

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers*, Dec 20, 1890 to May 30, 1891)

The Fur Seal of the Pacific

I believe we can all join in the sentiment that the U.S. has great cause for gratitude to an all wise Providence that he has made of them a great Nation, and has permitted them, in spite of attempts at revolution, to continue one and inseparable.

The long lines of rail road from the Lakes to the golf in from ocean to ocean, connected the Atlantic with the Pacific with greater ease than the coach and canal connected the Hudson River with city of Buffalo. The telegraph has annihilated distance. Intercommunication by personal travel, by exchange of merchandise, in my correspondence have tended to make us a homogeneous people, one in interest and sympathy, in suffering and rejoicing. The government being of the people, by the people and for the people, there is no part of our wide domain which suffers any calamity, which does not receive immediate aid and sympathy from every other quarter.

It is for these, among other reasons, that the comparatively recent injury to the fur seal fisheries of Alaska by Canadian cruisers fitted out for the taking of the seal, is attracting such widespread and unusual attention from the people of the United States.

Some subjects are equally sensational, but the present one has certain perennial demands upon our thoughtful consideration. With the acquisition of property comes the duty of caring for it. This is true of nations as of individuals; but of nations the acquisition of property upon them a trust to guard it for their respective peoples. We are not now considering the question whether the purchase of Alaska was a desirable one. This we think all thinking Americans have answered affirmatively. England wanted it, but Russia had no desire that England should add to her strength a province from which she might menace the Eastern possessions of the czars. When Great Britain heard that Alaska had been sold to the United States, she protested against the transfer, but to no effect.

The fur seal, or *Callorhinus ursinus*, as he is called in science, is a homely creature. At his best his length is from 6 1/2 to 7 1/4 feet. His appearance is not calculated to put the spectator in love with him. His head is quite small in proportion to his bulky body. His eyes are large, and the iris is of the bluish hazel tenant. A well-formed but not robust snout ends in strong fleshy lips, and from the upper one flow down long bristles in the shape of an extravagant mustache. These bristles are very sensitive, and if you pull one of them when he is asleep, he awakes instantly, and unless you jump nimbly out of reach you are sure to receive a savage bite. His tongue is forked and rough on the surface. His nostrils can be shut when he goes underwater. All is arranged so as to enable him to see in the water as well as in the air. The crystalline lens is more spherical than in land animals, and the sclerotic coat is very thick in front and behind, and thin in the middle, "allowing a change of its antero-posterior diameter by compression of the muscles to suit the change of vision required" in passing from aquatic to aerial life, and vice versa, the angle of refraction of light being different in water from that in air.

A seal is wonderfully agile and graceful in water, and darts upon his prey with wonderful swiftness. On land he ordinarily travels slowly. He climbs rock lying a little above the water. His movement on land when taking his time resembles somewhat that of the measuring worm. He arches his back, draws forward his hind flippers, and planting them firmly straightens his back and thus pushes forward his body, his front flippers meanwhile supporting the weight of the fore part of his body. He repeats this movement and thus gets forward.

But when in haste he springs forward at a high rate of speed, a man has difficulty in keeping abreast of him, for thirty or forty yards, but then the seal sinks down panting and for a short time is completely exhausted. The voice of the seal is heard in four different sounds – One is the spitting sound, emitted when he comes face to face with another seal, and the challenge to battle is made. Another is the wheezing whistling sound; a third is a growl and a fourth is a roar. The cows, ordinarily silent, find voice in addressing their young in a bleat, and the latter reply to their mothers in a similar bleat.

The fur seal is valuable when fat, for his blubber, and his skin considered as a hide is also of much use. But the crowning value of this kind of Seal in the markets of the world consists in his fur, or as Lord Bacon would have it, his “pelage.”

We all know the sealskin as a completed product of manufacture. In the shape of hats, capes, [], and muffs, it presents a most attractive exterior, beautiful to the eye, downy soft to the touch, very durable, and worn as a covering from the winter's cold.

The skin of the living seal, or when it has been taken from his body, and before being operated on, looks like naught but a rough coat of bristly hair. But part these hairs, and beneath near to their roots and close to the hide or skin proper, you see this soft downy fur. On the seal this fur bears much the same relation to the hair that the down close to the skin of a duck bears to her feathers. Warm and impervious to water, it is admirably adapted to the comfort and protection of the animal it covers. In preparation for the market, all of these long bristles are one by one drawn out of the hide – a tedious operation. Then the down fully appears, of buff color. The skin is then dyed, and of late years the dye has been darkened and deepened. The great bulk of the seals are shipped via San Francisco to England, and are there prepared for use. Mr. A. E. Burkhardt informs me that the cost of skins after being dressed and dyed, and including export duty is from \$55.00 and to \$75.00 per skin. From four to seven skins are required for a garment, according to the style.

