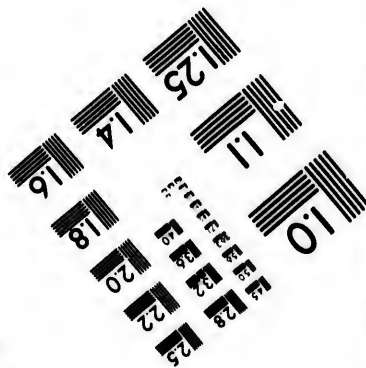
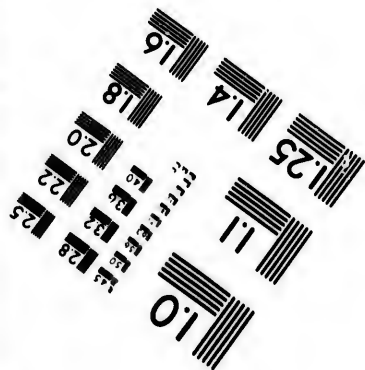
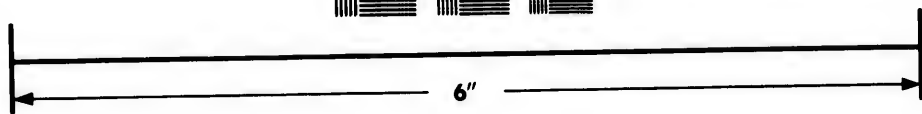
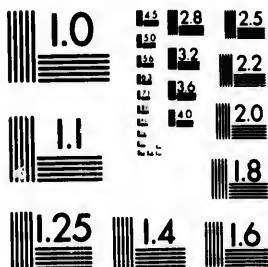


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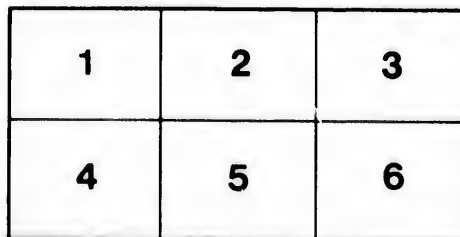
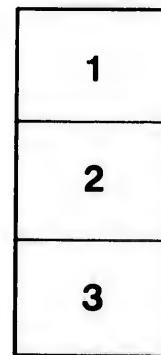
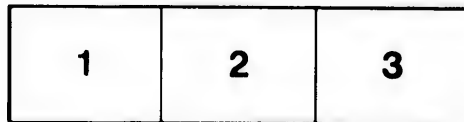
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RUSSIA. No. 1 (1890).

CORRESPONDENCE

RESPECTING THE

SEIZURE OF THE BRITISH SCHOONER "ARAUNAH,"

OFF

COPPER ISLAND,

BY THE

RUSSIAN AUTHORITIES.

*Presented to the House of Lords by Command of Her Majesty.
June 1890.*

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Correspondence respecting the Seizure of the British Schooner "Araunah," off Copper Island, by the Russian Authorities.

No. 1.

Mr. Trench to the Marquis of Salisbury.—(Received October 25.)

My Lord,

Tókió, September 17, 1888.

I HAVE the honour to report to your Lordship that the captain and crew of the schooner "Araunah," of Victoria, British Columbia, captured by the Russians, off Copper Island, at the commencement of July last, and taken to Vladivostock, arrived at Nagasaki on the 25th ultimo, and were handed over by the Russian Consul at that port to Mr. Consul Enslic, who sent them on to Her Majesty's officiating Consul at Kanagawa. Captain Siewerd and his crew left Yokohama for Vancouver on the 1st instant by the Canadian Pacific steam-ship "Batavia."

It is unnecessary for me to trouble your Lordship with a detailed statement of the circumstances connected with the seizure of the "Araunah," as full particulars have already been given in a letter addressed by Captain Siewerd to Her Majesty's Chargé d'Affaires at St. Petersburg, to whom the complaint was addressed.

I have, &c.
(Signed) P. LE POER TRENCH.

No. 2.

Mr. Siewerd to the Marquis of Salisbury.—(Received November 19.)

Sir,

Victoria, British Columbia, October 29, 1888.

WHEN seized on the 1st July, 1888, in the British sealing-schooner "Araunah," of this port, 8 miles off south extreme of Copper Island, by the Russian merchantman "Alexander II," and when I protested against this seizure, claiming to be beyond the gun-shot limit, the Russian officer, M. Grebnitzky, replied: "I would seize you 100 miles further south if found with seal-hunting outfit abroad."

As the American side of Behring's Sea is closed to us, and I have been of opinion that when south of the islands (Copper and Behring's) I was in the open waters of the North Pacific Ocean, the above reply has prompted me to ask of you the kindness to give me the boundary-lines of the Russian possession adjacent to the North Pacific Ocean, Copper and Behring's Islands included, as construed by your Department.

As your compliance with my request may avoid serious loss of property the coming season, as I contemplate to hunt again in those waters, I pray that your Honour will favour me with an immediate reply,

I am, &c.
(Signed) H. F. SIEWERD,
Late Master of Schooner "Araunah."

No. 3.

Sir R. Morier to the Marquis of Salisbury.—(Received November 19.)

My Lord,

St. Petersburg, November 14, 1888.

WITH reference to your Lordship's despatch of the 7th instant, respecting the seizure of the "Araunah,"* I have the honour to state "at the case is in the hands of

* Including copy of No. 1.

Her Majesty's Embassy, a sworn affidavit, dated the 27th August, together with a protest by the captain and a declaration by the Superintendent of the Commodore Islands, who seized the ship, having been forwarded to Mr. Dering, from Nagasaki, in a letter from the master of the ship, transmitted by the owners, asking that no action should be taken until they have sent in their statement of claims and a legal opinion on the entire case.

Until they do so I deem it best not to trouble your Lordship with the correspondence on the subject.

I have, &c.
(Signed) R. B. D. MORIER.

No. 4.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office, November 28.)

My Lord, *Government House, Ottawa, November 6, 1888.*
I HAVE the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting a communication from Messrs. Hall, Goepel, and Co., Victoria, British Columbia, the owners of the British schooner "Araunah," together with certain documents and facts in connection with the seizure of that vessel on the 1st July last, for an alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, by the Russian merchant-steamer "Alexander II," whilst in the prosecution of her legitimate calling as a sealing schooner in the Behring's Sea.

Your Lordship will observe that a statement of this case has already been forwarded by Captain Siewerd, his mate and crew, to Her Britannic Majesty's Chargé d'Affaires at St. Petersburg.

My Government desire that a remonstrance may be made to the Russian Government for so unwarrantable an act as that committed by the commander of the "Alexander II," and a claim made for the loss and damage sustained by the owners of the "Araunah" in consequence of this seizure in the open sea.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 1 in No. 4.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on October 22, 1888.

ON a Report dated the 20th October, 1888, from the Minister of Marine and Fisheries, stating, with reference to the communication, dated the 21st September, 1888, of Messrs. Hall, Goepel, and Co., Victoria, British Columbia, the owners of the British schooner "Araunah," that it appears from the statements accompanying the communication, that the vessel in question was seized on the 1st day of July last by the Russian merchant-steamer "Alexander II" for an alleged violation, in that part of the North Pacific Ocean known as Behring's Sea, of the Hunting Laws of the Russian Government.

At the time of the seizure the "Araunah" was pursuing a legitimate calling in waters which are open to vessels of all nations.

It further appears that a statement of this case has already been forwarded by Captain Siewerd, his mate and crew, to Her Britannic Majesty's Chargé d'Affaires at St. Petersburg.

The Minister recommends that a copy of Messrs. Hall, Goepel, and Co.'s letter, with its inclosures, be forwarded, through the proper channel, to Her Majesty's Government.

The Committee concurring, advise that your Excellency be moved to forward copies of the papers herewith to the Right Honourable the Principal Secretary of State for the Colonies for transmission to the Foreign Office, in order that remonstrance may be made to the Russian Government for so unwarrantable an act as that committed by the commander of the "Alexander II," and a claim be made for such a reparation for the wrong done as may be commensurate with the loss and damage

sustained by the owners of the "Araunah" in consequence of this seizure in the open sea.

All which is respectfully submitted.

(Signed)

JOHN J. McGEE, *Clerk,*
Privy Council.

Inclosure 2 in No. 4.

Messrs. Hall, Goepel, and Co. to the Hon. J. A. Chaplean.

Government House, Victoria, British Columbia,
September 21, 1888.

Sir,

WE have the honour to transmit herewith certain documents and facts in connection with the seizure of our schooner "Araunah," on the 1st July last, for alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, by the Russian merchant-steamer "Alexander II," whilst in the prosecution of her legitimate calling as a sealing-schooner in the Behring's Sea, and which we respectfully urge is a part of the North Pacific Ocean, and open to the vessels of all nations. The clear and comprehensive letter statement on protest of Captain Siewerd, his mate and crew, addressed to Her Britannic Majesty's Chargé d'Affaires at St. Petersburg, and sworn to before Her Britannic Majesty's Consul at Nagasaki, Japan, clearly sets forth an epitome of the circumstances attending the illegal seizure of our vessel, properly registered as a Canadian vessel, and flying the British flag, and leaves but little for us to add in connection therewith.

Inclosed will also be found copies of the telegrams that passed between the master of our vessel and the British Embassy at St. Petersburg, and by which we are assured that steps would be taken, with least delay possible, in the direction desired, and that the Russian Government had been duly apprised of the seizure and its circumstances.

Although everything has been done by the master that could reasonably be expected to place the matter in the proper and most direct channel for investigation, restitution, and protection of British interests upon the high seas, still we deem it expedient to promptly report to the Federal Government at Ottawa, through you, the fact of the seizure (and what has been done to date) of our schooner whilst registered under the laws of the Dominion of Canada, with the full belief that his Excellency the Governor-General in Council will cause such steps to be taken as will grant the relief and restitution which it is our pride and privilege to claim as loyal subjects of Her Majesty.

In due course we shall forward a statement of claim of our loss against the Russian Government or whom it may concern.

We have, &c.

(Signed) HALL, GOEPEL, AND CO.,
Owners of Schooner "Araunah."

Inclosure 3 in No. 4.

Telegrams from Mr. Siewerd, Master of Schooner "Araunah," to the British Embassy at St. Petersburg, and the Replies to same.

