"Tommy" at the Banquet Board

No. 3 Co., Fifth Regiment Entertain at Dinner at the Cafe Royal.

Efficiency and Improvement of Corps Themes For Very Interesting Speeches.

(From Friday's Daily.)

Last evening at the Cafe Royal the members of No. 3 company, Fifth Regiment, C. A., held their annual banquet. The dinngroom was tastefully arranged for the occasion, the walls be- covered with ensigns. The long round which the guests assembled, loaded with the good things in the ble line, and by way of decoration, wealth of holly and potted plants ent color to the scene. All present spent a most enjoyable evening.

There were present: Col. Hall, officer commanding Fifth Regiment; Major J. P. Hibben; Capt. D. B. McConnan, adjutant; Capt. W. H. Langley, officer commanding No. 3 company; Captain Ridgeway-Wilson, No. 5 company; Lieut. A. N. Winsby, No. 4 company, and Lieut. T. P. Patton, No. 3 company.

The Sehl-Bantley orchestra were in attendance and helped matters wonderfully with a choice selection of instrumental music during the dinner.

After the toast to His Majesty had been duly honored, cigars were handed around, and a good social time was spent in conversation and anecdotes.

Letters of regret were read at inability to attend from His Worship Mayor DeCandless, Lieut.-Col. Holmes and Capt. Currie.

The toast, "Our Guests," was proposed by Capt. Langley, and responded to by Colonel Hall, Sergt.-Major Mulcahy and Corp. Simpson, R. E. Colonel Hall replied briefly. He said he was much pleased to meet the men in the regiment and to thank them for a very excellent dinner.

Sergt.-Major Mulcahy said he felt much pleased to be present, and spoke of the doings of the company and of its general efficiency.

Corporal Simpson said he was a far better eater than speaker, and thanked the committee for the kind invitation to the banquet.

Mr. Hopkins, late corporal U. S. A. Montana volunteers, who saw active service in Manila, was called upon for a song, and responded in excellent style with "The Game of Life," and on being encored, favored the company with "Absence Makes the Heart Grow Fonder."

The toast, "The Mayor and Aldermen," was unresponded to, Capt. Langley very aptly stating the last song was most suggestive.

Color Sergt.-Major Fred. Richardson sang "Down Where the Wurzburgher Flows." He responded with "Tommy."

Captain Langley, in proposing the toast, "The Fifth Regiment, Canadian Artillery," spoke of citizen-soldiership, and stated that a great many things about it puzzled him, and explained himself by relating how for years the companies had actually tied year after year in gun drill. He spoke of the difficulties which the regiment had to contend with at inspections. The regiment was artillery, and yet every year the drill was infantry drill, which, by regulations, the regiment was not supposed to know.

Colonel Hall responding, thanked the assembly for the very hearty manner in which the toast had been received. He seconded the remarks regarding the equal marking referred to, and stated that he had written to the inspector telling him that the method of marking was "a gigantic farce." The colonel referred to Lord Dundonald's visit, and the lessons to be derived therefrom, and also to letters in the press stating that a certain portion of the population looked with ridicule on the militia. It was no disgrace to wear the King's uniform. He stated that militia should be so trained as to be offenders as well as defenders. He spoke of the action of the Natal government in making military service compulsory to every male in the country. So far Canada had not reached that stage, but the day might come. He spoke of the difficulty in getting men to join the regiment, and stated that it was through supreme idleness on the part of those who refuse more than anything else. A great many members of the regiment were out of work, and he thought that an ordinance might very well be passed stating that no man should be employed by the municipality unless he was either an active militiaman or could show an honorable discharge for three years' service. He suggested that it would make a very good plank to fight the coming mayoralty election. He instanced the case of two men who were discharged by their employers for attending inspection, and for whom he had since got employment, and he assured all present that the two firms guilty of these acts would not benefit much in their business for their action.

Corporal Simpson, R. E., sang a good comic song, "I Wasn't Sure," and responded to an encore by singing an awfully funny song, "Oh, How Rude."

Capt. Langley read a paper on "A Problematic Attack on Esquimalt in July, 1904, by Russia."

The other toasts were: "Other Companies" and "The Ladies," which brought a most successful evening to a close.

Damages Awarded.—In the County court yesterday morning the case of the Victoria Transfer Company vs. the Victoria & Sidney Railway Company, was completed, and a judgment given. The case was one arising out of the killing of a draft horse belonging to the plaintiff company. It was urged that the defendants were responsible owing to the cattle guard over which the animal crossed being defective. The jury in the case brought in a verdict in accordance with this, and the plaintiff company was awarded damages to the extent of $250. The claim was for $300. On Monday court will be resumed, presided over by the Chief Justice, the next case to be called being Minor vs. the B. C. Electric Company. This also is a jury trial, the plaintiff claiming $1,000 for the killing of a dog.

BANK CLEARINGS.

