

she was boarded by the "Rush," and the attention of the officer who boarded her was called to four skins which had been put aside as having holes caused by gaffs. He said he did this in pursuance of instructions from Lieutenant Barry, of Attu. The skins were sent on board of the "Rush," and after a careful examination by the officers of the "Rush" the conclusion arrived at was that these seals had been shot. The guns and ammunition were examined and checked, and some small discrepancy was discovered which was explained afterwards. This examination was as ineffective as the first one spoken of because there was no search of the vessel and no evidence to show that there was not other ammunition on board. The vessel was ordered to Unalaska and a further count of the ammunition made. While there two of the crew deserted and took away one of the ship's boats and some provisions—a claim for which was made against the Crown, by way of counter-claim.

Pooley, Q.C., for the Crown.

Helmcken, Q.C., for the ship.

DRAKE, Local Judge: From the evidence adduced, the conclusion I have arrived at is that the seals whose skins were in question had been shot. They had also been speared, but the evidence did not in my opinion establish the fact that the seals had been shot by those on board the schooner.

The reason for placing these skins on one side was difficult to appreciate. The captain said that the U.S. officer at Attu had asked him to place on one side all skins that had shot or gaff holes in them. As it appears that the majority of seals speared have to be brought to the boat by the gaff, it must follow that gaff holes, if carefully searched for, would be apparent in the majority of skins. The captain denied that these seals were shot; but stated the holes were only gaff holes, and that the holes which were in the skins when taken on board the "Rush," and which are apparent now, were made by rats. Without discussing the evidence in detail, there was, in my opinion, sufficient reason for the arrest of this vessel, and the burden of showing that firearms had not been used was imposed on the vessel. I therefore dismiss the claim with costs.

With regard to so much of the counter-claim as relates to a boat and provisions being stolen while the schooner was in charge of the authorities at Unalaska, it was shown that the master was in command and had full control of the crew, and that two of the crew deserted and stole a boat and some provisions. The seizure of the vessel, therefore, had nothing to do with the stealing of the boat. I dismiss the counter-claim but without costs.

REG. v. SHIP "BEATRICE."

Maritime law—Behring Sea Act, 1894—Infringement—Ignorance of locality by master.

Ignorance by the master of a ship of his locality will not excuse a breach of the Act by fishing within the prohibited zone.

[VICTORIA, Dec. 7, 1896—DRAKE, Loc. J.]

This vessel was seized on the 5th August, 1896, by the United States ship "Perry" in very much the same neighborhood as the "Ainoko" (ante p. 252), *i.e.*, in latitude 55° 50' N., longitude 170° 37' W., some seven miles within the zone. While the seizing officer was on board the boat returned with 58 skins.