

JURY DISAGREES IN SLOOP MURDER TRIAL

Strong Evidence Against Negro Moore—Details of Terrible Vancouver Crime.

Vancouver, Oct. 28.—The assize court was occupied all day yesterday with the trial of James Moore, the negro charged with the murder of Patrick O'Brien on the waterfront on June 18th last. O'Brien's body was found in his fishing sloop on the following morning. The boat lay at the wharf in the East End, between the Hastings mill and the International Ice & Cold Storage Company's warehouse. He lay with his throat cut, and near him was an Indian woman named Lizzie, who was also cut and bleeding badly. She was taken to the hospital, where she subsequently recovered.

A. D. Taylor, K. C., appeared for the crown, and Mr. C. M. Woodworth for the prisoner. A boy named Newman gave evidence in the morning that on the night before the murder he had seen a negro going down toward O'Brien's boat. He thought he saw a knife in his hand. He heard him call to O'Brien to come out of the boat. O'Brien came out and the negro told the boy to come down and see a light. The boy ran away and a little later he saw O'Brien and the negro come walking back together. The boy asked for some money that had been promised him, and the negro said he was going to fetch a policeman. He identified the man in the box as the negro he had seen, though since that time Moore has had his moustache shaved off.

Clasberg, a man who had a boat alongside, said that he had gone over attracted by the woman's moans, and she told him then that another man had already been there, but had gone away. At the afternoon sitting, the first witness was Mr. Matthews, the owner of the sloop that lay alongside that of Patrick O'Brien on the night of the murder. He stated that he had seen a negro like Moore round the wharf on the night of the murder. While he could not positively identify the man, he remembered that he wore a blue serge suit, the same as that produced in court as having been worn by the prisoner.

Detectives McDonald and Green told how on the morning after the murder they had gone down to the sloop, and had there seen O'Brien lying on a bed in the boat with his throat cut. The Indian woman Lizzie was also lying there in an apparently dying condition. They had her removed to the hospital, and afterwards they went out to Moore's shack on the cemetery road in South Vancouver. There they found a blood-stained shirt and some clothing also spotted with blood-stains was hidden away there.

A lady swore that she had seen Moore going out on the car to South Vancouver. She recognized him as the man in the box, and she also recognized his clothes. The Indian woman, Lizzie, was called.

Mr. Woodworth asked if Lizzie could not be put to the test of identification, like the little girl in New Westminster, by placing another colored man in the box.

Mr. Justice Clement did not think it necessary in this case, though the test might be made later.

The woman was called, but the muscles of her face had been paralyzed as a result of the cutting she had received, and she could only say "Yes" and "No" in response to the questions.

Asked to describe where O'Brien was lying she could not do so, as she could not speak.

She can understand me," said the interpreter, "but she cannot answer beyond 'Yes' and 'No.'"

Mr. Taylor then asked her if it was a boat. He said it was rather leading but thought it excusable under the circumstances.

The woman said yes, he was living in a boat.

Mr. Taylor asked her if a man visited the boat that night. She answered yes. Crown counsel then asked successively if it was a white man, an Indian or a Chinaman, and to all she answered "No."

Mr. Taylor asked if it was a negro.

Mr. Woodworth suggested that they call another colored man, and test her that way.

Another negro was accordingly brought forward, but she shook her head.

"She says that is not the man," said the interpreter.

Mr. Taylor asked if it were a man of that color, and she answered "yes."

She then nodded towards the prisoner in the box to intimate that that was the man.

When asked what the prisoner had done to Patrick O'Brien the woman pointed to her throat and breast.

"She means herself," said Mr. Taylor. "Ask her if he did anything to O'Brien?"

Again the woman ran her finger across her throat to indicate evidently that this was what the negro had done to O'Brien.

In answer to questions by the judge she stated that the evening before the murder O'Brien and the prisoner had a quarrel about a pair of boots, the bearing out of the evidence of the boy Newman when he said that the prisoner had told him that O'Brien owed him money for a pair of boots.

