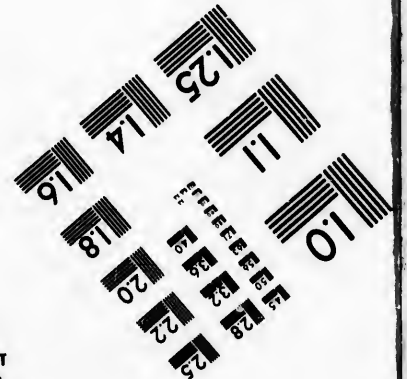
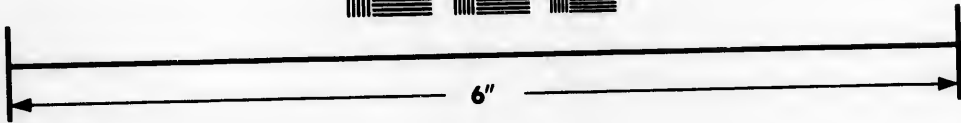
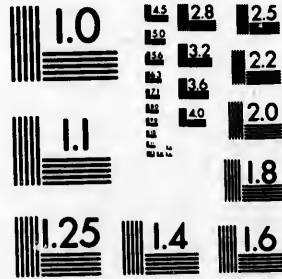


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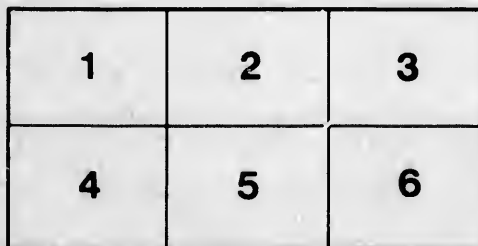
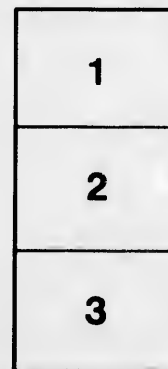
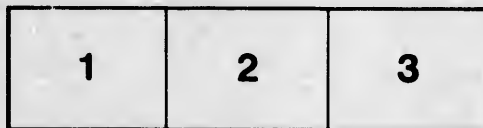
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CORRESPONDENCE

(48)

Relative to the Seizure of British American Vessels in Behrings Sea by the United States authorities in 1886.

The Administrator to Mr. Stanhope.

HALIFAX, 27th September, 1886.

SIR,—I had the honor to send you a telegraphic message on the 22nd instant, of which the following is the substance:—

The Canadian schooners "Thornton," "Onward" and "Carolina" were seized on the 1st of August in Behrings Sea by the United States cutter "Corwin." The captain and mate of the "Thornton" were tried in the District Court of the United States at Sitka on the 30th of August. It was attempted to show that the "Thornton" was seized for killing seal about 70 miles S.S.E. of St. George Island, within that portion of Behrings Sea ceded by Russia to the United States.

The judge, in charging the jury, quoted Article 1 of the Treaty of March 30th, 1867, between the United States and Russia, and affirmed that all waters within the boundary set forth in the treaty to the western end of the Aleutian Archipelago and Islands were to be deemed American, and that the penalties of the law against the killing of fur-bearing animals were to attach to its violation within the limits in question. The jury were told, if they believed the evidence as to the killing of any fur-bearing animals by the accused on the Alaskan coast or in Behrings Sea east of the 193rd degree of west longitude, to find them guilty.

The prisoners were found guilty. The master of the "Thornton" was fined \$500 and sentenced to imprisonment for thirty days. The mate was fined \$300 and sentenced to thirty days' imprisonment. The officers of the other two vessels were also tried and similar penalties imposed upon them.

The Government of Canada protests against the claim of the United States to the sole sovereignty over Behrings Sea, 700 miles east of the westerly boundary of Alaska, defined by the above-mentioned Article 1 of the Treaty of March 30th, 1867, as contrary to the admitted principles of International Law, and also in opposition to the United States contention concerning common waters on the coast of the Atlantic. It protests, also, against the unwarranted and arbitrary interference of the authorities of the United States with the peaceable and lawful occupation on the high seas of Canadian citizens, as well as against the forfeiture of their property and the indignity of imprisonment which have been imposed upon them. The foregoing facts have also been communicated to Sir Lionel West.

I have, &c.,

Rt. Hon. EDWARD STANHOPE.

A. G. RUSSELL, Administrator.

The Administrator to Mr. Stanhope.

HALIFAX, N.S., 27th September, 1886.

SIR,—I have the honor to enclose herewith a copy of an approved Minute of my Privy Council, to which is appended a Report by my Minister of Marine and Fisheries, upon which my telegram of the 22nd instant was founded, relative to the seizures of the Canadian schooners "Thornton," "Onward," and "Carolina," while engaged in the peaceable pursuit of their lawful occupation on the high seas.

2. It will be seen from this Report that the masters and mates of the above-mentioned vessels have been tried before the United States District Court at Sitka, in Alaska, and sentenced of imprisonment, in addition to heavy fines imposed upon them, while their property has been subjected to forfeiture.

3. My Ministers are of opinion that the action of the United States authorities with respect to these vessels is indefensible, and that immediate reparation should be demanded from the Government of that country therefor.

4. I have communicated a copy of this Minute and the appended Report to Her Majesty's Minister at Washington.

I have, &c.,

Rt. Hon. EDWARD STANHOPE,
&c., &c., &c.

A. RUSSELL, *Administrator.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Governor in Council on the 24th September, 1886.

The Committee of the Privy Council have had before them the annexed Report from the Minister of Marine and Fisheries, with reference to the case of the Canadian schooners "Thornton," "Onward" and "Carolina," seized on the 1st of August last by the United States authorities in Behrings Sea.

The Committee concur in the said Report and they advise that the same be carried out.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council, Canada.*

DEPARTMENT OF FISHERIES, CANADA,

OTTAWA, 21st September, 1886.

In reference to a Report of Council under date 23rd September, referring to the case of the Canadian schooners "Thornton," "Onward," and "Carolina," seized on August 1st by the United States authorities in Behrings Sea, the undersigned has the honor to lay before Council the following additional information:

It is stated in effect in the "Alaskan," a newspaper published at Sitka, in the Territory of Alaska, and bearing date 4th September, 1886:—

1. That the master and mate of the schooner "Thornton" were brought for trial before Judge Dawson in the United States District Court at Sitka on the 30th August last.

2. That the evidence given by the officers of the United States revenue cutter "Corwin" attempts to show that the "Thornton" was seized while in Behrings Sea about 60 or 70 miles S.S.E. of St. George Island, for the offence of hunting and killing seals within that part of Behrings Sea which was ceded to the United States by Russia in 1867.

3. That the judge, in his charge to the jury, after quoting the first Article of the Treaty, 30th March, 1867, between Russia and the United States, in which the western boundary of Alaska is defined, goes on to say: "All the waters within the boundaries set forth in this Treaty to the western end of the Aleutian Archipelago and chain of Islands are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must therefore attach against any violation of law within the limits before described."

"If, therefore, the jury believe from the evidence that the defendants by themselves or in conjunction with others did, on or about the time charged in the formation, kill any otter, mink, martin, sable or fur-seal, or other fur-bearing animal or animals, on the shores of Alaska or in the Behrings Sea east of the 193rd degree of west longitude, the jury should find the defendants guilty and assess their punishment separately at a fine not less than \$200 nor more than \$1,000, or imprisonment not more than six months, or by both, such fine within the limits herein set forth and imprisonment."

4. That the jury brought in a verdict of guilty against the prisoners, in accordance with which the master of the "Thornton," Hans Guttormsen, was sentenced to imprisonment for thirty days and to pay a fine of \$500, and the mate of the "Thorn-

ton," Norman, was sentenced to imprisonment for thirty days and to pay a fine of \$300, which terms of imprisonment are presumably now being carried into effect.

It also appears by telegraphic despatch from Nansaimo, British Columbia, dated 18th September, that the masters and mates of the "Onward" and "Carolina" have since been tried and sentenced to undergo similar penalties to those being inflicted on the master and mate of the "Thornton."

It will appear from the above information, conjoined with the Report of Council under date September 23rd inst., that the United States have determined to lay claim to the sole sovereignty of that part of Behrings Sea lying east of the westerly boundary of Alaska, as defined in the first Article of the Treaty made between the United States and Russia in 1867, by which Alaska was ceded to the United States, and which includes a stretch of sea extending in its widest part some 600 or 700 miles easterly from the mainland of Alaska.

In pursuance of this claim they have interfered with the peaceable and lawful occupation of Canadian citizens on the high seas, have taken possession of their ships, have subjected their property to forfeiture, and visited upon their persons the indignity of imprisonment. They appear to have done this in spite of the admitted principles of International Law, and in direct opposition to their own contention of what constitutes common waters upon the Atlantic coast.

In view of the unwarranted and arbitrary action of the United States authorities, the undersigned recommends that a copy of this Report be sent to Her Majesty's Government, to the end that immediate reparation be demanded from the Government of the United States, and that in the meantime the facts contained therein be telegraphed to the Secretary of State for the Colonies and to the British Minister at Washington.

The whole respectfully submitted.

GEORGE E. FOSTER,
Minister of Marine and Fisheries.

The Administrator to Mr. Stanhope.

HALIFAX, 27th Sept., 1886.

SIR,—I have the honor to forward herewith, for transmission to the Foreign Office, a copy of an approved Report of the Committee of the Privy Council, submitting depositions from some of the officers and men of the Canadian schooners "Onward," "Thornton" and "Carolina," relative to the seizure of those vessels in Behrings Sea by the United States revenue cutter "Corwin," and their subsequent detention at the Port of Ounalaska, in the Territory of Alaska.

2. You will observe from the accompanying papers, that it appears that the schooners mentioned are Canadian vessels, fitted out in Victoria, B.C., for the capture of seals in the waters of the Northern Pacific Ocean, adjacent to Vancouver Island, Queen Charlotte Islands and Alaska, and that at the time of the seizure by the "Corwin" on the 1st August last, they were taking seals in the open sea at a distance of more than 60 miles from land.

3. My Minister of Marine and Fisheries has taken steps to get further depositions from the owners, masters and crews of the above-mentioned vessels, in order that a claim may be made upon the United States Government for damages, for the unwarranted seizure of British vessels on the high seas.

4. I have communicated a copy of this Order in Council, with the accompanying papers, to Her Majesty's Minister at Washington.

I have, &c.,

A. RUSSELL, *Administrator.*

Rt. Hon. EDWARD STANHOPE.

CERTIFICATE Copy of a report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council on the 23rd day of September, 1886.

On a Report, dated 18th September, 1886, from the Minister of Marine and Fish-

eries, submitting the accompanying papers, relative to the seizure of the Canadian schooners "Onward," "Thornton," and "Carolina," in Behrings Sea, by the United States revenue cutter "Corwin," and their subsequent detention at the Port of Ounalaska, in the Territory of Alaska:—

Copy of a letter from James Ogilvie, master of the Canadian sealing schooner "Carolina."

Copy of a letter from Daniel Munroe, master of the Canadian sealing schooner "Onward."

Depositions of John Dallas, seaman on board the "Thornton"; of Thomas McLardy, cook on board the "Carolina"; of Edward Shields, seaman on board the "Carolina"; and of Wm. Munsie, owner of the "Carolina"; all of the Province of British Columbia.

The Minister observes, that from these papers it appears that the schooners mentioned are Canadian vessels, fitted out in Victoria, British Columbia, for the capture of seals in the waters of the Northern Pacific Ocean, adjacent to Vancouver Island, Queen Charlotte Islands, and Alaska; that, at the time of their seizure by the "Corwin," they were taking seals in the open seas, out of sight of land, the "Carolina" in Lat. 55° 50' N., Long. 163° 53' W., the "Onward" in Lat. 54° 52' N., Long. 167° 55' W. and the "Thornton" in about the same latitude and longitude, and all of them at a distance of more than 60 miles from the nearest land; that they were taken possession of by the United States cutter on August 1st, 1886, and towed to the Port of Ounalaska, where they are still detained. The crews of the "Thornton" and "Carolina," with the exception of the captain and one man on each vessel, detained at Ounalaska, were sent by the steamer "St. Paul" to San Francisco, California, and these turned adrift, while the crew of the "Onward" was kept at Ounalaska. At the time of their seizure the "Thornton" had 404 seal skins on board, the "Onward" 900, and the "Carolina" 686, and these are detained and kept at Ounalaska, along with the schooners, by the United States authorities.

The Minister states that he has taken steps to get further depositions from the owners, masters and crews of the vessels above mentioned, in order that a claim may be made upon the United States Government for damages for this unwarranted seizure of British vessels in the open sea.

The Committee recommend that Your Excellency be moved to transmit a copy of this Minute, if approved, together with copies of the papers herein mentioned, to the Right Honorable the Principal Secretary of State for the Colonies, for transmission to the Foreign Office, and also copies to Her Majesty's Minister at Washington.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

SCHOONER "CAROLINA," OUNALASKA, 6th August, 1886.

DEAR SIR,—The U.S. steamer "Corwin" boarded and took charge of the schooner in Lat. 55° 50' N., Long. 165° 53' W.; they took all the firearms of the schooner. I asked why they did so; they said for killing female seals and carrying firearms. They towed the "Thornton" and "Onward" in at the same time. I have got 686 seal skins on board; "Thornton," 404; "Onward," 900. I have heard nothing of the "Pathfinder" in the Behrings Sea; she was seen off Sitka, coming up. It was on August 1st at 6 p.m. they took charge of the schooner; canoes and white men will not do; all the schooners that have canoes have got from 9 to 11 canoes. The American schooner "San Diego" is in here; they have taken all her skins and sails on shore, 500 skins. Thirteen days after we left Clayquot we were in the Behrings Sea, we lost the boat from the stern.

August 7th, 1886.

The Company's steamer "St. Paul" will leave to-morrow; the captain of the "San Diego" and all hands are going down in her. I will send this letter by her.

Yours truly,

JAMES OGILVIE.

Copy of letter from Daniel Munroe, Master of Schooner "Onward."

SCHOONER "ONWARD," PORT LILOLUK,
OUNALASKA, August 7th, 1886.

CHARLES SPRING, Esq., Victoria.

DEAR SIR,—On the 2nd, while the "Onward" was in Lat. 54° 52' N., Long 167° 55' W., and about 70 miles from the nearest land, the United States revenue cutter "Corwin," having the schooners "Thornton" and "Carolina" in tow, boarded us and sent a crew on board and towed us in here where we are lying at present with sails bent and seals on board and a watchman in charge, but can't find out what they intend to do with us, so I can't say any more about it at present.

I met the "Favorite" on the 28th. Captain McLean was on board of us; he gave him 508 skins and they had 1,290 they took themselves, making them about 1,800 total, and as we were in sight of each other until the night of the 1st instant he must have made a good catch, for we have 400 skins on board at present that we took in 4 days, and I am positive his crowd could take twice that number, as we have not got the best of sealers.

I believe all the schooners did well, and I trust they will get away all right. There is no cutter out at present as there is only two of them up here, one of them up in the Arctic and the other that brought us here is still watching us here.

We may find out to-day how they are going to dispose of us, but I am in hopes they made false steps, and that they can do nothing more than spoil the season.

They took the schooner "San Diego" in here about a month ago, and took the skins out of her and unbent her sails and put everything ashore, and they are sending the crew to San Francisco to-day in one of the Fur Company's steamers "St. Paul."

Later on have heard nothing more only the crew of the "Thornton" and "Carolina" is going to San Francisco to-day in the steamer "St. Paul," except the Captain and one man in each, but they took none of our crew.

There are rumors afloat that the three schooners are to be laid up here all winter, and that we are to be taken to Sitka, but no certainty. I wrote you this morning, as the boat was leaving the wharf, thinking that she was going away, but she came to anchor in the roads and I don't think I finished it. I was afraid of being late. We sent a protest on board the cutter against the action of the authorities in seizing the vessels on the high seas, but I don't know if it will amount to much; there is no Notary Public here to sign it. I have nothing more to write you. Trusting things will turn out better than we expect.

I remain, &c.,

DANIEL MUNROE.

I, John Dallas, of Victoria, British Columbia, seaman, do solemnly and sincerely declare that I was engaged about the end of May, 1886, as a seaman on board the schooner "Thornton" of 22.30 registered tonnage, registered in the Dominion of Canada as a British vessel. I was engaged sealing on the west coast of Vancouver Island, and when the seals got scarce the "Thornton" left Olayakot, Vancouver Island, for Behrings Sea about beginning of June, and three days after passing Unamark Pass we killed our first seal, being then about 250 miles from land; we were engaged sealing in the open sea until the 1st of August. We had a little over 400 skins on board when the United States steamer "Corwin" seized our vessel and took her to Ounalaska; they were about twenty-eight hours engaged in towing us to Ounalaska. The master of the "Corwin" removed all our guns and ammunition, ten guns in all. There were fourteen hands on board the "Thornton" altogether, including two Indians; nine white men and a Chinese cook were sent to San Francisco, and there discharged; two white men and two Indians were left on board the schooner at Ounalaska; we were five or six miles from the "Carolina" at the time we were seized. I saw no other vessels in sight at the time; we were never in sight of land during the whole time we were sealing. And I make this declaration

conscientiously believing the same to be true by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled "An Act for the suppression of voluntary and extra-judicial oaths."

his
JOHN x DALLAS.
mark.

Taken and declared before me at Victoria, this 23rd day of August, 1886, the same having been first read over to him.

M. W. TYRWHITT DRAKE, J.P.

I, William Munsie, of Victoria, grocer, do solemnly and sincerely declare that I am the sole owner of the schooner "Carolina," and she has a Canadian register, having been registered at the Port of Victoria; the vessel and her outfit at the time she left for Behrings Sea was seven thousand dollars. And I make this solemn declaration conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra judicial oaths."

WM. MUNSIE.

Taken and declared before me at Victoria, this 23rd August, 1886.

M. W. TYRWHITT DRAKE, J.P.

I, Thomas McLardy, of Victoria, British Columbia, cook, do solemnly and sincerely declare that I was engaged as cook on board the British schooner "Carolina." I was on board when the United States steamer "Corwin" seized her. During the whole time the said schooner was sealing she never sighted land once. After she was seized the "Corwin" took her in tow, about six o'clock in the evening, and about three o'clock in the morning the English schooner "Onward," of the tonnage 35.20 tons was also seized and taken in tow to Ounalaska. Her crew were left on board, and not removed to San Francisco. She had seal skins on board. And I make this solemn declaration conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra-judicial oaths."

