JUDGE'S CHARGE IN

Court, in Summing Up, Alludes

Following clever addresses from coun sel for both sides and a general summing up of evidence by his lordship, Mr. Justice Murphy, in the assize cour Thursday afternoon the jury took five minutes to declare Capt. Albert A. Sears, late master of the steamer Iroquois

nesses examined the case was brought to a conclusion rapidly. As the proceedings neared the end yesterday afternoon the court room filled up with spectators until the court officers had to clear spaces about the doors. In the audience behind the barrier there were The case began on Wednesday and on that day Mr. H. W. R. Moore, for the crown, closed his case. Mr. H. A. Mc-Lean, K. C., defendant's counsel, opened not call the Iroquois' boats suitable lifehis case on Wednesday and, upon continuing yesterday forenoon placed Mr. Baynes Reed in the box. Many wit-

Wind's Velocity.

morning, Mr. Baynes Reed, of the me-Iroquois was lost. Witness's figures broken herself. showed that the wind recorded on the day the Clallam foundered was less than sixty miles an hour.

no occasion in seven and a half years never had a chance to take out freight clear and some of the men in the boat oriminal proceeding. There was no

feet 6 inches long, and 5 feet 10 inches would have taken her out on April 10. deep. They could carry ten passengers very easily. The piece torn from one of the boats would not affect the seaworthiness of the boat unless the sea

were beating on the starboard side. Definition of Lifeboat.

partments to call it a lifeboat. A lifeboat should be of good size.

John Reid, of Sidney, a carpenter, had worked on the Iroquois. He was on the stability of a vessel. board the latter steamer on the night the Clallam was wrecked. The Iroquois by any bad weather,

To Mr. Moore witness could not say On the night of the Clallam wreck the Iroquois cruised around San Juan island with cargo on the top deck and lower deck as usual. She had not time to unload when she was called out. Witness said the cargo was a mixture of all kinds. Some of it was in bags.

To Mr. McLean witness said Captain Sears was master of the steamer at that

George Herman, of Sidney, had worked on the Iroquois as a deckhand. He had never known the Iroquois to fail to make her regular trips.

James McNaught, of Sidney, agent for telephone office on April 10. Mr. Woolett had said he did not go on the Iroquois because his wife always got sick in question.

Joseph Peirson, of Victoria, also

not consider two and a half tons a Monday morning and looked around and went by the hone of the crown's case. heavy load on the upper deck. Not Good Boats

Dr. W. G. Cummings, M. D., of Sidney, had been a ship's surgeon for a year on the deep sea. He also had had experi-ings put under them. The steamer had which sank off Sidney on April 10 last with a large loss of life, not guilty of the crime of manslaughter as charged by the crown.

Considering the large number of wit
The deep sea. He also had had expering the also had lad expering the large loss of life, not guilty of ence with small boats. He had seen the a fairly good load but he had had more many times. Witness judged the wind was blowing 18 to 20 miles an hour. No boat the size of the Iroquois could was blowing 18 to 20 miles an hour.

the boat less seaworthy if the wind were sailing of the Iroquois. A heavy squall had gone down and looked over the entitled to the benefit of the doubt in audience behind the barrier there were numbers of well known Sidney people.

The case began on Wednesday and continued behind the barrier there were not the boat less seaworthy if the wind were struck her as she came abreast of Point freight and so far as he could see it every instance. The onus was on the Roberts and she heeled over and came was in good shape. Therefore, he had crown to prove the charges to the hilt.

boats. Captain Joseph Riley, master mariner nesses followed, the last of them being boat of her size on the coast. Witness considered the Iroquois equal to any He had never known her to miss a trip When the court resumed yesterday although sometimes she had to lay over teorological bureau, Victoria, introduced the wind had blown sixty miles an documentary evidence taken from the hour the Iroquois could not have taken records showing the velocity of the on her passengers because she could not but the steamer kept on settling fast have; goose-pond sailors? There could wind as recorded on the day the steamer have lain alongside the wharf without Clallam foundered and on the day the either breaking the wharf or being

Question For Inspectors

when the Iroquois did not make its such as Capt. Sears carried. There were rowed her away. Two minutes later shadow of criminality. regular trip. He had known the steamer three boats put against him. If he had he was told the boat had swamped. to go out in much stronger wind than had the freight he would have loaded hat blowing on April 10.

