NO. 22.

#### Fourteen Counts Embodying His Coming Statement, to Prove That Cook Did Not Reach the North Pole.

ert E. Peary was obtained this information, a forecast of the indictment he and Gen. Thomas Hubbard, president of the Peary Artic Club, will cold as minus 83 degrees. draw against the contentions of Dr. Frederick A. Cook that he has reached the North Pole.

There are 14 counts in the indietment and they may be summarized as follows:

2 16

14 115

First-That Mr. Peary and Matt Henson, either individually or together, talked with every member of the Smith Sound tribe of Eskimos and obtained testimony that corrorates that of E-treck-a-shoo and A-pel-lah, the boys who accompanied Dr. Cook, that Dr. Cook had not been out of sight of land.

Second-That in violation of the recognitized custom of Artic exploration Dr. Cook has not brought back records left in cairns at points he one left at Cape Thomas Hubbard in 1906 by Mr. Peary.

Third-That Dr. Cook's story that he traveled from Annotok to the Pole and then back to Jones' Sound, a distance of more than 251-2 degrees, or about 1,700 miles, in one sledging season is impossible. He points out that this is more than twice the best previous record of 11 degrees, and navik. Mr. Peary's best record this year of

physical impossibility to have accom- have known were valuable to Dr. plished the remarkable feat.

earried a glass mercurial horizon on leave such priceless articles at the his trip of 1,700 miles, whereas Mr. Eskimo village Mr. Whitney would Peary used a cast iron horizon, so that it would not only be saved from them to the Unifed States.

# St. Johns, N. F., Special.—Therry certain belongings to bring some on Whitney of New Haven believes that Dr. Frederick A. Cook found the Pole and that Commander Peary did the same. In expressing this belief Mr. Whitney said that he knows no reason for doubting Cook more than Pears. St. Johns, N. F., Special.—Therry certain belongings to bring some on the vessel that was coming up for Whitney, but as this ship had not arrived. Whitney was at a loss what to do with this property. Peary declined to permit Dr. Cook's belongings to be brought aboard the Rossevelt, and he put. Whitney on his

twelve months' absence."

could not speak with authority as it and the property in charge of one whether Dr. Cook and his two of Dr. Cook's Eskimos. yond the vaguest details. The first he refused to bring back any of he learned of it was at Indian Har- Sverdrup's letters or records.

S. PASSES

Cook's stores from Annotok to Etah. What Peary really did was to transfer a few things and rebuild the ouse at Annotok. Boatswain Murphy's only reason for refusing to help Captain Bertnier's Canadian expedition to get dogs and sledges at Etah was that they were short of dogs themselves. Mr. Whitney had trouble in getting enough dogs for his teams all through the winter and Murphy was looking out for Peary, so that he would have sufficient dogs for the commander's exploring trips around the country when he returned

Bar Harbor, Special -- From Rob-tr E. Peary was obtained this infor-nation a forecast of the indictment tends, as mercury freezes at minus 35. Dr. Cook reports finding it as

> Sixth-That Professor Marvin brought back from 86 degrees 38 ninutes duplicate records of Mr. Peary's march and of his own to prove absolutely that Mr. Peary reached that latitude.

Seventh-That Captain Bartlett brought back from 87 degrees 48 minutes duplicate records of Mr. Peary's march and of his own to prove absolutely that Mr. Peary reached that latitude.

Eighth-That the sledge of Dr Cook's was of such a type, not built on the lines of any Artic explorer's sledge, that it could not possibly have lasted for a march of a day with a standard load of 500 or 600 pounds. Ninth-That Dr. Cook's snow shoes were of a impracticable type for use in the Artic and were not of the kind

that would conduce to speed. Tenth-That Dr. Cook's leaving of asserts he had reached, notably the his records at Etah was a scheme on his part by which he could claim they were lost or destroyed, and so could escape being forced to produce them. Eleventh-That no man who had

> earried the American flag to the Pole would leave such a slight and easily transported article in charge of a perfect stranger. Twelfth-That Dr. Cook did have

> fresh dog teams from Etah and could have carried his burdens to Uner-

Thirteenth-That when Whitney went on board the Jeanie Fourth—That his general equip- he did not take time to go back to ment was such that it would be a Etah and get the articles that he must