T. McLARDY.

Taken and declared before me, this 23rd August, 1886, at Victoria, B.C.

M. W. TYRWHITT DRAKE, J.P.

I, Edward Shields, of Tooke District, Vancouver Island, a hunter, engaged on board the British schooner "Carolina," of 31.90 registered tonnage, do solemnly and sincerely declare that I left Victoria on board the aforesaid schooner on the 20th May, 1886, bound on a voyage to Behrings Sea for the purpose of sealing. The schooner was fitted out for this purpose; she had eleven hands on board, including the master, by name James Ogilvie. We sailed to Behrings Sea and commenced sealing on the 15th June, and at that time we were about 300 miles from land and we continued cruising about for seals, and up to the time the United States vessel "Corwin" seized us we had 686 seals; during the whole time we were cruising about we were in the open seas out of sight of any land; the seals we obtained were chiefly females; at the time the "Corwin" seized us on the 1st of August we were out of sight of land and in Lat. 55°50' N., long. 168°53' W., as I was informed and verily believe. There were other vessels, both American and English, cruising about in the same neighborhood; we never killed a seal in the neighborhood of the Aleutian Islands. I was away in the boats when the "Corwin" seized the vessel, and when I came back I found the "Carolina" in tow of the "Corwin. The captain of the "Corwin," Abby by name, took away all the firearms, consisting of rifles and shot guns, ten in all, and I was taken to Ounalaska, and from there I was taken to San Francisco by the steamer "St. Paul" and there turned adrift. The "Carolina" was left at Ounalaska with the seals and outfit. And I make this solemn

declaration conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra-judicial oaths."

EDWARD SHIELDS.

Taken and declared before me, at Victoria, this 23rd day of August, 1886, in due form of law.

M. W. TYRWHITT DRAKE, J.P.

The Administrator to Sir L. West.

HALIFAX, N.S., 28th September, 1886.

SIR,—I have the honor to forward, for your information, a copy of an approved Report of a Committee of the Privy Council, submitting details and depositions from some of the masters and crews of the Canadian schooners "Onward," "Thornton," and "Carolina," relative to the seizure of those vessels in Behrings Sea by the United States revenue cutter "Corwin," and their subsequent detention at the Port of Unalaska, in the Territory of Alaska.

I have communicated a copy of this Order in Council and accompanying papers to the Secretary of State for the Colonies, for transmission to the Foreign Office.

I have, &c.

Minister at Washington.

A. RUSSELL, *Administrator.*

The Administrator to Sir L. West.

HALIFAX, N.S., 28th September, 1886.

SIR,—With reference to my despatch, No. 15, of this day's date, I have the honor to forward, for your information, a copy of an approved Report of a Committee of the Privy Council, to which is appended a Report by my Minister of Marine and Fisheries, upon which my telegram of the 22nd instant was founded relative to the seizure of the Canadian schooners "Thornton," "Onward," and "Carolina," on the 1st August last, by the United States revenue cutter "Corwin," in Behrings Sea.

I have communicated a copy of this Minute of Council, with the annexed Report of the Minister of Marine and Fisheries, to the Secretary of State for the Colonies.

I have, &c.

Minister at Washington.

A. RUSSELL, *Administrator.*

Sir L. West to the Administrator.

WASHINGTON, 4th October, 1886.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatches, Nos. 15 and 16, of the 23th ultimo, enclosing copies of approved reports of a Committee of the Privy Council, relative to the seizure of the Canadian schooners "Onward," "Thornton" and "Carolina," by the United States Revenue cutter "Corwin" in Behrings Sea.

I have, &c.,

Lord ALEXANDER RUSSELL.

L. S. SACKVILLE WEST.

Mr. Stanhope to the Administrator.

DOWNING STREET, 25th October, 1886.

MY LORD,—With reference to previous correspondence respecting the seizure of Canadian sealing schooners in Behrings Sea, I have the honor to inform you that Her Majesty's Minister at Washington has been instructed by telegraph to protest, in the name of Her Majesty's Government, against this action on the part of the United States cruiser, and to reserve all rights to compensation.

I enclose, for communication to your Government, a copy of a despatch with its enclosure, which has been received at the Foreign Office from Sir L. West on the subject.

I have, &c.,

EDWARD STANHOPE.

The Officer Administering the Government of Canada.

Sir L. West to Lord Iddeisleigh.

WASHINGTON, 21st September, 1886.

MY LORD,—The reported seizure of British vessels by American cruisers in waters over which it appears the United States Government claim jurisdiction, as adjacent to the Territory of Alaska, has given rise to much comment in the newspapers touching the interests of a powerful commercial company which may be affected by the international questions arising therefrom, and in this connection I have the honor to enclose to your Lordship, herewith, a précis of the history of the origin of this company, as well as of what has been written on the subject.

Chapter three of the Revised Statutes of the United States (p. 342, Secs. 1954 to 1976 inclusive) contains the "provisions relating to the unorganized Territory of "Alaska," and Sec. 1954 extends "the laws of the United States to and over all the "mainland, islands and water of the Territory" ceded by Russia to the United States by the Treaty of 1867.

In addition to the case of the Government Seal Islands, the Alaska Company holds as well, leases of certain islands from the Russian Government, so that, in fact, it may be said to monopolize the seal fur in these waters.

I have, &c.

L. S. SACKVILLE WEST.

The EARL OF IDDESLEIGH, G.O.B., &c., &c., &c.

HISTORY OF THE ORIGIN OF THE ALASKA COMMERCIAL COMPANY.

The transfer of the Territory of Alaska to the United States Government, in compliance with the terms of the treaty of purchase between the two Governments, included the transfer of all the Russian Government (property), such as public buildings at Sitka, Governor's house, Custom house, hospital and wharves, &c. There were, however, certain buildings reserved as the property of the Russian Fur Company, and as General Rousseau, the United States Commissioner, could not, in his official capacity, take any active or open part in its disposal, Prince Matsukoff, the Russian Governor, concluded a bargain with Mr. Hutchinson, who accompanied General Rousseau as his private secretary. This bargain included all the property of the Russian Fur Company and the American officers stationed at Sitka, who claimed that they were entitled to a share of the spoils. By virtue of this bargain with Prince Matsukoff, who was Governor of the company, Mr. Hutchinson proposed to take possession of the fur trade of Alaska and the seal islands, (and) left for Victoria (British Columbia) and San Francisco to make the necessary arrangements.

At the former place he met with a Mr. Kohl, owner of a British steamer called the "Fidelitor," with whom he entered into partnership, and the firm still exists under the name of Hutchinson, Kohl & Co.

The steamer obtained an American register, under the plea that she was a Russian vessel at the time of the transfer of the territory to the United States, and was thus enabled to carry on the coasting trade.

Preparations were made in 1868 for working the fur trade of the newly-acquired possession, and especially for the occupation of the Pribylor Island, to which, by virtue of the arrangements with Prince Matsukoff, the new company considered they had an exclusive right. Upon their arrival there, however, they found them occupied by experienced sealers from New London and Stonington (Connecticut), under one Captain Morgan. A fight for possession seemed imminent, but a division of the season's catch was finally agreed upon. While the two parties were thus amicably at work, Mr. Pflugel, Russian Vice-Consul at Honolulu, arrived at the head of an expedition believing that he should find the islands unoccupied, but was eventually forced to retire before the combined forces of Captain Morgan and Mr. Hutchinson.

It now became obvious that the Government must take means to preserve these valuable seal rookeries, and in the winter of 1868 an Act of Congress was passed, the conditions for permission to take seals being, however, reserved for future Congressional action. The coalition between Hutchinson and Morgan still continued, and

finally led to the organization of the powerful and wealthy Alaska Commercial Company. Since 1870 this company has controlled the entire fur trade of Alaska, and by virtue of its alliances with the lessees of the Russian seal islands controls the valuable fur seal trade of the world. With strong political influence in the Congress of 1876 it obtained a lease of the Priblyor Islands for twenty years, at a rental of \$55,000 a year and a royalty of \$2.62 per skin, the take to be limited to 100,000 skins a year. It is calculated that the company pays annually \$316,000 to the United States treasury which, after paying all the expenses of the territory, yields more than 4 per cent. per annum on the purchase money paid to Russia for Alaska.

To preserve this revenue through future years, the protection of the seals from illegal capture or disturbance on their annual visits to the islands, has been deemed an absolute necessity, and hence the prohibition against approaching or landing on the islands, and the vigilance of the United States cruisers in the Behrings Sea. It is not, however, generally understood that the Alaska Company controls the fur trade of all the mainland and islands of Alaska lying west of the 141st meridian of west longitude, and that its operations over this vast extent of territory and coast are entirely distinct from and have no connection with its exclusive control of the seal islands, which it holds by virtue of its lease from the United States Government.

Outside of these islands it holds no exclusive rights or franchise from the Government, nor does it pay any rent or royalty to the Government or the territory it occupies or the furs it procures from the natives. It has no rights over any other citizen or company of citizens who may desire to trade in competition with it, and yet it has been aided by the revenue marine in suppressing competition from rival traders, for it appears that under instructions from the Treasury Department the revenue cruisers board and examine every trading vessel sighted in the Behring Sea or on the north-west coast of Alaska, except the vessels of the company. If a pretext can be found an officer is placed on board with instructions to take the vessel to Unalaska and discharge her cargo. She is then sent to San Francisco, where the United States Marshal finds that there is no cause for condemnation, and as the object of breaking up her voyage has been gained, she is released, and restored to her owners. The vessels subjected to this treatment come from British Columbia and Japan, and are, it is said, fitted out for contraband trade.

WASHINGTON, September, 1886.

Lord Lansdowne to Mr. Stanhope.

(Telegram to the Secretary of State for the Colonies on the 27th November, 1886.)

Vessels are now being equipped in British Columbia for fishing in Behrings Sea, and intend to start about the 10th of December. Can you obtain any assurance as to whether the vessels will be exposed to seizure by United States cruisers? They do not intend to fish near land.

LANSDOWNE.

Lord Lansdowne to Mr. Stanhope.

OTTAWA, 29th November, 1886.

SIR,—I have the honor to enclose herewith copy of an approved report of my Privy Council, dealing with the recent seizure of the Canadian schooners "Carolina," "Onward" and "Thornton," by the United States revenue steamer "Corwin," while fishing for seals in Behrings Sea.

The statements contained in the report are sufficient to establish that the claim now put forward on the part of the United States, to the sole right of taking fur-bearing animals within the limits laid down in the first article of the Treaty of 1867, is inconsistent with the rights secured to Great Britain under the Convention of 1825, and is in substance the same as that which, when advanced by the Russian Government on different occasions prior to the cession of Alaska by Russia to the United States, was either strenuously resisted or treated with ridicule and contempt by the Government of the latter power.

It is impossible to believe that when, by the Convention of 1825, it was agreed that the subjects of Great Britain, as one of the contracting parties, should not be "troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same, or in fishing therein," any reservation was intended with regard to that part of the Pacific Ocean known as Behrings Sea. The whole course of the negotiations by which this Convention and that between Russia and the United States, of the same year, were preceded—negotiations which, as pointed out in the report, arose out of conflicting claims to these very waters—points to the contrary conclusion. It would, indeed, be difficult to condemn the present pretensions of the United States authorities in language more convincing or emphatic than that which, while those negotiations were in progress, was used by Mr. Middleton, then Russian Minister at St. Petersburg, in his memo., dated 13th December, 1823. [*Vide American State Papers, Foreign Relations. Vol. V, No. 384.*]

It is laid down in that memorandum that, "the existence of territorial rights to the distance of 100 miles from the coasts upon two opposite continents, and the prohibition of approaching to the same distance from these coasts, or from those of all the intervening islands, are innovations in the law of nations and measures unexampled. It must thus be imagined that this prohibition bearing the pains of confiscation applies to a long line of coasts with the intermediate islands situate in the vast seas where the navigation is subject to innumerable and unknown difficulties, and where the chief employment, which is the whale fishery, cannot be compatible with a regulated and well determined course." Mr. Middleton added "that:—Universal usage, which has obtained the force of law, has established for all the coasts an accessory limit of a moderate distance which is sufficient for the security of the country and for the commerce of its inhabitants, but which lays no restraint upon the universal rights of nations, nor upon the freedom of commerce and navigation."

Under the Treaty of 1867 Russia ceded to the United States "all the rights, franchises and privileges" then belonging to her in the territory or dominion included within the limits described (*vide Art. VI*), but could not cede a right, which, in the express terms of the Treaty of 1825, was recognized as belonging to the subjects of the British Crown as well as to those of Russia.

This is, as far as I have been able to ascertain the first occasion upon which claims of the kind now advanced have been enforced. Sealing vessels from British Columbia have for some years past frequented the waters of Behrings Sea without molestation, and a letter, of which I enclose a copy, addressed by Mr. William Munsie, of Victoria, B.C., to my Minister of Marine and Fisheries, shows how serious will be the effects of this interference upon a well-established and important industry, in which many British subjects have a substantial interest.

It is, I think, worth while to contrast the claims now urged by the Government of the United States to exclusive control over a part of the Pacific Ocean, the distance between the shores of which is, as was pointed out by Mr. Adams in 1822, not less than 4,000 miles, with the indignant remonstrances recently made by Mr. Bayard against the action of the Canadian authorities in warning United States fishing vessels from entering the territorial waters of the Dominion at points where those waters were only a few miles in width, and throughout their whole extent in close proximity to Canadian territory.

A warning of this kind when given in respect of the Bay des Chaleurs, which measures about eighteen miles at its mouth, was stigmatized by Mr. Bayard in his despatch of 14th June, 1886, as a "wholly unwarranted pretension of extra territorial authority," and as an "interference with the unquestionable rights of the American fishermen to pursue their business without molestation at any point not within three marine miles of the shores."

I would also draw your attention especially to the great hardships occasioned to the owners and crews of the seized vessels, by the confiscation of their catch, and by the imprisonment of some of the persons on board of them.

I understand that owing to the amount of the fines imposed, which were so

heavy that the owners have declined to pay them, the captains and mates of the seized vessels, though originally sentenced to thirty days' imprisonment (a term which has long since expired), are still detained.

I may add, in explanation of the concluding passage in Mr. Munsie's letter, that Mr. Ogilvie, the captain of the "Carolina," while waiting at Ounalaska for the trial of his vessel, wandered off into the woods, in which it appears, from Mr. Munsie's statement, that he must have perished.

LANSDOWNE.

The Right Honorable EDWARD STANHOPE, &c.

CERTIFIED Copy of a Report of a Committee of the Honorable the Privy Council for Canada, approved by His Excellency the Governor General in Council on the 29th November, 1886.

The Committee of the Privy Council have had under consideration a communication from Mr. E. C. Baker, M.P., President of the British Columbia Board of Trade, transmitting a letter from Mr. Theodore Lubbe, the managing owner of the British Columbia sealing fleet, asking information as to the United States claim to the easterly half of Behrings Sea as American waters. And also a despatch, dated 26th August last, from the Lieut-Governor of British Columbia, advising of the seizure of the Canadian schooners "Carolina" and "Thornton," by the United States revenue steamer "Corwin," while engaged in sealing in Behrings Sea. Also copy of a letter from Daniel Munroe, master of the Canadian sealing schooner "Onward," which has been already forwarded by His Excellency the Governor General to the Colonial Office and to Her Majesty's Minister at Washington.

The Sub-Committee of Council to whom the papers were referred, observes that it appears that the schooners mentioned were Canadian vessels fitted out for the capture of seals in the North Pacific Ocean adjacent to Vancouver Island, Queen Charlotte Island and Alaska, that they were peaceably pursuing their avocations on the high seas at a distance of some 70 miles from the nearest Island, and more than one hundred miles from the nearest mainland, that they were taken possession of by the United States revenue cutter "Corwin" on the first of August last and towed to the port of Ounalaska.

The crews of the "Thornton" and "Carolina" (with the exception of the captain and one man on each vessel, who were detained at Ounalaska) were sent by steamer to San Francisco and there turned adrift, while the men of the "Onward" were kept at Ounalaska. The schooners and the seals found on board of them were also detained by the United States authorities.

The authority under which these seizures were made is apparently:—(1.) A letter of instruction from the Acting Secretary of the Treasury of the United States to Mr. D'Ancona, the Collector of Customs at San Francisco, dated 12th March, 1881, with enclosures ("A" of the appendix). (2.) A letter from the Secretary of the United States Treasury to the Collector of Customs at San Francisco, dated 16th March, 1886, confirming the instructions given to Mr. D'Ancona in 1881, and ordering publication of the same ("B" of appendix). (3.) The Revised Statutes of the United States, the 1596th section of which prohibits the killing of fur bearing animals within the limits of Alaska Territory, or in the waters thereof, and the Sections 1960 and 1961 of which prohibit the killing of male seal, except at certain times, and under certain restrictions, and of female seals at any time, upon the Islands of St. Paul and St. George, or in the waters adjacent thereto.

The master and mate of the schooner "Thornton" were subsequently (13th August last) brought for trial before Judge Dawson, in the United States district court at Sitka.

The evidence given by the officers of the United States revenue cutter "Corwin" was to the effect that the "Thornton" was seized while in Behrings Sea, about 60 or 70 miles S.S.E. of St. George Island, for the offence of hunting and killing seals within that part of Behrings Sea which was ceded to the United States by Russia in 1867. The judge in his charge to the jury quoted the first article of the treaty of the 30th

March, 1867, between Russia and the United States, in which the boundary of Alaska is defined as follows:—

“The western limit, within which the territories and dominions conveyed are contained, passes through a point in Behrings Straits, on the parallel of sixty-five degrees, thirty minutes north latitude, at its intersection by the meridian, which passes midway between the Island of Krusenstern or Ggnaloo² and the Island of Ratmanoff or Noonarbrook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds then in a straight course, nearly south-west, through Behrings Straits and Behrings Sea so as to pass midway between the north-west point of the Island of St. Lawrence and the south-east point of Cape Choukotaki, to the meridian of one hundred and seventy-two west longitude; thence from the intersection of that meridian in a south-westerly direction, so as to pass midway between the Island of Otton and the Copper Island of the Kormandorski Couplet or group, in the North-Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.” Executive Documents, 2nd Session 40th Congress, vol. 13, Document 177.