To Mr. Moore witness said he was to the master of a steamer what was a to the master of a steamer what was a to the master of a steamer what was a to the master of a steamer what was a to the master of a steamer what was a from a practiced criminal lawyer. But the jury had just heard an able address from a practiced criminal lawyer. But the jury had just heard an able address from a practiced criminal lawyer. But the jury had just heard an able address from a practiced criminal lawyer. But the jury had just heard an able address from a practiced criminal lawyer. Sidney run in 1900 and had never known them used shifting boards., Witness Quirements of the regulations. The head often seen would not admit that shifting cargo crew of the Iroquois was not drilled prosecution. There was absolutely not dence that Henry Anderson Jones,

after the accident and would say they about two months in 1908. During that were good seaworthy boats. They were time he took her out every trip, and clinker built boats, and good sized, 18 never had any difficulty with her. He

> Effect of Deckload To Mr. Moore witness said the effect

of a deckload on a ship was to make her cranky. Mr. McLean elicited the opinion that a two and a half ton deckload would

To Mr. Moore witness admitted that have had no effect on the Irequois. he called any kind of a boat carried on E. J. Parsons, master mariner, was on a vessel for use by the passengers and the Iroquois as mate in 1908 for a short crew and passed by the inspectors, a time. He would have taken the Iroquois lifeboat. He did not think it was neces- out on April 10. Witness never found

sary to have a boat with air-tight com- the steamer tender in rough weather. Cross-examined witness admitted deck load tended to raise the centre of gravity and thereby somewhat lessened

George W. Caven, master mariner, was master of the Iroquois in 1900 during stood the sea very well. It was a the completion of her construction at pretty rough night. The wind on April Port Moody. He afterwards sailed her. 10 was nothing like the wind on the Witness had experienced as hard a blow night of the Clallam disaster. Witness as he ever saw on the Pacific coast. She never knew the Iroquois to be stopped was without cargo, and had only a little coal in her hold. The same wind blew some of the coal cars right off the track what caused the Iroquois to go down. at Ladysmith. The Iroquois always answered her helm; and was quite staunch. Witness said the lifeboats were strong cedar and oak boats, and

were serviceable. Mr. Moore brought out the fact that the witness was considered a very care-

James McNaught, of Sidney, agent for the B. C. Telephone Company, had seen staunch, good sea boats. He could not somewhat extraordinary course of proton to show that the stormer was evidence to show that the stormer was evidence to show that the stormer was taken to show the stormer was taken to show that the stormer was taken to show that the stormer was taken to show that the stormer was taken to show the stormer was taken to the previous witness, Mr. Woolett in the say what shape they were in on April 10. ceeding against this man criminally. He to show that the steamer was tender ada.

In His Own Defence.

knew Mr. Woolett. So far as witness then put on in his own defence. He investigation by a marine court as to would be 48 years old tomorrow and the steamer's loss. In this case the acblue-jacket. Witness first knew him as first went to sea as a boy in 1884. He cused's past was of much importance. George Wallace. Witness remembered was in deep water nearly eight years. His past in this case was all in his Mr. Woelett coming into his office here and saying that he and his wife did not go on the Iroquois because it was him from various vessels. His character hlowing hard and Mrs. Woolett was a live of the seems of the new placer had aroused a great deal of interest and him from various vessels. His character the only difficulty the speaker had had prejudice. The jury was to pay attending the projudice. The jury was to pay attending the projudice of the white

as far as he could judge the freight was properly stowed and safe. There were some sacks of feed without grating