Where is the place of the seal! That is an important question in these days. The land houses of the seal are at present the Commander Islands, adjacent to the Russian Empire and under the control of the Czar; and the Pribilof islands, which were conveyed by Russia to the United States in 1867. These latter islands received their name from their discoverer, Pribilof who, with many other explorers and adventurers, was engaged in hunting for the land where the seals of the Behring (*sic*) Sea rest during their summer stay.

The Pribilof Islands are four, viz. St. Paul, St. George, Walrus, and Otter Island. All are of volcanic origin. The two principal are St. Paul and St. George, and these are about thirty miles apart. The former has an area of some thirty three square miles; the latter about twenty seven square miles. Six miles south west of St. Paul Island lies Otter Island insignificant in size, and having a shore low on the north side, elsewhere changing to rocky battlement; at the western side rising sheer some 300 feet above the water. 6 miles to the eastward there rises from the ocean a rock known as Walrus Island. No seals are found on this rock. Elliott states that the low north shore of Otter Island is the rendezvous of many thousands of bachelor seals, which to use his expression, "haul out every year."

Of the 29 miles of coast line belonging to St. George, only two and half miles are adaptable for the seals, and occupied by them, while in the inland of St. Paul 16 1/2 miles of coast belt of 42 miles constitute the area on which some of the most interesting spectacles of fur seal life can be seen. On these islands the warm breezes presaging summer begin to blow in early April, and by the end of May, summer has fully established her reign, but not with the bright sunshine of other lands. A thick foggy atmosphere rolls up from the sea, and dwells on the breeding ground of the seals. As to the fitness of these grounds for the summer homes of the seals, Henry W. Elliott, one of the highest authorities on the subject, remarks "Why are these islands frequented by the fur seals? The fact that they frequent these islands and those of the Behring and Copper on the Russian side, to the exclusion of other land, seems at first a little singular, to say the least; but when we come to examine the subject we find that these animals when they repair thither to rest for two or three months on land, as they must do by their habit during the breeding season, they require a cool moist atmosphere, imperatively coupled with firm, well-drained land, or dry broken rocks, or shingle rather, upon which to take their positions and remain undisturbed by the weather or the sea for the lengthy period of reproduction. If the rookery found is hard and flat, with an admixture of loam or soil, puddles are speedily formed in this climate, where it rains almost every day, and when not raining, raining frogs take quick succession and continue the saturation, making this a muddy slime, which very quickly fastens on them, hence they carefully avoid any such landing. If they are near a sandy shore, the rain beats that material, into their large expressive eyes and into their fur, so that they are obliged from [], to leave and hunt the sea for relief. The Seal islands now under discussion offered to the Pennipadia very remarkable advantages for landing, especially St. Paul where the ground of basaltic rock and of volcanic turf or cement slopes up from so many points gradually above the sea, making thereby a perfectly adapted resting place for any number, from a thousand to millions, of these intelligent animals, which can lie out here from May until October, every year, in perfect physical peace and security. There is not a rod of ground of this character offered to these animals elsewhere in all Alaska, not on the Aleutian chain, not on the mainland, not on St. Matthew or St. Lawrence. Both of the latter islands were scavenged by myself with special reference to this query, in 1874. Every foot of St. Matthew's shoreline was examined, and I know that the fur seal could not rest on the low clayey lava flats there in contentment a single day; hence he never has rested there, nor will he in the future. As to St. Lawrence, it is so ice bound and snow-covered in spring and early summer, to say nothing of the other numerous physical disadvantages, that it never becomes of the slightest interest to the seals."