The judge is reported to have gone on to say:—

“All the waters within the boundary set forth in this treaty to the western end of the Aleutian Archipelago and chain of islands are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must therefore attach against any violation of law within the limits before described.

“If therefore the jury believe from the evidence that the defendants did by themselves or in conjunction with others, on or about the time charged in the information, kill any otter, mink, martin, sable or fur seal, or other fur bearing animal or animals, on the shores of Alaska, or in the Behrings Sea, east of the one hundred and ninety third degree of west longitude, the jury should find the defendants guilty, and assess their punishment separately, at a fine of not less than \$200 nor more than \$1,000 or imprisonment not more than six months, or by both, such fines within the limits herein set forth, and imprisonment.”

The jury found the prisoners guilty and the master of the “Thornton” was sentenced to 30 days’ imprisonment and to pay a fine of \$500 while the mate was sentenced to a like term of imprisonment and to pay a fine of \$300. It appears from a telegraphic despatch of the 18th of September last, that the masters and mates of the “Onward” and “Carolla” have since also been tried, and sentenced to undergo penalties similar to those inflicted on the master and mate of the “Thornton.”

The Sub-Committee do not here propose to comment on the enlarged construction placed by Judge Dawson on the words “adjacent waters” in the clauses of the Revised Statutes above referred to, further than to remark in passing that its effects would be to convert a purely municipal prohibition into an international obligation, and to claim for the United States a jurisdiction which their Government have in the past not only declined themselves to assert, but which they have strenuously resisted when claimed by another power.

The following brief instance will illustrate the position taken by the United States Government in the recent past:—

As late as the 19th April, 1872, Mr. Boutwell, then Secretary of the United States Treasury, in answer to a request made to him that a revenue cutter should be sent to the region of the Unimak Pass to prevent Australian and Hawaiian vessels from taking seals on their annual migration to the Islands of St. Paul and St. George, declined to accede to the request and added:

“In addition I do not see that the United States would have jurisdiction or power to drive off parties going up there for that purpose unless they made such attempts within a marine league of the shore.”

Going further back in date the Sub-Committee find that in 1822 a claim to sovereignty over the Pacific Ocean north of the 51st degree of latitude was put forward

by Russia. An imperial Ukase issued on the 4-16 September, 1821, regulating commerce, whaling and fishing along the eastern coast of Siberia, the north western coast of North America, and the Aleutian and other islands, and prohibiting all foreign vessels from landing on the coast and islands belonging to Russia, or approaching them within less than 100 Italian miles, was communicated to the American Government on the 11th February, 1822 ("C" of appendix).

The Honorable John Quincy Adams, at that time United States Secretary of State, wrote on the 25th of the same month to M. de Poletica, the Russian Minister Plenipotentiary, expressing the surprise of the President of the United States at the assertion of a territorial claim by Russia extending to the 51st degree of north latitude on this continent; stating that the exclusion of American vessels from the shore beyond the ordinary distance to which the territorial jurisdiction extends had excited still greater surprise and requesting an explanation of the grounds of right, upon principles generally recognized by the laws and usages of nations, which could warrant such claims.

M. de Poletica, in a despatch dated 16-28 February, 1822, defends the prohibition as designed to suppress the furnishing by foreigners of arms and ammunition to the natives of Russian America. He adds, however:—

"The extent of sea of which these possessions form the limits, comprehends all the conditions which are ordinarily attached to shut seas (*mers fermées*), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities."

Mr. Adams deemed it a sufficient answer to this claim to point out the fact that, "the distance from shore to shore on this sea, in latitude 51 north, is not less than 90° of longitude, or 4,000 miles. (State Papers, Vol. 9, p. 471 *et seq.*)

A writer in the *North American Review*, in an article published a few months later, says with respect to Mr. Adams' answer: "A volume on the subject could not have placed the absurdity of the pretensions more glaringly before us." (*North American Review*, Vol. 15, p. 389.)

The position was relinquished by Russia after much negotiation and correspondence (see American State Papers, foreign relations, Vol. 5. p. 432) and on the 17th of April, 1824, a convention was concluded between the United States and that country, which was ratified at Washington on the 12th January, 1825, and of which the 1st article is as follows:—1. "It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles." (*State Papers*, Vol. 12, p. 595.) The conditions and restrictions relate chiefly to the prevention of illicit trade in spirituous liquors, firearms, &c.

Negotiations between Great Britain and Russia on the subject of the same Ukase and the prohibition above referred to, resulted in a treaty between the two powers, concluded on 28th February, 1825, and containing the following provision, in which the right of fishing and navigation by Great Britain in any part of the Pacific Ocean is recognized:—

"It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same, in fishing therein or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives under the restrictions and conditions specified in the following articles." (*State Papers*, vol. 12, p. 38.)

So far as the Sub-Committee are aware the claim was never revived until it is now for the first time put forward by the United States.

It does not appear necessary to insist at any great length that the conditions

attaching to *Maria clausa* cannot by any possibility be predicated of Behring Sea, and that the seizure of Canadian vessels at a distance of over 100 miles from the mainland, and 70 miles from the nearest island, constitutes a high-handed extension of maritime jurisdiction unprecedented in the law of nations; but the Sub-Committee cannot conclude without inviting the earnest attention of Her Majesty's Government to the fact that Canadian citizens, seized while engaged in the pursuit of their lawful avocation upon the high seas, and more than 70 miles from the nearest land, have been dragged before a foreign court, their property confiscated and themselves thrown into prison, where they still remain.

The Sub-Committee express their confident hope that such representations will be at once made to the United States Government as will secure the immediate release of the imprisoned men, and full reparation for all losses and damage sustained by them.

The Committee concur in the foregoing report, and they advise that Your Excellency be moved to transmit a copy of this minute, if approved, to the Right Hon. the Secretary of State for the Colonies, and to Her Majesty's Minister at Washington.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

INDEX TO APPENDIX.

- A.—Letter from the Acting Secretary United States Treasury Department, to Mr. D'Ancona, the Collector of Customs at San Francisco, dated 12th March, 1881.
- B.—A letter from the Secretary of the United States Treasury Department to the Collector of Customs at San Francisco, dated 16th March, 1886.
- C.—Edict of His Imperial Majesty, Autocrat of all the Russias, dated 4th September, 1886.

APPENDIX A.

TREASURY DEPARTMENT, 12th March, 1881.

D. A. D'ANCONA, 717 O'Farrell street, San Francisco, Cal.

SIR,—Your letter of the 19th ult., requesting certain information in regard to the meaning placed by this Department upon the law regulating the killing of fur-bearing animals in the Territory of Alaska, was duly received.

The law prohibits the killing of any fur-bearing animals, except as therein otherwise provided, within the limits of Alaska Territory, or in the waters thereof, and also prohibits the killing of any fur seals on the islands of St. Paul and St. George, or in the waters adjacent thereto, except during certain months.

You enquire in regard to the interpretation of the terms "waters thereof" and "waters adjacent thereto" as used in the law, and how far the jurisdiction of the United States is to be understood as extending.

Presuming your enquiry to relate more especially to the waters of Western Alaska, you are informed that the Treaty with Russia, of 30th March, 1870, by which the Territory of Alaska was ceded to the United States, defines the boundary of the territory so ceded. The treaty is found on pages 671 to 673 of the volume of Treaties of the Revised Statutes. It will be seen, therefore, that the limit of the cession extends from a line starting from the Arctic Ocean and running through Behring's Straits to the north of the St. Lawrence Islands.

The line runs thence in a south-westerly direction so as to pass midway between the Island of Attan and Copper Island, of the Kormandorski Couplet or Group, in the North Pacific Ocean, to meridian of 173 degrees, west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands, are considered as comprised within the waters of Alaska Territory.

All the penalties prescribed by law against the killing of fur-bearing animals would therefore attach against any violation of law, within the limits before described.

Very respectfully,

H. F. FRENCH, *Acting Secretary.*

APPENDIX B.

TREASURY DEPARTMENT, 16th March, 1886.

SIR,—I transmit herewith for your information a copy of a letter addressed by the Department on 12th March, 1881, to D. A. D'Ancona, concerning the jurisdiction of the United States in the waters of the Territory of Alaska, and the prevention of the killing of fur-seals and other fur-bearing animals within such areas, as prescribed by chapter 3, title 23, of the Revised Statutes. The attention of your predecessor in office was called to this subject on 4th April, 1881. This communication is addressed to you, inasmuch as it is understood that certain parties at your port contemplate the fitting out of expeditions to kill fur-seals in these waters. You are requested to give due publicity to such letters, in order that such parties may be informed of the construction placed by this Department on the provisions of law referred to.

D. MANNING, *Secretary*.

Collector of Customs of San Francisco.

APPENDIX C.

Edict of His Imperial Majesty, Autocrat of all the Russias.

The Directing Senate maketh known unto all men: Whereas, in an edict of His Imperial Majesty, issued to the Directing Senate on the 4th day of September, and signed by His Imperial Majesty's own hand, it is thus expressed:

"Observing from reports submitted to us, that the trade of our subjects on the Aleutian Islands and on the north-west coast of America appertaining unto Russia is subjected, because of illicit and secret traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific regulations which are hereto attached.

"In forwarding these regulations to the Directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution.

(Countersigned) COUNT D. GURIEF, *Minister of Finances*.

"It is therefore decreed by the Directing Senate, that His Imperial Majesty's Edict, be published for the information of all men, and that the same be obeyed by all whom it may concern."

The original is signed by the Directing Senate.

On the original is written in the handwriting of His Imperial Majesty, thus:
Be it accordingly,

ALEXANDER.

"Sec. 1. The pursuits of commerce, whaling and fishery, and of all other industry, on all islands, ports and gulfs, including the whole of the north-west coast of America, beginning from Behrings Straits, to the 41st of northern latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands, from Behrings Straits to the south cape of the Island of Urup, viz., to the 45—50 northern latitude, is exclusively granted to Russian subjects.

"Sec. 2. It is therefore prohibited to all foreign vessels, not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than a hundred Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo."

OTTAWA, 9th April, 1886.

SIR,—I have the honor to transmit herewith a letter just received from Mr. Theodore Lubbe, the managing owner of our British Columbia sealing fleet, and dated 30th ult.; the newspaper clipping attached thereto fully explains the matter embodied therein, and as will be at once seen, it is a matter of vital importance to our

fishing industry and commercial enterprises generally, that the same should engage the attention of the Government at the very earliest possible moment, in order that the owners may be apprised with as little delay as possible how they are to act.

I would therefore respectfully urge that the whole subject be referred to His Excellency the Governor General in Council, so that I may be informed as quickly as is reasonably possible what reply to telegraph; should this mode of procedure be irregular or undesirable, then I would most respectfully ask that such other steps be taken in the premises as to you may appear necessary or expedient so as to avert trouble in the closely approaching season alluded to, and remove all doubt as to the rights of the parties on the "high seas" or otherwise as may appear to be reasonably consistent.

I have the honor to be, Sir, your most obedient servant,

EDGAR CROW BAKER, M. P., *Vice-Pres. B. C. Board of Trade.*

To the Honorable the Secretary of State.

VICTORIA, BRITISH COLUMBIA, 30th March, 1886.

DEAR SIR,—The enclosed clipping explains itself.

The question I wish to ask you is: Can the United States claim the easterly half of Behring Sea as "American Waters?"

The British schooners "Mary Ellen, Favorite. Onward, Gracia, Dolphin, Ann Beck, Wm. P. Sayward, Mary Taylor, Caroline, Alfred Adams and Active" intend to follow the seals into Behrings Sea at the end of the seal fishing season, off the British Columbia coast—say 20th May next. These schooners would spear and shoot seals upon the high seas, and have no occasion to go within thirty miles of any land. You are aware that the British schooner "Mary Ellen" has already made two successful voyages to Behrings Sea, the "Favorite" made also a successful voyage during 1885. Both these vessels were spoken by an American revenue cutter in Behrings Sea last summer, but not in any way molested.

Would it not be well for you to obtain from the Minister of Marine in Ottawa, a written opinion, and further, would you be good enough to communicate to me the substance of such opinion by wire?

Please act promptly and oblige.

Yours truly,

T. LUBBE.

Mr. EDGAR CROW BAKER, M.P., Ottawa.

The letter referred to in my letter dated 9th April, 1886.

EDGAR CROW BAKER, M.P.

WARNING TO SEAL HUNTERS.

The Treasury Department having become informed that certain parties are fitting out expeditions for the purpose of killing fur seals and other fur-bearing animals in Alaskan waters, gives the following information to parties concerned as to how far the jurisdiction of the United States extends in the matter:

The Treaty with Russia, of 30th March, 1870, by which the Territory of Alaska was ceded to the United States, defines the boundary of the territory so ceded. It will be seen therefrom that the limit of cession extends from a line starting from the Arctic Ocean and running through Behrings Strait to the north of St. Lawrence Islands. The line runs thence in a south-westerly direction, so as to pass midway between the Island of Atton and Copper Island of the Kromandorski Couplet or Group, in the North Pacific Ocean, to meridian 193 degrees west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered as comprised within the waters of Alaska Territory. All the penalties prescribed by law against the killing of fur-bearing animals would therefore attach against any violation of law within the limits prescribed.

VICTORIA, B. C., 2nd April, 1886.

DEAR SIR,—The enclosed clipping is upon the same subject but more fully than the one sent you 30th ult.

Please attend to this matter promptly.

With regards,

Mr. EDGAR CROW BAKER, M. P., Ottawa.

T. LUBBE.

The "Alaska Commercial Company" is evidently pulling the wires.—T. L.

ALASKA SEAL CATCHING.

The story goes that some poachers were fitting out in this port to kill seals on the federal preserves in Alaskan waters. To warn all such parties, Secretary Manning addressed the following note to Collector Hager :

TREASURY DEPARTMENT, 6th March, 1886.

SIR,—I transmit herewith for your information a copy of a letter addressed by the Department on the 12th March 1881, to D. A. D'Ancona concerning the jurisdiction of the United States in the waters of the territory of Alaska and the prevention of the killing of fur-seals and other fur-bearing animals within such areas as prescribed by chapter 3rd, title 23 of the Revised Statutes. The attention of your predecessor in office was called to this subject on the 4th April, 1881. This communication is addressed to you, inasmuch as it is understood that certain parties at your port contemplate the fitting out of expeditions to kill fur-seals in these waters. You are requested to give due publicity to such letters, in order that such parties may be informed of the construction placed by this Department upon the provision of law referred to.

Respectfully yours,

Collector of Customs, San Francisco.

D. MANNING, *Secretary.*

Upon reference to back files we find the full explanation of this note in the letter referred to which is as follows :—

TREASURY DEPARTMENT, 12th March, 1881.

SIR,—Your letter of the 19th ult., requesting certain information in regard to the meaning placed by this Department upon the law regulating the killing of fur-bearing animals in the Territory of Alaska, was duly received.

The law prohibits the killing of any fur-bearing animals, except as otherwise therein provided within the limits of Alaska Territory, or in the waters thereof, and also prohibits the killing of any fur-seals on the islands of St. Paul and St. George, or in the waters adjacent thereto, except during certain months.

You enquire in regard to the interpretation of the terms "waters thereof" and "waters adjacent thereto," as used in the law, and how far the jurisdiction of the United States is to be understood as extending.

Presuming your enquiry to relate more especially to the waters of Western Alaska, you are informed that the treaty with Russia, of 30th March, 1870, by which the Territory of Alaska was ceded to the United States, defines the boundary of the territory so ceded. This treaty is found on pages 671 to 673 of the volume of treaties of the Revised Statutes. It will be seen, therefore, that the limit of the cession extends from a line starting from the Arctic Ocean, and running through Behrings Strait to the north of St. Lawrence Islands.

The line runs thence in a south-westerly direction, so as to pass midway between the Island of Atton and Copper Island, of the Kormansdorski Couplet Group, in the North Pacific Ocean, to meridian of 173 degrees west longitude. All the waters within that boundary, to the western end of the Aleutian Archipelago and chain of islands, are considered as comprised within the waters of Alaska Territory. All the penalties prescribed by law against the killing of fur-bearing animals would therefore attach against any violation of law within the limits before described.

Very respectfully,

H. F. FRENCH, *Acting Secretary.*

D. A. D'Ancona, 717 O'Farrell St., San Francisco, California.

All parties are warned that the rule laid down by the Secretary of the Treasury of the United States, in 1881, and reaffirmed in the note of Secretary Manning to the collector of this port of date of 16th March, 1886, will be rigidly enforced against all who attempt to poach upon the federal preserve by killing seals within its limits, there laid down and defined in the waters of Alaska. From that preserve the federal Government derives its revenue, and its lessee is entitled to the protection proffered by the note of the Secretary referred to.

CONTRABAND SEAL HUNTING.

Noticing in your issue of the "Call" of the 25th instant, an article referring to the Alaska Fur Company's territory, to oblige a number of your subscribers, will you kindly inform us if a vessel hunting seal a marine league off shore in Behrings Sea would be liable to seizure, or does the marine league limit apply to that territory as it does to all land in the high seas?

SEVERAL INTERESTED SUBSCRIBERS.

Section 1956, Revised Statutes of the United States, prohibits the killing of fur-bearing animals within the limits of Alaska Territory or the waters thereof, except under an authorization from the Secretary of the Treasury, and it further provides that the Secretary shall not grant any special privileges under this section. Then comes the enquiry: What is included in the term "the waters thereof?"

