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Joseph Ulmer  
CIVIL AND MINING ENGINEER

KETCHIKAN, ALASKA 1916 to 1923

To Harriette Hunt Memorial Museum.  
Ketchikan, Alaska.

I herewith present this historical document to you, it is the findings of the distasteful wreck of the Sailing Ship "Star of Bengal" at Coronation Island. The persons mentioned in this are well known Citizens of Ketchikan and were contemporaries of mine. I hope this will find a repository in your institution and of interest to the readers.

Respectfully

Joseph Ulmer, E.M.

Central, Alaska, March 5th 1945

Local Inspectors,

Juneau, Alaska.

Juneau, Alaska.

Juneau, Alaska.

January 14, 1909.

Captain, Erwin Farrer.

6620. Woodlawn Ave.

Seattle, Wash.

Sir:

In regard to the charges of cowardice and neglect, made at San Francisco, Cal. October 6th, 1908. by Nicholas Wagner, Master, and Victor Johansen, Mate of the Bark "Star of Bengal"; wrecked on September 20th, 1908. at Coronation Island, Alaska. with a loss of 111. lives. and that you Erwin Farrer, Master and Pilot of the Str. HATTIE GAGE; and Patrick Hamilton. Master and Pilot of the Str. KAYAK; did jointly and severally desert the Star of Bengal in a critical position on the lee shore of Coronation Island.

From the testimony given at your trial, held by this Board, November 16th, 1908. and subsequent dates, We find, That the charge of cowardice and neglect were not proven. And we believe you towed the Bark Star of Bengal as far as your steamers were allowed by law to go. You held on to the Star of Bengal as long as it was possible, and that after the anchors of the Star of Bengal were let go, you were powerless to give further assistance under the conditions of wind, weather, and sea prevailing at that time.

We hereby exonerate you from all blame in connection with the loss of the Bark "Star of Bengal" and 111. lives.

And you are hereby exonerated from the above charges.

*George H. Whitney*  
*Frank H. Newhall*

Local Inspectors,

Juneau, Alaska.

Wrangell, Alaska, November 16, 1908.

BEFORE THE U.S. LOCAL INSPECTORS, JUREAU DISTRICT,

WRANGELL HOTEL, 1 P.M.

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IN THE MATTER OF THE INVESTIGATION  
OF CHARGES PREFERRED AGAINST ERWIN  
FARRER AND PATRICK HAMILTON, MASTERS  
RESPECTIVELY OF THE STEAMERS "HATTIE  
GAGE" AND "KAYAK", BY NICHOLAS WAGNER,  
MASTER, AND VICTOR JOHANSEN, FIRST  
OFFICER, OF THE BARK "STAR OF BENGAL",  
WRECKED ON CORONATION ISLAND, SEPT. 20,  
1908.

APPEARANCES.

J. R. Heckman, Superintendent,  
Alaska Packers Association,  
Ketchikan, Alaska.

Testimony taken and transcribed

by

Wesley E. Walker,  
Clerk to Local Inspectors,  
Seattle, District.

I N D E X.

-oo)O(oo-

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E X H I B I T S.

- "A" Certified copy of certificate of inspection of steamer "Kayak".
- "B" Certified copy of certificate of inspection of steamer "Hattie Gage".
- "C" Pencil sketch of coast, locality of wreck.
- "D" Telegram, Local Inspectors to Bermingham.
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Wrangell Hotel, Wrangell, Alaska,

Nov. 16, 1908.

PRELIMINARY PROCEEDINGS.

Captain Whitney.

Captain Farrer, did you get a copy of the charges preferred against you?

Captain Farrer- No, sir, I saw the charges in the Inspectors in Seattle.

Q Were you not served with a copy?

A No, sir.

Q Captain Hamilton, were you served with a copy?

A Yes, sir.

Captain Whitney.

Captain Farrer, I will read the charges to you (Charges read). If a copy of these charges is furnished you at the present time, will that be sufficient?

A Yes, sir. (Copy of the charges was made and furnished Captain Farrer).

Have you gentlemen any objections to our trying this matter jointly, or do you wish it tried separately?

Captain Farrer- I have no objections, Captain.

Captain Hamilton- The same with me Captain, I don't see why it should be tried separately.

Report signed by B. Farrer, master of the "Hattie Gage" was read by Captain Whitney.

~~Examination~~ A supplementary report submitted by Captain Farrer was read by Captain Whitney. Captain Farrer was sworn to the statement in said report.

Report signed by Patrick Hamilton, master of the "Kayak", was read by Captain Whitney.

Captain Whitney.

Captain Hamilton, I have here a certified copy of the certificate of inspection of the steamer "Kayak" which expires April 13, 1909.

Captain Hamilton looks over copy of certificate.

Said copy of certificate of inspection of the steamer "Kayak" submitted as evidence, marked Exhibit "A".

Captain Whitney.

Captain Farrer, I have here a copy, certified, of the certificate of inspection of the steamer "Hattie Gage", which expires May 2, 1909.

Captain Farrer looks over copy of certificate.

Said copy of certificate of inspection of the steamer "Hattie Gage" submitted as evidence, marked Exhibit "B".

Captain Whitney.

I have here the testimony that was taken at Seattle by the Local Inspectors there, all duly written out. This is in the matter of the charges filed against Captain Farrer as I have read to you. You can read this over and make any reply you wish to it. (Evidence submitted to Captain Farrer).

Captain Whitney.

I have here in the index of the evidence taken in San Francisco- (Index read) "In the matter of the wreck of the bark "Star of Bengal" on Coronation Island, Alaska, Sept. 20, 1908." The matter above noted was held before the Local Inspectors at San Francisco on Oct. 2, 1908 at 10 o'clock A.M., and the following testimony was taken, to wit:

Gentlemen, I will call your attention to one thing here: This investigation as outlined and the testimony in the matter of the wreck of the bark "Star of Bengal" on Coronation Island, Alaska, Sept. 20, 1908, begun Oct. 2, 1908 at 10 o'clock A.M.; the charges which I read to you some time since are dated at San Francisco, Cal., Oct. 6, 1908.

You are probably both familiar with your rights as licensed officers of the United States. Do you wish to read over this testimony?

Captain Hamilton- I do.

In connection with this, you will notice the difference in dates. We are not trying this case, the "Star of Bengal", whatever. The present trial is on these charges which you have had read; you have your copies. These documents are dated Oct. 3, 1908; this charge was made Oct. 6, 1908. If you want to make any note about that thing or ask any questions, we wish you to do so, we wish the whole matter to be fully understood. This testimony was taken four days previous to the time the charges were made.

Q You both understand your rights and privileges as licensed officers?

A Both- Yes, sir.

There is part of this testimony here that I think would be better for you to read, or we will read it for you if you wish; it will probably take up all the afternoon, but we want to have the thing understood.

Captain Farrer- I would like to hear the testimony.

Q How do you want it, read it yourself personally?

A No, not necessarily, I would just as soon hear it read.

You have seen these books, Rules and Regulations, have you, and you have read therein your rights and duties when charges are filed against you?

A Captain Farrer, I have

Q Have you Captain Hamilton?

A I have, sir.

Captain Farrer-

As I understand the rights of a master of a steamer, when he is being charged is, that he has the right to face his accusers. In this case, all the evidence taken in San Francisco was taken while I was on my way between here and Puget Sound, and I had no show to appear and ~~xxxx~~ cross examine those witnesses, and if I have the right to object to that evidence, I object to it on that ground.

Captain Whitney.

Q Then you object to this evidence being submitted in this case?

A Yes, sir.

Q Anything further?

A I would like to be present when that testimony is given so I can cross examine them. I don't know what they have there (referring to evidence taken in San Francisco), I don't know anything about it. As I have the right as I understand it to cross question all witnesses in this case, which I have not been allowed to do, I would say right here that I would like that privilege.

Q Captain Farrer, this testimony taken in the Seattle office, did you hear that?

A No, sir I did not hear that, not the other man's, I know nothing of the testimony there only that which I gave myself.

Q F.E.Hanson gave a statement there. Did you know this man Hanson?

A I did.

Q Was he a fireman on the steamer "Hattie Gage"?

A He was.

Q When he gave his testimony before the Local Inspectors at Seattle, Wash., were you present?

A No, sir.

Q Had you the right to cross examine him?

A Yes, sir, I could have been there; I have no objection to his evidence.

Q Have you any other objections to that?

Captain Hamilton- I would like to read this evidence.

Q That is as far as this is concerned, the Seattle testimony?

A Yes, sir.

Q This other testimony that was taken at San Francisco, have you anything to say in regard to that, why it should not be taken as testimony in this case?

A I don't know what it is Captain, I would like to read it over.

While Captains Farrer and Hamilton were reading the testimony taken at the Seattle office, the stenographer made a copy of the charges.

Q Captain Whitney.

Captain Farrer, is the serving of this copy of the charge to you at this time satisfactory?

A Yes, sir. (Copy of charges read to Captain Farrer).

Q Captain Farrer, this testimony?

A Yes, sir.

Q Have you any comments?

A Well, nothing in particular, in one or two instances they speak of the wind shifting around to the S.W., which it did not do at any time that day.

Q Captain Hamilton, you have read the testimony as given before the Local Inspectors at Seattle all through?

A Yes, sir.

Q Have you any objections to make to that?

A A few words where Captain Farrer speaks to me about asking him to tow the ship off to windward.

Q Have you written down the questions you want to ask?

A I have made a note of it, yes, sir. I want you to ask him how high up the "Kayak" come to the wind when we tried to tack ship?

Captain Farrer being duly sworn testified as follows:

Q Captain Whitney.

Captain Farrer, in reference to your statements as given before the Seattle Inspectors, when you tried to get the ship on the other tack, which, as I understand, was about two o'clock, how high up did the "Kayak" come to the wind?

A Well, sir, I could not say how high up she came to the wind. I don't think I have stated that anywhere in my evidence, I don't remember of it.

Captain Whitney reads from Captain Farrer's testimony.

"I had not seen land for probably 30 minutes but I kept the lead going and I had not gotten bottom at 40 fathoms, that's about all I could get with the way she had on. But at two o'clock, the Captain of the "Kayak" <sup>made out</sup> on the starboard hand, I had made it out myself before he spoke- he thought we were getting pretty close to shore; he thought it would be a good idea to pull straight out to windward off shore a little.

Q Was the Captain of the "Kayak"?

A Yes, sir.

"I says, no, Captain, I think not, with this sea we would not make any headway, we better tack ship and stand in again; I knew we had ample way on the ship, had the fore and aft sails set; and he said, "All right." I says, "I am all ready, whenever you are we will stand around to the eastward", he says, "All right, go ahead". I put my helm to starboard and the boat went around without any trouble. I kept working off to the eastward, and had not paid any attention to him particularly till I got the course about East, which was pretty near the course I expected to steer, and when I looked for the "Kayak" I seen his position was about the same. I could not think what could be the trouble with the "Kayak" at that time; the wind was moderate and didn't seem heavy enough to interfere with the boat; the "Gage" handled perfectly and I kept pulling and proceeded for a period of 20 minutes and pulled the ship up to the wind and got, I think, part of the sails filled on the starboard tack; I could plainly see the boat's side lights; at that time when I could see the side lights, I was steering E NE., wind S E.

Q As I understand Captain Hamilton, he wants to know, or ask you how high up to the wind the "Kayak" came.

A I don't pretend to say, I was not in a position that I could say.

Q How long a hawser ~~xx~~ were you towing with on the "Hattie Gage"?

A I was towing with a line from the ship, I understood it to be 100 fathoms.

Q At this time were both headed to sea, the "Gage" and the "Kayak"? I presume he means the time you got the ship headed E. NE., had they both come up to that?

A No.

Q Did your steamer come up to that?

A Yes, sir.

Q Judging by your testimony, she didn't come up to the wind, the "Kayak"?

A That is the way I meant it. I think I put it "apparently the same position". If I didn't, I meant so; I know she didn't follow me.

Q Have you any other statement you wish to include at the present time?

A No.

Captain Whitney.

I wish to find out the names of the witnesses you wish to call here so we can have ~~that~~ that matter attended to, and be ready for tomorrow.

Captain Farrer.

There is only one <sup>in</sup> Wrangell I wish to call myself.

Q Who is he?

A Alf Olsen.

Q His testimony was given in the "Star of Bengal" case in San Francisco, was it not?

A Yes, sir.

Q And you wish him called in this case?

A Yes, sir.

Q Have you any other person you want called?

A Not here, no, sir.

Q Are there any people in Ketchikan or Loring you wish to call?

A There are two men that I presume are already on the list, Wm. Taylor and Captain Bruce; I wish them to be called, but I understand they will be called.

Captain Whitney- Yes, they are to be called, and Claire Snyder.

Captain Farrer.

I wish to know whether we have got to take this testimony as given in San Francisco, without being allowed to cross question them, the witness that have already testified in San Francisco.

Captain Whitney- I read to you the preliminary part of that testimony, what case it was on. Captain, I will read it to you again. "In the matter of the wreck of the bark "Star of Bengal" on Coronation Island, Alaska, Sept. 20, 1908".

Captain Farrer-

As I understand the case, that testimony taken in that case is going to be used in this case, is it not?

Captain Whitney.

I don't understand it that way.

Mr. Newhall.

I don't think Captain Farrer understands the distinction between an investigation and a trial on charges. Captain Whitney read the charges made against you on Oct. 6th, the investigation started Oct. 2d. The charges were made against you and Captain Hamilton Oct. 6, 1908. Your trial began Oct. 15, 1908.

Captain Farrer.

I don't see that that evidence has anything to do with this case at all then.

Captain Whitney.

We will let you read that testimony over to let you know what testimony was given down there in the "Star of Bengal" case and the cause of these charges, it is for your benefit; if you wish to accept any portion of this testimony as testimony in your trial, that is your privilege to do so, if you condemn any of this testimony as being introduced in your trial, that is your privilege. We want to let you know what testimony has been given, then you can exercise your rights afterwards.

Captain Farrer.- I just begin to grasp the idea, Captain.

Captain Whitney.

Of course, the crews of the two steamers "Hattie Gage" and the "Kayak" had no knowledge of occurrence aboard the "Bengal" nor did they have any knowledge of your operations aboard the steamers. If there is any criticism of the handling of your steamers in there, you have the right to cross examine them, if they in any way criticise your conduct in handling your vessels as charged in the testimony. When we complete the "Star of Bengal" case you gentlemen may be

called as witnesses. Understand an investigation is not a trial. From anything in an investigation, a man's license can't be taken from him, but from the facts found out in the investigation, the Local Inspectors or any other party may cite any licensed officer to appear for trial, upon charges duly made; these charges must be specific. We want you to understand your rights and privileges so that when this case is settled there may be no going back about it, we want to give you a fair chance.

Mr. Newhall.

The investigation is to establish the responsibility for the action: a trial is for the revocation or suspension of your license or to clear you of the charge; they are two different propositions.

Captain Farrer.

Then all this testimony could be used without calling any witnesses, or just the crews of the steamers.

Captain Whitney.

Captain, you have the right of calling any witnesses you desire on this case. We give you this to read over to familiarize you with the matter as they saw it from the ship and the testimony given from the ship. It is to your interest to read it over and get what notes you want to make from it to make your own trial. If you don't see fit to put that testimony in, it is your privilege to protest against its being introduced as testimony in your case.

Mr. Newhall.

I think before any further protests are made they better read it over.

Case adjourned at 3 P.M. to permit Captains Farrer and Hamilton to read af over the testimony taken at San Francisco.

November 17, 1908, 9 A.M.

Captain Whitney.

Q Captain Farrer, have you read the testimony taken in San Francisco?

A Yes, sir.

Q Have you any objections to submitting that testimony in this case?

A Yes, sir. I would like the privilege of making objection at this time.

Q What is the nature of your objections?

A To this evidence, the way it was taken, and this evidence was taken four days prior to the time we were jointly charged in this case.

The Board sustains objections.

Q Captain Hamilton, have you any objection to the testimony taken in San Francisco being used in the case at present?

A Yes, sir, I have. Just about the same as Captain Farrer.

Q Explain yourself.

A This evidence was taken before the charge was made by Captain Wagner; I was not there, didn't know anything about it, and I want to have these witnesses- I want to see them, I want to have them in front of me, these accusers; I want their evidence all in.

Captain Farrer.

I would like to specify my reasons a little more, I have written them down and have not all of them right in my mind.

Captain Whitney.

Q Have you your notes?

A Yes, sir. (Notes submitted to Board)

Captain Whitney reads notes as follows:

"First- I object to this testimony that was given before being accused; the testimony was given Oct. 2d and we were accused Oct. 6th.

"Second- I object to the testimony, even though it had been given after being charged, on the grounds we were not present to cross question the witnesses, as we were not notified of the time or place where the testimony was to be taken.

"Third- I object to the testimony going in at this time as the accusers have introduced no evidence to substantiate the charges made.

"Fourth- We demand the right to face our accusers.

"Fifth- I object to introducing our evidence in this case until our accusers evidence is given in regular form."

Q As I understand it, Captain, you have objected to this case going any farther at this time.

A Yes, sir.

Captain Whitney.

We want to give you all the rights that belong to you.

(Reads from Rules and Regulations Sections 4448, 4449 and 4450, paragraph 1.)

"The Inspectors shall, when charges have been duly ~~made~~ filed against a licensed officer of vessel, furnish the accused with a copy thereof, setting forth specifically their character and the section of the statutes or the rules of the road that have been violated."

Q You have been furnished with a copy of ~~the charges~~ <sup>the charges</sup>, Captain Farrer, and Captain Hamilton, you have been furnished with a copy of the charges, you both acknowledge that?

A Both- Yes, sir.

Q Then the case is regularly called. You have a copy of this book?

A Both- Yes, sir.

Q You have a copy of the laws?

A Both- Yes, sir.

Captain Whitney reads paragraph four, same sections.

"The accused may have the hearing of the case continued upon the presentation of reasons satisfactory to the Board, and the board may, in like manner, continue the hearing from day to day."

"5. During the trial the witnesses shall be examined separately, but if the accused is also a witness, he shall not be subject to this rule."

"6. At any time before the conclusion of the evidence the charge or charges, if being tried on charges, may be amended, notice of said amendment being furnished to the accused of the nature of such amendment, but no amendment shall be permitted after the conclusion of the evidence."

Captain Whitney.

As far as stopping this case at the present time, I don't think you have the right, as to throwing out this evidence, I think you are right.

Captain Farrer.

We are being tried for manslaughter, you might say; where is there any evidence that has come up show, to substantiate the charges brought against us? Have we got to furnish our evidence and then let the accusers come in with their evidence?

Captain Whitney.

Q You are the accused?

A Yes, sir.

You are the only ones that have the right to cross examine. Any witnesses that follow yourselves you have the right to be present, to hear them and cross examine them. As far as this evidence is concerned I don't think it is any part of this case at all.

Captain Farrer.

If a man is accused by another party, why should not they bring their evidence first.

Captain Whitney.

So far as this goes, any man can file charges to the Inspectors, whose duty it is to try that person on those charges.

Captain Farrer.

That being true, why the accuser be here with his evidence before I furnish the evidence that I have.

Captain Whitney.

You may not have any evidence whatever to furnish. The Local Inspectors are not charging you. If they, in an investigation found you were guilty of any act, it is their duty to file charges against you. They have not made the charges, they were made by other parties.

Captain Farrer.

That's the reason it looks to me why there is nothing to keep this investigation going any farther with those charges.

Captain Whitney.

Well, Captain, If there is anything wrong in the way it has been conducted here, you have the right of appeal on the case afterwards, and if the matter has not been regularly done, you have the right of throwing it out.

I think as far as we have gone, we have covered all the points, and that it is not to your interest to have the case deferred at the present time, even if it were legal, it is to your interest to get the matter finished and find out the result. We are merely trying you for your license. If, in the course of the testimony, there is anything against the Judiciary laws of the United States, it will be our duty to report you to the District Attorney.

Captain Farrer.

It looks strange to me, charges like that would be made and only such evidence as has been brought out so far, to carry this case any farther.

Captain Whitney.

So far as I see, the only evidence we have at the present time is your own evidence on this case as taken at Seattle. You said yesterday you could have been present when the other witnesses were examined in Seattle, but were not; you know your rights and privileges. Of course, as far as the other two witnesses that were taken is concerned, it

is an open question in my mind whether that could be taken as evidence in this case. I read that evidence over quite carefully and with the exception of a matter that you spoke of yesterday about the direction of the wind, I can't see much in the matter one way or another. Your own testimony is there, which you read yesterday and found no fault with the transcript.

Captain Farrer.

No, sir, I have no fault with the testimony taken in Seattle.

Captain Whitney.

Well, as far as the Seattle testimony is concerned, would you swear to it, having read it.

A Yes, sir, I would.

Captain Whitney.

I think you better do that and we will go ahead and examine what witnesses we can here. I will explain to you our instructions, which were to take all the testimony here we could and other testimony would be forwarded. Any questions that you wish to ask any witness will be sent to the other boards, taken by the inspectors, and forwarded to this Board. As I understand it, the finding is to be by this Board, that is the way I understand it, is that the way you understand it Mr. Newhall?

Mr. Newhall.

Yes, I was notified to that affect by Captain Bermingham.

Captain Whitney.

As far as throwing that testimony out, except any instructions we may get from it along the line of asking questions, I think you are perfectly within your right; when you ask to have the case stopped at present, I think you are going beyond it.

Captain Farrer.

If I have the right of throwing that San Francisco evidence out, there is not call for me asking any questions.

Captain Whitney.

There are witness that have made charges, in that testimony, you can outline a list of questions and submit them to us and we will forward them for the answers. As far as I know there is nothing to hinder your going to San Francisco and hearing their testimony, cross examine them at the time and have that furnished to us. The Government can't pay your expenses.

Captain Farrer.

As I understand my privilege was that I had the right to be there at the time this evidence was being taken. At the time this investigation was being taken I was ~~going~~<sup>taking</sup> a steamer from here to Puget Sound. This evidence has been taken unbeknown to me and I had no show to be there to defend myself.

Captain Whitney.

If you are going to throw out any part of this testimony, we will not take any part of it at all.

Captain Farrer.

Then there is no use for me to ask any questions on that evidence.

Captain Whitney.

We will strike out this as far as this case is concerned.

Mr. Newhall.

We will strike out the testimony of the wreck of the "Star of Bengal".

Captain Whitney.

But as far as future testimony, you have the right to be present, but as I said before, as far as I understand it, you will have to pay your own expenses to those ports where testimony is to be taken.

Captain Farrer.

As it stands at the present time, if that is struck out, there is nothing for me to go to San Francisco to hear.

~~Captain Hamilton.~~

Captain Hamilton.

I would like to know how we are going to get the witnesses at San Francisco at the present time. If this investigation goes on here as I hope it will, how are we going to get them here, who pays the expense.

Captain Whitney.

Any witness for the Government is paid by the Government; any witness for the defense is paid by the defense.

Captain Hamilton.

And suppose the defense has not got the means to defray this expense?

Captain Whitney.

I can't explain about that matter, I am just explaining to you the way our instructions go. The amount of money that it is going to cost to bring those witnesses here is a matter we have nothing to say about. I think the better plan would be to go ahead and take everything we can at this end and get it in shape; as soon as we are furnished with a transcript, we will furnish each of you men with a copy of the evidence, and if it is your desire to have witnesses called in San Francisco or in Seattle, you will be under the expense of your travel back and forth.

Captain Hamilton.

That would leave us in about the same position we are now, if they are taken before the Local Board in Seattle, suppose we are not there?

Captain Whitney.

You have that right if you ask for it.

Captain Hamilton.

Yes, but we can't get them witnesses at this port.

Captain Whitney.

The Government won't send the witnesses to this port, they will examine them at the nearest available port.

Captain Hamilton.

I would like to ask these people about the sea, how smooth the water was, what we are accused of leaving the ship for.

Captain Whitney.

You have that privilege to ask Mr. Olsen. Understand we have no desire to withhold any of the privileges that belong to you.

Both answer- Yes, sir.

Captain Whitney.

Captain Farrer, is that your signature, that is affixed to the transcript of evidence taken at Seattle?

Captain Farrer- Yes, sir.

Do you solemnly swear to the foregoing statements, Captain Farrer?

Captain Farrer- Yes, sir. (Captain Farrer was sworn in regular form).

Captain Farrer.

Now, Captain Whitney, just what are we going to be tried for?

Captain Whitney.

I have read you this copy of the charges and furnished you with a copy. That is what it is, whether you have fulfilled your duties as licensed officers of the United States or not.

Captain Farrer.

Then this is more of an Inspectors' trial than a trial of those charges.

Captain Whitney.

An Inspectors' trial on these charges.

The object of this trial being duly explained to Captains Farrer and Hamilton, they both withdrew their objections to continuing with the case at the present time.

Mr. Newhall.

In the testimony taken in Seattle, at the Seattle office,

I notice that it does not give your full name, your occupation nor the class of your license, are you willing to answer those questions, Captain Farrer?

A Yes, sir.

Captain Farrer having been duly sworn testified as follows, upon taking the witness stand.

Captain Whitney.

Q What is your full name?

A Erwin Farrer.

Q Have you a middle initial?

A No, sir.

Q What is your occupation?

A Steamboating.

Q You are licensed under this service?

A Yes, sir.

Q What is the grade of that license?

A The grade of that license is for inland waters for unlimited steamers <sup>and</sup> coastwise between Puget Sound and S. E. Alaska, for 500 tons.

Q Have you forgotten something on that license?

A Master and pilot.

Mr. Newhall.

Q How long have you been going to sea, Captain?

A If you call that going to sea, I have been going to sea for 35 years.

Q That is, you have made your living in connection with vessels of some sort?

A Yes, sir.

Q Have you ever been employed in sailing vessels?

A Never in square riggers.

Q Have you ever been employed in ocean tow boats, towing vessels to sea?

A Yes, sir.

Q How long have you been serving at different times?

A I don't know just how much time it would be, it is hard to figure up.

Q Out of what ports, Captain.

A Out of Columbia River, Grays Harbor and Willapa Harbor.

Q You have been master of tow boats in those places?

A Well, only in one case.

Q Speaking of your own experience towing vessels to sea, do you consider that when a tow boat takes hold of a vessel to tow to sea, the master of that vessel has the right to do as he pleases with her, without taking into consideration the wishes of the master of the vessel being towed; in other words, can the master of the tow boat do just as he pleases without regard to any wishes of the master of the ship?

A No, sir, I don't think so, if the wishes of the master of the ship are made known.

Q Has it ever come to your notice that a steamer towing a vessel to sea has been requested by the vessel being towed to return to seek shelter?

A No, sir, I have never been placed in a position where I have seen that request.

Captain Whitney.

Q When you started out with the "Star of Bengal" how far did you expect to tow her?

A I expected to tow her somewhere about the neighborhood of Warren Island.

Q Was there an understanding to that effect with the master of the vessel before you left?

A No, no understanding to that effect.

Q Do you think the master of the vessel understood that you were inspected as an inland steamer?

A Yes, sir.

Q You had passed Warren Island how far at the time of the accident?

A About ~~eight~~<sup>six</sup> miles I should say.

- Q How was the weather when you passes Warren Island?
- A Calm, no wind whatever.
- Q How was the sea?
- A The sea was smooth.
- Q How many years have you been towing or acting as master of steamers in S E. Alaska, how many seasons.
- A Thirteen seasons, sir.
- Q Thirteen seasons?
- A Yes, sir.
- Q You have been in the habit of towing ships to sea?
- A No, not what I call to sea; no, sir, I have not towed a vessel to sea, what I would call to sea, since I have been here.
- Q How far have you towed them?
- A Out to the end of the straits at different places.
- Q Who towed the "Star of Bengal" in?
- A The steamer "Chilkat".
- Q She is from the Chilkat cannery, is she not?
- A Yes, sir.
- Q Who arranged for the "Chilkat" towing the vessel when she is not from your cannery?
- A That I don't know, it might have been Mr. Babler.
- Q Was it a chance tow or previously arranged?
- A I could not say positively, I presume it was arranged beforehand; I have no reason to know anything about it. The "Chilkat" has been towing it for the last few years.
- Q How many years?
- A Since she was built, I could not say how many years that is, I think about five years.
- Q Has she been towing the ships inward and out at certain places?
- A Yes, sir.
- Q I mean from the Wrangell cannery as a cannery tow, the "Chilkat" is sent?

- A Towing from the Wrangell cannery only for two seasons.
- Q The season of 1907, what steamer towed the Wrangell ship, to sea?
- A The "Chilkat".
- Q Was that the "Star of Bengal"?
- A Yes, sir.
- Q Who was master of the "Bengal" then?
- A Captain Wagner.
- Q How many seasons has Captain Wagner been in the "Star of Bengal" at Wrangell?
- A Two seasons at Wrangell, other places I could not say.
- Q Was there any ~~xxxx~~ system of signals by whistles for setting fore and aft sails or for setting square sails, understood between the steamers and the ship?
- A Yes, but vessels has a code of whistles on them, furnished by the Company.
- Q That is universal with the Alaska Packers Association?
- A Yes, sir.
- Q Did you use your whistle at any time for setting the fore and aft sails?
- A I didn't on this particular trip, I called the sails in but never whistled for sails.
- Q Did you whistle for square sails at any time?
- A No, sir.
- Q When you were off Coronation Island, I see in your testimony, you were steering E. N E, wind S E. Could you see the ship at that time?
- A I could see her lights, yes, sir.
- Q Do you think she was following you?
- A Not exactly.
- Q Do you think she had the wind enough on the starboard side to set the canvas?
- A Yes, the fore and aft canvas, I don't think she was over far enough to fill the square sails.

- Q Do you know if she set any fore and aft canvas?
- A I was told she did.
- Q Could you tell from your vessel?
- A I could not.
- Q You could merely see the lights?
- A At the time I was steering E. N E. I was not able to see both side lights, but when I dropped back to about E. in front of the ship, I could see both of them.
- Q Would the canvas be of any great assistance to the ship at that time?
- A Yes, sir, the right canvas.
- Q Do you think he would have been able to work her off shore?
- A Yes, sir, gone back and forth in that position.
- Q From your location off Coronation Island, you think if the vessel had got round more to the northward, headed off to the north, she would have been able to set canvas and fetch clear?
- A Yes, sir, I think if she had got clear around on the starboard tack and had set her canvas and turned us loose altogether and made one tack on the starboard tack, and not very far either, she could have reached right out.
- Q In your signals, was there whistle just to set fore and aft sails, or any way to distinguish the fore and aft sails from other parts of the ship?
- A No, sir, just simply fore and aft sails, whistles for fore and aft sails.
- Q You say you whistled for taking in the fore and aft sails?
- A For taking in and furling.
- Q Were they set by the master of the vessel?
- A Yes, sir.
- Q Without any communication from the tugs?
- A Yes, sir.
- Q Do you consider the master of the vessel was using his own judgment in handling the canvas?

- A Yes, sir.
- Q Would you deem it advisable to set canvas forward on the vessel to work off to the N E.
- A Yes, sir, after she got around so she would fill on the starboard tack.
- Q Had you any means of communicating your intention of heading the ship up the straits again?
- A Only by tacking ship, there was no way of telling by whistles, except hauling your braces, that showed you were going to tack. But we had no code of whistles to communicate to him that I wanted to go to harbor, anything of that kind.
- Q Had you any way at that time, speaking of the time now when you were opposite Coronation Island, of communicating by megaphone; was it possible to communicate by megaphone?
- A No, sir.
- Q Was the steamer supplied with one?
- A No, sir, the "Hattie Gage" was not.
- Q What power was developed by the engines of the "Hattie Gage"?
- A I could not give you that.
- Q In going down the straits, we will say till you passed Warren Island, did the engines of the "Hattie Gage" work satisfactorily?
- A Yes, sir.
- Q Do you know whether the Captain of the ship was familiar with those waters to know how far he was at that time, how far from Warren Island he was?
- A I do not, no, sir. I don't know whether he is particularly acquainted in those waters or not.
- Q Did you ever get any signals from the "Star of Bengal" that would lead you to believe he wished to return up the straits?
- A No, sir, none whatever.