(1.)

Vladivostock, August 9, 1888.

SEALING schooner "Araunah," of Victoria, was set during a heavy fog and calm by current within 6 miles of southern extreme of Copper Island, when seized by Russian merchantman "Alexander II." Left here with crew. among them twelve Vancouver Indians, unprovided. Please advise.

Answer.

Your telegram received. Steps will be taken with least delay possible.

(2.)

Vladivostok, August 15, 1888.

Will forward protest sworn to before Consul at Nagasaki: also all documents pertaining to seizure. Please advise if necessary to protest here. Also of other steps required here. Owners' names: Hall and Goepel, Victoria.

Answer.

Your case has been brought to the notice of Russian Government, who have telegraphed to inquire into it. You might protest locally. Forward all documents here.

Inclosure 4 in No. 4.

Diagram illustrating Position of Schooner "Araunah" at time of Seizure.

Inclosure 5 in No. 4.

Mr. Siewerd to Mr. Dering.

Dear Sir,

August 27, 1888.

REGARDING the seizure of the British sealing schooner "Araunah," of Victoria, British Columbia, by M. Grebnitzky in the Russian merchantman "Alexander II," for alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, of which I informed you in my telegraphic despatch of the 9th August, 1888, from Vladivostok, I now respectfully submit the following facts:—

On the 1st July, 1888, at 6:30 A.M., during a heavy fog and calm, I calculated the schooner's position to be 16 miles south by west of the southern extremity of Copper or Medney Island. Judging myself in the open waters of the North Pacific Ocean, I ordered the canoes for hunting. At about 7:30 A.M. the fog lifted, when the schooner was found to be east by south, about 6 to 8 miles distant from the southern extremity of the island, with the canoes out to the south and west of the schooner. When in this position a steamer was sighted, which bore at once down upon us, proving the Alaska Commercial Company's steamer "Alexander II," flying at peak the Russian merchant ensign, and at maintop a green flag with white cross.

When near, the schooner was hailed, and I, the master was asked to come aboard the steamer, which I did. When on steamer's deck, I was informed by M. Grebnitzky that he would confiscate the schooner for being within the limit. This I denied, but was answered that the boundary ran from Capo Lopatka to the Island of Atton, and that I could protest against the seizure to authorities at Vladivostok, where the case would be forwarded.

As the officer produced no documentary evidence of his authority, I asked upon what authority the seizure was made, in answer to which the officer pointed to the flag at maintop, saying, "There is my authority."

The officer and crew of schooner were then made prisoners, and transferred aboard steamer "Alexander II." The schooner was towed to the Settlement Glinka on Copper Island, where the skins, 133, were landed at Company's warehouse. Here I had to deliver the schooner's papers to Officer Grebnitzky. Before doing so I demanded a paper stating the reason of confiscation, which I forward herewith, and a copy of which I was asked to sign after it having been translated to me by M. J. Mallinovsky to read in substance.

That this day the schooner "Araunah" had been confiscated for hunting within the limits of the Russian possessions.

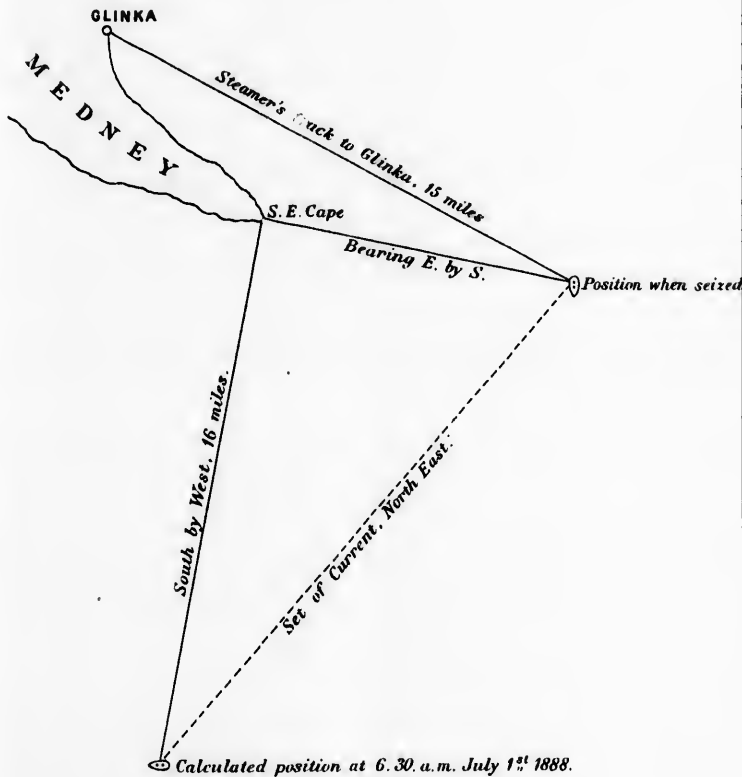
I hereby notified M. Grebnitzky, in presence of M. J. Mallinovsky, of my protest against the seizure, which protest I would make before the nearest Representative of Her Britannic Majesty's Government, and, in accordance with advice in your telegraphic despatch of 15th August, 1888, have protested to Admiral and Governor of Vladivostok, the certified copy of which I send herewith.

The schooner was then brought to Petropaulovski by a crew of the steamer "Alexander," where, upon the arrival of the schooner, the salt, stores, provisions, and also part of personal property of crew, were sold by M. Grebnitzky without the confiscation having been declared legal by any authority other than his own. I must add that we had no intention whatever to violate the laws of the Imperial Russian Government, but intended to follow the hunting in the waters of the North Pacific

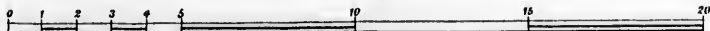
DIAGRAM
 ILLUSTRATING POSITION
 OF
SCHOONER "ARAUNAH"

AT TIME OF SEIZURE.

S^t H. F. Seward, Master.



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Ocean; neither had we any means to do otherwise, as the hunting outfit consisted of six Indian canoes manned by two Vancouver Indians each. Had no fire-arms aboard save three old muzzle-loading shot-guns, being the property of some of the Indians; also one shot-gun and one rifle, being the property of some of the members of the crew.

From the foregoing it will be seen that the schooner was set by an unknown current, not marked upon the chart, to the north and east of her course, and the canoes having left the schooner during the fog, when there was no land in sight, nor any visible sign to prove the calculated position erroneous, will explain the position of the canoes at the time of seizure.

Also that the schooner was not less than the estimated 6 miles from land is clearly proven by the "Alexander" steaming two hours and forty minutes at the rate of 6 knots per hour (see steamer's engineer's log) from point of seizure to Glinka, which is 7 miles from south point of the island. This can be demonstrated on chart or diagram herewith, showing that it was impossible for schooner to have been, as alleged, within the 3 miles of gun-shot limit. As to the 133 seal-skins found on board, I refer to the schooner's fishing log, now in the hands of the Imperial Russian Government.

I also beg to call attention to the fact that the steamer "Alexander II" is owned by the Alaska Commercial Company, who are also the lessees of Copper and Behring's Islands.

As to the reliability of the statement of M. Grebnitzky as to the true position of schooner at time of seizure, I will say that M. Grebnitzky is no mariner, and consequently no competent judge to personally determine the exact position of schooner. Furthermore, I learned while prisoner aboard the "Alexander," that neither the first nor second officers of the steamer had been called upon by Captain Gronberg, of steamer, to witness or verify the bearing and distance of schooner, so that the judgment of the schooner's actual position at time of seizure is but the guesswork of Captain Gronberg, of steamer "Alexander II," and of him alone, as a consultation on this serious point might have resulted in proving the schooner beyond the limits.

In submitting the above facts to your careful consideration, I beg that you will use every means in your power to effect a restitution of the unjustly and illegally confiscated property, and payment of damages incurred thereby.

Very, &c.

(Signed) H. F. SIEWERD, *Master.*

The above sworn to before Her Britannic Majesty's Consul at Nagasaki by myself.

(Signed) N. P. BONDE, *Mate.*
W. STANDISH, *Steward.*
G. BRUM, }
P. DOERING, } *A.B.*

and forwarded, together with all documents, by Consul Mr. Enslie to St. Petersburg.

No. 5.

Foreign Office to Mr. Siewerd.

Sir,

Foreign Office, November 28, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 29th ultimo, relative to the seizure of the British schooner "Araunah" off Copper Island by the Russians in July last.

I am to forward you a copy of the Treaty between Russia and the United States of the 30th March, 1867,* and to inform you that the details connected with the seizure of your vessel have not yet reached Her Majesty's Government.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

* See "State Papers," vol. lvii, p. 452.

Sir R. Morier to the Marquis of Salisbury.—(Received December 5.)

My Lord,

St. Petersburg, November 30, 1888.

WITH reference to my despatch of the 14th instant, I have the honour to state that I have now received the complementary information from the master of the "Araunah" which enables me to deal with the case.

Before addressing the Russian Government on the subject, however, there are two or three points on which I should be glad to receive guidance from your Lordship; and I think, therefore, that I cannot do better than to make a statement of the case, so that its doubtful points may be properly submitted to your consideration.

The "Araunah," a British schooner, of British Columbia, master F. H. Siewerd, equipped for seal hunting, found herself, in accordance with the statement of the master, on the 1st July, 1888, at 6:30 A.M., in a heavy fog and calm, 16 miles south by west of the southern extremity of Copper Island. Judging himself to be in the open waters of the North Pacific Ocean, the master ordered the canoes out for hunting. At about 7:30 A.M. the fog lifted, when the schooner was found to be east by south about 6 or more miles distant from the south point of the island, with the canoes out at various distances to the south and west of the schooner, about 2 miles away from her, the most distant being about 3 miles from the ship. When in this position a steamer was sighted, which bore at once down upon her. This proved to be the "Alexander II," a ship belonging to the Alaska Commercial Company of San Francisco. She was flying at the peak the Russian merchant ensign, and at the maintop a green flag with white cross. The name of her master was Gronberg, that of the chief officer Arlen, and of the second officer Imberg; but besides these there was on board A. M. Grebnitzky, not a naval man, who described himself as Superintendent of the Commander Islands. By his orders the "Araunah" was hailed, and her master, Mr. H. F. Siewerd, brought on board the "Alexander II." M. Grebnitzky then informed him that he would confiscate the schooner for fishing too near the land. Mr. Siewerd then asked him on what authority he acted. M. Grebnitzky produced no documentary evidence, but pointed to the flag at the maintop, saying that there was his authority.