The treaty by which Alaska was ceded to the United States by Russia defines the boundaries of the jurisdiction thus conveyed. The western limit which extends out on the high seas (a questionable conveyance) as far as the meridian of 193° west longitude, so as to include the whole of the Aleutian Archipelago, and thence proceeds north-west to the intersection of the meridian 172° W., with the parallel of 65° 30' N., passes through the middle of Behrings Strait, midway between the islands of Krusenstern, or Ignalook and Rotmanoff, and thence due north without limitation into the Frozen Ocean. By Act of Congress the laws of the United States are extended over all this territory and water. As Behrings Strait, at its narrowest, is 36 miles wide, 9 miles from the Alaskan mainland coast, would not begin to reach the western limit of our purchase from Russia, and until the right of the United States Government to exclusive jurisdiction over those waters is successfully controverted, you must not violate the law of Congress by killing seals therein, without the consent of the Secretary of the Treasury, on peril of confiscation. According to the current of modern authority, says Chancellor Kent, the general territorial jurisdiction extends into the sea as far as a cannon shot will reach, and no farther, and this is generally calculated to be a marine league (three miles); and the Congress of the United States has recognized this limitation. The claim of Russia to sovereignty over the Pacific Ocean north of the 51st° of latitude, as a close sea, was considered by our Government in 1822 as being against the rights of other nations; but now as we have bought Russia out, it is all right. One's opinions change according to one's standpoint, and besides, cannons shoot farther now than they used to.

VICTORIA, B.C., 12th April, 1886.

DEAR SIR,—Please see fol. 10 and 11 of the enclosed document.

Yours truly,

Mr. EDGAR CSOW BAKER, House of Commons, Ottawa.

T. LUBBE.

Charles Edward Pooley, a Public Notary in and for the Province of British Columbia duly commissioned and sworn, residing and practising in the city of Victoria, in the said Province, do hereby certify that the annexed paper writings are full, true and correct copies of the sworn copy sworn to be a correct copy by John T. Fogarty, at the city of San Francisco, in the State of California, on the 23rd day of December, 1885, before John E. Hamill, Notary Public.

In testimony whereof I have hereunto set my hand and seal of office at the city of Victoria aforesaid, the 12th day of April, 1886.

CHARLES E. POOLEY, *Notary Public, Victoria, B.C.*

PUBLIC No. 120.

AN ACT TO PREVENT THE EXTERMINATION OF FUR-DEARING ANIMALS IN ALASKA.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that it shall be unlawful to kill any fur-seal upon the Islands of St. Paul and St. George, or in the waters adjacent thereto, except during the months of June, July, September and October in each year, and it shall be unlawful to kill such seals at any time by the use of fire-arms, or use other means tending to drive the seals away from said islands. Provided that the natives of said islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use, which killing shall be limited and controlled by such regulations as shall be prescribed by the Secretary of the Treasury.

Sec. 2. And be it further enacted, that it shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to said islands, or on the beaches, cliffs or rocks where they haul up from the sea to remain; and any person who shall violate either of the provisions of this or the 1st section of this Act shall be punished, on conviction thereof, for such offence by a fine of not less than two hundred dollars, nor more than one thousand dollars, or by imprisonment not exceeding six months, or by such fine and imprisonment, both at the discretion of the court having jurisdiction by taking cognizance of the offence; and all vessels, their tackle, apparel, and furniture whose crew shall be found engaged in the violation of any of the provisions of this Act shall be forfeited to the United States.

Sec. 3. And be it further enacted that for the period of twenty years from and after the passing of this Act the number of fur seals which may be killed for their skins upon the Island of St. Paul is hereby limited and restricted to seventy five thousand per annum; and the number of fur seals which may be killed for their skins upon the Island of St. George is hereby limited and restricted to twenty five thousand per annum: Provided that the Secretary of the Treasury may restrict and limit the right of killing if it shall become necessary for the preservation of such seals with such proportionate reduction of the rents reserved to the Government as shall be right and proper, and if any person shall knowingly violate either of the provisions of this section, he shall, upon due conviction thereof, be punished in the same way as provided herein for a violation of the provisions of the first and second sections of this Act.

Sec. 4. And be it further enacted, that immediately upon the passage of this Act, the Secretary of the Treasury shall lease for the rental mentioned in section 6 of this Act, to proper and responsible parties, to the best advantage of the United States having due regard to the interests of the Government, the native inhabitants, the parties heretofore engaged in trade, and the protection of the seal fisheries for a term of twenty years from the first day of May, 1870, the right to engage in the business of taking fur seals on the Islands of St. Paul and St. George, and to send a vessel or vessels to said islands for the skins of such seals, giving to the lessee or lessees of said islands a lease, duly executed in duplicate not transferable, and taken from the lessee or lessees of said islands a bond with sufficient securities in a sum not less than five hundred thousand dollars conditioned for the faithful observance of all the laws and requirements of Congress and of the regulations of the Secretary of the Treasury touching the subject matter of taking fur seals and disposing of the same, and for the payment of all taxes and dues according to the United States connected therewith, and in making said lease the Secretary of the Treasury shall have due regard to the preservation of the seal fur trade of said islands and the comfort, maintenance, and education of the natives thereof. The said lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue officer for

the time being who may be in charge at the said islands as the authority of the party for landing and taking skins.

Sec. 5. And be it further enacted, that at the expiration of said term of twenty years or on surrender or forfeiture of any lease, other leases may be made in manner aforesaid for other terms of twenty years; but no persons other than American citizens shall be permitted by lease or otherwise, to occupy said islands or either of them, for the purpose of taking the skins of fur seals therefrom, nor shall any foreign vessel be engaged in taking such skins, and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any person or persons other than American citizens. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give or dispose of any distilled spirits or spirituous liquors on either of said islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and any person who shall kill any fur seal on either of said islands, or in the waters adjacent thereto, without authority of the lessees thereof, and any person who shall molest, disturb or interfere with said lessees, or either of them, or their agents or employees in the lawful prosecution of their business under the provisions of this Act, shall be deemed guilty of a misdemeanor and shall for each offence on conviction thereof, be punished in the same way and by like penalties as prescribed in the second section of this Act. And all vessels, their tackle, apparel, appurtenances and cargo, whose crews shall be found engaged in any violation of either of the provisions of this section, shall be forfeited to the United States; and if any person or company under any lease herein authorized, shall knowingly kill, or permit to be killed, any number of seals exceeding the number for each island in this Act prescribed, such person or company shall, in addition to the penalties and forfeitures aforesaid, also forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then said person or company shall forfeit the value of the same, and it shall be the duty of any revenue officer officially acting as such on either of said islands, to seize and destroy any distilled spirits or spirituous liquors found thereon: Provided, that such officer shall make detailed report of his doings to the collector of the port.

Sec. 6. And be it further enacted, that the annual rental to be reserved by said lease shall not be less than fifty thousand dollars per annum; to be secured by deposit of United States bonds to that amount, and in addition thereto a revenue tax as duty, of two dollars, is hereby laid upon such fur seal skin taken and shipped from said Islands during the continuance of such lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is hereby empowered and authorized to make all needful rules and regulations for the collection and payment of the same, for the comfort, maintenance, education and protection of the natives of said Islands, and also for carrying into full effect all the provisions of this Act: Provided further, that the Secretary of the Treasury may terminate any lease given to any person, company or corporation on full and satisfactory proof of the violation of any of the provisions of this Act or the rules and regulations established by him: Provided further, that the Secretary of the Treasury is hereby authorized to deliver to the owners of the fur seal skins now stored on the Islands, on the payment of one dollar for each of said skins taken and shipped away by said owners.

Sec. 7. And be it further enacted, that the provisions of the seventh and eighth sections of an "Act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district thereon and for other purposes," approved July 27th, 1868, shall be deemed to apply to this Act, and all the prosecutions for offences committed against the provisions of this Act, and all other proceedings had because of the violations of the provisions of this Act, and which are authorized by said Act above mentioned, shall be in accordance with the provisions thereof; and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Sec. 8. And be it further enacted, that the Congress may at any time hereafter, alter, amend, or repeal this Act.

Approved July 1st, 1870.

TREASURY DEPARTMENT, Washington D. C., April 19th, 1872.

SIR, — Your letter of the 25th ultimo was duly received, calling the attention of the Department to certain rumors circulating in San Francisco, to the effect that expeditions are to start from Australia and the Hawaiian Islands, to take fur seals on their annual migration to the Islands of St. Paul and St. George, through the narrow pass of Unimak. You recommend, to cut off the possibility of evil resulting to the interests of the United States from these expeditions, that a revenue cutter be sent to the region of Unimak Pass, by the 15th of May next. A very full conversation was had with Captain Bryant upon this subject while he was at the Department, and he convinced it to be entirely impracticable to make such an expedition a paying one, inasmuch as the seals go singly or in pairs, and not in droves, and cover a large region of water in their homeward travel to these Islands, and he did not seem to fear that the seals would be driven from their accustomed resorts, even were such attempts made.

In addition I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose, unless they made such attempt within a marine league of the shore.

As at present advised, I do not think it expedient to carry out your suggestions; but I will thank you to communicate to the Department any further facts or information you may be able to gather upon the subject.

I am, very respectfully,

GEO. S. BOUTWELL, *Secretary.*

This Indenture, in duplicate, made this 3rd day of August, A. D. 1870, by and between William A. Richardson, Acting Secretary of the Treasury, in pursuance of an Act of Congress, approved July 1st, 1870, entitled: "An Act to prevent the extermination of fur-bearing animals in Alaska," and the Alaska Commercial Company, a corporation duly established under the laws of the State of California, acting by John F. Miller, its President and Agent, in accordance with a resolution of said corporation, duly adopted at a meeting of its Board of Trustees, held January 31st, 1870;

Witnesseth, — That the said Secretary hereby leases to the said Alaska Commercial Company, without power to transfer, for the term of twenty years, from the 1st day of May, 1870, the right to engage in the business of taking fur seals on the islands of St. George and St. Paul, within the Territory of Alaska, and to send a vessel or vessels to said islands for the skins of such seals.

And the said Alaska Commercial Company, in consideration of their right under this lease, hereby covenant and agree to pay for each year during said term and in proportion during any part thereof, the sum of \$55,000 into the treasury of the United States, in accordance with the regulations of the Secretary, to be made for this purpose under said Act, which payment shall be secured by deposit of United States bonds to that amount; and also covenant and agree to pay annually into the Treasury of the United States under said rules and regulations, a revenue tax or duty of \$2 upon each fur, seal skin taken and shipped by them, in accordance with the provisions of the Act aforesaid; and also the sum of 62½ cents for each fur seal skin taken and shipped, and 55 cents per gallon for each gallon of oil obtained from said seals for sale on said islands or elsewhere, and sold by said company. And also covenant and agree, in accordance with said rules and regulations, to furnish free of charge, the inhabitants of the islands of St. Paul and St. George annually during said term, 25,000 dried salmon, 60 cords firewood, and a sufficient quantity of salt, and a sufficient number of barrels for preserving the necessary supply of meat.

And the said lessees also hereby covenant and agree during the term aforesaid, to maintain a school on each island, in accordance with said rules and regulations,

and suitable for the education of the natives of said islands, for a period of not less than eight months in each year.

And the said lessees further covenant and agree not to kill upon said island of St. Paul more than 75,000 fur seals, and upon the island of St. George not more than 25,000 fur seals per annum; not to kill any fur seal upon the island aforesaid in any other month except the months of June, July, September and October of each year; not to kill such seals at any time by the use of firearms or other means tending to drive the seals from said islands; not to kill any female seal or any seal less than one year old; not to kill any seal in the waters adjacent to said islands or on the beaches, cliffs or rocks where they haul up from the sea to remain.

And the said lessees further covenant and agree to abide by any restriction or limitation upon the rights to kill seals under this lease, that the Act proscribes or that the Secretary of the Treasury shall judge necessary for the preservation of such seals.

And the said lessees hereby agree that they will not in any way sell, transfer or assign this lease, and that any transfer, sale or assignment of the same shall be void or of no effect.

And the said lessees further covenant and agree to furnish to the several masters of the vessels employed by them, certified copies of this lease, to be presented to the Government revenue officers for the time being in charge of said islands, as the authority of said lessees for the landing and taking said skins.

And the said lessees further covenant and agree that they or their agents shall not keep, sell, furnish, give or dispose of any distilled spirits or spirituous liquors on either of said islands to any of the natives thereof, such person not being a physician furnishing the same for use as medicine.

And the said lessees further covenant and agree that this lease is accepted subject to all needful rules and regulations which shall at any time or times hereafter be made by the Secretary of the Treasury for the collection and payment of the rentals herein agreed to be paid by said lessees, for the comfort, maintenance, education, and protection of the natives of said islands, and for carrying into effect all the provisions of the Act aforesaid, and will abide by and conform to said rules and regulations.

And the said lessees, accepting this lease with a full knowledge of the provisions of the aforesaid Act of Congress, further covenant and agree that they will fulfil all the provisions, requirements and limitations of said Act, whether herein specifically set out or not.

In witness whereof the parties aforesaid have herunto set their hands and seals the day and year above written.

WILLIAM A. RICHARDSON, *Acting Secretary of the Treasury.*
ALASKA COMMERCIAL COMPANY.

By JNO. F. MILLER, *President.*

Executed in presence of J. H. SAVILLE.

I certify the foregoing printed copy of the lease of the United States to the Alaska Commercial Company of the right to take fur seals in the Territory of Alaska, has been compared with the original on file in this Department and is a true copy thereof.

J. H. SAVILLE, *Chief Clerk, Treasury Department.*

WASHINGTON, D.C., September 3rd, 1870.
State of California, City and County }
of San Francisco.

COLLECTOR'S OFFICE, CUSTOM HOUSE, December 23rd, 1885.

I hereby certify the foregoing to be correct copies of original documents on file in this office.

State of California, City and County }
of San Francisco.

John T. Fogarty, being duly sworn, deposes and says that the foregoing are true and correct copies of original documents on file in the office of the Collector of Customs of the Port of San Francisco, that he has compared the foregoing with said originals and knows them to be correct copies to his own knowledge.

JOHN T. FOGARTY.

Subscribed and sworn to, before me, this 23rd day of December, 1885,
JOHN E. HAMILL, *Notary Public.*

THE ALASKA SEIZURES.

A Common Sense View of the Whole Situation.—A Brooklyn Paper Speaks Out.—What is the Law?—The Greatest Maritime Judge Living.—The Seal Monopoly.

[From the "Brooklyn Eagle."]

The recent seizure of vessels in Behrings Sea by the United States revenue steamer "Corwin," for the alleged illegal capture of seals in the waters of the United States has attracted a surprisingly slight amount of attention, in this quarter at least. This is probably due to the fact that the Cabinet has not had a meeting for some time, and that but one Cabinet Minister remained in Washington, so that there was a lack of information on the subject which was unfavorable to its discussion. Now, however, we have something like an official report of what took place from the Captain of the "Corwin," and the matter is ripe for the attention of the press of the United States. No one who gives the subject his notice can fail to recognize the fact that it is one of the most important questions this Government was ever called upon to discuss, and that it may involve consequences of the highest moment.

The Captain of the "Corwin," it would appear, was acting under positive instructions received at San Francisco, commanding him to seize and deliver to the United States District Court of Alaska, for condemnation and seizure, all vessels found engaged in the capture of seals within Alaskan waters, which were defined to include all of Behrings Sea east of the line from Behrings Strait to a point west of the most western of the Aleutian Islands. Under this interpretation a vessel might be more than 500 miles from the mainland of America and still a trespasser in Alaskan waters, and therefore liable to seizure. The complaints which led to the issuing of these instructions came from the Alaska Fur Seal Company, who lease the seal fisheries from the Government for the payment of \$317,000 annually.

The vessels captured were six in number, three of them being described as British, one American, from San Francisco, but the nationality of the other two is not given. It is not pretended that any of them was within a marine league of the shore; in fact, the only vessel whose place of capture is specifically stated in the despatch is the British schooner "Thornton," which, the Captain of the "Corwin" says, was captured about 70 miles south-south-east of St. George. This would bring her 150 miles from the chain of the Aleutian Islands and 300 miles from the nearest point of the mainland.

The captured schooners were taken to Ounalaska, where they were libelled for condemnation, and their crews were conveyed to Sitka, where the masters and mates, in addition to the loss of their vessels, were tried before Judge Dawson and fined and imprisoned.

In the case of the "Thornton," the Captain was fined \$500 and to be imprisoned for thirty days, while the mate of the same vessel was fined \$300. Judge Dawson, in passing sentence, was very severe on the prisoners and likened their offence to piracy, telling them that they had no more right to go into the waters of another nation to interfere with its industries than they had to go upon another man's land and appropriate his crops. Judge Dawson, although only a district judge, considers that his jurisdiction extends over the whole of the waters of Alaska, comprising about a million square miles of what would elsewhere be regarded as the high seas, so that he may be safely regarded as the greatest maritime judge extant.

It should be reported some day in the papers that a Gloucester fisherman had been captured by a Canadian cruiser 300 miles off the coast of Nova Scotia, and that

her master and mate, in addition to the loss of their vessel, had been heavily fined, and were then languishing in a Canadian prison, there would probably be some indignation in New England. Yet that, as regards the maritime aspect of the case, is substantially what the Alaskan seizures amount to. It is maintained, however, that the circumstances of these cases are modified by the fact that Russia claimed the whole of Behrings Sea as part of her territory, and that the waters claimed by this Government were coded as part of Alaska. Judge Dawson is reported to have said on this point that Russia had claimed and exercised jurisdiction over all that part of Behrings Sea embraced in the boundary line set forth in the Treaty, and that claim had been tacitly recognized and acquiesced in by the other maritime powers of the world for a long series of years prior to the Treaty of 30th March, 1867. He held that the jurisdiction had been transferred, and that the United States had acquired absolute control and dominion over the area described in the treaty, and that British vessels manned by British subjects had no right to navigate the waters for the purpose of killing fur-bearing seals. If this is good law, that is the end of the matter; but is it good law? Unless we are greatly in error there are copies of despatches on the files of the State Department, written prior to 1867, in which the Russian claim is distinctly repudiated and denied. Circumstances may have changed since then as to our attitude toward the subject, but the principle has not. And we doubt greatly whether the United States would ever have admitted such a claim if made by another nation. What would be said, for instance, if the British undertook to prevent an American whaler from entering Hudson Bay or traversing the western half of that arm of the Atlantic Ocean which leads to it? Maritime law and international are the same whether on the Atlantic or the Pacific, and there is certainly something grotesque in the sight of hundreds of American fishermen hovering on the Canadian Atlantic coast just beyond the three-mile limit and claiming to enter all bays more than three miles wide at the mouth, and fish, while on the Pacific Canadian vessels are captured three hundred miles from the mainland, and the claim is made that a bay more than one thousand miles wide at the mouth shall be a closed sea to them.

