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"Zabiaka" made use of threats towards him, and forbade him to hunt seals in the open sea, it is not supported by proofs. On the contrary, the seal-skins found on board the schooner were not seized, and the master's statement that the seizure resulted in loss to him is without foundation.

7. The schooner "Hall" was found on the 5th August, 1892, in  $54^{\circ} 33'$  north latitude, and  $166^{\circ} 10'$  east longitude, engaged in sealing at sea, 17 miles from Behring Island. Although 325 skins were found on board, there was no direct proof that the schooner had been sealing in Russian territorial waters. The Commander of the "Zabiaka" therefore confined himself to warning the ship to continue to abstain from sealing on the Russian shore.

8. The schooner "Willie McGowan" was sighted by the cruiser "Zabiaka" on the 6th June, 1892, 15 miles from Copper Island. The schooner was under easy sail, but as soon as she caught sight of the cruiser, she made for the open sea under full canvas. The cruiser came up with her in  $54^{\circ} 21'$  north latitude and  $167^{\circ} 43'$  east longitude, 21 miles from the coast. It was only after the cruiser had fired two shots that the schooner was brought to. A search brought to light equipment for sealing on the coast, and seventy-six skins, of which sixty-nine were those of females. No entries had been made in the log-book for twenty-four hours. On the whole, the log-book contains very meagre data in regard to the vessel's course. All the entries are vague, e.g., "Jogging around sealing-grounds," or simply "Jogging." According to one entry the schooner was in sight of Copper Island on the 1st (13th) July, and the weather was hazy. On the 3rd (15th) she sighted the "Zabiaka." The weather was again hazy, and there was a slight fog. On that day the cruiser "Zabiaka" was close to the shore, just off the rookery, as appears from her log-book. Traces of dots and calculations made in pencil on the chart and partly rubbed out show that the schooner took her bearings by the compass when she was one and a-half hours' distance from the rookery.

One is justified in concluding from all these data that the seals found on board the schooner had been killed in Russian territorial waters.

Nevertheless, the Commission did not feel justified in declaring that the seizure of the schooner "Willie McGowan" was altogether regular.

9. The schooner "Ariel" was seized by the cruiser "Zabiaka" on the 16th July, at 3.30 a.m., in  $54^{\circ} 31'$  north latitude and  $167^{\circ} 40'$  east longitude. At the time of the seizure she was making away from the coast under easy sail, and was 21 miles from Copper Island. On board of her were found equipment for sealing on the coast and 139 skins, 90 per cent. of which were those of suckling females. No entries had been made in the log-book for two days. The book contains two different entries on the same date. The first states that the schooner was in sight of Copper Island; this implies, in view of the fog which prevailed on that day, that the vessel was then in our territorial waters. The traces of dots and of calculations made in pencil on the chart and half rubbed out show that the bearings of the ship were taken by the compass when she was quite close to the shore.

Without denying the importance of these indications, which show that the schooner "Ariel" had been in Russian territorial waters, the majority of the Commission do not consider that her seizure can be justified from a legal point of view on account of the absence of a condition which is essential and generally admitted, that is to say, the "Ariel's" boats had not been seen sealing in our waters.

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