She said there was no light in the boat when O'Brien's throat was cut, but she recognized him all the same. They were sleeping under the tarpaulin when the accused crept under and cut their throats.

Moore took the box in his own defence. He denied the evidence of the Indian woman entirely, saying he had never been on the boat that night, and had left the city to go home at 6.30 that night. He had called on a Mr. Fry to buy some blasting powder, but found he had sold some and came back to the city to buy some more. He had met a friend and after knocking around a little with him took a Davis street car to Sixteenth avenue, where he met a group of Hindus. He had asked the police to hunt up the man, but it had never been done. He had also asked Mr. Woodworth to try to find them. Mr. Woodworth afterwards stated that he had tried to find them, but they had gone away.

Moore accounted for the blood on his clothes by saying it came from a wound in his arm caused in getting through a wire fence on the night of the murder. He put his coat on after fighting the fire, and this accounted for the blood being inside his coat. If there was any blood on the letters in his pocket it must have been put on after he returned home, as he had no letters in his pockets while out working.

Cross-examined by Mr. Taylor he said that on Friday night, the night of the murder, he had arrived home about 8 or 9 o'clock, and slept there all night. The previous night he had been up all night fighting a fire. The next day he worked till noon and then came down to the city. He did not know where the Gore avenue slip was, as he was not well acquainted with the city.

"Do you mean to say that that little Newman boy when he swore three times that he saw you that night was not telling the truth?" asked Crown counsel.

"He never saw me. That's suah," said the witness. "He may have seen somebody else."

"And when that Indian woman said you were on the boat she was not telling the truth either?"

"She might have seen somebody. She never saw me befoah she came into this box." He also denied that the bloody shirt found by the detectives in his shack belonged to him.

Mr. Taylor pressed his sworn statement in the police court that the shirt was his. The prisoner said he could not be positive what he had said then.

Summing up.

Mr. Justice Clement said that his duties in a sense were not heavy, as no question of law arose. It was simply a question of facts and these were all before them. He did not intend to trespass upon the jury's duties. They were the six judges of the facts, and he would leave the matter in their hands.

The jury retired at 10.50 p. m.

Jury Disagrees.

The jury, after being absent for about two hours and a half, found that they could not agree and the court adjourned till 11 o'clock this morning. The jury in the meantime will be kept together to see whether an agreement can be arrived at.

Water is selling at 5 cents a glass in Brown county, near Bloomington, Ind.

THE COMMON APPLE A GREAT SOURCE OF HEALTH

THE JUICE OF THE ORDINARY APPLE IS ONE OF THE BEST THINGS IN THE WORLD FOR KEEPING THE BLOOD PURE.

Few people there are but enjoy a ripe, juicy apple. But how many realize that it is a medicine as well as a treat?

Apple juice has a very marked effect on the kidneys, increasing their power to throw off the waste products of the body, called urea, and thus prevent Rheumatism, Sciatica, Neuralgia, and similar troubles that come from poisoned blood.

Similarly, other fruits stimulate the action of the liver and bowels—others of the skin. Combined, they keep the blood pure—the body clean and healthy.

To get this effect, however, one must eat a great deal of fruit, or better, eat a little fruit and take "Fruit-atives."

"Fruit-atives" are tablets in which the juices of ripe fruits, with their medicinal value intensified, are combined with valuable tonics. They act directly on Bowels, Kidneys and Skin and put them in perfect condition—thus ensuring the thorough elimination of waste matter and poisons from the body. Trial box 25c. Regular size 50c.—6 boxes for \$2.50. Fruit-atives Limited, Ottawa.

(From Wednesday's Daily).

About 6 o'clock last evening, Provincial Constable Carter, in answer to a call from the neighborhood of the V and S, crossing on the Saanich road, drove out and brought to the city the body of Edward Griffiths, which had been found 150 yards from his home on the Saanich road, with his face and skull shattered almost beyond recognition. A single barreled Stevens shotgun was lying at the feet of the deceased, with the muzzle pointing towards his head.