There is another aspect to the case, not international, but national. One of the vessels captured was an American schooner from San Francisco. All other American vessels, except those of the Alaska Seal Fur Company, are, therefore, excluded from these waters which are claimed as belonging to Alaska. Is there any warrant for this in the Constitution of the United States? It has been the evil policy of the nation to give up the whole Territory of Alaska to one gigantic monopoly, to discourage settlement and all legitimate enterprises not connected with the fur trade. Is this policy to be continued? It surely was not for this purpose that the territory was bought, but that its resources might be developed and such parts of it as are suitable for settlement opened to industrious workers. But for nineteen years Alaska has been nothing but the reserve of a great corporation, which is even now scheming to obtain a renewal of its franchise there. The matter is one of the greatest interest and importance to the American people, who are not desirous of establishing monopolies in Alaska or elsewhere, but wish to see all their territory opened up and made available for the use of all our citizens.

GOVERNMENT HOUSE, VICTORIA, B. C., August 28th, 1886.

SIR,—I have the honor to report that a few days since I received a telegram from Mr. Mason, acting British Consul at San Francisco, to the following effect: "‘Carolina,’ ‘Thornton,’ seized by United States steamer ‘Corwin’ for illegal sealing; about twenty men from them put on board ‘St. Paul’; arrived here last night; they ask me for protection and to send them to Victoria. Advise me what to do, they are not charged with anything." Upon receipt of this, I arranged with the owners of the "Carolina," and "Thornton" for the return of the men here, and they arrived on the 23rd.

The "Carolina" and "Thornton," belonging to different owners, are sloops owned here, and fitted out here for the prosecution of seal fishing in the North Pacific

and Behrings Sea. It seems, from the accounts given, that they were peaceably pursuing their avocations, and not within 70 miles of land when they were seized by United States revenue steamer "Corwin," as above stated. Some of the men were shipped to San Francisco; the sloops and their masters are retained in some Alaskan port. This extraordinary and high handed proceeding was doubtless perpetrated in the interests of the Alaska Commercial Company and ostensibly for the protection of the fur sealing fisheries which are leased by the Government of the United States to that company. In reality it proclaims the right of that Government to the sole use of the fisheries of those northern waters, an idea so preposterous as to be ludicrous. I enclose a cutting from a newspaper published here which gives as correct an account of the matter as we have at present, and also a statement of the facts relating to the transfer to the United States of the Russian American possessions, and of the lease and concessions granted by the Government of the United States to the company above mentioned. The matter has been already laid before the Honorable the Minister of Marine and Fisheries, who opportunely arrived here a few days after my receiving information of it, but I beg to call your earnest attention to it, so that the whole case being laid before the Imperial authorities, steps may be taken not only to cause reparations to be made for the outrage committed, but to definitely prevent any possible repetition of it.

I have the honor to be, Sir, your obedient servant,

CLEMENT F. CORNWALL, *Lieutenant-Governor.*

SEALING SCHOONER SEIZURES.

As the late seizures of an American and three British sealing schooners by an American revenue cutter in the Behrings Sea are almost certain to lead to international complications on account of the extravagance of the assumption upon which those seizures were made, a brief history of the events which led up to them will be acceptable at the present time. In March, 1867, a Treaty was made between Russia and the United States, by which Russia ceded all its possessions in British North America to the Government of the United States. One of the terms of that Treaty declared that the western limit, within which the territories and dominion conveyed are contained passes through a point in Behrings Straits on the parallel of 65 degrees 30 minutes north latitude at its intersection by the meridian, which passes midway between the Islands of Krusenstein or Ignalook and the Island Ratmanoff or Noon-arbook, and proceeds due north without limitation into the frozen ocean. The same western limit beginning at the same initial point, proceeds thence in a course nearly south-west through Behrings Sea, so as to pass midway between the north-west point of St. Lawrence and the south-east point of Cape Choutkotski, to the meridian of 172 west longitude, thence from the intersection of that meridian in a south-westerly direction, so as to pass midway between the Island of Aton and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean, to the meridian of 179 degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian. So far, so good. In July, 1870, in the second session of the forty-first Congress, an Act was passed entitled "An Act to prevent the extermination of fur-bearing animals in Alaska," in which the number of seals to be killed for their skins was limited on St. Paul's and St. George's Islands, to 75,000 per annum on each island, with power by the Secretary of the Treasury to further limit the number if necessary, and giving that official power to lease for rental mentioned in the Act, to proper and responsible parties, to the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, the parties hitherto engaged in trade, and the protection of the seal fisheries, for a term of twenty-five years, from May, 1870, the right to engage in taking seals on the Islands of St. Paul and St. George. Another section declares that any person who shall kill any fur seal on either of said islands, or in the waters adjacent thereto, without authority from the lessees thereof, or interfere with them in the lawful prosecution of their duty, shall be deemed guilty of a misdemeanor, and shall for

each offence, upon conviction, be punished, and all their vessels, tackle, apparel, appurtenances and cargo shall be forfeited to the United States. In the month following the passage of this Act, that is, in August, 1870, a lease called the Seal Island Lease, was executed between the United States Government and the Alaska Commercial Company—a corporation established in California. In return for the exclusive privilege of taking for twenty years (with certain restrictions) fur seals in the Islands of St. Paul and St. George, the lessees agreed to pay to the Government an annual sum of \$55,000, \$2.62½ for each seal skin taken, 55 cents for each gallon of seal oil sold, and to annually provide the natives with a certain quantity of provisions and fuel. The months of June, July, September and October, were, moreover, the only months during which the capture of seals could be prosecuted. Under this lease or concession, this company has perpetuated its monopoly for sixteen years, reaping a vast profit therefrom. Not satisfied with the prolific source of its supply and the facilities afforded it for engaging in the business, the company has sought and practically succeeded in controlling the seal fur market by its aggressiveness in pretending to construe the term "and the waters adjacent thereto," as meaning that vast sea of waters included in the limits of cession named in the Russo-American Treaty of 1867. In this interpretation, it has received the unrelaxed support of the United States Government, whose interests in the matter are identical with those of the company; and here it may be remarked that the royalty paid by the latter furnishes a handsome profit upon the purchase money of Alaska Territory.

One or two American revenue cutters are always cruising in the Behrings Sea and that portion of the North Pacific to the south of the Aleutian Islands, ever on the alert to prevent any vessels but those of the Alaska Commercial Company from capturing seals there. Meeting with no effectual opposition and the cost of litigation precluding any chance of success for the appellant, the Government has become more and more aggressive until finally, changing from a defensive to an offensive supervision, their action has culminated in the deliberate seizure of three British sealing schooners upon—whatever a national greed may declare to the contrary—the high and open seas—recognized by international law as part of the world's great highway—free to the commerce of all countries, and a natural means of the intercourse of all nations. It is laid down as one of the first principles of maritime and commercial international law, that the open sea or main ocean is like the atmosphere, free for common use to all mankind, and cannot be appropriated by any State to the exclusion of the others. Bearing in mind the huge improbability of the act of the revenue cutter not being in consonance with Governmental orders, what do we find? That a nation disregarding on one coast the belt of the sea litoral which constitutes the range belonging to coast defences, is actually assuming on another coast supreme maritime jurisdiction over a waste of waters comprising half of the northern portion of a vast ocean. In the exercise of this self-arrogated authority foreign mercantile vessels are forcibly seized, and, with their cargoes, are declared confiscated; while, with an unaccountable magnanimity, the crews, after being landed at an American port many hundreds of miles distant from the scene of their capture, are allowed to go at large. It may be advanced that if open to indiscriminate capture the fur seal would have ere this become extinct or nearly so. But though this has been the case with the seal in southern regions, it is a fact, which deplorable as it may be, would furnish a most flimsy excuse to a Government whose regulation of the industry in Alaskan waters is prompted not by philanthropy, but by strictly mercenary considerations. So far has this latter disposition carried them as to cause them to become responsible for an act which if committed by a vessel privately manned and owned, would bear but one interpretation. As it is, the act is one that is rash, aggressive, and in the face of what is known, bitterly unjust, and is already spoken of as an unworthy means of reprisal for the late seizures made by Canada of American fishing vessels on the Atlantic coast. The sealing schooners when seized were over seventy miles from any land, and how, with this fact before them, the United States Government can attempt, with any show of reason, to justify the conduct of the commander of the "Corwin" it is difficult to imagine. With what evidence we have at hand, the seizures and

detention are manifestly illegal; and representations of the affair through the proper official channels, have already been forwarded to the Home Government. Britain is not belligerent; the strength she possesses—imparted by the commerce she conducts in every quarter of the globe—she does not misuse. But she has "grit" and accords justice; and, while respecting the right of other nations to traverse the high seas unmolested, expects, and is in a position to secure, recognition of that same right for herself.

From the (Portland) "Oregonian", United States.

THE ALASKA FRAUD.

Seizure of British schooners in Behrings Sea.

NEWPORT, August 20th.

Editor "Oregonian."—The seizure of the British vessels in the waters of Alaska has probably raised an issue and will result in settling a question of great importance to the American people, and especially to the people of the Pacific coast.

Of all the blunders or frauds committed by the Republican party there is probably none more palpable or positive, yet better concealed, than the acquisition and disposition of Alaska. And it seems strange that our people could rest so long and so quietly under so great a wrong as has been committed. The purchase of Alaska from Russia was all right. It was a good investment, and reflects credit on Secretary Seward and the Administration that consummated the purchase. But the disposition of it afterwards was all wrong, and is a gross injustice to the American people, and is a piece of secret history that may never be written.

Let us briefly view the facts. Alaska was bought for about seven million dollars, and paid for out of the common treasury of the United States, and then what was done? Was it thrown open to settlement, so that American citizens could search out its hidden wealth and develop its wonderful resources? No, but on the contrary it was closed up like a sealed book and handed over to the care and custody of a private corporation to draw millions from, while American citizens were carefully excluded or hunted like pirates, if they ventured within its limits. Of course it is claimed that the Alaska Commercial Company merely acquired the right from the Government to the two small islands of "St. George and St. Paul." But let any person attempt to fit out a small vessel for the purpose of trading or hunting in Alaska, and he will soon discover that the Alaska Commercial Company are sovereigns, and reign supreme over all the broad territory, and the collectors of Customs and all the revenue officers of the Government seem to be their servants, and stand ready to do their bidding. I said the rights acquired by this company are a part of the secret history of the country; how they obtained this valuable franchise may never be known to the public; but it is claimed by many that it was simply the result of downright bribery and corruption from General Grant, down through each department of the Government. And money has been poured out freely to obtain and maintain their ill gotten rights. But it would take too much of your valuable space to discuss all that is involved in this part of the question. This grasping monopoly, not satisfied with the almost exclusive control of this vast domain, containing over five hundred thousand square miles, now assume the ownership of the Behrings Sea, and are employing their servants, the revenue officials, to hunt down and seize the little hunting vessels that have been going up there for the past few years to hunt for seals in the open sea. But, fortunately for American citizens, they have probably gone a step too far, and by seizing the British vessels the question of this company's title may be tested and decided. The question may be asked, how did the Alaska Commercial Company acquire a title to Behrings Sea? Perhaps it may be answered, from the United States Government. Well, how did the United States Government obtain the title? It may be answered again, from Russia. But when and how did Russia ever obtain exclusive control of this vast sea, and by what right did she convey it to the United States? For it appears that in the conveyance of this territory by Russia to the United States they drew the dividing or boundary line down through the centre of Behrings Straits, and then down through the Aleutian Islands to the Meridian 173

degrees west longitude. May they not as well have continued the line south through the Pacific Ocean to the South Pole, and thus divided the whole Pacific between the United States and Russia. I say it is fortunate that these British vessels have been seized, because by this means, and probably only by such means, could one ever hope for a satisfactory solution of this question.

It would be a hopeless undertaking for an obscure citizen of small means to seek redress, either through our courts or through Congress, for wrongs inflicted upon him by this soulless and overbearing company. The immense profits accruing to the company from their franchise, affords them the means to head off legal redress and to control Congressmen by subsidizing them.

Once in a while, the Government sends out a commissioner to examine into the company's affairs, to see if they kill the correct number of seals, etc. When he arrives in San Francisco, a fine steamer is ready to receive him and convey him to the islands, and, being so nicely treated and entertained, he could hardly fail to find everything all right.

Then he returns to Washington, and the company requires the service of an agent to watch Congress, and see that no unfavorable legislation is enacted. So he gets paid by the Government to watch the company, and paid by the company to watch the Government, and consequently his trip is a very pleasant and profitable one.

Our revenue vessels have been kept cruising in the Alaskan waters for years, under various pretences, but their real business is to watch the little traders and hunters and to protect the interests of the Alaska Commercial Company. They go there to prevent trading, and they become traders themselves. This has been brought home so closely to the Government that notice had to be taken of it and a check placed upon it.

But I must really beg pardon for making this article so long. The only point that I really intended to call attention to is the new question that is raised by the seizure of these vessels. Does the lease of the Alaska Commercial Company give them the exclusive use of Behrings Sea? Will England admit this? I think not, and it is to be hoped she will not. If we have a corporation so powerful that our Government cannot control it, perhaps England may help us out. Humiliating as this may seem, it is better than the present state of affairs. It were as well that Alaska had remained Russian territory, as to have become American only in name. By publishing this and getting public attention directed to this subject, you may accomplish great good and contribute largely to prevent a renewal of this infamous lease, and thus break up an overbearing and oppressive monopoly.

Respectfully,

J. J. WINANT.

Copy of Letter from Daniel Munroe, Master of Schooner "Onward."

SCHOONER "ONWARD," PORT ILIOLUK,

OUNALASKA, 7th August, 1886.

CHARLES SPRING, Esq., Victoria.

DEAR SIR.—On the 2nd, while the "Onward" was in latitude 54° 52' N., longitude 167° 55' W., and about 70 miles from the nearest land, the United States revenue cutter "Corwin," having the schooners "Thornton" and "Carolina" in tow, boarded us and sent a crew on board and towed us in here, where we are lying at present, with sails bent and seals on board, and a watchman in charge, but can't find out what they intend to do with us, so I can't say anything more about it at present.

I met the "Favorite" on the 28th. Captain McLean was on board of us. We gave him 508 skins and they had 1,290 they took themselves, making them about 1,800 total; and, as we were in sight of each other until the night of the 1st instant, he must have made a good catch, for we have 400 skins on board at present that we took in four days, and I am positive his crowd could take twice that number, as we have not got the best of sealers.

I believe all the schooners done well, and I trust they will get away all right. There is no cutter out at present, as there is only two of them up here, one of them up in the Arctic, and the other that brought us here is still watching us here.

We may find out to-day how they are going to dispose of us, but I am in hopes they made false steps, and that they can do nothing more than spoil the season.

They took the schooner "San Diego" in here about a month ago and took the skins out of her, and unbent her sails and put everything ashore, and they are sending the crew to San Francisco to-day in one of the Fur Company's steamers, "St. Paul."

Later on, have heard nothing more, only the crews of the "Thornton" and "Carolina" are going to San Francisco to-day in the steamer "St. Paul," except the captain and one man of each vessel, but they took none of our crew.

There are rumors afloat that the three schooners are to be laid up here all winter, and that we are to be taken to Sitka, but no certainty. I wrote you this morning as the boat was leaving the wharf, thinking that she was going away, but she came to anchor in the roads, and I don't think I finished it; I was afraid of being late. We sent a protest on board the cutter against the action of the authorities in seizing the vessel on the high seas, but I don't know if it will amount to much; there is no Notary Public here to sign it. I have nothing more to write you. Trusting things will turn out better than we expect,

I remain, &c.,

DANL. MUNROE.

Mr. William Munsie to the Honorable George E. Foster.

VICTORIA, B.C., 15th November, 1886.

DEAR SIR,—As our sealing schooners will leave Victoria on or about the 10th of December, for the sealing expeditions of 1887, many of them will not return to Victoria until September, or, in other words, not until the Behrings Sea trip is completed. We are exceedingly anxious to know what is being done in the case of our seized vessels, and whether or not we may look for protection against what we, and even the American press, is pleased to term piracy. We have no occasion to interfere with the Alaska Commercial Company's rights on the Priboloff Islands, nor do our vessels come anywhere near land. The fact is we take out at sea from fifty to one hundred miles, what the Honorable H. Elliot, of the Smithsonian Institute, in his report of 1874, on the Seal Island, calls bachelor seals, or those not required on breeding grounds, to which report I would be pleased to draw your attention. The industry is of too much importance to Canada to allow the Alaska Commercial Company to dictate who shall and who shall not take seals on the high or Behrings Sea.

For the season of 1886 there was brought into Victoria, from the Pacific Ocean and Behrings Sea, and shipped therefrom to England and the United States, 50,000 skins, valued at about \$350,000. It is evident that the business is worth protecting. Just here allow me to contradict a statement made by Special Agent Single of the United States Treasury Department, in which he says that three-fourths of the seals shot in the water sink and are lost.

From the experience of our hunters I maintain but a small percentage is lost in this way, probably not over one in fifty. I doubt if the loss is as great as that caused by the rejection of skins after being clubbed by the Alaska Commercial Company on the Islands, to which reference is made in the tables of Elliot's report. The Americans themselves in 1824 repudiated Russia's claim to the Behrings Sea, when Russia seized the Boston brig "Pearl" for whaling. Two years later Russia had to give the vessel up, and paid damages.

In conclusion I may say that the seized skins are liable to be valueless on account of neglect; Captain Ogilvie's body has been discovered. A jury was empanelled, and a verdict was given in accordance with the facts of the case. Hoping you may be pleased to advise us in this matter before our vessels sail, you will confer a great favor on

Your most obedient servant,

WM. MUNSIE, Victoria, B. C.

Mr. Stanhope to Lord Lansdowne.

Telegram from the Secretary of State for the Colonies on the 1st December, 1886.

Her Majesty's Government has made a protest against the seizures by the United States of Canadian schooners in Alaskan waters. An authentic report of the trial is awaited by the United States Government.

SECRETARY OF STATE.

To the Governor General, Ottawa.

Lord Lansdowne to Sir L. West.

OTTAWA, 9th December, 1886.