Q Did you have men watching at any time during the night the "Star of Bengal" for that purpose, any member of your crew watching the "Star of Bengal" to see if there were any lights or signals?

A I was watching her myself all night.

Q The 19th of Sept. was a beautiful day, was it not?

A Yes, sir.

Q Was it what you consider in Alaska a weather day?

A Well, not exactly what I would call it, some call it a weather breeder.

Q In your long experience in these waters you certainly must know that a gale of wind comes up quicker and blows harder than any where on the Pacific Coast, unless in the far north?

A Yes, sir, I have that experience, Captain. At the time we left Warren Island, the indication was if the wind did come in any ways soon, it would come from the S E.

Q Why didn't you whistle let go the tow lines at Warren Island?

A Because there was no wind, sir.

Q How was the tide at the time of the accident?

A It was low water at two o'clock A.M., the morning of the 20th.

Q What tide tables do you consult, do you use for Coronation Island at the lower end of Sumner Straits? From Sitka?

A I forget just the point, they take the nearest point from there, I forget the difference, it is very little.

Q About how strong does the tide run at the lower end of Sumner Straits?

A Well, it runs good and strong down at Warren Island, from Warren Island it opens out; I never had any way of particularly testing the tides from there out. My idea would be that it was not near as strong from Warren Island out as from Warren Island farther in.

Q At extreme low water or nearly low water, when the regular flood is coming in, don't you think it is a bad time to have a ship out there?

A Yes, sir, that was my idea for tacking ship, at that time.

Q Do you think if you had got the ship around, she would have been able to get up the Straits all right?

A Yes, sir.

Q How was the ship loaded?

A The ship was about half loaded, just good sailing trim, sir.

Q Will you indicate on the chart, Captain, just about where you consider the vessel was anchored?

A It will have to be a differnt chart than I have ever seen if I can.

Q Well, it will be approximate.

A In the first place I don't know that the ship was ever anchored, only from hearsay.

Q Make a mark as near as you can, approximate it.

(Witness indicates approximate position on chart)

Q Then there was a point between you and Helm Point?

A Yes, sir.

Q In the night time you had seen Coronation Island for some time?

A Yes, sir, I had seen it all the time during the wh ole night up to the time we tried to tack ship, the night was not bad up to that time, but the gale got worse afterwards.

Q You were dragging in with the wind from the S E?

A Yes, sir. And the ship was making stern way; those tugs were trying to go ahead but could not at no time after we tried to tack ship and failed.

Q Explain how the vessel with the tug boats were in the open sea?

A I don't see how they could be when you got land on both sides of you. Is there any established line there?

Q No established line.

A Then what have you got to go by but the lands?

Q You were out beyond the points there. What do you call this here opening, over nine miles wide there.

A That's all right, down sound we got established line, we know what it is; in Alaska we have not got that, the only thing we can go by there is when we have got land on both side of us.

Q You were a long distance from land here?

A It is not a very long distance across there.

Q We will give you the benefit of the doubt, you drifted in a couple of miles, so that would make it when you started to tack ship approximately five miles wide there.

A Is not an inland steamer allowed to <sup>navigate</sup> on waters wider than five miles?

Q Yes, but I consider you were outside the limit of your certificate of inspection.

A I can't see where you make that, when there is no established line; the only thing we have got to go by in this case or in any other case in S. E. Alaska is the lay of the land. What are you going to do in Dixon's entrance, call it the open sea?

Q Yes, sir.

A Then one of your boats is not allowed to <sup>go</sup> to the Sound?

Q No, not there.

A I can't see Captain, how you can make that out the sea between these two islands.

Q In your judgment then, you were within the limits of your certificate of inspection of your steamer?

A Yes, sir, I think so, if I went clean to the point of Coronation Island, as long as I was not past the end of the island; I don't consider I was to sea till after I pass Helm Point.

Q When the head stays gave way on the "Hattie Gage" was she

laboring heavily?

A Not as heavy as she did later on, she was jumping in the sea pretty bad.

Q The smokestack guys gave way also did they not?

A Yes, sir.

Q And according to your report the ship was straining considerably?

A Yes, sir.

Q How long till she first showed signs of working?

A First, when the head stays went that was about three o'clock, of course the head stays was not so serious a thing as the moving of the stack; I got tackle on that and helped it some.

Q At any time during the summer when you were operating the steamer "Hattie Gage" had you noticed any working?

A No, sir, none whatever.

Q There was some trouble with the boiler, was there not?

A The boiler commenced to shift after we had been in that strain for quite a while.

Q Did you have any knowledge that the boiler was liable to give trouble?

A No, sir, I supposed that boiler was well secured, as it had new saddles under it about four years previous.

Q Was it not three years ago that boiler was secured?

A Well, it was four years ago when she went to San Francisco and work was done, I don't know of any being done since. I heard there was some work done on her while at Loring, I don't know anything about that.

Mr. Newhall.

Q Captain, You said that you had no knowledge that the ship was anchored, other than hearsay?

A Yes, sir.

Q You didn't order her anchored?

- A No, sir.
- Q Speaking of the inland waters, there are two ways out of Sumner Straits to the open ocean?
- A Yes, sir.
- Q A vessel passing around Cape Decision and the end of Chatham Strait, don't they call that going outside, is not that the phraseology generally used, "Going outside"?
- A It depends on how far you go out.
- Q Then you consider \_\_\_\_\_ Bay is an inland body of water?
- A As long as it is a bay it is not a sea.
- Q Is not that a more exposed sheet of water than Queen Charlotte Sound?
- A I can't say that it is.
- Q Do you call Queen Charlotte Sound inland waters?
- A The upper end of it.
- Q The ordinary track?
- A I consider that inland water.
- Q All of it?
- A Yes, clear down to the end of the island.
- Q Is there any water between here and Puget Sound you call open waters?
- A That depends on the way you go, the way steamers generally go, I call that inland waters all the way.
- Q Is that route generally followed by steamers  $\pm$  on the inland passage?
- A Yes, sir.
- Q You consider that inland waters all the way?
- A Yes, sir.
- Q Would it have been a safe proposition to take that ship to sea out of Sumner Straits and passed between Island and Cape Decision?
- A Yes, sir, if I wanted to go through that way.
- Q Is it not a great deal nearer than to go out around

Coronation Island?

A That depends on where you let go the ship when you get around Cape Decision; it is not very advisable to drop a ship as soon as you get around the point. If you go out the other way around Warren Island, if there is a S E. breeze there is no trouble to get out with an ebb tide, if they have to make a tack at all it is only a short tack. I think old ship master would rather go that way than to go outside of Coronation island and drop them in the bight there, they might lay around several days before they got out again.

Q You have more sea room passing around Cape Decision and the mouth of Chatham Straits?

A You have after you go out a ways, but going through there is quite a narrow place although it is no trouble going through there, but as soon as you get by there, you are between the land at the mouth of Chatham Straits there.

Q Then, in your opinion you took the safest way towing the vessel to xxx sea?

A Yes, sir, I considered it the best at the time, I thought of both routes.

Q And no objection was made afterwards by the Captain of the "Star of Bengal"?

A No, sir.

Q On the steamer "Hattie Gage", was there any provision for temporary smoke stack guys?

A No, sir.

Q Did she not require?

A She has been up and down from San Francisco several times with the same guys as far as I know.

Q Did the chief engineer report to you there was any danger from defects in the machinery department that night?

A Yes, sir, he sent the fireman up to tell me the boiler commenced to shift.

- Q Were you in the engine room at all?
- A Not in the engine room, I went and took a look at the boiler myself.
- Q Did it appear to be moving?
- A Yes, sir.
- Q Were there any joints leaking in the steam pipes?
- A They told me not, at that time no damage done.
- Q Would it have been possible for the sea beating against the sides of the vessel to have sprung the hull and give the appearance of the boiler being shifted in ~~xxxxxx~~ relation to the hull?
- A The deck worked very little but not enough for that; as I was told the boiler was shifting about 6".
- Q If this movement was from the springing of her sides, 6" was a pretty serious thing?
- A Yes, sir.
- Q Do you think that 6" was exaggerated?
- A I think probably it did at the top, I don't think it did at the bottom, I don't think there was any pipe below that would have stood so much.
- Q The steamer was able to be worked full power all the time?
- A Yes, sir, worked full capacity all ~~xxxxxxx~~ night.
- Q Then the movement of the boiler was no very serious defect?
- A No.

There being no further questions to ask Captain Farrer, he was excused.

*Erwin Farrer*

Patrick Hamilton being first duly sworn, testified as follows:

Q Captain, you were master of the "Kayak", I believe?

A Yes, sir.

Q What license do you hold?

A 500 tons for inland waters, master and pilot.

Q Inland waters of S E. Alaska?

A Yes, sir.

Q How long have you been master of the "Kayak"?

A I went aboard the 23d of August.

Q You had been in that ship before?

A Yes, sir.

Q You are familiar with the ship?

A Yes, sir.

Q Give us your statement of the incidents that occurred while you were towing out to sea, start from where you took hold of the ship at Wrangell.

A The morning of the 19th, left the dock at 8:20, went alongside the ship and put a line aboard on the starboard side, got fast and went ahead, at 8:30 was hooked on full speed. The "Hattie Gage" was already fast to the ship and had it turned around; when my rope was fast and going ahead full speed the bow of the "Kayak" was past the stern of the "Hattie Gage" probably 10 or 15 feet. Towed out through between two-three islands, right down the sound, everything went nice, the wind was a little bit to the eastward, the ship set her fore and aft sails, also set her topsails. The sails were full for a while, I don't know how long, the wind fell a little and Captain whistled to take in all sails, blew four whistles I think; everything went along all right, no wind to speak of till 8:25, had been steering for Calder Rocks, steered S.  $\frac{1}{2}$ E. by the compass in the pilot house; at 8:25 P.M., Captain Farrer spoke and told me to keep half a point westerly. Everything looked pleasant, not much wind to speak of.

About that time Warren Island was a little open on the port bow, just a little; along about 10 o'clock, little swells commenced to come in, not much wind, fresh breeze, nothing to bother about; the vessel didn't seem to be getting through the water very fast; quite a current coming along about that time. At 12 o'clock, my mate come on deck and thought we were getting to leeward too far; I showed him the position of the vessel as near as I could, showed Warren Island, how it was bearing, how much closer to it than to Coronation shore. At one o'clock the freshened more and the sea coming up, those boats commenced to go pretty slow at one o'clock, probably ~~25~~ 50, 75 or 100 feet between the two boats at that time. At two o'clock A.M., I spoke to Captain Farrer and told him that we better get the ship on the other tack, and he said all right. He said, "As soon as you are ready, we will try to get on the other tack", I spoke to him and told him not to be in too big a hurry, the "Kayak" was not steering as fast as the "Hattie Gage" was, she was not swinging on her helm as fast as the "Hattie Gage" was, and he said, "All right". I put my helm hard to starboard and I suppose he done the same, his vessel went off to the eastward. We seemed to hang on our course, she come up a point S. by E. and she held for a little while, I don't know how long and the mate come around and wanted to know what was the matter; I says, "She will not answer her helm". I told him to get a spring in to lead aft on the port side from the bits, then she come up S. E., then she come around to E. by S. The ship's starboard light looked to me to be right astern of the "Kayak" at that time. The "Hattie Gage" was pulling more to the east heading to the N of E., I could not say how much, and I could see the ship's head sails, most sure it was her jib I seen when on the starboard tack, and I could see the shadow of her topsails, upper topsails mast headed but whether the sails was full or not, I could not say, just a glimpse I got of them, I was sure she was on the starboard tack, I made the remark to the mate she

was all right on the starboard tack, the starboard light showed in pretty good shape, that's the only light I seen at that time. The "Gage" come close to me and said I ought to put the helm to port a little, the boats come close together before we could get in conversation, and the ship come around on the port tack again; the "Gage" and the "Kayak" kept pretty close together and fell off to the S. The ship's port light was open at that time, I could see it plain, and a dim light which I took to be a light from her skylight on her poop, kind of frosted glass, I noticed it when I was alongside the ship, a dim light aft; The ship seemed to be heading a good deal more to the W. than we were, than the "Kayak", as we did not head any to the W. of S. during all the time by our compass, she seemed to be going right straight for the beach; the two boats pulled broad off her bow by the position of her lights; then I seen the light on her fore-castle head, bright light moving around, back and forth, and I made the remark they must be getting the anchors ready. Mr. Wilkie, the mate of the "Kayak" had the lead over the starboard side, and says, "I got 15 fathoms of water, Captain"; at that time I could see land pretty plain; the sky line appeared to be right up like this (illustrating) from me. This light on the ship disappeared and just about that time the mate gave 12 fathoms. I asked him how she was dragging and he says, "On shore", the boat was not going ahead a particle. Just about then Jack Craig come around and said there was a rock within 25 feet of the stern, and Tom Foaley, another man come along within a second or two and told me the same thing. About then the mate was heaving the lead and he gave me 10 fathoms, he says, but I didn't catch it sure. I looked at everything, could not see the ship's light, could not see the ship, could see nothing only the line of rocks along the starboard side of the "Kayak". These two men reported the rock within 20 feet of the stern and I went across to the other side of the ship and told Captain Farrer; I says, We better out and get out or I will

be ashore in a minute or two". He says, "All right, cut and let go". He went straight out, at this time my helm was hard astarboard, I could not say how long, and as soon as he was clear of me, I told my men to cut the hawser and they done so. Just as she swung off shore a roller come along and she picked a good part of it up and flooded the deck pretty well; I jumped into the pilot house and slowed down, and at the same time told the man at the wheel to flash the electric light to see what time it was and he told me ten minutes to four; I says, "Frank, remember that, I will need to know what time it is". We let her come up to S E. and held her to that course; I spoke to the engineer to give her a little more steam or a a little less, just enough steerage way to keep headed that way till 6 o'clock, daylight.

Q Six A.M. on the 20th?

A Yes, sir. At six o'clock heavy swells were running, we shipped considerable water and I had a talk with the mate about putting for shelter; we come to the conclusion we better head for Warren Island than any other place. We spoke about McCarthy Harbor and by the looks of it on my chart, it would be closer, but I didn't like that as I had never been in there, and I thought the way the sea was running the upper end of Warren Island would a handy place for me, close the ship. The sea was rolling pretty heavy and I asked the mate if he ever seen the "Kayak" run in a sea like that and he said, "No, it is the worst I have seen. Mr. Kennedy, chief engineer has been on the boat two or three seasons and I asked him if he had ever seen her run in a sea like that before- I didn't know how long it was going to blow and that the handiest place to be was at Warren Island- he said he had not seen her run in a sea like that before, and I says, "It's better to go back to Warren Island, so I concluded at six o'clock to run before the wind, at eight o'clock I anchored at the end of Warren Island. The "Hattie Gage" was anchored

in there and I seen by the steam he was blowing his whistle for me, I hauled up, went in there and asked what water he had and he said 10 fathoms, he says, "Come up close to that kelp and you will find ten fathoms, ten or eleven". My lead was going and when I got eleven fathoms I stopp'd and backed and let the anchor go in about ten or eleven fathoms; at 11:25 we went adrift, picked up our anchor and found a fluke gone; we picked up our anchor and the "Hattie Gage" picked up her anchor and wanted to know what was the matter, and I says, "We will have to to Shipley Bay for shelter, my best anchor is gone, he says, "All right", and we went to Shipley Bay, and anchored there I think at 1:45, somewhere in that neighborhood; the S E. squalls come down there something fierce, along about eight or nine o'clock heavy squalls and rain, during the afternoon very heavy showers come along but at midnight the beginning of morning the sky broke, cleared up over head, could see the stars out; thought it was a change in the wind, the wind come in Shipley Bay from the W. I was on deck myself at this time, kept watches right along, I called the mate and got the starboard anchor, they had it hanging to the horse, got it on the rail and hove short on the other anchor; at this time the "Hattie Gage" picked up anchor and wanted to know what I was going to do; that was about three o'clock, at half past four ~~ix~~ the wind was S E. blowing just as hard and squally and kept that up till daylight; picked up our anchors about daylight, I think about five o'clock and started out.

Q This was September 21st?

A Yes, sir. The "Gage" going out ahead of me slowed down and spoke to me, and thought it best for one of us to go to "Wrangell" to see if they could get any assistance and report what had happened so far. I says, "I will go down and take a look at the ship"; I asked Captain Farrer what time he would be back and he said that evening if possible. I went

down to the southward and west of Bluff Island, I seen a good deal of kelp and salmon cases drifting around and I thought something was seriously wrong; when I got down around Coronation Island I seen smoke and eventually seen the men; very heavy swells going down the straits. The mate and I talked about getting the men off; we thought it was not possible but we lowered a boat any how and the mate and one of the men went as close as they could and spoke to them and come back and told me it was impossible to get the men off, they said they were satisfied to stay till it moderated as they had a fire and plenty to eat. We come back to Shipley Bay and lay there all night and the next morning at daylight we met the "Hattie Gage", she was coming down from Wrangell, we went down to the wreck, arrived I think at 8:45, at 9:45 we left with the remainder of the crew on both boats.

Q Nine forty-five, the 22d?

A Yes, sir. Of course we went right to Wrangell with the remainder of the crew.

Q When two tow boats are towing a vessel, who is in charge of the tow?

A I have always understood it was the boat ahead, the one with the longest hawser; the man to take the ship away from the dock would be the man to have charge.

Q Speaking of this particular case, was Captain Farrer or you in charge?

A Captain Farrer was considered in charge of the tow.

Q About how far off Coronation Island do you think you were when you went to tack ship?

A I could not say Captain, to be exact.

Q Have you any idea how far you dragged in shore from the time you commenced to drag, working up the straits, how long you were dragging in shore?

A I suppose from the time I starboarded my helm aboard the "Kayak" until I seen the ship's head sails full on the starboard tack would be any where between half an hour and three

quarters of an hour, to the best of my memory.

Q The spring that you were taking from the hawser, were you leading it from the forward bit?

A Yes, sir.

Q Forward bit?

A Yes, sir, to the hawser, made fast to the hawser to ease up the hawser a little to get the weight on her side and bring her around.

Q On the port side?

A Yes, sir, lead aft from the forward bit and made fast to the hawser.

Q Slacked up the hawser?

A Yes, sir.

Q When you saw the fore and aft canvas on the ship as you mentioned, was the after fore and aft canvas set on the ship do you think?

A I could not say, sir, I had no way of knowing, I just got a shadow of the fore topsails mast headed, I could not say.

Q How long service have you had in sailing ships in your seagoing experience?

A It would take quite a time to think that out; I must have had ten years, say ten years.

Q Part of that time as an officer?

A Yes, sir.

Q What position?

A Second mate, third mate, boatswain and mate.

Q Then you consider yourself thoroughly familiar with the handling of sailing ships?

A At that time I did, Captain.

Q When you were watching the ship's canvas, was it your opinion that he was setting the sails to pay the ship's head off to the northward?

A I certainly thought he was getting the canvas ~~xxx~~ ready to take her to sea if possible.

- Q As she was on the starboard tack, she would be on what you call the up-straits tack?
- A Yes, sir, a good position for going to sea if he wanted to.
- Q You could not tell whether the maintopsail was full then or furled?
- A I could not say.
- Q Do you think the canvas set on the ship at this time was a help or hindrance?
- A If her square sails were aback it was certainly a hindrance because the boats had not power enough to tow her without that canvas aback.
- Q Was there any whistle for braces?
- A Yes, sir, must have blown whistle for port braces when we started to tack ship.
- Q Regular Alaska Packers ships outlined by the code?
- A Yes, sir.
- Q At six A.M. on the morning of the 20th, you were headed off shore S. E. i Understood?
- A Yes, sir.
- Q Could you see the ship at that time?
- A No, sir.
- Q How far away do you think you were?
- A Could not possibly have been more than three miles if I was that far, the "Kayak" was going as slow as she could possibly steer and keep from falling off in the sea.
- Q How much hawser had you out on that ship?
- A Full length, 125 fathoms of hawser.
- Q You had just enough to make fast?
- A Yes, sir, probably two or three fathoms aboard, there could not have been more.
- Q When you cut the hawser could you see the ship?
- A No, sir, nor the light.
- Q What was the reason?
- A Could not see, it was too dark.

- Q Was the darkness from the rain or the weather or the darkness of the land behind the ship?
- A Both, the rain come down in squalls; I was on deck and looked very carefully but could see nothing at all. I told Captain Farrer to get out and hollered to my men aboard my vessel to cut the hawser.
- Q The rock reported to you by the crew of the "Kayak" as being some 20 feet distant from the stern, did you see the sea break on that rock?
- A No, sir.
- Q Did you see the breakers and surf on the rocks on Coronation Island shore?
- A I certainly did.
- Q At that time was it your opinion the ship had anchored or was ashore?
- A My opinion was the ship had let go her anchors.
- Q The mate reported to you that the "Kayak" was not making any headway?
- A Yes, sir, I seen that myself for some time.
- Q Did you think the ship had anchors down at that time?
- A I did.
- Q And you were only able to just tighten the hawser.
- A Yes, sir.
- Q What sized hawser did you have?
- A Six inch hawser, brand new rope.
- Q Was it all Manila line?
- A All.
- Q No wire pendant?
- A No wire pendant.
- Q I have here the certificate of inspection of the steamer "Kayak" as I showed you.
- A Yes, sir.
- Q And you examined it, which states that she is an inland passenger steamer and her route is between Dixon's Entrance and Skagway on the inland waters of S E. Alaska; do you consider

that you were at sea when you went adrift or on the inland waters.

Q That is something I never knew, Captain, I was close enough to the land to be inland waters, and it is pretty open down there.

Q When you left to tow the ship to sea, did the matter ever occur to you, the limit of the "Kayak's" license?

A No, sir, I never once thought of it.

Q Do you believe that you could go beyond Coronation Island and still be within the limits of the "Kayak's" license?

A No, sir, I never thought I could go outside of Coronation Island.

Q Just come around here Captain, and point out where you left the ship, as far as you got, about where you were abreast of the land when you were towing; did you ever see out by the end of Coronation Island?

A I can't say that I did, I could see land right along here (indicating).

Q Did you notice that morning about whether it was flood or ebb tide at the time of dropping the ship?

A According to my idea, we got in so close there was an eddy going up the shore of Coronation Island.

Q That is what we call the first of the flood is it?

A Yes, sir, I think about that time it would be.

Q What I wish to know more particularly is, did you consider the question of tides when towing in the darkness?

A Yes, sir, I did.

Q Did you think it advisable to drop ship in a flood tide at the lower end of of the Straits?

A No, not without she had wind, it was advisable to drop her on the first of the ebb.

Q Do you know anything about the crew of the ship?

A No, I am personally acquainted with one man on the ship, the second mate.

Q Had you any sea acquaintance with him?

A No, all I know is that he was a sailor on the coast back and forth between San Francisco <sup>on</sup> ~~sent~~ ships to Loring and Wrangell.

Q What is his name?

A Peterson.

Q When passing Warren Island, we will say at midnight, do you think it was perfectly safe to tow the ship to sea that night?

A Yes, sir, I think it was. She was far enough out at 12 o'clock to put canvas on the ship and let her go to sea, in my judgment; at 10 o'clock she was.

Q You think she could have worked out?

A Yes, sir, I believe she could.

Q Now, I want to ask a question about the 20th; was the weather during the 20th such that the ship could work off shore and take care of herself?

A I would like to have an offing at four o'clock; had very swells come in there, the wind was not very strong.

Q Did that increase during the morning?

A Yes, sir, kept on increasing.

Q Do you think if the ship had, say three miles off at four o'clock in the morning with canvas set, we will say her topsails, fore course, and fore and aft sails, that she would be able to work off shore? Do you think she would be able to carry that much canvas?

A I am sure she would, Captain, the position she was in at that time she would carry her topgallant sails.

Q You are speaking of four o'clock in the morning?

A Yes, sir.

Q Well, it was four o'clock in the morning when you left that ship?

A Ten minutes to four by the time in the pilot house of the "Kayak".

Q What was the reason you cut the rope, the wind or sea?

A Both; the wind was increasing, too heavy to do anything,

I thought his anchor was down and I was in ten fathoms of water with rocks on my starboard side, in my estimation about 100 feet away from me, and a rock reported by two men I considered to be good seamen, within 20 feet of the stern.

Q What was the force of the wind at four o'clock in the morning?

A I could not say how many miles it was traveling.

Q Sure the ship could carry the main topgallant sail?

A Yes, sir.

Q Did it increase as the morning went on?

A At six o'clock it was blowing what I considered a gale, and very heavy swells on.

Q What canvas would the ship probably be able to carry then?

A Close in to the rocks it might have taken the mast out of her; she would carry the upper topsails I think.

Q Had that ship iron masts?

A Iron masts, I am pretty sure the lower mast and topmast were one.

Q Do you know whether she had wooden or iron yards; I mean steel or iron?

A Her main yards was wood, Captain. Captain Wagner was telling me about the yards breaking or something and they had to get new main yards, her lower and upper yards and topsail yards were iron to the best of my belief and the main topsail yards.

Q When you started to tow that ship to sea, did she seem to ready in every way to go?

A Yes, sir.

Q The canvas was all bent?

A Yes, sir.

Q The running gear all in place?

A As far as I could see, yes, sir.

Q Sometimes when towing a ship going to sea, there is considerable drinking going on, did you see anything of that this morning?

A Not that I could see; I made the remark to the people on the "Kayak" that that was as fine a crew I had seen leave from Alaska, on that account.

Q Any liquor used on board the tugs that you noticed?

A Not that I know of.

Q Was there any friction between the two tugs in handling the vessel?

A Not that I am aware of.

Q I have Mr. Wilkie's report, his sworn report, he was the man that was the mate of the "Kayak". (report read)  
According to that the steamers barometer must have fallen pretty fast. Have you the log book of the "Kayak" here?

A Yes, sir, it is up stairs.

Q Go get it please.

(Log book produced and delivered to Captain Whitney)

(Referring to log book) This gives the barometer on leaving Wrangell 29.98; it gives the barometer at 2:30, that would be the 20th, 29.40. If his writing is correct it seems to me the glass must have fallen pretty fast that day.

A Really I don't remember, I know she went down to 29.40, that's the last I seen it.

Q You would naturally look for bad weather when the glass is falling so quick?

A It was later before she commenced to fall, if I remember right, sir. Very often she goes down to 29.40 in these inland waters.

Q It is not customary on these tug boats to keep a regular ship's log?

A No, the mates log book is kept.

Q You kept the pilot house log book at that time?

A Yes, sir; I generally do because I was making a note of the ship's courses and the time of change on the two tug boats and the likes of that.

Q What horse power would she develop under normal conditions?

A Really Captain, I don't know.

Q Does she have much power?

A Every body says her engines are very small for her size.

Q Did she work as good as usual on that trip down?

A Yes, sir.

Q Her steering gear was in good condition?

A Yes, sir.

Q Did you find any difficulty about the boat, before or after the accident to the "Star of Bengal", that you think had anything to do with not coming into the wind at that time?

A No, sir, none whatever.

Q Her towing bits are situated fairly well along toward amidships, are they not?

A No, sir, they are abaft the mainmast probably 20 feet from her taff rail. She has got a long overhanging stem, her bits are not very far from her propeller, she a very long overhang.

Q I see in the mate's report, also in his log book, the ship came back on the port tack, the wind shifted he says three points eastward. Do you think at the time you were trying to get the ship on the other tack that there was a shift of the wind?

A No, sir, I never thought that, I never thought the wind was due southeast, I thought the wind was about S by E. I was on deck all the time, was not inside much, the port door of the pilot house was never closed from the time we left Wrangell till we were clear of the ship altogether.

Q You had the other steamer on your port side?

A Yes, sir, right ahead of us, had to watch the other steamer. That's why I was on deck all the time, especially on the port side of the pilot house, the man at the wheel could not see her, he was watching the compass and the light was in his eyes all the time.

(Report of the chief engineer of the "Kayak" was read)

Q Is there any portion of that report you wish to criticise, Captain Hamilton?

A No, sir.

Q The main points are correct?

A Yes, sir.

Q You say you don't know the horse power of the "Kayak"?

A I don't know, no, sir.

Q At this particular time you were towing with a 6" manila hawser?

A Yes, sir.

Q Is that the size of hawser you always use on the "Kayak"?

A When I was on the "Kayak" before it was an 8" hawser but a not a new one; this 6" is heavy enough when it is new, for the "Kayak".

Q Do you know the diameter of her propeller?

A I think 60 inches, I am not positive.

Q In your position on the tow, you were nearest the ship, having the shortest hawser?

A Yes, sir.

Q On the starboard bow of the vessel and was nearest the Coronation Island shore?

A Yes, sir.

Q Then it was possible you had a better view of the ship and the shore than the Master of the "Hattie Gage"?

A Yes, sir. I had a better view of the shore, certainly, sir.

Q Did you at any time during the night or morning of the 21st hear any noise or commotion on the ship, blowing of fog horns or hollowing?

A No, sir.

Q Did the ship at any time use the not under control lights, did she set them?

A No, sir.

Q Do you think you would have seen them if she had?

A I certainly would. Her side lights were visible all the time, I could always see them; when we cut I could see no lights at all.

Q Speaking in general of these cannery vessels and their crews,

in your judgment, is the discipline on those vessels on an average with other ships on the Pacific Coast? How does it compare with vessels you used to go to sea in?

A I don't know whether it would be safe or not to tell here.

Q Did you ever have any trouble with the "Kayak" answering her helm slowly under a heavy strain previous to this time?

A I always knew it since I have known the ship, she would not come around very fast with a tow.

Q She was always slow to answer her helm?

A Yes, sir, with a tow, when there is any sea on.

Q At this time, was her bow pretty well out of water, exposed to the wind, the "Kayak's" bow?

A I left Wrangell in pretty good towing trim. Of course she is a high wood boat, has got a high house on her.

Q There is no arrangement where the engineer at the throttle can see the hawser on the "Kayak"?

A No, sir.

Q Then in this manner when the propeller was racing, owing to the heavy sea, he could only judge by the movement of the propeller when to throttle?

A Yes, sir.

Q Did the engineer report any thing wrong with the engine room equipment to you?

A No, sir, never.

Q She had a full complement of crew?

A She had a s near as we could get them.

Q Was she short?

A The first assistant was not a licensed man. It was the best we could do on account there was no one to be got, he is a good man I understand.

Q Do you know whether Mr. Kennedy left him on watch at any time and went to sleep?

A I could not say that; Mr. Kennedy is a man, when towing ships, is pretty near on duty all the time, at least when

it is possible for him to be there, no matter who is there.

Q Have you ever seen the position of the wreck of the "Star of Bengal"?

A I seen part of it sticking up out of the water, some of her spars. I could not say what position the ship was laying in.

Q Do you think there was any possibility of that vessel slipping her anchors and working out from that place under her own canvas without the assistance of the tug boats?

A Inside of those rocks I think impossible, of course there was a chance if the swell was not coming in too heavy and the wind on the starboard, I think the ship could get out, with the wind S E.

Q Do you know whether they made any attempt to work the ship out?

A I do not.

Q After you cut your hawser you went over ----

A I headed to sea as near as possible.

Q About what course was you making at that time?

A Headed about S E., sir,

Q About what headway did you make through the water?

A Could not make more than a knot, probably a knot and a half, just enough to steer, to keep from falling off in the trough of the sea; as slow as I could possibly go ; I kept speaking to the engineer to go a little harder or slower.

Q Do you suppose that you made any great distance to the southward during that time?

A No, sir; up to six o'clock I could not make more than three miles from the ship.

Q When you turned to run you made the Coronation Island shore so as to hold that did you?