The officers and crew of the "Araunah" were then transferred on board the "Alexander II," by which the British vessel was towed to the Settlement Glinka, on Copper Island.

Here the skins, 136 in number, were landed, and the ship's papers delivered to M. Grebnitzky. The schooner was then brought by a crew of the "Alexander II" to Petropaulovski, and upon her arrival the salt, stores, and provisions, and also part of the personal property of the crew, were sold by M. Grebnitzky, without the confiscation having been declared legal by any authority but by his own. On the 16th August Mr. Siewerd, master of the "Araunah," entered a protest before the Governor of Vladivostock, and another on the 27th at Nagasaki before Her Majesty's Consul there. The facts above stated are taken from these two protests.

The latter, moreover, contains a diagram showing the position of the "Araunah" at the time of capture, and explains her position there on the hypothesis that she must have drifted from where she was at 6:30 to where she found herself at 7:30 under the impulse of a current not marked on the chart.

In addition to these two documents, the master of the "Araunah" produces an affidavit signed by himself and a Captain Butler, whom he seems to have taken with him as a witness of a conversation held on the 16th October at San Francisco with Gronberg, the master of the steam-ship "Alexander II." For Siewerd, on hearing that the "Alexander II" had proceeded to San Francisco, went there to obtain a copy of that vessel's log. Gronberg, however, refused to give him one, but volunteered to give him a verbal account of what took place. Siewerd, in addition, asked various questions of Arlen, the chief officer, and Imberg, the second officer. The following are the facts that were obtained by this process. Gronberg declared that he had taken no regular bearings, but had only made a rough approximate guess; that he had had no letter of marque at the time of the capture, but that, not wanting trouble, he had got one the same day after the capture. On being asked whether he remembered M. Grebnitzky saying to Siewerd, "I would seize you if you were 100 miles south of the islands," he replied, "Yes, I heard M. Grebnitzky say this."

To the questions put to him, M. Arlen, chief officer, replied that he had no idea whatever respecting the distance and bearing of the "Araunah" at the time of her

capture, as his opinion had not been asked, and he did not trouble about it. The entry made by him in the log was what the captain had given him.

In the opinion of M. Imberg, the second officer, the schooner was from 5 to 7 miles distant from the land.

I collect the following further facts from a letter, dated the 25th October, addressed by Mr. Siewerd to Her Majesty's Embassy:—

1. That the steamer "Alexander II" being the property of the Alaska Commercial Company of San Francisco, who are the lessees of the seal trade in the North Pacific Ocean, including Copper and Behring's Islands, and that Company treating its servants exceptionally well and providing them with liberal pensions, due caution should be taken in accepting Gronberg's evidence, as that of a servant of the Company, as regards the position of the ship, on which alone the whole case of the captors depends.

2. That the following conversation took place between Siewerd and M. Grebnitzky at the time of the capture. The former called the attention of the latter to the fact that he considered himself, when south of the island, in the open waters of the North Pacific Ocean. "I would take you," replied Grebnitzky, "100 miles south of the Commander Islands if found with seal-hunting outfit on board," thus claiming jurisdiction to the parallel of Atton Island.

Mr. Siewerd states that it is evident that M. Grebnitzky made the seizure in this belief.

3. Mr. Siewerd states that M. Grebnitzky is a civil officer, not a naval officer, that he is Inspector of the Commander Islands, that he receives a salary of 1,200 roubles per annum, that he is well fed by the Alaska Commercial Company, and that he does everything to further their interests, and to assist them in accomplishing their object, which is the extermination of private sealers, and the obtaining of a monopoly in this industry.

Lastly, I received a letter, dated the 25th October, from Messrs. Hall, Goepel, and Co., the owners of the ship, dated Victoria, British Columbia, the 25th October, in which those gentlemen assess their damages at 21,852 dol. 78 c., with recurring damages at the rate of 10,500 dollars per annum, should their claims not be settled by the 15th February next.

The points of law and others on which I am anxious to take advice before writing to the Russian Government are the following:—

1. What are the minimum formalities required to constitute the legal capture of a foreign ship for acts rendering such ship liable to capture? If the statements of the master of the "Araunah" are correct, the latter was captured by a ship belonging to a San Francisco private Company, with no Representative of the capturing Government on board but a Civil Inspector; and with no evidence of his holding a commission.

When challenged to show his authority he is unable or unwilling to show papers, and only points to a green flag with a white cross, flying from the maintop, as his authority.

I have ascertained that this flag was at one time the Russian Customs flag, that it is no longer so used, and has been superseded by a blue one; but I have not yet been able to ascertain when the supersession took place, which, of course, may turn out a point of capital importance.

2. What is the meaning of "letter of marque" in the sense used in the statements of the master of "Araunah"?

3. The master of the "Araunah" deposes to the sale by M. Grebnitzky at Petropaulski of the salt, stores, and provisions of the vessel, and of part of the personal property of the crew, without the confiscation having been declared legal by any authority but that of Grebnitzky himself.

It is nowhere stated that the schooner was disposed of, or that any steps were taken to have her condemned by a regular constituted Court. I have written to the owners to ascertain whether they have any knowledge on this subject. In the meantime, I presume I may assume that the sale of the ship's stores and the portion of the personal property of the crew on the sole authority of the captor was illegal.

4. How does the matter stand as regards the presumed assumption by Grebnitzky that Russia had a jurisdiction of 100 miles south of the Commander Islands? I regret to say that I am not *au fait* as to the present state of the controversy in regard to Russian claims to a *mare clausum* in the North Pacific.

Before concluding, I must allow myself an observation with reference to the description given by the master of the "Araunah" of the position of his ship at the

time of her capture, and of the circumstances which caused her being there. He says that at 6:30 A.M. he calculated that the schooner's position was 16 miles south by west of the southern extremity of Copper Island. At this time, there being a heavy fog and calm, he ordered the six canoes out for hunting. At 7:30 A.M., that is, an hour afterwards, the fog lifts, and the schooner is found at 6 miles distant from the south point of the island, with the canoes to the south and west of the schooner, at a distance, with one exception, of not more than 2 miles from her. The inference of the master is that he was carried by an unknown current from the spot at which he was at 6:30 to that at which he was captured at 7:30. If the diagram annexed to the affidavit taken before Her Majesty's Consul at Nagasaki is correct, this distance would be $17\frac{1}{2}$ miles. It would, of course, not be fair to assume too great accuracy in a diagram of this kind. Nevertheless, the distance cannot be estimated at less than between 10 and 17 miles.

I do not know whether such currents exist, but, if they do, it seems strange that the master and crew of the "Araunah" should not have been fully aware of the fact from the beginning, and still stranger that the six seal canoes should have placidly carried on their hunting operations under its impulse, which they must have done, seeing that when the fog lifted, they were within a 2 miles radius of the ship.

I transmit the correspondence herewith.

I have, &c.

(Signed) R. B. D. MORIER.

P.S.—Since the above despatch was written for signature, I have gone carefully through the papers once more, and have noted two points which had previously escaped me:—

1. That in the certificate given by Grebnitzky he distinctly states the cause of the arrest of the "Araunah" to be that of seal-catching within the Custom-house limit near Medney (Copper) Island.

2. That in the protest addressed to the Governor of Vladivostock, which differs in some respects from the declaration made before Her Majesty's Consul at Nagasaki, the whereabouts of the canoes is entered upon, but not dealt with, as it appears to me, in a satisfactory manner, for Mr. Siewerd admits that the schooner being 6 miles off, one at least of her canoes was 3 miles away from her, which might bring it dangerously near, if not actually on the Custom-house limit; but then, further on, he admits hypothetically that the canoes might have been found within the Custom-house limits, and gives what he considers satisfactory explanations for their being there.

Lastly, he protests against the accusation made against the schooner that she was within the Custom-house limits, whereas the charge made by Grebnitzky is not that she (the schooner) was within those limits, but that she was seal-catching within them; an operation performed not by herself, but by the canoes sent out by her.

Under these circumstances I consider that the charge brought by Mr. Siewerd against M. Grebnitzky of having captured the schooner on the ground of her having been within 100 miles of Commander Isles need not be regarded as serious, seeing that we have to deal with a written declaration, bearing Grebnitzky's signature, to the effect that he captured the "Araunah" for catching seals within the Customs limits.

Accordingly it appears to me that all I can do at present is to inquire of the Russian Government whether the schooner has been condemned by a proper Court, if not, when and where her trial will take place, and what facilities will be afforded to the owners for defending themselves, and, in case she has been tried and condemned, to request that I may be furnished with the evidence on which the condemnation took place. Of course I should also inquire into the alleged sale of the ship's stores and provisions before she had been formally condemned.

This final consideration of the case suggests a very important legal question.

Supposing, which I strongly suspect would be found to be what actually happened, that the schooner was outside the 3-mile limit, but one or more of the canoes inside it, would a Russian ship have had a legal right to capture the "Araunah" outside the limit, that is on the high seas, for an infraction of Russian Fishing Laws by her canoes within the limit?

R. B. D. M.

Inclosure 1 in No. 6.

Mr. Siewerd to Mr. Dering, August 27, 1888.

[See Inclosure 5 in No. 4.]

Inclosure 2 in No. 6.

Petition.

(Translation.)

To his Excellency the Military Governor of Vladivostock.

The Petition of H. F. Siewerd, master of the British schooner "Araunah."

AFTER the capture of the British seal-catching schooner "Araunah," belonging to the port of Victoria, in British Columbia, Messrs. Hall and Goepel owners, for a certain infringement of the laws of His Imperial Majesty, I, the undersigned master of the above-mentioned schooner, feel myself bound to state as follows.

On the 1st July (N.S.) of the present year, about 6:30 A.M., and during a dense fog and calm, considering myself to the south-west and at a distance of 16 miles from the southern extremity of Medney Island, and thinking that I was in the open waters of the Pacific Ocean, I sent canoes for seal-hunting [*lit.*, "sporting."—J. M.].

