

The Weekly British Colonist. Tuesday, August 29, 1865.

VICE ADMIRALTY COURT. Before His Honor David Cameron, Esq., C. J., Judge and Commissioner of the Vice-Admiralty Court, &c.

ALEXANDRA AND FIDELITER.

THE CASE OF THE ALEXANDRA.—Mr. Ring, and Mr. McCreight, instructed by Messrs. Peakes and Green, Proctors, appeared for the owners of the Fideliter.

Mr. Wood, instructed by Messrs Drake and Jackson, Proctors, appeared for the owners of the Alexandra.

At the sitting of the Court an application was made by Mr. Ring for an adjournment of the case on the ground that the captain of the Fideliter, and Mr. Nicol, the manager for owners of the Fideliter were absent.

The application was refused. Mr. McCreight then opened the pleadings, and read the libel propounded by the owners of the Fideliter, the responsive allegation of the owners of the Alexandra, the reply of the Fideliter, and the preliminary act, and proceeded to state the case, when

Mr. Wood objected to the junior counsel making any statement of the facts, alleging that it was the duty of the senior counsel to address the Court.

The objection was overruled by the Judge, and Mr. McCreight proceeded to state the case of the owners of the Fideliter, which is, that the two steamers were coming nearly end on, the Fideliter having rounded Trial Island, and was pursuing her course towards Victoria harbor, and the Alexandra was coming out of Victoria harbor. That when nearly abreast of Clover Point, the lights of the Alexandra being all three visible to the persons on board of the Fideliter, showing that she was coming nearly end on, that the Fideliter ported her helm; and that the Alexandra could not have done so. Mr. McCreight produced the model of the Fideliter, and concluded his address at one o'clock, when the Court rose for three-quarters of an hour.

Afternoon Sitting.

His Honor resumed his seat at 2 p. m. Captain Sullivan, of H. M. S. Sutlej, with Messrs. W. H. Sharp, and A. G. R. Riall, of the same ship, attended as skilled witnesses.

John Gastineau, C. R., sworn, examined by Mr. Ring—I produce a map made by me. It is my work as an engineer.

Mr. Wood objected to the production of the map.

By the Court—What is the map intended to describe?

Witness—The coast from the mouth of the harbor to Trial Island.

Court—From what data have you made the map?

Witness—From observations made on the ground as an engineer. I made the measurements by triangulation observations. The observations are correctly expressed. It shows a scale. The part designated Victoria harbor is correct. I have tried the measurements and tested the accuracy of every point that I considered necessary. I tested the situation of Trial Island, the south and north end, Enterprise Channel and Clover Point; I also tested Holland Point and Ogdon Point. The map is infinitely more correct than the Admiralty Chart. I made the coast line myself from personal survey; The greater part of it was made in 1860, and tested lately. The breadth of the Enterprise Channel is 380 yards; I got this distance by observation and angles.

Mr. Wood handed in Captain Richards' Admiralty Chart of the coast, and was proceeding to test the accuracy of Mr. Gastineau's map by it, when

Mr. Ring objected to its production.

The Court held that the map might be produced, but must be proved in the usual manner.

Cross-examined by Mr. Wood—I have tested the distance from the mainland to the nearest point of Trial Island with great accuracy. The map produced is quite correct as far as the headlands go. The angle formed by Clover Point, Trial Island and the north would be 83° 50'.

Robert Lang, sworn—I am a ship builder. The model produced was made under my supervision, and is as near a model of the Fideliter as we could make. The break in the deck is 5 feet 7 inches wide, and the depth of the break from the deck to the keel is 9 feet 3 inches. The iron plates seemed to be about 3/4 of an inch thick; she is strongly built throughout. The angle irons were broken, and two of the beams were displaced.

Cross-examined by Mr. Wood—The model is not drawn by scale, but is as near as we could get to it; we took it from the vessel herself; we could not see her bottom; she has three or four inches of keel; I don't know whether her rudder corresponds with that on the model. I am not a ship-master, and could not say in what radius of a circle she could turn. There is no mention made in the model of any holes in her bottom.

