the season of 1902 not to exceed.....	180,000
1903	Also in this report of the Treasury Department for 1902 is omitted the statement of the special agent in charge of the islands in the report for this year, received at the Department Aug. 25, 1902, that "a careful count of harems made this year shows a falling off of 25 per cent of breeding bulls." The reason why this important fact is omitted is evident to any intelligent reader; it would utterly deny the Secretary's assertion that "the herd is in a more stable condition." It is therefore suppressed. The Government agent declares to his chief in the Department of Commerce and Labor, Dec. 17, 1903, that at the close of the season of 1903, Aug. 1, the whole number of fur seals alive then on the Pribilof Islands was not to exceed.....	150,000

RECAPITULATION.

The foregoing official record of the rate and ratio of progress of the decline of the fur-seal herd of Alaska shows, concisely, that there were in—

	Pribilof fur seals, ♂, ♀, and ○.
1872-1874.....	4,500,000
1890.....	1,059,000
1891.....	1,000,000
1896.....	440,000
1897.....	376,640
1898.....	331,000
1899.....	264,000
1900.....	233,000
1901.....	204,000
1902.....	180,000
1903.....	150,000

Also, a census of the fur-seal cows, alone, has been officially recorded since 1896, as follows: On the Pribilof Islands—

In 1896 there were 157,405 fur-seal cows. (Jordan's Report, 1896.)

In 1897 there were 134,582 fur-seal cows. (Jordan's Report, 1897.)

In 1900 there were 100,000 fur-seal cows. (United States Fish Commissioner's Report, 1900.)

In 1901 there were 91,236 fur-seal cows. (Special Agent Treasury Department Report, 1901.)

In 1902 there were 94,882^a fur-seal cows. (Special Agent Treasury Department Report, 1902.)

In 1903 there were 95,000 fur-seal cows. (Special Agent Treasury Department Report, 1903.)

^aThis increase of some 5 per cent in the cows of 1902 over the cows of 1901 is a self-evident blunder. It is due to the increased massing of the cows around the rapidly disappearing bulls. The bulls fell off in number, "25 per cent" in 1902, from their figures of 1901. That caused an increased number of females or cows to appear around the surviving bulls of that year, while in fact the whole number of females was at least 12 to 15 per cent less.

This also applies to the cow census of 1903. A decline of "17 per cent in the number of breeding bulls" takes place this year according to the report of the Government agent.

Findings of fact contrasted as to the diminution of the acreage of the breeding grounds of the fur seal on the Pribilof Islands, Bering Sea, Alaska, as determined and established by the biological surveys of 1872-1874, 1890, and 1903.

[Then observe the remarkable record of the work in getting skins made in 1903 when contrasted with that of 1872 in the tables following, taken from the London sale catalogues.]

Island.	Rookery or breeding ground of fur seals.	1872-1874.	1890.	1903.
		<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
St. Paul	The Reef rookery	14	6½	(?)
Do.	The Gorbach rookery	8½	4	(?)
Do.	The Lagoon rookery	1½	2	(?)
Do.	The Tolstoi rookery	10½	3	(?)
Do.	The Upper and Lower Zapadnie rookeries.	20½	5½	(?)
Do.	The Ketavie rookery	7½	1½	(?)
Do.	The Lukannon rookery	8	3½	(?)
Do.	The Big and Little Polavina rookeries.	14	6½	(?)
Do.	The Novastoshnah rookery	55½	10	(?)
Do.	The Nah Speel rookery	½	0	(?)
St. George	The Zapadnie rookery	½	½	(?)
Do.	The Starry Arteel rookery	1½	½	(?)
Do.	The North rookery	2½	1½	(?)
Do.	The Little Eastern rookery	½	½	(?)
Do.	The Great Eastern rookery	1½	½	(?)
	Total acreage	147½	44½	(?)

NOTE.—The survey of 1890, made under authority of act of Congress, approved April 5, and published as House Document No. 175, Fifty-fourth Congress, first session.

EXHIBIT D.

The official proof of the killing of yearling seals on the Pribilof Islands by the lessees thereof in violation of law.

[Memorandum for Ways and Means Committee, by Henry W. Elliott, March 9, 1904.]

THE OFFICIAL DENIAL OF THE KILLING OF YEARLING MALE SEALS BY THE LESSEES ON THE SEAL ISLANDS OF ALASKA, PRIBILOF GROUP.

1903, Report of Special Treasury Agent Lembkey, in charge of the seal islands, to Secretary of Department of Commerce and Labor for the season of 1903: "There was a lack of 2-year-olds in particular noted during the height of the killing season. Why this was the case is problematical, but it is not due to land killing in the preceding year. This is easily demonstrated when it is known that these seals were yearlings in 1902 and that yearlings were not and have never been killed for skins." (Fur Trade Review, New York, December, 1903, p. 649.)

THE OFFICIAL PROOF OF THE KILLING OF YEARLING MALE SEALS BY THE LESSEES ON THE SLAUGHTERING GROUNDS OF THE SEAL ISLANDS AS EARLY AS THE SEASON OF 1900.