Fifth-That Dr. Cook maintains he Fourteenth-That if Dr. Cook did

WHITNEY BELIEVES THAT BOTH REACHED THE POLE ertain belongings to bring be

Roosevelt, and he put Whitney on his honor not to include anything belonging to Dr. Cook is story," be added, honor not to include anything belonging to Dr. Cook in his own lug-Nothing clse would explain his gage. Whitney thereupon the directors of the Institute had a dining at the Selwyn, followed by their annual meeting. ashore from the Roosevelt, separated welve months' absence.' ashore from the Roosevelt, separated Speaking of Dr. Cook's detailed as-Dr. Cook's property from his own count of his trip to the Pole, Mr. baggage and repacked Cook's proper-Whitney said that the explorer shows ty in boxes. After this had been done ed him how the western drift of the Whitney and Bartlett cached all ice had landed him in a region far Cook's property in a cave in the remote from where he expected to rocks. They built up the cave sego, and he was unable to get back, curely with stones and turf and left

Eskimos could carry on their three .. It may be remarked in passing, sledges enough food for their journey Mr. Whitney went on, that ten years to the Pole, as he himself is a novice ago Peary did with the explorer to the Pole, as he himself is a novice ago Peary did with the explorer in Artic traveling. He declared he Sverdrup, who was cruising in Smith knew nothing of the controversy be- sound, what he has done with Cook;

bor, when he received messages from In conclusion Mr. Whitney declared several American papers asking for he regretted being dragged into this controversy. He said he had found Mr. Whitney denied that Com- both Dr. Cook and Commander Peary mander Peary had removed Dr. courteous and considerate and that he had never met any men whose conduct generally was more commendable or whose dealing with him

had been more fair. Dr. Cook Satisfied With Statement New York, Special.-Dr. Cook when shown Mr. Whitney's statemen said that he approved of all that Mr. Whitney has said. "Everything in the interview is

substantially correct," said Dr. Cook, Concerning the papers left with Mr. Whitney Dr. Cook said:

"Mr. Whitney was in all probability unaware of the written records The day the Boosevelt was leaving being left with him. They are not find the for home Whitney informed of much consequence, as I have dupes.

masthead, then the flag of the New

York Yacht Club, at her fore, and the

American ensign at her mizzon. Com-mander Peary's ship arrived in the

# THE ROOSEVELT IN THE BIG HUDSON-FULTON PARADE

New York, Special.- Looking in triumphant screams of her siron and outward appearance little like a ves-sel that has braved the ice and storms masthead, then the flag of the New of the Arctic zone, the littly steamer Roosevelt, which bore Combinander Peary on his quest of the North Pole, entered New York harbor Thursday. the art of the North Following and the first of the Hudson as far as newbur of the Hook, the Roosevelt gave three to the Hudson as far as newbur up the Hudson as far as newbur the Hudson as far as new the Hudson as far a

A St. Johns special says Whit-pey makes one startling statement. He declares that he under-stands Commander Peary and his men

HARRY WHITNEY MAKES A STARRLING STATEMENTS

## TAR HEEL CHRONICLES

News Notes Gathered From All Parts of the Old North State.

Bad Fire at Taylorsville.

Taylorsville, Special.—The plant of Taylorsville, Special.—The plant of the Ingram Lumber Company here, ed, the including a large amount of lumber, was destroyed by fire soon after 12 o'clock Tuesday night, entailing a property loss of about \$12,,000 with no insurance. There being no water protection the plant and many thous-ands of feet of sumber stacked on the yards was destroyed. A box car loaded with dressed lumber was also destroyed; another lumber plant nearby had a close call. Much of the lumber belonged to swamill men in the country who had hauled it to the Ingram plant to have it planed and

High Given Six Years.

Durham, Special.—Six years in jail and assigned to the roads is the sentence passed upon Hillman High, the white man from Durham, who ran away with pretty Ida Markham, the 15-year-old daughter of Mr. James Markham, a farmer near the Durham county line, on August 15th. But this matter was not aired in the court, the only indictment of High charging him with forgrey. There were two cases against him, the victim in each being J. F. Davis, but for small amounts. He pleaded guilty and was sentenced to "six" years in jail and assigned to the roads.

Gov. Kitchin's Mother Hurt.

