

ST. JOHN, N. B., SATURDAY, AUGUST 8, 1896.

TRAGEDY OF THE SEAS.

WAS IT MURDER, MANSLAUGHTER OR SELF-PRESERVATION.

How the Longboat of the American Ship William Brown was Lightened of Half Its Human Load—A Black Page from the History of Disasters on the Sea.

On Monday night, April 10, 1841, the American ship William Brown, homeward bound from Liverpool to Philadelphia, was reefing off the knots about 250 miles southeast of Cape Race, Newfoundland. She was manned by a crew of seventeen seamen, and she carried sixty-five passengers—Scottish and Irish immigrants seeking homes and fortunes under the brighter skies of the New World.

The night was black, bleak and tempestuous. The air was filled with sleet and from the horizon came booms and grindings indicating the proximity of icebergs. Over the most sullen and vicious piece of water on the globe the ship sailed onward to her doom. At 10 o'clock there came a crash and a shock, followed by oaths from above and shrieks from below and the swift patter of feet along the deck. Up from the stilly cabins, plain, scant, ill-lighted and evil-smelling, rushed the terrified passengers. The great ship—their one salvation in this trip over a boundless ocean—was in confusion, wrecked in rigging and damaged in hull from an impact with an iceberg. Even the eyes of the most inexperienced could detect the advances of deadly peril, for already the sailors were busy at the falls with the boats, already there was an ominous slant forward and downward to the whole fabric. So in little groups, half naked, shivering, speechless, the poor creatures huddled, awaiting something, they knew not what, but something as devoid of hope as the heavens were of starlight.

There were but two boats—a shameful lack in those days of shameful lackings at sea—a jolly boat and a longboat, incapable at best of affording even temporary refuge to half of the human beings on board. These boats the sailors swiftly prepared and launched, while the ship settled lower and lower and the waves surged and the passengers crowded the stern. It does not appear that the Captain showed an executive ability equal to this crisis. He followed rather than directed the movements of his crew. But out from the ranks there stepped a man who led, thenceforth, through the inherent forces of his nature. This man, William Holmes, able seaman, was a Finn, handsome, athletic, young, and masterful. Those who are acquainted with the superstitions of the sea will remark the coincidence of his nativity—for a Finn is regarded by mariners as an embodiment of evil for others, a wizard who deals in spells and purchases personal immunity at the price of blood.

Holmes, then, without meeting a show of resistance, assumed control. He saw that the boats were properly equipped; he calculated the life of the ship and the probabilities of the weather. By word and deed he sought in every way to put heart into the crew. But they were a craven lot, wolfishly selfish, and cruel in their fear. They beat back the passengers from the boats until they themselves had embarked. But for Holmes, they might have rowed away then without a sign of relenting. As it was, however, through his strenuous efforts, certain passengers were received on board and when the two craft finally dropped astern they were occupied as follows: In the jollyboat, the Captain, the two mates, seven seamen and one passenger; in the longboat, Holmes, eight seamen, and thirty-two passengers. Holmes kept his head. He realized that there was little chance of the two boats keeping in company. So he called to the Captain that the longboat was without a navigator. The Captain thereupon ordered the first mate to tranship with quadrant, chart, and compass, and the man without demur obeyed.

Then an incident occurred which showed that Holmes was both compassionate and brave. At the taffrail of the ship appeared a sick girl, stretching out her arms to her mother, who was in the longboat. There was a scream of despair in response as the woman recognized the awful gulf of separation. Holmes urged the men to their oars with a fierce gesture. He sprang back on deck and caught the poor child in his arms. "Oh, mother, I am coming!" she cried as they swung down by the tackle. Thus he was the last man to leave the ship. It was a piteous scene for the derision of the elements. A cable's length away the two tiny boats, tossing and plunging like straws in a maelstrom, awaited the end. While on board the ship with her towering masts thirty-one deserted passengers—little children, young girls, matrons who had left all the associations of a lifetime for the sake of their families and sires, who had been not too old nor too battered by misfortune to have still hoped—pleaded and prayed and cursed.

And, withal, there was but little rational foundation for the unspeakable selfishness of the sailors. The same sea which

was about to engulf the ship might at any moment swallow up the boats. Nor would respite necessarily be merciful; for there was the threat of thirst and famine darkening into horrors inhuman and incredible. "Poor souls," cried the first mate in answer to the appeal of frantic arms; "you are only going down a short time before we go."

