

KAISER TO CHINAMEN.

MONGOLIANS OF KAIG-CHAU WARNED.

Terms of the Proclamation Taking Possession of the Coveted Seaport and Territory—Not to be Construed as an Act of Hostility, But Friendship.

New York, Jan. 10.—According to the Washington correspondent of the Herald, the navy department has received from Rear Admiral McNair, who was recently relieved from duty in command of the Asiatic station, a copy of the following proclamation, issued by Admiral von Diederich, commanding the German naval force on the Asiatic station:

"To all concerned with reference to the cession of the territory: I, high commissioner, in obedience to the commands of His Imperial German Majesty, have landed a force of marines and have taken and occupied Kiao Chou bay with a cluster of islands to the left to be held by Germany for occupation owing to the murder of German missionaries in the province of Shang Tung, and it is but reasonable that China should be called upon to make due reparations. The said territory is therefore taken as a guarantee that such satisfaction would be given as my government may desire.

"This proclamation is accordingly issued for general information and merchants and others in the various towns in Ching Toa are expected to understand that they are to pursue their usual avocations and not give a willing ear to inflammatory rumors of evil doers.

"I have also to observe that relations of amity and friendship have always existed between my empire and China, and in the interruption of peace some days since, Germany made every effort in coming to the rescue, exhibiting thereby a spirit of neighborly friendliness. The landing of a force at present must not be construed as an act of hostility to China, and you need not harbor any misgivings or suspicions on this point. Moreover, it will be the duty of officials to protect all law-abiding people to the end that tranquility and peace may be maintained and on the other hand severe punishment, in accordance with Chinese law will be inflicted upon all evildoers creating disturbance. Should there be any fierce ruffians to injure German subjects or interests it will rest with Germany to take measures for their protection and let there be no resistance. A willful violation of this will not only prove of no advantage, but calamity may overtake the evildoer.

"Officers of the Chinese government will, however, still continue to exercise their official functions in all good faith within the territory occupied by the German forces, but hereafter, should there be cases that cannot be personally disposed of, they should be presented to the government of the brigadier general as the military yaman for attention and adjustment. As regards the buying and selling of land, it will not be permitted unless the sanction of the government be first obtained.

"Tremble and obey.—The Emperor of Germany."

MOSES P. HANDY DEAD.

The Editor and French Exposition Commissioner Passes Away in Georgia.

AUGUSTA, Ga., Jan. 10.—Major Moses P. Handy died at the Hotel Bon Air at noon to-day. The body will be taken to Berlin, Md.

Major Handy has been an invalid the last two months. He became ill in Paris, whether he had gone as the special commissioner of the United States to the French exposition of 1900. He recovered sufficiently to make the journey to America and came here at once.

Moses P. Handy was born in Virginia about fifty years ago. While under age he entered the Confederate service and served with gallantry during the closing months of the war. He was employed by the New York Tribune as special correspondent during the first Cuban troubles and won distinction by his report of the Virginia massacre. Later he became managing editor of the Philadelphia Times and subsequently editor of the Philadelphia Daily News. He was one of the founders and many years the president of the Clover club of Philadelphia. He was also a centennial commissioner.

Mr. Handy moved to Chicago in 1891 to become chief of the bureau of publicity and promotion of the World's Columbian exposition. At the close of the fair he went to New York and engaged in literary work and newspaper correspondence. He returned to Chicago in 1895 to direct the editorial policy of one of the leading newspapers there. Last year he was appointed by President McKinley as special commissioner to the Paris exposition and rendered valuable service.

Reagan Out of the Race.

AUSTIN, Texas, Jan. 10.—Ex-Senator John H. Reagan has retired from the contest for United States senator.

FOUR NEGROES LYNCHED.

Two Arkansas Mobs Avenge a Brutal Assault and a Murder.

LITTLE ROCK, Ark., Jan. 10.—Four negroes have been lynched in the vicinity of the Bearden within the last few days. Two, Devoe and Huntley, accused of brutal assault a year ago, were hanged near Harlow Mill ranch, about three miles north of Bearden, while the other two, murderers, met their fate near the town of Little Bay, a few miles south of Bearden. The work was done by two separate mobs.

HANNA CLAIMS 75 VOTES.

Five Bolters Said to Have Turned Back—McKinley Helps Him Out.

