

And the said M. D. Ball, attorney as aforesaid, further informs and alleges:—

That on the 1st day of August, 1886, Henry Norman, and certain other persons whose names are to said United States attorney unknown, who were then and there engaged on board of the said schooner "Thornton" as seamen and seal-hunters, did, under the direction and by the authority of Hans Guttormsen, then and there master of said schooner, engaged in killing and did kill, in the Territory and District of Alaska, and in the waters thereof, to wit, 20 fur seals, in violation of section 1956 of the Revised Statutes of the United States, in such cases made and provided.

That the said 403 fur seal skins, 3 pup skins, 1 hair seal skin, and other goods so seized on board of said schooner "Thornton" constituted the cargo of said schooner at the time of the killing of said fur seals, and at the time of said seizure.

And said attorney saith that all and singular the premises were and are true and within the admiralty and maritime jurisdiction of the United States and of this honorable court, and that by reason thereof, and by force of the statutes in such cases made and provided, the aforementioned schooner, being a vessel of over 20 tons-burden, and her said tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the United States.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in this behalf against said schooner and all said hereinbefore-described property to enforce the forfeiture thereof, and requiring notice to be given to all persons to appear and show cause, on the return day of said process, why said forfeiture should not be decreed; and that after due proceedings are had, all of said property be adjudged, decreed and condemned as forfeited to the use of the United States; and for such other relief as may be proper in the premises.

Dated 20th September, 1886.

M. D. BALL, *U. S. Dist. Attorney for the District of Alaska.*

On the same day was filed the following demurrer:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA,

UNITED STATES

vs.

J. D. WARREN AND SCHOONER "THORNTON."

*Demurrer.*

The demurrer of J. D. Warren, claimant of the property proceeded against in the above cause to the information filed herein.

1st. The said claimant by protestation, not confessing all or any of the matters in said amended information contained to be true, demurs thereto and says that the said matters in manner and form, as the same are in the information stated and set forth, are not sufficient in law for the United States to have and maintain their said action for the forfeiture of the property aforesaid.

2nd. The said claimant by protestation denies that this court has jurisdiction to determine or try the question hereby put in issue.

3rd: And that the said claimant is not bound in law to answer the same.

Wherefore the claimant prays that said information may be dismissed with costs.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

Which demurrer was overruled by the court, and on the same day was filed the following answer:—