At midnight the ship settled at the head and went down like a diving monster, hurrying into the vortex of death thirty-one passengers. The two boats, held by a fearful attraction, lay on their oars throughout the night and at daybreak drew near for consultation. The Captain announced that it would be prudent to part company, as there would thus be two chances instead of one of sighting a sail. He exhorted the seamen on the longboat to obey the mate in all things, and each one in return so promised.

"I fear we will have to cast lots," said the mate significantly.

"Don't speak of that now," replied the Captain; "let that be the last resort." And then, the jollyboat, short, stout, and stubby, with but few on board, drew away until it was alone on the ocean, one atom instead of two in a vast waste. Its fate may as well be told now. After being at sea for six days it was picked up by a French fishing lugger and its occupants brought safely to land.

Though the Captain's judgment in thus parting company was good, it is doubtful whether it was single, for this was his opinion subsequently testified to as to the condition of the longboat:

"The longboat was in great jeopardy. Her gunwale was within five to twelve inches of the water. She seemed too unmanageable to be saved. The people were half naked and all crowded together like sheep in a pen. It would have been impossible to run her to land, and the chances of her being picked up were ninety-nine to one against her." Perhaps a vision of desperate drowning creatures struggling through the water and dragging at the oars and the sides of his jollyboat had something to do with the Captain's decision to part company.

The longboat, owing to Holmes's care was partially provisioned. She had on board six gallons of water, seventy-five pounds of bread, ten pounds of meat, and a small measure of oatmeal, sufficient, with economy, for about a week. She was naturally a well-constructed, seaworthy craft, being 22 feet long, 6 feet beam, and 3 feet deep, but she was laden far beyond her capacity. To make matters worse, she had not been in the water for thirty-five days, and her seams had spread from the dryness. Hence there was work for all. The passengers bailed with tins and buckets, while the crew kept steadily at the oars, holding the course which Holmes indicated as the one most likely to lead in a ship's path. On Tuesday afternoon the plug 1½ inches in diameter, which had been repeatedly forced out, was lost, and though the orifice was stuffed with bits of clothing, the leakage greatly increased.

Then the rain descended, and with night-fall the wind freshened. The horizon was livid with the ghastly gleam of icebergs. The boat labored more and more heavily as the white-bellied cavalry beet her on all sides. But little was said by the passengers; the pall of a mortal fear pressed over them. They were crowded together like sheep in a pen, and like sheep they opened not their mouths.

The thirty-two passengers consisted of sixteen men, two of whom were married, fifteen women, most of whom were young, and one little boy. It does not appear that the men showed any of the nobler qualities of their sex. They were inert and unresisting; too much overwhelmed with the terrors of death to struggle to live. Had there been but one Holmes among them the impending catastrophe might have been averted. The water gained. Something must be done at once. Should they supremely perish together, or should they might again prove right and the cowardly "sauve qui peut" of the ship be repeated?

"The plug is gone," shrieked the passengers; "God have mercy on our poor souls!"

"This won't do," moaned the mate; "Help me, God! Men, go to work."

"Don't part man and wife, and don't throw over any women," continued the mate and covered up his eyes. And then, without consultation or any attempts at drawing lots, Holmes and his men moved forward.

There ensued a ruthless scene. One by one the unmarried male passengers were ordered to stand up. One by one they were cast overboard. Now one entreated to be saved for the sake of wife and children awaiting his coming in the New World. Now another recited his sins, that their very enormity might procure him a little delay.

"Holmes," sobbed a man who had been friendly with the sailor, "You won't put me out."

"Yes, Charlie, you must go," was the response, followed by instant execution.

A man named McAvoy craved five minutes for prayer. This at first Holmes sternly refused, but finally granted at the intercession of the negro cook. It is noticeable as a sign of the times that all the current accounts of this tragedy, while denouncing the fact that not one of the crew was cast over, added; "Not even the negro cook." And yet after all his heart had been the lightest.

There was a young man of wealth aboard, Frank Askin, with two sisters clinging to him. He strove to temporize, offering five sovereigns to Holmes if he would wait until morning, and promising that then, if no help came, he would draw lots and go over like a man.

"We don't want your money, Frank," replied the implacable leader; and Askin was tossed over.

