

he was 17 miles outside. He had calculated his course by dead reckoning, allowing two points for lee way.

It is remarkable that the "Perry" was able to take and did get observations on the 3rd, 4th and 5th of August, but Captain Heater said the fog prevented him. He also states that he was not aware of a northerly current setting up towards the islands, but it appears to be generally known to sealers that there was such a current. He had been sealing round the islands before on the north side and had met northerly currents then, but he says he had not sealed south of the islands.

His remuneration was \$50 a month as master and 50 cents a skin. This inducement to make as large a catch as possible may possibly have had something to do with his inability to take observations.

A good deal of stress was laid on an error in the chronometer both of the "Ainoko" and the "Perry." This error in no way caused the mistake in the reckoning of the position of the schooner, because the observations were taken after the 1st of August, and the chronometer is not used in estimating dead reckoning.

The error in the case of the "Perry's" chronometer made a difference of five miles, but still left the "Ainoko" 14 miles within the prohibited ground, and instead of the seizure taking place in longitude $170^{\circ} 25'$, it took place in longitude $170^{\circ} 30'$ West, a difference of 31 miles between the schooner's actual position and the position he thought she was in.

It is the duty of the master to be quite certain of his position before he attempts to seal. It is no excuse to say that the state of the weather was such that he could not ascertain his position. The mere fact of being within the zone is not an offence; it is killing, capturing or pursuing seals in the zone that creates the offence.

If the excuses of inadvertence and inability to obtain an observation are allowed the regulations could never be enforced. They are passed for the purpose of preventing all sealing within the defined radius, and vessels offending will not be relieved from the penalties imposed by the Act by any such excuses. I therefore declare the "Ainoko" and her equipment forfeited, but in case of payment of the sum of £400 and costs within 30 days, she can be discharged.

Judgment accordingly.

North-West Territories.

SUPREME COURT.

RICHARDSON, J.]

IN RE F. H. MARTIN.

[Feb. 16.

Criminal law—Extradition—Larceny—False pretences.

The accused was charged in the State of Minnesota with having committed grand larceny in the second degree, in that he obtained cattle from one Hance, by means of a cheque issued on a bank, in which the accused had neither an account nor credit, which cheque was accepted on the representation that there were funds to meet it. On obtaining the cattle the accused dis-