The deceased occupied a chicken ranch in the vicinity of where the body was found, having maintained it for the last six or seven years.

Mrs. Griffiths, who made the discovery, had gone to call her husband to the evening meal and not seeing him in sight, walked along the track and

stumbled across the mutilated body. From the appearance of the body and the situation in which the gun was found it is thought by the authorities that death was due to suicide. Some years ago, it is reported, Griffiths used a razor on his throat with suicidal intent, and on that occasion narrowly escaped death. Other than that he was thought to be somewhat eccentric there is no cause known for the act, as deceased has been successful in managing the chicken ranch.

As soon as the price of copper justifies it. Aggressive exploratory work has been carried on, increasing the tonnage in sight, and it is the intention to keep up additional development work.

Considerable general surface improvements have been done at the Snowshoe since the resumption of operations, during which an extra force of men were employed. A new machine shop has been built.

The late Captain Collister is survived by his widow, three daughters and two sons, as follows: Mrs. H. G. Downer, of Dawson; Mrs. John Barnsley and Mrs. H. C. Miles, of this city; W. H. R. Collister, manager of the Albion Iron Works, Vancouver, and J. R. Collister, of the firm of John Barnsley & Company.

Among a wide circle of acquaintances in this city the late Capt. Collister was highly respected for his sterling qualities. Many will lament his death.

TRAIN SCHEDULE CHANGED.

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THE HOUSE OF QUALITY.

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TREES FOR EMPRESS HOTEL.

Vancouver, Oct. 28.—M. J. Henry, the Mount Pleasant nurseryman, shipped last week about four tons of ornamental trees to Victoria, which will be planted round the new Empress hotel. This shipment consisted of some 200 in the neighborhood of 1,000 pieces. Mr. Henry will make a further shipment in a few days. He is now busy filling orders round Vancouver. Bulbs and ornamental trees should be planted as soon as possible now to get the best results.

BULLET HOLE THROUGH BODY.

Man Mortally Wounded by Accidental Shot Rides Ten Miles on Horseback.

Roslyn, Wash., 28.—While out hunting in the mountains on Sunday afternoon William Adam, son of County Commissioner William Adam, was mortally shot by the accidental discharging of his companion's rifle while riding along the road.

Adam was ahead and his companion's horse became frightened, causing the discharge of the gun. The bullet entered the right side, going through his body and coming out under his left shoulder.

Young Adam lived eight hours, riding ten miles on horseback and five miles in a rig before reaching the emergency hospital here. He died at 2 o'clock Monday morning. He was 21 years old and very popular.

WIFE FINDS BODY OF HER HUSBAND

Circumstances Surrounding Death of Edward Griffiths Point to Suicide.

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ANOTHER BOUNDARY MINE SHIPS ORE

Phoenix Amalgamated is Added to List—Drill Being Installed.

Phoenix, Oct. 27.—A new name appears in the list of Boundary ore shipping, the Phoenix Amalgamated having now practically joined the list of Phoenix copper producers.

The Phoenix Amalgamated is owned outright by the Consolidated Mining & Smelting Company, Limited, (who operate the Snowshoe under lease), having been purchased about a year ago from the Phoenix Amalgamated Copper Mines, Limited, together with half a dozen other adjoining claims. It has heretofore been known as the War Eagle, but on account of the present owners having already a mine by that name in Rossland, it will in future be styled the Phoenix Amalgamated.

When the Snowshoe resumed operations a few months ago, development was again started at the Phoenix Amalgamated and has disclosed a splendid ore body, some 45 feet in thickness, measured at right angles from foot to hanging wall, and was exposed in a horizontal crosscut of 75 feet. Four carloads of this ore have been shipped to the company's smelter at Trail and yielded results similar to the ores shipped from other mines of the camp. Several more cars are being sent to the smelter. Work is now being rushed on the installing of a 10-drill air compressor, which is to be completed by November 1st. The plant is being built so that ten more drills can be added and the capacity doubled when required.