"Give me only a dress to put around me," cried one of the Askin sisters, "and I care not to live longer." The two girls exchanged one glance, one kiss, and then, clinging together in death as they had in life, sprang over and shared their brother's fate. In the morning light Holmes did the most indefensible of all his lawless deeds. Two men were found hidden under the thwart, all stark from cold. The danger then was no longer imminent. The sea had gone down and the boat was comparatively free from water, and yet these two were also tossed out. It may be that Holmes thought them dead; or, if not, that to his stern nature death in their unconsciousness seemed a favor.

Though the morning was fair, all the others remaining on board were too much prostrated for hope. The awful events of the night had stunned them. They lay prone on the bottom, too spiritless to curse or to pray. Holmes alone continued cheerful, alert and equal to the emergency. He kept a sharp outlook, and it was due to his judgment that the party were saved. He detected a film on the horizon, a mark, fainter than the shadow of a gull's wing, and he interpreted it. Thither he turned the prow, until the film became canvas; and the mark a hull; and then, with the good old-fashioned signal of a shawl on an oar, he attracted the attention of the mate of the ship Crescent, supervising some work aloft.

As an example of Holmes's strong common sense the following incident is noteworthy: When the women forward realized that the tidings of great joy were true they sprang screaming and distracted to their feet. "Lie down," commanded the man; "if they see so many of us on board, they will steer off another way and pretend they have not seen us." Not a flattering comment this on the humanity of the sea, but an eminently practical one, as readers of Clark Russell will agree, recalling the frequent instances of such deception. At all events, the advice was followed. The Crescent drew near, received the hapless survivors, and in due course brought them to their destination at Philadelphia.

Such a tragic tale aroused not only public sympathy but public indignation. A wide-spread discussion ensued as to how justifiable the conduct of the crew of the William Brown had been, resulting in the indictment of Holmes by the Federal Grand Jury for manslaughter in killing Frank Askin on the high seas. He was brought to trial before the United States Circuit Court at Philadelphia in April 1842, Henry Baldwin, Associate Justice of the Supreme Court, presiding.

The case attracted universal interest. The people were represented by District Attorney Meredith, Mr. Dallas, and Mr. Hopkins, and the defence by David Paul Brown, Mr. Hazlehurst, and Mr. Armstrong. All these gentlemen were leaders of the Philadelphia bar. There was little contention regarding the facts; but when it came to the applicability of the law there was a battle royal. This involved a legal settlement of the old question, dear to the ethical heart, of two men on a plank which is capable of sustaining only one; and, though diverted to the side issue of the duties of common carriers, still resulted in the most direct adjudication existing as to their rights and obligations.

Mr. Dallas argued for the prosecution as follows: While the manslaughter with which Holmes was charged was unlawful rather than malicious, the only defence to it could be the supreme necessity of self-preservation. To constitute this, in legal sufficiency, the danger must be instant, overwhelming, leaving no choice of means, no moment of deliberation. Such was not the present case. "What law," he asked, "gives a crew to be the arbiters of life and death? No, we protest against giving to our seamen the power to thus make jettison of human beings. It they believed that the ultimate safety of a portion was to be advanced by the sacrifice of another portion, it was then their duty to give notice to all aboard and have a common settlement made."

Such a course, Mr. Dallas next contended, would be equitable were sailors and passengers in equal relation; but he denied

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the premise. "The seaman is bound beyond the passenger," he exerted, "to encounter the perils of the sea. It is for this exposure that his claims are sacred, and if only a single nail of the ship is left he is entitled to it. Promulge as law that the prisoner is guiltless and our marine will be disgraced in the eyes of the civilized world. The proper rule is contained in Bacon's noble thought; 'The duties of life are more than life.'"

David Paul Brown summoned up for the defence. "This case," he declared, "should be tried in a longboat sunk down to its very gunwale with forty-one half-naked starved, and shivering wretches; the boat leaking from below, filling from above, a hundred leagues from land, at midnight, surrounded by ice, unmanageable from its load, and subject to certain destruction from the change of the most changeful of the elements, the winds and the waves. To these superadded the horrors of famine and the recklessness of despair, madness, and all the prospects, past utterance, of this unutterable condition. Are the United States to come here now, a year after the event, when it is impossible to estimate the events which combined to make the risk or to say to what extent the jeopardy was imminent—are they with square rule and compass deliberately to measure this boat in the room and to weigh these passengers, call in philosophers, discuss specific gravities, calculate by the tables of an insurance company the chances of life; and because they, these Judges, find that by their calculations this unfortunate boat's crew might have had the thousandth part of one poor chance to escape to condemn this prisoner to chains and a dungeon for what he did in the terror and darkness of that dark and terrible night?"