A Yes, sir, heading up above where the ship was laying.

Q To the northward?

A Yes, sir, as soon as I could I kept hauling up for Warren

Island ; I didn't like to get the sea abeam, had too much water aboard.

Q Do you consider those waters inland waters in your own opinion?

A I do, I always think I am in inland waters, as far as I understood it, as long as I didn't go out too far to sea; I don't think anything outside of Coronation Island would be considered inland waters.

Q Did you order the ship to anchor, Captain.

A No, sir.

Q Did you hear the chains run when she did anchor?

A No, sir, I did not.

Q <sup>o</sup> <sub>A</sub> Lifting go both anchors of a ship like that would make considerable noise?

A I expect it would, sir.

Q It was impossible to hear any conversation through the megaphone?

A They might have been able to hear through the megaphone from the steamer to the ship but impossible to hear from the ship to the steamer.

Q Did you see any blue lights burning?

A Yes, sir, seen one.

Q Was that before or after you cut the hawser?

A After.

Q Did you make any answer to that?

A No, sir. One of the men reported a blue light burning, he said, "They are burning blue lights", I says, "We can't go back there". I was then on the starboard side of the house, I went over to the port side and seen a blue light burning myself, the second one, the first one I didn't see, I seen the second one burning, just could see it dim, not as clear as you generally see blue lights burning; it went out and that was the last I seen of them.

Q When that light was burning, did it light up the ship around

so that you could distinguish anything?

A No, sir.

Q You didn't see them use any rockets?

A No, sir.

Q Do you know if they had a Lyle gun aboard?

A I do not.

Q They didn't fire it?

A Not that I know of. Didn't hear none, didn't see none.

Q Do you think at any time during the ~~xxxxxxx~~ morning hours of Sept. 21, that you could have approached close enough to that vessel to have sent a life boat in on a line to her assistance?

A No, sir, not after we cut loose, I could not possibly go in in the dark, and at six o'clock we had good daylight and the sea was too heavy to go near the ship, I simply would not do it.

Q What is the size of your lifeboats, Captain?

A I think one of them is 16 foot and the other 18, if I remember rightly, one is metallic and the other is wooden.

Q Are the boats equipped with air tanks?

A Yes, sir.

Q You could not have transferred a great many people at once if you could have used them?

A The best we could have done in moderate weather would be four, probably six in the metallic boat, in the best of weather you could pile them in as long as she would float.

Q About how long would it have taken you under favorable conditions to have handled the people aboard the "Star of Bengal" with your boats?

A I have no idea, could not commence to figure it out.

Q Do you think you could have done it in six hours?

A I could not say, probably we could if the weather was smooth enough.

Q It would have to be pretty smooth weather, you think?

A I think it would.

Q You have never tried handling people in that way?

A No, sir.

Q Does the "Kayak" have any life raft?

A No, sir.

Q At the time you and the "Hattie Gage" cut your hawsers, did you know the "Hattie Gage" was in any way disabled?

A No, sir.

Q She didn't appear to be?

A No, sir.

Q Do you think it would have been possible for you to have lain off there any longer than you did instead of turning and running for shelter?

A I could have went out to sea farther and kept going as long as the gale lasted, I could not hold the boat in one place, I thought the best thing would be to get in the shelter or lee of Warren Island. Be closer the ship when the gale was over, handier to the ship and in better condition and everything else.

Captain Whitney.

Q Have you a working boat on the "Kayak"?

A I didn't have her with me, a small skiff we carry.

Q Did you ever know of the case of a tug boat taking off the crew of a ship in distress under circumstances similar to that?

A Never knew of one that I can remember.

Q Suppose there was shelter where the ship lay with people on board, do you think it would have been possible to have gone in there and done anything in taking them off?

A If there was shelter, it was possible to get there, of course, but there is not.

Q Do you know anything about the boats the ship had on her?

A I do not, sir, only seen them at a distame from the dock.

Q If I remember right she had one or two sets of davits a

year ago?

A I think a pair on each side, if I remember. She had two boats clinker built on the gallows just abaft the main rigging, big double ended boats, I think the rest of her boats were Columbia River boats with tanks in them and other life saving equipment.

Captain Farrer.

Q Captain Hamilton, who keeps that pilot house log of yours?

A Both I and the mate, whichever was on watch.

Q Under such circumstance as you and the mate were under at this time that the log was supposed to be kept, was it customary to write everything down at the time it occurred?

A No, sir.

Q It seems there is a record of the barometer showing 29:40 at about two o'clock?

A That was the next morning.

Q What I want to find out is whether that was put down in the book at the time or later on?

A I don't believe that it was put down just at the time, as far as I know.

Q Do you know personally how the barometer stood the morning of the 20th at two o'clock?

A No, I can't remember.

Q Could not that data have been put down about four o'clock that morning after you cut your tow line and got out clear?

A It might have been put down afterwards.

Q Don't you suppose you were so busy that you could not put it down at that time. The next entry of time looks like 2:30 but it may be 4:30.

A There was nobody put down any note in the log about two o'clock of the 20th.

Q Did you notice the time when the barometer first began to fall?

A I did not.

Q Did you notice the barometer 48 hours previous to the time we started to tow the ship, did you take any notice of it?

A I can't say that I did, if I did there is no note made of it in the log book.

Captain Whitney.

Q (Reading from log book) "Thursday, 17th", in the log book here, "barometer at 30;10", on the 17th. You don't have any recollection whether the barometer was steady 48 hours previous to sailing or not?

A I do not. As I remember it, we come in with a good breeze to Wrangell, the next day was a fine day, a little rain on Saturday morning when we left, it looked fine outside.

Q Then you don't remember of consulting the barometer after passing Warren Island?

A Yes, in the morning I did, in the evening I didn't.

Mr. Heckman had no questions to ask witness.

The stenographer read over Captain Hamilton's testimony to him and he attested to the correctness of same by affixing his signature to the stenographic notes, as follows:

(Signed) Patrick Hamilton,  
Ketchikan.

Captain Farrer recalled.

Q What size hawser did you use, Captain?

A 6".

Q Did that belong to the boat or to the ship?

A To the ship.

Q Was that as large as the "Hattie Gage" generally used?

A The "Gage" has never done any ship towing since I have had charge of her previous to this time; we have an ordinary hawser for only light work, which is a 5" line, that would be as large as required by the "Hattie Gage".

Q That Hawser was fast to the main mast?

A Yes, sir, above the top of the house.

Q How high above?

A About three feet above the top of the house, probably about ten feet above the deck beams.

Q Is that mast through the deck beams or wedged through the main deck. It was not kneed off?

A Yes, knees on the deck beams, hanging knees.

Q Kind of square frame kneed off?

A No, deck timbers there, timbers built in between for a distance of about 4 feet probably, the deck timbers proper has got hanging knees on the end on each side.

Q Large knees, don't you mean?

A I always call them hanging knees out on the deck on the skin of the hull.

Q Do you consider that a good arrangement for ship towing?

A No, sir, I do not, not for a regular tow boat, I do not.

There being no further questions to ask Captain Farrer, he was excused.

W. E. Bruce being first duly sworn, testified as follows:  
Captain Whitney.

Q You were mate of the "Hattie Gage", were you not?

A Yes, sir, I was second officer.

Q You have a pilot's license for S. E. Alaska?

A Yes, sir.

Q And master's license for ~~xx~~ ?

A Pacific Ocean coastwise.

Q How many issues, Captain?

A My first issue was in 1875, I think.

Q You are here to give testimony in the investigation of charges preferred against Captain Farrer and Captain Hamilton of the steamers "Hattie Gage" and "Kayak" respectively.

(Charges read to witness).

How long were you on the "Hattie Gage" previous to starting out with this tow?

A About six weeks, sir.

Q We ~~want~~ want your statement in connection with this trip from the time you left the Wrangell wharf or the cannery wharf until the survivors were put on the dock at Wrangell.

A We left the cannery with the ship in tow about 9 A.M. on the 19th. Everything went along pretty well till we got down to well, about Warren Island or near Warren Island, it come on to blow and we held on to the ship just as long as we could; about 2 A.M. on the 20th, Sunday, the "Kayak" come very near cutting us down. Captain Farrer called all hands and that was about 2 o'clock and it come on to blow pretty hard, and the "Kayak" of course went on one side towing, starboard side, and we were on the port side. About 4 o'clock Captain Farrer cut the hawser, and she stayed around till daylight, her head stays carried away and the smoke stack guys, it didn't go overboard but came very near it; Captain Farrer got guys on the smoke stack and we stood around till daylight, after daylight we run under the lee of Warren

Island and come to an anchor, about an hour afterwards the "Kayak" come in and Captain Farrer blowed the whistle for him to come pretty near alongside, both steamers had to run Shipley Bay and we stayed there that evening and night and in the morning Captain Farrer left orders to have steam on for the anchors, I was on watch myself, had orders for steam at three o'clock in the morning, it was so bad we could not make a move, but about five o'clock we got under way and as we were going out Captain Farrer spoke Captain Hamilton and said, "I don't think we can make that place in a heavy southwester"; it was so strong, but he says, "I will give you your choice, I will go to Wrangell, or you can go, and I will try to get down to the wreck"; Captain Hamilton sung out to him, he says, "You better go to Wrangell and I will try to get down to the wreck". Captain Farrer said, "All right, I will meet you tonight". So Captain Hamilton said, "You go to Wrangell and I will go to the wreck". We went to Wrangell to get assistance from the "Burnside". He went to bed and told me to call him when we got to Station Island. We got up there and seen the "Burnside" going out on the flats, we reported to the "Burnside" the Superintendent of the "Burnside", I don't know his name, the Captain of the "Burnside" or the Commander. We took him aboard and brought him to Wrangell. He told Captain Farrer, as far as I understood the conversation about it, he says, "You land us at Wrangell, I have all my boats out, we will let you know, you go back to the Wrangell cannery and rig up your smoke stack tackle and the mast towing bit, and when you have your repairs done, take lots of grub on board and when you get that done, come back and I will tell you whether there is anything doing". Captain Farrer done so; when we got back to Wrangell those gentlemen were ready and we took them back aboard the "Burnside", got there, I think, about seven o'clock in the evening. We kept <sup>on</sup> and met Captain Hamilton

coming out of Shipley Bay; he reported to Captain Farrer and as near as I could make out, he had been down and reported there was 14 men alive. Captain Farrer, said, we will keep right and we kept right on, and the "Burnside" commander told Captain Farrer, he says, "I will be down between 10 and 12 tomorrow; we went down, had a pretty hard time; just about the time we got there there was a heavy southwester, kind of hail commenced and sleet, the wind chopped to the westward. We got there about eight o'clock and at ten we had all the men off. We met the "Burnside" about a mile within the place, we stopped alongside and reported and they turned around and come up to Wrangell.

Q Were you at the scene of the wreck after the time you saved the crew?

A No, sir, after we took the men off the beach I was not.

Q Where did you say you met the "Burnside"?

A On the flats, right at the head of the flats, on Stickeen Flats doing something to the cable.

Q Was this conversation between Captain Farrer and the Commander or the Captain of the "Burnside"?

A The Commander, I don't know his name.

Q He was a Government officer in charge of the ship?

A I suppose so.

Q What condition was the "Hattie Gage" in when you started out on this trip?

A Apparently she was all right, as far as I know.

Q Where were you towing from?

A The Wrangell cannery.

Q Where was the hawser fastened on board the "Hattie Gage"?

A On the main mast, sir.

Q What size hawser?

A I think a 6" hawser.

Q About how much rope did you have out?

A About 100 fathoms I guess.

- Q Did you have any trouble with the "Gage" towing during the night or during the morning?
- A Afterwards we did.
- Q Do you think it endangered the vessel, the giving away of smoke stack guys and head stays?
- A I think it did.
- Q Did the vessel leak any, make any water?
- A I don't know, I was not below.
- Q Were you on deck between twelve, midnight, and the time of the accident, on the 20th?
- A Yes, sir.
- Q Right up to the time of cutting away from the ship?
- A When the hawser was cut I was not out on deck, I was in the upper engine room.
- Q Did Captain Farrer say anything to you about the advisability of cutting the hawser?
- A No, sir.
- Q Did you think it was necessary, in your own judgment, to cut the hawser?
- A Yes, sir.
- Q Do you think he could have given any more assistance to the ship at that time?
- A No, sir.
- Q How many boats had the "Hattie Gage" aboard at that time?
- A One boat, sir.
- Q What type of boat was it?
- A What we call a double ended boat.
- Q Was it a sealing type of boat?
- A Kind of sealing boat.
- Q Was it supplied with oars, painter and things to handle it?
- A Yes, sir.
- Q Do you think you could have boarded that ship with it?
- A No, sir.
- Q Do you think there was any possibility of that tug boat going alongside the ship and taking the crew off by means

of the boat, the crew of the ship, or other means that they might have had?

A I don't think there was, sir; not in a sea like that.

Q Would you have volunteered to have gone in a Columbia River type of boat under those conditions?

A I don't think I would, sir.

Q Have you ever known a case of the crew or other persons being taken from a vessel in similar conditions, by tug boats or other vessels?

A No, sir, I have not.

Q How many years have you been going to sea?

A Forty-six years.

Q Do you think the other boat, the "Kayak" could have done anything to assist?

A I don't think she could, I don't know what she could have done.

Q Do you think if a good ocean going tug boat had had hold of that ship at that time, she could have handled her?

A Yes, sir, a regular ocean tow boat.

Q Such as they have in San Francisco, Portland and Seattle and on the Columbia River; you are familiar with those boats?

A Yes, sir, sailed out of there, run in them.

Q Have you ever been master of sailing ships?

A Master of schooners, not of deep water ships.

Q Have you had any experience in square rigged vessels?

A Yes, sir.

Q As an officer, how long did you sail?

A Ten or twelve years.

Q As an officer?

A Not as an officer.

Q Do you think yourself capable of judging whether it was feasible to maneuver a square rigged vessel in that channel or not, Chaham Straits, Sumner Straits, I mean?

A If the ship was far enough to the westward I think she could have reached out, with the wind S E.

Q Were you watching the ship previous to the time she was cut adrift?

A Yes, sir.

Q Did you observe any lights or signals on the ship?

A Except I seen the red light practically all night.

Q Did you think that red light was a side light?

A Yes, sir, I did.

Q Did you see any not under control signal or other signals on the ship?

A No, sir.

Q Did you see any blue light displayed?

A I did not.

Q Did you see land?

A Yes, sir, we made the bluff out on Coronation Island about two o'clock, it might have been a little after two.

Q Did you make any entries in the pilot house ~~px~~ log of the "Hattie Gage" during that night?

A No, sir.

Q Is it customary to keep up the pilot house log book?

A The Captain generally does that on that class of boats.

Q If you wanted to make an entry in the log book, it was there for that purpose?

A It was there, yes, sir.

Q Was the Captain on deck all this time?

A Yes, sir.

Q Was he on deck all night?

A Yes, sir.

Q Had you a full crew?

A I don't know what they call a full crew hardly. The Captain, myself, deck hand, two firemen and two engineers. Captain Whitney reads from certificate of inspectio of the "Hattie Gage": "2 pilots, 2 engineers, 2 firemen, 2 deck crew and 1 cook".

A There was only one deck hand, all the rest of the crew was full.

Q Who employed the crew?

A Mr. Babler.

Q I mean the crew of the "Hattie Gage"?

A Mr. Babler, he employed me.

Q He is the cannery Superintendent, known as the Wrangell cannery, is he not.

A Yes, sir.

Q After cutting adrift and getting away from the ship was the weather improving or did it get worse?

A Got worse. Much worse; we stayed there till daylight then we run over under the lee of Warren Island.

Q Could you see the ship at any time after you cut loose?

A No, sir.

Q What was the weather like?

A About as dirty as ever I seen.

Q Did it come up quick?

A After we started, about an hour from that we had to head to the sea, not quite, about an hour after or probably an hour and a half we got under the lee of Warren Island; the "Kayak" come in and it was so bad we had to run for Shipley Bay.

Q Was there any great strain on your hawser at any time?

A I should say there was; before it was cut the ship was dragging us back at that time.

Q Were you handling the lead at that time?

A I was not.

Q Who was handling the lead?

A I don't know.

Q Was it going at this time?

A I believe Frank Farrer was heaving the lead occasionally.

Q How old a man are you Captain Bruce?

A Sixty-two next January, sir.

Q You have been in Alaska waters a good many years?

A Yes, sir.

Q How many years this last time?

- A About ten; the first time I come to Alaska about 33 years ago but not to stay, then I towed ships up to Skagway during the boom.
- Q In towing steamers?
- A Yes, sir.
- Q In what port?
- A On Coos Bay and tow boats out of Seattle; from Seattle I was towing up here during the boom time.
- Q With your long experience in S. E. Alaska, and knowing as you must have how quickly heavy storms come up, especially in the fall of the year, do you think you would take any chance when you towed to sea, the day you started from the cannery?
- A I would not.
- Q What was the weather like?
- A Nice weather when we started, everything went along very pleasant till we got down there.
- Q Was it what we term a weather day, a weather breeder?
- A No, the ordinary kind of weather; we went along down the channel I suppose five miles an hour.
- Q Did you notice the barometer any time aboard the ship?
- A I did not.
- Q You didn't make any readings?
- A No, sir.
- Q Was there any friction between the two tug boat masters?
- A Not that I know of.
- Q They seemed to work together?
- A Well, I believe so.
- Q Was there any liquor in evidence when the ship went to sea?
- A No, sir, none at all; what was aboard the ship I don't know, I know there was none aboard the "Hattie Gage".
- Q Mr. Newhall.
- Q Captain Bruce, in the complaint there is wording as follows: "in a critical position on the lee shore of Coronation Island".

was that on the lee shore of the island?

A No, sir, on the weather side of the island. It was on the lee shore all the same.

Q But I am speaking of the island itself. It was the weather shore?

A Yes, sir, -of course it was.

Q Did you see any evidence of cowardice on the part of Captain Farrer?

A No, sir.

Q Do you think he neglected his duties in any way?

A No, sir.

Q Towing a ship to sea through Summer Straits with a southeast wind, which do you think is the best way to go, out between Warren Island and Coronation Island, or around Cape Decision?

A I should think if it was far enough to the windward, between Warren Island and Coronation Island.

Q Where do you consider the line of inland waters ends?

A I should think they end about between Cape Pohl and Cape Decision. Here is the course we were steering, about that, there is where the ship lay or about there; to go by Decision Island we would have to run down about 10 or 12 miles and go that way; there is where I consider the inland waters end, between Cape Pohl and Cape Decision, I think they end right there (indicating); I don't know what they call inland waters.

Q Do you know when the ship anchored?

A No, sir.

Q Do you know she was anchored?

A No, sir; not till after we went back, then I only knew it by hearsay.

Q Did you hear any noise of the chains running?

A No, sir.

Q Did you hear any noise or commotion like a fog horn blowing, or signals aboard the ship?

A No, sir; you could not hear anything, it was blowing so hard at that time.

- Q At any time during the night did you hear anything?
- A No, sir.
- Q No night signal made to turn back or anything to attract your attention?
- A Except between the two Captains.
- Q Speaking from the ship?
- A No, sir, I did not.
- Q Did you see any blue lights burning on the ship?
- A I did not, no, sir.
- Q Could you see the side lights at ~~at~~ that time?
- A I could see the red light, the port light once in a while, I was not watching all the time.
- Q At the time they cut the hawser, could you see the ship then?
- A I could not see anything.
- Q Was there any friction between the engine room department and the deck department on the "Hattie Gage"?
- A None at all.
- Q Was there any complaint made by the engineer of the conditions?
- A There was not.
- Q Did he criticise the actions of the deck department in any way?
- A Not that I know of, not to me at all.
- Q You were in the upper engine room at the time the hawser was cut?
- A Yes, sir.
- Q Did you notice any signs of steam leaking from the pipes at that time?
- A I did not.
- Q When they reported the boiler moving did you go down and examine it?
- A No, but I could see it was moving.
- Q You saw it was moving?
- A Yes, sir.
- Q About how much?

A Just swaying athwartships.

Q Moving a foot?

A No, not a foot?

Q Six inches?

A Probably a little more, I could not measure it.

Q Was the hull of the vessel working any?

A I don't know, I don't think it was.

Q Did you ever hear any complaint about the boiler being loose?

A Yes, I heard it before this.

Q Previous to this?

A Yes, sir.

Q What was the nature of it?

A It was kind of adrift.

Q Previous to starting out?

A Yes, sir.

Q Who gave you this information?

A The fireman.

Q Did you ever speak to the engineer about it?

A I didn't, no.

Q Did you report this conversation to the Captain?

A Yes, sir. He talked with the engineer about it. What they  
\* said, I don't know.

Q Do you know whether the bark "Star of Bengal" had davits  
for handling boats or not?

A She had two sets of davits, one on the starboard side and one  
on the port side.

Q Did she have any boats hung to the davits when she left  
the cannery?

A They were hung to the davits on the checks.

Q Were the davit falls rove off ready for use?

A Yes, sir.

Q Do you know anything about the number and type of boats she  
carried, life boats, on this trip?

A I think she had six or seven on the house forward and how many

besides that I don't know. I understood she had about sixteen boats altogether, that's what I heard, I don't know, there was seven up on the house, I was aboard the ship once or twice at the cannery looking around; she had six or seven, I forget which.

Q What kind were they, clinker built boats?

A English built boats.

Q Regular ship type of boats?

A Yes, sir.

Q Not what we know as Columbia River boats?

A Oh, no! no! 'no!, regular ship boats.

Q Did she have any Columbia River fishing type of boats aboard?

A Yes, two or three, I think; what there was below, I don't know anything about.

Q As a seafaring man, how long do you think it would take to put those boats in the water, in case it was necessary aboard that ship?

A It ought not have taken half an hour?

Q All of them?

A Well, probably an hour, but she had a big crowd of men aboard.

Q They could not handle them with men alone?

A Oh, no!

Q They would have to rig tackles?

A Yes, sir, except those that were in davits, they would have to do that of course.

Q Then in your opinion those boats could have been put in the water in an hour's time?

A If what the Captain reported, that it was so smooth, he certainly could have got some of the boats over in two or three hours.

Q Have you ever been shipwrecked in square rigged vessels?

A Not in ships, was wrecked in a schooner once but we got out all right.

Q Then you never actually handled boats in square rigged vessels in case of emergency?

A No, sir, I have not.

Q Do you believe it would have been possible to have drifted down close to that vessel and anchored the "Hattie Gage" and have used the "Hattie Gage's" boat with a line and drifted it down to the ship and taken the men off?

A No, the "Hattie Gage" could not have laid there.

Q Was there anchorage there?

A No, sir.

Captain Whitney.

Q When you went back to the scene of the wreck to take the people off, what kind of beach did you find?

A No beach at all, sir. All just rocky bluff and rocks all around; that's the time I did the sounding, I sounded all around the place, during the time the boat went ashore; we took an extra man aboard at the cannery, he went down with us, he went shore in the boat, Captain Farrer wouldn't let two men go in the boat because he could bring more men off the beach with one man in the boat that two, and I done the sounding all around this place at that time; that was on Tuesday.

Q There was a reef outside?

A Kind of, in the middle of the place kind of gulch with a reef in the center; we went around one side and the "Kayak" went around the other side, when we were going in to take the men off the beach.

Q Do you think the tugs had got in by that reef when they cut adrift?

A No.

Q Do you think the ship was inside of it?

A She was on the lee side of the reef.

Q Are you speaking of the general outline of the country along there when you say it is rocky and bluffy?

A It is practically all the same thing.

- Q Was there any timber on that higher land?
- A Oh! yes, sir, all timber, dead timber and small timber.
- Q You have made your home some years out toward that way have you not?
- A Not that far down, sir.
- Q On what island?
- A Conclusion island.
- Q How long have you lived there?
- A Three and a half years that was my home.
- Q You made it your headquarters?
- A Yes, sir.
- Q That ought to have given you a good opportunity to become familiar with the weather in that place?
- A Yes, sir.
- Captain Farrer?
- Q Captain Bruce, how is your memory in regard to testimony that has been given an hour or two ago?
- A Pretty good sir.
- Q Don't you think you have made a mistake in one place, particularly in regard to the day and time we left Shipley Bay? Do you remember what your statement was in regard to that?
- A Yes, sir, surely.
- Q What day did we leave there after coming from Wafren Island?
- A We left there Monday morning, sir.
- Q Was that your statement previous?
- A I think so, sir. We got there on Sunday. We left Shipley Bay Monday morning, when we left it was five o'clock Monday morning.
- Q Captain Bruce, on what grounds do you consider that the line of inland waters of S. P. Alaska is near the mouth of Sumner Straits or between the points of Cape Pohl and Cape Decision?
- A I said I didn't know, I just considered it so.
- Q On what grounds do you consider it so?
- A Only just in my own mind.
- Q You must have some reason?

- A I do not, I don't know where the Government considers the inland waters end.
- Q In your judgment, drawing a line between Cape Pohl and Cape Decision, what land would be outside?
- A Warren Island and Coronation Island.
- Q Then, why should you think that should be the line between ocean and inland waters?
- A I can't decide that.
- Q There must have been some reason for you to form that idea?
- A No, sir, there was not. That is my idea.
- Q Is there not other places in S E. Alaska where the water is a good deal wider, that you would call inland waters of S E. Alaska?
- A Sure. For instance, between Duke Island and Cape Chacan, I would call that the limit of inland waters.
- Q That is much wider than this particular place we are speaking of?
- A Yes, sir, of course.
- Q Do you know what the distance is across between Warren Island and Coronation Island?
- A Yes, sir, about seven or eight miles, I should judge.
- Q Do you think it is more or less.
- A I can't keep that all in my brain.
- Q It might be five miles?
- A Yes, it might be five and it might be six.
- Q Then there is other places in S E. Alaska where the water is much wider than at this particular place and you still consider them inland waters?
- A I would draw a line across and after we got across that line  
Captain Whitney asks Captain Farrer.  
There is no place up here that you know of where there is a definite division between inland waters and the ocean proper?
- A No, sir, I don't think there is.  
Captain Farrer asks witness.
- Q You just simply jump at the conclusion that that would be where you would put it?

A Yes, sir.

Q You say that the boiler had been moving previous to this? Previous to the time we started to tow the ship out?

A That is what they told me.

Q Who told you?

A The fireman told me.

Q Who reported that to me?

A That I don't know.

Q Do you know it was reported to me?

A I do not. I know the engineer, after we got back, called you down there.

Q The time the fireman spoke to you about the boiler being loose, could not that have been after we returned from towing the "Bengal" out?

A Yes, sir, it might have been.

Q I think you stated it was before?

A Well, then I probably made a mistake that way.

Q Do you wish to change that, or are you not sure about it.

A I am not sure.

Mr. Newhall.

Q Were you around the ship any when they were preparing for sea, where you could watch the preparations of the ship for going to sea?

A No, I was running on the boat with Captain Farrer; I used to wander down when we had half an hour to spare to look at them, but not to take any particular notice at all.

Q Did you have occasion to notice whether the discipline of the crew of that ship was good or not?

A As far as I knew it was.

Q Was it good in comparison with the discipline of ships you used to go to sea in?

A No, sir; fishermen have their liberty to do as they please, still they all worked in harmony, no trouble about them at all, outside of the natural kicks a sailor will make any how.

Captain Farrer.

Q Captain Bruce, had you been master of the "Hattie Gage" at

the time the tow line was cut, do you think you would have cut it at that time?

A Yes, sir, I should say so, to save my ship and my crew.

Q You think then the "Hattie Gage" hung to that ship as long as she was capable of giving any assistance to her?

A Sure, yes sir.

Q Do you think both of them tugs hung on to the "Star of Bengal" as long as it was safe for either of them to do so?

A I could not speak for the "Kayak", I know we did.

Q Do you know which one of the tugs was closest to the beach?

A I think the "Kayak" was, because she was on the lee side.

Q Then you think it was not safe for the "Kayak" to hold on any longer?

A No, sir, I do not, when you left, I do not; I know I should have cut probably before, I don't know whether I would or not, if I had been a position to have authority to do that; I know we hung on as long as we dared.

Captain Hamilton and Mr. Farrer had no questions to ask the witness.

Witness excused.

Upon hearing his testimony read to him by the stenographer, Captain Bruce attested to the correctness of same by affixing his signature to the stenographic notes, as follows:

(Signed) W. E. Bruce,  
Wrangell, Alaska.

William M. Taylor being first duly sworn, testified as follows:

Mr. Newhall.

Q What is your occupation?

A Engineer.

Q Do you hold a license as marine engineer?

A Yes, sir.

Q What grade?

A Inland waters.

Q Chief?

A Chief of inland waters, lake, bay and sound.

Q Any tonnage limit on it?

A No, sir.

Q How long have you held a license?

A I think for about eighteen years.

Q During your experience have you ever been employed very much in towing work?

A I don't know exactly what they would consider towing vessels; whenever a ship come along, we towed it. I have done a good deal of towing.

Q Towing ships to sea?

A I never was in but one ship, I have towed schooners to sea.

Q What position did you hold aboard the steamer "Hattie Gage"?

A I went out that trip as assistant.

Q Assistant engineer?

A Yes, sir.

Q Please give us a description of that trip in your own language, as relates to the engine room of the "Hattie Gage"?

A Fromk the time we started in the morning up to the end?

Q Yes, sir.

A Both inside and outside, what I saw?

Q Any knowledge that you have of the transactions, yes, sir.

A We left the cannery, I think about eight o'clock in the morning, somewhere around there.

Q Do you know what day that was?

A The 19th of Sept. I think.

A (Continued) We started out, I was on the "Hattie Gage", the "Kayak, after we got under way, he got hold of the ship also. We had good weather up till the time I went off watch at six o'clock. I was up and about, not all the time off watch; when I came on watch again at twelve o'clock, we were still making good time, and along about two or three o'clock in the morning the wind was blowing a little bit. I noticed that we were towing pretty well under the lee of Warren Island, and the ship then had her sails set. Both boats were considerably apart at that time and then at one time we were making pretty slow progress and the boats were drifting apart; the "Gage" was turned in the direction of about Shipley Bay, I don't know the courses at all, but I know that country, been on vessels there for the last 18 years. I could tell by the head lights the "Kayak" was considerably on out starboard side; I went about my work below, and then when I came up again, as I thought, the "Kayak" was almost out of sight and we were headed towards Shipley Bay. She seemed to be drifting when we got off the point of Warren Island, when the wind came in strong; we headed up to Warren Island to keep under the lee but the "Kayak" was still drifting towards Coronation Island. After that, I saw the "Hattie Gage" was going toward the "Kayak", and then, when we got out into the middle of that entrance, the wind was blowing pretty hard and the seas began to get stronger all the time, and about two o'clock, Captain Farrer went over to the "Kayak"; the "Kayak" was on the windward shore and the boats came close together; I looked up once and could see the bluff and trees on top, it looked almost straight up. I thought at that time, I don't know what made me think it, we were not making no headway whatever- I thought at that time the ship's anchors were down. The boat was rocking and twisting around in the back swells from the bluff, and the smoke stack, it would go so far down, I could, if I wanted to, put my arm in the opening above the collar,

but as luck happened it would ship again and come inside of its ring, had it come outside of the ring, it would have went over, and if it went over, it would have broken the steam pipe. The boiler was swaying at least a foot, if not more, from side to side, what held the steam pipe and the blow off, I don't know; the other pipes were copper and would give and take. Afterwards I heard a noise on deck and knew the Captain was trying to fix it, and I think he did eventually; I heard them getting ropes and lines ready to stay the smoke stack. I felt that we had a pretty close call at that time.

Q Anything else?