William McCulloch sworn, examined by Mr. Ring—I am master of the Fideliter, and was in command of her on the 19th June last. [Mr. Gastineau's map was here handed to witness.] After rounding Trial Island on the night in question, my course was direct for Clover Point. I have been nearly five years on this coast. The Fideliter is 116 tons register. I took good care to see that our proper signals were placed in their proper places, and on their proper sides when we were between D'Orsay Island and Zero Rock: the side of the cabin, 10 feet on each side of the light, and about 6 or 8 inches above. The red light on port side, the green on the starboard; the white light at the mast-head. It was a clear starlight night, with a stiff breeze from the southward and westward. About half-past ten we rounded Trial Island. I headed in a straight line for Clover Point, and reached it in about ten minutes. Before passing a third of the way to Clover Point I sighted three lights coming out of Victoria; I must have been in the same line with them, like looking you full in the face and seeing your two eyes and nose. I could not have seen all three lights unless they were directly in front except they were improperly fixed. Before we rounded Clover Point we appeared to be approaching one another in a straight line, and after rounding Clover Point I told the man at the wheel to port the helm a little in order to let the other steamer see I had shut in my green light and had ported my helm. When we see anything in the

way we generally blow a whistle. After I had ported my helm I could see no alteration in the other steamer's lights, and blew a whistle. There was no wind to affect the sound. We were from 500 to 700 yards apart, sufficient almost to enable the vessel approaching to have taken an entire circuit. I heard no answer to my whistle at that time. Seeing no change in the other steamer's lights I ordered the helm to be put hard to port and blew three or four whistles. The Fideliter was then heading in shore. I saw by the appearance of the other steamer's lights that she had starboarded her helm. I sang out "hard to port hard to port!" The inside or port red light of the other steamer was going out of sight. The result was that it was impossible to get clear of her and she struck the Fideliter on the port bow at an angle of from 6 to 8 points. She had plenty of sea room to avoid the collision. When I saw the port light of the other steamer disappearing I saw that she had put her helm wrong and sang out to her "port, hard to port!" It was impossible for me to get out of her way. I was amidstships. I attribute the accident entirely to her putting her helm to starboard and wanting to go inside instead of out. [Witness here pointed out the position on Mr. Gastineau's map.] After the collision knowing where the rocks lay I ran for the soft beach near Honley's. [Witness showed the court the direction the Fideliter took by the map.] The Fideliter went near to Clover Point. The course of the Alexandra was outside the rocks off Ogdon Point. The usual course is outside the ledge about east and west. After we were struck some one on board the Alexandra sang out "stop your engines!" We were not then disengaged. I said "I cannot stop her; we are sinking, for God's sake shove us ashore." The Alexandra commenced backing her engines to get clear of us. A stern wheeler I should say has more facilities than a propeller for backing. I have seen the Alexandra under steam going in and out of the harbor, and in my opinion 4 or 5 revolutions of her wheel would bring her to a dead stand; the Alexandra succeeded in backing out from us. The reason I called out for him not to back but to shove us ashore was that I knew the Fideliter would fill and go down much faster if he backed away from us. Notwithstanding the entreaty he did back. The only assistance they offered us was, some one on board—before they got clear, threw us a rope, but their object in doing this was because they thought themselves worse hurt than we were. There is not another vessel of the build in the country that steers so well as the Fideliter. I considered her in first class order. I should say she was worth from £12 to £15 a ton. We had from twenty five to thirty passengers. We had a cargo consisting of part coal, four head of cattle, butter, eggs and other produce, and a lot of hay. The freight would have amounted to about \$200 to \$250.

By Mr. McCreight—When I spoke of her value I did not include her engines and boilers.

