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## **Contact:**

Archives & Special Collections Waidner-Spahr Library Dickinson College P.O. Box 1773 Carlisle, PA 17013

717-245-1399

archives@dickinson.edu

The Bering Sea Controversy.

Thomas H, Evaus. 93

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The real question involved in the Bering Sea Controversy may be stated in a frew mords. In 1867, the United States purchased Alaska from Russia for the sum of seven million two how. dred thousand dollars, (\$7,200,000) a very material Element in its value when purchased was its fur seal fish-Eries which were and are to-day Considered the most supportant in the world. Consequently, suce it became the possession of the United States it has, by lease, yelded a large a. mount of revenue to the Goorament of the United States, engaged great Sums of American Capital and offorded are understry for many of our people. Every year during the mouths of Jour, July, August and September this raluable Colonory of seals, mith alword human sustinct, as if knowing that its seperation from the Alaskan Shore is necessary for its propogation, is ac. customed to cross through from the maiisland to the Fribylor Islands where their young are produced and reared. In crossing to the Islands, however, they must necessarily cross a portion of the Bering Sea bryond the three mile limit, where ac-Cording to intronational law they are regarded as beyond the jurisdiction of any particular people.

The Canadians have been accustomed for years past to fit out vessels for the purpose of shooting and capturing these seals beyond the three mile limit - acts which Congress made criminal, by law, in 1870. To inforce these laws and at the same time to protect the seals to and from these Islands was vessels have been sent wito these waters.

The question there in a few most is the state the right to protect its property and the business of its people from milful and mosts. Jul destruction; or, does the fact that its takes place bryond the three mile limit gire to these prachers the

right to carry on this manton destruc-

No one will deay for one moment that the United States has theoright to protect to properly, But, are these seals the property of the United States? Eugland says they are not when beyond this prescribed limit, America says they are for the following reasons: First, The seal is amphibious. It does not nor cau it whatil land or water continuously, But it must have both for do sacrece and brops gation. It has a fried trabitation on the Colastan shore from which it never departs for more those one thirs of the years and to which it in-

variably returns and gives rise to a producture undustry. It, therefore, demands the protection of our Government as does any other industry or property of the Muchel States. Second, Me claim that whether on land or sea these seals deserve the same protection during a certau fortron of the year that any other Trueficial aucurial dors. In all cio. dized countries there sist laws against the destruction of all auricals, during their breiting season, which wie tru. Eficial to manked, He have laws which prohibit us from destroying game during certiau geriods of the year, and it is the boast of Englishmen to-day

that there is no country in which the game laws are as strictly ad. hered to as in England. If, then, me have laws to protect our game, in respective of place, in order to be. Serve it from setermination, shall me do less for the harmless and valuable seal?

There is dauger, however, that un. less, in the near future, the difficulties of the controversy are runedied, it will lead to the total destruction of the seal fishery and thue
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suit and are lost. This is also wident from a statement made recently by our late Secretary of State in his Communication to England, Az Days that from 1870 to 1890 the seal fish-Eries carefully quandes and preserved yielded one hundred thousand (100,000) strus each year. The Cauadians inhusines began in 1886 and so gral has beru the damage resulting from their destruction of Seal left in the open seas surrounding the Tribylar Islands that, in 1890, the Tournment of the the Musted States limited the Alaskan Company to sixty thousand (60,000) stries, But the Company were able to secure only lural, one 21,000)

a little more than one-fifth of the num. for secured four years privious, Sursly no one will demy that it is mong to destroy the seal during the months before mentioned. As sonce one has said it is a question that shows not requires a momento debate betomen Christian motions if it requires their mutual action, Us stated before, Englaced holds that the without states has no right over these seals Except within three miles of the Alaskau Coast. The Clavis that the sea is free and that no nation is allowed to close the ocean against the ships of another nation. Upon what grounds, their, does the Mented States Claim Juris-

diction over these waters? I'mit, by Treaty, Iran 1799 the right to take the was granted by the Emperor of Russia to the Russian american Company. From the date of alaska's discovery down to the time of its purchase by the Mutid States no one rorr questioned the right of Russia to Exercise Exclusion purisdiction sove the portion of Sea by. ing between the Coast and the Islands, no foregue ressel was allowed to touch at rether of the Islands and Seal life was protected both on land and in the Sea. It is the fact of this inequestioned privilize made alaska so valuable to the Muched States,

If the waters of the Bering Sea more regarded as high seas, there these seals were as free to our seal-hunting before the purchase as to any of the Russiau huntis, and there was no reed, so far as that is concerned, for the purchase. But, as me stated before, it was well understood that Russia Controlled these waters, the made or prescribed regulations concerning them, The patroled them with her many and she forbade any forcego vessel to violate these regulations which were respected by all nations during her possession of nearly a century. By the treaty of Cession Therefore the Chiles States claims the right to & cercise auThority over its property both on land and sea.

