

CHAP. 371.—An Act For the relief of certain homesteaders in Nebraska.

August 24, 1912.
[H. R. 20498.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the qualifications of a former homestead entryman who has heretofore been permitted to make an additional or another entry under the Act entitled "An Act to amend the homestead laws as to certain unappropriated and unreserved public lands in Nebraska," approved April twenty-eighth, nineteen hundred and four, shall be determined by the qualifications, except as to citizenship, possessed on the date of his first entry in all cases where the rights of third persons shall not have intervened and the additional or second entry has not been canceled.

Approved, August 24, 1912.

[Public, No. 318.]
Public lands.
Determination of
qualification of entry-
men, Nebraska arid
lands.
Vol. 33, p. 548.

CHAP. 372.—An Act To extend the limits of the port of entry of New Orleans, Louisiana.

August 24, 1912.
[H. R. 23112.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limits of the port of entry of New Orleans, Louisiana, be, and the same are hereby, extended to include that portion of the parish of Saint Bernard within the following boundaries: Beginning at a point where the boundary line between the parishes of Orleans and Saint Bernard intersect the east bank of the Mississippi River; thence along said east bank to where the boundary line between lots sixteen and seventeen of the Corinne and Myrtle Grove plantations (according to a plan by A. C. Bell, civil engineer, July eleventh, eighteen hundred and ninety-three, and annexed to an act of sale by A. L. Richardson to Jules Mereaux, passed before Charles T. Soniat, esquire, notary public in the parish of Orleans, January second, eighteen hundred and ninety-four) intersects said east bank, said point of intersection being at a distance of four miles and four thousand two hundred and eighty feet below the point at which the boundary between the parishes of Orleans and Saint Bernard intersects said east bank; thence along said boundary between said lots sixteen and seventeen a distance of four thousand feet; thence along a line parallel to the Mississippi River to the point where said boundary line intersects the boundary between the parishes of Orleans and Saint Bernard; thence along said boundary line to the point of beginning.

Approved, August 24, 1912.

[Public, No. 319.]
Customs.
New Orleans, La.,
port limits extended.
R. S., sec. 2568, p.
507, amended.
Boundaries.

CHAP. 373.—An Act To give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July seventh, nineteen hundred and eleven.

August 24, 1912.
[H. R. 16571.]

Whereas the plenipotentiaries of the United States, Great Britain, Japan, and Russia did, on the seventh day of July, anno Domini nineteen hundred and eleven, enter into a convention for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, which convention was subsequently ratified by the Governments of the United States, Great Britain, Japan, and Russia and the exchange of ratifications thereof was effected on the twelfth day of December, nineteen hundred and eleven: Now, therefore,

Fur seals.
Preamble.

Post, p. 1542.

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, nor person owing duty of obedience to the laws or the treaties of the United States, nor any of their vessels, nor any vessel of the

Killing, etc., seals
in north Pacific
Ocean forbidden.

Sea otter killing at sea forbidden.

Equipping, etc., vessels for pelagic sealing or sea-otter hunting forbidden.

Use of ports, etc., forbidden.

Vessels excluded.

Killing permitted by natives.

Restrictions.

Proviso. Natives, etc., employed by other persons excluded.

Importing illegally taken skins prohibited.

Forfeiture.

Regulations to be made by the President.

Enforcement.

United States, nor any person belonging to or on board of such vessel, shall kill, capture, or pursue, at any time or in any manner whatever, any fur seal in the waters of the north Pacific Ocean north of the thirtieth parallel of north latitude and including the seas of Bering, Kamchatka, Okhotsk, and Japan; nor shall any such person or vessel kill, capture, or pursue sea otter in any of the waters mentioned beyond the distance of three miles from the shore line of the territory of the United States.

SEC. 2. That no citizen of the United States, nor person above described in the first section, shall equip, use, or employ, or furnish aid in equipping, using, or employing, or furnish supplies to any vessel used or employed, or to be used or employed, in carrying on or taking part in pelagic sealing or in sea-otter hunting in said waters, nor shall any of their vessels nor any vessel of the United States be so used or employed; and no person or vessel shall use any of the ports or harbors of the United States, or any part of the territory of the United States, for any purposes whatsoever connected with the operations of pelagic sealing or sea-otter hunting in the waters named in the first section of this Act; and no vessel which is engaged or employed, or intended to be engaged or employed, for or in connection with pelagic sealing or sea-otter hunting in such waters shall use any of the ports or harbors or any part of the territory of the United States for any purpose whatsoever.

SEC. 3. That the provisions of the first and second sections of this Act shall not apply to Indians, Aleuts, or other aborigines dwelling on the American coast of the waters mentioned in the first section of this Act who carry on pelagic sealing in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, and manned by not more than five persons each, in the way hitherto practiced by the said Indians, Aleuts, or other aborigines, and without the use of firearms: *Provided, however,* That the exception made in this section shall not apply to Indians, Aleuts, or other aborigines in the employment of other persons or who shall kill, capture, or pursue fur seals or sea otters under contract to deliver the skins to any person.

SEC. 4. That the importation or bringing into territory of the United States, by any person whatsoever, of skins of fur seals or sea otters taken in the waters mentioned in the first section of this Act, or of skins identified as those of the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, or belonging to the American, Russian, or Japanese herds, whether raw, dressed, dyed, or manufactured, except such as have been taken under the authority of the respective parties to said convention, to which the breeding grounds of such herds belong, and have been officially marked and certified as having been so taken, is hereby prohibited; and all such articles imported or brought in after this Act shall take effect shall not be permitted to be exported, but shall be seized and forfeited to the United States.