1901, Report of Special Treasury Agent Lembkey, in charge of the seal islands, August, 1901, to Secretary of Treasury: "The lessees during the season (1901) took skins ranging from a maximum of 10 pounds to a minimum of 5 pounds. Previous to 1900 the lowest limit of weight was 6 pounds, but a 5-pound limit was established that year, and during the past season (1901) as many 5-pound skins as could be found were taken." ^a (See Fur Trade Review, New York, September 1, 1901, p. 452.)

This official knew what he was saying in 1901, because the following classification of skins was published on the islands in 1872-1874, and accepted as the standard units

^a Here we have the official truth in 1901 by Agent Lembkey of the official untruth uttered by Agent Lembkey in 1903, taken from his own mouth; what the object of this officer is, who denies in 1903 what he affirms in 1901, is not manifest (perhaps it is without point on his part—just ignorance).

of weight and age of skins by all parties concerned, Government officers, lessees, and natives, and it has been the rule ever since; it was published and posted on the seal islands in 1872:

A "4½-pound skin" is the hide of an average yearling; a "5-pound skin" is the hide of a well-grown yearling. These are "eye-plasters."

A "6-pound skin" is the hide of an average 2-year-old; a "6½-pound skin" is the hide of a well-grown 2-year-old. These are "short" skins.

All "7 to 8 pound skins" are the hides of 3-year-olds; all "9 to 11 pound skins" are the hides of 4-year-olds. These are "prime" and extra fine skins.

EXHIBIT E.

[Memorandum for Ways and Means Committee, by Henry W. Elliott, March 9, 1904.]

In re the excessive killing of male seals on the seal islands, Bering Sea, Alaska—The official denial of the official assertion that "there is always a sufficiency of males reserved for breeding purposes."

THE ASSERTION.

1897, Report Secretary of the Treasury, December 6, 1897, p. xxviii: "From the report of the agent in charge of the islands, just received, covering the season just closed, it would appear by even the most strenuous efforts and an unusual number of drives the maximum number of 25,000 skins could not be obtained, and that but 20,822 skins were secured. * * * The excess of full-grown and vigorous bulls present there is so considerable as to interfere materially with the process of breeding. To remedy this evil the agent recommends the killing of a number of surplus bulls."

1899, Report Secretary of the Treasury, December 5, 1899, p. xxxii: "Male seals only have been killed on the islands during many years past, and there is always a sufficiency of males reserved for breeding purposes."

THE DENIAL OF THE ASSERTION, AS ABOVE QUOTED.

1902. Report Special Treasury Agent Lembkey for season of 1902: "A careful count of harems made this year shows a falling off of 25 per cent of breeding bulls."

1903. Report Special Treasury Agent Lembkey for season of 1903: "A count of all of the harems on the islands showed 1,979 harems in 1903 as against 2,391 in 1902. This represents a decrease of 17 per cent in the number of breeding bulls present."

NOTE.—If there was "a sufficiency of breeding bulls reserved," those vacancies on the breeding grounds would not occur. They would be naturally and instantly filled. Comment is unnecessary; the truth is apparent; the land killing has been ruinous to the life, and is so.

FACTS AND FIGURES WHICH DECLARE THAT UNDER EXISTING RULES AND REGULATIONS THE MALE FUR-SEAL LIFE ON THE SEAL ISLANDS OF ALASKA WILL BECOME EXTINCT BY 1907.

1. In 1872-1874 there were about 90,000 breeding bulls and 1,250,000 cows (primipares, multipares, and nubles) on the rookeries, thus showing an annual birth rate of 1,120,000 pups.

2. In 1890 this herd was reduced to some 14,000 bulls and 420,000 cows (primipares, multipares, and nubles) on the rookeries, thus showing a decreased birth rate of 380,000 pups.

3. In 1896 this herd was still further reduced to 5,000 bulls and 144,000 cows (primipares, multipares, and nubles) on the rookeries, thus showing a further decreased birth rate of 130,000 pups.

4. In 1903 this herd is now reduced to some 2,200 old bulls and 75,000 cows (primipares, multipares, and nubles) on the rookeries, thus showing a birth rate of only 68,000 pups.

These 2,200 old bulls of 1903 are the survivors of those young males which were spared in 1890, and by the *modus vivendi* of 1891-1893, and thus permitted to grow up to the age of 6 years, and then take their places in 1894, 1895, and 1896 on the breeding grounds as 6 and 7 year old bulls. They must reach this age before they can serve.

In 1894 and 1895 a few hundred 4-year-old male seals may have escaped the club on the killing grounds and gone onto the rookeries as 6 and 7 year olds in 1896 and 1897.

But, however, in 1896 no 3-year-old seal ever passed over the killing grounds which was not killed in 1897 as a 4-year-old; and

In 1897 no 3-year-old escaped the killers' club except to die on the killing grounds in 1898 as a 4-year-old; and

In 1898 the record of 1897 was repeated to the letter on these killing grounds of St. Paul and St. George islands; and

In 1899 no 2-year-old seal was permitted to escape on these grounds unless to die as a 3-year-old in 1900; and

In 1900 no well-grown 1-year-old seal was spared on these slaughter fields except to die under the club as a 2-year-old in 1901; and

In 1901 every yearling that came ashore was taken unless "runty," and if a few escaped they were killed in 1902 as 2-year-olds; and

In 1902 every young male seal that landed was taken, so that the work of 1901 was rigorously duplicated; and

In 1903 every young male that landed and could be found was taken, being an exact duplicate of the work of 1902.