COLEBURN, Ohio, Jan. 10.—At the caucuses last Saturday night, M. A. Hanna was apparently beaten in his contest for the United States senatorship. To-day there are reliable reports indicating that he has more than the necessary seventy-three votes, and it is predicted that he will be elected on the first joint ballot next Wednesday. The men at the Hanna headquarters are jubilant and go so far as to claim seventy-five votes to seventy for the opposition.

The opposition has depended upon the following ten Republicans voting with the sixty-five Democratic members of the legislature: Representatives Mason and Bramley of Cuyahoga, Jones of Stark, Griffin of Union, Otis of Hamilton, Scott of Fulton, Redkey of Highland, Rutan of Carroll, Manuel of Montgomery and Senator Burke of Cleveland. This would make the joint ballot stand 75 to 70 against Hanna.

At a public meeting at Dayton last night Representative Manuel pledged himself for Hanna, first, last and all the time.

John P. Jones of Starke county has sent a telegram to President McKinley, promising to vote for Hanna. Jones' aged mother at Canton and President McKinley himself are responsible for Jones' desertion from the bolters. His mother coaxed Jones away from Kurtz's headquarters back to Canton, and President McKinley, who while he was governor, picked Jones out of a coal mine and made him an inspector, personally appealed to Jones by telegraph. Jones, who is 6 feet 10 inches tall, minds his aged mother like a school boy, and looks upon the President as a father.

Mother McKinley, the President's mother, when alive, had shown almost as much interest in Jones as she did in her son. Jones' mother reminded him of this, and that he would be in the coal pits instead of a mine inspector had it not been for "William." Her son did not make any promises, but he packed his grip, turned his room over to Kurtz and went to Canton. When he reached home, President McKinley made a personal appeal to Jones, and Jones wired back a pledge to the President within an hour. This was the news which General Grosvenor brought from Washington yesterday morning, and President McKinley has also confirmed it by telephone.

Charles L. Kurtz, leader of the opposition, handed the following to the press to-day: "The incorrectness of claims by Mr. Hanna was proven by the test votes in the matter of house organization. He claimed the organization up to the time the test vote was taken and lost. The same claims are being made again on the senatorship and will result the same. Mr. Hanna will not be elected senator.—C. L. Kurtz."

The anti-Hanna men admit that after securing control of both branches of the legislature they made a great mistake in adjourning from Wednesday to Monday and having the members go home till inauguration day. The Republican members who are cooperating with the Democrats against Hanna have thus been confronted with indignation meetings at their homes, which may turn the tide in favor of Senator Hanna.

Mrs. Griffith, the anti-Hanna wife of the Union county representative, went home this afternoon to join her husband at Marysville. Griffith announced at meetings of his constituents last night and again to-day that he did not want to vote for Hanna, but if it was their wish he would do so. There is no lack of effort in Union county now upon the part of the people to express their wishes to their representative and he is being transferred from the list of the opposition to that of Hanna.

CABINET LARGE ENOUGH.

Senators Opposed to the Proposed Department of Commerce.

WASHINGTON, Jan. 10.—There is little chance that a new department of commerce with a cabinet officer at its head will be made. The most that can be hoped for seems to be a commission under an independent head. There is a strong feeling in the Senate against any increase in the cabinet at present. Already appeals have been made for the constitution of mining, health, scientific, commercial, census and labor departments, each with a cabinet head, and many senators are determined to stop the whole thing at the beginning.

Another Big Will Contest.

CHICAGO, Jan. 10.—The will of the late General James L. Torrence is to be contested. The contestant is David Torrence, a young farmer of Logan county, Illinois, who asserts that he is the son of General Torrence by the latter's first wife.

Wonderful Strike of Gold.

SAN ANTONIO, Texas, Jan. 10.—Arrivals here to-day from the Indian Creek gold fields in Uvalde county report that a prospector named Hot Segold has struck a vein of ore which assays \$1,200 to the ton.

Nearly 100 Deaths to One Birth.

HAVANA, Jan. 10.—El Diario de la Marina asserts that during the month of December last at Matanzas there were twenty-five births and 1,091 deaths, and that during the whole of last year there were 792 births in this city and 6,765 deaths.

Court of Inquiry for Weyler.

MADRID, Jan. 10.—The cabinet council decided to-day to submit General Weyler's conduct, with reference to the protest against President McKinley's message and to other matters, to a fresh inquiry.

