

VESSELS AND VALUES

Further Evidence Furnished by Witnesses on Behalf of the United States.

The Treatment of the Men Illegally Arrested on the Canadian Schooners.

After luncheon yesterday afternoon Mr. A. B. Alexander continued his evidence before the Behring Seal Claims Commission.

Taking everything into account, he said, a vessel similar to the Carolina, twenty-five years old, ready for sea, would be worth on the Pacific coast from 1886 to 1888 about \$1,800 or \$2,000, not exceeding \$2,000. In 1894 he was on the Louis Olsen and in 1897, on the Dora Seward, gathering as much information as he could regarding seal life. In a heavy gale of wind seals will not sleep unless tired out. When interrupted by winds and weather they sleep a great deal. He continued, he said, from 1857 to 1884 the logs of many sealing vessels to establish a rule as to the weather in Behring Sea. Weather varies in different parts of the sea. There are zones of good weather and zones of bad weather. There is no locality where seals may be always found. They change their position, as the species of fish they subsist upon vary.

Mr. Alexander said that sometimes seals are not easily frightened, and at other times very easily. In his valuation of the Carolina he said he did not know or take into account the fact that she had been practically rebuilt in 1884. If the schooner had not been rebuilt when he saw her in 1884 it did not look as if the work had been done very substantially. The Carolina was of an old-fashioned type and could not have been a fast sailer.

To Mr. Justice Putnam witness said his parties were those of a fishery expert. At present he was investigating the fisheries of the lakes and rivers of the Northwest coast.

Capt. Charles E. Raynor said that in 1886 he was captain of the San Diego, and in 1887 of the Allie I. Alger, on both of which schooners he went to Behring sea. He superintended the construction of the Allie I. Alger at Seattle, and had a knowledge of the value of vessels. His boat, the San Diego, was seized a few days before the Carolina was seized. The San Diego arrived at Omalaska shortly before the Carolina. He went on board the Carolina when she came into the harbor. The seal skins and some pilot bread and guns were put ashore from her. Neither he nor Capt. Ogilvy, nor Mr. Bieke, the mate of the Carolina, was confined in prison at Sitka. All the provisions he saw put ashore from the Carolina were two boxes of pilot bread and 14 sacks of flour. The inventory of supplies made by the United States officers at Omalaska after the seizure was then shown to the witness. He said he believed it to be correct. He was there when the provisions were put ashore. He, Capt. Ogilvy and Mate Bieke were allowed to sleep aboard their own boats. No orders were enforced forbidding them to leave their own vessels. At Sitka, when they went on the United States cutter Corwin, they were arrested and bound over on their own recognizances to appear later. Capt. Ogilvy and Mate Bieke chose the stateroom in the cutter house at Sitka to sleep in of their own free will. They were out, previous to the trial on the streets of Sitka during the daytime. There was no guard placed over them.

An adjournment was taken until 10:30 o'clock this morning. When the sitting of the commission was resumed this morning Capt. Raynor, continuing his evidence, said that the officers of the Thornton and Onward were arrested at Sitka and treated the same as he was. They brought their bedding and slept for three days on the San Diego, then they asked to be allowed to eat and sleep in the jury room. They were not compelled to do so. The food was as good as they got on board ship. Capt. Ogilvy never was tried; he disappeared before the trial. When the schooner Carolina arrived at Omalaska he (witness) went aboard and found Capt. Ogilvy lying in his bunk suffering from a fever for which he was taking potash. He was treated by the surgeon of the Corwin and by him taken to Sitka. At Sitka he seemed to be well, going around with the rest of them, until one day he disappeared. He was not seen until about a month or six weeks afterwards, when his dead body was found lying behind a hut in the Indian village with the throat cut. The razor was found in his hand. At the trial the officers were not indicted or treated as common criminals. He never heard the word "robber" used in the charge of the court. They were confined after the trial in the jury room for fifteen days. While under confinement they were allowed to go out on asking permission of the marshal. None

of them were locked in. His estimate of fitting out a vessel in Seattle or San Francisco was from \$5 to \$10 a man. He said he thought he was acquainted with the market value of vessels of the class of the Carolina at those ports. The Carolina would have brought them from \$1000 to \$1200. This he considered would be a very fair valuation. He knew values at Victoria during those years. He never heard of as much as forty-five boxes of pilot bread being carried on a sealing vessel, and he would not carry as much as 600 pounds of ham or bacon. He also thought that fifteen barrels of flour was too much for eleven men. He was asked as to the reasonableness of an estimate of \$5,147.55 for outfitting a vessel the size of the Carolina, exclusive of the cost of guns, ammunition, and boats, for a voyage of four months or four months and a half to Behring Sea and return, carrying eleven men. He said this estimate was unreasonable.