The counsel ridiculed the contention that lots are the law of the ocean, asserting that such a plan and such circumstances were more easy to suggest than to put into practice. He maintained that the crew were either in a state of subordination to their officers or in a state of nature. In the former case he argued that Holmes was excused by the express orders of the mate, and he quoted in support as follows from Carnot: "The armed force is essentially obedient; it acts but never deliberates." And in the latter case that was equally exempt, having ceased from being a sailor and become a drowning man.

Judge Baldwin, in his charge, thus disposed of the question of two men on a plank:

"Suppose two persons, who owe no duty to one another which is not mutual, should by accident, not attributable to either, be placed in a situation where both cannot survive. Neither is bound to save the other's life by sacrificing his own; nor would either commit a crime in saving his own life in a struggle for the only means of safety."

Coming, however, to the details of the case before him, the Judge distinguished as follows: "The sailor must encounter the hardships and perils of the voyage. Nor can this relation be changed when the ship is lost by tempest and all on board have betaken themselves for safety to the small boats; for imminence of danger cannot absolve from duty. Should the emergency become so extreme as to call for the sacrifice of life, there can be no reason why the law does not remain the same; the passenger, not being bound either to labor or to incur the risk of life, cannot be bound to sacrifice his existence to preserve the sailor's. While we admit that sailor and sailor may lawfully struggle with each other for the plank which can save but one, we think that if the passenger justifies not the sailor who takes it from him."

The Judge then proceeded to consider what should have been done under the circumstances existing in the longboat. He admitted that there was no rule of general application, but continued as follows: "There is, however, one condition of extremity for which all writers have prescribed the same rule. When the ship is in no danger of sinking, but all sustenance is exhausted, a sacrifice of one person is necessary to appease the hunger of others. The selection is made by lot. This mode is resorted to as the fairest mode, and in some sort as an appeal to God for the selection of the victim. For ourselves, we can conceive of no mode so consonant with both humanity and justice, and the occasion, we think, must be peculiar which will dispense with its exercise." Under this charge the jury brought in a verdict of guilty, with a recommendation of mercy. Holmes was sentenced to six months in the penitentiary and to a fine of \$20. But the interest of the public did

not cease with this. Indignation vanished and sympathy doubled. People maintained that, sailor or no sailor, Holmes had acted naturally. There was a general demand for his liberation, and though President Tyler refused a pardon, part of the penalty was remitted. And so Holmes went back to the perils of the sea, which he held as naught in comparison with those of the land.

NEY'S EXECUTION.

Absurd Attempt to Prove That Marshal Ney Escaped to America.

"A Family Record of Ney's Execution," written by Mme. Campan, is contributed to the July Century by a relative of this lady, George Clinton Genet of Greenbush, N. Y. Mr. Genet, in a preparatory note, says: An absurd attempt has been made recently to prove in a published volume that Ney was not shot in 1815, but escaped to America, and became a schoolmaster in North Carolina, where he lately died. An alleged fac simile of his writing is given in the book, as well as one of the writings of the old French cavalier who, it is alleged, when drunk on a certain occasion, declared himself to be the Duke of Elchingen. The writing, which it is claimed is the genuine writing of the marshal, seems doubtful when compared with that known to be his, and the assumed similarity between that and the writing of the old French soldier of North Carolina is inconceivable. It is absurd to be supposed that Ney should have proclaimed himself to be the Duke of Elchingen, since at the time of his execution he was Prince of Moskowa and no longer Duke of Elchingen.

Mr. Green is a remarkable character and possesses a striking personality, which impresses all who come in contact with him. He was born in Boulton, Lancashire, England, July 25, 1798, and entered the English navy when sixteen years old as a midshipman. The next year his ship was employed in transporting English soldiers for Wellington's army across the channel from Southampton to Antwerp, and it was at this time that he accidentally witnessed Waterloo. He describes the battle as follows:—

"I was a sailor lad of King George III., and was employed as midshipman on a war ship in June, 1815. After the British fleet had transported Wellington's army across the channel of the seaport of Antwerp, my vessel was anchored in the harbor at that place. The soldiers had told me that great fighting was expected, as they were about to meet Napoleon, who was making a desperate effort to regain the power which he had once held over Europe. Securing permission, five boys, myself included, left the ship and started across Belgium in the direction we were told the British army was camping. We came first to Ligny, where the preliminary battle of that terrible wreck in Belgium took place. We were two miles distant from the left flank of Napoleon's army after Ligny, and we concluded to follow and watch the encounter."

