

Supreme Court.

KING vs. OWENS.

AFTERNOON SESSION.
OWENS DECLARED NOT GUILTY.

The Court resumed sitting at 2.30. George Butt, one of the men who surveyed the schooner at the instance of the master, deposed to surveying the schooner, and of the report of the survey being drawn up by Owens, the accused. Upon its being read over by Owens, he objected to signing it, because it stated that the bottom of the vessel was broken. This was stricken out by Owens, and the report was then signed by Butt.

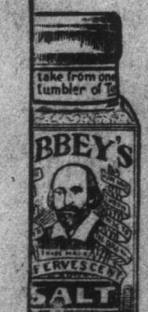
Samuel Butt was the next witness called; his evidence was a corroboration of that of the previous witness. The case for the prosecution here closed.

The prisoner was then put in the box by his counsel, Mr. Gibbs, and deposed that he was 65 years old, lived for a number of years at Bay of Islands. When he was asked to go in the vessel he objected to the rate of wages, and wanted \$30.00 a month, which was agreed to. He then described the voyage of the vessel to the Labrador, and her arrival at Pigeon Island. When she got to Pigeon Island there was considerable water in her hold, which was pumped out. Butt, the Captain, remarked at the time that if this was the way she was going to act he would fire her. He then detailed the movements of the vessel until she anchored at Forteau, where trading began. While at Forteau, which, he said, was an unsafe harbour, he was left on board three nights by himself. In order to save the vessel at Forteau on a couple of occasions, while there, he had to drop a second anchor, as it blew very hard. He was not aware of any arrangement between Butt and Buckle to lose the vessel until they had been in Forteau some time. The first he knew of it was when Buckle told in the forecastle that he and the Captain had decided to lose her. Nothing was said to Buckle. He denied in the most positive manner having assisted in the casting away of the vessel. So far as he knew, when they left Forteau, the intention was to anchor under Green Island for the night, but on coming to Isle au Bois the Captain asked him to take the wheel, which he did, and while at the wheel he was ordered to bring her up in the wind. When this was done, he heard the anchors let go. It was then dark. When she brought up on her anchors, the Captain and Buckle came aft and tried to unship the rudder. The witness refused when called on to assist. The Captain, finding that he could not unship the rudder, prized the head off with the windlass bar. He did not assist or help in any way. When this was done, they all went forward, and the Captain and Buckle undid the chains. The Captain made a line fast to one chain, unshackled the other chain from the windlass, threw the shackle overboard, and then paid it out. Austin Butt had the dory ready for them to get into. They got into the dory, and Buckle cut the rope which held the chain, and then they rowed clear of the vessel, which went ashore on the rocks. There was a good sea on at the time. He swore that he had no interest in the loss of the vessel, or the cargo. He was not offered anything, nor had he received anything, in fact there was wages still due him. The prisoner gave his evidence in a clear and intelligent manner. He was submitted to a strict cross-examination, which failed to damage any of his evidence.

The Crown Prosecutor, Mr. Hutchings, then addressed the jury, pointing out the question which the jury had to try, which was, what part Owens had in the casting away of the vessel, that he (the accused) didn't make any protest against her being cast away. He argued that the subsequent actions of accused were a corroboration of the statements of witnesses Wm. Butt and Austin Butt, that by signing the protest made before magistrate March, he was a party to the action, and the fact that he stood by while the other men broke the rudder head and slipped the chains, showed that he was an accomplice, and concluded by asking the jury for the conviction of the prisoner.

Mr. Gibbs then addressed the jury on behalf of the prisoner for upwards of an hour, pointed out that the case was unique in the history of crime, be-

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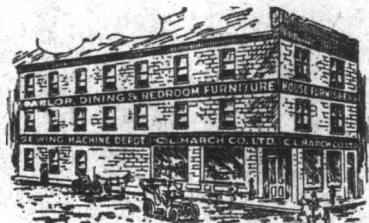
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of Newfoundland, simply because we give our customers a little bit more in satisfaction and merchandise quality than they actually pay for, and we are ready to do the same for you no matter WHAT YOU BUY. Our guarantee of entire satisfaction stands back of every sale.

"Fair Play" to the Fore

Editor Evening Telegram.

Dear Sir.—Two verses of doggerel, under the caption of "Brave," appeared in your issue of last evening, wherein the writer takes me to task for having the audacity to write a short letter in defence of a man who, through absence, is unable to defend himself. "Fair Play," that is the nom de plume of this local Byron (sic!), is mad, and no wonder. His brother sonneteer was sailing smooth, inditing his Byronian verses, etc., on a long-suffering public, seasonal occasionally with a timely pin-prick of Dr. Grenfell by others—was receiving shouts of encouragement from his few admirers, who (figuratively speaking) clapped him on the back and told him how brave he was, and what nice verses he made—against Dr. Grenfell—when lo! I had the temerity to cry halt and ask him for fair-play. I can assure this long-hated poet I tried to abstain from writing that short letter, but I had to do it; it was bound to a-cur! This local Byron, I gather from his doggerel, is vexed because I did not give the public my name—so much vexed, indeed, that he forgot to give his. He also believes, does this come-all-y; crank, that I am one that a foe is compelled to engage from behind. I am not surprised at his believing this, for I believe he believes he is a poet, but that don't or won't make him one. Now, Mr. Editor, I not only believe—I know—that the engagement-from-behind is his strong point, and I point as proof to his verses of doggerel, wherein he vainly tries to ridicule me solely because I wrote a short letter in defence of an absent man. He doubts—in the second last line, he doubts—if I could look a good Labrador dog in the eye. I was always under the impression that all Labrador dogs were bad; if that is so, how I could look a good one in the eye, I cannot say. I'll have to wait until I meet the writer of last night's doggerel before setting his doubt at rest. In conclusion, Mr. Editor, please allow me to localise a few of his lines of poetry (?), just to show him he has not a monopoly of turning out this stuff:—

