

Duke Trial Continued.

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YESTERDAY AFTERNOON.

Volander, whose eviden e was also on very similar lines

like all the rest, when he went aboard as I could see.

John Cody (sworn and examined by the Attorney General).-I am an A.B. Duke previous to this. I was in the same watch with Harry ness, was examined by Howley, K.C., went off watch at 4 o'clock; next thing knife in his hand. The captain came The evidence of Harry Penney was up, and the mate and captain and self next taken. This witness was asleep went forward. Duke went ahead and in the forecastle with Duke, and was went down nto the forepeak. I went awakened by the latter getting up. aft then and saw Sears on the cabin Shortly after he heard the cook call floor dead. Captain and mate were out to him to get something; he did then forward trying to get Duke up not know what the cook meant, but from the forepeak. They could not thought there was trouble and took succeed, so they barred him down an iron belaying pin. He afterwards there. Duke sometimes looked queer went aft and saw Sears lying dead in and wild looking. He slept down in the cabin. On cross-examination he the forepeak once or twice. He said said that he had missed Duke out of he wanted to get clear of the noise. his berth one night, and also that He was complaining of his heart. Duke had been complaining of being never sailed with Duke before. Duke sick. He was not alarmed about Duke had no trick at the wheel that watch. being absent. Duke was pretty drunk. He was quite calm and quiet as far

ship. The captain gave Duke medi- James Flynn (sworn and examined) of insanity might come on if a man but Duke did not take it. When -I am the mate of the Lake Simcoe they looked for Duke on finding him Duke was in the port watch-my ly stopped. It was quite possible for absent, they found him down in the watch. We came on at midnight of such a fit to come on several days af forepeak lying down. He said he the 11th of September and were on ter the subject has been apparently wanted to get clear of the noise in the till 4 a.m. of the 12th. I was asleep quite well. forecastle. He came on deck again in the cabin. At about 5.15 I heard at eight bells. Duke went off watch some noise and looked out and saw I know the prisoner Duke. I have with him on the morning of the blood, came out and saw a man lying twelfth of September. He did not see on the floor in a pool of blood; saw Duke with a knife when he got out of the boatswain standing with a long Brazil. I was boatswain. Duke was his bunk, but he saw him with a knife boot in his hand. Boatswain said Duke had stabbed Sears; saw the cook and at all the ports we called at.

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from the forepeak. We lashed the hatch down and went aft and attended self up. Duke was very drunk when be came on board. I released him John Cunningham (sworn and exhe came on board. I released him from the forepeak the morning after. He showed some signs of suffering from the effects of drink. I don't think he got much sleep. There was no drinking after the first day out. Andrew Wilson (sworn and examned).-I am the captain of the Lake Simcoe. She is a British ship registered at St. John's. The men came on board more or less the worse for liquor. Cody and Duke had a quarrel. This quarrel was quieted down, but trouble started again at 10 o'clock. Boatswain and I could not men rushed to the cabin crying out that Sears had been stabbed. I rushed out of my room and fell over Sears, who was lying on the floor dead. I went on deck and saw Duke waving a knife. The mate and I rush-

ed for him and he bolted below. The captain's evidence as to what happened after this was practically notice anything very peculiar about

Penney and John Duke. There was for 33 days. The knowledge of Sears a squabble between Duke and myself death was kept from Duke. The capwhen we were going out. No further tain told Duke that Sears was dead trouble after that. Duke went into the day before they arrived at Per- locker till we reached Pernambuco the forecastle and the mate and oth- nambuco. In 1910 Duke sailed with The crew used to tell me that Sears ers went down and put him in irons. him from here to Sydney. He com-When the Court sat again at 2.30 Duke remained down there for some plained that he thought the crew were When the Court sat again at 2.30 Duke remained down there for some plained that he thought the crew were quite, friendly terms. I knew Sears going to throw him overboard. He for three years. We were both fishseemed like a man in the D. T.'s. On ing out of Flatrock at one time. and cross-examined by Furlong, K.C. I heard was some one calling out on this voyage (the voyage to Sydney) This witness's evidence was much the deck. I ran out on deck and saw cook Duke jumped overboard, but was ressame as that of the two former wit- standing in galley door with an axe ued and taken on board again and in his hand, calling out "The boy is was put in irons until the next day The fourth witness was Frederick killed." Soon afterwards I saw Duke The captain also states that there was standing on deck looking aft with a more or less trouble with sailors recovering from drunkenness.

This was the last Crown witness.

Mr. Furlong, K.C., then addressed the Jury for the defence, and the point relied on for the defence is that the crime was committed during an attack of mania. Evidence was to b brought by the defence as to forme acts, which tend to support this de-

Dr. Scully (sworn and empined) Delirium Tremens follows a drinking bout sometimes, or it may cause acute alcoholic insanity. The evidence which the doctor gave was of a technical nature, and stated that a sudden fit who has been drinking and is sudden

John Butt (sworn and examined) .been shipmates with him on the all right all the time on the voyage. About a fortnight after leaving Barbadoes for St. John's, Duke went down into the forecastle, because he thought the crew wanted to throw him verboard. He stayed there four days. He would not allow the crew below After the four days he came on deck and went to work as usual, and was all right for the rest of the voyage. He did not drink much at Barbadoes The cook gave him food when he was below. He had two bottles of Bay Rum which he bought in Barbadoes. I think he drank it. Don't know whether effect of this would be wose than whisky or rum.