Moreover, at the time when it is claimed that Ney was concealing himself in North Carolina, Joseph Bonaparte was living at Bordentown, and his house and his fortune would have been at Ney's disposal. Moreover, after the fall of the Bourbons there would have been no reason why Ney should not have returned to France. In 1832 Eugene Ney, his third son, visited the United States, and went to the house of his kinsman Genet, who resided on the Hudson, near Albany, but never heard of this alleged Duke of Elchingen. It is useless to follow these absurdities further. Ney is buried in Pere la Chaise at Paris, with two of his sons and his brother-in-law, Gamot. A plain slab marks the place. On the spot where he was executed stands a monument erected by the French Government.

Appealed to Heaven.

A scorching street Sunday morning, narrowly missing an old gentleman who was endeavoring to cross the street. "That young fellow should be locked up and fed on bread and water," said the old gentleman, hotly. "You wouldn't lock up a woman, would you?" said a bystander. "Me?" quoth the startled old gentleman. "I? Certainly not." "Well, that cyclist was a young woman." "Lord preserve us!" said the pious old gentleman.—Cleveland Plain Dealer.

TELEPHONE EAR.

How It is Produced and Ways in Which It May be Avoided.

Have you the telephone ear?

If you use the telephone three or more times a day the probabilities are you have it, though it may not have occurred to you. But if you be past 30 years of age you have already noticed a difference between the right and the left ear in acuteness of the sense of hearing. There is little doubt now that your intention is called to it, that you remember your left ear is a trifle keener in matters of hearing than is your right. Not when you are listening over the wire, but when in an ordinary conversation, with the noises of the street about you or the hum of business in office or shop, or the buzz of talk in the parlor, you will bend forward a little and incline the left ear to the speech of your friend. You have the telephone ear, and haven't noticed it.

What is the cause of it? The telephone. Arranged as it is, with the receiver at the left hand, you cannot well use it excepting at the left ear. You press the black muzzle of the receiver close to the ear, the speech of your correspondent agitates the diaphragm at his end of the line and the waves of air gently strike upon the drum of your ear, and what one of the aurists of Chicago calls massage takes place. Your ear is subjected of the same kneading process that is so beneficial when wisely applied to the flesh or muscles of any other part of the body. And the effect of it is an increase in the sense of hearing in that ear.

At the telephone exchange the girls are instructed to change the receiver from one ear to the other three or four times a day. If one ear were used exclusively by the operator, in time there would be so distinct a difference in the acuteness of the hearing between the left and right sides that the operator would be practically incapacitated for a change. There would be an abnormal development at one side at the expense of the other.

"I do not think the electrical effect is felt," said Dr. Edward T. Dickerson, whose specialty is diseases of the ear. "It is little if anything more than a gentle massage of the membrane of the ear. And in all cases where the effect is catarrhal in its character and had effected what is called the interior ear, the use of the telephone will produce a beneficial effect. I never knew a person to be injuriously affected by the use of that instrument, and certainly have known numerous cases where it had a good effect."

In Germany the telephones are arranged with double receiver, and each ear of the operator in the stations is provided with one. The sound is delivered equally in each ear. In such cases there is no varying result. Both ears become equally acute. If the general patron of the telephone in America were to use such a contrivance there would be no phenomenon like the "telephone ear."—Chicago Times-Herald.

Conscientious.

Young Medical Student (to charity patient)—I—I think you must have a—some kind of a—fever; but our class has only gone as far as convulsions. I'll come in again in a week, when we get to fevers.

Badly Mixed.

Mr. Jones was in love—hopelessly, irretrievably in love—and he felt sure that his passion was returned. That being the case, and his financial condition warranting him marrying whenever and whomever he pleased, one might expect him to be a very happy man indeed, instead of which he was plunged into the very depths of despair.

WHY?

Because he could never manage to look nice in the suit that he got cleaned and dyed. He got married however, and afterwards took his work to Ungar, and a happier home cannot be found anywhere.

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