kept the steamer up to the wind but have remained at the wharf on April not guilty. over and witness thought more cargo in stronger gales and had every reawas at one time master of the Iroquois. after this and in about a minute the Weather much stronger gales. Therepurser reported she was making water fore, there was no criminal negligence below. Witness then put the helm down Witness was in Sidney on April 10. If hard and tried to beach the steamer in wind. If captains were going to stay Roberts bay to save all hands. Two in port whenever the wind blew a minutes would have brought the bay and soon went right over. When wit- be no charge of criminal negligence of ness saw he could not make the shore Capt. Sears' part in this case. And he climbed out through the weather even admiting that Capt. Sears were Capt. Riley said he would never have He then ran to get the women out of an error of judgment was not a crime. might be blowing a gale at Sidney and as the inspectors passed the boats the the women into the boat. Nine or ten not be so strong in Victoria. The conmater of the steamer was right in takpeople were in the first boat when the tour of the land would make a great ing them. The boats were of cedar on davit caught it and witness asked some

not a seaman and had no means of sufficient load. There was no law. None er's boats were not unsinkable life- from a practiced criminal lawyer, but of the coast boats was properly stowed. boats such as were used in the coast he, Mr. Moore, was surprised to hear act of robbery, S. Moore, of Sidney, had known the Witness considered the Iroquois as well service. They had no watertight com- Mr. McLean take the ground he took in S. Moore, of Signey, and known the Witness considered the frequois as well Idoquois ever since she started on the stowed as any coast steamer. None of partments They came up to the regulations. The crown never should have brought this the suggestion does not appear to have Idoquois ever since she started on the Stowed as any coast steamer. None of Partments They came up to the regulations. The crown never should have brought this been received with any special confidence.

her to miss her trip. He had often seen would not admit that shifting cargo crew of the froquois was not united her go out in stronger gales than that caused the froquois to turn turtle. A in lifeboat drill and had no assigned thing personal in the crown's action, wanted for the robbery and subsequent her go out in stronger gales than that caused the Iroquois to turn turtle. A in literature and the crown witnesses came, not of butchery of his wife, must have com-

amination when court resumed after the defence. Captain Sears admitted tion of Jones, who is a native of Sunauthority giving requirements for deck load overboard, and gave no orders description being as follows: Age 52 sea-going coast steamers' small to have the boats launched. As a reboats had no airtight, watertight com-condition and improperly manned. Cap- sandy grey, bald in front; eyes, blue boats had no airtight, watertight compartments. Then followed a battle between counsel for the crown and witness as to the interpretation of the term "buoyancy" as used legally. Witness declared the term referred to the number of cubic feet a boat measured and counsel argued it applied to the watertight compartments. Counsel watertight compartments. Counsel asked witness to take the regulations asked witness to take the regulations and show where they said boats of Captain Sears, as an experienced sea

have watertight compartments. His lordship interrupted to observe that he didi not see how a man could be convicted of manslaughter on the stowed that the top deck load made the score of his boats being defective, when the government inspectors had passed them. At best it came down to a misunderstanding of the term "buoyancy" men, said that Captain Sears never citizens of Trail that the government and his lordship was inclined to be- should have taken the steamer out. Would contribute one-half of the cost lieve the witness was correct in his Counsel did not ask the jury to find ac- of new educational facilities in the interpretation of the term. Buoyancy cused guilty of manslaughter for an smelter city conditionally upon the citiwas synonymous with displacement and error of judgment. But it was sub- zens of Trail providing the remaining was not affected ordinarily by water- mitted that Captain Sears did know fifty per cent of the required amount tight compartments.

Address for Defence. Mr. McLean began his address to the

Witness considered the ship's boats ender, as the crown had taken the freight money. On this day he had a and modern school buildings of any

Captain A. A. Sears, the accused, was ed in any way as he would be in an not have taken.