Cross-examined by Mr. Wood—I have had twenty-two years experience and have been qualified to command a steamer for ten years. My experience on the coast has been five years in a schooner. I had five or six months experience as master of a steamer (witness subsequently said four or five months). I had been about three months in command of the Fideliter before the collision. I had made several trips in the Diana. Had not commanded a steamer before that, nor acted as mate. I sent word to the agents immediately after the accident, and have since communicated with the professional gentlemen engaged for the ship. For both when two ships meet one another is for both to port their helms. I do not recollect having seen the Act of 1862, and cannot say that I have seen the rules. The Fideliter obeys her helm promptly and I think would turn round in a circle of one hundred yards, but never tried, her.) Considerable discussion ensued between Counsel as whether the one hundred yards represented the diameter or circumference of the circle, and witness eventually explained that he thought she might turn in a circle of one hundred yards in diameter, though he could not swear that she could turn in two hundred yards. The Fideliter's beam is eighteen feet. Much depends in turning round on the trim of the ship. When I first sighted the Alexandra we might have been two miles apart, I am certain it was a mile and a half. The Alexandra appeared to be coming out of the harbor. I would prefer steering by Mr. Gastineau's chart to the Admiralty one because it is on a larger scale and shows plainer what is in the way. The Fideliter was going eight or nine knots. To the best of my knowledge it was flood tide against me. I don't think it was more than ten or fifteen minutes from the time I first saw the steamer to the time the collision occurred. We generally steer more by the land marks than the chart, keeping a good look out. It might have been from 300 to 500 yards from land. I know there is deep water close to Clover Point. The Fideliter's draught was above seven feet. I did not put the helm hard to port at first. It might be from three to four minutes before the collision that I ported a little, and half of that time before I had the helm put hard up. We were within bailing distance when I put the helm hard to port; about 300 or 400 yards apart as nearly as I could judge.

The Court here adjourned till 10 o'clock this morning, steamer or no steamer.

Second Day.

Friday, August 25.

The cross-examination of Capt. McCulloch, of the Fideliter, was resumed.

Who was with you at the time, and who was steering?

I was at the fore part of wheel-house, carpenter Brown was steering; I was outside the house, no one was with him; I was there all day; had the boatswain on the lookout besides (Colfax) and Harry Smith was there, and the steward there also at the bow, as we were approaching. (On Mr. Ring's application, leave was given to read the evidence of skilled witnesses not present.) First sighted the Alexandra as she came out of Victoria harbor; had my night glasses, and saw her first, and said "there's a steamer coming out of the harbor." She was about a mile or more distant. At the time of the collision I knew where I was within 100 yards or so. When we ported hard-a-port, the Alexandra was on our port bow, (shown position by the models) I might have said to many persons before yesterday that I had ported a little

before I ported hard. I have always said I ported a little after I came round Clover Point. There is no such channel as Enterprise channel; I consult this chart sometimes, but not often, as I know the coast well; don't know that I ever saw a channel called Enterprise in print; know the coast very well. The Nannette got on the rocks, and I got exasperated (hand on certificate, which was read by Mr. Wood). The North Star went ashore where many struck before her; I struck, although I knew where it was, and said "there's the rock," and we then went on, which showed I knew where it was, I could get her again; she was not much damaged, and did not leak, and I never heard anything more about it. I sometimes sail by chart; I usually have Richard's chart beside me, and refer to it occasionally. When a collision was imminent it never occurred to me to stop, because I never thought there was going to be a collision, but I could see that he was on top of me. I thought he would do the same as I did. When I saw they were going to run a-top, it did not occur to me to stop and reverse; I never said to anyone "damn her, let her come, and she'll get the worst of it," never, nor words to that effect. I have many times heard that it is a rule of the road that every steamship when approaching another steamship, shall slacken her speed; I cannot say if it occurred to me. I never expected there was going to be a collision at all. It is not correct to say that after the Alexandra appeared clear of the harbor, her light next shore faded out of sight; I saw mast head and two side lights just before the collision. The light next shore faded out of sight when I put the helm hard-a-port; when I saw the port light fading, I thought if I starboarded, I should run into her, as there was not room for me to keep on my course. At that time I had the Alexandra on my port bow, and I supposed he had seen my port light long before that (the collision).