SIR,—With reference to the Administrator's despatches, Nos. 15 and 16, of the 28th September last, I have the honor to forward, for your information, a copy of a despatch which I have addressed to the Right Honorable the Secretary of State for the Colonies, transmitting a copy of an approved Report of a Committee of my Privy Council dated the 29th ultimo, dealing with the seizure of the Canadian schooners "Carolina," "Onward" and "Inornton" by the United States revenue cutter "Corwin," while fishing for seals in Behrings Sea.

I have, &c.,

Minister at Washington.

LANSDOWNE.

Sir L. West to the Marquis of Lansdowne.

WASHINGTON, 12th December, 1886.

MY LORD,—I have the honor to acknowledge the receipt of Your Excellency's despatch, No. 82, of the 9th instant, enclosing for my information, copy of a despatch and of its enclosures addressed by Your Excellency to the Secretary of State for the Colonies, dealing with the seizure of the Canadian schooners "Carolina," "Onward" and "Thornton" by the United States revenue cutter "Corwin," while fishing for seals in Behrings Sea.

I have, &c.,

L. S. SACKVILLE WEST.

His Excellency the MARQUIS OF LANSDOWNE, G.C.M.G.

Mr. Stanhope to the Marquis of Lansdowne.

DOWNING STREET, 16th December, 1886.

MY LORD.—With reference to my telegram of the 1st instant, respecting the seizure of Canadian sealing schooners in Behrings Sea, I have the honor to transmit to you, for communication to your Government, copies of the letters noted in the margin, with their enclosures, which have been received from the Foreign Office.

It will be seen that the United States Government are awaiting an authentic report of the proceedings in question, before replying to the representations made to them by Her Majesty's Minister at Washington.

I have, &c.,

EDWARD STANHOPE.

Governor General, the Most Hon. the MARQUIS OF LANSDOWNE, G.C.M.G.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, November 16th, 1886.

SIR,—With reference to the letter from this office of the 9th instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Mr. Secretary Stanhope, copies of despatches as marked in the margin, from Her Majesty's Minister at Washington, relating to the seizure of sealing schooners in Behrings Sea.

I am, &c.,

The Under Secretary of State, Colonial Office.

T. V. LISTER.

Sir L. West to the Earl of Iddesleigh.

WASHINGTON, 21st October, 1886.

MY LORD,—Upon the receipt of Your Lordship's despatch No. 181, of the 9th ultimo, I immediately addressed a note to the Secretary of State in accordance with the instructions therein contained, and copy of which is herewith enclosed, requesting to be furnished with any particulars which the United States Government may possess relative to the seizure of certain British Columbian seal schooners by the United States revenue cruiser "Corwin," but to which I have received no reply.

Upon the receipt of Your Lordship's telegram, No. 15, of yesterday's date, I addressed the note, copy of which is likewise enclosed, protesting in the name of Her Majesty's Government against the said seizures, and reserving rights to compensation.

I have, &c.,

L. S. SACKVILLE WEST.

[Enclosure 1.]

Sir L. West to Mr. Bayard.

WASHINGTON, 27th September, 1886.

SIR,—I have the honor to inform you that Her Majesty's Government have received a telegram from the Commander in Chief of Her Majesty's naval forces on the Pacific Station, respecting the alleged seizure of three British Columbian seal schooners by the United States revenue cruiser "Corwin," and I am, in consequence, instructed to request to be furnished with any particulars which the United States Government may possess relative to this occurrence.

I have, &c.,

L. S. SACKVILLE WEST.

[Enclosure 2.]

Sir L. West to Mr. Bayard.

WASHINGTON, 21st October, 1886.

SIR,—With reference to my note of the 27th ultimo, requesting to be furnished with any particulars which the United States Government may possess relative to the seizure in the North Pacific waters of three British Columbian seal schooners by the United States revenue cruiser "Corwin," and to which I am without reply, I have the honor to inform you that I am now instructed by the Earl of Iddesleigh, Her Majesty's Principal Secretary of State for Foreign Affairs, to protest in the name of Her Majesty's Government against such seizure, and to reserve all rights to compensation.

I have, &c.,

L. S. SACKVILLE WEST.

Sir L. West to the Earl of Iddesleigh.

WASHINGTON, October 21st, 1886.

MY LORD,—With reference to your Lordship's telegram, No. 16, of this day's date, I have the honor to inform your Lordship that no answer has as yet been returned to the communication which, in obedience to the instructions contained in your Lordship's despatch, No. 181, of the 9th ultimo, I addressed to the Secretary of State, asking to be furnished with any particulars which the United States Government may possess relative to the seizures of British vessels in Behrings Sea, and that I have at present no knowledge of any appeal having been made against the decisions of the United States courts condemning the parties concerned. The above information was telegraphed to your Lordship this day.

I have, &c.,

L. S. SACKVILLE WEST.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, 20th November, 1886.

SIR,—I am directed by the Earl of Iddesleigh to request that you will state to Mr. Secretary Stanhope that the telegram from the Governor General of Canada, relating to the seizure of British schooners in Behrings Sea, which accompanied your letter of the 14th instant, has been communicated to Her Majesty's Minister at Washington.

I am now to transmit to you a telegram received from Sir L. West in reply, and I am to state that the despatch numbered 250, to which he alludes, has not yet been received, and that a copy of it shall be communicated, for Mr. Stanhope's information, immediately on its arrival.

I am, &c.,

T. V. LISTER.

The Under-Secretary of State, Colonial Office.

Telegram from Sir L. West.

19th November, 1886.

Your Lordship's telegram No. 20. See my despatch No. 250. Secretary of State will reply to your Lordship's No. 214 as soon as possible.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, 26th November, 1886.

SIR,—With reference to the letter from this office of the 20th instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Mr. Secretary Stanhope, copies of two despatches, as marked in the margin, from Her Majesty's Minister at Washington, relating to the seizure of fishing vessels in Alaskan waters.

I am, &c.,

T. V. LISTER.

The Under Secretary of State, Colonial Office.

Sir L. West to the Earl of Iddesleigh.

WASHINGTON, 12th November, 1886.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch, No. 214, of the 30th ultimo, relative to the seizure of the schooners "Carolina," "Onward" and "Thornton," in the waters of the Northern Pacific Ocean, adjacent to Vancouver Island, Queen Charlotte Islands and Alaska, and which formed the subject of my note to the Secretary of State, of the 27th September last, to which no reply has been received.

At an interview which I had this day with Mr. Bayard, I alluded to my note, asking for any particulars which the United States Government might possess respecting the seizures in question, and he immediately said that he must apologize for not having replied to it, but he had, he said, as yet received no report of the procedure of the courts in the matter, and had, for this reason, delayed his answer.

I then said that I was instructed to make him acquainted with the information with which Her Majesty's Government had been furnished respecting this matter, and that I had received a despatch to this effect from your Lordship, the substance of which I proceeded to give him. He remarked that he was not in possession of the information contained in your Lordship's despatch, owing, he presumed, to the communication with England by Vancouver Island being quicker than that with Washington by Portland (Oregon).

In fact, he said, the Territory was not properly organized. He had not, moreover, reached the exact nature of the rights ceded by Russia to the United States, but it seemed clear that Russia, previous to the cession, contended that Behrings Sea was a *mer fermez*, whereupon I remarked, "and against which contention the United States protested." "Yes," he replied, "at that time."

Mr. Bayard's manner was most conciliatory, but he evidently wished to avoid further discussion on the contents of your Lordship's despatch, of which he asked me for a copy, which I placed in his hands.

I have, &c.,

The EARL of IDDESLEIGH, G.C.B.

L. S. SACKVILLE WEST.

Sir L. West to the Earl of Iddesleigh.

WASHINGTON, 14th November, 1886.

MY LORD,—With reference to my despatch, No. 234, of the 21st ultimo, I have the honor to enclose to your Lordship, herewith, copy of a note which I have received from the Secretary of State, explaining and apologizing for the delay which has occurred in replying to my note of 27th September last asking for information respecting the seizure by the United States revenue cutter "Corwin," in the Behrings Sea, of British vessels, and noting the protest on the part of Her Majesty's Government against such seizures contained in my note of 21st ultimo, copy of which was enclosed in my above-mentioned despatch.

I have, &c.,

The EARL of IDDESLEIGH, &c., &c., &c.

L. S. WEST.

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE.

SIR,—The delay in my reply to your letters of September 21st and October 21st, asking for information in my possession concerning the seizure by the United States revenue cutter "Corwin," in the Behrings Sea, of British vessels, for an alleged violation of the laws of the United States in relation to the Alaska seal fisheries, has been caused by my waiting to receive from the Treasury Department the information you desired. I tender the fact in apology for the delay and as the reason for my silence, and repeating what I said verbally to you in our conversation this morning, I am still awaiting full and authentic reports of the judicial trial and judgment in the cases of the seizures referred to.

My application to my colleague, the Attorney General, to procure an authentic report of these proceedings, was promptly made, and the delay in furnishing the report, doubtless, has arisen from the remoteness of the place of trial.

So soon as I am able I will convey to you the facts as ascertained in the trial and the rulings of law as applied by the court.

I take leave also to acknowledge your communication of the 21st of October, informing me that you had been instructed by the Earl of Iddesleigh, Her Majesty's Principal Secretary of State for Foreign Affairs, to protest against the seizure of the vessels above referred to and to reserve all rights of compensation, all of which shall receive respectful consideration.

I have, &c.,

SIR L. WEST, &c., &c.

T. F. BAYARD.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, 29th November, 1886.

SIR,—With reference to my letter of the 26th inst., I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Mr. Secretary Stanhope, copy of a despatch as marked in the margin in regard to the seizure of sealing schooners in Behrings Sea.

I am, &c.,

The Under-Secretary of State, Colonial Office.

T. V. LISTER.

Sir L. S. West to the Earl of Iddesleigh.

WASHINGTON, 19th November, 1886.

MY LORD,—Upon the receipt of your Lordship's telegram, No. 10, of yesterday's date, I sought an interview with the Secretary of State and asked him whether he

had received the official report of the proceedings of the Court at Sitka (Alaska) against the British vessels seized in Behrings Sea. Mr. Bayard replied in the negative, and said that he had been urging the Attorney General in the matter since he last saw me.

It would be, he continued, a complicated question of jurisdiction, for he had been told that many of the sealskins found on board British vessels were skins of seals which had not been shot, but clubbed, which proved that a landing had been effected.

He said that he would reply to your Lordship's despatch, which I had communicated to him, as soon as possible.

I have, &c.,

L. SACKVILLE WEST.

THE EARL OF IDDESLEIGH, &c., &c., &c.

Colonial Office to Lord Lansdowne.

DOWNING STREET, 14th January, 1887.

MY LORD,—I am directed by the Secretary of State to transmit to you, for the information of your Government, the document specified in the annexed schedule.

I have, &c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of Canada.

Date.	Description of document.
13th January, 1887.—	Copy of a letter from the Foreign Office respecting the employment of the United States ship "Thetis" in Alaskan waters.

Foreign Office to Colonial Office.

FOREIGN OFFICE, 13th January, 1887.

SIR,—I am directed by the Secretary of State for Foreign Affairs to request that you will inform the Secretary of State for the Colonies, that Her Majesty's Minister at Washington has reported that the United States ship "Thetis" has been ordered to join the Pacific squadron, and will be employed in the waters of Alaska.

I am, &c.,

P. W. CURRIE.

The Under-Secretary of State, Colonial Office.

Lord Lansdowne to Mr. Stanhope.

OTTAWA, 15th January, 1887.

SIR,—With reference to previous correspondence respecting the seizure of Canadian sealing schooners in Behrings Sea, I have the honor to transmit to you, in order that reparation may be sought from the United States Government, a copy of an approved Report of a Committee of the Privy Council of Canada, submitting papers containing full statements of claims for damage sustained, and compensation demanded by the owners, masters and mates of the schooners "Onward," "Thornton" and "Carolina."

I have, &c.,

LANSDOWNE.

Rt. Hon. EDWARD STANHOPE,
&c., &c., &c.,

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council for Canada, approved by His Excellency the Governor General in Council on the 3rd January, 1887.

On a Report, dated 27th December, 1886, from the Minister of Marine and Fisheries, submitting papers containing full statements of claims for damage sustained, and compensation demanded by the owners, masters and mates of the seal-

ing schooners "Onward," "Thornton" and "Carolina," which vessels were seized by the United States revenue cutter "Corwin," in Behrings Sea, in August, 1886, and concerning which full representations have been made to Her Majesty's Government in despatches bearing date respectively the 23rd and 24th of September, and the 29th of November, 1886, and recommending that copies of the same be transmitted to the Right Hon. the Principal Secretary of State for the Colonies, in order that reparation may be sought from the United States Government for all damages and loss to British subjects consequent upon the illegal action of the United States officers in the cases referred to.

The Committee, concurring in the above, advise that Your Excellency be moved to transmit copies of the papers accordingly.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE,
Clerk Privy Council, Canada.

THE CLAIM OF DANIEL MUNRO, MASTER OF THE BRITISH SCHOONER "ONWARD."

I claim against the Government of the United States, or whom it may concern, the sum of eight thousand dollars (\$8,000.00) for loss of wages, layout, damages and indemnity for illegal seizure of the schooner "Onward" by the commander of the United States steamer "Corwin," in the Behrings Sea, on the 1st August, 1886 (or thereabouts), and for detention and subsequent wrongful imprisonment in gaol at Sitka.

DANIEL MUNROE,
By his Attorney in fact,
EDGAR CROW BAKER.

VICTORIA, B.C., 20th October, 1886.

THE CLAIM OF HANS GUTTORMSEN, MASTER OF THE BRITISH SCHOONER "THORNTON."

I claim against the Government of the United States, or whom it may concern, the sum of eight thousand dollars (\$8,000.00) for loss of wages, layout, damages and indemnity for illegal seizure of the schooner "Thornton" by the commander of the United States steamer "Corwin," in the Behrings Sea, on the 1st August, 1886, and for detention and subsequent wrongful imprisonment in gaol at Sitka.

HANS GUTTORMSEN,
By his Attorney in fact,
EDGAR CROW BAKER.

VICTORIA, B.C., 20th October, 1886.

British Columbia, { Damages claimed by the owner of schooner "Carolina" in respect of her seizure by the United States S.S. "Corwin" while fishing in Behrings Sea.
To wit :

I, Willam Munsie, of Victoria, B.C., owner of the British schooner "Carolina," do solemnly and sincerely declare:—

1. That the value of the said vessel, at the time of her seizure by the United States S.S. "Corwin," was \$4,000, and the cost of her outfit, when she left Victoria for the Behrings Sea, was \$3,000.

2. That she carried a crew of eleven men, and the estimated wages due to the master and men for four months from the 15th day of May, 1886, to the time of the return of the said men to Victoria, is \$4,500.

3. That at the time of her capture by the "Corwin" she had 686 seal skins, which were worth, at \$7 each, \$4,802.

4. That the probable catch for the season, estimated on the number of skins taken by the schooner "Mary Ellen," which was 3,534 skins, and by the number of skins taken when the said schooner was captured, would be 3,000 skins, the value of which would be \$21,000.

5. That the loss sustained by me in consequence of the detention of the said schooner, and my being unable to employ her in ordinary work at or the sealing season is over, is \$450 a month, which sum I claim until the vessel is returned to me in good order and condition.

6. That I have also paid and incurred liabilities, connected with the arrest of the said vessel and in defence of the master and crew, for legal and other expenses, \$1,000.

And I make this solemn declaration conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra-judicial oaths."

WILLIAM MUNSIE.

Taken and declared, before me, this 20th October, 1886.

M. W. TYRWHITT DRAKE, *Notary Public*, Victoria, B. C.

British Columbia, { Damages claimed by the owner of the schooners "Onward" and
To wit: { "Favorite," in respect of their seizure by the United States
S.S. "Corwin," while fishing in Behrings Sea.

I, Charles Spring, of Victoria, B. C., owner of the British schooners "Onward" and "Favorite," do solemnly and sincerely declare:—

1. That the value of the said vessel "Onward," at the time of her seizure by the United States S.S. "Corwin," was \$4,000.00, and the cost of her outfit when she left Victoria for the Behrings Sea, was \$1,000.

2. That she carried a crew of 20 men, and the estimated wages due to the master and men for four months from the 12th day of June to the time of their return to Victoria, is \$7,500.

3. That at the time of her capture by the "Corwin" she had 400 seal skins, which were worth \$2,800.

4. The probable catch for the season, estimated on the number of skins taken by the schooners and by the number of skins taken when the said schooner was captured, would be 3,000 skins, the value of which, at \$7 skin, would be \$21,000.

5. That the loss sustained by me, in consequence of the detention of the said schooner, and my being unable to employ her in ordinary work after the sealing season is over, is \$500 a month, which sum I claim until the vessel is returned to me in good order and condition.

6. That I have also paid and incurred liabilities, connected with the arrest of the said vessel and in defence of the master and crew, for legal and other expenses, \$1,000; and I also claim \$3,000 damages because the officer in command of the United States S.S. "Corwin," as she passed the "Favorite," ordered her to cease sealing, which she did, and thereby lost her season.

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of an Act passed in the 37th year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra-judicial oaths."

C. SPRING.

Taken and declared, before me, this 18th October, 1886.

M. W. TYRWHITT DRAKE, *Notary Public*, Victoria, B. C.

British Columbia, { Damages claimed by the owner of the steam vessel "Thornton"
To wit: { for illegal seizure by the United States S.S. "Corwin," while
fishing in Behrings Sea.

I, James Douglas Warren, of Victoria, B. C., owner of the British steam vessel "Thornton," do solemnly and sincerely declare:—

1. That the value of the said vessel at the time of her seizure by the United States S.S. "Corwin," was \$6,000, and the cost of her outfit when she left Victoria for the Behrings Sea, was \$4,000.

2. That she carried a crew of fifteen men, and the estimated wages due to the master and men for four months from the 26th day of May to the 1st day of October, the date of their return to Victoria, which I have to pay, is \$5,100.

3. That at the time of her capture by the "Corwin" she had 403 seal skins, which, at \$7 each, were worth \$2,821.

4. That the probable catch for the season estimated on the number of skins taken by the schooner "Mary Ellen," and by the number of skins taken when the said vessel was captured, would be 3,000, of the value of \$21,000.