BARTLEY IS GUILTY.

JUDGMENT OF THE LOWER COURT AFFIRMED.

Supreme Court Holds Sale of State Warrants to Be Embezzlement of State Money—Means Twenty Years for the Ex-Treasurer—No Appeal.

On Wednesday, January 5, the supreme court of the state of Nebraska handed down its decision in the Bartley embezzlement case. The court affirmed the judgment and sentence of the lower court and a mandate will be sent in due time to the Douglas county sheriff directing him to carry out the judgment.

There is no appeal from the decision, but the accused has a right to move the supreme court for a rehearing, but it is not likely one will be granted in this case. Forty days are allowed in which to move for a rehearing, and it is probable an order for the removal of Bartley will not be issued until the expiration of that time.

Ex-Auditor Moore, under sentence of eight years for embezzlement, but out on bail, was present in the clerk's office when the decision was announced.

The opinion was written by Judge Norval, and every contention of defendant was overruled.

The syllabus of the opinion is as follows:

1. On a motion to quash an information, the district will not inquire into the validity of the warrant of arrest issued by the examining magistrate.

2. In a prosecution for the crime of embezzlement, the pendency against the accused of a former information in the district court of another county charging him with the embezzlement of the same property within the county, is no ground for abatement.

3. Error cannot be predicated upon the overruling of a demurrer to a court in the information, where a nolle prosequi is subsequently entered to such count.

4. An information, in the caption and venue of which a given county and state are named, which charges that the defendant "in the county aforesaid, then and there being in said county" did commit a crime, sufficiently alleges that the offense was committed in the county stated in the caption and venue.

5. The place of the commission of an offense charged in one of the counts of the information is sufficiently set forth by averment that the defendant "in the county aforesaid" did commit the acts constituting the offense, where by a former count the county and state are definitely stated.

6. An election by the prosecutor to proceed alone under one count does not so far take the other counts out of the information as to destroy the effect of a reference to them as to time and place.

7. A county attorney of the proper county may institute a criminal proceeding against a state treasurer for the embezzlement of the moneys of the state notwithstanding such prosecutor had received no direction from the auditor of public accounts to take such step.

8. An information for embezzlement is sufficient if it sets forth the crime in the language of the statute creating it, without averring the particular acts in which the offense consisted.

9. An indictment against a state treasurer, which charges the embezzlement to his own use of a certain sum of money belonging to the state is sufficient without an allegation that a demand for the money was made upon him by his successor in office.

10. Where different felonies of the same general character or grade are charged in different counts of an information, it is within the discretion of the trial court to require the prosecutor to elect as to counts. *Korth vs. State*, 46 Neb., 632.

11. No election is required between counts charging the same offense.

12. Error cannot be predicated upon the overruling of a challenge to a juror for cause, where the record fails to disclose that the complaining party exhausted his peremptory challenges.

13. The evidence in the case is sufficient to sustain a conviction of the embezzlement of the moneys of the state.

14. Warrants drawn by the auditor of public accounts upon the state treasury are not negotiable instruments.

15. The giving of credit as a deposit for the amount of a check by the bank upon which it is drawn is, in contemplation of law, a payment of the check in money to the same extent as though the currency had been paid over the counter on the check and immediately redeposited by the payee.

16. A state treasurer, who for an unauthorized purpose draws a check on a state depository bank having money of the state therein, which he delivers to the payee, and the bank on presentation thereof to the credit of a third party whom the payee represents in the transaction, and at the same time charges the account of the state with a like sum, is guilty of the embezzlement of the money of the state within the meaning of section 124 of the criminal code.

17. Where a state treasurer employed a bank to negotiate the sale of a warrant, which was the property of the state, the correspondence of such bank necessary to effect such sale is admissible in evidence in a prosecution of the treasurer for embezzlement of the amount subsequently used to take up such warrant, where there exists such a relation between the sale and the payment of the warrant that the motive in the latter transaction is illustrated by the facts incident to the former.

18. In a prosecution for embezzle-

ment one who has filled out his entire term of office cannot be heard to urge as a defense that when the embezzlement took place he was not an officer de jure; it is immaterial in such case whether he was an officer de jure or de facto.