The Snowshoe is the leading Phoenix shipper of the Consolidated company, which operates extensively at Rossland, Trail and Moyle. At present a force of 60 men are employed and about 350 tons of ore are being shipped daily to Trail smelter, the ore being of similar grade to the Granby and other Phoenix mines. The tonnage will be increased

EXPLOSION WRECKS BUILDINGS AT CUMBERLAND

The above shows havoc wrought by powder. Several men were slightly injured.

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Have You Purchased Your Heater Yet?

If not, here is what you want, either an OAK HOME, SPECIAL OAK, or a WOODS' RADIATOR

They are neat, well finished, and perfect heaters THE PRICE IS VERY LOW

B. C. HARDWARE CO., LTD. PHONE 52 P. O. BOX 683

Hallow'en Suggestions

Lots of nuts to crack here, lovely rosy-cheeked Apples for "ducking" and plenty of Corn to pop. Note my fine Hallow'en window display. Everything you need here at right price.

NEW BRAZIL NUTS, per pound.....25c
NEW WALNUTS, per lb.....25c
NEW ALMOND NUTS, per lb.....25c
NEW MIXED NUTS, per lb.....25c
NEW TABLE FIGS, per lb.....15c and 25c
NICE RED APPLES, per box.....\$1.75
POPCORN, per lb.....10c
BEST CANDLES, per dozen.....50c

W. O. WALLACE The Family Cash Grocery

Cor. Yates and Douglas Sts. Phone 312

SWING BRIDGE WOULD COST A MILLION

G. T. P. May Cross From Kaien Island to Mainland Near Inverness.

Prince Rupert, B. C., Oct. 27.—Patrick Welch, of Spokane, Wash., and J. W. Stewart, members of the firm of Foley, Welch & Stewart, the railway contractors who have the contract of building the first hundred miles of the Grand Trunk Pacific from Prince Rupert to Copper River, came up on the Transit, arriving here on Thursday evening. The Transit experienced rough weather on the run up, and arrived twenty-four hours late, having had to anchor off Inverness all night on account of some of the lights near the entrance to the harbor being out.

Messrs. Welch, Stewart, J. B. L. MacDonald, the firm's superintendent of construction, and several other officials left by the G. T. P. steamer Distributor on Saturday for Copper River on a tour of inspection. If the water in the Skeena is favorable, the party will go through to Hazelton and look over the ground on the second hundred miles of the road, the contract for which it is stated on good authority, will shortly be let, and for which Foley & Welch will tender.

Arrangements are now being made by this firm for shipping in four steamships to be used on the work here and near Inverness, where the choice of routes for the railway has not yet been made. It is understood the new route from Kaien Island across Porpoise Island and then to the mainland near Inverness, is considered the most favorable one. If this route is decided upon a swing-bridge estimated to cost \$2,000,000, will have to be built across Porpoise channel; but even then it is claimed the work can be done with less expense and a better road-bed secured than by following the original survey on the east side of Porpoise harbor and through the famous Kane and Port Edward townships.

Speaking of the apparently slow progress that has been made in connection with the proposed railway, Mr. Stewart said: "We are handicapped here and, if this rain does not let up we will never get the road built. We need from 1,500 to 2,000 more men, and as an inducement we will advance them their fares. In Washington where we are doing work for the Great Northern railway, that company brings men free transportation over its lines from all points as far east as Buffalo. But up here every man seeking work must pay his fare, for both the Canadian Pacific and the Grand Trunk Pacific refuse free transportation."

In refutation of a rumor in circulation that Japanese are being employed in some of the construction camps, Mr. Stewart, in an interview with the Empire, authorized that paper to state "that Japanese or Chinese would not be employed in any capacity in any of the grading camps under the control of Foley, Welch & Stewart; and that if Japanese or Chinese were drawing pay from the firm at Prince Rupert it was not known to the members of the firm."