New York, Dec. 18.—The following are some of the weekly clearings as compiled by Bradstreet's for the week ending December 17, with percentages of increase and decrease as compared with the corresponding week last year:

Montreal $21,318,868, decrease 4.4 per cent.; Toronto $15,864,281, decrease 9.2 per cent.; Winnipeg $6,024,437, increase 18 per cent.; Halifax $1,862,352, increase 20 per cent.; Ottawa $2,322,503, increase 6.5 per cent.; Vancouver (for Mainland of British Columbia) $1,258,724, increase 29.4 per cent.; Quebec $1,374,699, decrease 11.1 per cent.; Hamilton $1,231,221, increase 20.3 per cent.; St. John, N. B., $900,415, increase 13.9 per cent.; Victoria $853,924, increase 23 per cent.; London, Ont., $884,324, increase 6 per cent.

New Laundry.—Another addition to Victoria's growing list of industries will be open for business tomorrow morning, the Crystal Laundry, situated at 85 View street. Only white labor is to be employed. The Downtown office will be located at 105 Government street.

FOR SALE—First class club rooms, beautifully furnished, in city of Seattle; 15 rooms, including dining rooms and kitchen, fully equipped; billiard and pool tables, card and reading rooms; has a large and growing membership. It will require about $4,000 to handle this proposition. Terms might be arranged. A splendid opportunity for one or two gentlemen. Particulars 460 Arcade Building, Seattle. 420

POPE LEO'S GIFT.

Left Seven Million Dollars to His Successor.

Paris, Dec. 18.—The Rome correspondent of the Figaro says that Cardinal Gotti, prefect of the propaganda, and one of the executors of the will of Leo XIII was received by the Pope yesterday and informed his holiness that he held a large sum of money, confided to him by the late Pope, with the mission that he should hand it to the new Pope four months after his election. The amount is said to be about seven million dollars.

To Start Lodge.—W. P. Allan has been granted a commission from the Grand Chancellor of the Knight of Pythias for the organization of a new lodge at Crofton and he will leave, accompanied by S. L. Redgrave on the morning train for the smelter town. Tonight he will organize the new lodge of the K. of P., and after initiating the new members, will then put them through the ranks and install officers.

The Navy League.—At the annual meeting of the Vancouver branch of the Navy League the following officers were chosen: President, Sir C. H. Tupper; vice-president, Rev. H. C. Fennes-Clinton; committee, Colonel Falk Warren, William Skene, Hon. Charles Wilson, K. C., Oswald Moseley, Gavan Cross, Thomas Wilson, H. Harris, sen., G. A. Boult, W. M. Murray; secretary-treasurer, Captain C. Eddie. The secretary-treasurer's report stated that the head office sent the warrant for the incorporation of a local branch. The report continues: "I am pleased to say that, notwithstanding adverse circumstances, we close the year with a very satisfactory membership, and although we have not been able to follow the good example set by the Victoria branch, in offering prizes for essays on naval subjects by school children of the province, we may be able to do so in the future; meantime we have more than held our own, which is something accomplished."

WANTS TO FREE INNOCENT MAN

Strange Story of a Wronged Man Told By a Lady Now Visiting City.

Among the guests at the Vernon hotel is Miss Alma Nesbitt, a recent arrival from Portland, and she tells a story of misfortune. Yesterday she said she desired to make public some facts which may result in an innocent man being released from arrest by the United States police. Since her arrival here, she said, she picked up an old paper and noticed a small item to the effect that Norman Williams had been arrested at Hood's River, Wash., for having signed her name to certain papers in regard to a homestead in that vicinity.

"Mr. Norman Williams," said Miss Nesbitt, "is not guilty of any wrongdoing in this respect, for he has a letter from me in which I wrote authorizing him to sign my name to those papers. He has always been a friend to me and my mother, and I do not wish to see him suffer when he is innocent. Therefore, if you will make my story public, it may be the means of aiding him.

"We, my mother and I, came from Omaha with Mr. Williams," she said, "and we took up a homestead on Hood's River. That was in 1899. We didn't stay there long before I began to get threatening letters, and I and my mother left and went to Portland. In 1900 I wrote to Williams to have arrange the papers in my one to the homestead, which was in my name, and sign the papers himself in my name. I don't want anything to do with the homestead there, and he has my letter to that effect.

"I have lost track of my folks. My mother, who has since died, having influenced me to marry a man who tricked me into a false marriage in Portland, and I left him. Because of this marriage I incurred the enmity of my relations, and it may be because they have lost track of me that letters were not sent me to allow me to clear Mr. Williams. If you will kindly make this story public, it may aid him to secure his freedom."

The Stolen Diamond

A criminal who has any peculiarity about his person, such as a missing finger, a club foot, or any mark made by his trade, such as the mark on the hand of a barber, where the scissors had constantly pressed against the root of his thumb, should be very careful lest these means of identification are not the means of his downfall. Most of the cases which have come under my notice have been cases where the culprit has had some bodily deficiency which has left its mark on something with which he has come in contact. The experience which I am about to relate

EMBODIES THIS TRUTH.

and had not the criminal in the case had the misfortune of losing one-half of his—but I am anticipating events.

