

and even necessary for although there was and court for the purpose of trying Yokohama as well as at Viet From the frank and courts in which the Yaconté seizure, it is not too much to they anticipated the dangers wards arose from the Indian vessel to Yokohama, the insisted on Capt. Heater schooner to this port. Capt.

the circumstances, was ample  
the course he took in this part  
of opinion. It would not  
have adopted any other course  
The act itself does not con-  
tion to proceed to on  
port for adjudication. The  
2 are directory "may direct the  
in addition to the provisional cer-  
the endorsement, to proceed if  
specified port" (the real con-  
part of the section is contained  
following) "being a port where  
British coast having authority  
cate in the matter—a condition  
toris fulfil, Yokohama is not  
the act, though it is quite in  
view. The branch of the direc-  
lishable by a heavy fine, \$100  
on the owner and master, who

without pressing necessity immediately. The payment of this fine was a change of direction in without any other liability, such, for instance, as the liability of the ship and her cargo to forfeiture in case it should be so. And I am clearly of opinion that in the intent and meaning of this act, that in case of some such stress of weather, damage to the ship, or other circumstances of importance arising, beyond the control of the captain, and still beyond the control, good faith would require the Russian authorities, by taking the necessary steps, to obtain from the attainable British port, having the necessary requisites for the purpose, to adjudicate in the matter. My counsel suggested that it was probably the most desirable

... Russian authorities for the  
of evidence; but experience hitherto  
that, and in this case all the  
the Ainoko and Yacoo  
witnesses were within their reach  
them for examination right on  
(under sec. 2, sub-sec. 2 of the s  
would have made their examina  
dence, when embodied in or annex  
protocol; and the officers spok

Two cases under the act, the *Maud S* (decided in an able judgment by the court at Yokohama) and of *Hattie*, decided here, were referred to the court, but the circumstances of each of these cases were different in several respects from the present one; and as the learned judge of the plaintiff justly observed, each case must be tried on its own merits.

We may gather from the reports of the officers seizing and

the Ainoko, that they quite recog-  
nize the stress of weather, inability to take  
various positions for determining position  
have been sworn to, and the un-  
current forcing them silently  
Copper Island, as the real cause of  
sel being within the zone prohibite

act. They leave it indeed to us that they base the report commission and the subsequent of the captain of the Yaoutou, to w report forms the preamble, upon His Imperial Russian Majesty's ment's "Instructions" (an instrument with any explanation of its purpo portance, was not laid before the for they make no specific mention sealing act or order in council in toot), although, for the

search and sending the Aineko for confirmation they use the powers these treaties confer—but they base their right of seizure expressly on the fact of her (the Aineko) being found within the limits of "territorial waters." And Capt. Heater is sent away he is directed to leave, without delay, the limits of territorial waters," and, at the same time,

I only note this to show that the acts and decides in the present case and exclusively under the provisions of those two enactments, and recognized as interpreted by the law, to be the guide upon the evidence adduced, to the decision.

I have entered into the particulars of the case at considerable length, because of the importance of the issues involved, and numerous points which have arisen

the trial. Upon a careful consideration of all the circumstances of the case, I am of opinion that the master, who gave an answer I have no doubt, has given an account of the matter and that, in view of a bona fide mistake in his testimony, as to his real position, on the night of the four days before the seizure, and this mistake was owing to the confusion and stress of heavy weather, and the undue influence of a heavy current setting on to the south and of Copper Island, this was the reason and none other, for his voluntary presence within the prohibited zone, and that he did not discover the means of escape until he had been until he caught a glimpse of the land on the 22nd, and that such a bona fide mistake was not in the law a contravention of the Act, so that immediately on making the discovery he was absconded and made all use of the prohibitory laws, and had been for some hours battling with the wind and waves, and out when he was overhauled by Yaouta.

The several questions of lights, navigation on board, dropping a boat on the lee of a couple of hours to seal, and the effect of running in, are all questions of

explained; I am, therefore, of opinion that a full review of the facts, and a proper construction of the law applicable to the case, neither Capt. Heater nor the <sup>2</sup> was, according to the true meaning of the act, within the prohibited zone, sealers attempting to seal or otherwise in contravention of the act. I therefore pronounce in favor of the act and dismiss the action and order that party do pay their own costs.

HENRY P. PELLEW CRABBE, D.

LONDON, March 18.—In the House of Commons to-day, replying to a question of the Secretary to the Admiralty stated that in 1892 France launched battleships of 18,000 tons; Germany of 23,950; Russia of 20,000; and the United States 30,600.

LONDON, March 19.—A Rio diplomat it is believed da Gama and about several his officers, who left the bay yesterday on Portuguese war vessels, will be pushed into Montevideo, and from there they will lead the insurgents in Southern Brazil.

MEXICO, March 19.—A party of Rio de Janeiro coast three miles from this town to-day, on a transport which was captured by Spanish troops back to Malaga.

Mellila is inquiring into the affair. complications are expected to result. the shooting.