During Friday night's big wind storm L. Morrow & Company's large floating slaughterhouse was blown from its moorings and the piles driven around it, which allowed the float to rise and fall with the tide, were snapped off below the surface of the water. Had it not been for the wire cables with which the float was anchored to the shore, it would have been driven across the harbor and wrecked.

Examination showed that the piles which were driven eight months ago, were eaten half through by the teredo, which caused them to break off.

Judge Young and family arrived from Atlin on the Princess May and will make Prince Rupert his permanent headquarters. A session of the county court will be held on Monday at which the judge will preside.

STEAMER VENTURE DOWN FROM NORTH

Brings 10,000 Cases of Salmon—Many Passengers Arrive.

The steamer Venture arrived from the North on Wednesday and tied up at the outer harbor at 2 o'clock. The steamer brought down 10,000 cases of salmon, most of which was landed at Vancouver, only about 300 cases coming here. There were thirty white passengers on board and one hundred Chinese.

Hans Helgesen, Dominion fisheries inspector, who has been on the Skeena river, and Mr. and Mrs. Pitcock, who are returning from a visit to Quoth-laska Cove, came down on the steamer. The weather was very wet on the trip and about a foot of snow was on the ground at Naas.

CHILLIWACK GETS LIGHT

Vancouver, Oct. 28.—An electric lighting service was inaugurated last evening by the B. C. Electric Railway Company in Chilliwack. The plant is of a temporary character, operated by steam power, and will be continued until the company's equipment in connection with its New Westminster-Chilliwack tram line is installed. While the temporary plant is running no attempt will be made to furnish power, the capacity

EDWARD GRIFFITHS COMMITTED SUICIDE

Coroner's Jury Had No Difficulty in Reaching That Verdict.

The jury empanelled by Coroner Hart yesterday afternoon to inquire into the death of Edward Griffiths did not take long to decide that it was a case of suicide. The evidence given was short but covered all the essential facts.

James J. Russell, constable of Saanich municipality, identified the body, and said he had known Griffiths for three years as owner of a chicken ranch on the Saanich road.

Provincial Constable Carter described the position of the body when found. The juryman says: "The body was lying between the legs and the greater part of the skull had been blown away. From appearances the man must have deliberately placed the gun to his head, reached down and pulled the trigger. Coroner Hart said he had not thought it necessary to have the widow testify. Griffiths, he was informed, had made a previous attempt to end his life.

The jurymen were: Emil Pfender, foreman; W. Jam Waring, W. Heller, Josiah Smithers, W. R. Gosling and Ailsy Vanter.

FARMER'S SAD DEATH.

Winnipeg, Man., Oct. 28.—Andrew Thompson, a respected farmer of Plumrose, Saskatchewan district, dropped into a slough with a team of horses and was drowned.

Back Watch

"Biggest and Best" Plug Chewing Tobacco

\$1.00 Per ad

Twice-a-Week

VOL. 36.

BOTH PARTIES CLAIM VICTORY

WIND-UP OF POLITICAL CAMP. IGNITING

How Taft Hopes to Obtain Majority in Greater New York.

New York, Nov. 2.—Taft was given to-day to the people of 1908. With the opening of less than twenty-four hours leaders of the two great parties are busy planning the details of what has been one of the most interesting campaigns in the history of the city.

Mr. Taft speaks in a town, and to-night will fight for the presidency from the city, going thence to vote to-morrow and hear of the balloting.

Mr. Bryan is touring Kansas, and expects to return in Lincoln to-night. He returns over a special wire run into his farm at

There was no change to announce from the Republican national chairman, Mr. H. The Republican national holding steadfastly to his 325 votes for Mr. Taft, and of the Democratic national announcing himself as equal to Mr. Bryan will receive 493 votes in the electoral

The last day of the campaign, Mr. Bryan is expected to remain there until 12 o'clock when he leaves for West Mass., to cast his vote. He will not be in the city until the morning, but he will be in the city to consult with his electors over the long distance to local conditions or details of the