Raleigh, Special. — —Congressman Claude Kitchin, of Scotland Neel brings the reassuring news that mother, Mrs. W. H. Kitchin, who injured in a fall on Sunday at here home, continues to improve. Gover-nor Kitchin spent Monday with his mother. Mrs. Kitchin, while moving about a room at her home tripped ou a rug and fell. In the fall a small bone in her right arm was broken at dislocated, and as she struck assinst the door facing a bruise was inflicted on the side of her face.

### Convention of Secretarion

Charlotte, Special.-The convention of the secretaries of the welfare work among the cotton mills in charge of the Y. M. C. A. came to a close Wednesday afterneon, after to de de session at the Southern Industrial Institute. The addresses have all been along practical lines. Wednesday at ternoon the new building for the institute presented by friends was for-mally received. Wednesday night the thin

Did He Kill His Child?

Raleigh, Special.—An unusual case is against Robert Keith, of House Creek township, charged with killing his own child. The baby was sick and cried during the night. Keith forbade the mother's getting up to attend to it, and then he finally went himself to the crib and slapped the child severely. Nothing more was heard from the child during the night and next morning it was found to be dead. This is the evidence given by the wife and mother at the preliminary hearing.

Ougely the with the grain with the mixture opten shovel the grain over therotality a few times to insure even distribution and cover the pile with anys, carpets, blankets, or hagging, to keep the formes of the formation within. The pile should stand from six to twelve hours in this way. The oats may then be readily dried by mixing with air-slaked lime, and the lime may be omitted if desired. It is merely a drying agent. The seed is then ready to sow. It may be stored, but in so doing it is liable to remayed smut infection. The best way is to treat, dry, then sow as

Case of Pellagra Proves Fatal.

Winston-Salem, Special ..- The case of pellagra at the county home proved fatal in spite of the medical attention rendered and the funeral services were conducted Saturday. The women's name was Harriet Frankling and she was about 55 years of age. This was the first case of this disease in this county. The woman's hand was cut off and will be preserved in alcohol for the purpose of studying the disease.

Accident at Plaining Mill,

Spencer, Special. -At Richfield, Stanley county, Monday afternoon, William Crowell, aged 80 years, was seriously injured by leing caught in a plaining mill, at which he was working. His right arm was almost torn from the shoulders and be was other wise badly bruised. Owing to old age, his recovery is considered doubt-

Killed a Negro in Church.

Wilson, Special.-Last Saturday night in Kenly, Johnson county, John Adkins entered a church while the Adkins entered a church while the sixty years old, was congregation was singing. He requested the preacher to stop the singing for a moment as he wished to say something to Garley Davis, a negro who was sitting in the congregation, who was sitting in the congregation. When everything became quiet. Adhins asked Davis: "Why did you intail my wife today," and then began a shoot. Four shots were fired, three taking effect. Davis died the next day. Adkins is now in jail.

PREATHERT OF GATS, WHEAT, MR. TAFT STILL ON THE GO. By P. LIS

ologist, Raleigh ment Station. realize the full suffered by these h the inroads of plants are dwarfpd observation so even very observing w as much as 25 per unnoticed. Smut 1 10 per cent in oats, 16 to 25 per cent. loss to the farmer. h in seed, land and he full head. All of this loss can e tarned into at a cost of about one cent per ac-miterial and a very slight outlay United States is suf-

2 n preventable loss of 000 from the smut of Our own State is yearly cen 10 and 20 per cent of cat crop, which was valued 0 in 1907. losing behavior at \$1,797 of grain is caused by a

fungus, it is spore (the reproductive body of langi, corresponding to the seed in high plants) of thich is carried in the seed to young grain plant. Smutted to in the field, and in threship, shed their spores in the sir. pres are then carried about wad, many of them finding in the seed of neighborin They are thus planted with warmth lec., which start the plant in-to renew life quicken the smut. It thus happens that many young plants are, in construction infancy, attacked by the smut. Which, having gained

infaney, attacked by which, having gaint of this to plant und ten it again hiraks ell-recognized form. plants are susceptherefore, if we can d of the plants as to ring spores of the injuring the grain, we ing plant to pass the existence in safety fe. Such treatm out can, therefore, ose known that by

ave to fifty hels of grain. spread it in a barn floor and praying machine or a Sprinkle so as to thorwet the grain with

best way is to treat, dry, then sow as contemble.

one gallon of mixture
to treat one bushel of
makin should be used
for dunce to three gal-In gener graine, Th

lons of wa deritating caustic, be brought into con-m in pure form. In tact with diluted cor it is harmless. If you tr tment simply as

the treated seed ed seed from are adopting whole sowing ou will les portion, say a with the same one or two eed, untrebted, thus enabling you to determine the real value of treatment. We would be pleased to have you send a letter to the Station stating the results of your treatment, its cost, labor involved, amount of amut in treated and untreated fields.