I had just returned from the continent where I had been sent in connection with the Duchess of Mentone's stolen jewels, and was prepared to enjoy a rest, when I received a wire from my chief asking me to report at once. Upon arriving at the office he told me that a robbery had been committed at the summer home of Mr. George Middleton, the millionaire, and that a defective had been wired for. As to the particulars, only one diamond had been stolen, a magnificent stone of great value intrinsically, and of incalculable worth to the family as an heirloom.

I set out at once. When I arrived I was at once taken to Mr. Middleton, who appeared very much upset over the affair, not so much, he assured me, on account of the value of the stone, but it had been so long in the family, having been passed down as an heirloom from one generation to another, that he viewed the loss as a very great calamity. The points of the case were briefly as follows:—On the previous night he had taken the diamond from the safe to show it to some of his guests, and Mrs. Middleton, who was to wear it at a ball on the following night, had taken it from him, and not thinking it necessary to place it in the safe for so short a time, had taken it to her bedroom and put it in a small casket on her dressing table.

THE NEXT MORNING

before going down stairs she would see if it was all right, and was astonished to see the casket empty. There were many guests in the house, and at my request I was to be introduced as a friend of Mr. Middleton. Before going into the drawing room I asked if he would be good enough to give me some particulars about the guests.

"Let me see," he said, "there are about twenty guests, mostly gentlemen. With the exception of three they are old friends of the family and above suspicion. The remaining three are gentlemen of high character. One of them is a Russian Count, who came to me with letters from intimate friends abroad, and one of the others is a man whom I met in the city, and our kindred tastes led me to invite him here for a few weeks; the other is a gentleman from town, greatly interested in dynamics and whom I met in my club. These are the only acquaintances that are here whom I have met during the last year."

I was then taken to the drawing room and introduced to most of the guests, among them the three new acquaintances. I gained nothing that night, and noticed nothing suspicious about any of the guests. I was rather inclined to think that the robbery had been committed from the inside, by either one of the servants or one of the guests, as all the doors had been found fastened on the morning after the robbery, and no one knew that the diamond was in the house (it was always kept at the bank) but the members of the household and the guests to whom it had been shown on the night of the robbery.

In the morning I asked the servant who brought me my coffee and rolls to come in, and I questioned him as to the guests, and if he had noticed any of the servants were in trouble over money matters.

"Now," I said to him, "have you noticed anything peculiar about any of the guests? No matter how trifling it may appear to you, it may be the means of providing me with a clue."

HE THOUGHT FOR A MOMENT

and then said that he had noticed nothing out of the common. He had just gone out of the room when he reappeared and told me that he had noticed one thing about one of the guests, but it could have nothing to do with the robbery. He had noticed that one of the men had always had his shoes cleaned while they were on his feet. He always collected all the shoes and took them down to be cleaned, but Mr. Dane, "the man who always talks about machinery and electricity to Mr. Middleton, always came and had them cleaned on his feet."

In the evening I had another talk with the man, and asked him to give me an account of everything that happened on the night of the robbery. He told me that the gentlemen had been out all day, and in the evening Mr. Middleton had sent an order to him to bring some apples into the drawing room, and it was soon after this that Mr. Middleton had gone and fetched the diamond from the safe.

I made a mental note of these facts. Later on I had a chat with Mr. Dane, and being myself something of an authority on dynamics, I was able to interest him. I was looking at him closely all the time we were talking. There was only one thing that distinguished him from any other guest. This was that half of one of his front teeth was missing; it had been broken off in almost exactly the middle.

I did not connect Mr. Dane with the robbery; in fact, I had up to this time not the slightest suspicion of a clue. It was early the next morning that I was put on the scent. I had visited the lawn under the window of the room from which the diamond had been stolen, and was looking to see if I could find any trace of footprints on the beds or the lawn. I did not find any trace of footprints, but I noticed

THE HALF OF AN APPLE

directly under the window. I picked it up and examined it carefully. As I was turning it over and over I was thinking and wondering how it came there. It must have been thrown there recently, otherwise it would have been swept up. Then it struck me that apples had been eaten on the night the diamond had been stolen, and I understood that no one had gone out that night. Of course, I thought, some one might have thrown it there since that night. Then I noticed a peculiarity of the marks of the teeth on the apple. About half of it had been eaten, and at every place where the apple had been bitten a small portion of the apple remained, a small ridge about an eighth of an inch in width and extending the entire length of the bite. I saw in a moment who had been eating the apple. It was the man with the broken tooth Mr. Dane, and the ridge was left where the missing tooth must have bitten. Now it occurred to me that it was just possible that after Mr. Middleton had given the diamond to his wife (which was just after the apples had been brought in) Mr. Dane had followed her and taken his partly finished apple with him.

After she had left the room, leaving the diamond in the casket, he had gone in, and, when opening the box, had put the apple down, and not knowing exactly what to do with it had opened the window, which opened after the fashion of a door, and had thrown it down on the grass below.