Mr. E. V. Bodwell then cross-examined the witness very strictly. To Mr. Bodwell he said he did not know what articles were included in that estimate. He spoke of those generally carried on a sealing vessel. Asked if he would consider \$970 to be unreasonable, he said he would not. A sealing outfit when a boat was being outfit for the first time might cost \$2,721.05 and not be unreasonable. He could fit out a vessel and carry everything needed for that amount. The Allie I. Alger, the building of which he superintended at Seattle in 1886 cost \$10,000. He had taken provisions valued at about \$1,500 or \$1,600 for twenty-four men for eight months. Before the trial at Sitka there was no guard placed over them, but there was afterwards. The guard was not armed and did not march with them when they went out. He said he remembered the provisions in the inventory taken by the United States officer at Sitka, but not the other things. He took as is customary with sealing men, more interest in the provisions. The inventory was taken two or three days after the arrival of the Carolina at Omalaska. He was not sure, though it might have been five or six days. He took twenty-five men on the San Diego from Omalaska to Sitka. The San Diego was making water on that trip.

To Mr. Warren—The Allie I. Alger was fitted out for the first time in 1888. It cost \$3500 to fit her out for an eight months' cruise for twenty-four men. This included the cost of six new boats. He did not see any provisions taken off the Carolina or any of the other schooners put on board the schooner St. Paul.

An adjournment was taken at this point for lunch.

LAW INTELLIGENCE.

The Full Court yesterday afternoon gave judgment in C. P. Railway Co. vs. McBrian, dismissing the defendant's appeal with costs. The Full Court, consisting of Chief Justice Davis and Justices McCreight and Drake, were unanimous in their decision. The case arose out of the building of a dam by the defendant by which higher water was raised on the railway property, damaging the track. It appears that a large quantity of water for irrigation purposes was first brought on the land of one Sullivan, whence it passed under the railway track by means of a culvert and on to McBrian's property. McBrian built a dam and threw it back on the railway track, wherefore the company brought suit for damages and obtained a judgment. Defendant appealed, on the ground that he should be free to protect his land from damage in the best way he can. The plaintiff's contention was that McBrian had no right to use such means of abating the nuisance as will injure them, an innocent third party, and this is upheld by the full court, it is stated.

B. P. Davis, Q.C. appeared for the railway company and Charles Wilson, Q.C. for the appellant.

TO CUT RATES.

Soo Line Causes a Stir by Announcing Low Holiday Rates.

Chicago, Dec. 15.—The Soo line has made more trouble for the western board by announcing that from December 15 to 31 it will make a rate of one fare for the round trip from St. Paul and Minneapolis, to Montreal and all points in Eastern Canada, Nova Scotia and New England. The tickets are to have a final return limit of three months from the date of sale. It is thought by the western lines that the rates have been made to meet their competition in the making of holiday rates. The western roads will take the matter up with the ones of the Joint Traffic Association, and make an effort to have them assist in the meeting of rates via Chicago.

IVORY'S TRIAL ADJOURNED.

Other Events That Are at Present Interesting Londoners.

London, Dec. 16.—Counsel for Ivory alias Bell, the alleged Irish-American dynamiter, appeared in the central criminal court, Old Bailey, yesterday, and obtained a postponement of the trial of his client, till the January session.

Godard and Strof, aeronauts of Paris are about to organize a balloon voyage to the north pole. They state the first idea was suggested three years ago, by Mr. Walter Wellman, but the idea was given up owing to the attempt of Prof. Andr.

It is understood that Baron de Courcel, the French ambassador in London, will retire early in 1897 and will be succeeded by the Marquis de Rouvray, at present ambassador to Madrid.

The great dockers' strike at Hamburg is practically ended, and numbers of the strikers are returning to work. The railway announces that in future there will be prompt delivery of freight.

Very Rev. Dean Innes, rector of St. Paul's Cathedral, was presented with a silver-mounted mahogany chest containing \$500 in gold, in commemoration of his 26th anniversary in the diocese of Huron.

The German mail steamer Eduard Bahum, which was reported to have been lost at sea while on the way to West Africa, arrived safely at Las Palmas, Canary Islands, on Monday last.

THE SEAL COMMISSION

American Counsel Get Information as to the Whereabouts of Mr. Sarreault.

He was for a Time in Company with the Celebrated Captain Alex. McLean.

Capt. Raynor continuing his evidence before the sealing commission yesterday afternoon, said that during his experience in Behring Sea in 1886-7-8, he found that seals were not to be found in the same place in two successive years. As far as he knew, 1886 was Capt. Ogilvy's first season in the sea. Seals, he said, will travel faster than an ordinary boat will, and continue the speed long enough to escape from a vessel.