About 7:30 the fog began to clear off, and it appeared that the schooner was east by south of the above point, and at a distance of 6 miles and more from it; the canoes were to the south-west of the schooner, and about 2 miles away from her, the most distant canoe being about 3 miles away from the ship.

While in this position I observed a steamer bearing down straight on us, and she proved to be the Russian merchant-steamer "Alexander," flying the Russian commercial flag at her gaff, and a green flag with a white cross at her maintopgallant mast.

She hailed the schooner, and I, the master, was ordered to come on board. When I got on board the steamer I was told by an officer who was on board (I subsequently discovered it was M. Grebnitzky) that the schooner was confiscated because she was too near to the coast. I wanted, and endeavoured to explain the reason of this, but was told that I could protest to the authorities at Vladivostock, whither an explanation of the circumstances of the case would be sent. As this officer, however, did not exhibit any documents establishing his identity, I asked him what was his authority for seizing the schooner, upon which M. Grebnitzky, pointing to the flag flying at maintopgallant mast, replied that was his authority. After this the officers and sailors of the crew were arrested and transferred on board the steamer. The schooner was towed to the Settlement of Medney Island, to which 133 of our seized seal-skins were conveyed.

Of these 133 skins, two were obtained during the fog of the 1st July, and the remaining 131 skins were procured on the north-western coast of America and on those of the North Pacific Ocean. After this the schooner was sent to Petropaulovski, where the salt, crew's provisions, &c., were sold by M. Grebnitzky.

Having described the circumstances of the case, I have the honour to state to your Excellency that I protest against the accusation made against the schooner that she was within the Custom-house limit, *i.e.*, less than 3 miles from the shore. The following may serve as proofs.

During the fog and calm the schooner was carried by an unknown current to the north and east from her course; the canoes were dispatched to hunt, as already stated, during the fog and calm, because I considered I was 16 miles from the shore. If the canoes were found within the Custom-house limits, the foregoing circumstances would explain their presence there. The principal proof that the schooner was not less than 6 miles from the nearest point of the coast, and even more, is afforded by the fact that the steamer occupied two hours and forty minutes in steaming from the place of the schooner's seizure, which is situated to the east and south from the southern point to Glinka Settlement (the Settlement is north-west of the point, at a distance of 7 miles from it), the steamer towing the schooner at the rate of 6 miles an hour; measuring by the chart, it is evident that the schooner was at a greater distance than 6 miles from the nearest shore, *i.e.*, from the southern extremity of Medney Island; hence it follows

that the canoes could not have been within the limits of jurisdiction of the Custom-house.

In addition to this, I beg that the fact may be taken into consideration that there was no intention to infringe the laws of the Imperial Russian Government in any form soever, and that I was fishing [*lit.*, "hunting"], in accordance with the instructions of my owner, in the open waters of the Pacific Ocean. I would also add that I verbally informed M. Grebnitzky that I was bound to protest in the nearest British Government Office [*lit.*, "institution"], of which protest this Petition is a copy.

I, therefore, have the honour to request your Excellency not to leave the above-described case without examination, as also to convince yourself of the truth of my assertions by examining my crew under oath.

I request that a copy may be issued to me of this Petition.
Vladivostock, August 6, 1888.

I attest the correctness of this copy of the original.
(L.S.) (Signed)

C. P. MUTZ (*sic*),
Rear-Admiral.

(Signed) II. POPOFF,
Chief of Chancery.

Inclosure 3 in No. 6.

Diagram.

[See Inclosure 4 in No. 4.]

Inclosure 4 in No. 6.

Certificate.

(Translation.)

THIS 19th day of June, 1888, by decision of the Superintendent of the Commodore Islands, in accordance with the Order of the Governor-General and the Notice issued by the Imperial Russian Government against illegal hunting and fishing within the limits of Russian territories in the Pacific Ocean, has been confiscated the schooner "Araunah," Siewerd master, for seal-catching near Medney Island, within the Customs limit

In proof of which this certificate, with seal attached, has been issued to Mr. Siewerd.

(Signed) GREBNITZKY,
Superintendent of Commodore Islands.

Victoria, British Columbia, June 19, 1888.

(Seal of Superintendent of Commodore Islands.)

Inclosure 5 in No. 6.

Mr. Siewerd to Mr. Dering.

Sir,

THE Russian steamer "Alexander II" arrived at San Francisco, California, from Petropaulovski, Kamtschatka, on the 12th October, 1888. I went to San Francisco for the purpose of obtaining a copy of the steamer's logs, by which I could prove the schooner's position at the time of seizure, as stated in my protest, and the contents of these logs had been shown to me privately both by the chief officer and chief engineer of steamer.

Upon consulting Her Britannic Majesty's Consul at San Francisco, California, I found that we had no power to compel the master of a Russian vessel in an American port to produce his logs; I therefore concluded to formally demand same of the master

of the steamer "Alexander II," the result of which you will see from inclosed affidavit.

In connection with the facts already submitted to you in the official documents, I take the liberty to bring to your notice a few remarks which I did not deem prudent to insert in the protest.

1. The steamer "Alexander II" is the property of the Alaska Commercial Company of San Francisco, California, the lessees of the seal islands in the North Pacific Ocean, including Copper and Behring's Islands.

The "Alexander II" hails from Vladivostock, and is commanded by Captain Gronberg, a resident of Oakland, California, who has been in the service of the Company for the past fourteen years.

The Alaska Commercial Company pays its servants well, and when after a term of years they are unfit for service, gives them a liberal pension; this liberality, of course, makes the employé's, with perhaps few exceptions, pliable tools of the Company.

I mention this as the authority as to the schooner's position, &c., at time of seizure on the part of the Russian Government will be principally that of Captain Gronberg alone, and on account of the above facts should be taken with due caution.

2. At time of seizure I called attention of M. Grebnitzky to the fact that I considered myself in the open waters of the North Pacific Ocean when south of the islands, when he replied, "I would take you 100 miles south of the Commander Islands if found with seal-hunting outfit aboard," claiming jurisdiction to the parallel of Atton Island, and it is evident that he made the seizure in this belief.

3. As to M. Grebnitzky, the Representative of the Imperial Russian Government, I will briefly say what I learned about him.

Grebnitzky is a civil officer (no naval officer), is Inspector of the Commander Islands, said to receive a Government salary of 1,200 roubles per annum. It is an open secret that he is well felt by the Company and sees that everything is done to further the wishes and interests of the Alaska Commercial Company, one of which is the extermination of private sealers by either foul or fair means, and to obtain the monopoly of this industry.

The Russian Government will have no trouble to convince itself of the true character of Grebnitzky, as Dr. Grenovitzky, a military physician, who resided two years on Copper and Behring's Islands, has returned to Vladivostock on the 18th August, 1888, to report to his Excellency Governor-General Korff about the state of affairs on the islands and the relations of the Government's servant Grebnitzky to the Alaska Commercial Company. From this source sufficient can be learnt to prove beyond doubt that the seizure, although made by the person Grebnitzky as a Russian official, it was practically made by order and in the interest of the Company.

I have endeavoured to give you the undisguised facts of the case in my own way and language; I now here rest my case, and again earnestly pray you to use every means in your power to secure a restitution of the so unjustly and illegally confiscated property, and payment of the damages incurred.

I am, &c.

(Signed) F. H. SIEWERD,

Late Master of the British Schooner "Araunah."

Inclosure 6 in No. 6.

Mr. Siewerd to Mr. Dering.

Sir,

Port of San Francisco, California, October 18, 1888.

IN order to obtain the proof of the assertions made in my protest against the illegal seizure of the British sealing-schooner "Araunah," which protest I forwarded to you from Nagasaki, Japan, I called upon Captain Gronberg on board the Russian merchant-steamers "Alexander II," now lying at this port, and in presence of the undersigned witness, Captain George Ball, asked Captain Gronberg for a copy of the steamer's logs of the day 1st July, 1888, on which day said steamer "Alexander II," of which said Captain Gronberg was then master, captured the British sealing-schooner "Araunah," off Copper Island. Captain Gronberg flatly refused to give any copy of the logs, but volunteered to give me a verbal account.

Captain Gronberg states, "The schooner bore at time of capture about east by south-half-south, distant 3 miles from south-east point of island."

I asked, "By what method did you determine this distance, by cross bearings or four point bearings?"

Captain Gronberg replied, "I just made a rough guess."

Captain Ball, the witness, spoke, "Your judgment as to distance is then only by an approximation?"

Captain Gronberg replies, "Yes, Sir."

I then asked of Captain Gronberg, "Had you a letter of marque at the time you captured the 'Araunah'?"

Captain Gronberg answered, "No, Sir, but I got the letter the same day after the capture as I did not want any trouble."

I asked, "Do you remember having heard M. Grebnitzky say, 'I would seize you if you were 100 miles south of the islands?'"

Captain Gronberg replied, "Yes, I heard M. Grebnitzky say this."

I next asked M. Arlin, chief officer, "Do you know the distance and bearing of the 'Araunah' at the time your steamer captured her?"

M. Arlin replied, "I have no idea whatever; as my opinion was not asked, I did not trouble about it."

I asked, "Did you not make the entry in the ship's log?"

M. Arlin replied, "Yes, I copied what the captain gave me."

I also questioned M. Truber, second officer, as to his knowledge as to the bearing and distance of the "Araunah" at time of capture.

M. Truber states, "In my opinion the schooner was about 5 to 7 miles from the land."

We, the Undersigned, solemnly swear that we have carefully read over the foregoing, and that it is a true and correct statement of the interview which took place on board the Russian merchant-steamers "Alexander II" on Tuesday, 16th October, 1888.

(Signed) H. F. SIEWERD, *late Master of British Schooner "Araunah."*

(Signed) GEORGE BALL.

Subscribed and sworn to at the British Consulate, San Francisco, this 18th day of October, 1888.

Before me,
(Signed) DENIS DONOHUE, *Consul,*
San Francisco.

(Consular Stamp.)

Dominion of Canada, Province of British Columbia:

I, John Joel Austin, a Notary Public duly commissioned for the Province of British Columbia, hereby certify that I have carefully examined the document hereto annexed, contained on three folios, with the original sworn declaration and letter, and declare that the annexed is a true and correct copy of said original letter and all attestations thereto.