ANOTHER THOUGHT STRUCK ME

Why did Mr. Dane have his shoes cleaned on his feet, instead of having them cleaned as the other guests did? There must be some reason for this, unless it was a fad. I asked my confidential servant which was Mr. Dane's bedroom, and in the evening when Mr Dane was in the drawing room, with his pumps on, I went to his room, and, as I expected, I could not find his shoes I could, however, give a guess that they were in a large box which stood in the corner of the room. Further evidence. Why did he keep his shoes locked up in his box? I pulled a bunch of keys out of my pocket, and tried to unlock the padlock, but not one key in my possession would fit the lock. The next morning by six o'clock I was being driven to a locksmith with the purpose of obtaining fresh keys.

On the evening of that day I watched for the appearance of Mr. Dane with a certain amount of excitement. I felt as though I was going to find the diamond that night. Presently he appeared as usual in his pumps, and challenged me to a game of billiards. I would rather have played pool, but I accepted his challenge and we had a game.

IT SEEMED A TERRIBLY LONG GAME,

but at last it was finished, and he made his way to the smoking room, while I made my way to his bed room. I closed and locked the door, and then started to try the various keys. Almost the first key fitted, and I opened the box and got out the shoes. They were of common make, and their appeared to be nothing out of the way about them. I noticed, however, a little cut in the heel of the right shoe, and I put my finger in this cut and gave it a pull, but it remained firm.

I examined it very carefully, and discovered the head of a nail driven into the heel from the side and as this could serve no purpose there, and moreover as it was blackened over so that it could hardly be seen without very close inspection, I naturally thought it might have some purpose, so I got my knife from my pocket, and putting it under the head levered it. It came out easy enough, and I then pulled the top of the heel right off, and there, snugly resting in a bed of cotton wool, lay the missing diamond!

I took it out and looked at it by the light of the candle. It was a magnificent stone, and I could see of immense value.

At this moment some one tried the door, and I fancied I heard an exclamation of rage, and then a hurrying of feet down stairs. I rushed toward the door, and was just in time to see Mr. Dane disappearing out of a door which led into the groupnds. I shouted out to the gentlemen that

THE MAN WHO STOLE THE DIAMOND

was but a few yards away, and they joined in the pursuit. We were not long in catching him.

Mr. Middleton would not at first believe it was Mr. Dane who stole the diamond, but when I showed him the shoe with the sliding heel he realized how his confidence had been abused.

So you see that criminals should be very careful if they have any part of their anatomy missing, even if it is only the half of a tooth. Mr. Dane is still in the stone business, but in prison.

For frozen and moulded dishes, the Muscat grape gives a delicate green garnish. Clusters of cherries or stems of currants arranged in wreaths are always effective, while candied or Maraschino cherries make a delicious and striking garnish for charlotte russe or Bavarian cream. Sections of orange dipped in soft frosting and dried, are a simple but pleasing garnish for a rice or farma mould.

TO VISIT IRELAND.

Dublin, Dec. 18.—The Evening Herald today announces on good authority that King Edward and Queen Alexandra will visit Ireland during the Punchestown racing week and attend the races. They will not travel in state.

Flora Officers Found Guilty

Capt. Casper J. Baker and Lieutenant Harold F. Grant Were Both Reprimanded.

Court-Martial Holds That Charges of Hazarding and Stranding Were True.

Seagull Perched on Buoy Caused Mistake Accountable For The Accident.

(From Saturday's daily.)

"Bring in the prisoners."

After sitting behind closed doors for some forty minutes, the court-martial had decided upon a finding, and the last scene—a dramatic one—was enacted in the Flora accident.

With their "friends" the two accused officers walked again behind the green baize stand, behind which bar they have stood on trial for several days. Behind them the numerous witnesses, all in full dress, whether bluejackets or commanders, trooped into the Admiral's lobby, where sat the court, now for the first time with their cocked hats on their heads.

On the instant the prisoners noted the position of the swords. The points were toward them—an adverse verdict had been found. Quickly the witnesses who filled the room noticed the points of the swords, and they understood. It did not need the standing judge advocate to read the finding of the court to let them know that the charges had been held to be proved. The swords told the tale.

The court-martial decided that the charges of having by neglect or default caused the hazarding and stranding of H. M. S. Flora on Denman Island on December 3rd, were proven against Capt. Caspar J. Baker, commander of the Flora, and Lieut. Harold F. Grant, navigator of that vessel, and both officers were severely reprimanded and warned to be more careful in future.

Yesterday was taken up with the defence, both officers first making a straightforward speech to the court, in which they held that there had been no neglect, although the fact that a stranding had occurred as a result of an unfortunate set of circumstances, might allow the court to decide that there had been default in that an error of judgment had occurred in regard to the buoy, which was mistaken for the beacon on the opposite side of the channel.