To Mr. Bodwell—In 1887 he was seized on August 25; he had then about 2900 seals. He got about 800 before July 25th that year. The first day they lowered that year was July 5th or 6th. To Mr. Warren—He was ready to leave the sea, as the season had closed, when he was seized.

Capt. Edward P. Miner, of Seattle, said he had been sealing since 1875. Until 1880 he hunted for otter. The first time he was in Behring Sea was in 1880, when he brought the Netherby from Yokohama. In 1886 and 1887 the majority of sealing schooners were supplied by San Francisco. San Francisco was the port of origin of fully two-thirds of the schooners. The other one-third were bought in different places and concentrated at Victoria. San Francisco was the point where the valuation of schooners on the coast was made in 1886. The cost of outfitting in Victoria and in United States ports then, would amount to about the same thing. Meats were dearer in Victoria, but potatoes and vegetables were cheaper. His estimate of the cost of outfitting was about \$10 a month per man. His provision bill, he said, ran from \$1200 to \$1700 for 25 men to 25 men for a cruise of nine months.

Captain Miner said that he saw the Carolina on the beach at Omalaska in 1889. He never saw her afloat. She was not up to the vessels of her class in 1889 and in 1890. If sound and in good seaworthy condition, her value would be about 50 per cent. lower than the same class of a modern vessel of a good model in 1886. When it was considered that she was built in 1860 and outlived in 1884 he thought that in the market she would be practically useless. No market value could be set on her.

To Sir Charles Hilbert Tupper he said he had never been engaged any way in the construction of a ship. Until 1887 he had no business dealings at all in the market for seal oil, and he was unacquainted with the cost of provisions. When he fitted out in Victoria in 1887 he did so through Mr. Lubbe. When in Victoria in 1887 he was here about three months. When he sailed his vessel, the chief mate that he knew of no shipyards in Victoria he had not enquired whether there were or not.

An adjournment was then taken until 10:30 o'clock this morning.

The commission this morning gave their ruling on the question of witnesses occasioned a difference at various times between the British and United States counsel. The question was asked yesterday by Mr. Bodwell in his cross-examination of Capt. Miner, as to the proportion of seals lost out of those shot by the hunters. Mr. Justice Putnam, speaking for the commission, said that the commission had decided to restrict the evidence given by witnesses on this subject to their own practical experience. They also decided to restrict the witnesses on this point to six; except in the case of unforeseen contingencies they thought this would be enough.

The commission was also of opinion that if agreeable to the parties, any references in the published reports of the Paris Tribunal on this point might be submitted by either side.

Mr. Dickinson, after consulting with Mr. Peters, said that the counsel on either side were agreed that six witnesses would be sufficient.

Capt. Miner continuing his evidence this morning under cross-examination of Sir C. H. Tupper, said that from his experience in both ports there was no difference in the cost of dockage and work on ships in Victoria and San Francisco. In bringing the vessels around from the Atlantic coast they were brought notwithstanding the fact that they could have been brought cheaper in San Francisco. There were several vessels suitable for sealing on the market for sale when these vessels were brought around from the coast. Several vessels were for sale in San Francisco in the fall of 1887 and found buyers. He could not name the men who were offering them. The pelagic sealing was in its most flourishing condition in 1887. He had never seen the schooner Carolina afloat. If he had been able to compare her while afloat on this subject he might alter his opinion as to her value.

A discussion then arose over a question of Sir Hilbert Tupper as to what proportion of the seals shot Capt. Miner secured.

Mr. Justice Putnam said that the decision given in the morning would be evaded if the witness then under cross-examination was asked that question.

Sir C. H. Tupper claimed that he had a right to ask that question, as the matter had come up in the evidence in chief of the witness. He submitted that this view was not inconsistent with what Mr. Justice Putnam had said.

Mr. Justice King said that as he remembered it some questions had been asked the witness on the matter and if such was shown to be the case he did not think Sir C. H. Tupper should be debarred from cross-examining the witness upon the same subject.

Mr. Dickinson argued that the questions asked yesterday evening by the United States counsel were only preliminary, and he suggested that they be stricken out of the notes.

Sir Charles H. Tupper agreed to this.

if all the evidence of the last witness as to seal life and hunting were stricken out. He could not see, however, what part of that evidence should be stricken out and part allowed to stand.

Mr. Peters explained that even if the evidence of this witness as to the proportion of seals he secured out of those he shot were taken he might be taken as one of the six witnesses on the subject according to the ruling by the commissioners.

Mr. Justice Putnam said it was his opinion that the British counsel should give the matter by their own witnesses.

Sir Charles H. Tupper—Surely we are not debarred from proving a point by hostile witnesses.

A discussion then took place as to the various practices in cross-examination in the United States and Great Britain. Finally the witness was asked to stand down until the counsel on both sides should consult to see if they could not come to an agreement in the matter.