In witness whereof I have hereunto set my hand and seal of office at Victoria, this 25th day of October, 1888.

(Signed) JNO. J. AUSTIN, *a Notary Public in and for the Province of British Columbia.*

(Seal.)

Inclosure 7 in No. 6.

Messrs. Hall, Goepel, and Co. to Mr. Dering.

Dear Sir,

October 25, 1888.

WE last had the honour of addressing you on the 27th ultimo [?], copy of which has already gone forward. We now have the pleasure of inclosing affidavit, made before the British Consul at San Francisco, California, of Captain H. F. Siewerd and Captain Ball, relative to an interview had with the captain of the "Alexander II" (steamer) on his arrival at that port, re position of schooner "Araunah" at the time of seizure. The document we think explains itself, and greatly strengthens our case, taking into consideration the impossibility of making Gronberg produce his log-book, which is the private property of the Alaska Commercial Company. We also inclose

statement of claim amounting to 21,852 dol. 75 c. We have made this claim as clear as possible without exaggerating values, which will save a good deal of writing asking for explanation. The cost of schooner we have put at her market value ready for sea.

The outfit for sealing cruize is actual, for which we have vouchers.

The estimated catch of 2,100 skins, at per net profit 5 dollars per skin, we arrive at as follows:—

	Dol. c.
Gross value of skins at	7 50
Less allowed Indians per skin, and part of outfit, consumed in the shape of provisions, &c.	2 50
	5 00

The items following in Statement are actual. The foot-note also explains itself. The account bears interest at the rate of 10 per cent. per annum until paid. Also if we are not in a position on the 15th February, 1889 (the day on which the next season commences) to send out a schooner sealing, we shall incur the same amount of loss next year, and consequently are entitled to the same amount of damages, viz., the net profit on the catch, 10,500 dollars. The same for every ensuing year. We trust these explanations are clear to you, and that you will have no difficulty in placing our claim before the Russian Government. We inclose a letter from Captain Siewerd, promised in his to you of the 26th ultimo, which may, we think, be of assistance in establishing our claim. We can only ask you to do all in your power on our behalf, and thanking you for the trouble you have already been put to in this matter.

Awaiting your advice, we have, &c.

(Signed) HALL, GOEPEL, AND Co.

Inclosure 8 in No. 6.

STATEMENT of Claim made by Messrs. Hall, Goepel, and Co., of Victoria, British Columbia, owners of the British schooner "Araunah," against the Imperial Russian Government, for illegal seizure of said schooner "Araunah" by the steamer "Alexander II," in the open waters of the Behring's Sea, on the 1st day of July, 1888.

	Dol. c.
Cost of schooner ready for sea	8,000 00
Outfit for sealing cruize	2,032 62
Estimated catch of seals (2,100), at per net profit 5 dollars	10,500 00
Mancys laid out by master while in hands of Russian Government, for subsistence charges incurred	180 00
Wages to master and crew	860 13
Fare of master and crew from Vancouver to Victoria, British Columbia	30 00
Cost of transporting (? Indian) crew to west coast of Vancouver Island	250 00
Total	21,852 75

Bearing interest at the rate of 10 per cent. per annum, and recurring damages from loss of schooner of 10,500 dollars if not paid by the 15th February, 1889, and the same amount for every ensuing year.

(Signed) HALL, GOEPEL, AND Co.,
Owners of British Schooner "Araunah."

October 25, 1888.

No. 7.

The Marquis of Salisbury to Sir R. Morier.

Sir,

Foreign Office, December 11, 1888.

I HAVE received your Excellency's despatch of the 30th ultimo relative to the seizure of the British schooner "Araunah" by a vessel belonging to the Alaska Commercial Company, and to the detention of the ship and sale of her stores at Petropaulovsk.

I am of opinion that the proper course will be that you should in the first instance, as you suggest, address a note to the Russian Government, inquiring

whether the schooner has been condemned by a proper Court, and, if so, requesting to be furnished with the evidence on which the condemnation took place; but, if not, requesting to be informed when the trial will take place, and what facilities will be afforded to the owners for their defence; and further inquiring into the alleged sale of the ship's stores and provisions before she had been formally condemned.

Upon receipt of the reply of the Russian Government, any points of law which may arise upon it can, if necessary, be referred to the Law Officers of the Crown.

Judging from the evidence at present in the possession of Her Majesty's Government, the proceedings would seem to call for the fullest inquiry. But it would be premature to do more than claim such inquiry before the statement of the opposite party has been received.

I am, &c.

(Signed) SALISBURY.

No. 8.

Sir R. Morier to the Marquis of Salisbury.—(Received December 17.)

(Extract.)

St. Petersburg, December 12, 1888.

WITH reference to previous despatches, and to your Lordship's of the 4th instant, transmitting copies of correspondence with the Canadian Government on the subject of the seizure of the schooner "Araunah," I have the honour to inclose copy of a letter which I have addressed to Messrs. Hall and Goepel, the proprietors of the ship.

I confess that the more I have looked into the case the more I have inclined to the belief that, though the schooner herself was outside the territorial waters, the hunting canoes were either inside the limit or dangerously near to it.

Inclosure in No. 8.

Sir R. Morier to Messrs. Hall, Goepel, and Co.

Gentlemen,

St. Petersburg, November 30, 1888.

HAVING received the final communication which you had announced from the master of the "Araunah," I have submitted the whole case to a careful examination, with a view to submitting it to the Russian Government. In doing so, however, I have found that there are some points which require elucidation, and respecting which, therefore, I have to request you to give me further information.

1. As regards the positions of the schooner at 7:30. In Mr. Siewerd's declaration it is stated that at 6:30 A.M. he was distant 16 miles south by west of the southern extremity of Copper Island, at which time he ordered the canoes out for hunting. At 7:30 A.M., that is, an hour afterwards, the fog having lifted, the schooner was found to be east by south 6 miles distant from the south point of the island, with the canoes out at 2 miles distant from the sloop, one only being as far as 3 miles. A diagram giving these positions approximately accompanies Mr. Siewerd's declaration, and according to this declaration the space traversed by the schooner between 6:30 and 7:30 A.M., that is, one hour, must have been 17½ miles, and as the canoes had remained in proximity to the ship, they also, whilst carrying on their hunting operations, must have been drifting at the rate of between 15 and 17 miles an hour. The tremendous rapidity of this current, which it is stated appears upon no chart, and of which the master of the sloop does not seem to have been aware, though carried along at this great rate of speed, requires some explanation.

2. Much is made by Mr. Siewerd of the statement of Grebnitzky that he would have seized the "Araunah," had she been fitted out with apparatus for seal-catching, anywhere within 100 miles south of Commander Islands. Had he assigned this as his true motive for capturing the ship, the case would be a very grave one, but as he has given his motives for capturing the ship in a written declaration, we are bound to go by that, and are not at liberty to go outside this declaration and supersede a document signed and sealed by anything he may have said *videlicet*.

It appears to me that it is of extreme importance to note the exact words of the certificate, which does not state that he confiscated the schooner for being within the Customs limit, but for seal hunting within the Customs limit of Medney Island.

Now, it appears from the descriptions given by Mr. Siewerd that the seal hunting is not performed by the seal schooners themselves, but by the canoes which are dispatched from them, and I take it that the point that will have to be determined will be whether any of the canoes were within the Customs limit. On this point it appears to me that the Petition addressed by Mr. Siewerd to the Governor of Vladivostock is far from clear. He admits that one of his canoes was 3 miles away from the ship, while the ship was 6 miles away from the land, which might bring it dangerously close if not actually on the Custom-house limit. In another portion of the Petition, however, he seems himself in doubt upon the subject, for he says, "If the canoes were found within the Custom-house limits, the foregoing circumstances would explain their presence there." I would further add with regard to this Petition that Mr. Siewerd protests "against the accusation made against the schooner that she was within the Custom-house limits, *id est*, less than 3 miles from the shore." As before stated in the only official document which has been forwarded to me, namely, M. Grebnitzky's certificate, this accusation is not made the motive assigned for her seizure, but that she was seal hunting within those limits, that is, that the canoes were within those limits. The conversation between Siewerd and Captain Gronberg, of which an affidavit is given in Mr. Siewerd's letter of the 18th October, throws no light upon the subject, because all that Captain Gronberg vouchsafes to say is that the schooner was about east by south and a half south, distant 3 miles from the south-east point of the island, which might leave her just inside or outside the limit. It is therefore perfectly clear that the ground they will take up will be that the canoes and not the schooner were within the limits. You must, therefore, be prepared with all the evidence you can procure to disprove the presence of the canoes there.

3. Mr. Siewerd states, in both his declaration and Petition, that the stores, salt, &c., of the "Araunah" were sold at Petropaulovski on no other responsibility than M. Grebnitzky's. No mention, however, is made of the schooner itself, and I have therefore to request you to inform me whether it is within your knowledge that she has been brought, or that it is intended to bring her, before a Court for condemnation, and, in that case, before what Court?

I will, in conclusion, call attention to a slight discrepancy as regards the number of the seal-skins landed at Copper Island, which, in the declaration before Her Majesty's Consul are described as being 136, and in the Petition to the Governor of Vladivostock as 133.

I am, &c.

(Signed) R. B. D. MORIER.

No. 9.

*Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office,
January 5, 1889.)*

My Lord, *Government House, Ottawa, November 27, 1888.*

REFERRING to my despatch of the 6th instant, I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting copies of further correspondence on the subject of the seizure of the British schooner "Araunah" in Behring's Sea by the Russian merchant-steamer "Alexander II."

I have, &c.

(Signed) STANLEY OF PRESTON.

Inclosure 1 in No 9.

*Certified Copy of a Report of a Committee of the Honourable the Privy Council, approved by
his Excellency the Governor-General in Council on the 26th November, 1888.*

ON a Memorandum, dated the 22nd November, 1888, from the Minister of Marine and Fisheries, recommending that copies of further correspondence on the subject of the seizure of the British schooner "Araunah" in Behring's Sea by the Russian merchant-steamer "Alexander II" be also forwarded, through the proper channel, to Her Majesty's Government, in conjunction with the Minute of Council of the 22nd October last, on the same subject, the Committee advise that your Excellency

be moved to forward copies of the papers herewith to the Right Honourable the Secretary of State for the Colonies, for transmission to the Foreign Office, in further support of the claim to be preferred.