The explanation for this mistake was in that the reckoning made with the engines going half speed, or about 10.2 knots an hour, for fifteen minutes—they were placed at that speed at 7.45 a.m. and the accident occurred at 8.02 a.m.—caused the belief that the cruiser had passed Village Point, and the lookouts were watching for the black beacon with a white cage on the opposite side of the channel. Then occurred the unfortunate circumstances. The fog had rolled in suddenly—evidence was that it came in five or ten minutes—and the supposed beacon was seen on the starboard bow.

Capt. Baker had seen the supposed beacon, the signal man and others as it bore half or a point off the starboard bow, and Capt. Baker stated that the fact that it was distorted in the fog, and that it had a seagull perched on the top of it, had given all who saw it the impression that it was the black beacon for which all were watching. The order to starboard the helm had then been given, with the result that the vessel stranded. When the mistake was discovered the helm was thrown hard aport, and the engines were reversed, but it was too late.

When the court-martial opened yesterday, Capt. C. J. Baker, of the Flora, made a speech for his defence, in which he said: "I do not suppose that there is any position for an officer of any rank and standing in His Majesty's navy which is so trying, and I may say, humiliating, as being put upon trial, after an unbroken and honorable career, for neglect of duties and hazarding and stranding the ship which he has the honor to command. I feel most keenly that my professional ability should now be under trial. I have commanded eight other ships, and in no case has my ability to do all circumstances even been called in question. I need hardly mention the extreme anxiety that I have gone through after the ship stranded, not only for the safety of the ships company, but for the ship herself, and it is a matter of great satisfaction and gratification to know that the vessel is now in dry dock and that not a single man has been injured.

"The commander-in-chief has been pleased to express his satisfaction affecting the happy result which followed the work of floating the ship in the following general signal made at Union on the morning of December 10th, in which he said, 'The Admiral is much pleased at the excellent manner in which the captain and ship's company of H. M. S. Flora have worked and behaved in the most trying circumstances, and also in the most excellent and cheerful work of the captains, officers and ships' companies of H. M. S. Grafton and Egeria, which has brought about such a satisfactory result.'"

"As for the charge of neglect and default, I may say that these words have different meanings. Neglect is defined as an omission of duty. Default may be an error of judgment, or not according to the weight of circumstances. I submit that there was no neglect, although it may be held that there had been default as a mistake had occurred. I would submit, though, that there were many unlucky circumstances. A safe course was shaped with a good departure; signalmen were on the lookout and leadsmen in the chains heaving the lead. The weather justified me in proceeding, for, as proved by Lieut. Ramsay and other witnesses, the weather was clear with patches of fog.

"The coast line to Denman Island was clearly visible, and I proceeded at 72 revolutions at 7.45 a.m. I took charge of the ship until the anchor was secured and told the navigating officer to steady the vessel on south 60 degrees, which course I considered safe. I heard Lieut. Grant give orders directing the seamen to keep a sharp lookout for a black beacon, and I was about to give the orders to slow down the engines when I saw the black beacon about one point on the starboard bow, which I took to be the Base Flats beacon.

"It was looming up in the fog with a gull perched on it, giving it all the appearance of having a cage on top. It was reported to me as the beacon, and if it had been rightly the Base Flats beacon, it would have been right to starboard the helm 15 degrees, which action I could have taken myself. Hearing the helm being ordered to starboard, I went into the chart room to put a ruler on the chart. This occasion occupied about a minute, and when I came out of the chart room I heard Lieut Grant give the orders hard aport and full speed astern.

"I may probably be blamed for not having reduced the speed of the ship from a moderate speed of ten knots to lower. I was about to do so when I saw this object, although I believe that had the speed been altered the circumstances would not have been changed. This would not have changed the other circumstances. As for my navigation, I am a competent navigator, and I have taught Lieut. Grant much in this respect since he came under me.

"As for the charge of default, it is self-evident that the lamentable occurrence was entirely caused by the mistaking of one beacon for another. Therefore it may be possible to decide that there has been an error of judgment, but the circumstances were so peculiar that my experienced eyes were deceived as well as those of Lieut. Grant and two seamen. This result was due to the distortion in the fog, and the gull being perched on the top, which gave the appearance of a cage. I only, therefore, came to the conclusion that it was this beacon for which we were watching when the evidence of my eyes was so strong. It was purely an accident, aided by the strong easterly set, of which no mention is made in the sailing directions or charts, but which must exist, as I have been told several other vessels have gone ashore at this point.

Great stress has been laid on the fact that signalmen were doing duty as lookout men. I have trained them and found them more efficient. Had the mark seen been Base Flats beacon and the helm not been altered as it was, the ship must have gone ashore on Base Flats. I would like to state that, in my opinion, Lieut. Grant had never had any accident or difficult in the navigation of narrow waters, and has always shown great care and shrewdness. I hve never found it necessary to interfere with his pilotage. My rule is to consider the pilotage in my own mind, reasoning why any alteration in the course is made, and if I consider that any mistake was being made, I would at once question it. In conclusion, although I may have been considered to be guilty of default, I refute any accusation of neglect. The safety of the ship is as dear to me as my personal honor, and I deeply regret the occurrence. I ask His Majesty's court to acquit me of this charge, and not mar a long and sunny service which is near its close, and not mark me as an officer who has imperilled one of His Majesty's ships which I have the honor to command."