Old Man Regains Sanity.

Winston-Salem, Special.-A ago, W. G. Wright, a Foreyth farmer, indicted by his his daugh ters. At a h nce tend has re all

Enthusiastic Thousands Greet Him On His Western Trip.

President Taft on Tuesday delivered in Spokane his anticipated speech on the conservation of natural resources and outlined the policy of his administration on this subject.

Mr. Taft broadly took the stand that white the present administration is pledged to follow out the policies of Mr. Roosevelt, such pledge does not involve him in any obligation to carry out these policies without congressionai authorization.

He created much enthusiasm when he announced that he would urge on Congress the necessity of authorizing Secretary of the Interior to issue \$10. C00,000 bonds for the completion of irrigation projects, which work is suspended because of lack of funds and failure of the projectors to observe the limitations of the reclamation act,

President Taft Tuesday gave credit both to Mr. Pinchot and to Mr. Ballinger. He referred to the wonderful work of Mr. Pinchot and said that while that work had brought denunciation at first it was now generally realized that the reforms begun by Mr. Pinchot were not only necessary but could have been begun ten years

President Taft Wednesday night reached the Pacific coast, just two weeks after his start from Boston. During the day he passed through a region which displayed its marvels in the way of fruit raising. At North Yakima, where he passed the fornoon and made an address, the President- saw one of the oldest irrigated fruit regions in the west.

Speaking before the largest audihe has faced since his trip be-a crowd that overflowed the natural ampitheater of the Alaska-Yukon-Pacific exposition with its seating capacity of nearly 20,000-President Taft Thursday announced that he would arge in his coming arrasage to Congress the enactment of a ship sub-

Mr. Taft declared that the country and that something must be done to ready to make such experiment build up an American merchant marine. His utterances on this subject were received with great applause. When the President turned to Alas

ka, however, and declared that he

was opposed to granting a territorial form of government to that far-ofi possession, the statement was received with silence. As the Preside proceeded, however, and outlined his policy for the upbuilding of Alaska of recommending government aid in the construction of railroads, of local government by a commission five or more members appointed by the President and co-operating with the Governor, and when he told of the great possibilities that were in Alaska, he plainly caught the favor

of his hearers and was loudly cheered. Later in the day when he was admitted to membership in the Arctic Brotherhood, an international organization, made up of Canadians and Americans interested in the development of Alaska, the President an nonneed that he intended to visit Alaska next summer and to go a far into the territory as time would permit in order that he might come into contact with the people and see for himself what might best be done

for their welfare, The President frankly told the members of the brotherhood that he did not believe Alaska at this time is ready for entire self-government.

"I am as much in favor of popular government as anybody," declared the President, "but I am in favor of popular government only when the conditions exist under which popular government may be a success and work for the benefit of the people and the government at large. When there are limitations growing out of various circumstances we must take on the portion of your other means until poular government becomes possible, and then, of course, it is the best government in the this treatment for your world."

After passing two days in and about Seattle, President Taft went to Tacoma Friday night and received from an audience that thronged the big armory one of the most cordial greetings of his trip. He was entertained at dinner at the Union Club. Before leaving Seattle the Presi dent paid a last visit to the exposi-

tion grounds to view the live stock exhibition. Apparently he found great interest in the exhibit, for he passed more than twice the length of time allotted to it. Finally, from the judges' stand he nade a brief speech amid a chorus of bleats and grunts and towings, com-plimenting the exhibitors on their fine

showing and the progress that had been made in this country in the last 15 years in the way of scientific farming and breeding.

The President lunched at the Scattle Country Club and passed some

the Country Club and passed some time on the golf links.

He promised to attend another exposition to be held on the Pacific coast in 1915 in celebration of the completion of the Panama canal. He said the date was beyond his term of office but that his interest in the Panama canal was so great that he would

MARTIAL PARADE EXCELS WEEK'S HISTORIC EVENTS

New York's Greatest Crowd Sees Marching of Fighting Men.