SEC. 5. That the President shall have power to make regulations to carry this Act and the said convention into effect, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient. It shall be the duty of the Secretary of Commerce and Labor, under the direction of the President, to see that the said convention, the provisions of this Act, and the regulations made thereunder are executed and enforced; and all officers of the United States engaged in the execution and enforcement of this Act are authorized and directed to cooperate with the proper officers of any of the other parties to the said convention in taking such measures as may be appropriate and available under the said convention, this Act, or the regulations made thereunder for the purpose of preventing pelagic sealing as in this Act prohibited.

SEC. 6. That every person guilty of a violation of any of the provisions of said convention, or of this Act, or of any regulation made thereunder, shall, for each offense, be fined not less than two hundred dollars or more than two thousand dollars, or imprisoned not more than six months, or both; and every vessel, its 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.

Punishment for violations.

Forfeiture of vessel, etc.

SEC. 7. That if any vessel shall be found within the waters to which this Act applies, having on board fur-seal skins or sea-otter skins, or bodies of seals or sea otters, or apparatus or implements for killing or taking seals or sea otter, it shall be presumed that such vessel was used or employed in the killing of said seals or sea otters, or that said apparatus or implements were used in violation of this Act, until the contrary is proved to the satisfaction of the court, in so far as such vessel, apparatus, and implements are subject to the jurisdiction of the United States.

Vessels with skins, etc., on board presumed to be violating law, etc.

SEC. 8. That any violation of the said convention, or of this Act, or of the regulations 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.

Prosecutions.

SEC. 9. That it shall be the duty of the President to cause a guard or patrol to be maintained in the waters frequented by the seal herd or herds and sea otter, in the protection of which the United States is especially interested, composed of naval or other public vessels of the United States designated by him for such service; and any officer of any such vessel engaged in such service and any other officers duly designated by the President may search any vessel of the United States, in port, or in territorial waters of the United States, or on the high seas, when suspected of having violated, or being about to violate, the provisions of said convention, or of this Act, or of any regulation made thereunder, and may seize such vessel and the officers and crew thereof and bring them into the most accessible port of the Territory or of any of the States mentioned in the eighth section of this Act for trial.

Naval, etc., guard to be maintained.

Right of seizure.

SEC. 10. That any vessel or person described in the first section of this Act offending or being about to offend against the prohibitions of the said convention, or of this Act, or of the regulations made thereunder, may be seized and detained by the naval or other duly commissioned officers of any of the parties to the said convention other than the United States, except within the territorial jurisdiction of one of the other of said parties, on condition, however, that when such vessel or person is so seized and detained by officers of any party other than the United States such vessel or person shall be delivered as soon as practicable at the nearest point to the place of seizure, with the witnesses and proofs necessary to establish the offense so far as they are under the control of such party, to the proper official of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however,* That the said officers of any party to said convention other than the United States shall arrest and detain vessels and persons, as in this section specified, only after such party, by appropriate legislation or otherwise, shall have authorized the naval or other officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the proper officers of such party vessels and subjects under the jurisdiction of that Government offending against said convention or any statute or regulation made by that Government to enforce said convention. The President of the United States shall determine by proclamation when such authority has been given by the other parties to said con-

Seizure outside of territorial jurisdiction.

Delivery to proper officials.

Proviso. Seizures by other than United States officers.

Proclamation to issue.

vention, and his determination shall be conclusive upon the question; and such proclamation may be modified, amended, or revoked by proclamation of the President whenever, in his judgment, it is deemed expedient.

Killing fur seals on Pribilof Islands suspended for five years.

Provisos.
Food, etc., for natives excepted.

Resumption.

Breeding selections.

Receiving skins taken by Japan and Great Britain.
Post, p. 1546.

Sale, etc.

Delivery of skins, etc., to Canadian and Japanese authorities.
Post, p. 1544.

Payment.
Post, p. 1544.

Retention of skins, etc.

Appropriation.

"Pelagic sealing" defined.

"Person" construed.

Effect and duration.

SEC. 11. That from and after the approval of this Act all killing of fur seals on the Pribilof Islands, or anywhere within the jurisdiction of the United States in Alaska, shall be suspended for a period of five years, and shall be, and is hereby, declared to be unlawful; and all punishments and penalties heretofore enacted for the illegal killing of fur seals shall be applicable and inflicted upon offenders under this section: *Provided*, That this prohibition shall not apply to the annual killing on the Pribilof Islands of such male seals as are needed to supply food, clothing, and boat skins for the natives on the islands, as is provided for in article eleven of said convention; the skins of all seals so used for food shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: *Provided further*, That at the expiration of the said five years' suspension of all commercial killing as above provided, said killing may be resumed under authority of the Secretary of Commerce and Labor: *Provided, however*, That the number of three-year-old males selected from among the finest and most perfect seals of that age found on the hauling grounds, to be reserved for breeding purposes, in each year ending August first, shall not be fewer than the following: In nineteen hundred and seventeen, and in each year thereafter until nineteen hundred and twenty-six, inclusive, five thousand. The Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any and all fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. The Secretary of Commerce and Labor shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to enable the Secretary of Commerce and Labor to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of four hundred thousand dollars.

SEC. 12. That the term "pelagic sealing" where used in this Act shall be taken to mean the killing, capturing, or pursuing in any manner whatsoever of fur seals while the same are in the water. The word "person" where used in this Act shall extend and be applied to partnerships and corporations.

SEC. 13. That this Act shall take effect immediately, and shall continue in force until the termination of the said convention.

Approved, August 24, 1912.