All which is respectfully submitted.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council.

Inclosure 2 in No. 9.

Messrs. Hall, Goepel, and Co. to Mr. J. A. Chapleau.

Sir,
Victoria, British Columbia, October 26, 1888.
WE last had the honour of addressing you on the 21st ultimo, and have since received your letter of the 1st instant acknowledging same, stating that the seizing of the schooner "Araunah" by the Imperial Russian Government will receive consideration at the hands of your Government. We now have the honour to inclose copy of a letter forwarded yesterday to H. N. Dering, Esq., St. Petersburg, Russia; also copy of statement of claim; as also notarial copy of affidavit made in San Francisco, California, before the British Consul, by the late captain of the schooner and Captain Beil.

We trust these papers, which complete our evidence, will also receive the consideration of your Government, and that you will be able to urge our claim against the Russian Government.

We have, &c.
(Signed) HALL, GOEPEL, AND CO.

Inclosure 3 in No. 9.

Mr. Siewerd to Mr. Dering, October 18, 1888.

[See Inclosure 6 in No. 6.]

Inclosure 4 in No. 9.

Certificate.

[See Inclosure 6 in No. 6.]

Inclosure 5 in No. 9.

Messrs. Hall, Goepel, and Co. to Mr. Dering, October 25, 1888.

[See Inclosure 7 in No. 6.]

Inclosure 6 in No. 9.

Statement of Claim.

[See Inclosure 8 in No. 6.]

No. 10.

Sir R. Morier to the Marquis of Salisbury.—(Received January 14, 1889.)

My Lord,

St. Petersburg, December 30, 1888.
I HAVE the honour to transmit herewith copy of a letter which I have addressed to M. de Giers on the subject of the seizing of the "Araunah," in compliance with the instructions contained in your Lordship's despatch of the 11th instant.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 10.

Sir R. Morier to M. de Giers.

M. le Ministre,

St. Petersburg, December 30, 1888.

I HAVE the honour to call your Excellency's attention to the following statement with reference to an incident which occurred off the southern extremity of Copper Island on the 1st July of the present year.

The "Araunah," a British schooner from British Columbia, master F. H. Siewerd, equipped for seal hunting, found herself on the date in question, at 6 30 A.M., in a heavy fog and calm, 16 miles south by west off the southern extremity of Copper Island. Judging himself to be in the open waters of the North Pacific Ocean, the master ordered the canoes out for hunting. At about 7:30 A.M. the fog lifted, when the schooner was found to be east by south at a distance of about 6 or more miles from Copper Island, having been carried by a current not marked upon the Chart, with the canoes out at various distances to her south and west, and at about 2 miles away from her, the most distant being 3 miles off. When in this position a steamer was sighted, which bore at once down upon the schooner. This proved to be the "Alexander II," a ship belonging to the Alaska Commercial Company of San Francisco. She was flying at the peak the Russian merchant ensign, and at the maintop a green flag with a white cross. The name of her master was Gronberg, that of the chief officer Arlin, and of the second officer Imberg, all of them servants of the American Company; but besides these there was on board a M. Grebnitzky, a civilian, who described himself as "Superintendent of the Commander Islands." By his orders the "Araunah" was hailed, and her master brought on board the "Alexander II." M. Grebnitzky then informed him that he would confiscate the schooner for fishing too near the land. Mr. Siewerd asked him on what authority he acted. M. Grebnitzky produced no documentary evidence, but pointed to the flag at the maintop, the green one with a white cross, saying that that was his authority. The officers and crew of the "Araunah" were then transferred on board the "Alexander II," by which the British vessel was towed to the Settlement of Glinka on Copper Island. Here the seal-skins, 136 in number, were landed, and the ship's papers delivered to M. Grebnitzky. The schooner was then brought by a crew from the "Alexander II" to Petropaulovski, and upon her arrival the salt stores and provisions, as well as a part of the personal property of her crew, were sold by M. Grebnitzky, without the confiscation having been declared to be legal by any authority but his own.

I have been instructed by Her Majesty's Government to request your Excellency to cause an inquiry to be made by the proper authorities into the circumstances of the seizure of this schooner, which, upon the evidence at present before them, seems to have been of an arbitrary, not to say illegal, character. I have specially to inquire whether she has been condemned by a proper Court, and, if so, to request that your Excellency will kindly furnish me with the evidence on which the condemnation took place, or, in the case of her not yet having been condemned, that I may be informed when her trial will take place, and what facilities will be afforded to the owners for their defence. I have at the same time the honour to request you to furnish me with information with respect to the alleged sale of the ship's stores and provisions before she had formally been condemned.

I have, &c.

(Signed) R. B. D. MORIER.

No. 11.

Sir R. Morier to the Marquis of Salisbury.—(Received August 30.)

(Extract.)

St. Petersburg, August 26, 1889.

I HAVE the honour to transmit herewith the inclosed copy of a note from the Russian Government, dated the 4th (16th) instant, in reply to my note of the 18th (30th) December, respecting the case of the schooner "Araunah," confiscated by the Russian authorities for unlawful seal-hunting in the proximity of Copper Island.

The case is too full of legal points for me to undertake to reply to the Russian note before it has been submitted to your Lordship's consideration.

Inclosure in No. 11.

M. de Giers to Sir R. Morier.

Ministère des Affaires Étrangères, Saint-Petersbourg,
le 4 (16) Août, 1889.

M. l'Ambassadeur,

J'AI exactement reçu la note de votre Excellence en date du 13 (25) [?] 18 (30,) Décembre, 1888, relative à l'affaire du schooner Anglais "Araunah," confisqué par les autorités Russes pour s'être livré à la chasse des otaries à proximité de l'Île Medney.

Votre Excellence ayant demandé de recevoir communication des informations que les autorités Impériales auraient été, de leur côté, en mesure de fournir sur cette affaire, j'ai l'honneur de vous faire part des données que m'a transmises à cet égard M. le Gouverneur-Général de l'Amour.

Vous voudrez bien en relever, j'espère, M. l'Ambassadeur, que la conduite de l'autorité Russe en cette circonstance a été tout à fait régulière.

En ce qui touche d'abord l'essence même de l'affaire, c'est-à-dire la confiscation du bâtiment Anglais, cette mesure se trouve entièrement justifiée par le fait que "l'Araunah" se livrait à la chasse des otaries dans la limite de nos eaux territoriales. Les pièces du dossier communiqué par M. le Gouverneur-Général et notamment le Rapport de l'autorité qui a constaté le flagrant délit, c'est-à-dire ici M. Grebnitzky, Intendant des Îles du Commandeur, ne laissent aucun doute à cet égard. L'impossibilité pour M. le Capitaine de "l'Araunah" de dénier aujourd'hui le caractère régulier de la saisie résulte d'ailleurs d'un document également joint au dossier; c'est l'acte de confiscation dressé par M. Grebnitzky et sur lequel Mr. Siewerd a opposé sa signature sans protestation, bien qu'il ait été averti par l'Agent Russe, ainsi qu'il ressort d'une attestation écrite sur le dit acte par un citoyen Américain présent sur les lieux, M. Malovansky, qu'en apposant sa signature, le capitaine Anglais devait faire mention des réclamations qu'il pourrait avoir à élever; faute de quoi aucune réclamation ultérieure de sa part ne serait admise.

Plus tard, sans doute, malgré cet avertissement, Mr. Siewerd a adressé une protestation au Gouverneur de Vladivostok dans laquelle il a prétendu que les canots du schooner confisqué, lancés à la mer pour la chasse des otaries, ne se trouvaient pas à une distance de moins de 3 milles du rivage. Mais, indépendamment de la question de savoir si c'est à une portée de 3 milles seulement que doivent être étendues les eaux territoriales, cette déclaration du capitaine Anglais perd sa valeur:—

1. Par le fait qu'elle est postérieure à la signature par lui de l'acte de confiscation dressé dans les conditions énoncées plus haut;

2. Parce que dans sa même protestation le Sieur Siewerd semble admettre lui-même, quelques lignes plus loin, que les canots de son bâtiment avaient pu être trouvés par M. Grebnitzky en deça de la ligne Douanière des eaux Russes;

3. Attendu que M. l'Intendant des Îles du Commandeur affirme catégoriquement que deux chaloupes du schooner confisqué se trouvaient à une distance d'une demi-mille du rivage, et qu'à bord du schooner se trouvaient deux otaries non encore éventrées.

En général, les allégations du capitaine de "l'Araunah" par rapport à la position qu'occupaient en mer le schooner et les canots sont assez vagues et ne sont rien moins que prouvées. Une considération qui dépose en outre contre lui, est que son journal de bord, tenu jusqu'à là, à ce qu'il semble, régulièrement, s'arrête à la date du 5 Juin, ce qui enlève la possibilité pour lui d'établir juridiquement ses dires et soutenir qu'à la veille de la confiscation et au matin de ce jour-là il se croyait en pleine mer. Quant au cahier, trouvé également parmi ses papiers et qui semble lui avoir servi, par intervalles, de brouillon pour la tenue de son journal de bord, il ne saurait être reconnu comme pièce ayant une qualité juridique obligatoire.

Votre Excellence ayant bien voulu demander d'être renseigné sur la sanction qu'avait pu recevoir ultérieurement l'acte de confiscation prononcé par M. Grebnitzky, je crois devoir vous faire part de ce qui suit.

M. Grebnitzky s'étaient empressés de présenter un Rapport détaillé de l'affaire, avec les pièces à l'appui, à M. le Gouverneur-Général de l'Amour; celui-ci, après examen, a reconnu que la conduite tenue par cet Agent avait été tout à fait régulière, et en vertu des pouvoirs qui lui appartenaient, a donné à la mesure de confiscation la sanction de l'autorité administrative supérieure.

Pour ce qui est de la vente faite par M. Grebnitzky des provisions de bord,

trouvées par lui sur "l'Araunah," cet Agent expose dans son Rapport qu'il y a été pour les motifs suivants.