A When we got over on the windward side of the island in that rough water, I heard the Captain of the "Kayak" sing out we were in shallow water; I knew we must be from the swells and breakers that were around us at that time. Then I went down and tried to help the fireman a little but it was closing the furnace door from one side of the boat to the other and it was pretty hard work to do. There was one time that a breaker from the bluff, I think it was, came up and brought the two boats almost together. If it had not been for the presence of mind of the Captain of the "Hattie Gage", the "Hattie Gage" would have been wrecked as it was then. When the "Kayak's" bow came over towards the "Hattie Gage", the "Hattie Gage" was down between two swells and the "Kayak" on top; when they passed by, I don't think there was more than a foot's space between those two boats, the bow of the "Kayak" and amidships of the "Hattie Gage", and Captain Farrer saw it, of course and put his wheel over; I was on the starboard side and saw it; it throw her stern out and the next time the "Kayak" came down, the Captain, before she could come down, he put the wheel back again and we slid away and then we could keep away from her. Then after that the "Hattie Gage" steered off and- but before that, when our smoke stack was going back and forth, I heard the fireman, Frank Hanson, say, "I am going to tell the Captain that the smoke stack is

adrift"; I don't know if he told him. Captain Farrer called all hands on deck to be ready to jump, I thought, because, if the "Kayak" had ever come down on us, it was all off with us, and then after we got clear of that, we knew that the ship was anchored, then the tow line was cut. We went over under the lee of Warren Island and when we got there we lay a little while; it was blowing so hard off shore the boat was dragging could not hold anything. The wind just came down off those hills and turned and churned it into wooleys making a smoke you could not see a quarter of a mile; in fact, when the "Kayak" came in to anchor after daylight, we were blowing the whistle for her and they didn't seem to hear, they were out on the bow sounding for anchorage. A man had the lead line, he come around and saw us on the starboard side and they came over and anchored alongside of us. We lay there for a short time and found that we could not lay there all day, so we went to Shipley Bay and went to anchor, but even there we didn't feel safe, pretty fair harbor there, but the wind was blowing so hard off shore it was all we could do to hold in there; we lay there all night and the next morning we came to Wrangell for the "Burnside. I left the boat at that time.

Q You are acquainted with the fireman, Mr. Hanson?

A Only at that time. I have seen him this fall, he was working at the cannery here and I never talked to him only when he came aboard for that trip.

Q What is your opinion of him, is he a pretty good man in the engine room?

A Yes, sir.

Q Knew his business all right?

A Yes, sir, and he was right up ready for anything, he never refused; good disposition.

Mr. Newhall reads from Mr. Hanson's testimony- "That must have got a terrible strain on account of where it goes through the smoke stack, it is a copper pipe and will stand quite a strain". He is speaking of the blow-off. Did your blow-off pipe pass through the smoke stack?

- A I didn't notice it. They sometimes put the escape pipe from the safety valve through the stack.
- Q Then you are not certain the blow-off pipe passed through the pipe?
- A I am not certain but I don't think it was.
- Q What was the condition of the engine room during this bad weather?
- A It was good.
- Q Did the ship make much water?
- A No, she was not making much. We were very particular and careful in priming that bilge pump down there. We looked at it nearly every half hour and it threw no water at all hardly, but there was some water got up and washed the floor, but whether it came from the deck or between the timbers or not, I don't know, I know it was on the floor of the fire room; but we would prime that bilge pump and keep it out of the after bilges, no water in there at all, but whether it was coming down through the coal bunkers or between the timbers forward, I don't know.
- Q Did you pull the limber chains any?
- A I didn't.
- Q Was you on watch alone, or was the chief with you?
- A After three o'clock he was there, he was mostly down below.
- Q Did you call the other fireman?
- A We tried to and he said, "Let the ship go to the Devil", he wouldn't get up; they shook him and pulled him over and turned him and he wouldn't get up.
- Q Had he been drinking?
- A No,, sir.
- Q Was he seasick?
- A I don't think he was, but he was kind of cranky waking him up out of a sound sleep; cranky, I guess, didn't want to get up.
- Q Did you notice of the sides of the hull strained and worked?

- A I noticed she was working considerable.
- Q Was there any leak in the steam pipe?
- A No, sir.
- Q From straining?
- A No, sir. The safety valve blew off several times.
- Q You say the boiler was moving considerable. How was it moving, bodily, saddles and all or just swaying on her saddles?
- A I didn't look to see how much she was moving, but she would go almost over to her coaming and back again. Whether it was rocking in the cradels I don't know.
- Q Did any one make any effort to tighten the turnbuckle braces on the boiler?
- A I don't think so.
- Q Did you have any trouble with the boiler priming?
- A No, sir. But her not having a steam drum, we had to be particular and carry a full glass of water while she was running. When she would stop, I noticed afterwards, we would have half a glass of water and when you opened her throttle the water was out of sight. The engineer cautioned me when I went on watch not to let the water below the top of the glass; he said he had let it go down once, not knowing the boiler, and it blew out a fusible plug. They were under considerable strain when the stern would go up, she would race a little bit.
- Q The engine would race, you say?
- A A little.
- Q Do you know the horsepower of the "Hattie Gage"?
- A I do not. I know the size of the engines, I think 10 and 20 x 15.
- Q Did you have any trouble keeping your steam pressure up?
- A No, sir.
- Q Could you keep it right up to the limit all the time?
- A Yes, within a few pounds.

A (Continued) Several time the safety valve was not blowing off but ready to blow off.

Q Who employed you for that trip, Mr. Taylor?

A Mr. Babler.

Q Superintendent of the cannery?

A Yes, sir. I didn't want to go, I had the "Challenger" on the ways, and he came to me twice, I didn't want to go the first time because I had a job and thought it was just as important to me as that job, had the boat ready to go on the ways and men at work; finally I did go when he came after me the second time. He said my employer would do that much for him, that they would do that much for each other, and I thought I would go.

Q You were employed by another cannery firm, were you?

A Yes, sir.

Q In charge of the "Challenger".

QA Yes, sir.

Q In your eighteen years' experience in that country, how do you think this storm compared with others you have witnesses; was it as severe?

A It was. I carried the mail from Wrangell to Howkan, two contracts, myself and my partner. I carried it for three summers for the Elawack Packing Company and I never saw a storm come up as quick or as strong after it did come as that one was. It seemed to break all at once, didn't give any warning. A little wind, not much, but when we got outside of Warren Island it broke and came right in from the ocean. Had the ship got the length of out tow line she would have cleared everything. The steamboats could see by Coronation Island.

Q Do you think you are competent to estimate the position on the chart where that vessel was about daylight?

A I think so; I think I could tell you pretty near about the position the boats were in.

- Q Approximate the place where the ship was when the hawser was cut, there is Sumner Straits and here is Helm Point?
- A (Indicating position on chart by models) There is the position we were in down toward Warren Island; this is the "Hattie Gage" and this is the "Kayak"; the "Hattie Gage" came down like this; the "Hattie Gage" was in the lead, when I- one time I looked out- I think I should be over here more, and the "Hattie Gage" was off like this I think, the ship was pretty near in line, the "Kayak" was off over here in that position, the sails of the ship was up, the ship when making another tack- I don't know how they do that, whether the ship or the steamboats, when they come around like this the "Hattie Gage" was still pulling, then we had to go around in this position and I thought it was done in order to pull the ship. We came together like this and we were pulling here and this is where we got in that scrape, upon the sea striking the bluff of Coronation Island and coming out in this position made that heavy sea here, and the Captain of the "Kayak" sung out to us that he was in shallow water, then I went down below and didn't hear anything more. This is where the two boats were, the "kayak" was in this position when she was bobbing up and down on that wave; Captain Farrer put his wheel over and she answered and when the "Kayak" come down we were gone; I was pretty well scared.
- Q When you returned to Wrangell, why did you leave the vessel?
- A I thought there was other men to take my place, I still had a job and thought I had pretty near enough of it.
- Q Do you think those steamers could have held on to ~~xxxx~~ that ship any longer than they did?
- A No, not in that sea.
- Q Do you believe they could have been of any service after the hawser was cut?
- A No, sir, I do not.

Q Do you think it would have been possible to rescue lives from that ship in small boats?

A I do not during that whole day, because, when the sea came in and the weather never abated where we were and we were under the lee of Warren Island and in Shipley Bay, and to take a boat in that sea up to another boat, it was impossible to my mind.

Q How do the tides run at Coronation Island, Mr. Taylor?

A Very strong, it runs very strong around all those islands and points.

Q Much tide rips there?

A I don't know whether that was a tide rip or not.

Q Could you see any breakers at the time they cut the hawser?

A Yes, sir.

Q Which direction from you at that time?

A Both from shore and from the sea, coming back and going in.

Q Were you close enough to the shore to get the back wash?

A Yes, I thought so, I thought it was the back swell.

Q Did you hear any criticism by the engine department of the manner of handling the vessel that night by the deck department.

A No, sir.

Q Did you make any yourself?

A No, sir..

Q No friction between the engine department and the deck department?

A None at all, not a bit.

Q Do you think there was any friction between the crews of the two tug boats?

A No, sir, not at all.

Captain Whitney.

Q Mr. Taylor, do you remember a yearly inspection of the "Hattie Gage", it was I think three years ago, either two or three, you were in the engine room at the time of the inspection?

- Q (continued) Do you remember us going over the fastenings of the boiler and boiler saddles?
- A I think I do.
- Q Do you remember the condition of those boiler fastenings and the fastenings of the saddles at that time?
- A The boiler fastenings were all fore and aft, the turnbuckles, and there was one in the middle on both sides went right straight down to the keelson, none going across the side of the boat.
- Q None out to the outer hull?
- A No.
- Q Do you remember whether they in good or poor condition at this time?
- A I don't remember that.
- Q Had you been employed on the "Hattie Gage" previous to this time?
- A No, I never made a trip on her before.
- Q Do you think the master of the "Hattie Gage" (?) done all he could under the circumstances at that time?
- A Yes, I thought he was doing all he could do. I looked out and could see from where we were that his engines were chasing pretty hard, I could see the foam, I don't know whether they were chasing or not, I have no knowledge of any body saying so, I could see the foam under her stern and knew she was chasing.
- Q Is there anything you have not been asked a direct question on, or any information that you are withholding, that you think is of any benefit to this case?
- A Nothing of no benefit, no, sir.

There being no further questions to ask witness, he was excused.

Upon hearing his testimony read to him by the stenographer, Mr. Taylor attested to the correctness of same by affixing to the stenographic notes, his signature, as follows:

(Signed) Wm. M. Taylor,  
Wrangell.

Allen Claire Snyder being first duly sworn, testified  
as follows:

Q What is your occupation, Mr. Snyder?

A Marine engineer.

Q What grade of license do you hold?

A I hold license, 1st Assistant Engineer, 500 tons, inland  
waters, in charge of 100 tons.

Q How long have you been going to sea, Mr. Snyder?

A Off and on about six years or seven years.

Q That is, whenever the opportunity afforded you?

A Yes, sir.

Q Have you always worked in the engine room department?

A Yes, sir, except one season, I put in the deck department.

Q What day did you join the "Hattie Gage" during the month  
of Sept. 1908?

A I don't know exactly what date it was, I don't remember.

Q After the return from the wreck of the "Star of Bengal"?

A Yes, sir.

Q You have no knowledge of the circumstances leading up to  
the wreck?

A No, sir, I have no knowledge whatever.

Q What was the condition of the "Hattie Gage" when you joined  
her?

A Everything in the engine room seemed to be all right except  
the boiler which was loose, shifted around when we were  
outside.

Q Was that boiler loose badly so that it moved boiler, saddles  
and all, or swaying in its fastenings?

A It swayed.

Q How much movement do you think it had?

A I should judge probably three or four inches.

Q Do you know if there had been any repairs to the fastenings  
of this boiler previous to your going aboard of her?

A No, sir, I do not.

Q Was there anything wrong in the engine room department during the time you were aboard except the boiler?

A No, sir.

Q The machinery all worked well?

A Yes, sir.

Q You saw the wreck when you went down that time to Coronation Island?

A All I seen was some kind of sticks or spars sticking out of the water.

Q The hull was out of sight at that time?

A Yes, sir.

Q Have you any local knowledge of that country down there?

A Very little.

Q From what you saw do you think it would have possible to render any assistance with small boats to a vessel wrecked in that position?

A I do not.

Q Who employed you for the trip, Mr. Snyder?

A Mr. Babler employed me.

Q Did the steamer have a full complement of crew while you were there?

A Yes, sir.

Q Did there seem to be any friction or lack of discipline in the engine room department?

A No, sir..

Q Was there any friction with the deck department?

A Not that I know of.

Q Did you hear any criticism of the deck officer in handling the vessel at the time of the trouble?

A I don't know that I did except what I heard around down here.

Q I mean aboard the ship by members of the crew?

A No, sir.

Captain Whitney, Captains Farrer and Hamilton and Mr. Heckman having no questions to ask the witness, he was excused.

Mr. Snyder, upon hearing his testimony read to him by the stenographer, attested to the correctness of same by affixing his signature to the stenographic notes, as follows:

(Signed) Allen Claire Snyder.  
Wrangell.

Alf Olsen being first duly sworn, testified as follows:

Captain Whitney.

Q Mr. Olsen, we wish your statement in connection with this matter, told just in your own words from the time you left Wrangell, to the time of the accident.

A I give one statement in San Francisco.

Q What case were you called on when you gave that statement?

A On the "Star of Bengal".

(Charges read to witness) This is not the "Star of Bengal" case; in this case these men are charged with certain specific charges. We wish your statement now in connection with this case, the charges here. What day did you arrive in San Francisco?

A I don't remember that.

Q Will you accept this report here on the "Star of Bengal" case as to dates?

A I guess I will.

(Reads title to "Star of Bengal" case to witness)

You will note that was on Oct. 2d, the charges were made Oct. 6. I presume you had already given your testimony?

A Yes, sir.

Q Do you know a man by the name of Torlof Anderson?

A Yes, sir.

Q Had he given testimony there?

A Yes, sir.

Q The same day you gave yours?

A Yes, sir.

Q How long did the inquiry last in the "Star of Bengal" case, do you know?

A Three days we were there. Anderson gave the same day as I did, his statement.

Q You are the fifth on the list and Torlof Anderson was the next witness. Go ahead and give us your story.

A We left Wrangell, the steamer was towing seven miles an

hour, left the canner, every body claimed, I don't know much about it, claimed seven miles an hour; passed Point Baker and she went fine till we got out abreast Warren Island, and it commenced to rain and blow; I don't know what time it was, it was dark, then it was two A.M. in the morning when we could see the "Hattie Gage" trying to get us on another tack, to get us off shore, I seen the "Kayak" and the other boat towing in position like this (illustrating). We got on the starboard tack and our jibs they were full and we were setting the topsails, we hoisted the topsails and just had them set and the "Kayak" went around strong I guess and brought us right back, and the Captain called hands for anchors. The Captain saw the "Hattie Gage" could not do any more then because the sails were back, we lowered the sails down and dropped anchors. I guess it was 3:10 when we dropped anchor; at four, we looked at the tow lines and both were cut.

Q That was after the anchor was down?

A Yes, sir.

Q What was your position aboard the "Star of Bengal"?

A Sailor and donkey man.

Q How long had you been in the ship?

A The second year now.

Q Was Captain Wagner on the previous year when you came up?

A Yes, sir.

Q Did you have steam on the donkey?

A Yes, sir.

Q All night?

A Yes, sir. I had orders to keep full steam up on the donkey, I got orders at ten o'clock.

Q What time did you have steam?

A All night, at ten o'clock I had full steam up to hoist the sails.

Q Did you hoist the topsails by steam?

A Yes, sir, both upper topsails.

Q She had the after lower topsail set?

A No, sir.

Q The lower topsails were not sheeted home?

A No; just going to set them.

Q were the topsails full on the starboard tack?

A Just full and then come right back.

Q What fore and aft canvas had the ship at this time?

A All the jibs except the flying jib, maintopmast staysail and mizen staysail and spanker, we had the spanker hauled up to the wind to get her on the starboard tack.

Q Your jib sheets were hauled aft on the port side?

A Yes, sir.

Q Had she hauled aft on the starboard side?

A No.

Q And the fore and aft main braces were up on the starboard tack?

A Yes, sir, all of them.

Q Your spanker sheet, how was it?

A We hauled it over to port-

Q What we call the bagpipe mizen staysail.

A (continued) to get the ship over to the starboard tack.

Q Your boom was over the port quarter?

A Yes, sir.

Q Was the sail shaking?

A Just shaking a little; all the staysails were full and her topsails.

Q Was the jib full?

A Yes, sir.

Q And your main topmast staysail and mizen staysail full?

A Yes, sir.

Q The spanker was shaking?

A Yes, sir, sheet was slack, she had jib full.

Q Was the mizen staysail sheet slacked off?

A Yes, sir.

Q And the main slacked off?

A Yes, sir.

Q Were there any orders give to lower the mizzen staysail and spanker?

A Orders given to slack them off, no orders to lower them down.

Q Did your fore topsails fill?

A Yes, sir, both filled at once.

Q Your fore topsails were full?

A Yes, sir.

Q Was the main topsail ever shivered by hauling on the weather braces?

A No, sir. No time to do it, we had the sheets set and they come back on us.

Q Have you any definite knowledge of the time the topsails were set?

A I have not, sir.

Q The was considered to be in difficulty at the time this canvas was put on her in that place?

A Yes, sir.

Q What was the discipline aboard the ship like, good order.

A Good order.

Q Where were you at the time they were setting the canvas?

A Hoisting away on the engine in the main hatch look out that they didn't run them to the yards.

Q Could you see from your position the jib sheets?

A Yes, sir, right from the main hatch.

Q Are you sure the sheets were flattened aft on the port side?

A Yes, sir.

Q Had any of them hauled in on the starboard sheet of the jib to pay it off?

A No, they were all full, and were hoisting the topsails, and the wind come right back on us.

Q Do you know if there was any attempt to haul in on the sheets of the jib to pay her head off?

A No time to do it.

Q About how many men in the crew?

A We were 18 sailors.

Q That included yourself as a sailor?

A Yes, sir.

Q Two mates?

A Yes, sir, 18 sailors, 2 mates and the Captain.

Q Was there a carpenter?

A Yes, sir.

Q What time did you come on deck?

A All night on deck.

Q How many boats had the "Star of Bengal"?

A Six life boats and a little one.

Q Were they outfitted as life boats, air tanks, well found?

A Yes, sir.

Q Do you know from personal observation if all the equipment was in them ready for use?

A Ready for business in 10 minutes.

Q How many boats were hung on the davits?

A Two.

Q Were those davits situated just before the after house or poop?

A Yes, sir. Just the fore part of the poop.

Q The boat galleys were forward of the house were they not?

A No, house, they were right on the checks.

Q They ought to be ready for use in a moment's notice, almost.

A Anything.

Q Where were the other boats located?

A On top of the forward house.

Q What means for getting at them to put them overboard?

A Rig tackle and use the royal halliards.

Q During the two seasons you were in the "Star of Bengal" had you ever seen those boats put overboard?

A Yes, sir.

Q All of them?

A Only one. They had them overboard in San Francisco.  
Repairing and fixing them up.

Q Was the life saving equipment of the ship in good order  
as far as you know?

A As far as I know, in good condition.

Q Sufficient life preservers for all on board the ship?

A Yes, sir.

Q They were in good condition?

A Yes, sir.

Q Every man was supplied?

A Yes, sir.

Q When were they put on the people on the ship?

A 8:30 A.M.

Q The morning of the 20th?

A Yes, sir.

Q The Chinamen, Japanese, Phillipino and all the crew, were  
they provided with life preservers?

A Yes, sir.

Q Were there any life preservers left?

A Two.

Q Then there was sufficient?

A Yes, sir.

Q How many boats were put overboard?

A One first and two afterwards.

Q What class fo boats did you put over?

A Life boats, Columbia River boats thay call them.

Q How many of the Columbia River type aboard the ship?

A Four.

Q Then the other two boats of the life boat type, what were  
they like?

A Good life boats in the davits.

Q Lap strake boats?

A I don't know what they call them, regular life boats.

Q What two boats did you put over?  
A Two Columbia River boats first.  
Q From forward?  
A Yes, sir.  
Q Did you lower any of the boats from the davits?  
A Yes, sir. One smashed to pieces and the other one four men went ashore in.  
Q What time was that boat lowered?  
A Just a little after putting the life preservers on us.  
Q That would be between half past eight and nine o'clock in the morning?  
A Yes, sir, around there; just after we put the life preservers on.  
Q Were you awake when daylight broke in the morning?  
A Yes, sir.  
Q What was it like then?  
A It looked pretty bad; that's the time we tried to launch the two life boats.  
Q Wouldn't daylight come about six o'clock in the morning?  
A I don't know what time it comes.  
Q On that date it is daylight all over the world at six o'clock in the morning.  
A It might have been, I don't know what time it was.  
Q Do I understand you to say the life boats were put over between half past eight and nine, or six in the morning?  
A That was the time we got the after life boat, four minutes after eight o'clock.  
Q And four men went ashore in the boat?  
A They went ashore in that boat, four men, and they cut the tackle with the axes.  
Q Did they take a line with them?  
A Yes, sir.  
Q Was there any oil used on the water?  
A Yes, sir.

Q How mud?

A Put all we had in the donkey room.

Q Did it have any affect on the sea?

A Yes, a little.

Q Was the pain oils and other material aboard the ship used?

A No, could not get hold of it.

Q Why?

A Because we were all trying to get the life boat out.

Q At this time it was half past eight or nine o'clock that you speak of now?

A Yes, sir.

Q What preparation was made for landing the crew at daylight in the morning?

A Could not land the crew, we tried the boats but could not make it.

Q You tried when daylight broke?

A Yes, sir, tried it.

Q The boats from the after davits or from the forward davits?

A Tried the forward boats first and lost two of them.

Q Did the ship make any lee as she rode at anchor?

A Not before daylight.

Q After daylight?

A She was dragging little by little.

Q Did the ship make any lee; was the wind on one side more than the other side?

A Right straight dead ahead.

Q Was it blowing hard when daylight came?

A Yes, it blowed hard.

Q When daylight broke in the morning, were you able to launch a boat?

A We tried and lost two.

Q Immediately after daylight?

A Yes, sir.

Q Were you close in shore then?

A On the starboard side, close on the rocks and high rocks

on the port side.

Q Did you notice any rocks outside the ship?

A Yes, sir.

Q On which side?

A Two points on the port bow, on the port beam I should call it.  
Two points forward of the beam.

Q How was the starboard side?

A Rocks right alongside of us.

Q Then as I understand you to say, when daylight broke in the morning, the ship was still holding to her anchors, but there were rocks on the port side forward of the beam about two points and on the starboard side she was close to the rocks on shore?

A Yes, sir.

Q How far distant do you imagine she was from shore on the starboard side?

A I should call it 100 yards.

Q Do you think there was any possibility to maneuver a steamer between the ship and the shore on the starboard side?

A No, sir.

Q Do you think there was any possibility for a steamer to come in alongside that ship on the port side?

A No, sir, no chance.

Q Do you think there was any possibility of taking the people off that ship by steamers when daylight broke?

A Except by a life line.

Q How far distant would a steamer have to lay to be able to run a line to her?

A Five hundred yards any how.

Q Had you a Lyle gun or any means of shooting a line, aboard the "Star of Bengal"?

A Not that I know of.

Q Would you have volunteered to go in a boat and run a line to a steamer 500 yards distant?

A No, I would not.

Q Do you think it would have been possible for a boat to have lived in that sea to carry a line from the ship to the steamer?

A I don't think so.

Q Do you think there was any possible means of saving those men on the ship from the steamer after daylight?

A The only chance was for a line, that was the only chance they had.

Q Did you hear any remark aboard the ship that such a thing was possible in any manner.

A All we were looking for was the steamers.

Q Do you think the crew of the ship was depending entirely for relief from the steamers?

A No, we was not thinking the steamers could save us. I don't think the steamers could save us except by a life line.

Q Was there any possibility of getting that life line to the ship?

A Only one way, by sending a life line in a boat without a man in it, or anything that would float.

Q Was the ship taking any water over her bow after she lay at anchor?

A Yes, sir.

Q Was she rolling any?

A No, just pitching.

Q She was diving forward?

A Yes, sir.

Q Was the ship very deeply loaded?

A No, sir.

Q In your opinion was the ship in good ballast trim?

A Fine ballast trim. She packs 35,000 cases and we 52,000.

Q And the ship was laying with considerable chain out on her anchors?

A Yes, all there was.

Q That would probably be how many fathoms?

A We had about 50 fathoms left on the starboard and I guess 45 on the port.

Q Were you down in the chain locker yourself?

A Yes, sir.

Q Is your memory at all defective about that do you think, or are you just guessing?

A Just guessing.

Q It might have been 10 fathoms and it might have been 50?

A No, only 15 fathoms on the port.

Q When they saw the conditions at daylight, what attempt was made for landing the crew on shore?

A Captain Wagner told them they would have to do what they could to get ashore.

Q Did any of the crew think it was safe going in a boat to try to get ashore?

A No body wanted to go in a boat.

Q They thought it was dangerous?

A Yes, sir.

Q You have been to sea how long?

A Since 13 years.

Q Being accustomed all your life to going in boats, would rather have taken your chance in a boat or on the ship at daylight that morning?

A Took a chance on the ship.

Q If it was a case of volunteer where you knew you were taking your life in your hands to try to save the lives of others, would you have gone?

A Yes, sir.

Q Did you offer to go in such a case?

A Yes, sir, I did.

Q But where you just consider your own life, you preferred the ship?

A Yes, sir.

Q Previous to daylight, was there any possible chance of

getting relief from the steamers, do you think?

A The only chance was a life line.

Q That would be very dangerous to try to attempt it before daylight?

A Too dark to do anything.

Q When the steamers cut away, were you close enough to them to see, could you observe their movements?

A I could not see nothing from them except the stern light of the "Kayak".

Q At that time it was a heavy gale of wind?

A It was not a gale.

Q But it was impossible for those steamers to handle the ship at that time?

A Yes, sir, it was.

Q You say you were on deck all night?

A Yes, sir.

Q Was there any signal sent from the ship to attract the attention of the tugs to turn about?

A No, sir. When we blowed four whistles, I didn't hear the whistles, I was in the donkey room.

Q The wind was blowing so hard that it was difficult to have any communication with the steamers at the time you mention now?

A Yes, sir.

Q Was that the time they was whistling for braces?

A Yes, sir.

Q In the donkey room was there a code of signals such as the Alaska Packers use between ships and tug boats?

A They had them aft.

Q Sure it was aboard the ship?

A Yes, sir. The mate had them in his room.

Q Are you familiar with the whistles?

A Yes, sir, I know the whistles, I don't know the Alaska Packers' code.

Q Do you know enough to know the whistles given when you hear them?

A Yes, sir.

Q To return to the boats, those boats that you lost from the forward part of the ship, how were they put overboard?

A Tackel from the main yard arm and from the royal halliards.

Q On which side?

A Port side.

Q The main yard was still braced on the ~~port~~ starboard tack?

A We braced the main yard to get the boat over.

Q When swinging the boat over, was there any boom for an outer guy to hold the boat clear of the ship's side as she was lowered?

A No, sir, just the yard arm.

Q That naturally would tend to swing the stern of the boat outboard and the bow inboard?

A No, her painter was made fast on the forecastle head.

Q Where was the painter made fast on the boat?

A In a ring bolt.

Q Right forward?

A Yes, sir.

Q Was it strapped aft on the first thwart of the boat?

A No.

Q Were you using oil at that time?

A Yes, sir.

Q And you used about all the oil available aboard the ship?

A All they had in the donkey room.

Q Was there any blue light displayed aboard the ship?

A Yes, sir.

Q What time was it displayed?

A Just after we dropped anchor.

Q Was there any signal that you know of given from the ship previous to the time they tried to tack off shore, on the starboard tack, I mean?

A Except the fog horn.

Q What was you blowing the fog horn for?

A For the "Kayak" to get up and help the "Hattie Gage" get us around.

Q Are you sure that was intended when blowing the fog horn, a compass signal?

A I don't know that.

Q At 10 o'clock, who was in charge of the deck?

A The second officer.

Q What is his name?

A P. Peterson.

Q Who was in charge of the deck at 12 o'clock?

A The chief officer.

Q When did the Captain come on deck?

A He was called just after 12.

Q Do you know how much after 12 o'clock?

A I do not, the chief always calls him I don't know what time.

Q It was after 12 o'clock you saw the master on deck, before you saw him?

A Yes, sir, he must have been on deck before, just after 12 I seen him on deck.

Q That was after the chief officer came on deck?

A Yes, sir.

Q You have been aboard that ship a couple of seasons and are probably about as well known as any seaman on the ship, are you not?

A Yes, sir, I have been with Captain Wagner two years.

Q Did you hear him make any remark about danger to the ship at the time he came on deck?

A Not before two o'clock.

Q He apparently didn't anticipate any danger?

A No, he come and aske me if I had steam up to set the sails at two o'clock.

Q That's when you set the topsails on the starboard tack?

- Q (continued) That might have been two o'clock or a little later?
- A It might have been later.
- Q About how long before the anchors were down that you speak of now, from the time you anticipated there was danger?
- A Two hours I should say.
- Q The tow lines that were out, did you get them aboard the ship?
- A Yes, sir, we got the "Hattie Gage's" tow line aboard.
- Q Did you get the "Kayak's"?
- A No, sir.
- Q For what reason?
- A Tangled up in the chains.
- Q About what size tow lines were they?
- A 8" hawser.
- Q They might have been less?
- A I don't know, I don't think so.
- Q Did her ground tackle hold on all right?
- A Yes, sir.
- Q Did you have a compress beside the windlass?
- A Yes, sir.
- Q Was it down?
- A Yes, sir.
- Q And the friction screwed up on the windlass?
- A Yes, sir.
- Q If a man made the statement that both steamers, the "Hattie Gage" and the "Kayak" had stayed there till daylight, they could have saved all hands, do you think he could have been telling the truth?
- A You could not save all hands. There was no chance for any steamer to come alongside.
- Q Have you any objection to my reading a part of your testimony given in San Francisco?
- A No, sir.

"Q And you think they could have saved you had they stood by?

QA Yes, sir, saved all hands, they could have come there at daylight."

A Witness- That's a mistake.

Q I am not commenting on this former testimony, I am only just bringing it in to ask you. You say that testimony is not correct?

A Correct, except I said, "No."

"Q And you think they could have saved you had they stood by?

"A They could have saved all hands, they could have come there at daylight."

A They could have come at daylight but not saved all hands.

"Q There was no breakers around the ship at daylight?"

"A No, sir, just big swells."

A That's right big swells, no big breakers.

Q You remember as you outlined the position of the ship close to the rocks on the starboard side about 100 feet distant and on the port side you had rocks on the port side about two points forward of the beam, that is correct is it?

A Yes, sir.

Q No misunderstanding about that position?

A No.

Q Then farther along you said you thought it was possible you said in that sea to go within about 500 yards of the ship and put a line from her to the ship, is that correct?

A Yes, sir.

Q I want this so plain and understood that there will be no misunderstanding about it. If any time we ask you a question you don't understand, there is lots of time to explain, if the matter is confused the least in any way; I want to get the real facts in the case. Was there much comment on the boats not being in sight when daylight came, aboard the ship?

A I thought I seen the smoke of a steamer at daylight.