In this clear light of that close killing of the young male life, as given above, it will be seen that no young or fresh male blood has been permitted to mature and reach the breeding grounds since 1896. The average life of a breeding bull is from 15 to 18 years; he can not keep his place on the rookery after that limit to his life, for good and obvious reasons. Therefore the youngest bulls to-day upon the rookeries are not less than 12 years old—most of them older.

An official report in 1902 declares that these breeding bulls had decreased in number 25 per cent from their figure of 1901.

An official report in 1903 again declares a decrease of 17 per cent in the number of breeding bulls from 1902, being a decrease of 42 per cent since 1901.

The close of the season of 1904 will show another decrease of 20 per cent, and in 1905 again 20 per cent reduction, to the end entirely of this male life in 1906 or 1907, unless steps are at once taken to stop all killing on the land of the choice young male seals in 1904.

HENRY W. ELLIOTT.

WASHINGTON, March 9, 1904.

EXHIBIT F.

[Memoranda for Ways and Means Committee.]

A tabulated statement which shows the annual rate of progress to the complete extermination of the fur-seal herd of Alaska which will take effect under existing rules and regulations by 1907 unless checked by Congress in 1904.

Pribilof Island fur seals, class of, alive on the islands.	Number of, in—						
	1903.	1904.	1905.	1906.	1907.	1908.	1909.
Old bulls (youngest to-day is 12 years of age).....	2,200	1,650	1,165	400	150?	(?)	None.
Pupping cows (alive Aug. 1) ..	65,000	56,250	37,885	22,825	15,000?	5,000?	3,000?
Virgin cows (alive Aug. 1)	10,000	5,000	3,000	2,300?	500?	None.	.....
Pups (born June and July).....	65,000	56,250	37,885	20,000?	10,000?	5,000?	None.
Male yearlings (alive Aug. 1) ..	1,000	500	300	300?	(?)	None.	.....
Female yearlings (alive Aug. 1) ..	10,000	6,000	4,000	2,000?	500?	(?)	None.
Total	153,200	125,650	84,235	48,625?	26,250?	10,000?	3,000?
Land catch to Aug. 1.	19,252	16,000	8,000	(?)	None.	.....	.....
Pelagic catch to Nov. 1.	25,000	20,000	15,000	12,000	10,000?	6,000?	None.
Total	44,252	36,000	23,000	12,000	10,000?	6,000?	(?)

EXPLANATORY REMARKS.

Owing to the fact that the youngest of these old breeding bulls now left alive up to 1st of last August was then at least 12 years old, and that the natural service imposed upon it, as a rule, ends its life in its 16th or 18th year, this life is rapidly passing away, since 42 per cent of its entire number of 1901 disappeared in 1903—not a single young male in sight alive and old enough to reach these breeding bulls before 1907, even if every one of them is spared next summer (1904).

No young male seal above 2 years of age will appear next season (1904) on the hauling grounds. Therefore, unless we stop by act of Congress the killing by the lessees entirely, and at once, and for an indefinite time to come, no fresh young male life can mature quickly enough to come onto the breeding grounds and save the birth

rate there from total collapse in 1907. Even if this is done now, it will be a close call for that life, anyhow.

To permit any resumption of the work of the lessees in 1904 is to stain our own hands with the sin and shame of the complete extermination of this anomalous, wonderful, and harmless marine life. This result will ensue as sure as fate unless the killing of the lessees is at once suspended on the Seal Islands of Alaska.

The full number of old bulls carried on the above table from 1903 to 1907 represents all that will be seen in those years and alive on the breeding grounds, but this number is greater, much greater, every season than the real number of virile or potent sires. For instance, in 1903 we count 2,200 old bulls, but a large number of them are lying upon the rookery ground without cows. Why do they thus lie idle, when the bulls in active service around them have more than twice as many cows in 1903 to serve as they had in 1900? Those bulls in service in 1903 had an average of 44 cows to the harem, when in 1900 they did not have over 22, and which latter ratio is the normal one.

The answer is, these bulls were thus idle because they had lost, through age, that vigor necessary to attract, serve, and control a harem.

I saw this same order of affairs on these Pribilof breeding grounds in 1890, and I at once raised the note of alarm; then stopped the killing of the lessees on July 20, when only 19,000 of the 60,000 quota had been secured; then forced my *modus vivendi* through, in 1891, June 14, which checked all the work of the lessees and only permitted the killing of 7,500 food seals for the natives' use in 1891, 1892, and 1893 on these islands.

Therefore those bulls which were seen alive on the breeding grounds last summer, and which we will continue to observe until 1907, are the survivors of the young males—the 2, 3, and 4 year olds which were saved by the *modus vivendi* of 1891, 1892, and 1893, plus a few 3 and 4 year olds which may have slipped through over the killing grounds in 1894 and 1895.

But since 1896 no fresh young male blood has been permitted to pass the club on the killing grounds of St. Paul and St. George islands; that work unchecked and not entirely suspended will result in the total collapse of the birth rate by 1905 and 1907.