N'ayant pas à sa disposition la somme nécessaire pour expédier à Vladivostock l'équipage de "l'Araunah," M. Grebnitzky a dû vendre aux enchères, en remplissant les formalités voulues, les dites provisions; avec une partie de l'argent retiré de cette vente il a payé le transport de l'équipage, et le reste a été remis à la Trésorerie locale.

Telles sont, M. l'Ambassadeur, d'après les données fournies par l'autorité locale, les conditions dans lesquelles s'est accomplie cette affaire. En terminant je me permettrai de relever encore ce qui suit.

Le Gouvernement de Sa Majesté Britannique n'ignore pas que les bâtiments se livrant sans permission dans ces parages à la chasse des otaries causent à l'industrie locale des dommages incalculables. Il a reconnu lui-même l'urgence des mesures destinées à mettre fin à un pareil état de choses, et il est à regretter que les négociations entamées à Londres sur cette matière n'aient pas abouti jusqu'à présent.

En portant ce qui précède à votre connaissance, je saisis, &c.

(Signé)

GIER.S.

(Translation.)

M. l'Ambassadeur,

Foreign Office, St. Petersburg, August 4 (16), 1880.

I RECEIVED in due course your Excellency's note dated the 13th (25th) [? 18th (30th)] December, 1888, respecting the affair of the British schooner "Araunah," confiscated by the Russian authorities for being engaged in sealing in the neighbourhood of the Island of Mednoy.

Your Excellency having requested to be provided with such information as the Imperial authorities may be able to furnish upon this point, I have the honour to communicate to you the facts which have been transmitted to me by the Governor-General of the Amour with regard to the matter.

Your Excellency will, I hope, be convinced by them that the conduct of the Russian authorities was perfectly regular.

First, as regards the pith of the whole matter, viz., the confiscation of the British ship, this proceeding is entirely justified by the fact that the "Araunah" was engaged in sealing within the limits of our territorial waters. The file of papers communicated by the Governor-General, and especially the Report of the officer who proved that the vessel had been captured in the act, viz., M. Grebnitzky, the Superintendent of the Commander Islands, leave no doubt upon this point. Besides, another document belonging to the same file renders it impossible for the captain of the "Araunah" now to deny the regular nature of the seizure: I mean the deed of confiscation, which was drawn up by M. Grebnitzky and countersigned, without any protest, by Mr. Siewerd, though, as is proved by a statement written on the said deed by Mr. Malovansky, an American citizen, who was present at the time, he had been warned by the Russian Agent that on affixing his signature, he (the English captain) must mention any claims which he might have to raise, as no later claim would be recognized, if this formality was not fulfilled. It is true that Mr. Siewerd, in spite of the warning, subsequently addressed a protest to the Governor of Vladivostock, in which he asserted that the canoes of the confiscated steamer, which had put to sea after fur-seals, were not within a distance of 3 miles of the shore. But, apart from the question whether territorial waters only extend to a distance of 3 miles, the English captain's declaration is valueless for the following reasons:—

1. Because it is subsequent to the signature by him of the act of confiscation drawn up under the conditions stated above.

2. Because in this same protest Mr. Siewerd himself seems to admit, a few lines further on, that the canoes may have been within the Customs line of the Russian waters.

3. Because the Superintendent of the Commander Islands affirms categorically that two boats of the schooner were at a distance of half-a-mile from the shore, and that two seals not yet disembowelled were found on board the schooner.

Generally, the statements of the captain of the "Araunah" as to the position on the sea occupied by the schooner and the canoes are very vague and very far from being proved. Besides, an argument against him is that the log-book, which seems till then to have been regularly kept, stops at the date of the 5th June, which makes it impossible for the captain to establish his assertions judicially, and prove that on the eve of the confiscation, and on the morning of the day, he believed himself to be on

the high sea. As for his diary, which was also among his papers, and seems to have been occasionally used by him for rough copies of the entries in the log-book, that cannot be admitted as a document having any obligatory judicial weight.

The following is in answer to your Excellency's request to be informed what sanction the deed of confiscation pronounced by M. Grobnitzky subsequently received.

M. Grebnitzky lost no time in presenting a full Report of the matter, with documentary evidence in support, to the Governor-General of the Amour; and the latter, after examination, declared the Agent's behaviour to have been absolutely regular, and, in virtue of his powers, gave to the deed of confiscation the sanction of the superior administrative authority.

For the sale by M. Grebnitzky of the provisions which he found on board the "Araunah," the Agent gives in his Report the following reasons:—

As he had not at his disposal the sum necessary for sending the crew of the "Araunah" to Vladivostock, M. Grebnitzky had to sell the said provisions by auction, after going through the proper formalities. With part of the proceeds he paid the journey of the crew; the remainder was paid into the local Treasury.

Such, M. l'Ambassadeur, according to the statements of the local authorities, are the conditions under which the affair took place. I take the liberty, in conclusion, of calling attention to the following point:—

The Government of Her Britannic Majesty are well aware of the incalculable damage done to local industry by vessels engaging without permission in fur-sealing in these waters. They have themselves recognized the urgent need for measures to put an end to such a state of things, and it is to be regretted that the negotiations commenced with regard to this matter in London have till now remained without result.

Having thus brought these facts to your notice, I take, &c.

(Signed)

GIER.S.

No. 12.

The Marquis of Salisbury to Sir R. Morier.

Sir,

Foreign Office, October 3, 1889.

I DULY received your Excellency's despatch of the 26th August, containing the reply of the Russian Government to the note which you had addressed to them on the 30th December last respecting the case of the schooner "Araunah," which was confiscated in July 1888 by M. Grebnitzky, the "Superintendent of the Commodore Islands," for unlawful seal-hunting in the proximity of Copper Island.

Before Her Majesty's Government can form any decided opinion as to their future action in the case, it is necessary that they should be furnished with fuller information than they now possess on the following points:—

1. As to the legal position and authority of M. Grebnitzky. It appears that he described himself in the certificate dated the 19th June (1st July, 1888), as "Superintendent of the Commodore Islands," acting "in accordance with the order of the Governor-General, and the Notice issued by the Imperial Russian Government against illegal hunting and fishing with the limits of Russian territories in the Pacific Ocean," and in M. de Giers' note, inclosed in your despatch under reply, the "Araunah" is spoken of as "confisqué par les autorités Russes." I should be glad to know the exact position of this official, and under what authority he acted throughout in the matter.

2. What were the grounds and authority upon which the seizure of the "Araunah" was made by the "Alexander II"? This latter vessel is described as a steamer belonging to the Alaska Commercial Company of San Francisco. She is stated to have been flying the Russian merchant ensign at the peak, and a green flag with white cross at the main. I should be glad to know whether this latter flag, which is now superseded by a blue one, had ceased to be the Russian Imperial Customs flag at the time the seizure was effected, viz., July 1, 1888, and what was the actual date on which the change was made.

3. I should also be glad to be furnished with a copy of the Russian Law, if such exists, conferring upon the Governor-General of Amour the power of pronouncing a Decree of Confiscation upon vessels seized on similar grounds to the "Araunah,"

without the intervention of any legal Tribunal, or regular hearing of the parties implicated.

And, finally, I should wish to see a translation of any fishing or hunting Laws or Customs Regulations which the Russian Government may inform you are applicable to the case.

I have to request your Excellency to endeavour to obtain the information and documents mentioned above, together with any further explanations which you may think useful, with a view to obtaining an opinion from the Law Officers of the Crown on the legal aspect of the case.

I am, &c.
(Signed) SALISBURY.

No. 13.

The Marquis of Salisbury to Sir R. Morier.

Sir, *Foreign Office, February 14, 1890.*

I SHOULD be glad to know whether your Excellency has been able to obtain the further information in connection with the case of the "Araunah" asked for in my despatch of the 3rd October last.

I am, &c.
(Signed) SALISBURY.

No. 14.

Sir R. Morier to the Marquis of Salisbury.—(Received February 24.)

My Lord, *St. Petersburg, February 19, 1890.*

WITH reference to your Lordship's despatch of the 14th instant, I have the honour to state that I have as yet failed to obtain from the Russian Foreign Office the additional information your Lordship asks for respecting the case of the "Araunah." I wrote a *note verbale* on the subject upon receipt of your Lordship's despatch of the 11th December, 1888, and after an interval I left a Memorandum on the subject with M. de Giers. I shall now address a formal note on the subject, with, I hope, better results.

I have, &c.
(Signed) R. B. D. MORIER.

No. 15.

Sir R. Morier to the Marquis of Salisbury.—(Received March 24.)

My Lord, *St. Petersburg, March 19, 1890.*

WITH reference to previous correspondence, I have now the honour to transmit to your Lordship herewith copies of the *note verbale* which I addressed to M. de Giers on the 21st October last, embodying the queries respecting the "Araunah" contained in your Lordship's despatch of the 3rd October last, and of a note from M. de Giers, dated the 15th instant, in which answers to these queries are furnished. Your Lordship will perceive that query No. 3 of my *note verbale*, in which I ask to be furnished with the text of the Russian Law conferring upon the Governor-General of the Amour the power of pronouncing a Decree of Confiscation upon vessels seized on similar grounds to the "Araunah," apparently without the intervention of any Court of Law, is left unanswered, and that there is only the statement of fact that "toutes les causes résultant de l'application des règlements ci-dessus mentionnés sont du ressort du Gouverneur-Général de l'Amour qui en décide on dernière instance."

It can be safely asserted that the investiture of the Governor-General with these prerogatives rests upon no law properly speaking, but is the result of administrative arrangements emanating directly from the Sovereign in the exercise of his executive power.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure 1 in No. 15.

Note Verbale.

HER Britannic Majesty's Ambassador has the honour to present his compliments to his Excellency the Imperial Minister for Foreign Affairs, and to inform him that he has received a despatch from Her Majesty's Secretary of State respecting the confiscation of the schooner "Araunah," in which the Marquis of Salisbury states that Her Majesty's Government do not feel able to appreciate the considerations put forward by the Imperial Government in their note of the 4th (16th) August last without fuller information than they at present possess on the following points:—

1. What is the exact position of M. Grebnitzky, described as "Superintendent of Commander Islands," and under what authority he acted throughout in the matter?