BEST OF FULTON PAGEANTS

Twenty-five Thousand Men in Line and 2,250,000 Looking On-British Red-Coats and German Goose-Steps Attract Attention.

New York City.-Twenty-five thousand fighting men, drawn from all the principal navies of the world and from every branch of the United States Army and Navy, passed in review in the great military parade that will stand out as the most brilliant pageant of the Hudson-Fulton celebration.

Not less than 2,250,000 persons tired, hourse and happy. The first big thrill came when Governor Hughes appeared at the starting point and the military bands blared out airs of the countries whose sailors were about to march. "God Save the King," "Die Wacht am Rhein," "The Marseillaise" and others came in suc-Marseillaise" and others came in suc-cession, and then, following a brief, magnetic pause, the first notes of "The Star Spiangled Banner" rang out. They carried clear for three blocks each way and the crowd, packed to suffocation along each block and in every side street, went wild with enthusiasm.

The post of honor at the head of

the marching line was awarded to the Jackies from the British ships. / In their wide-brimmed straw hats they caught the fancy of the spectators at once as they swung along, big, bronzed men, 700 strong; and the cheers that greeted them were re-doubled when a detachment of the royal marines came into sight behind them and furnished the piquant spectacle of British redcoats under arms

tacle of British redcoats under arms in the streets of New York City.

A continuous roar of cheers accompanied the Germans, who followed, and the crowd was delighted to see the sallors march like the best-drilled army regulars, even leading of after occasional halts with the odd, shawy goose-step. Frenchmen swung by to the squealing and the rattle of fifes and drums. Blue uniforms with white straw hats and white leggings marked the contingent from Alle Dutch cruiser Utrecht, and the Italians, lithe and agile, with the rich coloring and the dark eyes that caused many a woman's gaze to imper, were ians, lithe and agile, with the rich coloring and the dark eyes that caused many a woman's gaze to finger, were conspicuous with white spats that set off the trim simplicity of the rest of

Right on the heels of the Argentines and the Mexicans, the last of the foreigners, came the sailors of the American fleet, and, loudly as they had checred the visitors, the spectators gave all their hearts and voices to the boys at home. Uncle Sam's tars turned out 10,000 strong, the detachment from each ship being preceded by a flag bearing the ship's the Missouri hove in sight. "Show the Missouri hove in sight." the next division as soon as one had

West Point Cadets. New York City has seen them so often it might have grown used to the splendid marching of the future officers of its Army, but of the future officers of its Army, but Australian admirers, and there was much disappointment expressed beautiful to the cadets. never made a braver showing, nor re-ceived a more uproarious welcome. Detachments of cavalry, artillery and infantry, regulars, militiamen and volunteers to the number of 10,000

made up the rest of the parade.
The crowds along the line of march and in the adjoining streets furnished in themselves one of the memorable features of the parade. The police admitted that they never before had been called upon to handle such throngs, but previous lessons proved to have been learned well and there was far less confusion and dangerous congestion than ever before. The field ambulances that had been installed at numerous points were admirably conducted and all who re-quired relief were attended to

promptly.

The grandstands were crowded, but there was complaint at the prices charged. In spite of the efforts that had been made to prevent it, thou-sands of tickets fell into the hands of speculators, who not only asked for \$5 to \$10 for an ordinary seat, but often were insultingly persistent in trying to force their sales. Seats in windows seld rapidly, and though lit-tle business was done in this line in Fifth avenue, except in the business buildings at the lower end, the tenants of flats and apartment houses along Central Park West did not hesi-tate to take is strangers at an aver-age price of \$5 a head.

age price of \$5 a head.

The parade was divided into nine divisions. First marched the sailors and marines of foreign naviez. They were escorted by a platoon of mounted policemen, Grand Marshal Ros and his staff and Squadron A. National Guard of New York. The second division was made up of detachments from the United States Navy, Coad Artillery, Marine Corps and Revenue Cutter Sarvice, led by the West Paint Cadets. Detachments from the United States of the States Army were in the third division and the fourth division of cameasal of the First and Second divisions of the Naval Militia of the State of New York. The National Guard of New York. The National Guard of New York.

SPANISH TRIUMPH IN MORGCCO.

