

April 6, 1894.

CHAP. 57.—An Act To give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain concluded at Washington, February twenty-ninth, eighteen hundred and ninety-two, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals.

Fur seal arbitration.
Preamble.

Whereas the following articles of the award of the Tribunal of Arbitration constituted under the treaty concluded at Washington the twenty-ninth of February, eighteen hundred and ninety-two, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland were delivered to the agents of the respective governments on the fifteenth day of August, eighteen hundred and ninety-three:

Paris tribunal
award.
Vol. 27, p. 947.

Art. 1.

ARTICLE 1.

Killing, etc., fur
seals forbidden.

The governments of the United States and Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time, and in any manner whatever, the animals commonly called fur seals, within a zone of sixty miles around the Pribilof Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of sixty to a degree of latitude.

Art. 2.

ARTICLE 2.

Closed season for
killing, etc., seals in
Pacific Ocean.

The two governments shall forbid their citizens and subjects respectively to kill, capture or pursue, in any manner whatever, during the season extending, each year, from the first of May to the thirty-first of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude, and eastward of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven between the United States and Russia, and following that line up to Berings Straits.

Art. 3.

ARTICLE 3.

Restriction of seal-
ing to sailing vessels.

During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will however be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

Art. 4.

ARTICLE 4.

License, etc.

Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

Art. 5.

ARTICLE 5.

Record of opera-
tions.

The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two governments to the other at the end of each fishing season.

Art. 6.

ARTICLE 6.

Use of nets, etc.,
forbidden.

The use of nets, firearms and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Behring Sea, during the season when it may be lawfully carried on.

ARTICLE 7.

Art. 7.

The two governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

Skill of fishermen.

ARTICLE 8.

Art. 8.

The regulations contained in the preceding articles shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars or sails and manned by not more than five persons each in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

Fishing by Indians.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Municipal laws not affected.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur sealing vessels as heretofore.

Employment of Indians.

ARTICLE 9.

Art. 9.

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the governments of the United States and of Great Britain.

Continuance of regulations.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

Modifications.

Now therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilof Islands within a zone of sixty geographical miles (sixty to a degree of latitude) around said islands, exclusive of the territorial waters.

Killing, etc., of seals by United States citizens forbidden.
Post, p. 1245.

Prohibited area.

Post, p. 64.

SEC. 2. That no citizen of the United States, or person above described in section one of this act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, in any manner whatever, during the season extending from the first day of May to the thirty-first day of July, both inclusive, in each year, any fur seal on the high seas outside of the zone mentioned in section one, and in that part of the Pacific Ocean, including Behring Sea, which is situated to the north of the thirty-fifth degree of north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven, between the United States and Russia, and following that line up to Behring Straits.

Killing, etc., of seals from May 1 to July 31, in part of Pacific Ocean prohibited.

Area affected.

SEC. 3. No citizen of the United States or person above described, in the first section of this Act, shall, during the period and in the waters in which by section two of this Act the killing of fur seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed, in carrying on or taking part in fur-seal fishing operations, other than a sailing vessel propelled by sails

Sealing restricted to sailing vessels, etc.

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| License and flag required. | exclusively, and such canoes or undecked boats, propelled by paddles, oars, or sails as may belong to, and be used in connection with, such sailing vessel; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the Government for that purpose, and without carrying a distinctive flag prescribed by the Government for the same purpose. |
| Official log book to be kept. | SEC. 4. That every master of a vessel licensed under this act to engage in fur-seal fishing operations shall accurately enter in his official log book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port, and before landing cargo, the master shall verify, on oath, such official log book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States. |
| Verification. | SEC. 5. That no person or vessel engaging in fur-seal fishing operations under this Act shall use or employ in any such operations, any net, firearm, airgun, or explosive: <i>Provided however</i> , That this prohibition shall not apply to the use of shotguns in such operations outside of Behring Sea during the season when the killing of fur seals is not there prohibited by this Act. |
| Operations prohibited. | SEC. 6. That the foregoing sections of this act shall not apply to Indians dwelling on the coast of the United States, and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, or manned by more than five persons, in the manner heretofore practiced by the said Indians: <i>Provided, however</i> , That the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands. |
| <i>Proviso.</i> Not applicable to open season in Pacific Ocean. | SEC. 7. That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this Act and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient. |
| Fishing by Indians permitted. | SEC. 8. That, except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this Act, every person guilty of a violation of the provisions of this Act, or of the regulations made thereunder, shall for each offense be fined not less than two hundred dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States. |
| <i>Proviso.</i> Contracts forbidden. | SEC. 9. That any violation of this Act, or of the regulations made thereunder, may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington. |
| Regulations to be made by President. | SEC. 10. That if any unlicensed vessel of the United States shall be found within the waters to which this Act applies, and at a time when the killing of fur seals is by this Act there prohibited, having on board seal skins or bodies of seals, or apparatus or implements suitable for killing or taking seals; or if any licensed vessel shall be found in the waters to which this Act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this Act until it is otherwise sufficiently proved. |
| Penalty for violations. | |
| Prosecutions. | |
| Prima facie evidence of violations by unlicensed vessels. | |
| Licensed vessels. | |

SEC. 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this Act is applicable to enforce its provisions, and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this Act, or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this Act, there to be dealt with according to law.

Naval force.

Arrests by naval or revenue officers.

SEC. 12. That any vessel or citizen of the United States, or person described in the first section of this Act, offending against the prohibitions of this Act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however,* That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this Act.

Seizure of United States vessels, etc., by British officials.

Delivery to United States authorities.

Proviso. Effective only when similar British legislation enacted.

Approved, April 6, 1894.

CHAP. 58.—An Act Authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River in the State of Arkansas or in the State of Texas.

April 21, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Texarkana and Fort Smith Railway Company, its successors or assigns, be, and is hereby, authorized to construct and maintain a railway bridge, and approaches thereto, over and across Sulphur River in the State of Arkansas, or in the State of Texas, at such point as may be selected by said railway company for crossing said river with its railroad line, said point selected to be subject to the approval of the Secretary of War. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of said company, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War. That if the said bridge shall be made with unbroken and continuous spans, there shall be at least one span of a height of not less than eighty feet above low water, or fifty feet above highest water, as understood at the point of location, measured to the lowest part of the superstructure of said bridge; and said span shall have a clear opening of at least one hundred and fifty feet between the piers, measured at right angles to the current, and shall be over the main channel of the river; and the bridge shall be at right angles to, and the piers parallel with, the current of the river. And if the bridge over the said river shall be constructed as a draw or pivot bridge, the draw or pivot pier shall be over the main channel of the river at an accessible navigable point, and the openings on each side of the pivot pier shall not be less than one hundred feet in the clear, unless otherwise expressly directed by the Secretary of War, and if so directed shall be according to such direction, and the said opening shall be accessible at all stages of water, and the spans shall be not less than ten feet above extreme high water, as understood at the point of

Texarkana and Fort Smith Railway Company may bridge Sulphur River, Ark. or Tex.

Railway, wagon, and foot bridge.

Toll. High bridge.

Draw bridge.