It was about 2 miles distant that I saw the Alexandra coming round Ogdon point, and I was about between Trial Island and Foul point. More than 10 minutes after first seeing the 3 lights of the Alexandra I blew a whistle, going at about 8 or 9 knots at that time; tide against us would make a difference; flood don't mean either high or low; tide was flowing, don't know at what state of tide it was then. Shaved Trial Island pretty close, saw it quite distinct; I usually at day-light use the inside passage for Victoria, but not at night. It is better to keep closer with flood than ebb; my course is as close as consistent with avoiding danger, and on this night I was within 70 to 100 yards; yesterday I said it was 300 to 500 yards from Clover point not from Trial Island; fancy I was about 300 to 500 yards off Clover Point, but cannot say exactly, and 70 to 100 off Trial Island; quite sure I was not 500 yards off Trial Island; except Nannette and North Star have never been in trouble for getting vessels on this coast.

The Judge ruled that he could not be questioned after the date of 1862, the date of his certificate, which was in, and must be dated acquittance up to that date; but he could be asked for such since that date.

Witness—Before 1862 I don't recollect any accident of the kind.

By the Court—Was chief mate of the Nannette in 1860; I have met with an accident in the Alpha before 1862, and should like to know the man on this coast who has not; was then on a rock in a snow storm; I have not been in any other; I have been in several ships, in all 24 years, and since I have been out here, and except small accidents in the harbor, I don't know that there are any others than the three named in which I have been in trouble; many times we get foul of one another coming into the harbor. I have also been on the Trader, but never came to grief in her, and since I came here I have not commanded any other that I can recollect on this coast. Before I came on this coast accidents have occurred to ships I have been on board of, but not when I had charge. Lights were lighted at Zero rock in their proper place; suppose they were washed overboard and not recovered, as I know they were set about 8.30 p. m.; the cook set them; he usually cleans them; I saw the cook set them, and I lent him a hand to set them up from Zero Rock and D'Orsay Island; I cannot say in what time or number of lengths I can turn my ship in; before we came to Clover Point I ported a little to keep the other vessel on the port bow. After passing Clover Point I ported a little, and still saw all her lights; I then ported more and blew my whistle, and then ported harder; had I not ported hard I should have run into her. After I had first ported, and just before I ported hard, I saw she had starboarded, and if I had at that time starboarded or kept my course, I would have run into her.

Cross-examined—The effect of these misfortunes in effect makes one more vigilant; but still accidents, with all vigilance, cannot be avoided. This coast is very difficult to navigate; rocks and sides and deep water makes it so; am qualified to take command of any vessel for the last twelve years; a man's fitness arises not from five months' captaincy, but previous services in order to be qualified; could back round in less time, but never tried in what time a complete circle could be done. Knew it was a steamer approaching from mast head light, and from Clover Point approached a little on port bow, but before that in a direct line; when they got so close as to be near collision I had ported; if possible to avoid or get more clear; Brown kept to helm all the time till the vessels got clear, when he went to the boat and I went to the helm; it was half a mile at most between his leaving and my taking the helm; I never thought a collision would happen till it was inevitable, when I said I thought he would do as I did; I meant port helm, because it is the rule to do so. The reason I did not slacken speed was because I didn't expect a collision, and that explains what I meant when I answered the other side.

Thomas Cunningham—I was a passenger on board the Fideliter; had been in her before; was by the side of the captain fifteen minutes before the collision took place on starboard side of wheel house, amidstships. Lights were lighted before I came on deck; was on deck half-an-hour before the collision occurred; before coming to Clover Point after rounding Trial Island I saw lights of a vessel coming out of Victoria Harbor. Saw two lights at first—a red and a white; afterwards I saw three; saw three together for about five minutes after first sighting the vessel; at the end of five minutes I saw McCulloch examine the Fideliter's lights; the side