Lieut. Grant, the navigating officer, spoke similarly in his defence. He said he felt his position most keenly. When the anchor was raised, he gave the order, "Hard aport," and steadied the Flora in a course set south 60 degrees. He noticed Denman Island open on the port bow. The course he set would enable him to clear Village Point and pick up the beacon at Base Flats, taking into consideration the fact that the tide was ebbing and the set to the northeast. Two days previous to the accident he made use of the marks used to set his course on this occasion. The leadsmen had, as the evidence showed, obtained a sounding of twelve fathoms, which fact shows that the ship was not to the eastward of her course then. He did not consider a patent log any aid in navigating such narrow waters. He noticed the fog rolling up the Sound and warned the helmsman to keep the course and ordered the signalman to look out for the beacon. He knew that the spar buoy was difficult to see, and did not regard it as much of an aid to navigation. He did not expect to see it, and gave orders to look out for the black beacon which marks Base Flats. He had gone to the chart room to verify the course, and when he came out the signalman had reported that the black beacon had been sighted. Then came the unlucky circumstances. The reported beacon was sighted and, backed by his own eyesight and that of his captain and two seamen, he was positive in his mind that this was the beacon they were looking for. If it had been this beacon at which it turned out not to be—the ship would have gone ashore on Base Flat had not he altered the course and he gave the order to starboard fifteen degrees.

The court, he said, might wonder how four people could be deceived by this beacon, but, he went on, this spar buoy was hard to pick up even in clear weather. He knew that and did not expect to sight it. It was then standing vertically and its size was out of proportion in the fog. Added to that there was a white shape on top which lead them to believe it was the white cage of the Base Flat beacon—a shape which turned out to be a sea gull perched on top.

He had every reason to believe that the ship was past Village point. She had been running for fifteen minutes at 72 revolutions, which was slightly over ten knots, and the only beacon he expected to see was on Base flats. Had any one of these unfortunate circumstances been absent the accident would not have occurred. He realized the mistake when the beacon was brought abeam and at once ordered the helm hard a port and the engines reversed full speed astern. The charge of neglect he refuted, but the charge of default might be brought home, but he denied that he had hazarded the ship under the circumstances and he thought the charge would not be proven.

He submitted in conclusion that he was at the outset of his career, and that his captain had given evidence of his ability. He hoped the court would dismiss the idea of neglect and look upon the matter with a view to the unfortunate surrounding circumstances. He asked to bring to the attention of the court also that he had received a certificate for his ability as a navigator, although it had been lost together with his other private papers.

Then, after these addresses had been made to the court the two officers on trial asked to testify in their own behalf. It was decided that each would be called by the other for the defence and Lieut. Grant was then sworn, and under examination by his fellow prisoner, Capt. Baker, he said he had starboarded the helm fifteen degrees when the beacon, or supposed beacon was sighted because taking it, as he did, for Base Flat beacon he starboarded to get into the middle of the channel and shaped his proper course to clear the ship on the instant. If this mark had been correctly made out as Village point spar buoy, he would have put the helm hard a port. He considered that would have cleared the ship from danger. He could have passed to starboard of the buoy by over half a cable. When the beacon was sighted he thought the vessel had passed Village point, basing that belief on the assumption that he knew that the ship had been going ten knots since 7.45 a. m. and that eight bells (8 o'clock) had been struck, he concluded that the ship had run for two miles, the distance that lay between Union wharf and Village point reef. Describing the appearance of Base Flat beacon, he said it was a pile beacon with a white disc on top. The appearance of the beacon sighted, as it looked to him, seemed to be a post four or five feet high with something white on top. It was vertical. The beacon had been sighted shortly after eight beels. During the time he had served under command of Capt. Baker as navigator he had been improved in skill by the advice and instructions of the commander. He had worked a dead reckoning on the data secured from the engine room registers and ship's logs on the date in question from the time of leaving Union until the time of sighting the beacon. This reckoning rests on the fact that 72 revolutions gives a good ten knots and that at 7:45 the engines were started going those revolutions. No allowance for slow ahead was made as the helm was hard over, and the ship would take some time to gather way. He allowed 8:02 a. m. to be the time the beacon was sighted—the beacon which turned out to be the buoy. The reckoning was made from less than a cable from Union wharf. This dead reckoning would place the ship at 8:02 a. m., not allowing for current, at half a mile beyond Village point buoy. By allowing for tide, the same tide allowed by Lieut. Miles for the prosecution, the ship should have been just a mile beyond the Village point reef. This witness was not questioned by the president or members of the court-martial.