- Q Did it seem to be the general opinion aboard the ship among the men that their only hope was that the boats would come in and take them off?
- A Yes, before daylight.
- Q After daylight?
- A No, could not see them, had no hopes of the steamers then.
- Q Then it was a question of getting a line ashore?
- A Yes, sir.
- Q Was she dragging do you know from daylight till she struck?
- A A little by little.
- Q What kind of beach was inside, directly inshore?
- A Nothing else but rocks.
- Q Was there a bluff that you could put a line up that it would be free from the water, to transfer the crew?
- A Yes, sir.
- Q The ship, as I understood you to say, at daylight was not rolling very badly but pitching  $\alpha$  in a head sea; did she commence to roll later on?
- A Just before she struck.
- Q From the stern of the ship to directly on shore, was there a possibility of running a line from her mizzen mast to a tree or any other fastening on shore at daylight?
- A Yes, sir, there was, if any body go overboard to float it in, get the line ashore.
- Q In your testimony you said, at daylight not very heavy sea, just big swells?
- A Yes, sir.
- Q Was it not safer at daylight to try to get ashore than just previous to the time the ship went ashore?
- A Yes, sir.
- Q Is it not a proven fact that four men got ashore in a boat just previous to the time the ship broke up?
- A Yes, sir.
- Q Do you think at daylight in the morning, if these four volunteers had made an effort to take a line ashore they

A Hard to tell, it was a chance, yes, sir.

Q Was there a better chance at daylight than at the time they took the chance?

A Better, yes, sir. Nobody wanted to volunteer.

Q They thought the ship would hold on?

A Yes, sir.

Q What kind of spars had the bark "Star of Bengal"?

A I guess, iron, steel or iron.

Q Her lower mast and topmast were all iron, all in one?

A Yes, sir.

Q One piece iron mast were they?

A I don't remember.

Q Both were iron?

A Yes, sir.

Q What was her topgallant mast?

A Wood.

Q What kind of rigging had she, wire set up with lanyards or wire set up with screws?

A Screws on the main and lanyards of the fore rigging.

Q What ~~is~~ was the mizzen mast?

A Iron mast.

Q Wooden topgallant mast?

A Yes, sir.

Q Were the topsail yards iron or wood?

A Iron.

Q Then the top hamper that could be cut out of her would be the yards, to lighten the ship. Was there any other spars that you could cut out except the topgallant mast?

A The only ones that were wood.

Q Was there any attempt to cut those spars out of her?

A No, sir.

Q Have you changed your ~~opinion~~ opinion in regard to this wreck any since leaving San Francisco?

A I feel better now than when I left San Francisco, I got a little more brains, that's all.

Q Was your testimony read over to you in San Francisco in regard to the "Star of Bengal" wreck?

A No, sir.

Q And you had never seen it since?

A No, sir.

Q Did you sign any testimony there?

A I signed my name some place.

Q What for looking book was it?

A No book, just paper.

Q Was it paper like this (showing sheet of paper)?

A No, smaller than that.

Q Is that your signature? (Showing witness charges to which his signature had been attached as witness).

A Yes, sir.

Q That was all?

A That's all I signed.

Q This is the only paper you signed; did you sign no testimony when you gave your testimony in San Francisco, did you not sign any book or paper other than this?

A That is the only one I signed.

Q Where did you sign it?

A In the Inspectors office; I left the day after I signed it.

Q What is your business up here now, Mr. Olsen?

A I am looking after dead bodies of men of the ship.

Q Are you acquainted with Captain Hamilton and Captain Farrer?

A Yes, I know Captain Farrer.

Q Are you acquainted with Captain Hamilton?

A I never seen him before we left to tow the ship out.

Q Have these men or any other men influenced your testimony in any way since your leaving San Francisco; has conversing with them made any difference with you?

A No, sir.

Q What you have said here is your own private opinion?

A Yes, sir.

Q Do you really believe there was any chance for the "Star of Bengal" after the anchors were down?

A No, sir, no chance at all.

Q You didn't think there was any chance for her?

A No, sir.

Q Did you hear Captain Wagner give any orders to the tug boats during the passage down?

A No, sir. Except two o'clock when he blowed the fog horn.

Q Too stormy then to hear was it not?

A I guess so; he was blowing the fog horn and hollowing through the megaphone.

Q Was there any blue light shown then from the ship?

A No, sir.

Q When were the blue lights burned?

A After the anchor was down.

Hearing adjourned at 5 P.M.

Hearing continued Nov. 18, 9 A.M.

Alf Olsen recalled.

Mr. Newhall.

Q How much oil did you have in the donkey room?

A About a gallon of each kind, cylinder and machine.

Q That would be two gallons all told?

A Yes, sir.

Q That cylinder is thick heavy oil?

A Yes, sir.

Q It would not be of any use to break the sea?

A I don't know, I used it.

Q Where was that oil put out?

A Right forward.

Q Did you use an oil bag?

A Poured it out in the toilet; kept a little going out all the time.

Q When was that used, when they tried to lower the boat?

- A When we tried to launch the boat.
- Q Was there any other oil aboard the ship?
- A I don't know what we had, I guess paint oil.
- Q You say you were on deck all night, or about the deck?
- A All night to keep steam up.
- Q When they were trying to attract the attention of the tugs, did they use two red lights at any time, not under control lights?
- A Not that I seen.
- Q Did the ship have those kind of lights aboard?
- A I don't know, she had lots of lights.
- Q Who had charge of the lights?
- A The carpenter had charge of all the lights.
- Q Were they kept in the donkey room?
- A No, sir, in the lamp lockers.
- Q During the lull of wind about daylight, do you think there was any chance to have used a line from the stern of the ship on shore?
- A Yes, we could have used it if we could get it there, at the last she rooled too much, could not have used it very much.
- Q You spoke about the possibility of the tugs laying ahead and using a life line?
- A They could have drifted something to us and hauled the men, that is the only thing I could see.
- Q Drifted down and hauled you in?
- A Put a line on us, that's the only thing the steamboats could have done.
- Q Was there any time that morning you could have drifted anything ashore?
- A We tried that at daylight, tried a big ladder but it got in the rocks, got about half way and it stuck.
- Q Could you have drifted a boat near enough for the people to have jumped out?
- A Them fellows, were taking a chance to jump overboard.

- Q It was a desperate chance?
- A Yes, sir.
- Q Previous to the time they attempted to tack ship, to put you on the starboard tack, was there any conversation or comment about turning back, that you heard?
- A Yes, sir, we tried to.
- Q And you could not attract the attention of the boats, was that the time?
- A Yes, sir.
- Q Suppose they had let go both hawsers at that time, do you think the ship could have got out?
- A The Captain was scared she would have got on the rocks. We had the fore and aft sails on.
- Q A good breeze blowing?
- A Yes, sir.
- Q You used steam to hoist the square sails?
- A Yes, sir. They were just full, the sails.
- Q The ship had steerage way?
- A Not then, the sails were full.
- Q At the time you tried to tack ship, did the mate have his men on the forecastle head?
- A Yes, sir.
- Q And the second mate had the main and mizzen to care for?
- A Yes, sir.
- Q That is the regular routine for handling the ship?
- A Yes, sir.
- Q You say the ship came around far enough to fill the topsails of the vessel as you were hoisting them?
- A Yes, sir.
- Q At that time one of the tugs was off the starboard bow?
- A One on the starboard and one on the port bow.
- Q Pulling right ahead, both of them?
- A No, sir, pulling side ways.
- Q The "Kayak" pulling at cross purposes?

- A Yes, sir.
- Q If that hawser had been cut at that time, the boat on the starboard bow, wouldn't that ship come around?
- A Yes, sir.
- Q Was there an axe handy to cut that hawser?
- A Yes, sir, one in the donkey room.
- Q Was there an axe on the forecastle head?
- A Yes, two under the forecastle head.
- Q No axe handy right on the forecastle head?
- A I don't know.
- Q Did you ever see an axe kept handy for cutting the hawser when you weretowing?
- A No; of course, I never had charge of a ship.
- Q But as a seaman, have you noticed that?
- A No, sir.
- Q Did you never visit the port of Calcuta?
- A No, sir.
- Q You are a sailorman, have been to sea a number of years, you would have a general idea about handling canvas on sailing ships; what would be the effect of hauling that ship's sheets to the windward.
- A The sails were full, it was not necessary.
- Q Did the tow boats give you any orders to set the square sails?
- A Not that I heard of.
- Q The signal for setting the square sails is two blasts of the whistle?
- A Yes, sir.
- Q You didn't hear that?
- A No, I was in the donkey room.
- Q Did the Captain give orders to set the square sails?
- A Yes, sir, to hoist the topsails.
- Q You didn't get them set did you?
- A No, sir, just pretty near got them set when she came back.
- Q You don't know what way you were heading at that time?

A No, sir.

Q There was a man at the wheel I suppose?

A Yes, sir, he drowned.

Q Do you know if the ship was supplied with rockets?

A Yes, sir.

Q Were any used that night?

A Just blue ones.

Q Just blue lights?

A Yes, sir.

Q No rockets?

A No.

Q Do you believe it would have been possible to have shot a rocket off toward the tugs at the time they were blowing the fog horn?

A No, too dark.

Q But when the tugs were towing?

A I don't know, sir.

Q Have you ever seen rockets used aboard ship?

A Oh! yes sir.

Q Can they be fired any direction they are pointed?

A I never seen them fired so far distant, quite a distance to the tow boats.

Captain Whitney.

Q You were nearly two seasons with Captain Wagner?

A Yes, sir.

Q He is deaf is he not?

A Yes, sir, a little worse now than before. He can hear good enough when a man talks like I am talking now, he can hear it.

Q Can he now?

A No, he is worse now.

Q Through injury at the time of the wreck?

A Yes, sir.

Q Do you think he heard and understood what was going on all right while he was aboard the ship?

- A Oh! yes, sir.
- Q The ship was in good condition every way when she went to sea?
- A Yes, sir.
- Q Canvas and everything ready in ship shape for sea?
- A Yes, sir.
- Q Do you know of any defect in the ship whatever?
- A No, sir.
- Q None whatever?
- A No, sir.
- Q Do you think if a good tug, such as they have at Seattle and Columbia River bar, had hold of that ship that night or late in the morning, it could have handled her safely?
- A I don't know, sir.
- Q When you were lying at anchor, did I understand you to say in your former testimony, that there was rocks immediately inshore from the ship's stern?
- A On our stern and the starboard side and the port side.
- Q Do you think it would have been any advantage to slack the chains and let the ship run up on the rocks?
- A If we slipped the chains, I think she would have mashed up quicker.
- Q The only hope as you thought was in holding on?
- A Yes, sir.
- Q Was there any attempt made to slip the chains?
- A Yes, sir, when she struck the first time the Captain gave orders to slip the chains.
- Q What was the method used to slip the chains?
- A Get a hack saw and file it; all the chain she had was out to the end.
- Q How were they fastened to the shackles?
- A I don't know, fastened down below.
- Q Were you cutting the fastening of the end of the chain, or cutting the chain itself?

- A Cutting on the port chain.
- Q Were you cutting yourself?
- A Yes, sir, me and another man.
- Q Did you get either of those chains cut or sawed off?
- A No, sir. I don't know about the starboard one; she slacked up and I think he got that one cut, I am not sure.
- Q Was there a good deal of wreckage on the beach when the people got ashore?
- A Yes, all came ashore at the same time.
- Q How many boats were there smashed up that the ship lowered?
- A Three.
- Q And then there was one lowered that got ashore?
- A Yes, sir.
- Q As I understand it there were two more boats on the ship and one small one.
- A Yes, sir.
- Q Had those boats been carried aft and lowered from the davits would they have been of any advantage?
- A No, sir.
- Q After you got ashore was the wind better or worse?
- A Getting worse.
- Q Do you think if the ship had got outside of Coronation and clear of the tugs she would have been able to have held off shore?
- A Oh! yes, with that wind blowing.
- Q That ~~xxx~~ wind would have been blowing directly on shore?
- A Yes, but Captain Wagner said he would have sailed clear if he could clear Coronation Island.
- Q Is there anything else that you think would be of benefit to this trial that you can think of?
- A No, I think that is all I know.
- Mr. Newhall.
- Q Is there any truth in the newspaper reports that the Chinese were battened down in the tween decks?

A No, that's a lie. They all had life preservers on, we showed them how to put them on.

Q Captain Whitney.

Q They were given an equal chance with the white men?

A Yes, sir. We put the same belts on the Chinese that we put on the white men.

Q Do you think they did all they could aboard the ship to save the lives on the ship?

A Yes, sir.

Q In your opinion was it the force of the wind and sea that caused the wreck entirely?

A Yes, sir.

A Captain Farrer.

Q Mr. Olsen, was Captain Wagner on deck during the whole night that we were towing down the straits out to the point of Coronation Island?

A He was on deck at 10 o'clock and gave me orders to have steam on.

Q After that you didn't see him for a period of time?

A Not till one o'clock.

Q Did he say anything about the weather looking bad or anything when he disappeared?

A He thought it was going to blow a gale at the time he gave orders for steam.

Q Where were we at that time?

A I don't know, it was dark, I never looked.

Q Where did you see Captain Wagner when he first came on deck after he came on deck after ten o'clock?

A On the fore-castle head.

Q What were the first orders you heard him give after he came on deck?

A I didn't hear him give orders, I was in the donkey room and

Q I heard him call all hands on deck, told the officers to

A call all hands on deck.

- Q Are you sure that was one o'clock?
- A No, I am not sure, I know it was after twelve.
- Q Could it not have been about two o'clock?
- A It might have been.
- Q What were you trying to do with the ship at this time?
- A Trying to get her on the starboard tack, the Captain gave orders to set sail.
- Q Where was the steamer "Hattie Gage" when you tried to tack ship at this time?
- A Ten minutes after the "Hattie Gage" come over on the port side.
- Q Ten minutes after the Captain came on deck?
- A Ten minutes after the Captain give orders to set sails.
- Q Ten minutes after this you tried to tack ship?
- A Yes, sir.
- Q About how did the steamer "Hattie Gage" bear from the ship at the time she dropped back after filling on the starboard tack. Was she still pulling off on the port side?
- A Yes, sir.
- Q Do you believe that the pulling of the "Kayak" was the cause of dragging the ship back again on the port tack?
- A Yes, sir.
- Q Don't you think that those sails pulling, after they filled on the starboard tack, if they had been properly handled, would have been of more resistance the other way than what the "Kayak" could have pulled?
- A I don't know, we did all we could to get around. It seemed she stuck, the steamer or something drew her right back.
- Q I believe you stated previously that had the steamers by the next morning at daylight, they could have got within about 500 yards of the ship?
- A Yes, sir.
- Q And you thought it might have been possible to drop a line in?
- A Yes, sir.

they did.

A I don't know that.

Q You have an idea how close to the beach the steamers were?

A Pretty close to the beach.

Q Did you take the maintopsail halliards to the winch and the foretopsail both at the same time?

A Yes, sir.

Q You say the main topsail, was full?

A The foretopsail was full and the main both at the same time, both of them.

Q You stood on the main hatch and saw that?

A Yes, sir.

Q And the spanker boom was over on the port side?

A The sail, was ~~is~~ flapping.

Q The mizzen staysail sheet was slacked off?

A Both flapping hard.

Q Was it not possible for the after yards to be braced a little more on the starboard braces than the head yards?

A I never took notice of that.

Q When you hoisted the foretopsail you say it filled and the maintopsail?

A It was full at the same time, yes, sir.

Q Was the foresail loose?

A Yes, sir, and the lower topsail.

Q Was the lower topsail sheeted home?

A No, could not sheet it home, we were going to but the topsail was full; we hadn't started to sheet them home, we were all ready, all hands at the chains.

Q The braces were let go?

A No, sir, we stood by the clew line ready to let go.

Q Why did they cut the tackle falls of that boat when they lowered it?

A They had to cut them, as soon as the men jumped in they cut them.

Q In your opinion, if that had been done, and we succeeded in getting our line aboard the ship, was the sea smooth enough then for you to have launched a boat and got in it and allowed us to pull you out to sea?

A No, sir, the sea was not smooth enough; we tried to launch a boat.

Q You said previously that you thought provided the steamers had dropped within 5000 yards to the windward and dropped a line down, we possibly might have saved some part of the passengers?

A Yes, sir.

Q Do you think you could have launched those boats and got in them after you got this line, so we could pull you out?

A No, sir.

Q How would you expect us to pull you off with a line, tie the line around the body and yank you out?

A That's the only chance.

Q The boats could not have been used?

A No, sir.

Q When the "Kayak" came back the next day, Monday, what did you think had become of the steamer "Hattie Gage"?

A That she was gone.

Q Do you mean that you thought she was wrecked?

A Yes, sir.

Q Why should you think the "Hattie Gage" was wrecked?

A On those rocks on the port side.

Q You thought then the chances were the "Hattie Gage" hung on till she was wrecked on those rocks on your port bow, did you?

A Yes, sir.

Q Before the line was cut you had an idea the "Hattie Gage" was very close that reef?

A Yes, sir. That's the reason we heaved that line, the tow line to find out if she was.

Q Do you think the steamers should have held on longer than

Captain Whitney.

Q What sized blockes were those boats hung on, double blocks?

A Double blocks, 2-sheave blocks. They cut them with one blow of the hand axe, both the forward tackle and the after tackle, cut them at the same time as the men jumped in the boat.

Q You saw that boat after she got ashore?

A Yes, sir.

Q Do you remember looking in her?

A Yes, sir.

Q Was that lower block there?

A How did it appear to be there?

A I didn't examine the hook. The forward block was not there.

Q Did you take notice how it was hooked?

A No, sir.

Q No mousing on the hook?

A No, sir.

Q You don't know that the block was shackled to an eye bolt in the stern of the boat?

A No, sir. I didn't take notice of that.

Q You don't know whether it was hooked there or shackled?

A I know there was no mousing on it.

Captain Farrer.

Q At the time the ship was being tacked or got around on the starboard tack, do you think it would have been the proper thing to cut the hawser of the "Kayak"?

A Yes, sir, we asked the Captain to do that, he said he was not allowed to do it.

Q Didn't you have it in your mind one time to cut it your self without any orders?

A Yes, sir, I was scared to do that.

Q You thought it was a good thing to be done to save the ship?

A Yes, sir.

Q While you were on the beach, previous to the time the steamers took you away, did Captain Wagner line all his men

up on the beach and instruct them not to talk with any of the crew while they were being taken to Wrangell, in reference to the wreck?

A No, sir, not on the beach.

Q Any other place?

A Before we got to Seattle, on the steamer going to Seattle.

Q He didn't tell the men before leaving the beach down there that they should not talk to the crew of the "Hattie Gage" or the "Kaysk" in regard to this wreck?

A He said nothing to me.

Q Do you know whether he said anything to any of the rest of the men?

A No, sir.

Q Are you acquainted with the fireman of the cannery?

A Oh! yes, sir.

Q Do you know his name?

A Gist Johnson.

Q Did he give testimony in this case in San Francisco?

A Yes, sir.

Q Do you believe him to be a truthful man?

A I don't know.

Captain Whitney asks Captain Farrer-

Captain Farrer, what do you wish to prove by introducing testimony made in the ~~case~~ "Star of Bengal" investigation.

A I want to prove that Captain Wagner had spoken to his men or a part of them telling them what he wished them to swear to when the time come.

Captain Whitney.

Mr. Olsen, had you ever any instructions from Captain Wagner about what statement you were to give before the inspectors or any other Board?

A No, sir.

Q None whatever?

A No, sir.

Q The testimony you have given, have you had any instructions from any body about what they wished you to testify to?

A No, sir.

Q Your testimony is given of your own free will and to the best of your judgment and ability?

A Yes, sir.

Witness excused, there being no further questions to ask him.

Upon hearing his testimony read to him by the stenographer, Mr. Olsen attested to the correctness of same by affixing his signature to the stenographic notes, as folloew:

(Signed) Alf Olsen,

909 Elizabeth St.,

San Francisco.

A. K. Rasted being first duly sworn, testified as follows:

Q Captain Whitney.

What is your occupation?

A I am master of local vessels around here for the last few years, of small boats.

Q What license do you hold?

A Second class pilot.

Q How many years have you been a licensed man in the United States?

A About 20 years since I got mate's license, I guess about 7 years since I got a 2d class pilot.

Q The greater portion of your time you have been master of small towing boats have you not?

A Yes, sir.

Q What steamers were you in charge of this last season?

A The "Alaska" of Wrangell.

Q Engaged in a general towing business, were you not?

A Yes, sir, towing logs and delivering them to the cannery here.

Q Do you remember the time the "Star of Bengal" was lost?

A Yes, sir, I remember the day.

Q Do you remember the date?

A Yes, sir, Sept. 20th.

Q Were you at sea at that time?

A I was laying in Portage Bay in the morning?

Q Were you delivering cargo there?

A I was on my way to Juneau.

Q Why were you in Portage Bay if you were on your way to Juneau?

A I was running with a single crew and my time was about up.

Q Thirteen hours?

A Yes, sir.

Q Was the morning of the 20th that you speak of?

A Yes, sir.

Q What was the weather like?

A It was a light S E. wind.

- Q Is that harbor exposed to the S E?
- A There is always wind drawing through there, no sea there; one cannot tell much about the weather outside of Portage Bay.
- Q Did you have a tow?
- A Yes, sir.
- Q Did you go to sea with your tow that morning?
- A Yes, left there ~~xxx~~ about six o'clock A.M. and went toward Cape Fanshaw.
- Q Did you proceed up to Juneau?
- A No, sir, I took shelter inside Cape Fanshaw about half past 9.
- Q Where did you anchor, in back of Whitney (?) Island?
- A There first but it was blowing pretty hard and my anchor didn't hold so I went down a little farther to Steamboat Bay.
- Q Captain, what was the weather like, you have had a good many years' experience in S E. Alaska, what was the weather like that morning, in comparison with bad weather of ~~the~~ the fall of the year?
- A About half way across from Portage Bay to Fanshaw it commenced to blow pretty hard; previous to that it was only a moderate breeze when I left; it was blowing very hard about half past eight up till about one in the afternoon.
- Q Would you go to sea without any tow with a tug boat like that that day?
- A I had a tow at that time.
- Q Suppose you had no tow, would you go to sea that day; was the weather too rough for you to proceed on your trip in case you left your tow at anchor?
- A I could have kept on with the steamer but the scow was leaking badly.
- Q It was a fair wind for you with the tow?
- A Yes, sir, but it would have been uncomfortable for us with a loaded scow.
- Q How did that breeze of wind- Was it bad weather or good weather; explain what kind it was?

- A It was a strong gale from 8:30 till after between one and two.
- Q Have you see a worse gale of wind here?
- A No, I think that was the worst I have seen for years. I think that was the worst gale I have seen around these waters.
- Q Did it come up sudden?
- A Yes, it was distinctly squally.
- Q Were you watching your barometer the previous eveing and on this day?
- A Not closely, sir.
- Q Is it your habit to make entries in your log book?
- A Not regularly. I find it makes very little difference in my running.
- Q When did you leave Wrangell?
- A I left Wrangell the morning of the 19th.
- Q What was the weather like then?
- A Pretty good as I remember it.
- Q Did you know that ship was going to tow to sea that day?
- A No, sir.
- Q Have you had any experience in sailing ships?
- A Yes, sir, some.
- Q As an officer?
- A No, I went as second mate.
- Q Had you know that ship towed to sea the morning you left Wrangell, would you have felt uneasy about the ship and crew?
- A I could not say that.
- Q How long did the weather continue bad?
- A When we left Steamboat Bay the morning of the 21st, we had a fresh stiff breeze all the way to Juneau.
- Q Still S E?
- A Yes, sir.
- Q While you were laying in the harbor did you notice any deviation in the wind, change to the S W. to the W. or any other quarter during the day?

A No, very little.

Q Very little change in the wind?

A Yes, sir, very little.

Witness excused.

Mr. Eastad attested to the correctness of his testimony upon hearing it read to him by the stenographer, by affixing his signature to the stenographic notes, as follows.

(Signed) A. K. Eastad.

Captain Whitney.

Captain Farrer, have you any more witnesses to report in Wrangell?

A No, sir.

Have you Captain Hamilton?

A No, sir.

We will not have time to transcribe the testimony of these witnesses before leaving for Ketchikan that we may get their signatures to their testimony, but we are having them sign the stenographic notes after the same has been read to them by the stenographer, if they find it correct. Is this satisfactory to both of you?

A Both-"It certainly is to me".

Hearing adjourned at 10:30 to be continued at Ketchikan.

Wrangell Hotel, Wrangell, Alaska,

9 A.M., Nov. 19, 1908.

Patrick Loftus being first duly sworn testified as follows:

The charges preferred by Capt. Wagner, Master of the bark "Star of Bengal" and Victor Johansen, 1st Officer of the "Star of Bengal", against Captains Farrer and Hamilton, masters respectively of the steamers "Hattie Gage" and "Kayak", were read to the witness by Captain Whitney, Local Inspector of Hulls.

CAPTAIN WHITNEY.

Q What was your position on the ship?

A Cook.

Q We wish you to give a statement leading up to the scene of the wreck, the time of the wreck and whatever happened afterwards that you think is of interest. Tell it in your own way.

A Frank Muir came into the galley about four, or a little, ----

Q Lets go back, start when you got up that morning.

A That is the time I got up. About four o'clock, and he says, "We are close the rocks, close the breakers", so I says, "Has the tugs got hold of us?", and he says, "They have", then I says, "I guess we are all right". I didn't know it was storming. I dressed myself, and in about five minutes afterwards I heard the anchors go, and Frank came in and I says, "Go out in the donkey room and get some live coal to start the fire in the stove and get coffee for the sailors; he got some coal and started the coffee going; we got the coffee ready and the sailors came in and drank their coffee. About three quarters or half an hour afterwards Frank said the Captain gave orders to get breakfast ready for all hands. I says, "All right"; so I started and got some ham, bacon, German fried potatoes and mush, and perhaps in three quarters of an hour or an hour we had breakfast ready. The two waiters, one for the cabin and one for the sailors, they acme in the galley when breakfast was ready and brought breakfast to the after cabin passengers also to the sailors. While this was going on I guess some of the sailors were on deck working all the time trying to get the boats over. I think they did get one boat over and it went adrift on the port side. We lay at anchor about three or four hours and thought everything was all right, didn't think there was any danger at that time. So I always stayed in the galley because i was warmer in there than on deck. About eight or nine o'clock I think she commenced to drag gradually until she got on the reef perhaps half past nine. It might have been ten, some say 10:45 when she broke up, I don't know. We were all on deck perhaps forty five minutes to her breaking up; we were on the poop deck during this time when she was bumping on the rocks. They rigged this breeches buoy up and one man went ashore, he was up in the breeches buoy and then down in the water, went up and down and when he got ashore he was almost dead; I suppose he is now. When they made a failure of that breeches buoy the Captain gave orders for them to haul the boat from the beach to the ship but there was so much wreckage in the bay they could not do it. I was on the poop with the rest and a little afterwards a sea come on that broke up the vessel and we all

went into the water together, all those men ashore, we were among the wreckage and were scrambling to get ashore.

- Q You have steamboated around here a good deal have you not, Mr. Loftus?
- A Some, yes, sir.
- Q You have had a good deal of experience in small boats?
- A Yes, a good bit.
- Q How long have you been around in Alaska waters?
- A About 21 years.
- Q Twenty one years?
- A Yes, sir.
- Q You have been making your living on the sea most of that time?
- A Well, off and on during that time.
- Q In any other position than that as cook?
- A No, always as cook.
- Q As cook in these small tow boats and such boats as you have been on, I presume you have been in the habit of giving assistance to the deck crew?
- A I have, yes, sir.
- Q Did you see the port boat when it was put over?
- A Yes, sir.
- Q The first boat you spoke about?
- A Yes, sir.
- Q What gear was used to put her over, was she in the davits?
- A Yes, sir.
- Q Was that one of the quarter boats?
- A I could not say, just off the galley.
- Q Were the davits abreast the galley?
- A Pretty close, just a little forward of the galley.
- Q The bat's galluses were there?
- A That I don't know, I just noticed the boat when she went over, when she got adrift they commenced to curse about the boat going adrift.
- Q Was the crew in the boat when she was lowered?
- A Nobody, no person.
- Q No person in the boat when she was lowered?
- A No.

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- Q Was the painter fast onk board the ship?
- A No.
- Q Was the boat supplied with oars and equipment necessary for handling the boat?
- A I think she was supplied with oars, yes, sir.
- Q What became of that boat?
- A She went ashore, I saw her going ashore.
- Q You saw her yourself?
- A On shore.
- Q Right side up or bottom up?
- A Right side up toward the beach, after she got on the beach I don't know.
- Q How far from the ship did she land?
- A A little to the side of the ship, 100 feet.
- Q From the ship where she was lowered from?
- A She went right alongside the ship's port side leading aft right ashore.
- Q Went right astern of the ship?
- A Yes, sir, some reefs there; we all said if she gets clear of that reef she will go ashore all right; she went out without taking a drop of water; of course when she got on the beach I suppose she filled then, I don't know.
- Q Do you think if there had been a crew in that boat they could have got ashore safely?
- A I do.
- Q Do you think if they had been provided with life preservers when that boat got to the beach, they could have landed safely?
- A They could have landed, yes, I think they could; it might have broken the boat up, and they might have got wet but not killed.
- Q Was it a bad beach to land on?
- A No, the beach was not bad.
- Q Was it a steep beach?
- A Yes, somewhat.
- Q If that boat was provided with a small line such as reef points, or what is called a whaling line, and dropped close to the beach, could the extra men have made the beach and the boat been hauled off to the ship again?
- A Well, yes, I think so, I think they could have put some men ashore by handling her properly, I think she could have been managed all right.

- Q I mean part of the crew remaining in the boat handling her and coming off; take for instance five men, one of them steering, pulling out from the ship with a line to the boat?
- A Yes, with a line to the boat to haul to the ship.
- Q Do I understand you to think they could come back safe to the ship?
- A Yes, I do.
- Q What time was that boat lowered, about breakfast time?
- A Yes, very early. I heard the mate say it was the intention in lowering the boats to put all the Chinese ashore.
- Q All the Chinamen ashore?
- A Yes, sir.
- Q Did they think it safe to land at that time?
- A They surely must have.
- Q Mr. Loftus, were there any orders given that the men could go ashore if they wanted to? Did you have the privilege of going ashore?
- A I never heard such orders, sir.
- Q Was there any body restrained from going ashore?
- A No.
- Q Do you think if a man had suggested it was safe to go ashore at this time, that there would have been any one to stop him?
- A I do not, I don't think it.
- Q Did you hear the first officer state that it was the intention to land the Chinese at this time?
- A Yes, sir.
- Q Was there any lee on the port side of the ship, any more than on the starboard side?
- A Somewhat, yes, sir.
- Q Were you on the deck to see that?
- A Yes, sir.
- Q Did you look over the ship's rail and watch the sea at any time?
- A Yes, sir. I saw this boat when she got adrift, I paid particular attention to her and wished I was in her as she was going ashore.
- Q When morning broke, were you on deck?
- A Off and on I was looking out.
- Q When daylight broke in the morning, was the sea better or worse than at the time the tow boats cut loose?
- A About the same.

Q Do you think at daylight that morning if they had tried to get the people off in the lifeboats, there would have been as much loss of life as there was?

A No, sir, there would not have been.

Q Do you think that with the ordinary accidents that might happen to a boat in landing, the majority of those people would have gotten ashore?

A Yes, sir.

Q Do you think the chance for those people landing was very much safer at daylight that morning than it was at nine o'clock?

A Yes, sir.

Q Do you think there was any possibility of the tugs rendering any assistance to that ship after she was anchored and the position she was in?

A Well, in this way. Captain Wagner, he was on the deck and he was looking out to see if the tugs was coming at this time because she was dragging; he was of course swearing at the Irish, naturally, and said "The Sons-of-bitches of the Irish, they go off and leave us in this position". He said, "They are square-heads, or they would not leave us in this position. He said that a tow boat should not go off and leave its tow without giving some warning and speaking to him and telling him something about it.

Q You were up when the ship anchored?

A Yes, sir.

Q Were you on deck?

A No, sir, I was in the galley.

Q How soon afterwards were you on deck in your opinion?

A I got right across the galley and looked up and thought I heard chains going through the hawse pipe.

Q Do you think it was possible to communicate with a man 500 feet away from you at that time?

