

AN IMPORTANT CASE.

There is at present before the Provincial Court, Magistrate Macrae presiding, a case which involves some very interesting and important issues for seafaring people in which are concerned not alone questions of Maritime law and custom but there have been sought to be imported into the issue Dominion regulations regarding the governance of the Indians. The captain of the sealing schooner C. D. Rand, is, in a word, charged by his Indian crew with having supplied them with liquor in flagrant violation of the special law of the country. The facts of the case, as we understand them, are that the schooner C. D. Rand, cleared under the Board of Trade regulations with an Indian crew on a foreign voyage—on a sealing expedition. The Board of Trade regulations have been adopted and are accepted by the Dominion as the highest Maritime authority and, moreover, are the standard adopted by the principal Maritime nations of the globe.

According to the charge laid against the Captain of the vessel some time in March last the weather being cold and early the hunters and crews went out in their open boats to kill seals. To satisfy them against the inclemency of the weather, the Captain, as is the custom of most, if not all, skippers, supplied his crew with a certain amount of spirits, and in so doing, that discretion and authority which are recognized as his on board his own ship when at sea. Indeed, were his absolute authority on deck questioned there would soon be an end to all order and discipline, and neither life nor property would be safe. Under the Board of Trade regulations, moreover, a master is bound to act both as a doctor and a minister—to care both for the bodies and the souls of his crew. He is bound to provide medicines and medical comforts which he uses to the best of his knowledge and discretion, and if he fails is liable to heavy penalties.

It is well known that the most experienced Indian hunters will not engage to ship on vessels where they are not treated in the same manner as white men. In fact, until the authorities provide special means for the engagement of Indian hunters and sailors, their shipment has to be made under the ordinary conditions. In a word, equally with the whites, the Indians are exposed to hardships, and in the same way are entitled to restoratives, when, in his discretion, the captain of the vessel considers them necessary. Moreover, the same conditions which render stimulants necessary for white men must apply to Indians. The latter are made of the same flesh and blood as the whites, and understanding that they are of a more excitable temperament than the whites, the master, for his own safety's sake, and, having supreme control, is not likely to do other than to see to it that the spirits, being served out by him personally, or under his special directions, are not given out to such an extent as will arouse their passions or place them beyond control.

The facts in this case, too, show that it was only when at a subsequent period they mutinied and obtained possession of all the supplies on shipboard that they showed the devil that was in them. When the close season arrived and the vessel could not enter Behring Sea, the Indians became impatient, refusing to accept the

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captain's explanations, and despite the law and in the very face of the patrol fleets, whose business was explained to them, they rose and seized the ship. While in full possession, they got hold of the supplies, and, under their influence, behaved in such a manner as to show that they were hardly human beings. Yet these same brutes had acted otherwise, when, in the captain's discretion, stimulants had been administered to them.

Until the law regulating the shipment of crews is altered, there is no other means of shipping them than at present. When on board the C. D. Rand, the Indians were not on land, they were not on their reservation, and were not the wards of the Government. They were, we submit, ordinary seamen and hunters, who had entered into a contract to sail on a foreign voyage. The ordinary maritime law has been generally regarded as sufficient to protect the rights of all, the penalties for offending against it being sufficiently severe to ensure respect.

Had the Rand pirates been dealt with to the utmost rigor of the law, their offence would have hanged every one of them, but a few years ago, and even now would have secured for them a protracted incarceration. But, the most favorable view possible having been taken of their case, they, in order to be revenged against the captain and owners of the vessel, seek to place themselves under the wing of the Indian Department, which not unnaturally feels bound to extend towards them its protection. But it would appear that the facts show that monsters such as they are, are entitled to no protection, save such as the walls of a prison should give them, and it is only by an endeavor to make a local law over-ride one which is recognized the world over that there can be found anything affording the slightest base for a prosecution as in the present instance.—*Commercial Journal.*

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