

the harbour from which consent could be obtained to enter and procure fresh water; there being no cutter, the captain on the forenoon of the 22nd June steamed into the bay, anchored, and was engaged in procuring fresh water, when the United States Cutter "Corwin" came in and seized the "Coquitlam."

16. At the time of her said seizure, there were on board said steamer "Coquitlam" all the said seal skins, and also undelivered supplies for the following schooners, namely: the "Dora Seward," the "Mascot," the "Carnolite," the "W. L. Rich," the "Sadie Turpel," the "Annie C. Moore," the "Mary Taylor," the "Pioneer," the "City of San Diego," the "Ocean Belle," the "C. H. Tupper," and the "Geneva," and certain other supplies not appropriated for any particular vessel, but taken up to supply to any schooner that might require them, and all the said seal skins and supplies were seized with the steamer.

17. Both Afognak Island and Port Etches are remote and almost uninhabited places, distant from Victoria above one thousand miles.

18. The "Coquitlam" was seized on the 22nd June, and was held under arrest until the 19th September following, and did not reach Victoria until the 28th September, the seal skins were released at the same time and were carried to Victoria on the "Coquitlam."

19. The cause of seizure will fully appear by reference to the libel which is set out at length in the documents to be sent in supplement of this Memorial, but stated shortly, the ground of seizure—which has been since held to be entirely without justification—was that the transfer of supplies from the "Coquitlam" to the various schooners, and the transfer of seal skins from the various schooners to the "Coquitlam," were breaches of the United States revenue laws, and rendered her liable to seizure.

20. The "Coquitlam" was taken to Sitka and there libelled at the instance of the Government of the United States of America upon this charge in the District Court of the United States for the District of Alaska.

21. On the trial of the libel the "Coquitlam" and her cargo, including the seal skins and supplies, were condemned. An appeal was taken to the United States Circuit Court of Appeals for the ninth circuit, and the said appeal was heard at the City of San Francisco, and judgment was given reversing the said condemnation upon the ground that the said transfer of cargo was not made within the jurisdictional waters of the United States of America, but took place on the high seas, and that the United States authorities had no right whatever to make the seizure in question.

22. The judgment in the District Court at Sitka was given on the 18th day of September, 1893, and the judgment of the said Circuit Court of Appeal was not delivered until the month of November, 1896.