A I don't know about that, it was blowing pretty hard.

Q If a man was 500 feet to the windward of you, do you think you could talk to him?

A No, hardly.

Q Do you think you could make him hear by any means aboard the ship?

A I don't think it.

Q At 600 feet there was less chance. Do you think at 600 feet there was any possibility of attracting his attention?

A Only by signs or signals.

Q Did you hear them say aboard the ship that they had any word at all from the tugs when they cut loose?

A No.

Q Did you see the tugs afterwards?

A I didn't see the tugs at all, I didn't go on deck to look out.

Q Did you notice the coast outline, the shore outline on the starboard side of the ship?

A Yes, sir.

Q About how far was the starboard side of the ship from the rocks?

A Say 150 feet.

Q Was the ship lying nearly parallel; how was she lying with reference to the starboard side of the ship?

A Yes, nearly parallel.

Q Nearly parallel with the rocks?

A Yes, sir.

Q You were in a bight I presume by that description?

A Yes, sir. Where is your chart, I will show you by that.  
(Witness locates position on chart) Here is the bight (indicating).

Q That could not be the bight.

A I think it is.

Q This chart is on a small scale. This is a rock here, Captain (indicating); the ship was swaying and I got a line from the galley to that rock which was 20 or 30 feet high, to see if the ship was dragging.

Board submits pencil sketch to the witness for examination.

Witness examining sketch: I don't think those rocks were quite so far<sup>r</sup> off from shore, they were close in shore.

Q You wouldn't recognize that as a sketch of the bight?

A It is something like that bight is.

Q You don't think there are as many rocks?

A Yes, but they are close up against the bluff, close up; it is pretty near the same but not quite. We were swinging right in here (indicating), our stern was. There was a lee on the port side all the time, more than on the starboard.

Q Then the starboard side was lying almost parallel to the shore rocks, was it?

A Yes, sir.

Q On the port side, did you see any rocks on the port side?

A I seen a reef on the port side close ashore.

Here is the reef about here (indicating) and the ship/was

lying right inside that reef.

Q Can you point out on this sketch where you think that rock was?

A (Indicating) I guess that must be the reef they have reference to; her bow should be about out here; she didn't reach that reef.

Q Did you notice this rock here, that outside rock (indicating).

A Yes, sir.

Q Did you notice that on the port side?

A Yes, sir, S E. of the ship.

Q About how far from that rock was the ship?

A May be 600 or 700 feet, something like that, or 500 feet

Q You would not be sure of the distance?

A No.

Q Do you think it was possible to maneuver a tug boat on the starboard side of that ship with the sea that was going then?

A Well, it would be pretty hard. It might be, yes, sir; they might, of course.

Q Could they maneuver a tug on the port side?

A You <sup>mean</sup> to bring her alongside?

Q Yes.

A No, not to get the people off.

Qb You don't think it was possible?

A No.

Q Do you think the tugs could have been of much assistance after they left her?

A Well, the only way I could see would be to let the Captain know where he stood, that's all, Captain Wagner.

Q They could not communicate with him, you say?

A They could have dropped a boat, I suppose.

Q Do you think their lifeboats would have lived in that sea?

A I don't know how large boats they are; if they had large boats they could.

Q If their boats would have lived, would the ship's boats live? They had large boats aboard the ship.

A An ordinary sized boat could have lived in that sea if she was not loaded.

Q You mean outside the ship, between there and the sea?

A Yes, sir.

Q To go back against the wind, what then?

A That would be a little different, they would have to maneuver pretty careful.

Q Do you think it possible for an ordinary steamboat to have been handled in that sea?

A That would be hard to decide; I didn't see that tried; I think an ordinary tug could have maneuvered around us.

Q Did you ever hear of a tug going alongside a ship like that and taking the crew off, in conditions like those?

A She could not do it, it would break her up; I don't think she could have come alongside at all. The tug could not.

Q Do you think if they had started in early enough, depending entirely upon the life saving equipment of the ship, that most of those lives could have been saved?

A I do.

Q Was there sufficient lifesaving appliance aboard the ship?

A I think so, I don't know.

Q Did you get a lifepreserver?

A Yes, sir, every man I saw had one on.

Q Did the Chinese, Japanese, Philipinos and sailors of the cannery crew?

A Yes, sir, every body.

Q All supplied?

A Yes, sir. And showed how to put them on, because they were putting them on every old way at first.

Q You know how to put a life preserver on?

A Yes, sir.

Q You have been tested in my presence?

A Yes, sir.

Q Did you see those men that they had them on right?

A Yes, sir.

Q The straps were up, tied around and buttoned across them in good shape all right?

A Yes, sir.

Q Did any man drown with a life preserver on; did he drown from affects of the water that you know of?

A I don't know about that.

Q In your opinion the loss of life, was it on account of being beaten up in the surf or from being immersed in the water and drowned?



- A Yes, sir, they could have let it swing aft.
- Q Did you see any of the other boats lowered?
- A No, but I saw this boat the men went ashore in when they were perhaps 20 or 30 feet from the vessel or closer, just at the after part of the vessel.
- Q Did that boat have much difficulty in reaching the beach do you know?
- A Not as far as I seen.
- Q Did she carry a line ashore?
- A Yes, sir.
- Q Could she have carried more men than those four?
- A Yes, sir.
- Q She could have carried more?
- A Yes, sir.
- Q Most of the ship's crew ere fishermen, ordinary fishermen, were they not?
- A Yes, sir.
- Q Those men, as far as you know, were well accustomed to handling boats, were they not?
- A Yes, sir.
- Q Did you think the crew of that boat handled her well when going ashore?
- A Yes, sir, they did.
- Q They had a line from the beach to the ship?
- A Yes, sir.
- Q What was done with that line when caried ashore?
- A Took it to a tree and rigged a breeches buoy on it.
- Q How large a line was that?
- A I think about 2-1/2" line.
- Q What was the matter with the breeches buoy rigging, did they have a traveller on that line?
- A Yes, sir; I don't want to be too particular about that traveler business, I just saw this line from the tree to the mast; I saw this man getting in this breeches buoy and he had some difficulty in getting ashore; he said afterwards the block fouled and he had to clear it.
- Q But from your own observation you would not be sure just what the difficulty was?
- A No, I didn't know, only just what he said, I didn't pay much attention to it.

Q Is there any other matter that you know of in connection with this case that you think is of any benefit to us, that you have not been asked a direct question on?

A Well, I don't know exactly.

Q Is there anything that you are withholding on any other man's account?

A No, sir, none whatever; no, sir, I don't care for nobody.

Q Did you ever receive any instructions about what you were to testify to if the case ever came up?

A No, sir, it wouldn't do any good if I did.

Mr. NEWHALL.

Q Can you swim, Mr. Loftus?

A Yes, sir.

Q That was of considerable assistance to you in getting ashore?

A Yes, I thought it was.

Q You were better able to dodge the wreckage?

A No, I would not say that because I had to take a chance, take things as they come, ~~xxxxx~~ whether a man can swim or not.

Q You are acquainted with the steamer "Hattie Gage"?

A Yes, sir.

Q You are familiar with the steamer "Kayak"?

A Yes, sir.

Q Do you think that there was any time between the time that the ship anchored and the time she broke up that those boats or either of them could have come and got a line to the vessel and towed her out?

A When they could not tow her at first they could not tow her then, the wind was about as severe then as it was before.

Q No lull in the wind then that would have been sufficient?

A No. Of course it was dark; when it is daylight, things look different.

Q There was a big swell on all the time?

A Yes, a heavy sea and a heavy wind, strong wind.

Q You say it was a kind of difficult beach to land on with a boat from the vessel?

A No, the beach was not very difficult.

Q It was more favorable to land a boat on the beach than it would have been to pull out to sea?

A Yes, sir.

- Q Would it have been more favorable to handle a boat on a line between the ship and the shore than on a line between the ship and a tow boat lying ahead of the vessel?
- A I think the shore.
- Q Ashore would have been the best?
- A Yes, sir; no, I don't say about that either, because I think if a large boat-- of course the only difference is the boat would have the lee of the ship, that's all.
- Q It would have the ship to make a lee?
- A Yes, sir. The surf on the beach you would have to contend with, it would take expert boatmen to land in that surf and handle her right; it might fill the boat and every body get wet; I don't think any body would have been drowned.
- Q The boat would have shipped considerable water but would not have drowned any of its occupants?
- A Yes, sir; it would depend on how she was handled.
- Q You were asleep up to four o'clock that morning?
- A Yes, sir.
- Q Then you have no idea whether the boats were handled properly up to that time or not?
- A I didn't know anything about the tugs at all, I didn't see the tugs at all till 24 hours after the wreck?
- Q The first time the "Kayak" came down to save the survivors on the beach, do you think they could have landed safely?
- A Yes, sir.
- Q The weather was moderated enough for them to have taken the people off you think?
- A Yes, we could have got off then if we wanted to. There was a heavy swell blowing of course and we didn't go off; they said another boat was coming; they came within speaking distance of the shore and spoke to them, one man was rowing and the other steering. We could have got out if we wanted to.
- Q If it had been a matter of starvation on the beach, it would have been favorable to take a chance?
- A Yes, sir.
- Q But with plenty of supplies, it was better to wait for a more favorable opportunity?
- A Yes, sir.
- Q From your local knowledge of the country, how did that storm compare with other storms you have seen around here?
- A Well it was about as bad as I ever saw; only, of course, when I was out to sea about nine years ago with Capt. \_\_\_\_\_ of the "Golden Gate", but I consider this a heavy storm.
- Q Do you think the two tugs, the "Hattie Gage" and the "Kayak" capable of handling vessels the size of the "Star of Bengal" in storms like that?
- A No, sir. I do not.

- A No, sir, I do not.
- Q If it had been your own ship and cargo, would you have thought they were capable of handling her?
- A No, sir.
- Q Did you at any time think either of those boats had met with any disaster?
- A Yes, sir.
- Q Did you think that both of them had met with disaster or only one of them?
- A I didn't know till the next day; I thought the "Hattie Gage" had gone down, when I saw the "Kayak" coming back the next day alone.
- Q Before the "Kayak" came back, what was your idea?
- A I didn't form no idea.
- CAPTAIN WHITNEY.
- Q Do you think it would have been impossible to pull a boat in the sea from the ship after it was lowered?
- A I don't say it was impossible, I think it could have been done, possibly.
- Q It was doubtful in your mind?
- A Yes, sir; I didn't see that tried.
- Q How many people were there of you left alive on the beach?
- A Twenty-seven.
- Q Do you know how many were lost?
- A One hundred and nine, I think.
- Q You are not sure?
- A That's Babler's words, all I know is Babler's words for it.
- Q After you got ashore, were there any people noticed in the wreckage?
- A Yes, and a few come ashore and the undertow took them out again and were seen no more.
- Q Were you able to recover any bodies then?
- A No.
- Q Did all that managed to get on the beach live?
- A Yes, sir.
- Q Were there any bodies on the beach at that time?
- A No.
- Q The bodies went to sea at that time?
- A Yes, they all sunk.

Q Were you there at the scene of the wreck afterwards?

A Yes, sir.

Q Since the wreck?

A Yes, sir.

Q How did you go out?

A In the "Hattie Gage".

Q Did you help bury those that were buried there?

A I was doing the cooking, the others buried them.

Q Was everything done you think to give those people a decent burial afterwards?

A I don't know about that. They made stretchers and dug a hole a long trench, and threw the bodies in there, in this long trench.

Q Piled them up?

A Yes, on top of one another, any old way.

Q Who buried them?

A Luedecker had the contract.

Q Whom did he get that contract from, do you know?

A I don't know, but I understood, Babler.

Q You are not sure of anything about that then?

A No, I am not sure.

Q It is hearsay on your part, is it?

A Yes, sir.

Q Did Luedecker go out on the same steamer that you were on?

A Yes, sir.

Q Did he have men with him?

A Yes, sir.

Q Did he have any coffins with him?

A No, sir.

Q You say "No, sir". Do you know for sure whether he did or not?

A I was there and I didn't seem them. That was the second time the "Hattie Gage" went out.

Q Who was Master of the "Hattie Gage" at that time?

A Captain Farrer I suppose was master, he was on her and Capt. Churchill was around also on deck; I don't know who was master.

Board.

Q Captain Farrer, have you any questions you wish to ask the witness?

A Yes, sir.

Captain Farrer.

Q Do you think it would be possible for you to be mistaken as to where that ship went ashore?

A Yes, it would be possible for me to be mistaken.

Q I would ask if you think it would be possible for the ship to have gone ashore here (indicating) instead of where you pointed out?

A It might be possible there. I can give you an outline the way the beach looked; I don't know the outline of the coast, only the bight I was in at that time.

Q You know you were in a bight?

A Yes, sir. Around there somewhere (indicating); rocks on the starboard side and on the port side.

Q Of course you didn't see the shore before you got in that bight and you had no chance to locate yourself?

A No, I didn't see the shore; when I got ashore, I went out on that point and saw Warren Island in the distance and I knew where I was.

Q Then you don't know the exact spot you were ashore on Coronation Island?

A No, not within a mile or half a mile, I would not swear.

Q Two or three miles?

A Yes, I would swear to three miles but I would not swear to a mile.

Q Don't you think you could have been more than two miles from the point you marked out?

A I don't hardly think it; of course I don't know about that.

Q You say you were within 150 feet of the rocks around here.

A Yes, sir, that's the way I had figured out (referring to points indicated on sketch).

Board.

Q Captain Hamilton, have you any questions to ask the witness?

A No, sir.

Mr. Heckman, do you wish to ask any questions of the witness?

A No, sir, I think you have thoroughly covered all the ground.

The above sketch referred to submitted as evidence and marked Exhibit "A".

~~XXXXXXXXXXXX~~

Captain Whitney.

Mr. Loftus, this case you have given testimony on at the present time is in connection with the charges made by Captain Wagner and Mr. Johansen, Master and first officer respectively, of the Bark "Star of Bengal". Now, we have another case separate from this altogether, the matter of the investigation of the "Star of Bengal" case. Have you any objections to the testimony given here being used in both cases?

A I do not.

Q You have no objections. Will you swear to the same testimony that you have given here as far as the investigation of the "Star of Bengal" is concerned?

A Yes, sir.

Mr. Loftus was duly sworn to the foregoing statement.

Witness excused.

Mr. Loftus' testimony was read to him from the stenographer's notes, the correctness to which he attested by affixing his signature as follows at the foot of stenographic notes.

(Signed) Patrick Loftus,  
Wrangell, Alaska.

Stedman Hotel, Ketchikan, Alaska, Nov. 20, 1908.

Hearing in the matter of the investigation of charges preferred against Captains Farrer and Hamilton, resumed 11:15 A.M.

Walter Weil being first duly sworn testified as follows:

Q What is your occupation, Mr. Weil?

A Different occupations, lately I have been fireman and engineer.

Q Are you a licensed engineer, marine engineer?

A No, sir.

Q Where were you born, Mr. Weil?

A Liverpool, England.

Q Are you an American citizen?

A No, sir. Just got my first papers.

Q Have you ever made application for license as marine engineer?

A Yes, sir.

Q Was it refused?

A Yes, sir.

Q On what grounds?

A Not being a citizen.

Q Were you employed aboard the steamer "Kayak" during the month of September, 1908?

A Yes, sir.

Q In what capacity?

A First Assistant Engineer.

Q Who employed you?

A James Kennedy.

Q Did you tell him at the time you didn't hold a marine engineer's license?

A Yes, sir.

Q Did you tell him you were not a citizen?

A He didn't ask me.

Q You acted as assistant engineer of the "Kayak" on the trip that she, in connection with the "Hattie Gage" towed the "Star of Bengal" from the Wrangell cannery, did you?

A Yes, sir.

Q Well, give us a description, in your own way, of the incidents that transpired on that trip from the time you left Wrangell cannery up to the time the hawser was cut.

A We left Wrangell about eight or nine o'clock in the morning.

Q What date?

A I forget the date.

Q Proceed.

A And everything was all right till 12 o'clock that night when I came on watch and it was blowing pretty hard, at half past twelve or one o'clock the "Kayak's" engines commenced to race. Kennedy came down and told me to keep a good lookout for her. I think when they cut the hawser it was somewhere around four o'clock, half past three or four; I was relieved again at six. He frequently relieved me at the throttle.

Q Is that all?

A At six o'clock they turned around; blowing pretty stiff; started to go off the beach, blowing so hard, to make an anchorage; by that time I was in bed.

Q Do you know anything about what transpired around on the deck when you were either on or off watch?

A I was below when they cut the hawser; I don't know anything.

Q What do you mean by below, in the engine room or in your berth?

A In the engine room.

Q The term you just used "I was below", is not that frequently used for when you are off watch?

A Yes, sir.

Q I want this statement to be clear and explicit.

A I was in the engine room.

Q When you were on watch in the engine room, could you see the ship you were towing?

A No, sir.

Q You handle that engine from the lower platform do you?

A Yes, sir.

- Q You have no opportunity to look out astern at the tow you are handling?
- A No, sir.
- Q Did you stand regular watch and watch and relieve Mr. Kennedy on that trip?
- A Well, he hardly ever would sleep off watch, he was down on my watch part of the time. He hardly ever went to sleep at any watch, ~~nk~~ he never slept very much below.
- Q Not sleep off watch?
- A He would sleep about four hours.
- Q Was he in the engine room or on deck that watch from twelve to six?
- A He was often in the engine room.
- Q Did he sleep four hours off that watch?
- A No. He was up about all night that night.
- Q Mr. Neil, have you any local knowledge of that country out there?
- A Very little.
- Q You have worked out in that vicinity on steamers?
- A Yes, sir.
- Q But not in that particular locality?
- A No, sir; not within about maybe twenty or thirty miles from there, passed within that distance often.
- Q Do you know how the tides run there?
- A No, sir.
- Q Do they run very strong, do you know?
- A By Capr Pohl pretty strong.
- Q Beyond that you don't know?
- A I could not say.
- Q You say it was blowing pretty stiff?
- A Yes, sir.
- Q How does that weather compare with other stiff blows you have seen in that neighborhood?
- A I have never seen it blow like that at sea.
- Q Never saw it blow as hard, do you mean?

A Yes, sir, the hardest I have ever seen in this country.

Q Have you ever seen it blow that hard in any other portion of the world?

A Once on the Atlantic.

Q What were you doing there?

A I was on the Allan Line of steamboats.

Q In the engine room department?

A No, sir, in the steward's department.

Q Have you ever been a sailor on square rigged deep water vessels, Mr. Neill?

A A little on sealing schooners up in Bering Sea.

Q Did you experience on those sealing schooners take you around that portion of Alaska coast?

A No, outside of there, we kept farther out to sea.

Q You say Mr. Kennedy frequently relieved you at the throttle?

A Yes, sir.

Q Was it necessary to use the throttle on the engine that night?

A Yes, sir.

Q Why?

A She would race.

Q Was that from any difficulty with the machinery or caused by the weather?

A I think the weather.

Q Everything was all right with the machinery?

A The machinery was perfect.

Q Carried a full pressure of steam all the time?

A Yes, sir.

Q Did you have any trouble maintaining it?

A No, sir.

Q Did you have two firemen aboard the ship?

A Yes, sir.

Q Did they have regular watch and watch?

A Yes, sir.

Q It was not necessary to call the firemen out that watch to assist?

- A No, sir.
- Q Any trouble with the boiler priming?
- A No, sir.
- Q Did the ship make any water?
- A No, sir.
- Q The bilges were clear all the time?
- A Clear all the time.
- Q Was there any friction among the crew in the engine room department?
- A No, sir.
- Q No disagreement whatever?
- A No, sir.
- Q Was there any friction between the engine room department and the deck department?
- A No, sir.
- Q Where were you at twelve o'clock when you came on watch when you say it begun to blow, have you any idea?
- A No, sir, I could not tell, I didn't stop long enough on deck to look, the weather was so bad.
- Q Was the weather bad then?
- A Yes, sir.
- Q Did the vessel ship any water?
- A Yes, sir.
- Q How was the wind, what direction?
- A I don't know how we were heading, I suppose it would be S E., I don't know.
- Q Did you have the wind on the starboard bow?
- A No, sir, I think on the port bow.
- Q Did you have the wind on the starboard bow at any time during the night that you noticed?
- A Not that I noticed, she may have, I don't know: all that I did was to put my head out of the door to get some fresh air; Mr. Kennedy was at the throttle, I could not see anything.
- Q You had to come up the ladder to get access to the engine room door?

A Yes, sir.

Q The engine room was closed up pretty tight?

A Yes, sir.

Q Pretty warm and uncomfortable down there?

A Yes, sir.

Q At six o'clock in the morning was the weather any better?

A No, sir.

Q Was it any worse?

A It seemed all the same to me, I could not say whether it was any better or any worse; I didn't see much of it being down below.

Q About the time the hawser was cut, or from the time the hawser was cut to six o'clock in the morning what was she doing?

A Going ahead slow, just keeping her head to the sea I believe.

Q Just working the engine by the throttle?

A Yes, sir.

Q By orders from the pilot house?

A Yes, sir.

Q Do you think at six o'clock in the morning when you run for shelter it would have been possible to go in and attempt to locate that wreck by daylight?

A No, sir.

Q You don't! Why not?

A Various things; I think the weather was too bad to attempt to go so close to the beach and there was a mist overhanging.

Q Then when you run for shelter to make harbor, how did she behave when running before the wind?

A Pretty good.

Q Did you have to use the throttle any?

A I was not below, not in the engine room, I could not say exactly how it was.

Q Didn't you stay in the engine room to assist Mr. Kennedy on your watch below?

A No, sir.

- Q Where did you go?
- A I was in the room.
- Q Does that room open out of the engine room?
- A No, sir, it opens on deck.
- Q You have to go on deck to get into your room?
- A Yes, sir. I waited till we came to anchor, waited for orders from Mr. Kennedy, but didn't get any.
- Q You waited till you came to anchor before you went to bed?
- A Yes, sir.
- Q Where were you waiting, in the engine room?
- A No, sir, in my room.
- Q Did the vessel ship any water aft, did you see any over the stern while running before the wind?
- A No, sir. Not that I know of. I think she shipped some over the quarter once; I don't know, there was water all over all the time; I don't know whether it come over the stern or not.
- Q What was the last time you noticed that ship?
- A The last time I saw her, I saw the light at twelve o'clock when I went to go below in the engine room; I don't know as I saw her since.
- Q The two boats were towing close to hand then were they?
- A Yes, sir.
- Q Ahead of the vessel?
- A Yes, sir.
- Q Were you making any ~~xxxxxx~~ headway through the water?
- A I didn't wait to see, didn't pay nox attention.
- Q You just merely run from your room to get to the engine room out of the weather?
- A Yes, sir.
- Q You were on watch the afternoon previous from twelve to six, were you?
- A Yes, sir.
- Q Do you know where you were towing, what waters you were towing in?

A Yes, sir.

Q What was it?

A Summer Straits.

Q Did the vessel have any sails set?

A No, I didn't see any; I don't remember whether she had or not; I think she did coming out to the straits, I think she had some loose sails.

Q Did you ever sail on sailing vessels?

A Yes, some.

Q Were these fore and aft sails or sails on the yards that were set?

A I think the fore and aft sails that were set and I think she had some of the topsails loose, not very much wind.

Q Topsails loose?

A I think so, I am not sure.

Q You are sure they were not furled close on the yards?

A I may be thinking of the "Star of England" when we towed her out, about the sails.

Q Any similarity between the two tows?

A Yes, sir, about the same.

Q If the sails had been loose on the yards they would not have assisted the progress of the tow any?

A I don't think there was very much wind that day. It was a fine day when we left.

Q When the "Kayak" was returning to the wreck after the storm moderated, did you notice anything about the location of the wreck at that time?

A I noticed rocks, big rocks sticking out in the bight, about, maybe a quarter of a mile from the beach, perhaps farther.

Q Was the hull of the vessel visible then?

A No, sir.

Q Was there any wreckage visible?

A I could not see any then, the first time we went back, could not get very close then for the weather and sea.

Q You took some of the survivors away from the scene of the wreck eventually on the "Kayak"?

A Yes, sir.

Q Did you talk with any of them?

A Yes, sir.

Q Did you hear any of them say there was people in the wreckage on the beach?

A They said a lot of salmon cases and two boats and some provision ~~was~~ went ashore.

Q The two boats mentioned, did they say they were stoved up or not?

A They said one was pretty good but the other one was all stoved up.

Q Did you hear any mention by them about the iron deck beams of the ship being among the wreckage on the beach?

A No, sir.

Q Have you talked with any one in regard to the testimony you were to give in this investigation?

A No, sir.

Q Have any instructions by any body as to how, to testify in this investigation?

A No, sir.

Mr. Newhall turns witness over to Captain Whitney.

Q What was the condition of the "Kayak's" engine and boiler?

A I think it was first class.

Q Were you able to keep steam all the time?

A Yes, sir, a full head all the time.

Q Did she blow off any time?

A No.

Q Not that you know of?

A No, she didn't blow off that watch.

Q You were on watch between twelve and six?

A Yes, sir.

Q Do you remember about four o'clock in the morning whether she was under a full head of steam at the time they tried to head

her up, get her around on the other tack?

A Yes, under a full head, 145 lbs.

Q She had about 145 lbs. at that time?

A Yes, sir.

Q Was there anything in the engine room to keep her from going about as they seemed to be anxious to get her?

A No, sir, everything was all right in the engine room, except she would race once in a while.

Q What was the cause of the ~~xx~~ racing, the vessel being light, diving down and the stern coming out of the water?

A The stern would go down and then raise up.

Q Was this on account of the big sea running or on account of the vessel's being light?

A Well, because of the big sea.

Q You made mention of towing the "Star of England" to sea, did you do that previous to this wreck or afterwards?

A After this wreck.

Q Were you on the "kayak" then?

A No, sir, on the "Novelty".

Q What steamers towed the "Star of England" to sea?

A The "Kayak" and the "Novelty".

Q Did you have any trouble on that trip?

A No, sir.

Q Do you know where they let go the ship?

A I have an idea.

Q The "Star of England"?

A I think somewhere around the N W. coast of Queen Charlotte, I don't know exactly.

Q You didn't go out over the same channel? I thought by your former remark you towed out over the same track?

A No, sir.

Q Speaking of those two boats that some of the wrecked crew told you about on the beach; you said one of them was in pretty good condition, did I understand you right?

A One of the men said one of the boats was in pretty good condition.

Q Could they have put that boat off the beach if they had wanted to make some use of her?

A Yes, they talked about if the weather got fine enough they were going to put out.

Q Out to the "Kayak"?

A To make some place with her.

Q Was that boat used to transfer any of the people from the beach to the "Kayak" when they took the survivors off?

A No, sir, they had her hauled up, way up on the beach and they didn't want to launch her, might smash her.

Q When you left there that boat remained hauled up on the beach?

A Yes, sir.

Mr. Newhall.

Q Do you know the horse power of the "Kayak"?

A One hundred and something, I forget.

Q Is that from your own knowledge or some body told you?

A I heard what she was, the chief told me but I have forgotten what she was.

Q Do they keep an engine room log book, do you know?

A Yes, sir, she had a log book.

Q From the report that you had from the survivors of the wreck this boat that was left on the beach was mentioned as being in pretty good condition?

A Yes, sir.

Q And as far as you know, it is still there?

A Yes, sir.

Board.

Captain Farrer, have you any questions to ask the witness?

No, sir.

Captain Hamilton, do you wish to question the witness?

No, sir.

Mr. Heckman, have you any questions to ask the witness?

Yes, sir, I would like to ask just one question.

Q How did it come that Mr. Kennedy didn't have a second licensed engineer with him?

A He told me he could not get one.

Witness excused.

Mr. Neil's testimony having been read to him from the stenographic notes, he declared the same to be correct and affixed his signature thereto, as follows.

(Signed) Walter Wells,  
Ketchikan, Alaska.

There being no further witnesses available for the day, the hearing adjourned 2 P.M. until 9 A.M. Nov. 21st.

November 21, 1908, 9 A.M.

Frank Uberwimer being first duly sworn, testified as follows:

Captain Whitney.

Q Were you one of the crew of the "Kayak" in September?

A Yes, sir, I was at that time.

Q What was your position on her?

A I was deckhand.

Q Tell your story of the trip from Wrangell down Sumner Straits up to the time when the survivors were taken off the beach. Take your time, talk slowly and tell it as completely as you can remember.

A We left Wrangell about nine o'clock in the morning?

Q What day?

A I don't know--- And kept on with the ship; fine weather the whole day, little southeasterly wind, but the sun was shining; and then after we passed Point Baker, it was still fine weather after we passed Point Baker, especially in the evening it started calm, dead calm; that was my watch below, six o'clock, still I was on deck up to seven, the weather was so fine we walked and talked on the deck. Then I came on deck at twelve o'clock and it was blowing hard. Before I came up I fancied it was rough, it made the ship jump up and down, it was a little rainy too I think. Then that man, the other deck hand, partner of mine, he was by the wheel, he came down and told me the mate wanted me in the wheelhouse. I went up to the wheelhouse and the mate had the wheel, he give me the wheel and told me to keep clear of that boat, so I kept clear; it was blowing very hard; we could see we didn't make any headway.

Q That was later?

A I heard the Captain talking to the mate about she would not go ahead and not make any headway. I think about two o'clock then the Captain said to the mate, "I guess we can put her on another tack". They talked it over for a while and then

finally concluded to put her on another tack. Then Captain Hamilton sung out to the other tow boat, "Hattie Gage", ahoy!, I guess we will put her on another tack". The other Captain said, "Well, go ahead, all right", so the Captain blew the whistle for braces, but the "Kayak" come up only about one or two points and stted there, she would not come any farther; the other steamer was away over, could hardly see her any more, just could see her light. We had the wheel hard to starboard and she would not come. At that time the other steamer came back again and the Captain told him she would not steer, to keep right alongside and get a little headway on the ship and possibly she might come around to the other tack; the "Gage" was alongside right at that time and the "Kayak" come up about two points at a jump, so the Captain was standing aft on the end of the house. I looked out and hollowed to the other crew to keep off, "She is coming", we hollowed through the megaphone. We came up this way (illustrating) and the other steamer came this way, and she come close to us, we thought she was going to run us down, and she came down right by the rail. I had the wheel hard over to keep off, then she came back on the same course again I guess about S E. or S E. by S. So, after a while the other steamer kept working alongside and then the "Kayak" come back E. by S. and the Captain told me to keep up E. by S. It must have been three o'clock I heard the Captain talking about how much water there was. Well, the same time the Captain of the other steamer hollowed over and he said, "How far are you off shore"? Captain Hamilton told him he was pretty near up to it. So then I think about half past three, then the other deckhand came up to the wheel house and said we were right on the beach, rocks right by the stern. Then I looked out through the lee door of the wheelhouse and I seen the cliff standing right up and down. So the Captain said to the other Captain, he said, "I guess we got to let go, better let go", then the other steamer let go, the "Kayak" hanging on still

and the Captain hollered to let go, the "Kayak" would not let go at first and he told them two or three times to let go and then I guess they cut the hawser. Then the Captain he spoke down the engine room and said, "Let her go slow, and I will stay till daylight comes up". We kept going slow but she would not steer, she came off three points on one side and then three points off to the other side, and I said she will not steer if you don't get more headway. Then he hollered down to the engine room to give more headway, then she steered for a while, then when she had too much headway he sung out to let her go a little slower and then she would not steer. Then daylight come up then and the wind increasing all the time, the more daylight come up, the more the wind was increasing. I was up about till, I think a quarter to six or half past five, then the mate came and he says, "I will take the wheel, you better go and heave ashes".

Q Daylight?

A Not exactly, gray and hazy, pretty dark.

Q Daylight breaking?