In full explanation and of indisputable justification of the foregoing anticipation of the complete extermination of the male fur-seal life on the Pribilof Islands, I submit the following:

Table made up from the annual record of London sales, where all of the Pribilof fur-sea skins have been sold since 1870, down to date.

Season of—	"Prime," or 8 to 9 pound skins (3 and 4 year olds).	"Short," or 5½ to 6 pound skins (2- year olds).	"Eye- plasters," or 4½ to 5 pound skins (1- year olds).	Total catch.	Remarks.
1872.....	100,000	None.	None.	100,000	Secured in 4 working weeks in June and July.
1890.....	3,588	10,048	7,314	20,950	Lessees tried to get 60,000 "prime" skins; could not; killing stopped July 20.
1891.....	2,251	10,000	.....	12,251	<i>Modus vivendi</i> : Killing restricted to 7,500 for the year.
1892.....	5,549	2,000	.....	7,549	Do.
1893.....	7,500	.....	.....	7,500	Do.
1894.....	12,000	4,031	.....	16,031	Lessees strained every nerve to get 30,000 "prime" skins; they could not.
1895.....	10,500	4,500	.....	15,000	Lessees make desperate effort to get 30,000 "prime" skins; fail.
1896.....	8,000	16,000	6,000	30,000	Lessees take full quota; drive desperately to 7th August, but fail in "prime" and short skins; lowest prices since 1876.
1897.....	5,000	12,960	3,000	20,960	Lessees fail to take full quota; drive desperately; avoid the small skins; price in London is too low; lowest ever known since 1876.
1898.....	3,000	8,000	7,031	18,031	Lessees refuse to take full quota, since they can not get "prime" skins. Prices advance 15 per cent in London.
1899.....	2,700	5,500	9,000	16,812	Prices advance 20 per cent in London over figures of 1898; orders given for all the 5-pound skins in 1900.
1900.....	2,200	6,000	14,000	22,470	Price is up; get everything in 1901.
1901.....	1,826	4,886	16,000	22,672	Price is up; get everything in 1902.
1902.....	1,311	3,903	16,878	22,092	Price is up; get everything in 1903.
1903.....	646	1,500	13,034	15,180	Price is up; get everything in 1904.

α Only 15,180 skins out of 19,212 taken in 1903 were sold December 17, 1903; the balance of the catch—some 4,000 skins, held over to December 17, 1904.

Observe the eloquent and impressive significance of the contrast made in the above table between the catches of 1894 and 1903: In 1894, out of a total of 16,031 skins, 12,000 were "prime;" in 1903, out of a total of 15,180 skins, only 646 were "prime!"

Thus these figures, which are correct beyond the shadow of error, show beyond contradiction or argument that is sensible or honest that the lessees have left nothing of the young male life on the seal islands alive worthy of notice at the close of their work, August 1, 1903, except the pups born that season in June and July, and which they will kill, if permitted, as eyeplasters in 1904. If they are permitted they will get everyone that hauls out.

What better warrant can be desired by the committee for suspension of the lessees' work "at once and indefinitely" than the testimony of these figures as given above?

HENRY W. ELLIOTT.

MARCH 9, 1904.

EXHIBIT G.

[Memorandum (D) for Ways and Means Committee.]

In re sizes of seals taken, catch of 1903, showing that females were killed.

The number of fur seals taken by the lessees on the seal islands of Alaska, season of 1903, was 19,212. They were permitted to get 30,000 if they could find them, but, with every effort, they could not.

Of these, 15,180 were sold in London December 17, 1903.

The catalogue of this sale shows the following sizes and ages of those skins, each skin being so assorted and stamped by an expert. The balance of the catch was held over for the next December sales.

Catch of Pribilof Islands, season of 1903.

	Skins.
4-year-old skins, 9 to 11 pounds each, or "prime"	72
3-year-old skins, 7 to 8 pounds each, or "prime"	574
2-year-old skins, 6-pound skins, or "short"	1,500
1-year-old skins, 3½ to 5 pounds each, or "eyeplasters"	13,034
Total	15,180

Thus, the committee observe that out of 15,180 skins taken on the islands last summer, 13,034 of them were yearlings, or the pups born in 1902—nothing else left alive to kill.

Male and female yearlings are exactly alike in size, color of coats, and weight. They can not be distinguished apart as to sex when driven up together on to the killing grounds, unless each seal is separately seized, turned over, and examined. Therefore, any killing of yearling seals is against the law. They can not be killed without killing females unless each and every seal is handled prior to clubbing it. This handling never has been done by our people; it is impracticable.

Seal pups are born equal in number as to sex. They grow up as yearlings and as 2-year olds are exactly alike as to outward shape and markings, color of coats, etc. The skin of a normal 2-year-old male seal is about one-half pound heavier than that of a 2-year-old female, i. e., 6 pounds for the male and 5½ pounds for the female. There is no difference otherwise as to quality.

Therefore this "killing" which is here thus witnessed in the London sales on St. Paul Island, June and July, 1903, must have included female seals; it could not have been otherwise; but the law declares that a female seal shall not be killed there under fine of not more than \$1,000 for each animal so killed, or imprisonment of not less than six months, etc.