lights of the Fideliter were on either side the hurricane deck; the white light of the Fideliter I was astern of; saw inner light of coming vessel disappear; during this time McCulloch was standing beside me; the captain said to the man at the wheel "put helm astern;" the helm was then put to port and the Fideliter's head turned towards the shore by the map; when Captain McCulloch first called "port," the Fideliter was abreast of Clover Point, and the Alexandra abreast of Finlayson Point; saw Alexandra's inner light disappearing; McCulloch said twice "hard-a-port." Fideliter after that headed almost direct on shore. At this time I saw two lights on the Alexandra whilst the Fideliter was heading towards the shore. Cannot say how many of the Alexandra's lights I saw immediately before the collision. The Fideliter whistled three times. The first time two or three minutes before the vessel struck. At the time of the collision the Fideliter was distant from the shore, inside, half a mile. I was standing in the same place, I never moved a foot at the starboard side of the wheel-house. Before the collision took place McCulloch called to the Alexandra "put your helm astern," and after the collision "for God's sake shove them both on shore," he called this twice. I had my valise in the captain's cabin, and jumped down for it, and then got on board the Alexandra. I saw great confusion on board the Alexandra. Could not tell who were the crew and who were the passengers. I did not know from what I saw who was captain or who were officers. At the time the Alexandra disengaged herself from the Fideliter, the Fideliter's bowsprit was only three feet from the water. Before I left the Fideliter Captain McCulloch appeared quite cool. Chips was at the wheel of the Fideliter when I left her. I have often travelled with Capt. McCulloch.

Mr. Wood objected to the evidence as to the captain's usual care in the management of his ship. Judge allowed it.

I think he is as careful a man as I ever travelled with. I only know one man more careful, that is Capt. Swanson. Heard no other whistle but the Fideliter, three times. I have done a little in the way of navigation. I have taken vessels across the seas. I have steered two or three vessels across the Atlantic. Recollected when the vessels were approaching hearing the man at the wheel say to the captain "she is trying to cross our bows air," it so appeared to me, they both were converging towards the same point. The Fideliter had her helm hard astern. Saw the direction of the Alexandra, it was most decidedly across our bows.

Cross-examined—For over one year I had experience on the Atlantic as able seaman, and taken my place at the wheel, have steered steamers on the Canadian lakes and the Fideliter a little. Was passenger on the Fideliter. Not particularly a friend of Capt. McCulloch. Steered to relieve the man a little. Felt at home as I would on any steamer. Don't remember if I steered her that day. Had no connection with the Fideliter, but a commercial one. Purchased and sold them goods. Never served them, and never treated with them for employment on the Fideliter. Bought a store from the coal company at Nanaimo, am indebted to them, and others are indebted to me. I am dealing with the company, there is a current account between us, I could tell which side the balance is if I had the books.

Mr. Ring required the books, Mr. Wood objected, and said the question was necessary to show which way the balance was.

First sighted the Alexandra a little after rounding Trial Island. Cannot say how many minutes after rounding Trial Island I first saw the Alexandra's lights, but it was very shortly after. I never looked at the shore at all, but was watching the coming steamer. Saw two lights when I did see them. A few minutes after I saw the two lights I saw the three lights. After I saw the three lights, it was several minutes before there was any alteration in the lights, and several minutes after I saw the three lights I saw two lights, they were the starboard and (mast light), the port light disappeared, I lost sight of it. The first order to port was given before I lost sight of the port light. I distinctly heard the order given. "Port the helm" was given and "hard astern." A little time passed. She headed to the shore. "Hard astern" would head her closer to shore. Cannot tell how short she can turn in, or if she would turn in 300 yards, have no idea. She obeyed her helm readily. From the time I first sighted the Alexandra till the collision, about five minutes elapsed. The Fideliter whistled three times, which I heard. I don't know how many more, but I am sure of three. I never heard the Alexandra whistle. Was within hearing of Capt. McCulloch all the time, he never said "damn her, let her come on, she'll get the worst of it." I thought the collision would take place, from the time I saw the Alexandra head towards shore. Before that considerably the order to port was given. I don't know if the hard-a-port order had then been given. If we had slackened speed we should have run into them and made the case worse, and occasioned greater loss of life. It did not occur to me to slacken speed. I expected to see the other steamer put hard-a-port, slackening of speed would have been injudicious. I asked Capt. McCulloch the proper rule, and he said both ships should port their helms, and I thought as we had ported our helm we would be all right, and I expected the other steamer to port her helm and go outside. I did not know the rule in reference to steamers. Captain McCulloch never said anything to me about slackening speed. Cannot say before we ported at all how much we should have passed her to the starboard had we kept our course.