The at the opening of May the seals begin to arrive, but the first to arrive are the males, and usually the strongest of their sex, and by the close of this month, in the midst of the gray fogs, mail seals in great numbers have come up from the vasty deep and taken their position on the land, positions in most instances obtained by fierce battles with other bull contestants. Nigh on to the middle of June, the cows come in from the ocean. They do not come to visit the bulls, but they cause among the latter fierce battles for their possession. The cows come ashore to calve and within a day or two after their arrival, each gives birth to a single calf. The cows are taken into the custody of the bulls, each bull having on the average in the spot designated as his harem, 15 to 20 cows. The number born of the sexes are about equal, and it necessarily follows that there are many bachelor seals. These are usually the weaker among the males. The female suckles her calf. For this purpose nature has provided her with four teats, quite inconspicuous, hidden by the hair in the folds of the skin. At intervals of 1 to 2 days, the females go off to the water and having fed themselves with seafood, return to suckle their young. Among the thousands of bleating calves on the breeding ground, the mother distinguishes the bleat offer own little one, and singling it out by the sound, goes to it and gives it nourishment. The guardian bull savagely defends all calves within his harem.

Shortly after delivery of her young, coition between her and the bull takes place.

It will thus be noticed that the period of the cow's gestation is about 11 months, and this as will be hereafter seen, is an important factor in weighing the great questions at issue in the present controversy between the Queen of the seas, or the "Robber of the Seas", as one Irishman will have it, and the United States.

Let us now consider the relation of the fur seal to the United States – First, as regards the law of animals ferae naturae, and secondly, whether Behring Sea a is mare clausum or closed sea. In general it may be said that the right of one man's ownership as against his fellows, in an animal depends upon the question whether the animal be domestic or wild. It is well settled law that a man may have absolute property in what are known as tame or domestic animals, and the reason is because they are in his possession, and will not stray from his house and person unless by accident or fraudulent inducement.

On the other hand it is equally the law that a man can have no absolute property in animals they have are ferae naturae; that is to say, of the wild nature, the law holding that such animals belong to the man only while they continue in his possession, and there whenever they gain their natural liberty, man's property in them naturally ceases, unless they have a purpose of returning, which is only to be known by their usual habit of returning.

It will be recollected that the fur seal is a mammal and suckles its young and breads upon the land. It is a warm-blooded creature. The name of the fur seal fisheries as applied to the fur seal is to a great extent confusing, and the title of "fisheries" tends to confuse the true relation of the seal to land and the ocean.

The fur seals spend four months of the year, or about one third of their life upon the Pribilof Islands. At the end of October, they are all in the water, distributed in Behring Sea. A few pass between the Aleutian Islands and are found in waters near the shore of British Columbia, but the great mass of them, so far as ascertained, appear to remain in that part of Behring Sea north of the Aleutians and to the South East of the Prebilof Islands. Considering Behring Sea, for the purpose of this argument, as an open sea, it would appear quite obvious that the fur seal is a wild animal, and would be governed by the ancient laws relating to such, and therefore the United States would have no ownership in them after they had left the coasts of the a Prebilof Islands, unless it be that they had the mind of returning, which latter fact would strictly speaking take them out from the class of *ferae naturae*, and give to the United States a certain limited claim to them even while swimming in the Behring Sea.

Arguing in favor of the United States, the claim would be that these Islands are the land home of the seal, and that he goes away for food, but with the intention of returning.

I am aware that this argument is not a strong one, and may by many be considered as no argument at all; for the reason that ducks, impelled by instinct, go southward in the fall in search of food and a mild climate, which the northern winter denies them, and that in the spring, instinct again leads them northward to their breeding places, and that as the wild duck are fairly considered animals *ferae naturae*, so to this extent the fur seal may be.

Now let us advance a step further. The U.S. has been since 1867 the owner of these islands and during 20 of these years, she has through her lawful agents, the Alaska Commercial Co. and her government officers, carefully watched over the fur seal of the islands during all the months of the year that the seals were present. Not only this, but she has kept away from the coasts, as far as possible, the sharks and killer whales which prey upon the seal – and this is not all. The U.S. has during all these years, exercised a continuous care over the fur seals in the interest of their preservation and increase, and to this end she has taken only a limited number of the males each year. She has carefully preserved the calves and their mothers, and a sufficient number of mature seals as were necessary for propagation. No female seal was allowed to be killed, and only such a number of males as could be spared.