That this work on the seal islands of Alaska of taking yearling seals has been steadily increased since 1899, these London sale catalogues declare most authoritatively.

It becomes imperative therefore to prevent it.

HENRY W. ELLIOTT.

MARCH 9, 1904.

NOTE, SUPPLEMENTAL.—The driving annually after the lessees have salted and shipped their skins from the islands is called "food skin" driving; but just the same rules and order of killing is followed as in the work of killing which begins the season's work. "Food drives" are steadily made until the last seals depart in December. In this way the lessees get every seal that hauls out that they want to get; they want them all.

H. W. E.

EXHIBIT H.

[Memorandum for Ways and Means Committee.]

SECRETARY SHAW'S REPORT ON THE CONDITION OF THE ALASKAN FUR-SEAL HERD FOR 1902, SENT TO CONGRESS DECEMBER 3.

No one questions the personal integrity and ability of Secretary Shaw; but that he can be imposed upon and made to present the following travesty upon the condition of the fur-seal herd of Alaska is indisputable. In his first annual report to Congress, on page 30, he says:

"As 22,470 seal skins were taken from the islands in 1900 and 22,672 in 1901, the catch of 22,304 skins in the current year is very gratifying, and tends to show that the seal herd is not decreasing in number as rapidly as heretofore."

"The consul at Victoria, British Columbia, reports, through the Department of State, that a British sealing fleet comprising 23 vessels in the spring of 1902 took 1,611 male and 1,562 female seals—in all 3,173—which number is less than one-half of the catch of the same fleet, comprising 28 vessels, in the spring of 1901 and less than one-fifth of the number taken by 33 vessels in the spring of 1900. A preliminary report from the consul at Victoria of the summer catch of the British sealing fleet shows that 11 vessels have returned to that port with 4,456 seal skins. Four other vessels lately arrived, and 9 yet to arrive are not included in these figures. The average catch for each vessel for the current year, so far as reported, is 224 skins per vessel. The official report of the catch of the British sealing fleet in 1901, received in March last, shows that 39 vessels took 24,422 seals on the coast of British Columbia and Japan in the vicinity of Copper Island and in Bering Sea—an average of 626 skins for each vessel. *The greatly diminished catch of the British sealing fleet in the last two seasons undoubtedly accounts in great measure for the more stable condition of the Pribilof herd as indicated by the number of seals taken by the lessees of those islands since 1899.*"

Is this the truth, even faintly expressed, as to the condition of this herd, which Congress has in these words received from him?

No; it is not. That "very gratifying statement" as to the catches in 1900, 1901, and the current year 1902, "which tends to show that the seal herd is not decreasing in number as rapidly as heretofore," is a sad error. Observe the following analysis of these catches:

Out of 22,470 skins taken in 1900, 2,200 were "prime" skins and 14,000 were "eye plasters." Out of 22,672 skins taken in 1901, 1,826 were "prime" skins and 16,000 were "eye plasters." Out of 22,304 skins taken in 1902, 1,311 were "prime" skins and 16,878 were "eye plasters." But out of 16,031 skins taken in 1894, 12,000 were "prime" skins and no "eye plasters."

Note the significance of that contrast, 1894-1902, and it is a dull mind that can not grasp the fact that it declares that in 1900, 1901, and 1902 the lessees are draining the very dregs of the young male life—hurrying it into complete extermination. "Very gratifying," indeed!

This is quite unfortunate, but what follows is even more so:

Mr. Shaw tells us that only 7,219 skins have been taken this season (1902) by the pelagic hunting fleet, when in truth 22,812 skins were taken by these hunters. This gives us an average of over 800 skins to the vessel, instead of only "244 skins per vessel."

This official failure to inform Congress that the season of 1902 was the most profitable one ever known to the pelagic hunter per vessel employed is fairly improper. It is also still more improper because on September 16, 1902, the Department had official information that a new force of pelagic destruction to the herd had appeared on the scene, and yet it does not appear to be deemed worthy of Mr. Shaw's notice. I allude to the "Japanese" fleet.

Then, too, he is officially informed on August 25, 1902, that the breeding bulls on the seal islands rookeries "have fallen off 25 per cent in number" from what they were in 1901; yet he tells Congress that this herd is in a "more stable condition" than heretofore.

Mr. Shaw was warned a few days after he entered the office of Secretary of the Treasury, February 21, 1902, that he was being imposed upon by his subordinates who had charge of the fur-seal business in the Department; he had documentary evidence of the fact submitted to him, but he seems to have forgotten the lesson or

he ignored it. Now, these facts rise up to plague him, because there is no question of the sincerity and honesty of the man, at least in my opinion there is none.

On the 20th of August, 1902, the Treasury Department gave out the following statement to the Associated Press:

FOUND A NEW SEAL ROOKERY—REVENUE CUTTER MAKES AN INTERESTING DISCOVERY IN THE
ALEUTIAN ISLANDS.

Captain Shoemaker, of the Revenue-Cutter Service, has received a report from Capt. Charles H. McLellan, commanding the cutter *Manning*, recording the discovery of a new fur-seal rookery in the Aleutian Islands.