19. In a prosecution for embezzlement or other crime, where the books, records, papers and entries are voluminous and of such a character as to render it difficult for the jury to arrive at a correct conclusion as to amounts, an expert accountant may be allowed to examine such books, etc., and testify as to the result of his examination when such books, etc., are in the court room subject to inspection by the accused.

20. Instructions must be construed together, and if then they are correctly announced the rule applicable to the issues and evidence, they will be upheld, even though a single paragraph standing alone might be faulty.

21. Held, that the instruction defining a reasonable doubt did not deny to the accused the benefit of a reasonable doubt arising from the lack of evidence in the case, and that it was not error to state in said instruction "you are not at liberty to disbelieve as jurors if from all the evidence you believe as men. Your oath imposes on you no obligation to doubt, where no doubt would exist if no oath had been administered."

22. The court charged the jury that: "The law raises no presumption against the defendant; on the contrary, the presumption of the law is in favor of his innocence. This presumption of innocence continues through the trial until every material allegation in the information is established by the evidence to the exclusion of all reasonable doubt." Held, equivalent to the rule that the presumption of innocence is a matter of evidence to the benefit of which the accused is entitled.

23. In case of conviction under an information charging the embezzlement of money, a verdict finding the amount of money embezzled to be a specified number of dollars, is a sufficient finding of value.

MEETING IS POSTPONED.

The State Press Association is Put Off for Two Weeks.

The officers of the state press association have informed the members that the annual meeting had been postponed from Tuesday and Wednesday, January 11-12, until Tuesday and Wednesday, January 25 and 26. The change is made because the dates first assigned come so near the time of letting county printing contracts that many of the publishers will not care to leave home.

BOY CONVICTED OF MURDER

And the State Interferes in the Interests of a Fair Trial.

An unusual thing occurred in the supreme court last Wednesday. Ed. P. Smith, deputy attorney-general, representing the state, made an argument in a murder case, made an argument in a murder case, made an argument to reverse the judgment of the lower court. Mr. Smith thinks the circumstances justify his position. Edward Lorenz, a sixteen-year-old boy of Red Willow county, was convicted of killing a man whose body was found two days after death had evidently occurred. Briefs in the case show that the boy was arrested on suspicion. A new lawyer in the town, who afterward proved to be a pretty good horse doctor, was employed by the boy and retained by the court. When the prosecution closed its evidence and rested the horse doctor rested his case also without offering any evidence. It is stated by those who have interested themselves in the boy that there was no real evidence that he killed the man and it is thought suspicion was cast on him by parties who knew more about the murder than he did.

Telegraph Rates.

Lambertson & Hall, attorneys for the Postal Telegraph and Cable company, have filed an answer with the board of transportation in the matter of the complaint of F. Q. Feltz. The attorneys deny that telegraph rates are unjust to the amount of 23 1-3 per cent, and allege that the act of the last legislature extending the powers of the board so as to give them control over express and telegraph companies is unconstitutional and void, and for this reason the board has no authority to determine reasonableness of telegraph rates. It is further alleged that there is a misjoinder of defendants; that no proper complaint has been filed against the defendant. It is alleged that the complainant has no interest in the complaint as it is not shown that his business as farmer and stock raiser will be interfered with or suffer by the alleged unreasonable rates, or that he ever uses wires of the Postal Telegraph and Cable company.

Want Otis Anslay.

Governor Holcomb has issued a requisition for the return of Otis Anslay who is under arrest at Kansas City charged with burglarizing the bank of Boelus, Howard county, and carrying away \$1,283. Thomas Lahowitz, sheriff of Howard county will go after him. A company that insures banks from burglary has traced the fellow for several months through the agency of Pinkerton detectives.

Arrested for Forgery.

Harry Haskill, wanted at Ft. Madison, Ia., for forgery, was arrested at Beaver City by Sheriff Modlin and is now in jail awaiting the arrival of Iowa officials. Haskill was going under an assumed name and was in disguise.

Found Dead in Bed.

Mrs. Dillah V. Wakefield of Waverly, aged sixty years, wife of Orson Wakefield, was found dead in bed recently. Heart trouble was the cause,

NEBRASKA IN BRIEF

ITEMS OF INTEREST FROM OVER THE STATE.

A Complete Review of the Past Week's Happenings in the Tree Planters' State—Succinct Summary of the Most Important News.