Mr. E. Crow Baker said he was secretary of the pilot board at Victoria, and had been for the past nineteen years. The board at one time owned the Carolina and sold her on purchasing another vessel.

Mr. Munroe, called at the request of Mr. Dickinson, said he knew Michael Sarreault, who keeps a hotel at Alberni. He last saw him at his house in Victoria. He did not know the American counsel when he came to the coast. He was in a hack with him last night about the time the Tees left for the West Coast. Sarreault came down from Alberni in response to a telegram from Mr. Munroe. He did not go down to the Tees with him. Captain Roberts took him down to sign some checks. He (witness) went down to the boat at 10 o'clock with Captain Irving. Sarreault was there then. He did not wait until the Tees sailed nor was he at the wharf as late as midnight. At about 10 o'clock he took Sarreault with him in a hack to his house. He did not see Mr. Warren at the boat with any men. He did not know where Mr. Sarreault was now, but did not go away on the Tees. He would enquire, he said, to produce him.

To Mr. Peters—Mr. Sarreault came to Victoria yesterday afternoon by the overland route. He telegraphed for him and had him subpoenaed to appear. Mr. Sarreault had a very severe cold and he took him to his house. He was very feeble this morning and did not eat any breakfast. The witness said he always went down to the Tees when she was leaving, as he had interests on the West Coast.

To Mr. Dickinson—Witness said he knew Mr. Sarreault in a room at the Queen's Hotel. He took him to his house as Captain Alexander McLean and he were drinking together, and he wanted to keep him away from Capt. McLean. Captain McLean did not tell him that he had been asked to keep an eye on him until the American counsel could serve a subpoena on him. When he first saw Sarreault he was not served with a subpoena. He was served this morning. He knew Patrick Hickey, but had not seen him during the past few days. He did not know J. Carroll or tell him that the United States counsel had a subpoena out for him.

Mr. Dickinson then put in the papers relating to the British registry of the San Diego, the certified copy of the bill of sale of the schooner, and affidavits made by Bechtel saying that he was an American citizen.

Mr. Peters objected, as he said the facts could be proven by other means in reference to the latter signing articles to fight Bob Fitzsimmons under the big Texas management. Stuart said he would guarantee a purse of \$15,000 for a contest to a finish next April at a place in Mexico which would be free from any interference on the part of the authorities. Corbett positively refused to treat with Stuart in reference to fighting Fitzsimmons unless reporters were present to hear what transpired, and the meeting was adjourned until next Thursday afternoon, when they will come together and debate the big Texan's proposition. One thing Corbett did make plain to Mr. Stuart, however, was that he would not wait until April to fight Fitzsimmons, but would be ready to enter the ring five weeks after signing articles.

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rolling barges, by men who were in training only three weeks and had mastered only the rudiments of a new stroke. For this reason the result was remarkable, and the Harvard men are hopeful of turning out a winning crew. The stroke was a great improvement over anything ever seen at Harvard. It has a hard catch, followed by a long, steady pull through the water, with no jerking or splashing. It sent the heavy boats along with great speed. The most noticeable difference from the old stroke was in the body swing, the men doubling themselves up like jackknives at the start and finishing far back of the vertical line. The long English oars and raised seats are being used by all the crews. Jack Moulton, of the old ball team, has joined the squad, and is looked upon as one of the most promising men. He is a powerful fellow, and has had considerable experience in the water. P. D. Rust is the only prominent candidate for coxswain. He filed that position acceptably last year, and his lack of so again. He has the three necessary qualifications, being quick, cool and light.

LACROSSE.

TO VISIT ENGLAND.

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Rome, Dec. 15.—Alexander Salvini, actor, and son of the celebrated Italian tragedian, Tommaso Salvini, died at Florence at 9 o'clock this morning. A few months ago Mr. Salvini married Miss Maud Dixon, the leading lady of his company, who was at his bedside when he died.

CORBETT IN A HURRY.

New York, Dec. 15.—Dan Stuart and Jim Corbett have had their first meeting in reference to the latter signing articles to fight Bob Fitzsimmons under the big Texas management. Stuart said he would guarantee a purse of \$15,000 for a contest to a finish next April at a place in Mexico which would be free from any interference on the part of the authorities. Corbett positively refused to treat with Stuart in reference to fighting Fitzsimmons unless reporters were present to hear what transpired, and the meeting was adjourned until next Thursday afternoon, when they will come together and debate the big Texan's proposition. One thing Corbett did make plain to Mr. Stuart, however, was that he would not wait until April to fight Fitzsimmons, but would be ready to enter the ring five weeks after signing articles.

WANT TO FIGHT IN CANADA.

Buffalo, N. Y., Dec. 15.—Local sporting men are discussing a proposition made by a number of