5. That the loss sustained by me in consequence of the detention of the said vessel, and by being unable to employ her in ordinary work after the sealing season is over, is \$500 a month, which sum I claim until the vessel is returned to me in good order and condition.

6. That I have also paid and incurred liabilities connected with the arrest of the said vessel and in defence of the master and crew, for legal and other expenses, \$1,000.

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra-judicial oaths."

J. D. WARREN.

Taken and declared at Victoria, this 19th day of October, 1886, before me,
M. W. TYRWHITT DRAKE, *Notary Public.*

VICTORIA, B.C.

I, James Blake, mate of the schooner "Carolina," claim \$5,000 as damages for my illegal arrest and imprisonment on board the "Corwin" and in gaol at Sitka from 1st of August to 16th September, 1886.

Witness, M. W. TYRWHITT DRAKE.

JAMES BLAKE.

VICTORIA, B.C.

I, John Margotich, mate of the schooner "Onward," claim \$5,000 as damages for my illegal arrest and imprisonment on board the United States vessel "Corwin" and in gaol at Sitka from the 23rd August, 1886, to 29th September, in the same year.

Witness, M. W. TYRWHITT DRAKE.

JOHN MARGOTICH,

By C. SPRING, his Attorney.

VICTORIA, B.C., 19th October, 1886

I, Harry Norman, mate of the steamer "Thornton," claim as compensation for my illegal arrest and imprisonment on board the United States steamship "Corwin" and in gaol at Sitka, the sum of \$5,000.

HARRY NORMAN,

By J. D. WARREN, his Attorney.

Witness, M. W. TYRWHITT DRAKE, Victoria, B.C.

VICTORIA, B.C., 19th October, 1886.

I, James Ogilvie, master of the schooner "Carolina," claim as compensation for my arrest and imprisonment on board the United States steamship "Corwin," and in gaol at Sitka, the sum of \$5,000.

Witness, M. W. TYRWHITT DRAKE.

JAMES OGILVIE,

By his Attorney, A. J. BECHTLE.

ABSTRACT OF DAMAGES.

Damages as per Declaration.	Schr. "Onward."	SS. "Thornton"	Schr. "Carolina."	Schr. "Favorite."
Value of vessel and outfit	\$5,000 00	\$10,000 00	\$7,000 00	.....
Wages of crew	7,500 00	5,100 00	4,500 00	.....
Value of sealskins on board	2,800 00	2,821 00	4,802 00	.....
Value of probable catch	21,000 00	21,000 00	21,000 00	.....
Loss sustained by detention: Par. 5. ....	.....	.....	.....	.....
Legal and other expenses	1,000 00	1,000 00	1,000 00	.....
Loss sustained by order to cease sealing .....	.....	.....	.....	\$3,000 00

FOR ILLEGAL ARREST AND IMPRISONMENT.

Daniel Munroe, master of "Onward," for indemnity for illegal seizure, loss, &c.....	\$8,000 00
John Margotich, mate of "Onward".....	5,000 00
Harry Norman, mate of "Thornton".....	5,000 00
James Ogilvie, master of "Carolina".....	5,000 00
James Black, mate of "Carolina".....	5,000 00
Hans Guitormsen, master of "Thornton".....	8,000 00

Sir H. Holland to the Marquis of Lansdowne.

DOWNING STREET, 19th January, 1887.

MY LORD,—With reference to your despatch, No. 281, of the 27th of November last, and to previous correspondence respecting the seizure of certain Canadian schooners, engaged in the seal fishery in Behrings Sea, I have the honor to transmit to you, for the information of Your Lordship's Government, a copy of a letter from the Foreign Office, with its enclosures on the subject.

I have, &c.,

H. T. HOLLAND.

Governor General, the Most Hon. the MARQUIS OF LANSDOWNE,
&c., &c., &c.

Foreign Office to Colonial Office.

FOREIGN OFFICE, 10th January, 1887.

SIR,—With reference to your letter of the 4th instant, I am directed by the Earl of Iddeleigh to transmit to you, to be laid before Mr. Secretary Stanhope, copies of the despatches noted in the margin, which have been addressed to Her Majesty's Minister at Washington, relative to the seizure of the three British sealing schooners in Behrings Sea, by the United States cruiser "Corwin."

I am, &c.,

P. W. CURRIE.

The Under Secretary of State, Colonial Office.

The Earl of Iddeleigh to Sir L. West.

FOREIGN OFFICE, 8th January, 1887.

SIR,—Referring to previous correspondence in regard to the case of the three Canadian schooners engaged in the seal fishery in Behrings Sea, I transmit to you herewith a copy of a letter from the Colonial Office, explaining the views of the Dominion Government in the matter.

Nearly four months have now elapsed since my despatch, No. 281, of the 9th of September last, was addressed to you, in which you were directed to invite the Government of the United States to furnish you with any particulars they might possess relative to the occurrence, and further instructions were sent to you in my subsequent despatches, Nos. 208, 209, 214, and 232, of the 20th, 21st and 30th of October, and 18th of November, but up the present date no reply has been received from that Government as to the alleged proceedings of their officials.

I have now to instruct you to express to Mr. Bayard the concern of Her Majesty's Government at receiving no reply to the serious representations which they have felt compelled to make on the information which has reached them respecting the proceedings of the United States cruiser "Corwin," in seizing British sealing schooners on the high seas, and to urge with all the force which the gravity of the case requires the immediate attention of the United States Government to the action of the American authorities in their treatment of these vessels, and of their masters and crews.

I am, &c.,

IDDESLEIGH.

The Hon. Sir L. West.

&c.,

&c.,

&c.

Copy of telegram No. 1—Earl of Iddesleigh to Sir L. West.

FOREIGN OFFICE, 8th January, 1887, 6.35 P. M.

Your despatch, No. 254.

Further papers go by mail of 8th.

Express to Secretary of State, concern of Her Majesty's Government at receiving no reply to their grave representation respecting proceedings of United States cruiser in seizing British vessels on the high seas.

Urge his immediate attention to this matter with all the force which the gravity of the case requires.

Sir H. Holland to the Marquis of Lansdowne.

DOWNING STREET, 19th January, 1887.

MY LORD,—With reference to previous correspondence respecting the seizure by the United States authorities of Canadian sealing schooners in Behrings Sea, I have the honor to transmit to you, for the information of your Government, copies of two letters, with their enclosures, from the Foreign Office, on the subject.

I have, &c.,

H. T. HOLLAND.

Governor General, the Most Hon. the MARQUIS OF LANSDOWNE, G.C.M.G.
&c., &c., &c.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, 6th December, 1886.

SIR,—I laid before the Earl of Iddesleigh your letter of the 30th ultimo, enclosing the telegram from the Governor General of Canada enquiring whether vessels which are now equipping in British Columbia for the fisheries in Behrings Sea will be exposed to seizure by United States cruisers.

I am directed by His Lordship to request that you will lay before Mr. Secretary Stanhope the enclosed copy of telegraphic instructions which have been addressed to Her Majesty's Minister at Washington, directing him to endeavor to obtain from the United States Government an assurance that, pending a settlement of the question of international law which has arisen, no more seizures will be made beyond the territorial waters of Alaska.

Mr. Stanhope will observe that Sir L. West is desired to communicate to the Marquis of Lansdowne the result of his application to the United States Government.

I am, &c.,

The Under-Secretary of State, Colonial Office.

P. W. CURRIE.

Telegram to Sir L. West, No. 23.

FOREIGN OFFICE, 6th December, 1886, 3.30 p.m.

Vessels equipping in British Columbia for Behrings Sea fisheries, Canadian Government enquire whether exposed to seizure.

Seek assurance that pending settlement of question no seizure of British vessels will be made beyond the territorial waters of Alaska.

Communicate result to Governor General of Canada.

IDDESLEIGH.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, 28th December, 1886.

SIR,—With reference to your letter of the 14th instant, and to previous correspondence, I am directed by the Secretary of State for Foreign Affairs, to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Minister at Washington, on the subject of the Behrings Sea fisheries.

I am, &c.,

The Under-Secretary of State, Colonial Office.

P. W. CURRIE.

Sir L. West to the Earl of Iddesleigh.

WASHINGTON, 10th December, 1886.

MY LORD,—I have the honor to acknowledge the receipt of your lordship's telegram No. 24, of the 6th inst., and to enclose to you herewith copy of a note which I addressed to the Secretary of State in the sense of it.

This morning I had an interview with Mr. Bayard, and spoke to him on the subject of my note. He said that he was still waiting for the report of the Attorney General, but that it would, of course, not influence the views of Her Majesty's Government, nor indeed those of his Department, as to the nature of the jurisdiction over Behrings Sea, ceded by Russia to the United States in 1867, which, he said, was a complicated question, but one which would be met in all fairness by the United States Government. He continued to explain to me that the value of Alaska consisted in the seal fisheries, that the seals frequented chiefly the islands of St. Paul and St. George, where the great catch was made, and that these islands, although situated (as he stated) more than 200 miles from the mainland, were, he conceived, comprised in the jurisdiction ceded by Russia, but he did not wish to pronounce upon this point at present. He would observe, however, that the value of the seal "rookeries" on these islands would be destroyed if it was opened to all vessels to kill seals outside the three-mile limit, for no seals would ever reach them. I did not discuss this question with Mr. Bayard, and merely reminded him that I hoped that he would answer the communication I had made to him, and which was the object of my visit.

I have, &c.,

L. S. SACKVILLE WEST.

The EARL OF IDDESLEIGH,
&c., &c., &c.

Sir L. West to Mr. T. F. Bayard.

WASHINGTON, 7th December, 1886.

SIR,—Referring to your note of the 12th ultimo, on the subject of the seizure of British vessels in the Behrings Sea, and promising to convey to me, as soon as possible, the facts as ascertained in the trial and the rulings of law, as applied by the court, I have the honor to state that vessels are not, as usual, equipping in British Columbia for fishing in that sea. The Canadian Government, therefore, in the absence of information, are desirous of ascertaining whether such vessels fishing in the open seas and beyond the territorial waters of Alaska would be exposed to seizure, and Her Majesty's Government, at the same time, would be glad if some assurance could be given that, pending the settlement of the question, no such seizures of British vessels will be made in Behrings Sea.

I have, &c.,

L. S. SACKVILLE WEST.

The Hon. T. F. BAYARD, &c., &c., &c.

Sir L. West to Lord Lansdowne.

RE ALASKA SEIZURES.

4th February, 1887.

To Governor General, Ottawa.

Secretary of State has informed me that orders have been given that all pending proceedings are to be discontinued, vessels seized discharged, and all persons who have been arrested in connection therewith released. He adds that the conclusion of any questions involved is reserved, until the papers relative to the question have arrived.

WEST.

Sir L. West to the Marquis of Lansdowne.

WASHINGTON, 4th February, 1887.

MY LORD,—With reference to my telegram of this day's date respecting the

seizure of British vessels in Behrings Sea, I have the honor to enclose to Your Excellency herewith copy of the note which I received from the Secretary of State, the substance of which was therein embodied.

I have, &c.,

L. S. SACKVILLE WEST.

The Marquis of LANSDOWNE, G.C.M.G., &c., &c., &c.

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE, WASHINGTON, 3rd February, 1887.

SIR,—I beg to acknowledge your note of yesterday's date, received to-day.

Upon its receipt I made instant application to my colleague, the Attorney-General, in relation to the record of the judicial proceedings in the cases of the three British vessels arrested in August last in Behrings Sea for violation of the United States laws regulating the Alaskan seal fisheries.

I am informed that the documents in question left Sitka on the 26th of January, and may be expected to arrive at Port Townsend, in Washington Territory, about the 7th instant, so that the papers, in the usual course of mail, should be received by me within a fortnight.

In this connection I take occasion to inform you that, without conclusion at this time of any questions which may be found to be involved in these cases of seizure, orders have been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith.

I have, &c.,

T. F. BAYARD

Sir H. Holland to the Marquis of Lansdowne.

DOWNING STREET, 5th February, 1887.

MY LORD,—With reference to my secret despatch of the 19th ultimo, and to previous correspondence respecting the seizure of Canadian sealing schooners in Behrings Sea, I have the honor to transmit to you, for communication to your Ministers, copies of two letters, with their enclosures, from the Foreign Office, on the subject.

I have, &c.,

H. T. HOLLAND,

Governor General, the Most Hon. the Marquis of LANSDOWNE, G.C.M.G., &c., &c., &c.

Foreign Office to Colonial Office.

FOREIGN OFFICE, 27th January, 1887.

SIR,—With reference to previous correspondence, I am directed by the Secretary of State for Foreign Affairs to transmit to you to be laid before Secretary Sir Henry Holland, a copy of a despatch from Her Majesty's Minister at Washington, on the subject of the seizure of British sealing vessels in Behrings Sea.

I am, &c.,

P. W. CURRIE.

The Under-Secretary of State, Colonial Office.

Sir L. West to the Foreign Office.

WASHINGTON, 13th January, 1887.

MY LORD,—With reference to my despatch No. 7, of the 7th instant, I have the honor to enclose to Your Lordship herewith copy of a note which I have received from the Secretary of State, in answer to my communication, expressing the concern of Her Majesty's Government at receiving no reply to their representations respecting the seizures of British vessels in Behrings Sea.

I have, &c.,

L. S. SACKVILLE WEST.

The Secretary of State, Foreign Affairs.

Mr. Bayard to Sir L. S. West.

DEPARTMENT OF STATE, WASHINGTON, 12th January, 1887.

SIR,—Your note of the 9th instant was received by me on the next day, and I regret exceedingly that, although my efforts have been diligently made to procure from Alaska the authenticated copies of the judicial proceedings in the cases of the British vessels "Carolina," "Onward" and "Thornton," to which you refer, I should not have been able to obtain them in time to have made the urgent and renewed application of the Earl of Idedesleigh superfluous. The pressing nature of your note constrains me to inform you that on 27th September last, when I received my first intimation from you that any question was possible as to the validity of the judicial proceedings referred to, I lost no time in requesting my colleague, the Attorney General, in whose department the cases were, to procure for me such authentic information as would enable me to make full response to your application.

From week to week I have been awaiting the arrival of the papers, and to-day, at my request, the Attorney General has telegraphed to Portland in Oregon, the nearest telegraph station to Sitka in Alaska, in order to expedite the furnishing of the desired papers.

You will understand that my wish to meet the questions involved in the instructions you have received from your Government is averred, and that the delay has been enforced by the absence of requisite information as to the facts.

The distance of the vessels from any land, or the circumstances attendant upon their seizure, are unknown to me save by the statements in your last note, and it is essential that such facts should be devoid of all uncertainty.

Of whatever information may be in the possession of Her Majesty's Government I have, of course, no knowledge or means of knowledge, but this Department of the Government of the United States has not yet been placed in possession of that accurate information which would justify its decision in a question which you are certainly warranted in considering to be of grave importance. I shall diligently endeavor to procure the best evidence possible of the matters enquired of, and will make due response thereupon when the opportunity of decision is afforded to me.

You require no assurance that no avoidance of our international obligations need be apprehended.

I have, &c.,

Sir L. WEST, K.C.M.G.

T. F. BAYARD.

Foreign Office to Colonial Office.

FOREIGN OFFICE, 29th January, 1887.

SIR,—With reference to previous correspondence, I am directed by the Secretary of State for Foreign Affairs, to transmit to you to be laid before Secretary, Sir Henry Holland, a copy of a despatch as marked in the margin, from Her Majesty's Minister at Washington, on the subject of his representations to the United States Government with regard to the seizure of British vessels in Behrings Sea.

I am, &c.,

The Under Secretary of State, Colonial Office.

P. W. CURRIE.

(Confidential.)

FURTHER correspondence respecting the seizure of Canadian schooners by the United States Revenue Cutter "Corwin."

No. 1.

Sir L. West to the Earl of Idedesleigh.

WASHINGTON, 10th January, 1887.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's telegram, No. 1, of the 8th instant, and to enclose to Your Lordship herewith, copy of a note which I immediately addressed to the Secretary of State, referring to my notes of the 27th September, 21st October, and 7th December last, and to Your

Lordship's despatch, No. 214, of the 30th October, copy of which, as reported in my despatch No. 250, of the 12th November, I placed in his hands, and expressing the sense in which Her Majesty's Government viewed his silence with regard to the communications which had been made to him respecting the seizure of British vessels in Behrings Sea.

I have, &c.,

L. S. SACKVILLE WEST.

[Enclosure No. 1]

Sir L. West to Mr. Bayard.

WASHINGTON, January 9, 1887.

SIR,—I have the honor to inform you that I have received instructions from the Earl of Iddesleigh, Her Majesty's Principal Secretary of State for Foreign Affairs, again to bring to your notice the grave representations made by Her Majesty's Government respecting the seizure of the British vessels "Carolina," "Onward," and "Thornton," in Behrings Sea, by the United States cruiser "Corwin," to which no reply has as yet been returned.

On the 27th September last, I had the honor to address to you a note, in which I stated that Her Majesty's Government requested to be furnished with any particulars which the United States Government might possess relative to this occurrence.

On the 21st October last, I had the honor to inform you that I was instructed by the Earl of Iddesleigh to protest, in the name of Her Majesty's Government, against such seizures, and to reserve all rights to compensation.

In a note, dated the 12th November last, you were good enough to explain the delay which had occurred in answering these communications, and, on the same day, I had the honor to communicate to you a despatch from the Earl of Iddesleigh, a copy of which, at your request, I placed in your hands.

On the 7th ultimo I again had the honor to address you, stating that vessels were equipping in British Columbia for fishing in Behrings Sea, and that the Canadian Government were desirous of ascertaining whether such vessels, fishing in the open sea, and beyond the territorial waters of Alaska, would be exposed to seizure, and that Her Majesty's Government would be glad if some assurance could be given that, pending the settlement of the questions, no such seizures of British vessels would be made in Behrings Sea.

The vessels in question were seized at a distance of more than 60 miles from the nearest land at the time of their seizure. The master of the "Thornton" was sentenced to imprisonment for thirty days, and to pay a fine of \$500, and there is reason to believe that the masters of the "Onward" and "Carolina" have been sentenced to similar penalties.