William Treble.-This witness gave evidence as to the prisoner having ARD'S LINIMENT.

Shelled Almonds 40c. lb. been at sea with him. Knew him for Shelled Walnuts 37c. lb. 5 years. Duke was drinking at Barba-Citron Peel 18c. lb. does on a voyage with me. One night whilst anchored off Barbadoes, Duke Apricots, extra fancy, 18c. lb bottle of Florida water. We left Barbadoes after that, and he was all right for two weeks. Showed no signs of anything wrong. Then he went down into forecastle and stayed there four days. I went down to smoke ther one morning; he said he was all right. He got no food during this

After this witness had been examined the Court rose till 11 a.m. to-day

TUESDAY Morning. John J. Kean (sworn and examined.)—I know the prisoner. I knew his brother Thomas, who died about seven years ago. The brother worksed with me. I know that he had been at one time in the Lunatic Asylum. ion't know how long before his death this was, perhaps a year, perhaps six

on deck with a small axe in his hand; fore his death and he seemed all right saw Duke standing by fore rigging. This was after he had been dischar-

waving a knife. Duke said, "Come ged from the Asylum.

William Grimes (sworn and examon." Captain came out and with me advanced toward Duke. Went forward to disarm Duke, but he would not give up knife until they had picked up in the harbor- by some state of the sound that the harbor- by some some state of the sound that the harbor- by some some state of the sound that the harbor- by some state of the sound that the harbor- by some some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the harbor- by some state of the sound that the s sworn on a prayer book an oath dictated by Duke that they would protect him. (The mate put the knife in the knife in the knife to the k evidence.) I gave the knife to the finding. (At this point Mr. Furlong captain. Duke would not come up moved to have this note put in as evidence, and the Attorney General objected. Some argument took place, and finally it was allowed to go in as to Sears' body and afterwards buried evidence that he was found drown-it. About one o'clock Duke gave him-ed.) There was no evidence of foul

amined.)—I live in St. John's now. I belong to Little Placentia. I knew prisoner's mother: fishing with me at one time. Patrick Frances is now dead. He was very simple silly, and bad tempered; he knew her brother Patrick. He was simple, silly, and bad tempered; he did not know how to do anything. Cross-examined by Morison, K.C. He was never in the Lunatic Asylum.

Mrs. Duke, the wife of the prisoner (Sworn and examined)-My name is Annie Duke. I am the wife of John was in bed I had to take the picture from the wall, because he thought there was some one coming after him quieten them so handcuffed Duke. A time and had been sober for two few days afterwards Duke complained months. He often had a delusion that of sickness. I allowed him off duty someone was after him to kill him for four watches. Thursday morning and was sometimes very noisy. On Cross-examination:—He was on a spree at the time of the races, a long spree, for a month or two months. He had been drinking from before the races till he signed on board the "Simcoe."

John Duke (sworn and examined.)

—I was on watch on the morning of
the 12th of September. I went to
the forecastle at 8 bells. I went to my bunk. The next thing I remember is waking up in the sail locker in the same as the mate's. He did not a straight jacket. I don't remember notice anything very peculiar about what happened in the meantime, except that it flashed through my head Duke was kept in the sail locker knife. I was afterwards told that I had stabbed Sears. I did not remen ber the stabbing myself. I first heard that Sears was dead when we reach-ed Pernambuco. I was in the sail was getting better. I never had a quarrel with Sears. We were on in mind now. I was not sound in mind when I woke up in the straight

used to meet him occasionally. On cross-examination.—I am sound jacket. I don't remember whether I had the knife when I went into the forecastle. I don't remember speak-ing to anyone when I was in the forecastle. I talked with the crew after recovered my senses, they told me Sears was getting better. I cannot remember anything about having been down in the forepeak before this happened. I was in Flatrock before the races. I came up to the races Sears came up; I went on the spre-with him. I fought with Cody whe: went on board. I remember waking The captain offered me liniment whe complained of having been hurt b a fall. I wanted to sleep in the fore peak because it was quieter. I have never been in the Lunatic Asylum.

emember being on the Clutha. and staying there for days. irank a little at Barbadoes. I drank ome bay rum and some florida wa er. It was nine or ten days after this hat I went down into the forecasts On this last voyage I had no liquor fter the first day out.

Furlong, K.C., addressed the iury for the defence, pointing out that there was absolutely no motive for the crime, and that it was only explicable on he ground that the risoner was insane at the time, and that insanity was a disease of all others which is hereditary. That it ometimes skipped one generation Clutha. We went on a voyage to and cropped out in another. He pointed out that the evidence of insanity in the prisoner's family was quite strong. Mr. Furlong went on and made a review of the evidence. dealing particularly with the periods when the prisoner behaved in a pe culiar manner. At one o'clock Mr

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WORK CLOSING DOWN -- Work

Island, will close down on Friday next, when most of the miners will proceed to their homes to spend the Christmas season. Work will recommence on January 6th. Most of the operatives of the D. I. S. Coy., have already left the Island.

PURCHASING FOXES .- Mr. Frederick DeForest, of St. John, N.B., son of the Principal of the well-known Tea men and grocers, arrived in the city a few days ago, intending, if possible to secure some black foxes, he being in the business of fox farming. A brother of Const. Chisholm, of the city force, is head shipper with the