Re-examined—If she had slackened speed she would have struck the Alexandra; suppose the Alexandra had ported, as she did at last, she would have undoubtedly passed outside a long way.

By the Court—That is if she kept the course when I saw the three lights; before I lost sight of the red light the order was given to "port the helm."

Wm. Cooper, sworn—Was a passenger on the Fideliter; was on deck from the time the lights were put up till I got on to the Alexandra; when on to the other side of Clover Point saw three lights coming, and thought they were lights of a steamer; the lights of the Fideliter had been put up some time before; saw them carry them out; don't know how the Fideliter's side lights were placed; as the vessels came near the Fideliter whis-

ted; there was no other whistle then; Captain ordered to port the helm as the came near; the captain whistled several times close together, and then there was an answer; did not notice the answer particularly; cannot swear whether there was whistle in answer or not; the Fideliter turned to the right hand and the other appeared to go as if she were going to run into her whether or no; just when we rounded Clover Point the captain ordered "port," and the "hard astern," and we were going right smart on shore; at that time the steamer Alexandra appeared to be going on shore too. For a hundred yards or so before the collision the Alexandra appeared to be going on shore; our vessel was going on shore and the other vessel struck her on the side; when the Fideliter first whistled the vessels were a good way apart; I got on board the Alexandra; everyone does in a bustle to themselves; saw Captain McCulloch have himself as coolly as if no accident had happened, and shouted to the crew "For God's sake shove me ashore, I'm sinking." The other did nothing after he got clear as the vessels together for two or three minutes.

Cross-examined—I am not a man; was on deck all the time; was first directed where I saw light, that was under way beyond Clover Point, where I saw three lights; when I noticed I cannot say how many lights there were when the captain whistled; I heard him say hard a port two or three times; he said port helm first, and not long after "hard a port;" it was not long after; I did not notice a whistle from the Alexandra; we were in pretty close to shore when off Clover Point. I cannot say exactly how close, but it must have been 100 yards or more; I had freight on board—cows, chickens, &c., about in all above one hundred dollars; I think somebody ought to pay; did not think it would be knocked to pieces by another vessel.

Re-examined—Saw three lights and two vessels running together in a straight line till the captain ordered "port," and then hard a port; was astonished to see the other vessel also head towards shore; will swear the Fideliter whistled and cannot say the Alexandra did; the Alexandra backed out and thus the vessels were disengaged.

William Manly, sworn—Was on board the Fideliter; remember rounding Trial Island; (shown map and had points explained); was lying on a sack of oats awake, my head towards the bow, and did not see any vessel until a few minutes before Captain McCulloch blew his whistle shortly after rounding Trial Island; I then jumped up and saw two lights, a green and white; saw a steamer, and thought then it was a steamer going towards the harbor.

Court rose and adjourned till to-day.

Third Day.

Saturday, August 26.

William Manly—Evidence continued—Heard the captain of the Fideliter call in a loud voice to the captain of the Alexandra to port her helm; I concluded he spoke to the captain of the Alexandra. [Shown points on the map.] The Alexandra was as nearly as I could judge some 300 or 400 yards out at sea; thought both vessels were making for Victoria harbor; the Fideliter was pretty near into land somewhere about Clover Point; the Alexandra was outside on my left, and the Fideliter was inside the Alexandra and closer in shore; the Alexandra appeared about 400 or 500 yards on my left, when I was looking over the Fideliter's bows. [Asked and illustrated by the doors and windows of the court; the door of the Fideliter, and the second window the position of the Alexandra.] They were about 80 or 100 yards apart when the captain shouted to the captain of the Alexandra; the first thing I heard after the whistle was blown was the captain shouting to the Alexandra "Port your helm, boys;" heard no answer; the night was so dark I cannot say how far they were from the shore when they struck; the whistle blew many times, in fact it kept on blowing till the Alexandra struck; there was no answer to the whistle that I heard; after they struck I heard Captain McCulloch say "Well, lads, you've made a nice mess of us now," or something to that effect; I faced the bows all the time; McCulloch then added, "For God's sake shove them both ashore, for I'm sinking;" I was standing as near as possible amidstships; Captain McCulloch's demeanor appeared by his speech to be very cool; on board the Alexandra they appeared in confusion, and I was sorry I had left the Fideliter; I don't know where the captain of the Alexandra was; I don't know the captain from a passenger; I went back to Victoria; the Alexandra was looked to the Fideliter about two minutes; when they were looked the stems of the vessels bore round together; cannot say how long they were looked before they bore round; I am a farmer and have been brought up one; I have been to sea, but not at work or as a sailor.

