

crew of thirty persons, under the command of a captain named Scullan, was, on September 10, 1892, while engaged in fishing for whales in the Sea of Okhotsk, on the high seas, seized by a Russian cruiser and taken to Vladivostock, where she was detained till October 1, 1902. In this case it was admitted that the commander of the Russian cruiser had been in error in his suspicions that the bark was engaged in an illicit pursuit, and the Russian Government offered to pay a proper indemnity, so that the duty of the arbitrator in this case was confined to fixing the amount. He awarded \$38,750, with interest at six per cent. from September 9, 1892, till the day of payment. The award included an allowance not only for damage actually suffered, but also for loss of the profits which would have been made in the natural course of things.

Moore on International Law, Vol. 1, pp. 927-928.

It is submitted that the indemnity should comprise interest calculated at the rate current in British Columbia, on the whole amount of the loss or damage from the time such damage was suffered.

In support of this proposition, the language of the Counsel for the United States before the arbitration at Geneva may be again adopted:—

"The case of the United States desires the tribunal to award a sum in gross in reparation of the losses complained of; and the counsel request this, assuming the tribunal shall be fully satisfied that the said losses are properly proved in detail, and that the sum total thereof, as claimed, is due by Great Britain.

"In that contingency the counsel assume that interest will be awarded by the tribunal as an element of the damage. We conceive this to be conformable to public law, and to be required by paramount considerations of equity and justice.

"Numerous examples of this occur in matters of international valuation and indemnity.

"Thus, on a recent occasion, in the disposition by Sir Edward Thornton, British Minister at Washington, as umpire, of a claim on the part of the United States against Brazil, the umpire decided that the claimants were entitled to interest by the same right which entitled them to reparation. And the interest allowed in this case was \$45,077, nearly half of the entire award (\$100,740).

"So in the case of an award for damages by the Emperor of Russia in a claim of the United States against Great Britain, under the treaty of Ghent, additional damages were awarded in the nature