



all Descriptions.
 AL HARDWARE.

KAMLOOPS.

SEALER "AINOKA" CLEARED

**Hon. Mr. Justice Crease Decides That
She Was Not Wilfully**

**The Learned Judge's First Judgment
in Admiralty an Import-**

Hon. Mr. Justice Crease yesterday delivered judgment in the case of the sealing schooner *Ainako*, the particulars of which

have already been published. His Lordship finds, that the ship was driven into the prohibited zone by a succession of gales and a current of whose existence the master of the

especially for four days previous to his seizure at the Copper Islands. It was proved that on the 17th of July he took observations by sextant, his position then being defined as Lat 54-50 N., Long. 165-14 E., or about 60 miles from Behring Island and about 90

imits of the prohibited waters. On the 18th, by dead reckoning, his position was stated at 100 miles, on the 19th at 79 miles, on the 20th at 76 miles, and on the 21st (western time) at 74 miles, all by dead reckoning, when in fact it was proved that he was only 16 miles from Copper Island.

was so thick he could not possibly take any observations, except by lead reckoning, in which he afterwards found he was very much thrown out by a strong current from his position of the 17th to the southeastern end of Copper Island, close to which it ran at a rate of about two miles an hour.

showed that by not taking proper count of his current, which was unknown to the master and mate until informed of it by the Russian officers, the schooner was misled in calculating her positions on those five days, and rendered it probable that on the latter part of the 19th she was then within the

well out of it; and although she was liable to forfeiture, unless her presence there was accounted for; either by the act of God, stress of weather or other circumstances beyond the control of the master, and without his knowledge, yet in this instance the evidence showed that the vessel was here, though stress of weather forbade

y the current referred to, and the captain being unable, owing to the fog, to take observations. That, the learned judge decided, discharged the presumption of law that was against the master because of his being within the prohibited belt, "manned, armed and equipped for killing and taking or attempting to kill or take the U. S. mail."

to decided that the master had acted throughout in good faith, and though a poor bribe had not varied in the substantial support of his statements from first to last; he was therefore a witness of the truth. His evidence was confirmed on various points open to question by that of Captain Clarence C. Chastain, D.D.

ate and others, white members of the crew the Ainoka. The appearance of the schooner at a point sixteen miles southwest of Copper Islands was thus fully explained, and the presumption against the captain of the ship, under the circumstances, was discharged. It was shown that only forty-six men were on board the ship, although the

... returned sixty-eight. Every one of those forty-six was taken on the 12th, 13th, 14th, 15th and 16th, a long way out of the limit; they were cleaned, dried and salted, and were evidently old. It was proved beyond a doubt that, owing

a single skin had been taken in the prohibited waters. This difference was duly argued up by Captain Heater to the satisfaction of the court. It was proved, and confirmed by Captain Bissett, who was in the neighborhood at the time (some six or eight miles off,) that at 3 o'clock on the

enabled Captain Heater to see the loom
the land—no doubt Copper Island. There-
on he immediately wore ship, clapped on
sail and headed for the southwest, the
ection in which, with the wind
nd S. E., he could get quickest out of
forbidden waters. In this, unfortun-
ely, for him.

lightness of the wind and the heavy sea
ing on the island. After seven hours of
he was overhauled by the Russian gun-
t, his papers seized, and himself with his
ordered to Yokohama to report to the
tish consul there, a certificate being
him to account for the absence of his
ers. He presented to

was compelled by the Indians on board change his course for Victoria. The cool showed that there were 15 Indians on the vessel to four white men, and it would therefore be dangerous for the master to attempt to take them against their will to Yokohama. The court was satisfied with this explanation, and that the

justified in landing the Indians at quiet, and then coming on to Victoria there was a court that had jurisdiction to adjudicate upon the questions. The captain and mate and, indeed, all the men on board the schooner speak in friendly terms of the frank and courteous treatment received from the Russian officers, who

sed themselves satisfied with the re-
of their being within the limits, and
for the official log of the schooner not
containing her positions on the days
tioned, and possibly some specific or-
from her admiralty, would have let the
el go free. They refused to recognize
mate's log as of any authority at all.

gn Captain Reister explained that they were not compelled by British law to make the daily entries in the official log. The objection was raised, through the language of the protocol, which stated that the Yakout was upon the schooner when the latter was on a southwest course, with all sail set, trying to get out of the prohibited belt, and

ing no lights. This was corrected by master and mate, who explained the action and exhibition of the lights in their proper places, which might have been seen on the steamer when she got ahead of the cutter and crossed her bows. All points, therefore, having been fairly and fully explained, and the involuntary presence of the

Mr. H. Dallas Helmcken acted for the
 and Hon. C. E. Pooley, Q C., for the
 n.

Major Pyne, who have been confidential
ers to the Ameer of Afghanistan for
years, have returned to London. Both
there is nothing to fear in Afghanistan
Russian intrigues, as the Ameer de-
the friendship of Great Britain. Major
describes the journey of the Russian

an while Sir Mortimer was en route to
l as a "mere bluff," with a view to
rting the British mission; and, finding
possible, the Russians retired disgusted.