The *Manning* went to the Aleutian Islands in accordance with instructions from Captain Shoemaker, who had received information through the natives of the existence of a seal herd near the western end of the long chain of islands. While cruising among the islands early in July, as the executive officer of the *Manning*, Lieutenant Berthoff went ashore with a boat's crew on the island of Boulder. There he found a rookery of fur seals similar to those found on the Pribilof Islands. Lieutenant Berthoff approached the herd closely enough to observe that none of the seals had been branded, and that there was no sign that white men in search of fur seal had ever been near the island.

The *Manning* will continue searching to discover if there are other rookeries in that locality. The suggestion is made that these islands may be one of the rendezvous of the fur seals during their absence from the Pribilof Islands. The discovery is considered important by the officials here in view of the gradual decline of the fur seal on the Pribilof Islands.

I at once saw the error and the mischief of this official statement, and under date of August 20, 1902, I addressed a letter to Secretary Hay, State Department, pointing out the blunder, a copy of which I mailed to Secretary Shaw, of the Treasury, even date, from Cleveland.

The State Department looked into the matter, and soon gave out the following statement:

ALLEGED SEAL ROOKERY—THE DISCOVERY BY CAPTAIN M'LELAN DISCREDITED.

The recent reported discovery by the captain of the revenue cutter *Manning* of a new seal rookery near Aleutian Islands has been brought to the attention of the State Department, where it has been immediately investigated. The report, if accurate, would be of the greatest importance, for it will go far toward sustaining the contention of the Canadian seal fishers that there has not really been any diminution of fur seal in Alaskan waters; that there are as many fur seal as ever in the open sea, and that what has happened has simply been an abandonment by the fur seals of their old rookeries—the Pribilof Islands.

The investigations of Henry W. Elliott, the fur-seal expert of the Government for many years, has lead the officials of the State Department to the conclusion that the report of the captain of the *Manning* is erroneous. The place where these seals were reported to have been found was on Buldir Island, more than 600 miles distant from the Pribilof Islands. Mr. Elliott's conclusion is that what Captain McLellan of the *Manning* actually saw was a number of young sea lions, which he had already known to frequent Buldir Island and vicinity, and are easily mistaken for seals. But if fur seals were actually seen by the *Manning's* people, then Mr. Elliott reports they must surely be stragglers, not from the distant Pribilof Islands, but from the Russian herd, most likely from Copper Island of the Commander group, which is about only 200 miles distant, and is approached as close as 80 to 100 miles by the Russian herd on their leaving and entering the Bering Sea. Mr. Elliott further finds that, whereas, straggling bands of young male fur seal have been found as far distant from Alaska as San Francisco, and on Middleton Island in the north Pacific Ocean, 200 miles west of Copper River mouth, these seal, the Pribilof seals, were attracted to those places by the sea lions which were breeding there at the time, and, no sign of a breeding rookery of Alaskan fur seals away from the Pribilof Islands has ever been discovered.—(Star, Washington, August 28, 1902.)

But what did the Treasury Department do? It acknowledged the receipt of my letter, under date of August 23, 1902, saying my "communication of the 20th instant, * * * will receive immediate attention and a full reply will be sent you at the earliest possible moment."

What was that reply? Nothing until I read in the report of the Secretary of the

Treasury, December 3, 1902, under head of "Alaska: Seal herd," on page 30, the following reaffirmation of the nonsense and mischief, to wit:

"Capt. C. H. McLellan, commander of the revenue steamer *Manning*, reported in July last the *finding of a seal rookery on Buldir Island, in the Aleutian group*. The skin of a pup seal was taken from this rookery, and experts have pronounced it to be that of the fur seal. *It is reasonable to suppose that there are fur seals on other islands of the Aleutian chain*. This fact will be determined by investigation during the next season. In the meantime it is suggested that a sufficient appropriation be made to protect the Buldir Island rookery, and any other that may be discovered hereafter, from the unlawful depredations of the seal hunters. If the herd can be left to develop, it may prove valuable; and it will be utterly destroyed by the seal hunters unless protected."— [Italics mine.]

This last season of 1903, Captain McLellan goes again to Buldir Island; he makes an energetic search for the new "seal rookery on Buldir Island." Does he find it? No. Does the Secretary of the Treasury in his report for 1903, submitted to Congress last December, say anything about it? No. Why? Because Captain McLellan reported to the Department on October 7, 1903, that he "did not find a trace of fur-seal life on Buldir Island," this year, where he "discovered" last year a new fur-seal rookery in July, as stated above by the Department in December, 1902. Not a word about this confirmation by McLellan himself, of the sense and truth of my denial, a year before, of the "discovery."

It is this sort of information about the fur seals that has been filtered into the Treasury Department, without break, since 1890; and this shows clearly to the committee why the condition of affairs on the seal islands has never been truly or adequately described in the reports of the Treasury Department since 1890.

HENRY W. ELLIOTT.

MARCH 9, 1904.

EXHIBIT I.

[Memorandum for Ways and Means Committee.]

AN EPITOME OF THE REPORT OF 1903, SUBMITTED BY SECRETARY SHAW, TREASURY DEPARTMENT, DECEMBER 8, TO CONGRESS (P. 43) ON THE STATUS OF THE ALASKAN FUR-SEAL HERD.