In support of this claim to jurisdiction over a stretch of sea extending in its widest part some 600 or 700 miles from the mainland, advanced by the judge in his charge to the jury, the authorities are alleged to have interfered with the peaceable and lawful occupation of Canadian citizens on the high seas, to have taken possession of their ships, to have subjected their property to forfeiture, and to have visited upon their persons the indignity of imprisonment. Such proceedings, therefore, if correctly reported, would appear to have been in violation of the admitted principle of international law. Under these circumstances, Her Majesty's Government do not hesitate to express their concern at not having received any reply to their representations, nor do they wish to conceal the grave nature which the case has thus assumed, and to which I am now instructed to call your immediate and most serious attention.

It is unnecessary for me to allude further to the information with which Her Majesty's Government has been furnished respecting these seizures of British vessels in the open seas, and which, for some time past, has been in the possession of the United States Government, because Her Majesty's Government do not doubt that if, on enquiry, it should prove to be correct, the Government of the United States will, with their well-known sense of justice, admit the illegality of the proceedings

resorted to against the British vessels and the British subjects above mentioned, and will cause reasonable reparation to be made for the wrongs to which they have been subjected, and for the losses which they have sustained.

In conclusion, I have the honor again to refer to your note of the 12th November last, and to what you said verbally to me on the same day, and to express the hope that the cause of the delay complained of in answering the representations of Her Majesty's Government on this grave and important matter, may be speedily removed.

I have, &c.,

L. S. SACKVILLE WEST.

A. 1887

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express the
ntations of
e speedily

WEST.

A D D E N D A .

The Governor General to Sir H. Holland.

TORONTO, 21st May, 1887.

SIR,—With reference to previous correspondence on the subject of the seizure of Canadian sealing schooners in Behrings Sea, I have the honor to forward herewith a copy of an approved Minute of the Privy Council, concurring in a report of my Minister of Marine and Fisheries, and recommending that the attention of Her Majesty's Government be called to the grave injustice done by the United States authorities to British subjects peaceably pursuing their lawful occupations on the high seas, to the delay which has taken place in enquiring into and redressing wrongs committed, to the severe, inhospitable and unjustifiable treatment of the officers and crews of the vessels seized, and to the serious loss inflicted upon owners of the same, in order that full and speedy reparation may be made by the United States Government.

I have, &c.,

LANSDOWNE.

The Right Hon. Sir HENRY HOLLAND,
&c., &c., &c.

CERTIFIED Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th May, 1887.

On a report, dated 9th May, 1887, from the Minister of Marine and Fisheries, submitting the following *résumé* of facts with reference to the Canadian sealing schooners "Carolina," "Onward" and "Thornton," seized by the United States revenue cutter "Corwin" in Behrings Sea, in the year 1886.

The above-named vessels fitted out at Victoria, British Columbia, for seal hunting in the waters of the Pacific Ocean adjacent to Queen Victoria Islands, Queen Charlotte Islands and Alaska.

At the time of seizure (1st and 2nd August, 1886) they were at a distance of more than 60 miles from the nearest land. They were taken possession of by the United States cutter and towed to the Port of Oonalaska, where they were detained.

The crews of the "Carolina" and "Thornton," with the exception of the captain and one man detained at Oonalaska, were sent by steamer to San Francisco and there turned adrift, while the crew of the "Onward" was kept at Oonalaska.

At the time of the seizure, the "Carolina" had on board 686 seal skins, the "Onward" 900, and the "Thornton" 404. These, as well as the schooners, are, so far as the Minister is aware, still at Oonalaska in possession of the United States authorities.

The master and mate of the "Thornton" were brought for trial before Judge Dawson, in the United States District Court, at Sitka, on the 30th August, 1886. The evidence given by the officers of the United States revenue cutter went to show that this vessel was seized for the offence of taking seals in that portion of Behrings Sea ceded to the United States by Russia in 1867; being then at a distance of from 60 to 70 miles from St. George Island.

The Judge charged the jury to the effect that, if they believed the defendants to have been sealing in the Behrings Sea east of the 193rd degree of longitude west, they should bring in a verdict of guilty and assess separate fines or imprisonment. The jury brought in a verdict of guilty.

The master of the "Thornton" was sentenced to 30 days' imprisonment and to pay a fine of \$500, and the mate to 30 days' imprisonment and a fine of \$300. The masters and mates of the "Onward" and "Carolina" were mulcted in similar penalties.

On the 23rd and 24th September, 1886, Orders in Council were approved by His Excellency the Governor General, setting forth the above facts and representing the injustice to which Canadian citizens engaged in a peaceable and lawful occupation on the high seas, had been subjected, in spite of admitted principles of international law, and in direct opposition to the United States contention of what constitutes common waters on the Atlantic coasts, and copies thereof were forwarded to Her Majesty's Government, with a request that immediate reparation be demanded from the United States Government.

On the 12th November, 1886, Mr. Bayard informed Sir L. West that he was awaiting full and authentic reports of the trial and judgment in the cases of these seizures, before further discussing the matter.

On the 8th January, 1887, the Earl of Iddesleigh addressed Sir L. West, deprecating the delay which had taken place in securing these particulars, calling upon him to urge, with all the force which the gravity of the cases demanded, the immediate attention of the United States Government to the action of the American authorities in this treatment of these vessels, mates and crews, and directing him to seek assurance that, pending a settlement of the question, no seizures of British vessels would be made beyond the territorial waters of Alaska.

On the 9th January, 1887, Sir L. West wrote to Mr. Bayard, reviewing the whole case, and urging immediate action. On the 12th of the same month Mr. Bayard replied, explaining the reasons of the delay, and stating that every possible despatch had been made in order to procure the necessary papers.

On the 3rd February, Mr. Bayard informed Sir L. West that the documents relative to those seizures left Sitka on the 26th January, and might be expected to reach him within a fortnight. In the meantime he informed the British Minister that orders had been issued for the discontinuance of all pending proceedings, the discharge of the vessels and the release of all persons under arrest in connection with these seizures, and that the conclusion of any questions involved must be reserved until the papers relating thereto had arrived.

On the 4th February Sir L. West communicated the above information to His Excellency the Governor General.

The Minister further states that from information received from the owners of the seized vessels and from the Collector of Customs at Victoria, B. C., he learns that James Ogilvie, an old man and master of the "Carolina," was arrested along with the masters and mates of the "Onward" and "Thornton" and brought into court for trial, but that before sentence was pronounced he was suffered to wander away into the woods, where he died from want and exposure; that the other masters and mates, after remaining several months in prison, were released by order of the Governor of Alaska and turned adrift, literally destitute, to find their way as best they could to their homes 1,500 miles distant, and which could be reached only by a long and costly sea voyage; that the owners of the condemned vessels have received no intimation from the United States authorities of the release of their vessels, or the restoration of the valuable cargoes of seal skins and equipments on board, and that they have no information as to the condition in which their property is at the present time.

The owners are thus left in complete uncertainty as to when or where their property is to be restored, and anticipate serious damage, if not total loss, to their vessels from the tremendous gales which during the past winter have swept the north Pacific coasts. They also state that, knowing well, as they do, the character of the Indians in that vicinity, and apprehending that no very vigilant watch has been kept over their property, they fear that everything movable will have been carried away. If they are compelled to receive the vessels at Oonalaska where they have been detained, it will necessitate the chartering of a steamer, with men and supplies, at great expense, and a round voyage of some three thousand miles in order to bring them to Victoria.

The consequent damage and loss to vessels and cargoes through detention, and the heavy cost which will be entailed in bringing them to the home port, the owners consider good ground for claiming consideration from the United States authorities when the question of reparation is being settled.

The Committee concurring in the foregoing report of the Minister of Marine and Fisheries, advise that Your Excellency be moved to call the attention of Her Majesty's Government again to the grave injustice done by the United States authorities to British subjects peaceably pursuing their lawful occupation on the high seas, and to the great delay which has taken place in enquiring into and redressing the wrongs committed, to the severe, inhospitable and unjustifiable treatment of the officers and crews of the vessels seized, and to the serious loss inflicted upon owners of the same, in order that full and speedy reparation may be made by the United States Government.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,
Clerk Privy Council.

CUSTOM HOUSE, VICTORIA, 23rd April, 1887.

SIR,—In reply to your letter of the 15th instant, I beg to state that none of the masters or mates of the vessels seized in Behrings Sea, in August last, remain now in imprisonment. When the vessels were condemned, the Judge, Mr. Dawson, sentenced masters and mates to fines which were never paid, and to different terms of imprisonment. Ogilvie, master of the "Carolina," an old man, was arrested and brought into court, but before the sentence was pronounced he wandered away into the woods and died there. The others, after serving a time in prison, were released by an Order of the Governor, and turned loose, literally destitute, to find their way home in any way they could. The vessels themselves, "Carolina," "Onward" and "Thornton," are now, as far as we know, in Oonalaska, but unless they have been properly taken care of, which in such a place seems scarcely probable, they must, during the winter months, have suffered greatly, even if they are still in existence. The skins taken from them, are, we believe, stored in the Alaska Fur Co.'s warehouses at Oonalaska; the guns and ammunition were taken to Sitka, and are in the care of the United States Marshal.

The chronometers and charts of two of the vessels were left in Oonalaska with the vessels. The chronometer of the other, with one or two boats, was taken, we were told as evidence, to Sitka.

No notice whatever respecting the release of the vessels, or the delivery of their equipments, or of the skins, has been received by the owners. No word of any description has been conveyed to them by the United States authorities.

I have the honor to be, Sir, your obedient servant,

W. HAMLEY.

JOHN TILTON, Esq., Deputy Minister of Fisheries, Ottawa.

VICTORIA, B. C., 14th April, 1887.

DEAR SIR,—Your advice of 2nd inst. is to hand. In reply would say we have not been advised whether the vessels are to be returned to us at Victoria, or, are we to incur the expense and risk of taking them from Oonalaska, and accept the skins in the condition they may be found, as an offset in full against the amounts set opposite them in our claims. The expense and risk of getting them to Victoria will be great, as there is no direct way of transferring men and supplies, a distance of 1,500 miles.

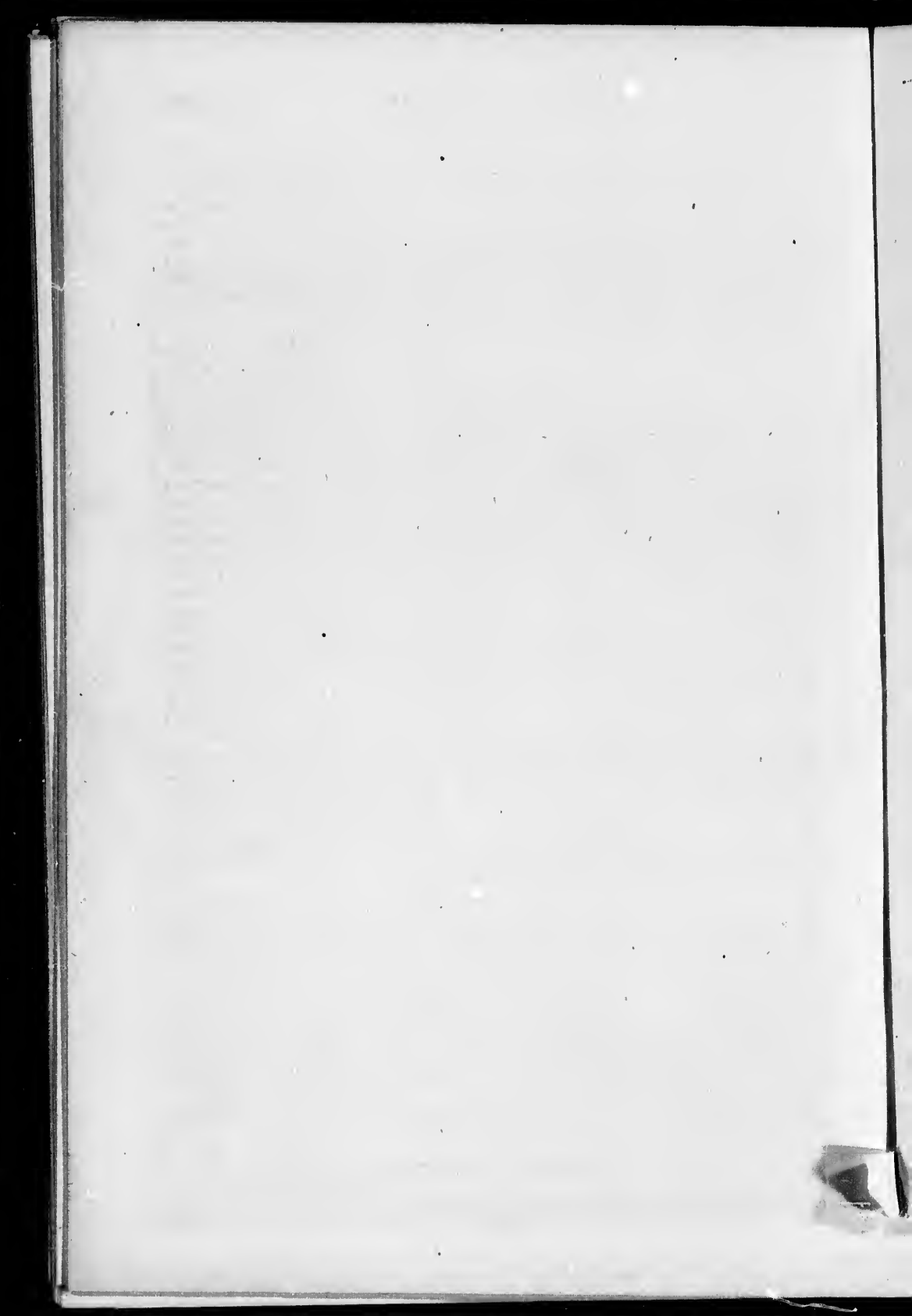
It will necessitate the chartering of a steamer, and owing to the tremendous gales in the North Pacific the past winter, the vessels may be very seriously damaged if not totally lost. Knowing the Indians as we do, we anticipate that everything movable will be carried away.

The vessels and skins are left in the care of not too friendly a concern, namely, the Alaska Commercial Company's Agent, *alias*, the United States Marshal.

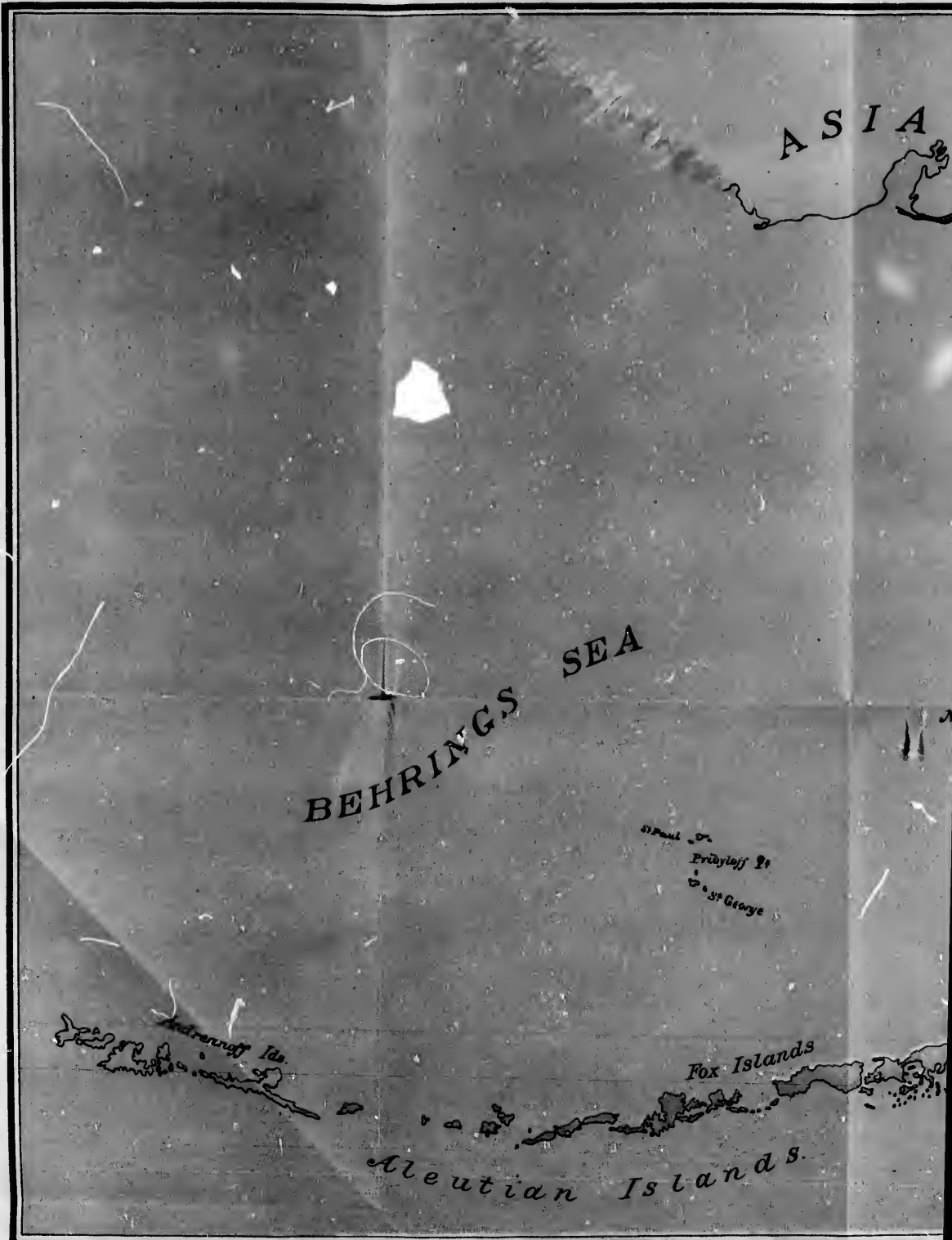
Remaining, Dear Sir, Your obedient servants,

CARNE & MUNSIE.

JOHN TILTON, Esq., Deputy Minister of Fisheries, Ottawa.







ASIA

BEHRINGS SEA

St. Paul Is.
Erichloff Is.
St. George

Andreanof Ids.

Fox Islands

Aleutian Islands

ASIA

Behrings Strait

ALASKA

St Lawrence Is

Norton Sound

R. Kwichpak

Nounivak Is

Bristol Bay

ALASKA PENINSULA

Alaska Str

lands

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