Capt. Caspar J. Baker, commander of H. M. S. Flora, was next called by Lieut. Grant, his fellow prisoner, and after being told by the president that he need not answer any question which would incriminate him, or which he had any sentiment against answering, as was Lieut. Grant. He said the leading mark used to take the ship down the channel, the south end of Denman Island, and, being slightly open, was the same as used in the long range firing guns of a fewdays before. They were then aiming at getting great accuracy of position on this occasion and he was satisfied that this result was achieved by using it. When the beacon was pointed out on the morning o fthe accident lieut. Grant had given orders to starboard fifteen degrees. On a previous occasion he had noticed the Village Point spar buoy. He had spoken to Lieut. Grant about it. His opinion was that the spar buoy was inadequate. On the first trip up Baynes Sound some months ago, he carefully took notice of all leading marks and other marks for aiding navigation, and was quite satisfied about all the pile beacons, but as the ship neared Village Point he remembered distinctly having had considerable difficulty in making out the spar buoy off it. However, it was seen. It was clear on that occasion. On December 3rd, when he first saw this object he had taken it to be the Base Flat beacon. He had no doubt about it. He was well acquainted with the Base Flat beacon, and considered that under the circumstances the best thing possible was done. The object appeared to bear a half or one point on the starboard bow from where he stood half way between the centre of the ship and the end of the bridge on the starboard side.

Capt. W. D. Owen, the Nanaimo pilot, called by Lieut. Grant, said he had been navigating Baynes Sound about sixteen years. He knew of currents other than those marked on the Admiralty chart. There is a set, magnetic current or undertow—he thought it was an undertow—which drew vessels to the eastward. Leaving Union wharf he always made a practice of allowing for this set. It was invariably experienced notwithstanding the state of the tide. Ships had previously grounded on this reef, and he had attributed one, that to the steamer Willamette, to this set, having come to this conclusion by the fact that the vessel was lying at Union wharf, heading out, and could have had ample time to secure bearings of Village Point. It was clear when she left the wharf at 11 p. m., and there was a bank of fog off Village Point. Village Point spar buoy had no value, in his opinion, as an aid to navigation. He would consider a can buoy there to be better. Baynes Sound was difficult to navigate in thick or misty weather. Shaping his course down Baynes Sound from Union wharf, he invariably headed the ship in the day time with Base Flat beacon a little on the port bow. At night with the bight of Fanny Bay right ahead, running the distance down to make the turn. In daytime, as soon as Reef Point opens out with Maple Point, the course is altered to mid-channel. This set, of which he spoke, was well known amongst the pilots. Some had experienced it. Others had not. It had been discussed among the pilots.

Lieut. Ramsay, called by Lieut. Grant, gave evidence that the fog had rolled down the Sound suddenly between the time he went on to the bridge and the grounding.

Albert Nixon, yeoman of signals, gave similar evidence in regard to the fog. Before any mark was sighted he knew clearly what kind of beacon he was looking for. It was a black pole beacon with a white cage on the top. What he sighted seemed to be a pole beacon apparently with a cage on top. He had no doubt when he saw it but that it was the beacon he was looking for. He had often during the last few months seen and reported the Base Flat beacon. Previous to the sighting he knew with the Village Point spar looked like. It was a red spar buoy in a slanting position.

Whiteley, signalman, said the fog had rolled down suddenly. He had been on the lookout for the black beacon with a white cage on top which he had repeatedly seen previously, and he had no doubt when he saw the spar buoy but that it was the beacon he was told by Lieut. Grant to watch for. When Lieut. Grant came from the chart house and saw the beacon reported, he ordered the helm to starboard ten or fifteen degrees, he did not remember which. The fog came five or ten minutes after the anchor was raised.

Engineer Lieut. S. Drake, senior engineer of H. M. S. Flora, said that the engines moved from 40 to 45 revolutions, when the telegraph was put slow ahead, which would give the ship a speed of six knots when she gathered way. With a clean bottom, as the cruiser was then, 72 revolutions would give her a speed of 10.2 knots an hour. Engineer Lieut. Ford gave similar evidence.

The court martial men rose for luncheon, after which B. E. Jones, a midshipman of H. M. S. Flora, told of the suddenness with which the fog rolled down upon the cruiser. He would have occupied him five or four minutes to read a patent log and return to the forebridge. He had logged the course and speed from the time the engines were put half speed ahead on the morning of the accident. The log was produced, showing these entries. The ship was about 300 yards from Union wharf when the engines were put half speed ahead.

Henry Kattle, seaman, said that on going into the fog, he was by Lieut. Grant, told to steer a steady course. A. W. Grundy, seaman, deposed that when he said yesteday that when he looked through the window after the ship steadied on her course, and saw the ship in mid-stream, he meant that the ship's head appeared to him to be in the middle of the stream.

Lieut. Miles, navigator of H. M. S. Egeria, who gave evidence for the prosecution, under examination by Lieut. Grant, said that in navigating a ship in a narrow channel with good leading marks, he would rather trust to that to clear danger than to standard compass or a course. Supposing he found his standard compass bearing on the leading mark, and the bearing given on the chart different, he would assume that the difference was due to deviation. Asked if the Flora had the Union wharf open to the southward, and the Egeria ahead of the ship steadied on the end of the pier, would he not consider it impossible to run ashore on Denman Island at slack water, he said he would like to have bearings given him.