In this connection, the remarks of Prof. Elliott written before the promiscuous killing of seals by Canadian cruisers began are pertinent. He says “One question is always sure to be asked in this connection – at the present rate of killing seals, how long will they last?” – My answer (Elliott's) is now as it was then. “Provided matters are conducted on the seal islands in the future as they are today, viz. in 1886, 100,000 male seals, over one and under five years, may be safely taken every year from the Pribilof Islands, without injury to the regular birth rate or natural increase there only provided also that the seals are not visited by plagues or any such abnormal cause for their destruction, which might be beyond the control of men, and to which, like any other great body of animal life, they must ever be subjected to the danger of (while no epidemic among the Alaskan seals during the comparatively brief period of their human domination, yet it is recorded in British annals (Fleming) P 17 that (Notes of Dr. Train) “In 1833 I inquired for my old

acquaintance, the seals of the Hole of Popa Westray, and was informed that about four years before they had totally deserted the island, and had only within the last few months begun to reappear. About 50 years ago multitudes of their carcasses were cast ashore every day in the north of Scotland, Orkney and Shetland, and numbers were found at sea in a sickly state.”

From my calculations, (Elliott's) 1,000,000 young seals are born on the Pribilof group every year. One half are males. These 500,000 young males, before they leave the island for sea in October and November and when they are between five and six months old, fat and hearty, have suffered but a trifling loss in numbers say one percent. While on and about the island of their birth, surrounding which and upon which they have no enemies to speak of; but often they get down to the Pacific, spread over an immense area in search of piscatorial food, they are the most helpless of their kind to resist or elude the basking sharks and the killer whales. By these agencies they are so perceptibly diminished that I do not think that more than one half of them return to the islands the next July. The same is true of the 500,000 females, which are identical in shape, size and behavior. As yearlings, however, these 250,000 survivors of last year's birth become strong, and when they leave the grounds the next fall, are as able to take care of themselves as the older class, and at least 225,000 of them reappear the next year. From this on they live out their natural lives of 15 to 20 years, the death rate now caused by the visitation of marine enemies affecting them in the aggregate but slightly. The same will hold good of the females whose average life I take to be only nine or ten years. Of them at 225,000 young males were required to save only one fifteenth of their number to pass over to the breeding grounds; the polygamist habit of these animals is such that, by its own position, I do not think that more than one male out of 15 is needed on the breeding ground in the future; but in my calculations, to be within the margin, and to make sure that I save two year old a males enough every season, I will more than double this proportion, and set aside every fifth of the young males in question. This will leave 180,000 Seals in good condition that can be safely killed every year without the slightest injury to the perpetuation of the stock itself forever in all its original integrity.”

The seals to be killed are given out from the herds on the shore to a killing spot apart, and are then dispatched with a club made at New London Conn. for the purpose. No firearms are permitted to be used, as the discharge is liable to frighten the seals at the rookeries, and interfere with their breeding and their attachment to the islands.

Now in performing these acts of care and selection, the question naturally arises whether the United States is not, by these acts, acquired a prima facie title to the seals, so that when they leave the coast of the Pribilof Islands, her ownership in them does continue.

Somewhat analogous is the right of ownership in many of the herds of Texas cattle. The owner of a heard pays no attention to them until the time when they breed, and at this time he marks the young with his brand. The cattle wander many months over plains of which he is not the owner, and when a sufficient number are fully grown, he separates those which he selects for sale.

It would appear that the care and selection exercised by the U.S. over the fur seal is greater than the care exercised by many of the cattle Kings, who have been treated as the owners of the vast cattle herds.

The U.S. does not brand the seals. Of course she has the power to use the branding iron, but whether it is desirable to do so, is uncertain. Possibly the act of branding seals at the time when they are breeding might intimidate and annoy them and prevent their carrying out the functions of nature. On the other hand it is not unlikely that the comparative indifference of the seal to pain and its great vitality would permit this to be done. If for the purpose of identification, such branding was held to be necessary, I am strongly of the opinion that it could be done – at the same time it must be recollected that it is the pelt of the fur seal which is most valuable commercially so that any injury to the pelt would to the extent of the injury decrease its intrinsic value. But before we take it for granted that branding would be a necessity for the purpose of identification, let us look into the facts of the case.

There are no fur seal rookeries anywhere in the North Pacific except in the Pribilof islands of Alaska and the Commander Islands of Russia. So that wherever the seal is seen in the North Pacific, it may be known as belonging either to the island owned by Russia or the United States. The question of identification therefore, in is much as it is conceded that the seals do not migrate to the Antarctic regions, but remain in the North Pacific is narrowed to one between the two governments, and with which our Canadian brothers have nothing to do. As between ourselves and Russia, the facts are strong in favor of the position that the seals in the Behring Sea east of the Pribilof islands are ours. There is no evidence that I have been able to obtain showing that the seals of the Commander islands ever come over to the Alaska side, and the presumption is that they fish along the coast of Russian America or in its vicinity. The seals of the Pribilof Islands usually take a south eastern direction, occupying the waters north of the Aleution chain to the south east of the Pribilof Islands, and it is in that locality that the Canadian cruisers have inflicted great havoc.