In this report Mr. Shaw makes only a brief mention of the subject. He itemizes the season's catch on the islands, but he fails to give a single figure as to the pelagic catch for the season. This was big enough for him to notice. It was 27,000 skins against the land catch, which he cites as 19,292.

He makes no recommendation that the land killing be checked, but repeats the stale untruth that the loss of life, which he notes this year, is due solely to pelagic sealing.

He says that "only the surplus males are taken on the islands." He should have said, and then said truly, that "all the surplus males were taken on the islands" to get the catch which he reports.

He makes no reference to the failure of his agents to locate that "new fur-seal rookery" on Buldir Island, which he asked Congress to protect with an appropriation last year.

On the 1st of July the fur-seal business passed from the Treasury Department to the Department of Commerce and Labor.

AN EPITOME OF SECRETARY CORTELYOU'S FIRST REPORT TO CONGRESS, ON DECEMBER 9, 1903, WHICH RELATES TO THE FUR-SEAL HERD. (P. 43.)

Mr. Cortelyou takes up the subject July 1, 1903, and has no opportunity to get any information officially, except as it is turned over to him by the old Treasury machine, which has fogged this question up successfully in that Department since 1896.

Therefore he makes no recommendation that the killing by the lessees be stopped on the islands; but he should have brought out the fact that the pelagic hunters have taken 27,000 skins from our herd in the season just ended.

He brings out the agent's report that the "breeding bulls have decreased 42 per cent, while the breeding cows have increased 9 per cent, in the last three years."

This seems to have given Mr. Cortelyou a warning which so impressed him that he omits the regular stale official untruth in his report about "pelagic sealing as being the sole cause of loss of life in the fur-seal herd."

These cows have not increased; but they have not decreased, in proportion, half, or a three-quarter rate even, as fast as the old males have. *There is where the danger lies at this hour.*

HENRY W. ELLIOTT.

EXHIBIT J.

The following tabulations are from the report of the Ways and Means Committee of June 2, 1902. The first table shows the close similarity of—

CONTRAST BETWEEN THE RUSSIAN AND AMERICAN RECORDS OF DECLINE IN THE LIFE OF THE PRIBILOF FUR-SEAL HERD.

The Canadian hunter will never voluntarily give up an industry that is paying him over 100 per cent profit, no matter what the ultimate consequence to mankind or seal life may be of his continuing in the business of pelagic sealing. Long before he ceases to find female seals at sea the young male life will have been destroyed on the islands. In proof of this statement your committee submit the following statistics covering the period of Russian diminution, 1817-1834, with that of the American period, beginning in 1889:

The Russian period of diminution, 1817-1834.		The American period of diminution, 1889-1907.			
Year.	Seals taken.	Year.	Seals taken.	Remarks.	
				("Prime" skin, 8 to 9 pounds; "short" skin, 6 pounds; "eye plasters," 4 to 4½ pounds.)	
1817.....	60,188	1889.....	100,000	½ "prime" skins, ½ "short" skins, ½ "eye plasters."	
1818.....	59,856	1890.....	28,000	½ "prime" skins, ½ "short" skins.	
1819.....	52,225	1891.....	14,000	All "prime" skins. Modus vivendi.	
1820.....	50,229	1892.....	7,500	Do.	
1821.....	40,995	1893.....	7,500	Do.	
1822.....	36,469	1894.....	16,034	All "prime" skins.	
1823.....	29,873	1895.....	15,000	¾ "prime" skins, ¼ "short,"	
1824.....	25,400	1896.....	30,000	¾ "prime" skins, ¼ "short," ¼ "eye plasters."	
1825.....	30,100	1897.....	20,766	¾ "prime" skins, ¼ "short."	
1826.....	23,250	1898.....	18,032	Do.	
1827.....	19,700	1899.....	16,812	Do.	
1828.....	23,288	1900.....	22,470	¼ "prime" skins, ¼ "short," ¼ "eye plasters."	
1829.....	20,811	1901.....	22,672	⅓ "prime" skins, ⅓ "short," ⅓ "eye plasters."	
1830.....	18,034	1902.....	18,000	½ "short" skins, ½ "eye plasters;" can or will be taken.	
1831.....	16,034	1903.....	16,000	All "eye plasters;" can or will be taken.	
1832.....	16,431	1904.....	16,000	Do.	
1833.....	16,412	1905.....	8,000	Do.	
1834.....	15,751	1906.....	1,000	Do.	
1835.....	100	1907.....	None.	The end of the young male life on the islands.	

[“Prime” seals are 3 and 4 year olds; “short” are 2-year-olds; “eye plasters” are 1-year-olds.]

In 1834 only 8,118 young seals, males and females, were left alive to breed on St. Paul Island. In 1835 the Russians stopped the killing, and so saved the herd from immediate extermination.

Note.—Since 1890 the male life above the age of pups has been reduced by land and sea killing from the proportion of nearly one-half of the total number in 1874 to less than one-fifth in 1890, and it is doubtful if it amounts to more than one-eighth of the total for this year. The 224,000 seals of all classes as estimated on the islands for 1902 will consist of about 4,000 old bulls, 100,000 females, 80,000 pups, and 40,000 yearlings. Half of these yearlings are males. When they return this summer as yearlings they will all be taken as they haul out on the islands between May and November. If any of them escape, they are sure to be taken as 2-year-olds in 1903. Their skins are too valuable to be left for the Canadians, who will get them if our people do not kill them, so the candle is burning at both ends, and furiously. It is easy to understand the end of it by the sudden elimination of this male life not later than 1906, under existing laws, regulations, and trade conditions.