A Yes, sir. So I heaved the ashes and then I was standing around the deck till, I think, I could not tell exactly, but I guess they come to the conclusion they could not stand outside any longer, and to go in for shelter. Then, I think about eight o'clock, before we came on the land it was blowing something fierce, the sea was just white and the rain up in the air was just like foggy. I think a quarter to nine or half past eight till we came up to land where the other steamer lay and we anchored.

Q That was your watch below?

A Yes, sir.

Q Did you go to sleep?

A No.

Q Why?

A I was standing on deck, all hands on deck.

- Q Did you expect to go in and try to give assistance to the ship staying on deck?
- A The way they was talking I expected the Captain was going to give assistance to the ship, to see what had happened to the ship. My opinion was, I thought if I was Captain I would not go in, because it was blowing so hard, heavy seas outside and the farther you got in the bigger the seas are as they strike the ground, getting still higher.
- Q How long have you been going to sea?
- A About thirteen years.
- Q On what class of vessels?
- A On sailing ships, steam and any kind.
- Q How long have you been in sailing ships?
- A Eleven years altogether; only been in steam since I came over here.
- Q In square rigged ships?
- A Most of the time.
- Q Did you see that ship's spars at any time?
- A Yes, sir.
- Q After twelve o'clock that night?
- A No, sir, I never saw that, never had no time to look at anything.
- Q You don't know whether she had canvas set or not?
- A No, I do not; I think you could not even see it.
- Q Had the "Kayak" gone in close to where the ship was, would you have volunteered to go in a boat down to the ship, in small boats such as are on the "Kayak"?
- A No.
- Q They were good boats were they not?
- A Yes, sir.
- Q They were provided with everything necessary to handle them?
- A Yes, sir.
- Q Did you look in those boats?
- A I was in those boats.
- Q You have been handling those boats?

A Yes, sir.

Q Would you have gone in in one of those boats that morning?

A No, sir.

Q Why?

A One thing, it was blowing so hard and a high choppy sea, and second it is a hard job on those tugs to get a boat over the side in weather like that, those tow boats have guards, you know, and it is hard work to keep clear of them guards; it's a bad job to take boats out in fine weather if a little swell is on out at sea.

Q Did the "Kayak's" anchors hold after she was anchored?

A I can't tell how long the anchors were holding, but I think ~~xx~~ about half past eleven, I went to sleep then, the mate come and says, "Frank, come on deck"; I thought to myself- I didn't undress but take my rubber boots off- the wind must have changed; I went on deck then and seen she must have been drifting, I thought the "Kayak" must have been drifting, because I knew the spot where she was laying before, and the wind changed a little and come more off that point. Then, we heaved anchor and the other tow boat heaved up anchor and she went ahead and we come behind; I looked over the bow and I seen one of the flukes was missing, I says, "We lost one of the flukes".

Q The day following the wreck, which would be Monday, did the "Kayak" go back to the wreck?

A The next morning, yes, sir.

Q Did you go ashore then?

A No, I didn't.

Q Did you go in a boat?

A No, the mate and one sailor that come up on the ship that was a fireman, they went.

Q Was it as rough as the day before?

A No, there was a breeze blowing but it was not a smooth sea and the breeze was more from the land, the wind changed some till the breeze was running in line parallel with the land; only a head sea on.

Q How long have you been in the "Kayak"?

A I went in the "Kayak" I think, about a month, then I was in this spring towing ships.

Q Where did you tow ships from?

A Picked them up out at sea.

Q What kind of weather was it?

A Pretty fine then.

Q Did you have any other tug boat to assist?

A No, only the "Kayak" alone.

Q Towed right up to Wrangell?

A No, to Loring.

Q You mean the "Star of England"?

A Yes, sir.

Q That would be somewhere out at Dixon's Entrance?

A Yes, sir, outside Dixon's Entrance.

Q Were you in the "Kayak" last year?

A No.

Q Were you up last year?

A Yes, sir, I come up in the ship last year.

Q What ship?

A The "Star of England".

Q What tug boat towed you to sea last year?

A The "Kayak".

Q Did she have any difficulty towing the "Star of England" to sea last year?

A Yes, sir. We were somewhere around Valliner Bay and it commenced to blow from the S E., come up during the night, and she towed into Valliner Bay and anchored.

Q Who was Captain of the "Kayak" then.

A Captain Connell, I think.

Q Was that bad weather when you towed into Valliner Bay?

A Yes, sir, pretty bad.

Q How long did they keep you anchored then?

A I think two days.

Q Was it fine weather when you started to sea afterwards?

- A You could see it was changing, the wind was changing, it was kind of calm, and they towed us out.
- Q Was it as bad weather as the time the "Star of Bengal" was towed out?
- A Yes, about as bad.
- Q At the time you towed into Valliner Bay was the weather as bad as the time the "Star of Bengal" was towed out?
- A Not exactly as bad weather, but after we anchored it was blowing hard then, you could not feel the wind, it was smooth inside.
- Q Were you on the "Kayak" when they came back to take the survivors off the beach?
- A Yes, sir.
- Q What boats took them off?
- A Two boats, one boat from the "Gage" and one from the "Kayak".
- Q Were you in the "Kayak's" boat then?
- A No, I was on deck.
- Q Did they have any trouble getting the people off shore?
- A They didn't have no trouble getting the people off shore but it is always bad bringing a boat alongside the ship when she is rolling.
- Q Did you notice a boat belonging to ship on the beach?
- A No.
- Q How far from the beach were you when you took those people off?
- A I think it was about three hundred yards.
- Mr. Nowhall.
- Q Did Captain Hamilton tell the crew of the "Kayak" to put on life preservers any time during that night?
- A No, he didn't.
- Q He didn't tell you to?
- A He didn't do anything about life preservers, every body has got life preservers in his berth.
- Q They knew where they were?

A Yes, sir.

Q They knew how to put them on?

A Yes, sir.

Q No orders to the crew of the steamer to put on life preservers?

A No, orders.

Captain Whitney.

Q What course was given you when you relieved the wheel?

A I guess S E by S.

Q What was you steering at the time you let go the hawser?

A Then she headed E. by S.

Q What kind of a hawser was that, what size?

A a six inch line.

Q Any wire pendant on it?

A No wire pendant on it.

Q Just Manila rope?

A That's all.

Q Was it Manila rope where it went aboard the ship too?

A Yes, sir.

Q Had the "Kayak's" head fallen off anything after she come up at the time they cut the line and let go?

A The "Kayak's" head didn't fall off at all.

Q At the time they cut the hawser. Before they cut the hawser, not after your hawser was cut but before the "Hattie Gage's" hawser was cut?

A The "Kayak" didn't move any, her head didn't come off at all, she was on the course <sup>E. S.</sup> ~~S~~ by ~~E~~.

Q Sure that was not S. by E.

A It was E. by S., the wind was S E. we had the wind a little from the starboard side.

Captain Farrer.

Q Did I understand you to say at 12 o'clock when you came on deck to relieve the mate, the mate gave you the course S E. by E?

A The mate didn't give me no course, he said to keep along behind the other steamer.

- Q When was it you steered S. E. by E?
- A She was heading E. by S. when I took the wheel at twelve o'clock.
- Q You still think that was the course you were steering when you relieved the mate?
- A Yes, sir. I never looked at the compass.
- Q Then you don't exactly know what you were steering?
- A Not exactly, occasionally I looked into the compass.
- Q Just ~~pre~~ previous to cutting the hawser of the "Kayak", was not the wind on your port bow most of the time?
- A As we cut the hawser the wind was on our starboard bow. She was headed S. E. coming in here.
- Q Was not that after the hawser was cut? But before you cut the hawser the wind was mostly on your port bow?
- A Then the wind was from the starboard side.
- Q I understood you to say from your former statement it was after you cut the hawser, when you were trying to steer out from the beach?
- A As we steered out then it was on the starboard side just the same, and I just kept on that course the way she was heading, because I was by myself in the wheelhouse and then the Captain came and said, "What course are you on?", and I said, "I am holding the course E. by S."
- Q You don't think it could have been S. by E?
- A No.
- Q Did you have a good light in your binnacle?
- A Yes, sir, a good light.
- Q How long previous to cutting your hawser did you have the wind on the starboard bow, was it not more on your port bow before you cut the hawser?
- A We had the wind not exactly on the port bow, pretty near right ahead. We had one of the wheelhouse doors open on that side all the time, and once in a while a little gust of wind struck in there, then I knew the wind was kind of from the port side. I paid very little attention to the

wind any how, most of my attention was given to the other steamboat.

Captain Hamilton and Mr. Heckman having no questions to ask the witness, he was excused.

Mr. Uberwimer's testimony having been read over to him, he attested to the correctness of same by affixing his signature, as follows, to the stenographic notes:

(Signed) Frank Uberwimer.

CAPTAIN FARRER- Recalled.

Captain Whitney.

Q Captain Farrer, the testimony you have given in this case, have you any objection to our introducing it in connection with the "Star of Bengal" investigation, if necessary?

A No, I think not, Captain.

Q Do you solemnly swear the statements you have made in connection with this trial are the whole truth and nothing but the truth, and that you are willing for them to be adopted in the "Star of Bengal" investigation, if necessary.

A Yes, sir.

CAPTAIN HAMILTON- Recalled.

Captain Whitney.

Q Captain Hamilton, have you any objection to your testimony being used in the case of the "Star of Bengal"?

A No, sir.

Q Do you solemnly swear that your statements given in this case are the truth, the whole truth and nothing but the truth, and that you are willing for them to be introduced in the "Star of Bengal" case, if necessary?

A Yes, sir.

There being no further witness available, the hearing adjourned till 9 A.M., Nov. 28d.

November 22, 1908, 9 A.M.

James Kennedy being first duly sworn, testified as follows:

Q Mr. Newhall.

Q What is your occupation, Mr. Kennedy?

A Marine engineer.

Q On what steamer were you employed last, Mr. Kennedy?

A The "Kayak".

Q Were you on the "Kayak" at the time she towed the Star of Bengal to sea?

A Yes, sir.

Q Give us your description of that trip from the time you left Wrangell with the tow to the time you returned with the survivors from the beach.

A I forget what day we left Wrangell; we left Wrangell around eight o'clock sometime, light breeze and fine weather. We towed out through those islands in front of Wrangell, I forget the name of them, then the ship set her fore and aft sails and the four topsails; sometime during the afternoon they lowered the topsails and left them hanging. We were towing in close Point Baker between the the rock and shore, and toward six o'clock, the wind began to freshen a little; at half past twelve, we were close Coronation Island on our starboard hand.

Q At half past twelve the same afternoon?

A Twelve in the night time; it was blowing a very fresh breeze at half past twelve and the sea was rising; once in a while the wheel would race; the wind kept increasing from that on till about four o'clock when we let go the ship. Then we went out and stood off Coronation Island and lay there till daylight. At six o'clock in the morning the Captain called me up to the wheel house and we talked about the advisability of turning around as it was evidently blowing a stiff gale, and the Captain decided to turn around. We turned about with Coronation Island on our port hand but we could not see anything of the ship; from there we went to Warren Island. It

was blowing a heavy gale then. We anchored at Warren Island somewhere around nine o'clock, I don't remember the time now. About eleven o'clock, I think, the anchor gave way. We found the "Hattie Gage" laying there at anchor when we got there. From there we went to Shipley Bay; it was still blowing heavy; we anchored at Shipley Bay and lay there all night. We left Shipley Bay in the morning at five or six o'clock, the wind was not so heavy then and we went out to Coronation Island. We sent a boat ashore but could not take the men off; that was the next day. We went back to Shipley Bay that day and lay there till next morning. The weather was beginning to get fine. We left Shipley Bay at five in the morning and met the "Hattie Gage" outside, both boats went to the scene of the wreck and we took the men aboard there and went to Wrangell from there that same day.

Q Mr. Kennedy, have you been a sailer on square rigged sailing vessels?

A Yes, sir.

Q Then you have knowledge of the rigging of sailing vessels?

A A little.

Q How long have you been at sea on square rigged sailing vessels?

A I guess four years altogether.

Q Then you know a topsail when you see it?

A Yes, sir.

Q You would know whether it was set or clewed up or furled close on the yard?

A Yes, sir.

Q That afternoon coming out from Wrangell, when they took in those topsails did they furl them close?

A No, dropped it.

Q Just lowered it?

A Yes, sir.

Q Fore upper topsail, was it?

A Yes, sir.

The topsails were holding back some then.

- Q As far as you know, they never furled that topsail?
- A Not as long as daylight lasted, after that I don't know what was done.
- Q When this breeze freshened up from about midnight on to 2:30, what direction was that wind?
- A Head wind on our port bow.
- Q Did you approximate where you were at that time, at 12 o'clock?
- A Yes, sir, between Warren Island and Coronation, with Coronation Island close aboard.
- Q With those topsails set that way, would they tend to retard the progress of the ship at that time?
- A Yes, to send her to leeward.
- Q I mean hanging that way?
- A Yes, sir.
- Q Do you know if there was more than one topsail in that condition?
- A The four topsails were set after we got through those islands, I never saw them furled.
- Q How many sails were set on the main mast?
- A The upper and lower topsails, the four topsails on the fore and main.
- Q You had reference to the f-o-u-r topsails?
- A Yes, sir.
- Q Do you think at that time, twelve o'clock in the morning, with a fresh wind, the vessel between Warren Island and Coronation Island, she could have dispensed with the services of the tugs and made sea herself under sail?
- A Yes, she would have had to make two or three tacks to do it, she might have done it in two tacks.
- Q Did you hear any noise like hollowing or blowing the fog horn, ringing of bells, anything like that, during the night from the ship?
- A I never heard a sound aboard of her.

Q The engine room of the "Kayak" is not arranged so that you can look out to see the tow when you are handling the engine, is it?

A I generally stand up at the door when we are handling a tow until we tighten the line, I watch the line as the man at the throttle cannot see it.

Q What is the horsepower of the "Kayak's" engines?

A 250 indicated.

Q What is the size of her propeller?

A Six feet.

Q And the average revolutions per minute on regular towing work?

A With the wheel we had on at that time, about 145 revolutions, towing.

Q That's the same wheel she generally used?

A Up till later, we put on another wheel later.

Q The wheel was in good condition and everything ~~is~~ all right?

A Yes, sir.

Q Did you have any trouble with the boiler priming?

A No, her boiler never primes.

Q Did you have any trouble maintaining the steam pressure?

A Had all the steam we wanted.

Q About what time during the night did you have to commence to ease the throttle?

A The first racing she made was half past twelve, and from that on we stood by, occasionally she would race, not all the time.

Q Do you know anything about conditions, when it is reported they tried to turn the ship around on the starboard tack, between two and three o'clock in the morning?

A The conditions when trying to do it?

Q Yes.

A We did try, we did put her around on another tack, on the starboard tack, I don't know what the compass courses were,

we were around on the starboard tack but not very long and we come back on the port tack.

Q Could you see the sail vessel at that time?

A No, I saw her green light, could not see the sails though, it was dark.

Q The "Kayak" was nearest the Coronation shore, I suppose when towing?

A Yes, sir, she was.

Q That is she had the "Hattie Gage" outside of her?

A Yes, sir, outside and ahead.

Q Did you hear the deckhand report to the master that there was a rock within 20 feet of her stern at any time during the night?

A I heard them talking about the rock.

Q Was there much commotion about the deck at that time?

A Not at all.

Q Did the Captain order you to put on life preservers?

A Aboard the "Kayak"?

Q Yes?

A No. I looked at the rock myself.

Q Was it above the water?

A Well I seen the breakers, the sea breaking on it.

Q Did you think it was within 20 feet of the stern?

A I didn't think it quite that close.

Q About how close do you think it was?

A I thought about half the length of the "Kayak".

Q How long is the "Kayak"; she is over 100 feet?

A Yes, I thought about 50 feet away to the rock when I looked, they may have got closer afterwards though.

Q Did you think there was any danger yourself when you saw this rock?

A Not as long as we kept away from it.

Q Did you believe they would be able to handle the tug and keep away from it?

A I knew the ship was gone.

- Q Then you think it was necessary to cut the hawser at the time they did?
- A Very necessary, as the shore on our starboard hand was very close and the last cast of the lead was ten fathoms that I heard.
- Q Where were you at the time you heard him cast the lead?
- A When I heard him throwing the lead, I was standing at the door of the engine room, lee door.
- Q Who was at the throttle in the engine room?
- A Walter Neil.
- Q Is he a licensed engineer?
- A No.
- Q In what capacity was he working?
- A Just acting as engineer.
- Q The certificate of inspection of the "Kayak" calls for two engineers, does it not, when running over thirteen hours?
- A Yes, sir.
- Q Did you have them aboard?
- A I didn't, I could not get them.
- Q Could not get a licensed man?
- A Could not find a licensed man, I could not find a second when we started to tow the "Star of Bengal".
- Q Did you report that condition to the master of the boat before you started out?
- A Yes, sir, we talked it over and thought it was the best we could do under the circumstances.
- Q Did you have any conversation with Mr. Heckman, representing the owners, on that subject?
- A I believe we did mention it to him, that we could not find an engineer.
- Q Did you ever make a report to the U.S. Local Inspectors of that condition?
- A No, I didn't.
- Q Why not?

A Well, I didn't think it was necessary.

Q You have been furnished with a copy of the laws, havn't you?

A Yes, sir.

Q And a copy of the Rules and Regulations governing this service?

A Yes, sir.

Q You had the circular that we issue with a license where the rules and laws call your attention to this particular point?

A Yes, sir.

Q Did you ever read that circular?

A Yes, sir.

Q Still you think it was not necessary to report operating that vessel without an assistant engineer?

A No, on such a short trip I didn't think it was.

Q When the "Kayak" is towing with a heavy tow, does she swing on her helm readily?

A If they put it hard over she will swing right around.

Q Suddenly?

A Not very fast, she comes around in ordinary weather about as fast as a man would want her to come.

Q But in bad weather, how is it, any slower?

A It is with a sea on.

Q Did you see any blue light burning aboard the "Star of Bengal" that night?

A I saw a bright light on the forecastle head.

Q Do you think it was a blue light?

A No it was a bright light that I saw.

Q Do you think it was used to attract the attention of the tug boats at this time?

A I thought it was to clear her anchors. I found out afterwards that's what it was.

Q They didn't use any rockets that you saw?

A I didn't see any rockets.

Q Did the wind moderate about daybreak that morning?

A It was blowing a heavy gale at six o'clock, that was daylight.

Q Did the sea moderate any?

A It was a heavy sea.

Q Do you think it would have been possible to have waited longer till it got clear daylight and located that wreck and attempted to save anybody with your life saving appliances from the tug?

A No, as the wind was still increasing at that time and the sea was still increasing.

Q If they could have located that wreck and got close enough would you have volunteered to go in a boat to render assistance, to save peoples' lives?

A I don't think I would.

Q What kind of lifeboats has the "Kayak" got?

A Good life boats, one metallic and one wooden.

Q She was a regular passenger steamer, was she not?

A Yes, sir, got a passenger license.

Q Her life boats were in good condition?

A Yes, sir, in good condition.

Q Capable of carrying people other than the crew of the boat?

A They could have carried all they were certificated for.

Q Then, there was nothing defective about them as far as you know?

A No.

Q Still you would not have gone out in one of those boats that morning to the wreck to attempt to save lives?

A Not in that sea close in shore, no.

Q How was the discipline of the crew of the "Kayak" during that trip?

A Every body was minding their own business.

Q Any trouble or friction in your department among yourselves?

A None whatever.

- Q Any friction between your department and the deck department?
- A None whatever.
- Q Any comments made by yourself or any of the members of your crew about the way the vessel was handled?
- A None at all, they were all too busy.
- Q Did the "Kayak" make any water during the trip?
- A She made a little through the bunker plates.
- Q She must have shipped water then?
- A The tops of the sea were blowing aboard.
- Q Didn't accumulate any more water than you could handle with the pumps?
- A It was all handled with the bilge pump. There is three bunker plates and the forward one got moved from its original position to the after plate and as soon as we found it out we moved it back again and no more water got through the bunker plates.
- Q Did you see any evidence of cowardice on the part of Captain Hamilton?
- A I did not.
- Q You think he did everything he could possibly to render assistance to the ship that night?
- A Everything.
- Q You have been towing boats on tow boats, handling vessels as a business, have you not?
- A Yes, sir.
- Q Working on Puget Sound waters?
- A Yes, sir.
- Q Don't you think it is the duty of a tow boat to stand by a vessel in distress?
- A As long as there is no danger to the tug boat, yes.
- Q You think you done that?
- A We done that.
- Q How does the tug "Kayak" compare with vessels that you have have worked on previously in towing ships?

- Q (Continued) Is she the same class of boats?
- A No, not the same class. She is not as powerful.
- Q Do you think that if the tug "Wanderer" of the Puget Sound Tug Boat Company's fleet had had hold of the "Star of Bengal" that night she could have handled her, instead of the "Kayak" and the "Hattie Gage"?
- A At twelve o'clock she may have handled her, but at three o'clock in the morning the "Tyee" would not have held her.
- Q What was the horse power of the "Tyee"?
- A It was the same as the "Mexico", I forget, I think twelve hundred.
- Q What were your instructions when you left Loring? Did you  
\* receive any on that trip?
- A We received instructions to get coal in Wrangell and tow the "Star of Bengal" out.
- Q Who did you receive those orders from?
- A Mr. Heckman, about the coal I received orders.
- Q That was the ~~nt~~ only orders you received?
- A That is all.
- Q Did you consider that you would have to assist in towing a vessel to sea?
- A I knew that we were going to tow a ship to sea.
- Q The "Kayak" had been employed for this purpose on other vessels before, had she not?
- A Yes, sir.
- Q Did you ever tow from Wrangell before?
- A I never towed from Wrangell, I have towed to Wrangell-yes, I did tow from Wrangell to Loring and from the sea to Wrangell.
- Q Mr. Kennedy, the "Kayak" is certificated as a passenger vessel, is she not?
- A She is allowed to carry passengers on inland waters.
- Q One of these certificates of inspection is in the engine room?

A Yes, sir.

Q Is there anything in that certificate that says she can go to sea, outside of inland waters?

A It says she is a towing and passenger steamer.

Q Mr. Kennedy, look at that and see if you recognize it as a copy of the "Kayak's" certificate of inspection?

A (Witness examines copy of certificate of inspection given him) Yes, I guess that is it, I recognize it as the thing that is stuck up there.

Certificate of inspection of str. "Kayak" submitted as evidence and marked Exhibit "B".

Certificate of inspection of str. "Hattie Gage" submitted as evidence and marked Exhibit "C".

Mr. Newhall reads charges preferred against Captains Farrer and Hamilton, to witness.

Q Mr. Kennedy, was that vessel wrecked on the lee shore of Coronation Island?

A On the lee shore, yes sir.

Q When you took the survivors away from the wreck, was Captain Wagner aboard the "Kayak"?

A He was.

Q Did you have any conversation with him?

A Yes, sir.

Q Is he difficult in hearing?

A He is deaf.

Q Did you have any trouble making him understand what you were talking about?

A I had to holler, yes, sir.

Q Did he state to you during that trip that he thought the Captains acted cowardly?

A Yes, he intimated as much.

Q He didn't make the direct charge?

A Well, he said they left us there to die.

- Q Did he say anything to you, when the steamers didn't show up at daylight, that he thought they were lost?
- A Yes, he said, the steamers didn't come when daylight showed up and he thought something had happened to them.
- Q Was there anything else of importance to this case that he talked to you about in this conversation, that you can remember now?
- A He told me about the ship getting on the starboard tack and giving orders to set the topsails, but she either fell off again or the wind shifted a point or two, he was not certain which, and she fell back on the port tack again.
- Q Did he say anything to you about getting boats from his own vessel overboard? to save his people by means of them?
- A He told me about getting the boats out; one boat they put over the side and something carried away on it, the straps or eye bolts, I don't remember which now, that boat was swept ashore; the next boat they lowered they had to cut the falls with an axe to get it to drop into the water, that's the boat the four men went ashore in.
- Q Those boats got stoved up on the beach, did he say?
- A The first that swept away got a hole punched in her, the second boat was the one that had the four men in that went ashore.
- Q Did you bring wither one of those boats away from the scene of the wreck?
- A No.
- Q Did the "Hattie Gage"?
- A I don't know, not while we were there.
- Q As far as you know the boat may be there at the present time?
- A Yes, sir, may be there yet.
- Q You talked with others of the survivors, I presume, on the trip up?
- A With some of the sailors, yes, sir.
- Q Did any of them tell you anything about the wreckage that came ashore, what it consisted of, etc?

- A Yes, they told me salmon cases were coming ashore.
- Q Did you hear any of them mention anything about the iron deck beams of the vessel being drifted ashore?
- A I never heard that.
- Q Are you acquainted with Erhard Olsen, chief engineer of the str. "Hattie Gage"?
- A Yes, sir.
- Q Is not Mr. Olsen kind of hard of hearing?
- A Yes, a little bit.
- Q You have been aboard the steamer "Hattie Gage" have you not?
- A Yes, sir.
- Q And her engine also handles from the lower platform, the same as the "Kayak's"?
- A Yes, sir.
- Q So that if a man was in her engine room handling the engine, he would be pretty well inclosed would he?
- A He would.

I will read a little testimony to you that was taken in another case, "The investigation of the loss of the bark "Star of Bengal", at San Francisco, on Oct. 2d, on page 99 of the transcript, questions by Mr. Bulger, Inspector of boilers, San Francisco.

- "Q You were chief engineer of the "Hattie Gage"?
- "A Yes, sir.
- "Q Were there any other engineers on the "Hattie Gage"?
- "A Yes, sir, my assistant, Mr. Taylor.
- "Q Were you on watch?
- "A I was on watch from six to twelve o'clock.
- "Q And he was on watch from twelve to six?
- "A Yes, sir.
- "Q Did you hear any whistles or signals from the "Bengal" or anything, fog horn?
- "A No, sir.
- "Q Were you on deck before the line was cut?

"A That's more than I know.

"Q Were you down below all the time?

"A Yes, sir."

Q Do you think that testimony would be correct given under oath?

A I don't know, it seems to me he would know the hawser was cut; I should the weight being taken off the engine would tell him that.

Q Has any body talked to you, Mr. Kennedy" about what evidence you were to give in this case?

A No.

Q Is there anything else that would be of interest to this investigation or trial, that you know ofx and are withholding from this Board, of your own knowledge?

A No, I don't think there is.

x Captain Whitney.

Q How long have you been engineer of the "Kayak", Mr. Kennedy, how many different seasons?

A Five.

Q You probably have served a longer time in the "Kayak" than any other one man, have you not?

A Yes, sir.

Q She is what you call a light draft, flat bottom, light running, the "Kayak"?

A Not very deep draft, no.

Q About how far from the stern of the vessel are the towing bits located, from the taffrail?

A Probably 24 feet.

Q Has the "Kayak" much of an overhang at the stern?

A Considerable overhang, about ten feet maybe, or eight.

Q Then the towing bits would be only about how far forward of the wheel, the propeller?

A About ~~six~~ sixteen feet.

Q You were engineer of the "Kayak" when she towed the "Star

of England" to sea in 1907?

A Yes, sir.

Q Did you have any difficulty towing the ship out?

A None at all.

Q Did you go right to sea with her?

A She went into Valliner Bay and anchored.

Q Has it been customary on those ships for the master of the tug boat to be in charge or the master of the ship to be in charge of the ship?

A I guess the tug boat master is in charge.

Q Does the tug boat master ever go aboard the ship when towing to sea?

A Not while the hawser is out.

Q How does the "Kayak" handle as a towing steamer compared with other towing steamers you have been on?

A Not as powerful.

Q Outside of her power, how does she handle. You probably have been in the "Kayak" in more rough water than anybody, how does she handle?

A Coming to the wind, she comes slow, any of them do that.

Q Do you know ~~anything~~ anything about the tide when you let go the ship, the stage of the tide?

A Personally, I don't.

Q Do you remember in your testimony that you thought the ship would fetch out on two tacks?

A I said that, yes, sir.

Q Do you think she would have fetched up if a strong tide was coming up the straits?

A Yes, I believe she would have fetched out on a flood tide.

Q With the gale of wind you described as blowing and increasing, do you think it was prudent to go to sea with her?

A No, I don't.

Q You are probably basing your answer on your local knowledge of the suddenness of the storms that arise in this country

and the violence of them, are you not?

A Yes, sir.

Q Provided you were a stranger in this country, do you think, it would have been, in your opinion, dangerous to go to sea then?

A If I had been a stranger I think I would have went to sea, yes, sir.

Q But knowing as much of the country as you do, you would have thought it not safe to go?

A I probably would have run back up the straits then.

Q Were you up during your watch below, Mr. Kennedy?

A Yes, sir..

Q A man testified that you were hardly off watch, only a short time, some four hours, during the trip, is that correct?

A Yes, sir.

Q You throttled the engine from 12:20 on the morning of the wreck?

A Yes, sir.

Q Did you stand at the throttle all the time?

A A man had to stand there all the time, we had to stand there to protect our engine, of course she was not racing all the time.

Q After you got parted from the ship and had gone out, lying outside, what were you lying there for, did you know what the master's idea was in lying there?

A Waiting till daylight to see if anything could be done for the ship.

Q Then you think it was his bonafide intention to give assistance to the ship if possible?

A Yes, sir.

Q Do you think it would have been impossible at daylight?

A Yes, sir. He called me up to the pilot house, the sea was so big and he was a little leery and afraid to turn around. He asked me if I had been to sea like this before with her and I told him, "No".

- Q How did she act after she was turned around?
- A Good.
- Q Did you receive a circular recently similar to the one you received with your license?
- A I got one recently.
- Q Did you read it over?
- A Yes, sir.
- Q About whistle signal on steamers when towing in Alaska, is there a signal flash light at night time to let go the hawser?
- A On the card?
- Q Yes?
- A I think just a whistle, it's a printed card.
- Q Is that an understood matter that a light is to be flashed when you let go the hawser at night time?
- A I don't know anything about that.
- Q That light you saw on the forecastle head of the "Star of Bengal", was it apparently a flash light?
- A A clear light.
- Q Your instructions were to take coal at Wrangel, take all you wanted, sufficient to take the ship out?
- A Yes, sir.
- Q And in case you had to go to anchor and delay, and then have some to spare?
- A Yes, sir; we had 60 tons aboard.
- Q What is your daily consumption?
- A Five tons.
- Q You had 60 tons?
- A Yes, sir.
- Q In your conversation with Captain Wagner, did he think the ship was safe under sail after she got on the starboard tack?
- A He did, he said he would take care of her himself.
- Q In his conversation with you did he speak about the "Hattie Gage" and the "Kayak" being off on the starboard bow, did

he say anything about that?

A No.

Q Did he say anything about the "Kayak" dragging him back on the other tack?

A No, he told me that he thought the wind shifted a point or two that drove him back on the port tack.

Q You have no knowledge of the courses yourself?

A No, I have no compass in the engine room.

Q You speak of the "Kayak's" boats. I see she is allowed twelve passengers and ten of a crew, when all are on board, twenty-two, do you know if the ~~gross~~<sup>combined</sup> cubic feet ~~incrust~~ of <sup>amounts to</sup> ~~ix~~ those boats, 220 feet?

A I don't remember, it is marked on the boats.

Q Did you have to tow the "Star of England" into Valliner Bay last year?

A Yes, sir.

Q For what reason?

A We thought it advisable to lay at anchor for a while, as the wind got pretty fresh.

Q Was it fine weather when you started out?

A Tes, sir.

Q How long did you lay in Valliner Bay?

A I think we lay there about 60 hours.

Captain Farrer.

Q Mr. Kennedy, you say that soon after leaving Wrangell, the ship set sails?

A After we got through them islands.

Q Did you hear any signals blown from the steamers for those sails to be set?

A I don't recollect about the whistles at all, I know the sails were set.

Q You didn't hear any blown?

A I may have, I don't recollect.