The question whether the seals cared for by the U.S. during one year as the same as those cared for each succeeding year is [] strongly with the affirmative, by the experimental tests that have been made running through a series of years. With the object of identifying the seals that come to the rookeries, they cut off the ears of a given number of the male seals, and a great number of seals with cropped ears were found the succeeding years on the different rookeries.

In view of these considerations are we not justified in concluding that the fur seals of the Pribilof islands are fully identified as belonging to those islands, and are identified as the seals over which the care and protection of the United States has been exercised from year-to-year?

As to the [] to the seal, Mr. Wilham says: “To open the sea and the rookeries to any who choose to take seals would be simply to surrender the herd to distruction. In the water between the Aleution chain and the Pribilof Islands the seal rest and sport after

their long migrations; and here with gun and spear and dragnet these marauders desire to reap their harvest, and for their selfish greed, exterminate the animal which now under the wise policy of Congress, play so important a part in the economy and distribution of commerce. Three years of open sea would suffice in these waters to repeat the story of the Southern Ocean, and the fur seal would be of the past, and a valuable industry would be obliterated forever.

The general facts relative to this wanton destruction have been carefully [] by the president in his message to Congress to which reference is made.

While Russia owned Alaska and the islands she took care of the seals, and in the [] by Russia to the U.S. she conveyed all the rights which she possessed in the territory, and it is not too much for the U.S. to insist on her right to Behring Sea as a closed see to the extent of protecting the fur seals, which right was exercised by Russia without question by any foreign power. We submit that it is not only her right but her duty to maintain the position which she has taken.

Under the former contract of our government, viz. with the Alaska Commercial Company, received \$2.62 for each of the 100,000 seals taken and an annual rental of general tax of \$55,000 and during the 20 years duration of that contract we received in round numbers \$9,000,000. The present contract with the American Commercial Company provides for a rental of \$60,000, a revenue tax of \$2.00 and the sum of \$7.62 1/2 for each skin taken.

The U.S. has lost by the wanton distraction of the seals in Behring Sea some \$2,000,000. This sum would have built and equipped a splendid war cruiser, which could have been employed in guarding the Pacific Coast.

At the present rate of destruction of the seals by Canadian cruisers it will require only a few years to bring about their extinction. The living seals being at least 3,000,000. – Taking away 1,000,000 as being too old for the for traffic, we own now 2,000,000 worth \$7.62 1/2 each bringing the aggregate to about \$15,000,000. It therefore appears from a commercial and financial point of view, that the protection of the fur seal is a matter of great importance to the U.S.. Are they not worth more than the Ceylon pearl fisheries located ten miles out in the ocean?

England is in fact interested in the preservation of the seals as the skins are shipped to her manufacturers and there prepared for the market, and she shares in the profits derived from the trade. Why then does she attempt to interfere with their protection? Is it because she feels she must protect her Canadian people on the ocean in order to preserve Canada to herself? Why make a treaty with England about the seal? Has she any more right than any other nation – than Germany or Norway? A treaty with England would not keep other nations out.

The protection afforded by Russia to her seals is better than we give to ours. I am informed that Russia is [] the ships and, if she catches them, she shoots the marauders. This has kept Canadians out of Russia's side of the Behring Sea. We never hear of any

protests being sent by Russia to Canada or to England.

I am informed that a number of marauding vessels in the Behring Sea are American vessels. A vessel wanting something to do [] in at British Columbia. She is told that there is no cargo for her, but if she will take a Canadian captain, she can have a cargo. The terms are made, the vessel chartered, and she goes forth on her marauding voyage under the protection of the British flag.

What ought the U.S. to do. My humble opinion is as follows. That for the reasons stated, it is the duty and the privilege of the U.S. to protect the seals while in the Pribilof Islands and while in the waters of the Behring Sea and its coasts; and while these long talks, [] official correspondence [] progressing between the two countries, it is, in my humble opinion, the bounden duty of the U.S. to protect the fur seals in Behring Sea and on the Alaskan islands in every necessary way, yes, even at the [] mouth.

Wm Hubbell Fisher
January 24, 1891