

of the country. The captain of the "Marie" admitted that the protocol of seizure was correctly drawn up, though he refused to sign it. The Commission, guided by the facts set forth above, concluded that the seizure of the schooner "Marie" had been carried out in a perfectly regular manner. It is undeniable that, juridically, the boats constitute a dependency of the schooner. Their seizure, therefore, in territorial waters legalizes that of the vessel of which they form part. If it were otherwise, the schooner could pursue seals on the coast with impunity by sending her boats there, and thus infringe the inviolability of territorial waters, though herself remaining outside their limits.

2. The schooner "Rosie Olsen" was also seized by M. Grebnitsky, District Governor of the Commander Islands. The seizure, carried out by the "Kotik," took place on the 14th (26th) July, 1892, in latitude 55° 23' north, and longitude 185° 27' east. The schooner had been sighted in territorial waters, but having seen the steamer, she had succeeded in gaining the high sea, after having given her boats the signal to rejoin her. Nevertheless the "Kotik," and a boat which she sent out, succeeded in seizing four sealing-boats in territorial waters. One of these was seized 1 mile from the coast of Aria Island. Three boats out of seven were able to get back to the schooner. After having seized the four boats, M. Grebnitsky proceeded to capture the schooner, and drew up a protocol. The captain of the "Rosie Olsen," who was in a state of great excitement, refused to sign this document, and on arriving at Petropavlovsk, protested against the seizure of his schooner on the high sea. On board the schooner and the boats were found 379 seal skins, of which 96 per cent. had been taken from females; 377 of these skins were on board the schooner. The other two were seized in the boats. The crew was composed of six Europeans and fourteen Indians. It appears from the log that the schooner had been sealing for thirteen days in the neighbourhood of Copper Island by means of her boats, which she sent into territorial waters. On the 12th (24th) July, 101 seals had been killed. The log had not been posted for several days; the chronometer was completely out of order. According to the statement of the captain of the "Rosie Olsen," the schooner was seized 38 miles from shore. To convince oneself of the incorrectness of his deposition, one need only observe on the Map that the point of intersection of the longitude and latitude indicated by the captain is not 38 but 54 miles from the nearest point of the coast. It may be concluded from this, that these statements were unfounded and made at random after the event.

After examining all the circumstances which accompanied the seizure of the "Rosie Olsen" the Commission concluded that this seizure was regular. The boats of these schooners were in fact surprised in the act of sealing in territorial waters.

The schooner in question is not at present at Petropavlovsk but in Canada. She was employed to repatriate the crews of the captured schooners. She was given a new name, that of "Prize," and is commanded by one of the repatriated captains, named Kopp. Captain de Livron deposed that Mr. Kopp had informed him: in a private letter of the arrival of the "Prize" at her destination; the letter added that the sailors threatened to sue Mr. Kopp for payment of their wages during the passage. Captain Kopp having performed the duty with which he was charged by the Russian authorities of repatriating the crews in question, the Commission considers it just to hand over to him the property of the schooner "Prize," on condition that he deduct from her value, which may be estimated at 600 dollars, a sufficient sum to satisfy the above-mentioned claims in so far as they may be found valid.

3. The schooner "Carmolite" was captured on the 17th (29th) August, 1892, by the cruiser "Vitziaz," commanded by Captain Zarine, and flying the flag of the Officer Commanding the Pacific Squadron. It appears from the documents examined by the Commission that this schooner was sighted by the cruiser on the other side of the isthmus, which is at the southern point of Copper Island. The "Carmolite" was then about 3 miles from a seal rookery. She sighted the cruiser, and taking advantage of the fact that the latter, in order to reach her, was obliged to pass round a long reef situated at the southern extremity of the island, she set sail and gained the open sea. But after an hour and a-half the cruiser came up with her at a distance of 8 miles from shore, in latitude 54° 29' north, and longitude 168° 2' east. The ship's papers showed that the schooner had been since the 29th July in the waters of the Commander Islands. The captain declared that the 608 seals, the skins of which were found on board his vessel, had been taken near Behring and Copper Islands. This is in contradiction to his declarations annexed to the British Ambassador's note of the 9th (21st) December, 1892, according to which the capture of the seals had only taken place at a distance of 60 miles from the islands. The declaration of the captain of the "Carmolite" as to the distance from shore where the seizure took place, which is given as 25 miles, as well as his statement that he had not entered Russian territorial waters, are alike refuted by precise information. In order to