Q Did you hear any whistles blown just previous to the sails

being taken in, for lowering down?

A No, sir, I didn't hear no whistles, I may have, but I didn't pay no attention to it.

Q You would not have known what the whistles were if you heard them?

A I would.

Board.

Captain Hamilton, have you any questions to ask the witness?

A No, sir.

Mr. Heckman, do you wish to ask the witness any questions?

A No, sir.

Witness was excused.

Upon hearing his testimony read to him by the stenographer, Mr. Kennedy attested to the correctness of same by affixing his signature to the stenographic notes, as follows:

(Signed) James Kennedy.

Fred Morgansen being first duly sworn, testified as follows:

Q What was your employment aboard the str. "Kayak"?

A Fireman.

Q How long had you been aboard, Mr. Morgansen?

A I think about two weeks.

Q Are you a seafaring man?

A I have not gone to sea very long.

Q All your sea experience has been on steamboats?

A Yes, sir.

Q What is that experience, local around Alaska waters?

A Just around these waters.

Q Tell in your own language what you know about this trip when the two tugs, the "Hattie Gage" and the "Kayak" towed the "Star of Bengal" from the Wrangell cannery to sea. Tell what you know?

A I think about half past nine we left Wrangell; the "Hattie Gage" had taken the ship from the dock and we went alongside of her.

Q Do you remember that date?

A No, I got it in my pocket.

Q We would rather you speak from memory.

A It was on Saturday, I don't know the date, sometime in the morning. We made good headway, I didn't pay much attention. I turned in that afternoon. I came on watch at six o'clock; we made good headway, at ten o'clock the wind started to blow, at twelve o'clock the wind was increasing and I don't know anything more about that till I was called at twenty five minutes to four. When I come up out of the scuttle aft, she rolled the rail under and I made a bee line for the engine room.

Q Which rail was rolled under at that time, the port or starboard rail?

A I think the starboard rail.

- Q Is there anything else that you have a knowledge of?
- A When I got down into the engine room it was twenty minutes to four, I looked at the clock to see what time it was. The wind was blowing so hard you could hardly open the engine room door; every time we opened up the door the sea would come in, we had to have our door closed and it was so hot in the engine room. There was some water on the fire room floor.
- Q Was the boat still towing on the ship at this time, Mr. Morgansen?
- A Yes, the tow line was very tight.
- Q Did you notice how it was leading from the tow bits, right over the center of the taffrail, when you went up through the scuttle?
- A I never took no notice of that, I was afraid of getting washed overboard.
- Q How did that wind compare with other storms you have been in?
- A We had a good blow off Cape Muzon, but it was not to be compared with the blow off Coronation Island.
- Q How do you mean it does not compare with it, the Muzon blow was worse?
- A No, the Muzon blow was no comparison to that blow up there.
- Q It moderated a little at daylight, did it?
- A Moderate! At six o'clock, I believe the wind was at its highest.
- Q Do you think it would have been possible for small life boats, such as the str. "Kayak" carried to have been handled in that sea?
- A No, sir.
- Q Were you called on account of any trouble in the engine room?
- A No, sir, Jack Craig called me, told me to get up and stand by.
- Q Who is Jack Craig, an officer of the ship?
- A He was a sailor.

Q Did he tell you that the Captain had issued orders to call all hands?

A He didn't say that, he come down and told me I better get up as we were in a bad blow.

Q Any excitement or confusion aboard the ship at that time?

A No, every body was calm.

Q Any body looking around for life preservers to put on?

A No, sir.

Q Was the discipline of the crew good?

A Very good.

Q Was there any trouble with the machinery in the engine room when you arrived there?

A No trouble with the engine, no part of the engine.

Q Everything worked all right?

A Yes, sir, only she was racing all the time.

Captain Whitney.

Q After you parted from the ship and had gone outside, did the steamer go right back to shelter?

A No, we stayed there two hours about.

Q What did you stay for?

A I didn't know what we stayed for. I supposed to see if they could not go in and pick up the survivors.

Q You simply know they stayed and waited till after daylight?

A Yes, sir.

Q What was your idea that they waited for?

A I suppose waiting for a chance to pick up the survivors, to go in alongside the ship.

Q Was there any calm, any lull in the weather?

A No, I could not say there was any lull in the weather.

Captain Farrer had no questions to ask the witness.

Captain Hamilton did not desire to question the witness.

Mr. Hicks had no questions to ask.

Mr. Morgansen's testimony was read to him by the stenographer and he attested to the correctness of the same by affixing his signature to the stenographic notes, as follows:

CAPTAIN WHITNEY.

Captain Hamilton, we would like to keep the log book of the "Kayak" here till the stenographer can make a copy of that part of it that relates to this case, then we can return it to you.

Captain Hamilton-

I would like to know if I have to leave Alaska and go to San Francisco on this trial.

Captain Whitney-

As far as this Board is concerned, we have no wish to instruct you to go to any other place to hear testimony.

Reads from telegram, as follows, marked Exhibit "D":

"Ketchikan, Nov. 20, 1908:  
Supervising Inspector of Steamboats,  
San Francisco, Cal.  
Farrer and Hamilton protest against testimony taken prior to charges Oct. 6. Will you summon Wagner, Johansen and Torlof Anderson Government witness here or Juneau. Olsen's testimony given at Wrangell much different. Accused request right to cross examine accusers personally"

(Signed) Whitney and Newhall.

Reads from telegram as follows, marked Exhibit "E":

"San Francisco, Cal., Nov. 20, 1908;  
Whitney and Newhall,  
U. S. Local Inspectors,  
Ketchikan, Alaska.  
Note Farrer and Hamilton protests on proceeding with their testimony. You can sift the facts from evidence taken here, Seattle and by yourselves. Judging from Uhler's letter, Oct. 9th, I don't believe the Government wishes to go to expense of transportation to Alaska of witnesses you name.  
(Signed) John Bermingham,  
Supervising Inspector."

We will go over this evidence and arrange a list of questions we wish asked of the principal witness who have not appeared here, and send them to San Francisco or Seattle or Portland or wherever they may be, and have the Local Inspectors submit them to the witnesses together with any other questions they may wish to ask. If you or Captain Farrer have any questions you want to ask any of these witnesses you can submit your questions to us and we will forward them with ours. There are three witnesses that

are on this charge, N. Wagner, master of the "Star of Bengal", Johansen, mate and Torlof Anderson, seaman, the other witness we have already examined here. This testimony is thrown out (referring to testimony taken at San Francisco); the chief engineer of the "Hattie Gage", Mr. Wilkie, mate and pilot of the "Kayak" and Mr. John Craig, deckhand; we may possibly have them examined over again, after we get this testimony, if we think we can get sufficient knowledge from it without going any farther, it may not be necessary. If you have any protes to make or there is any part of this trial you are not satisfied with, this is your time to make it.

Mr. Newhall-

I gather that Captain Hamilton refers to the matter of traveling from one point to another at his own expense, to exercise his privilege of cross examining his accusers personally.

Captain Hamilton-

I don't see why it should be taken out of Alaska, I think from the reading of the law it should be tried here, and if the wants to take me to San Francisco or Seattle I can't afford to go to those places.

Captain Whitney-

You have served as witnesses and the only thing is, you have the right and privilege of cross examining those witnesses and their testimony, of course; the Government, apparently, is not going to send those witnesses up here as far as we know. How you are going to exercise that right I can't say. We will give them a list of questions to answer.

Captain Farrer.

I would say this, I came to Alaska and appeared at two different places to protect myself in this case at a good deal of expense; the Government ought to have had those

witnesses here so that I would have a chance to protect myself. Now, if any more witnesses are brought on this case, I think that I will retain the right to be there and cross examine them and I think it no more than right that the Government should pay my expenses; it would be a great expense to me to have to go to California, still it is my right to be there and hear this evidence. I would ask if such evidence is taken that the Government bear my expenses.

Captain Whitney-

We can't grant your request, Captain Farrer, but will represent it before the Department, that's the best we can do.

We tried to get these witnesses up here when we found the case was to be decided up here. You have appeared, furnished your witnesses on your side of the case, but what the Government will do about the matter, I can't say, we will put in as good a light as we can.

Captain Farrer-

I think of no more objection that I wish to make.

Captain Hamilton-

I think I made an objection in the first place to this San Francisco evidence going in this case; I want to face these people accusing me of cowardice, I want to see them when they are giving their evidence against me; I still make that objection to any of this evidence going in this case.

Q You mean the men that signed this charge? You want their testimony given in your presence?

A Yes, sir.

Q We did our share when we asked them to summons those men here, you heard the telegram I read, and as far as this Board is concerned, we have done what we could; it is up to the U.S. Government officials in Washington.

A I think it right when a man is accused of cowardice- I have heard a lot I didn't know before since this thing has been

going on, and I would like to see Captain Wagner and this other man, but I have not got the means to take witnesses from San Francisco up here nor to go there myself.

Q It is not necessary, they are Government witnesses, they signed those charges.

A You think it would be all right for me to let their evidence go in?

Q You have the right of appeal from the decision in the case within 30 days. That's our proposition, to send those questions down as soon as we get the transcript of this testimony, and we will send you a copy of the questions if you wish, or forward any questions you desire to ask them; as far as bringing them to Alaska, we have asked before by letter and by telegram. I feel that is the only way it can be done.

A And if it is not satisfactory to Captain Farrer and myself we can appeal then.

Q To Supervising Inspector, John Bermingham, San Francisco, Cal.

A Let it go just as it is and if we have any questions we wish to ask, we will hand them to you.

Q Write them out and hand to us and we will forward them, put them in writing.

William A. Connell being first duly sworn testified as follows:

Q Captain Connell, how long have you been in charge of ships in Alaska?

A Since 1898 to 1901, four and half or five years as master.

Q You have been running up here as officer how many years?

A Sixteen years including when I was master.

Q Were you ever master of the str. "Kayak"?

A Yes, sir, for less than twnty-four hours.

Q Long enough to give you an idea of the vessel?

A In a way, yes, not long enough to become properly acquainted with her in all respects.

Q Do you consider her an able towing steamer?

A Not for her size; it would be expected that she would be better than she is from her size, or general appearance.

Q Do I understand that you were disappointed with the power of the boat?

A No, I was not disappointed; I understood what she was from the size of her hull that her engines were a little light and I didn't expect her to do more than she did when I had her.

Q To the best of your belief did the engines work well?

A Yes, sir.

Q What do you think was the fault of the vessel?

A The engines, I don't think she has power enough.

Q What was the nature of your employment on the "Kayak"?

A Towing the "Star of England".

Q What year was that?

A Last year.

Q About what time?

A October, I think.

Q Towing her to sea?

A Yes, sir.

Q Did you get to sea successfully?

A No; we got down a little below Valliner Bay and there was a fresh breeze from the S E., not much sea, but we could not make any headway with the tow and I turned and come back to Valliner Bay and anchored and one of the men being sick, we came to Ketchikan, then I found Captain Anderson and had him go master in my place as I was in the hotel at the time.

Q If you had been in charge of one of those tugs employed in towing ships out San Francisco, Portland, Astoria, or Seattle, do you think you would have continued with the vessel?

A I know a dozen tugs we could have kept on towing longer than we did, as the wind came up heavy that afternoon and evening, we might have had to turn back even with a powerful tug before we got past Cape Chacon.

Q From your observation as an officer of steamers for many years, are the Alseka storms what you call violent, come up sudden or not?

A Yes, sir, they are.

Q More violent than the rest of your experience coastwise?

A They seem to get heavier without as much notice as we do on the outside; as a general thing they don't last as long.

Q Are they worse while they last?

A Yes, sir.

Q Is your barometer of much value to you as a guide in this country?

A Very little. Some of our finest weather, we experience when the barometer is low.

Q Are there other able tug boats in S E. Alaska that you know of that can be employed as towing steamers?

A None to my knowledge.

Q Did you go over the equipment of the "Kayak" when you were aboard at that time?

A No.

Q From your general observation, did she seem to be well found?

A She was fully equipped from going around the deck, well found in every respect.

Mr. Newhall.

Q When you had to turn with the "Star of England" and make anchorage in Valliner Bay, did the tug respond readily to her helm?

A Yes, we came around on a long sweep, kept turning all the time, nothing to hinder; the breeze was not sufficiently strong to chase the ship up any on us in any way; turned around easily enough.

Q Did you turn to leeward or to windward?

A We were towing right into the wind and turned on a starboard helm.

After having his testimony read to him by the stenographer, Mr. Connell attested to the correctness of same by affixing to the stenographic notes, his signature, as follows:

(Signed) Wm. A. Connell,  
Ketchikan.

Captains Farrer and Hamilton and Mr. Heckman had no questions to ask the witness.

Witness excused.

J. R. Heckman being first duly sworn, testified as follows:

Q Mr. Newhall.

What is your occupation, Mr. Heckman?

A Cannery Superintendent.

Q By whom employed?

A The Alaska Packers Association.

Q How long have you been employed in that capacity by these people?

A Seventeen years.

Q Always at the port of Loring, Alaska?

A Yes, sir.

Q And during that time it has been the general practice of the cannery to tow your vessels from the sea to the cannery and from the cannery to sea?

A Always.

Q Generally when the ships leave the cannery they have quite a valuable cargo and quite a number of lives do they?

A Yes, sir.

Q In sending your steamers out with this class of tow, do you give them any special instructions?

A No, sir.

Q Do you consider the men in your employ are competent to handle those vessels without any specific detailed instructions from you?

A Yes, sir, if I didn't think so, I would not send them out.

Q Are the vessels supplied with everything requisite for doing the work?

A Yes, sir.

Q Have you ever had any accidents occur to vessels coming to your cannery?

A No, sir, never.

Q Have you ever had any complaint by any of your employees that the men handling your steamers are not competent to do the work?

- A No, sir, never.
- Q Have you had any criticism from your employees of the method used when doing that work?
- A Never. I always contended to the office in San Francisco that the steamers we used were perfectly safe to do the work towing from Loring on account of the good harbor and anchorages, that I considered them perfectly safe.
- Q Does the str. "Kayak" belong to your cannery?
- A Yes, sir.
- Q Did you know that she was inspected and certificated as an inland passenger steamer?
- A I can't say that I did, I hadn't noticed, I never gave the thing a thought until I was asked in Wrangell whether she was or not.
- Q Then you always supposed the vessel was privileged to go to sea, to the open ocean?
- A That was my impression.
- Q None of your employees ever told you anything different did they?
- A No. These papers were in the pilot house and I suppose they naturally supposed I knew what was on them.
- Q Do you know whether there was more than one copy placed up aboard the ship?
- A No, I don't.
- Q At the time the "Kayak" left Loring on this particular occasion to tow the "Star of England" from the Wrangell cannery, did you know that she was short one licensed officer from her complement of crew?
- A Yes, sir.
- Q Was there necessity for that?
- A I could not get another man. I told Mr. Kennedy that I could not get another man, and if he knew of one, to get him; he said he didn't know of anybody and I knew there was none around at that time; he told me this man that had been firing

with him was capable of handling the machinery any way, and that's why she went without a licensed man.

Q You had other steamers at the cannery at the time, Mr. Heckman?

A Yes, but they were busy.

Q All employed?

A Yes, sir, running as hard as they could go.

Q Were they running with a single or double crew?

A With single crew.

Q Under the 12-hour indorsement?

A Yes, sir.

Q Did you see Captain Wagner who was a survivor of the wreck of the "Star of Bengal"?

A Yes, sir, I saw him when he arrived at Ketchikan.

Q Did you have any conversation with him?

A Yes, sir.

Q Did he accuse the crew of the steamboats of cowardice at that time?

A Yes, sir, he did. He told me they could have come alongside the next morning and taken the crew off. I thought the man was a little bit off at the time the way he talked about it.

Q Did you think his reason was affected the slightest?

A I felt that it was, I had him give me a report of the condition of things after the anchors were down, and he kept jumping on the Captains all the time and I didn't want him to tell me anything about what the Captains did, not to tell me anything about anybody, but to tell me what kind of a time he had so I could give it to the papers here, which he did, he wrote it out himself, the statement.

Q Captain Wagner has difficult hearing has he?

A Yes, sir.

Q Do you think he was any worse than he had been?

A I don't think he was any worse at that time.

Q How long have you known him to be afflicted that way?

A I have known him about seventeen or eighteen years, and at least the last ten years I should say he was hard of hearing. I could not say he was not hard of hearing prior to that time.

Q Do you know this Mr. Olsen that was chief engineer of the "Hattie Gage"?

A Yes, sir. He has worked for me a good many years.

Q At the Loring cannery?

A Yes, sir.

Q What do you think of the man's ability?

A I think he is a good engineer.

Q He is also hard of hearing?

A Yes, quite hard of hearing. He was so hard of hearing when he had the "Novelty" that he bought his own gong so that he would be sure to hear it.

Q How long ago was that, Mr. Heckman?

A That must have been six years ago any way, possibly more, about six years.

Q Do you think that a man in the position of chief engineer with hearing as defective as his is a safe person to be entrusted with a position where he has other people's lives at stake?

A Under ordinary circumstances I think he would be all right.

Q But in the case of an accident?

A I should think that would be against him.

Captain Whitney.

Q How long has Captain Hamilton here been employed by you at different times?

A I think probably fourteen or fifteen years.

Q How long has Captain Farrer been employed by you?

A Nine or ten years.

Q You have heard the charges read that was the cause of this trial have you not?

A Yes, sir.

Q What is your belief in the matter; do you think that, knowing

these men as you have known them, observing them from being in your employ at different times for so long a period, those charges would be correct?

A I never could believe it.

Q If either of those men came to you for employment in the future would you employ them?

A Yes, sir.

Q You have heard most all the testimony in this case that has been given at Wrangell and here, would that affect your feeling toward those men at all?

A Not in the least.

Q You still hold the same opinion you had of them before?

A Yes, sir, only stronger in their favor.

Q Are the Chinese that are on those ships to do cannery work employed by the Alaska Packers Association direct?

A No, it is a contract; I suppose you would call it employed direct. One Chinaman takes the contract to do the work for so much a case and he employs his own men.

Q Are these men governed by the Alaska Packers rules?

A They are.

Q Would you consider them directly employed by the Alaska Packers Company as a Company?

A I would.

Q In the equipments, outfits, repairs, etc, ordered on the Alaska Packers steamers, have they ever tried to cut down on those equipments?

A Not a bit. If the equipment on any of their boats is cut down or anything of that kind, it is made by the Superintendent of the cannery.

Q If a sailing ship or steamer needed anything to make her outfit complete, you supplied that as Superintendent?

A Yes, sir.

Captain Farrer.

- Q Mr. Heckman, since you have been in charge of the Loring cannery have steamers belonging to the Wrangell cannery ever towed in and out on ships here?
- A Yes, sir.
- Q Who was master at that time?
- A You were master. I can't remember whether it was the "Hattie Gage" or the "Ella Rholfs" that helped the ship out assisted by the "Arctic"; you was in command of the steamer whichever it was, it has slipped my memory now.
- Q About how many trips did the Wrangell cannery have your vessels both in and out?
- A I don't remember, I should say several times.
- Q Five or six seasons?
- A Yes, sir. It has kind of slipped my memory about the towing of those ships. The first ship we had towed from Loring I think was towed by the steamer "Arctic"; it was at that time operated by the Wrangell cannery, but I don't remember who was master of her.
- Q When the Wrangell ~~steamer~~ steamer came down to do this towing where the two steamers towed in connection, do you know who had charge of the tow?
- A I always considered you had charge of the tow.
- Q While the Wrangell steamers were doing this work, did they ever have any accidents?
- A No, sir.
- Q Are you satisfied with the work done by the Wrangell steamers?
- A Yes, sir, perfectly satisfied.
- Q If you were employing a master for one of your steamers, would you be satisfied to employ Captain Farrer?
- A Yes, sir.
- Q Would you since this accident of the loss of the "Star of Bengall"?

A Yes, sir, more so than before.

Captain Whitney.

Q Your ship was the "Star of England"?

A Yes, sir.

Q When that ship left the cannery and proceeded to sea, did you consider the master of the ship or the master of the tow boat in charge of the tow?

A I consider the master of the steamboat in charge of the tow, but I always consider that the Captain had the right to make his demands at any time. When she lay alongside the dock the Captain was always asked if he wanted to go to sea that day, if he felt the weather was suitable and everything.

Q Suppose he had started from the cannery going to sea, it was optional on the master's part to go to anchor or not?

A It was his privilege; we always contend that he go to anchor if he wished, the Captain had that privilege. This year before the "Star of England" sailed I had the Captain of the ship, Captain Hamilton and Captain Stack go across to Helm Point to take soundings in that country, so that in case they struck an unusually heavy storm and was not able to tow into Valliner Bay they could anchor if necessary.

Mr. Newhall.

Q You say the contract was taken at so much a case?

A Yes, sir.

Q Is there any mention made in the contract of the Chinese crew being carried to and from Alaska?

A I could not say positively, I don't remember.

Q Do you think the Company would get as cheap a contract if the Chinese had to pay their passage each way?

A No, of course not.

Q The would you consider indirectly they paid their passage?

A I would consider it just as much so as I would if hired a white man in San Francisco and brought him to Alaska and told him his pay would start on his arrival in Alaska, which we do sometimes.

Q Your cannery vessels are not inspected?

A No, sir it is not necessary. That is only recently they are  
not inspected.

Q Was it the desire of the Alaska Packers Association that they  
should be inspected?

A They make a general inspection of their own ships in San  
Francisco. Their idea is to inspect their ships just as  
though they were going to be inspected by the U.S. Inspectors,  
that is their orders, <sup>to</sup> ~~by~~ Holsey, the man who has charge of  
the ships. They see if the life saving apparatus is just the  
same as if they were going to be inspected by the Local  
Inspectors.

Q Do you believe the vessels would be in any better condition  
if they were inspected by the Government?

A I don't think so.

Captain Whitney.

Q Speaking of inspections by the firm, as I understand it, the  
Alaska Packers have books that they use for inspection of  
steamers similar to the books used by the hull and boiler  
inspectors at their annual inspections, which are duly filled  
out?

A Yes, sir, every boat is supposed to have one filled out and  
sent to the office.

Q Have they books similar for the inspection of sailing ships,  
do you know?

A I do not know. We are supposed to fill these books out  
according to the inspection papers and forward to the office,  
for each steamer that is under our charge.

Captains Farrer and Hamilton had no questions to ask the  
witness.

After hearing his testimony read to him by the stenogra-  
pher, Mr. Heckman attested to its correctness by affixing to  
the stenographic notes, his signature as follows:

(Signed) J. R. Heckman,  
Ketchikan.

Mr. Kennedy recalled.

Mr. Newhall.

Q Do you remember, Mr. Kennedy, what water the "Kayak" was drawing when you left, at the time the coal was put in at Wrangell?

A She was drawing about 10 feet 3 or 4 inches aft, the 10 foot mark was well under water, and forward the 8 foot mark was under water, probably drawing 8 ft. 2 inches.

Captain Whitney.

Q The lower part of the 8 foot mark was under water?

A Yes, sir.

Q Then the 10 foot mark would be half way up the mark as I understand it?

A Probably a little more.

Q Did you see that yourself, Mr. Kennedy?

A Yes, sir, I saw it myself after we got the coal in.

Q The marks are plain and clear?

A Yes, sir, big letters.

Witness excused.

Captain Farrer recalled.

Mr. Newhall.

Q Captain Farrer, it has been shown by the testimony introduced here that people with defective hearing were well represented on these three vessels, the two tugs and the ship. There was the master of the "Star of Bengal", was deaf, the chief engineer of the "Hattie Gage" was deaf, and a deckhand on the steamer "Kayak" was deaf. Do you know whether Mr. Olsen, your engineer, still carries his own gong with him for his own use?

A He did while he was with me. And also his own jingle he carries, has carried for the last five or six years while with me.

Q Did he take down the equipment, gong and jingle bells that are on the ship when she is inspected and substitute his own?

A He does not do just that, but he rigs up the connections with his own.

Q In case of an accident to the signal system, or if you wish to talk with him through the speaking tube, could you do so with good results, satisfactory to yourself?

A I could not say that I could; if he happened to be right alongside the whistle in the engine room, I might get him.

Q That's the whistle and speaking tube you have reference to?

A He also has a whistle of his own that he puts on the end of the speaking tube that is much louder than the one that is generally used, the one that belongs to the vessel.

Q Do you hire this man as an engineer, Captain Farrer?

A No, sir.

Q Who does hire him?

A The Superintendent of the cannery, at least that is my understanding.

Q Is he a good engineer, satisfactory in other ways except his difficult hearing?

A Yes, sir.

Q Agreeable to get along with?

A We always manage to get along together, he has been with me several years.

Q Did you consult with him in regard to the condition of the engine room or the condition of the weather the night of the accident to the "Star of Bengal"?

A Not until we came back and anchored.

Q Didn't you think it would be advisable to do so?

A No, I didn't hardly have time to go down in the engine room and consult him at that time.

Q Then it really would have been possible for him not to have heard any commotion on deck when the hawser was cut, on account of his defective hearing?

A Yes, sir.

Q Do you think, since this wreck of the "Star of Bengal", that he is a safe person to be entrusted with the duties of chief engineer in case of accident at sea where other peoples lives are involved, in his condition of defective hearing?

A I would rather not answer that question unless I am compelled to.

Q Do you know how his license reads?

A For freight, towing and fishing steamers, and I think employment on passenger vessels as well.

Q There is no restriction on his license?

A Only tonnage.

Q It may be possible for him to secure employment on passenger ships under his present license?

A Nothing in his license to prohibit it.

Q From your knowledge of Captain Wagner's defective hearing, do you think it would have been possible for him to misunderstand a whistle signal blown from the tugs at any time during that tow?

A I don't think he misunderstood them if he heard them, it may be, but barely possible during the latter hours, previous

to the time that the hawser was out, that he might not have heard them.

Q You have whistle signals for bracing the yards on square rigged vessels I believe, furnished by the Company, in which one long and one short whistle means port braces, does it?

A I think port braces, I would not be positive, I have got them in my hand bag, I think one long and one short is port braces and one long and two short is starboard braces.

Q Then if you blew one long and two short, do you think it would be possible for Captain Wagner to misunderstand that, construe it for one long and one short or two long, anything like that?

A I would not venture to say, he might possibly hear the long one and not the short one at all, or he might hear but one if two short ones were blown very close together.

Q When the sails were set on the ship going down Summer Straits, were they set by orders from whistle signals?

A No, sir.

Q Of their own volition aboard the ship?

A Yes, sir.

Q Were they taken by signals from the steamer?

A Yes, sir.

Q At the time you whistled for them to be taken in, were the sails merely elwed up or were they closely furled on the yards after the sails were taken down?

A No, sir, left hanging, the topsails were all left hanging, none of them furled on the yards.

Witness excused.

*Erwin Lane*

Captain Whitney.

The defense has introduced all their testimony, all the witness that are available here have been heard.

Captain Farrer.

All that I know of.

Captain Hamilton.

All that I know of.

Captain Whitney.

You both understand that no evidence has been presented by the accusers with the exception of the formal charge?

Both: Yes, sir.

You understand that one of the survivors of the late bark "Star of Bengal", Mr. Patrick Loftus", was subpoenaed by us as a witness for the prosecution for the Government?

Both: We understand it so.

Captain Rasted at Wrangell was also requested to testify and Captain Connel at Ketchikan?

Both: Yes, sir.

And you now understand that you have the right to hand us any written questions that you wish to ask the parties that signed this charge, Captain Wagner and the first officer and a seaman who acted as a witness to it?

Captain Farrer.

I understand that we have that right but I object to that on the grounds that I don't think we would be able to get satisfactory answers; probably the questions I would want to get at would be avoided, without getting them to tell what I would want.

Captain Whitney.

You believe you could get answers better if you had them personally in your presence?

Yes, sir, I think a great deal better than by getting them to send in answers? I think I could get the truth out.

Q By correspondence?

A Yes, sir.

Q You think you could <sup>not</sup> get the truth with verbal, personal questions?

A I am satisfied of it, sir.

Captain Hamilton.

I want this Board to go through with this case as they have gone so far with it. I don't think I could get facts from these accusers in California by corresponding with them.

"Hearing <sup>adjourned</sup> for the present without a set day, at 9 P.M.,  
November 22, 1908.

The following copy from the log book of the steamer "Kayak" is submitted as evidence marked "Exhibit" "F".

Saturday, Sept. 19, 1908; weather clear, wind S E. light; left cannery with ship in tow for sea at 8:20 A.M. Steamer "Hattie Gage" also towing; 9:50, Two-Tree Island S W.  $\frac{1}{2}$ S. 10:45 Station Island, 11:55 Northerly Island; 12:10 Nishne frhi Rock S. S W. and S W. by S. 1:30 passed Spindel S W. 3:45 Point Baker S. 4:25 Labouchere Island S.  $\frac{1}{2}$ E. 8:25 changed course to S. Wind freshening, very dark night, barometer 29:90; lights and lookout attended to.

Sunday, Sept. 20, 1908; Str. "Kayak" from Wrangell to sea via Sumner Straits.

Blowing fresh S E. wind; set in raining; 12:30 A.M. very dark night; steamer making very little headway; ship drifting to leeward having fore and aft sails set; coming on dark at 12 midnight and looking to leeward seeing that Coronation Island was too close to clear it with strong S E. wind, I then told the Captain "Why don't you tell the "Hattie Gage" to steer more to windward". He told me that the Captain from the "Hattie Gage" had told him to steer after the weather ~~six~~ steamer; at 2 A.M. blowing, strong sea coming up, barometer falling 29:70; at 2:15 A.M. tried to put ship on starboard tack which not lasted long, during heavy squall ship came back on port tack, wind shifted three points eastward; we then steered S E. trying to keep ship off the beach, but the two steamers had not power enough to do it. I then took the lead and sounded, 17 fathoms, it was only 15 minutes later I had 10 fathoms; we were about 100 yards off beach; a large rock under our stern 20 feet distance; sea breaking around us; ship had anchored already; at 3:50 Captain ordered to cut hawser, then we were not able to hold any longer without going on the rocks; we stood out under slow bell laying just close off the rocks, wind still freshening; at 6 A.M. blowing a gale, high sea breaking all over the steamer. We had to look for shelter which we found under the lee of Warren Island. Anchored in 10 fathoms of water, gave her 45 fathoms, blowing very hard with hail; at 11:25 steamer dragged anchor, lifted anchor and started for Shipley Bay; starboard fluke had broke. At 1:45 let go anchor in Shipley Bay in 11 fathoms of water, gave her 65 fathoms of chain, heavy squalls for the remainder of the day; keeping regular sea watches, barometer fell to 29:40.

Monday, Sept. 21, 1908; Wind and sea moderating; still squally, wind S W., barometer slightly rising; at 5:20 A.M., left anchorage for ship, arrived at 10:20, high surf on beach; ship had gone to the bottom on the rocks on S E. end of Coronation Island; notice smoke on beach, lowered starboard boat, myself and one fireman pulled for shore, I spoke to the men on the beach but could not land the boat in the breakers; the men being satisfied to wait for better chance to get off the island. At 12:10, left for Shipley Bay, arrived 3:25, anchored in 10 fathoms of water and gave her 45 fathoms of chain, weather moderating all the time, still squally, barometer 30.

Tuesday, Sept. 22, 1908: Steamer "Kayak" from Shipley Bay towards Coronation Island. Weather clear with moderate squalls, long sea running, light S W. wind, barometer 30:20; left anchorage 5:45 A.M. for S E. end of Coronation Island, arrived at 8:45, lowered boat and took off fourteen men, the "Hattie Gage" taking the remainder. All drowned all told. Spoke steamer "Burnside" which was also going to wreck; telling him that we had taken all lives off beach, he returned immediately. At 8:45 P.M., we arrived at Wrangell and landed shipwrecked crew."

(Signed) Fred Wilkie, Mate.

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