CAPTAIN SEARS

IS ACQUITTED

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I

had often seen lumber and a little iron boat. On the second boat the gunwale on the top deck. With a heavy load was torn away and the boat could not the circumstances. In fact there was not the top deck the steamer was more be rowed. Witness was in Victoria a jot of evidence to support the charges of omission. So far as law was conwent by the board, for it charged that accused had done something he ought ably, and the wreckage liable to break not to have done. That was not an up at any minute. What on earth could

Question of Responsibility

Passing on to the question of the counsel declared evidence showed that were all right for a calm day, but not for life boats. Witness said the boats were not intact. A hole eighteen inches long was torn in the stern of one of that morning.

Capt. Sears in any event could not be marine them.

Canada. even if there were any negligence, which soon she rolled again and went farther 10. He had been out scores of times shifted. The steamer did not right son to believe that his craft could guilty.

Mr. McLean went on to review the as though the earth had opened to swal-James J. White, of Sidney, employed lifeboats adequate.

oak frames. Witness considered the of the men to get out and help free evidence of the crown witnesses, and low him. the boat. Witness asked the mate to again drew attention to the fact that in the customs at Sidney, could recall | Cross-examined witness said he had go in the boat but a sea took the boat | Cross-examined witness said he had go in the boat but a sea took the boat | Revelstoke Black Hand murder now

Prosecution's Case

fertilizer was piled on the morning the their own accord, but because they had mitted suicide, so complete and inexsteamer sailed. He estimated the wind to come. Mr. Moore went on to review plicable has been his disappearance. The

very heavy wind and an ebb tide and ships under 200 tons gross need not captain of course realized this. Speaking of the stowing of the cargo, Mr. Moore said there was no question from the evidence but that the cargo was so Government's Contribution to Trail steamer list. As to the weather, the men who testified for the crown, and executive a decision was reached conthat he was taking a great risk and and the government's contribution being risking his passengers' lives. He had, limited to \$20,000. Mr. McLean began his address to the jury at 2.45.

The matter was so important from the standpoint of the accused that he could not pass the case without touching against the wharf at Sidney and the resultant intake of water had much to do with her foundering.

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That was taking a risk. He had taken risks before and on April 10 he took one too many. Mr. Moore would not suggest that Captain Sears would deliberately risk lives of passengers to make freight money; but the fact remained that the captain owned the second most serious charge on the call-freight money. On this day he had a modern school buildings of any To Mr. McLean witness said he would have taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal, presumbaye taken the steamer out on the day as was an actual criminal as was as wa

Judge Murphy's Charge

His lordship said that it was quite him from various vessels. His character blowing hard and Mrs. Woolett was a poor sailor.

To Mr. Moore witness said so far as he knew Mr. Woolett had never been the knew Mr. Woolett had never been to kn

wreck, making the deductions in favor said to have sent his boat off with a hole punched in it by a davit. The passengers were panic-stricken, prob the man do? He couldn't make a new was criminally reckless in sending that leaving of the wharf in the storm boat away. His lordship reviewed the points of the evidence in detail and exthere was no reason for staying at plained that the accused could not be held guilty for any shortcomings of the marine department of the Domi:

In concluding his lorushin again in Asked if this hole would have made | Capt. Sears went on to describe the | was not the case. Moreover, Capt. Sears | structed the jury that the accused was did not think that would make any dif-ference because the boat filled with water, not wind.

Roberts and she neeled over and came not omitted to do his duty in that cargo shift. He held the steamer up water, not wind.

Cargo snist. He neid the steamer up concerned there was absolutely noth a verdict of manslaughter, if they did the cargo back as soon as possible. He ing to show that Capt. Sears should not, then they would find the prisoner The jury retired at 4:25. At 4:30

Captain Sears was discharged.