2. What were the grounds and authority upon which the seizure of the "Araunah" was made by the "Alexander II"? This latter vessel is described as a steamer belonging to the Alaska Commercial Company of San Francisco. She is stated to have been flying the Russian merchant ensign at the peak, and a green flag with a white cross at the main. Lord Salisbury would be glad to know whether this latter flag, which is said to be now superseded by a blue one, had ceased to be the Russian Imperial Customs flag at the time the seizure was effected, viz., the 1st July, 1888, and what was the actual date on which the change was made?

3. Lord Salisbury would also be glad to be furnished with the text of the Russian Law conferring upon the Governor-General of the Amour the power of pronouncing a decree of confiscation upon vessels seized on similar grounds to the "Araunah," without apparently the intervention of any Court of Law, or regular hearing of the parties implicated.

Her Britannic Majesty's Ambassador has accordingly the honour to request his Excellency the Minister of Foreign Affairs to be good enough to enable him to furnish Her Majesty's Government with the information they desire, and Sir Robert Morier seizes the opportunity to renew to M. de Giers the assurance, &c.

British Embassy, St. Petersburg, October 9 (21), 1889.

Inclosure 2 in No. 15.

M. de Giers to Sir R. Morier.

M. l'Ambassadeur,

Saint-Petersbourg, le 3 (15) Mars, 1890.

VOTRE Excellence a bien voulu me remettre à la date du 9 (21) Octobre dernier une note verbale dont il résulte que le Gouvernement de Sa Majesté la Reine est désireux d'obtenir des informations supplémentaires au sujet de la saisie de la goëlette "Araunah." Les points sur lesquels le Gouvernement de la Reine tiendrait à être renseigné étant spécifiés dans la note en question, je me fais un devoir de vous communiquer ce qui suit:—

1. M. Grebnitzky, en sa qualité d'Intendant des Iles du Commandeur, est chargé de l'administration de ce territoire, et il relève directement du Gouverneur Militaire de la Province Maritime. C'est à lui aussi qu'incombe le devoir de veiller à l'application des Règlements qui interdisent aux navires étrangers, qui ne seraient pas munis d'une autorisation spéciale émanée du Gouverneur-Général de l'Amour, d'exercer le commerce, la chasse, ainsi que la pêche dans les eaux territoriales des Iles du Commandeur.

2. A défaut de navires de guerre, l'autorité locale a le droit d'employer, pour faire respecter les Règlements ci-dessus mentionnés, des navires marchands, qui, dans ces cas, ont à leur bord une garde militaire, et sont munis d'instructions spéciales. Le bateau à vapeur "Alexandro II," à bord duquel se trouvait M. Grebnitzky au moment de la saisie de "l'Araunah," était justement chargé à cette époque de la surveillance dans les eaux des Iles du Commandeur.

3. Le pavillon Douanier Russe n'a pas été changé; et

4. Toutes les causes résultant de l'application des Règlements ci-dessus mentionnés sont du ressort du Gouverneur-Général de l'Amour, qui en décide en dernière instance. Conformément à cet Article les pièces relatives à la saisie de "l'Araunah" ont été transmises à M. l'Aide-de-camp Général Baron Korf, qui, après avoir examiné les procès-verbaux dressés par M. Grebnitzky, ainsi que les requêtes du capitaine du

navire on question, a reconnu que la saisie avait été opérée dans les conditions prévues par les Règlements. et a prononcé la confiscation de "l'Araunah."

Enfin, pour satisfaire au désir exposé dans la note verbale de votre Excellence du 9 (21) Octobre dernier, je me fais un devoir de vous transmettre ci-après une traduction Anglaise du Règlement relatif à la prohibition du commerce, de la chasse, et de la pêche dans les eaux territoriales Russes de l'Océan Pacifique. Dans le but de prévenir des infractions à ce Règlement le Gouvernement Impérial a eu soin de le faire publier en 1882, par l'intermédiaire de ses Agents Consulaires, à San Francisco, ainsi que dans les ports du Japon ouverts au commerce étranger.

Veillez, &c.
(Signé) GIERS.

(Translation.)

M. l'Ambassadeur,

St. Petersburg, March 3 (15), 1890.

YOUR Excellency was pleased to communicate to me on the 9th (21st) October last a *note verbale* stating that Her Majesty's Government is desirous of obtaining further information on the subject of the seizure of the schooner "Araunah." As the points on which Her Majesty's Government wish to be furnished with information are specified in the note in question, I have the honour to communicate to you the following:—

1. M. Grebnitzky, in his quality of Superintendent of the Commander Islands, is charged with the administration of that territory, and he is directly responsible to the Military Governor of the Maritime Province. It is also his duty to see to the application of the Regulations which prohibit foreign ships, without a special authorization from the Governor-General of the Amour, from trading and hunting, as well as fishing, in the territorial waters of the Commander Islands.

2. In default of ships of war, the local authority has the right of employing, to enforce the above-mentioned Regulations, merchant-ships, which, then, have on board a military guard, and are furnished with special instructions. The steamer "Alexander II," on board which M. Grebnitzky was at the moment of the seizure of the "Araunah," was so charged at this time with the police of the waters of the Commander Islands.

3. The Russian Customs flag has not been changed.

4. All the legal cases arising out of the application of the Regulations above mentioned are within the jurisdiction of the Governor-General of the Amour, who decides on them in the last instance.

Conformably to this Article, the documents relating to the seizure of the "Araunah" were sent to Aide-de-camp General Baron Korf, who, after having examined the *procès-verbaux* drawn up by M. Grebnitzky, as well as the demand of the captain of the vessel in question, decided that the seizure had been made under the conditions provided for by the Regulations, and pronounced the confiscation of the "Araunah."

Finally, to satisfy the desire expressed in the *note verbale* of your Excellency of the 9th (21st) October last, I have the honour to transmit to you an English translation of the Regulation relative to the prohibition of trading, hunting, and fishing in the territorial waters of Russia in the Pacific Ocean. With the object of preventing infractions of this Regulation, the Imperial Government took care to publish it, in 1882, through their Consular Agents in San Francisco, as well as in the Japanese ports open to foreign commerce.

Accept, &c.
(Signed) GIERS.

Inclosure 3 in No. 15.

Notice.

THE Russian Imperial Government hereby publishes for general knowledge the following:—

1. Without a special permit or licence from the Governor-General of Eastern Siberia, foreign vessels are not allowed to carry on trading, hunting, fishing, &c., on the Russian coast or islands in the Okhotsk and Behring's Seas, or on the north-east coast of Asia, or within their sea boundary-line.

2. For such permit or licences foreign vessels should apply at Vladivostock exclusively.

3. In the port of Petropaulovski, though being the only port of entry in Kamtchatka, such permits or licences shall not be issued.

4. No permits or licences whatever shall be issued for hunting, fishing, or trading at or on the Commodore and Robben Islands.

5. Foreign vessels found trading, fishing, hunting, &c., in Russian waters without a licence or permit from the Governor-General, and also those possessing a licence or permit who should infringe in the existing bye-laws on hunting, shall be confiscated, both vessels and cargoes, for the benefit of the Government. This enactment shall be enforced henceforth, commencing with A.D. 1882.

6. The enforcement of the above will be intrusted to Russian men-of-war, and also to Russian merchant-vessels, who for that purpose will carry military detachments and provided with proper instructions.

No. 16.

The Marquis of Salisbury to Mr. Gosling.

Sir,

Foreign Office, May 9, 1890.

I HAVE carefully considered, in communication with Her Majesty's Secretary of State for the Colonies, Sir Robert Morier's despatch of the 19th March last, and the note of M. de Giers inclosed therein, furnishing further information in regard to the seizure and confiscation of the British schooner "Araunah," when engaged in seal-hunting in the neighbourhood of Copper Island, a possession of the Russian Empire in the neighbourhood of Behring's Sea.

The whole of the correspondence which has passed in regard to this case has been submitted to the Law Officers of the Crown for their opinion upon the points of law involved.

It would appear from M. de Giers' note of the 3rd (15th) March that the Government of the Province of Amour, in which the Commander Islands (Copper Island forming one of that group) are included, is a purely military one, and that, subject to the supervision of the Governor-in-chief, the Intendant of the islands is the sole judicial as well as executive officer.

Her Majesty's Government are advised that a private vessel, with a duly authorized officer on board, and flying a proper flag, and under special instructions, may lawfully make a seizure such as the seizure made in this case by M. Grebnitzky.

They are further advised that there is nothing inconsistent with international law in the establishment by the Russian Government of such Tribunals as those indicated by the procedure in the case of the "Araunah."

So far, therefore, as the mode of proceeding is concerned, there appears to be no sufficient ground on which a protest or claim for compensation could be based.

With regard to the grounds on which confiscation was decreed, it is to be remembered that the master of the "Araunah" does not deny the statement of M. Grebnitzky that he signed the act of confiscation, which involved an admission of the alleged offence, and this without any intimation that he intended to protest against the decision, although he was duly warned that he ought then to submit any protest which he intended to make.

The evidence as to the actual position of the "Araunah" and her canoes at the time of the seizure is very conflicting. The master of the vessel says in his letter of the 29th October, 1888, that his ship was 8 miles off the southern extremity of Copper Island, but in his earlier telegram of the 9th August, 1888, he speaks of being within 6 miles of the southern extremity of the island. The captain of the "Alexander II" says that the "Araunah" was within 3 miles of the island, while the second officer of the first-mentioned vessel puts the distance at from 5 to 7 miles.

The canoes were out to the south and west of the vessel, that is to say, between it and the island, one of them, at least, at a distance of not more than 3 miles from it, and in M. de Giers' note of the 4th August, 1889, it is stated that M. Grebnitzky categorically affirms that two of the canoes were within half-a-mile of the shore.

Her Majesty's Government are of opinion that, even if the "Araunah" at the

time of the seizure was herself outside the 3-mile territorial limit, the fact that she was by means of her boats carrying on fishing within Russian waters without the prescribed licence warranted her seizure and confiscation according to the provisions of the municipal law regulating the use of those waters.

They do not, therefore, as at present advised, propose to address any further representation to the Russian Government in regard to this case.

I am, &c.
(Signed) SALISBURY.

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RUSSIA. No. 1 (1890).

Correspondence respecting the Seizure of the
British Schooner "Armanah," off Copper Island,
by the Russian Authorities.

*Presented to the House of Lords by Command of
Her Majesty. June 1890.*

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