Cross-examined—Had freight on board; three or four tons of oats, valued at 2 1/2 cents per pound, of 2000 lbs. to the ton; it was dark when I first saw the Alexandra; I will not swear I did not see three lights; but I will swear I saw green and white, and that from the time I first saw her till the collision she was always on the left; apprehended no danger, and noticed no change in her lights; apprehended danger when distant one hundred yards or so, and the captain sung out to her; did not notice at that time what lights I saw; don't know if the angle before described altered; won't swear she did not come in like that [as shown by models]; after she struck she swung round so [as shown by models] and then I got on board the Alexandra; I now know Captain Coffin; heard no order given by Captain McCulloch to port her helm; but am sure he called so to the Alexandra.

Re-examined—Was ten or twelve feet from the wheel-house; it is on the upper deck; I was on the lower deck.

Alexander John Chambers—I was supercargo on board the Fideliter; the first I knew I heard a whistle when off Trial Island; this caused me to know there was something unusual; I was in the cabin; on getting abreast the engine-room I met the engineer coming in the opposite direction; without explaining why he told me to go back; as I got on deck the Alexandra struck the Fideliter; on reaching the fore part of the pilot-house I looked round to see where we

were; saw that the Alexandra was on the land between Clover Point; the Alexandra were moving just after the collision; going ahead I cannot hearing the second seconds passed before myself had command approaching end of their helms are apart under that influence would clear them; apart at that time distance between them facilitate her clear a boat to see my knowledge of what I saw the her proper course caused by her helm be right it should have been 14 years at sea has been spent ashore in another other ship employ Company.

Cross-examined—we were close to than half way from state nearer than the positively, and it ship was heading in it four or five seconds John Chapman D. Was passenger on the lights of light was on the starboard side ships on the side; I saw the Alexandra the steamer was we were end and her lights; I judge the boat herself; Fideliter.

Mr. Wood objected friends upon the court; an assistant putting her heard in about again; I heard a believe I heard the was when we were yards; I then observed at that time the Alexandra was shore; I then noticed just before she was red light, at this red light the Fideliter the shore; she the beam; between than a minute elapsed when I first saw Alexandra it was say what the position was so as to notice dra was by mode not quite reached collision was betw Point about half I was not heard no orders wheel; when we Point the helm was some little time hard astern and shore; whilst we the Alexandra was ashore.

Cross-examined—sion I was on know as a fact dressed so that y the bows? I do not seeing all th Clover Point; be appeared to be afterwards both the angle by m were) and she w struck us; when port I could then the Alexandra f could judge wh were running a and almost im appeared to starbo but I did not know she did so or appear at right collision she wa her lights went she must have d the green light point of collision

Re-examined—[shown by models.] When Fideliter by models.] W models.] James McCulloch Fideliter at the past Trial Island approaching near the point of collision know what they ter's whistle; it blew two more; and the Alexandra not know the were exactly; w but I don't know collision; if th she must have come in nearer she had kept her she would have Cross-examin together so; I c direct at a right opposite me; th a right angle w William And the time of the bale of hay on Clover Point; I me; I saw a st a mile ahead a bow; the captu and; I know after that the A I saw the Alex cannot say the my head toward I heard the cap to put the helm some one t were not t captain said,