The supreme court has affirmed the decision of the lower court in the case of ex-Treasurer Bartley, who was sentenced to twenty years in the penitentiary.

Lou E. Hamlin, of Omaha, first wife of Hon. John C. Watson, of Nebraska City, who separated from him ten years ago, died last December. She left to Mr. Watson real estate valued at \$10,000, and life insurance of \$2,500.

There was no formality about the entrance of Judge Sullivan to the office of judge of the supreme court. He arrived, filed his oath of office with the secretary of state and was received by the other judges in the court's consultation room.

A Mrs. Benson, formerly an employe at the Grand hotel in Lincoln, has instituted proceedings against the city of Omaha for damages sustained some time ago by her little daughter, who fell into a coal hole while running along the street, and received injuries that may cripple her for a long time.

State Treasurer Meserve has issued a call for warrants drawn on the university fund amounting to \$8,000. The call will take effect January 15. After these warrants are taken up there will be warrants outstanding on the fund amounting to \$18,864. If the fund is not drawn on very heavily for a few months the state treasurer expects to catch up and keep it a cash fund.

A Cuban relief committee has been appointed by Governor Holcomb. He appointed Rev. H. O. Rowlands, Gen. P. H. Barry and M. D. Welch of Lincoln and J. E. Utt and W. N. Nason of Omaha. This action was taken in response to a telegram from Stephen E. Barton, chairman of the Central Cuban relief commission appointed by the president.

Newton Burrows, of Beatrice, was waylaid by three men as he was crossing the South Sixth street bridge. He had nothing of value so he was left unharmed. The police were notified and one of the parties was overtaken, who gives the name of Ira Kimball. Judge Callison bound him over to the district court. His bond was fixed at \$500 and he languishes in the county jail. He has peached on his pals and the officers are looking for them.

A. O. Harrison of Nebraska City has filed a complaint with the board of education alleging that his sister Nellie, twelve years of age, was compelled by H. Morgan, principal of the Sixth ward school, to climb stairs an excessive number of times as punishment. The girl was taken sick a few days after the punishment is stated to have been inflicted, and died after two or three days' illness of inflammation of the bowels. The board has ordered an investigation of the affair.

Ex-County Treasurer Ezra S. Whitney of Harlan county, and Banker Benjamin D. Mills of Alma, are now in the state penitentiary. Both have been found guilty of embezzlement of public funds. The ex-county treasurer is short in his accounts over \$11,000. He received a sentence of two years and a half. Mills got \$6,000 of county funds and was sentenced to five years. The decision in the Whitney case contains a ruling which clears up matters on which there has been much speculation by disinterested parties in the Bartley case. It is held that if public funds are embezzled and afterwards recovered the embezzler is not relieved from criminal liability any more than a person who steals a horse and returns it is exempt from criminal prosecution. This is the illustration used by the court.

George Baker and his wife, living two miles southwest of Fairbury, were brutally murdered in their home between 5 and 6 o'clock a. m. The murderer fired two charges from a gun through the window while they were dressing, one load taking effect in the head of each of the victims. Two hired men were on the place at the time and heard the shots, but the murderer made his escape in the darkness. A brother of the murdered man is charged with being the guilty party. He left the place where he was working, it is claimed, near there, at 12 o'clock in the night with a shotgun and has not been seen since. The trail is being guarded and bloodhounds are on the trail. William Baker, the man suspected of the crime, has not been found, and evidence is developing which points strongly to his guilt. A feud has existed, it is said, between him and his brother for the past twenty years, and it is alleged he remarked about a year ago that sometime he intended to kill the whole Baker family. It is said he was at one time a rejected suitor of the murdered woman.

Later—Wm. Baker, the murderer of his brother, was traced by the bloodhounds to a barn on the farm of an uncle three and a half miles from the scene of the crime. He was found dead in the loft, having killed himself.

The rotation system of examinations has been adopted by the state banking board and hereafter the examiners will exchange territory from time to time.

While driving to Hardy Mrs. L. W. Miller, an aged widow, was thrown from her buggy and seriously injured. The horse became frightened at some children playing in the road.

Schools employing 589 teachers have applied for space in the educational exhibit at the trans-Mississippi exposition. All applications must be filed with State Superintendent Jackson before February 1.

Charles Wallstrom of Fremont was the other day arrested for passing a forged check on A. Park.