York State, under command of Brigadier-General George Moore Smith and led by Squadron C, cavalry, as escort, made a magnificent showing in the fifth division. Colonel Daniel Appleton commanded the first brigade and Colonel John G. Eddy led the second brigade. In the second brigade marched the Ninth Company of the Costs willlow Corres of the of the Coast Artillery Corps of the Connecticut National Guard.

The sixth division contained the Albany Burgess Corps, commanded by Major J. C. Woodward; the Old Guard of New York, with Major S. Guard of New York, with Major B. Elliss Briggs in command, and the Irish Volunteers, led by Colon Charles J. Crowley. The United Spanish War Veterans had the seventh division. They were commanded by Grand Marshal W. Mart'a Watson. In the eighth division were the Sons of Veterans, Commander-in-Chief George W. Pollitt in command; the Deutscher-Veteranen-Bund of 1870-

Deutscher-Veteranen-Bund of 1870-'71, Max Lederer, the president, in the fore: the United States Volunteer Life Saving Corps, the Legion of In-de eadent Polish Krakusky, under command of Colonel Stefan Suswekt, and the Italian Rife brigade. Cap-tain Thomas O'Reilly was grand marshal of the ninth division, which was composed of members of the Grand viewed the parade, and it aroused Army of the Republic. Most of its them to an enthusiasm that left them participating members were in Rasson tired heaves and heave. The first both sides of the Court of Honor; and the younger fighting men marched between them. There were two old men in the line, however, in one of the organizations who were almost exhausted by the time they had reached the Court of Honor. Not-withstanding that, they tottered along, bowing and smiling to every-one who greeted them. At the rear of the parade, holding the following crowds in check, was a plateon of mounted policemen. Both police plateons in the line won plaudits for their military bearing and the clevel way in which they handled their

The vast crowds were in a good humor, and there were many amusing incidents to the parade.

"There goes the 'possum eaters," a lusty-lunged individual shouted as the head of the Georgia column reached Forty-second street, where-upon some of the Georgia's men upon some of the Georgia's men laughed outright. The Georgia's band, next to the Connecticut's, is the finest in the Atlantic fleet, and when it struck "Way Down Joon the Suwanee River" the crowd in the court of honor stood up and yelled.

"Is Bryan going to run again!" a noisy individual shouled as the Nebragka's men followed the New Jersey contingent past the reviewing.

sey contingent past the reviewing stand. Bringing up the rear of the third section of the Atlantic fleet wasthe Rhode Island, "the chowder ship." and behind her came the snappy looking, swift walking jackles of the Virginia, the flagship of the Fourth D

tucky Home," which put everybody in good humor and started an ovation of cheering. Then the band changed to "Maryland, My Maryland, I the "Suwanee River," then "Dixle, and as the column passed the Governor to "Take Me Back to Old Virginia.

name, and all along the line the me!" the people yelled as the Miscrowd picked out its favorites, only to prove its individual fickleness and brought along Nasma, their goat masgeneral loyalty by turning to cheer cot, the only goat in the world that the next division as soon as one had can cat without ill-results fresh passed by.

Leading the military forces of the United States came the boys the crowd always loves all the time—the chased back to the rear of the colcause Antipodes (that is his name) was not in line.

TWO WET VICTORIES.

Prohibition Forces Defeated in Roanoke, Va., and Knox County, Ind, Roanoke, Va. - The local option

election here resulted in a victory for the "wets." the majority being sev-enty. This was the second fight of the "drys" against the "wets" here, The first was fought last spring when the temperance people won by a ma-jority of eighty-two votes. That elec-tion, however, was declared illegal by

Judge Staples.

The campaign preceding the election was a warm one, temperance people from other parts of the State coming to this city and taking the platform for the "drys." The liquor interests have been equally ardent

Vincences, Ind .- Knox County Forty-one of forty-three precincts in the county show a majority of 820 for the "wets." Although returns from the two remaining county pre cinets may lower this majority slightly, the city of Vincennes voted wet by a majority of 1700.

The county has seventy-two sa-loons, a brewery and a distillery. It is a stronghold of the liquor business because it is a supply centre for rouch "dry" territory heresbout in Indiana and Illicois

Taft Praises Chi President Test, at South Wash, paid tribute to China as one of the most rankly developing countries is the world and declared in favor of a ship substay.