MAINLAND CRIMES Police Authorities Baffled by Disap-

pearance of Man Wanted for Wife Murder The police authorities of the lower door and gave orders to issue lifebelts. Quite wrong in going out in this storm, three capital cases, each of which apmainland have at present on their hands pears to be peculiarly baffling inasmuch

Capt. Riley said ne would never have the their ran to get the women out of hesitated a moment in taking the Iro- the cabin. He got two out with some Therefore, in no particular could any- as only the slenderest clues have as To Mr. Moore witness admitted that quois out on April 10. Speaking of the assistance before the lower deck broke his records were only for Victoria. Wind vessel's lifeboats witness said as long away. Witness then looked to getting Sears. In fact there never would have these, while in the third the muchbeen any question of it had it not been wanted criminal would seem to have for the foolish talk of some old men.

more than six months old, but in the solution of which the officers of the law are no further advanced than when burglar whom he interrupted in the

30 miles an hour. Witness ran a boat-house and had seen the Iroquois' boats thirty-three years, was on the Iroquois was blowing at 50 miles an hour during the evidence. He read the charges police have sent to all parts of the against Captain Sears, and declared that northwest and to all headquarter police Capt. Sears was still under cross-ex- many of the points were admitted by offices of America a detailed descripluncheon. Mr. Moore read from legal that he gave no orders to throw the derland, Durham county, England, his Witness admitted that his small sult the boats went away in a damaged about 130 lbs.; complexion, ruddy; hair, moustache (if not shaven off); no teeth, except two, eye and one below; hard to understand in consequence of loss of teeth; eats soft food, no meat. When last seen, had black suit with faint stripe, black hard hat. Occupation, laborer at machine shop, but was formerly boss "fireman" in a coal mine in Eng-

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he said, gone out in stronger winds. The residents of Trail promptly

guilt. He was at all times entitled to conclusion Mr. Moore asked the jury new four-roomed school at Cloverdale. the benefit of any reasonable doubt to find that the accused took chances on the lower mainland; while construcand he was in this case not to be judg- with his passengers' lives that he should tion of the Black Mountain school, tenders for which were invited some time ago, will for the present be deferred.

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PENING OF F

ng's weather a London has er Sovereign id a huge, warm-est assembly at Sy s and scores of the isles and tran The voice ed into a paea was no unfitting great sublime re was a spirit green of summer eady come; a ligh flags; and the sun h less sky all the after that their Majesties old alike had waited for this first time Sovereign in such ho command. Particula tice the careful way orough along the rot nents for the presen at or stood or knel hem for fidgeting nent?-some with p n their hands, some nd some, so loyal as with paper facsimile of England on their

In the grounds of was, indeed, a strange pectacle. By a hap he less striking for i grotesque, Lord Plyn have ventured upon sentation in little of the Empire from one perhaps, suggest the idea has been carried Houses of Parliamer sented by a model—p marvelous make-belie ever been set up in th the Canadian Governm liament buildings of less striking, and then important truth in Festival Committee t history of the metropo Londoner been afforde portunity of realizing truth the varied asp parts of the Empire. C a more useful hour of. in the company of a co round the overseas pic railway that takes on

pictures typical of our

very heart-strings of

is somet

beyond the water in uncanny truth of the as one passes by. Th and a full-blooded through them to a s with just the action mentarily straightene ment's rest-he water the passage of the little there is a sudden pictu jungle. One could ha the fauna of India had ly collected in so small few men who have left dia who will not reco than art, the perfect s that is afforded by a c that is reflected in a li the foliage that almost head. Good, too, is th ged pile dwellings of I of domestic life overs out at the next stopp their steps in order to processes of sheep far find out the exact mea chinery required for Kimberley or the bank ersrand. Once more browse peacefully in th Hill, and one is tempted known verses on the c the Crystal Palace here

> As though 'twere A blazing arch Leaps like a four To meet the st

A quiet green, but With cattle brow And lo! long lines In order raised

The festival has don the feeding cattle to t praise too highly the cle architects—we had alr artists-of this little ised the natural oppo Already the rhododend st, real every tree, ha he sun of the last few rimson flame. In sh mitless expenditure, l oubted beauty can m iccess, this, one of th assured of a triumph But there was a sp hich lent a peculiar in ell-known grounds a ge building. All thr London must have suburban lines and ere lighted up by a bi