It is claimed by The opposition that me have no mon jugte over the seal than over the fish of the fish pass bryons the three mile limit They become Common property. But the seal is not an ordinary fish as stated before il requires toth land and makes for its & chuce and propogation. The I tow. E. J. Theeps, in considering this point, uses this or. gement. del us suppose that some nation should devise a method of pich. ing detrimental to the fish understry and should propose to come right up to our limit and employ this method which in a sheet live would mean the Atomination of all fish, much all peoples with retid in the presention of fish stand helpluse, by and permit such an outrage? Or would'the like to be discovered that these rights, like all others, much be sincised with a due regard to the rights of others.

Surely the latter.

In my judgment freesom of the sea does not crusish in all orving any one person or nation to carry on a business detrimental or destructure to the interests of other nations, But it consists in the right to pass to and fro in the pursuit of ones legitiments runhammes and runmolested.

Again, He Clavi the clave the right of furisdiction by freedeal. It must be admitted that sorecedents are not always right. But suice there are precedents which have bru accepted as right, by the common consent of Cevelized notions, it may aidie settling this controosesy of they are guru due consideration, des Grample, There is the unstance mentioned by The late mr Clause in war of his Communications to England in which he recalls the fact that during the Capture of napolem repor the Island of St VElena, Engling fortable her own and all other vissels from trading or touching at

This Island or from howring within, at least, hornty-fir miles of the sauce under penally of seigure. Why? Be-Couse not only her our tol the in. tresto of all Europe vorre en augeres. England to-day the same right which we claim, with respect to the Pearl fisheries, established in the In. dean Ocean by a British Colony, and yel she, probably the formost of all nations in & ressing jurisdiction our her our suterests in the sea indirectly trees to depries us of the Same right.

Now, we have shown that the seal, breauce it is amphibious and spends over two thirds of its time on the a.

Caskau shore, is naturally the prop. of alaska and hence demands the protection of our Government, that it deserves the same intection during the burding - season that any other fruspeial aumal does; that there is danger of its total Extramulation unless a speedy set Hement is made; and, Juially, that our claims of naval jurisdictions in the waters are established both by treaty and by precedent! These facts, m toliers, Justify the Mented States in assuming its present attitude on This question, I, then, England Continues to requel to mose some settlement

remains for us to do as Russia did remains for us to do as Russia did when these waters were in her pasession, and as Europe does to-day in the Indean Ocean, to have armed vissels to patrol these seas and to suforce the laws enacted by the Congress of the Ments States 1893 Senior Oration of Thomas H. Evans, Class of 1893 Transcribed by Krista Gray, September 2008 Edited by Meg MacAvoy, September 2008

## The Bering Sea Controversy

The real question involved in the Bering Sea Controversy may be stated in a few words. In 1867, the United States purchased Alaska from Russia for the sum of seven million two hundred thousand dollars. (\$7,200,000) A very material element in its value when purchased was its furseal fisheries which were and are to-day considered the most important in the world. Consequently, since it became the possession of the United States it has, by lease, yielded a large amount of revenue to the Government of the United States, engaged great sums of American Capital and af-

forded an industry for many of our people.

Every year during the months of June, July, August and September this valuable Colony of seals, with almost human instinct, as if knowing that its seperation from the Alaskan shore is necessary for its propogation, is accustomed to cross through the sea from the mainland to the Pribylov Islands where their young are produced and reared. In crossing to the Islands, however, they must necessarily cross a portion of the Bering Sea beyond the three mile limit, where according to international law they are regarded as beyond the jurisdiction of any particular people.

The Canadians have been accustomed for years past to fil out vessels for the purpose of shoting and capturing these seals beyond the three mile limit – Acts which Congress made criminal, by law, in 1870. To enforce these laws and at the same time to protect the seals to and from these Islands war vessels have been sent into these waters.

The question then in a few words is this. Has the United States the right to protect its property and the business of its people from wilful and wasteful destruction, or, does the fact that it takes place beyond the three mile limit give to these poachers the

right to carry on this wanton destruction?

No one will deny for one moment that the United States has the right to protect its property. But, are these seals the property of the United States? England says they are not when beyond this prescribed limit. America says they are for the following reasons:--

First, The seal is amphibious. It does not nor can it inhabit land or water continuously. But it must have both for its existence and propagation. It has a fixed habitation on the Alaskan shore from which it never departs for more than one third of the year and to which it in-

variably returns and gives rise to a productive industry. It, therefore, demands the protection of our Government as does any other industry or property of the United States.