The Russian figures in the foregoing table are taken from Veniaminov, Zapieskie, and those relating to our own work, 1889-1901, are from the trade catalogues of the London sales, where the Alaskan skins have all been sold at public auction since 1871. The significant classification of sizes annually taken on the islands, which declares that in 1901 we were draining the dregs of the male life, is found in these records of the London sales, and there is no appeal from the perfect truth of the figures. (Report No. 2303, Ways and Means Committee, June 2, 1902, 57th Cong., 1st sess., pp. 4-5.)

EXHIBIT C.—*Annual seal island and pelagic fur-seal catch and average prices per skin from 1871 to 1903, inclusive.*

Year.	Pribilof Islands: Island catch.		Bering Sea and Northern Pacific: Pelagic catch.		Year.	Pribilof Islands: Island catch.		Bering Sea and Northern Pacific: Pelagic catch.	
	Number of skins.	Average price per skin.	Number of skins.	Average price per skin.		Number of skins.	Average price per skin.	Number of skins.	Average price per skin.
1871.....	102,960	\$10.50	16,911	\$2.40	1888.....	103,301	\$19.50	36,389	\$7.80
1872.....	108,819	11.20	5,336	2.40	1889.....	102,617	17.00	29,858	9.75
1873.....	109,107	13.00	5,229	.....	1890.....	28,859	36.50	40,814	15.25
1874.....	110,585	13.10	5,825	8.50	1891.....	12,040	30.00	59,568	15.75
1875.....	106,460	12.75	5,033	9.00	1892.....	7,511	30.00	46,642	17.00
1876.....	94,657	8.75	5,515	5.25	1893.....	7,396	27.00	30,812	12.50
1877.....	84,310	9.75	5,210	.....	1894.....	16,270	20.50	61,838	8.75
1878.....	109,323	9.80	5,540	.....	1895.....	11,846	20.25	56,291	10.25
1 79.....	110,411	21.20	8,557	13.00	1896.....	30,654	17.00	43,917	8.00
1880.....	105,514	22.25	8,418	14.00	1897.....	19,200	15.50	24,332	6.50
1881.....	105,630	19.75	10,382	7.80	1898.....	18,047	16.00	28,552	6.50
1882.....	99,812	13.60	15,581	5.10	1899.....	16,812	26.00	34,168	10.25
1883.....	79,509	20.20	16,587	6.30	1900.....	22,470	32.00	35,191	16.00
1884.....	105,584	12.75	16,971	6.75	1901.....	22,672	34.00	24,050	15.25
1885.....	105,024	14.20	23,040	6.50	1902.....	22,190	32.50	22,812	19.25
1886.....	104,581	17.10	28,494	7.00	1903.....	19,212	29.50	27,000	18.50
1887.....	105,760	14.00	30,628	7.70					

NOTE.—These prices are the averages of the catches which the London annual sale catalogues record, and are taken from them.

The Alaskan seals have all been sold in London since 1871, at the public auction sales of Messrs. C. M. Lampson Sons, the Hudson's Bay Company, and Culverwell, Brookes & Co. (Rept. No. 2303, Ways and Means Committee, June 2, 1902, p. 7.)

EXHIBIT K.

[Memorandum for Ways and Means Committee, by Henry W. Elliott, March 9, 1904.]

AS TO THE LEASE OF THE LESSEES OF THE SEAL ISLANDS OF ALASKA, DATED MAY 1, 1890.

Opinions of Thomas B. Reed, W. L. Wilson, Henry G. Turner, Benton McMillan, February 18–20, 1895, as a subcommittee of the Ways and Means Committee, on the question of whether the Government had the legal right to completely suspend the lessees of the seal islands from killing fur seals, under the terms of the Windom lease, dated May 1, 1890:

The question being raised pending the consideration of the House bill 8633, introduced by Governor Nelson Dingley, jr., the attorney for the lessees, Gen. N. L. Jeffries, argued at length against the right of the Government to completely suspend the work of the lessees, as the terms of the pending bill ordered.

Thereupon the subcommittee held:

“(1) That the clause in the lease which binds the lessees to ‘obey and abide by any restrictions or limitations upon the right to kill seals that the Secretary of the Treasury shall judge necessary, under the law, for the preservation of the seal fisheries of the United States,’ enables the Government (the Secretary of the Treasury being the agent only of Congress) at any time to completely restrict or suspend the work of the lessees. This authority for this restriction is found in section 3 of the act approved July 1, 1870.

“(2) That the right to kill seals for natives' food is expressly reserved by section 1, act approved July 1, 1870, for the Government, and is not covered or merged into the terms of the lease which are authorized by section 4 of act approved July 1, 1870.”

This report of the subcommittee was unanimous. It was unanimously adopted by the full committee, and the bill reported favorably to the House by Chairman Wilson. (Report No. 1849, 53d Cong., 3d sess.)



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