Mrs. Dillah V. Wakefield of Waverly, aged sixty years, wife of Orson Wakefield, was found dead in bed recently. Heart trouble was the cause.

State Treasurer Meserve has issued a call for general fund warrants from Nos. 35,852 to 36,021, amounting to \$27,000. The call takes effect January 12.

The authorities at the Douglas county jail are keeping closer watch on ex-Treasurer Bartley since the confirmation of his sentence. It is understood that the door of his cell, which was formerly left unlocked, is now kept locked.

T. E. Hill, a stock man from Wayne, who went to Omaha recently with a car load of cattle and sold them at South Omaha, made a persistent attempt to end his checkered career by the gas jet route. A clerk in the hotel discovered the escaping gas in time to save Hill's life.

Willard Baker, cashier of the Albion National bank, shot himself. He is still alive but little hope is entertained of his recovery. He has been in poor health for a number of years and the last week has been much worse. No motive can be assigned for the deed as his business affairs, so far as known are in good condition and his domestic affairs were pleasant.

The stockholders of the Platte county fair and agricultural society held a meeting at the office of Secretary Beecher and concluded to go out of business. They will offer the grounds with all improvements for sale and will try and close the business out by the 1st of March if possible. This means no more fairs for Platte county in the future.

Attorney-General Smyth has expressed his conviction that the Douglas county refunding bonds are valid, and said that the suit to test the validity of the issue of exposition bonds was brought simply to protect the state school fund which it is proposed to invest in them. He believed it was better to have the question settled now than to have the validity of the bonds disputed when their time has run and they have become due.

Adjutant-General Barry has returned from Illinois and Ohio. He visited Adjutant-General Reece of Illinois and Adjutant-General Axline of Ohio. General Barry went to further the proposition of mobilization of the national guard at the trans-Mississippi exposition. In case congress does not pass an act for this purpose it is proposed to induce authorities of many states to send a large representation of the guard to encamp at the exposition.

Wesley Johns, a young man who has gotten himself into a great deal of notoriety during the last few years in Lincoln police court, recently either committed suicide or was murdered. The facts surrounding the case are very mysterious, to say the least, and at a late hour the police seemed to think he had not taken his own life. The police are of the opinion that the matter was a direct result of a drunken brawl. No arrests have been made.

Mrs. Alice Johnson, aged about thirty-five, who has been living alone with her little daughter at 1140 South Seventeenth street, Omaha, was found dead by a young man, Oscar Sanstrom, a husher in a restaurant, who called at her home. He is held for investigation of the case. The absence of her husband and the fact that she had reason to expect to become a mother in a few months is supposed to have led the woman to commit suicide. It is supposed she poisoned herself, but no evidences of poison were found. An aunt of the dead woman says that Sanstrom is the cause of the woman's condition.

A post mortem examination of the body of Mrs. Alice Johnson, who was found dead at her home in Omaha, found that death was not due to disease nor injury. Two bottles of medicine of a character not determined were found in the house, which will be submitted to chemical analysis. Oscar Sanstrom, the husher who has been keeping company with the woman and who was held pending investigation, says that if it is true that the dead woman was about to become a mother, he was probably the cause of it, but he denies all knowledge of how she came to her death saying that he last saw her in life last Thursday.

The attorney-general has given Auditor Cornell an opinion in relation to sheriff's fees. Instead of allowing 75c a day for the keeping of prisoners before bringing them to the penitentiary sheriff's will only be allowed that for the first six days. If kept longer than six days they are only allowed 50c per day. Under this ruling if a sheriff keeps a prisoner six days he may draw \$4.50, but if he keeps a prisoner eight days he will get only \$4. The attorney-general gave an opinion also in regard to mileage of sheriffs. He has decided that the old mileage act under which sheriffs drew ten cents a mile each way and \$3 a day was repealed by the act of the late legislature. A sheriff is now allowed actual expenses and \$3 a day.

Charles Fuller, a brakeman, while making a coupling at DeWitt, was caught between the bumpers and so badly crushed that death ensued a few hours later.

Carl Skoot, a German farmer residing on the reservation northeast of Bancroft was instantly killed while engaged in digging a well. He was working in the bottom of a ninety-foot well when one of the buckets used to haul up the dirt, when about forty feet from the top, slipped off the windlass hook and fell to the bottom, striking him on the head.