

large fleet prepared for the coming seal fishing season in Behring Sea.<sup>1</sup>

In August, however, of that year, the United States cruiser *Corwin*, acting under instructions from the Treasury Department, seized, at a distance of 115, 45 and 70 miles respectively from the island of St. George, the British Columbia seal-schooners, *Onward*, *Carolena* and *Thornton*. They were taken into Sitka, confiscated and condemned to be sold.

The libel of information of the United States District Attorney for Alaska against these vessels declared them "forfeit to the use of the United States" on the ground of being "found engaged in killing fur seals within the limits of Alaska Territory and in the waters thereof in violation of section 1956 of the Revised Statutes of the United States."<sup>2</sup>

The brief for the defendants, on the other hand, contained the following argument :

"The first question then to be decided is what is meant by the waters thereof. If the defendants are bound by the treaty between the United States and Russia ceding Alaska to the United States, then it appears that Russia in 1822 claimed absolute territorial sovereignty over the Behring Sea, and purported to convey practically one-half of that sea to the United States. But are the defendants, as men belonging to a country on friendly terms with the United States, bound by this assertion of Russia? And can the United States claim that the treaty conveys to them any greater right than Russia herself possessed in these waters? In other words, the mere assertion of a right

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<sup>1</sup> No. 156. Let. Mr. Lubbe to Mr. Baker, March 30, 1886.

<sup>2</sup> No. 14. U. S. *vs.* The *Carolena*, &c.