Lieut. Grant wished, he said, to bring the fact to the attention of the court, that it would be impossible to run ashore. One of the members of the court-martial noted the fact that he had done so. After further questions the witness said that with the inner end of the south side of Union wharf open to the southward it should be impossible to strike Denman Island until well to the southward of Village Point.

Paymaster Horsey, prisoner's friend, gave evidence that he had seen a certificate given to Lieut. Grant in H. M. S. Gleaner which was a good certificate, with special emphasis on Lieut. Grant's duties as a navigator noted on it. This certificate was given by the captain of that ship.

J. A. Bource, chief signal boatswain of H. M. S. Grafton, produced the signal made by Rear Admiral Bickford, C. M. G., after the Flora had been floated at Village Point at 10:30 a. m., on December 10th. This signal read: "The Admiral is much pleased at the excellent manner which the captain and ship's company of H. M. S. Flora have worked and behaved in the most trying circumstances, and also in most excellent and cheerful work of the captain and officers of H. M. Grafton and Egeria, which has brought about such a satisfactory result."

This closed the case, and when the prisoners announced that they wished to call no further evidence, the Commodore, in his brusque way, said, "Clear the court"—an action which had been taken several times during the progress of the defence. Then with the doors closed and sentries watching that no interloper was within listening distance, the officers of the court were in consultation for about forty minutes. Then the court was declared open again, and the prisoners were brought in. Also all those who had given evidence. The witnesses were all summoned, and all trooped into the court where the president and members of the court-martial were standing with their cocked hats on their heads.

During the progress of the trial the swords had been laid side by side across the table. Now they were lying lengthways—and the points were toward the prisoners. There was a whisper of "Guilty" among the prisoners, for according to the long established naval custom, the swords pointed toward the prisoners meant that an adverse decision had been reached. Had it been otherwise the swords would have been lying with their hilts toward the prisoners. Such is the naval custom.

The Judge Advocate, Mr. Baker, then read the finding of the court, which was as follows: The court, after hearing the evidence, has found that the charges are true and have been proven, against Capt. Casper J. Baker and Lieut. Harold F. Grant. Both are severely reprimanded, and cautioned to be more careful in future.

"Clear the court."

The court is dissolved.

Water plays an indispensable part in both the environment and the internal chemistry of life. It forms more than half the weight of most living things, and all the active parts of animals and plants consist of water holding the other ingredients in solution or suspension.

Proceedings in The Will Case

Cross-Examination of Rev. Mr. Shaw--Dr. Huntingdon Also on Stand.

Judge Drake Requests L. P. Duff K. C. Not to Bully Witnesses.

(From Friday's Daily.)

The Supreme court proceedings in the case, Hopper vs. Dunsmuir, were resumed at 10.30 yesterday morning, Rev. Mr. Shaw in the witness box.

Mr. Luxton asked one question, and in reply witness explained that he was a clergyman in the American Episcopal church.

Cross-examined by L. P. Duff, K. C., witness stated that Mrs. Agnew's visit was about two weeks before the ceremony. Did not promise to perform the ceremony until Mrs. Agnew's second visit, a week later. Was informed at the same time by Mrs. Agnew that there had been a civil marriage some years before between Alexander Dunsmuir and Josephine Wallace. In the eyes of civil law the contracting parties were already man and wife. Considerable argument was indulged in between counsel and witness, and Mr. Duff asked him if he had ever heard of the man who split hairs between variable winds. Witness refused to answer the question as to who informed him regarding Alexander Dunsmuir's habits. His lordship upheld the witness' refusal and the question was struck out. Witness got definite information regarding Alexander Dunsmuir's habits after the second interview, but had the impression that he was a drinking man on the first interview. The definite information was partly from a lady visitor to Mrs. Shaw and partly from a person whom witness refused to name, at the Occidental hotel, San Francisco. Asked whether witness considered it necessary, and his duty, to satisty himself as to Alexander Dunsmuir's condition, both mental and with reference to intoxication before he could perform the marriage ceremony, he said he could not answer that question in that way. Witness then outlined the meeting with Alexander Dunsmuir, first outside the Mrs. Agnew's residence and the conversation there regarding the weather and the drive. Had subsequent conversation with Alexander Dunsmuir at the hotel. This last conversation was of about five minutes' duration. Was thoroughly satisfied that Alexander Dunsmuir's condition was considerably exaggerated. Witness could not recall having stated yesterday that, in his opinion, Alexander Dunsmuir was a shrewd man. If witness did say it, he did not wish to qualify the statement. His lordship remarked that he considered Mr. Duff was bullying the witness.

Re-direct examination by Mr. Luxton, only learned from informants that Alexander Dunsmuir was a drinking man.

Dr. Huntingdon, of Oakland, graduate of Jefferson Medical college, Philadelphia, testified that he met Alexander Dunsmuir and Mrs. Wallace. Met the latter first at witness' office