Second, We claim that whether on land or seas these seals deserve the same protection during a certain portion of the year that any other beneficial animal does. In all civilized countries there exist laws against the destruction of all animals, during their breeding season, which are beneficial to mankind. We have laws which prohibit us from destroying game during certain periods of the year, and it is the boast of Englishmen to-day

that there is no country in which the game laws are as strictly adherred to as in England. If, then, we have laws to protect our game, irrespective of place, in order to preserve it from extermination, Shall we do less for the harmless and valuable seal?

There is danger, however, that unless, in the near furture, the difficulties of the controversy are remedied, it will lead to the total destruction of the seal fishery and thus to the destruction of an industry the value of which can not easily be replaced. For it is reported that nearly six-sevenths of those shot in the water

sink and are lost. This is also evident from a statement made recently by our late Secretary of State in his Communication to England. He says that from 1870 to 1890 the seal fisheries carefully guarded and preserved yielded one hundred thousand (100,000) skins each year. The Canadians intrusions began in 1886 and so great has been the damage resulting from their destruction of seal life in the open seas surrounding the Pribylov Islands that, in 1890, the Government of the United States limited the Alaskan Company to sixty thousand (60,000) skins. But the company were able to secure only twenty-one (21,000)

a little more than one-fifth of the number secured four years previous.

Surely no one will deny that it is wrong to destroy the seal during the months before mentioned. As some one has said it is a question that should not require a moments debate between Christian nations if it requires their mutual action.

As stated before, England holds that the United States has no right over these seals except within three miles of the Alaskan coast. She claims that the sea is free and that no nation is allowed to close the ocean against the ships of another nation. Upon what grounds, then, does the United States claim juris-

diction over these waters?

First, by Treaty. In 1799 the right to take the was granted by the Emperor of Russia to the Russian American Company. From the date of Alaska's discovery down to the time of its purchase by the United States no one ever question the right of Russia to exercise exclusive jurisdiction over the portion of Sea lying between the Coast and the Islands, no foriegn vessel was allowed to touch at either of the Islands and seal life was protected both on land and in the

sea. It is the fact of this unquestioned privelige that made Alaska so valuable to the United States.

If the waters of the Bering Sea were regarded as "high seas," then these seals were as free to our seal-hunters before the purchase as to any of the Russian hunters, and there was no need, so far as that is concerned, for the purchase. But, as we stated before, it was well understood that Russia controlled these waters, She made or proscribed regulations concerning them, she patrolled them with her navy and she forbade any foriegn vessel to violate these regulations which were respected by all nations during her possession of nearly a century. By the treaty of Cession therefore the United States claims the right to excercise au-

thority over its property both on land and sea.

It is claimed by the opposition that we have no more right over the seal than over the fish. If the fish pass beyond the three mile limit they become Common property. Bust the seal is not an ordinary fish. As stated before it requires both land and water for its existence and propagation. The Hon. E. J. Phelps, in considering this point, uses this argument. Let us suppose that some nation should devise a method of fishing detrimental to the fish industry and should propose to come right up to our limit and employ this method which in a short time would

mean the extermination of all fish, must all people interested in the preservation of fish stand helplessly by and permit such an outrage? Or would it be likely to be discovered that these rights, like all others, must be exercised with a due regard to the rights of others? surely the latter.

In my judgment freedom of the sea does not consist in allowing any one person or nation to carry on a business detrimental or destructive to the interests of other nations. But it consists in the right to pass and fro in the pursuit of ones legitmate unharmed and unmolested.

Again, We claim the claim the right of jurisdiction by precedent. It must be admitted that precedents are not always right. But since there are precedents which have been accepted as right, by the common consent of civilized nations, it may aid in settling this controversy if they are given due consideration. For Example, There is the instance mentioned by the late Mr Blair in one of his Communications to England in which he recalls the fact that during the Captivity of Napoleon upon the Island of St Helena, England forbade her own and all other vessels from troding or touching at

this Island or from hovering within, at least, twenty-five miles of the same under penalty of seizure. Why? Because not only her own but the interests of all Europe were endangered.

England to-day claims the same right which we claim, with respect to the Pearl fisheries, established in the Indian Ocean by a British Colony, and yet she, probably the foremost of all

nations in exercising jurisdiction over her own interests in the sea indirectly tries to deprive us of the same right.

Now, we have shown that the seal, because it is amphibious and spread over two-thirds of its time on the A-

laskan shore, is naturally the prop- of Alaska and hence demands the protection of our Government, that it deserves the same protection during the breeding-season that any other beneficial animal does; that there is danger of its total extermination unless a speedy settlement is made; and, finally, that our claims of naval jurisdiction in the waters are established both by treaty and by precedent: These facts, we believe, justify the United States in assuming its present attitude on this question.

If, then, England continues to refuse to make some settlement

or to arbitrate these claims, it only remains for use to do as Russia did when these waters were in her posssession, and as Europe does to-day in the Indian Ocean, to have armed vessels to patrol these seas and to enforce the laws enacted by the Congress of the United States.