"Musha now! 'tis a wonderful champion indeed That the pin-prickers have found in this poet. He's superior to Bacon, Keats, Byron or Scott— Don't all of his backers now know it? And anyone hearing his Shakespearian wit Will acknowledge his wonderful mind. Vex him and you'll have to G-I-T, git From this wonderful champion of engage-from-behind." Thanking you for space, Mr. Editor, I am, Yours truly, FAIR PLAY. St. John's, Nfld., Nov. 23, 1910.

CAPE REPORT.

Editor Evening Telegram.
CAPE RACE, To-Day. Wind N. N. E., light, weather dull. The S. S. Lake Erie passed east, and a large fleet of schooners passed in yesterday; several schooners are in sight to-day bound in. Bar. 29.65; ther. 36.

Rheumatism Cured by Fig Pills.

Not often do you hear of a 25c. preparation being sold with a guarantee to cure you. An absolute guarantee goes with every box of FIG PILLS. They will cure Rheumatism, Backache, Bladder Trouble, Frequent Urinating, Burning Sensation, Painful Stitches, Sluggish Liver and all Stomach Trouble. If not, your money back. At all druggists. 3

Harbor Grace Notes.

The funeral of the late Captain Daniel Pumphrey took place this morning at 9 o'clock. The remains were interred in the R. C. Cemetery on the hill.

Miss F. Ryan, stenographer with Archibald Bros., leaves by this evening's train for St. John's on a short visit.

Yesterday was very disagreeable, and as the walking was bad few people were about. Shop-keepers tell us that trade is dull for this season.

The schr. Beatrice arrived yesterday from Sydney with a cargo of coal to Mr. Andrew Rutherford.

Much regret was expressed in all quarters this morning when it became known that Mrs. Duckworth Tapp had passed away during the night. Mrs. Tapp had been in failing health for years, and during the last few days was known to be very weak, but few of her friends though the end was so near. Her kindly disposition made her loved and respected by all who knew her. Mrs. T. was 75 years of age, and a sister of Mrs. Gordon, of "Gordon Lodge."

CORRESPONDENT.
Harbor Grace, Nov. 22, 1910.

FROM THE RAILWAY.—A large number of men who had been working on the Bonavista branch arrived from Catalina by the s.s. Fogota. They went home to Conception Bay by train this morning.

The Fogota Here.

The s.s. Fogota, Capt. Baxter Barbour, arrived here at 2 o'clock this morning from the northward. Leaving here on Wednesday at 8 p.m. she had fairly fine weather on the run north, though a heavy sea was running. She arrived at Change Islands Saturday morning and left in the afternoon. She had stormy weather at the start and was unable to run to Dog Bay and entered Gander Bay instead. Stormy weather also prevented her entering Tilton, and she arrived at Newtown Sunday at 4 p.m. and Westville at 6 p.m. A N. E. gale with snow kept the vessel there until Tuesday morning and she had very rough weather until she anchored at Catalina at 3 p.m. Tuesday. She arrived at Bay de Verde at 8 p.m. and made a good run from that place to port. She brought about 200 packages cargo and her passengers were B. Tulk, W. Riggs, T. Riggs, D. Blunden, T. Blunden and 30 in steerage.

Indigestion & Dyspepsia

In all its Forms can be Cured. It is quite a daily occurrence to hear persons say: Oh, what a feeling of distress I have after meals, fullness of the stomach, heaviness and headache, I feel too tired to do anything. I have no heart to exert myself and at times I care for nothing. I often have a pain in the pit of my stomach, no appetite, my heart beats rapidly on the slightest exertion. I feel just as tired when rising in the morning as when retiring to bed. My sleep is often disturbed, and I often awake with a sense of suffocation and a difficulty of again going to sleep. I have to be careful of what I eat, and my life seems a veritable burden. Now, it seems a shame and a pity for persons to be suffering like that when it is in their power to get cured by taking a Bottle of Dr. Stafford's Prescription A. A sure cure for persons afflicted with stomach troubles. It can be obtained at

DR. F. STAFFORD & SON, Theatre Hill. Small size, 25 cents; postage 5c. extra; large size, 50 cents; postage 10c. extra. Mail orders must be accompanied by remittance.—Oct 23, 1910.

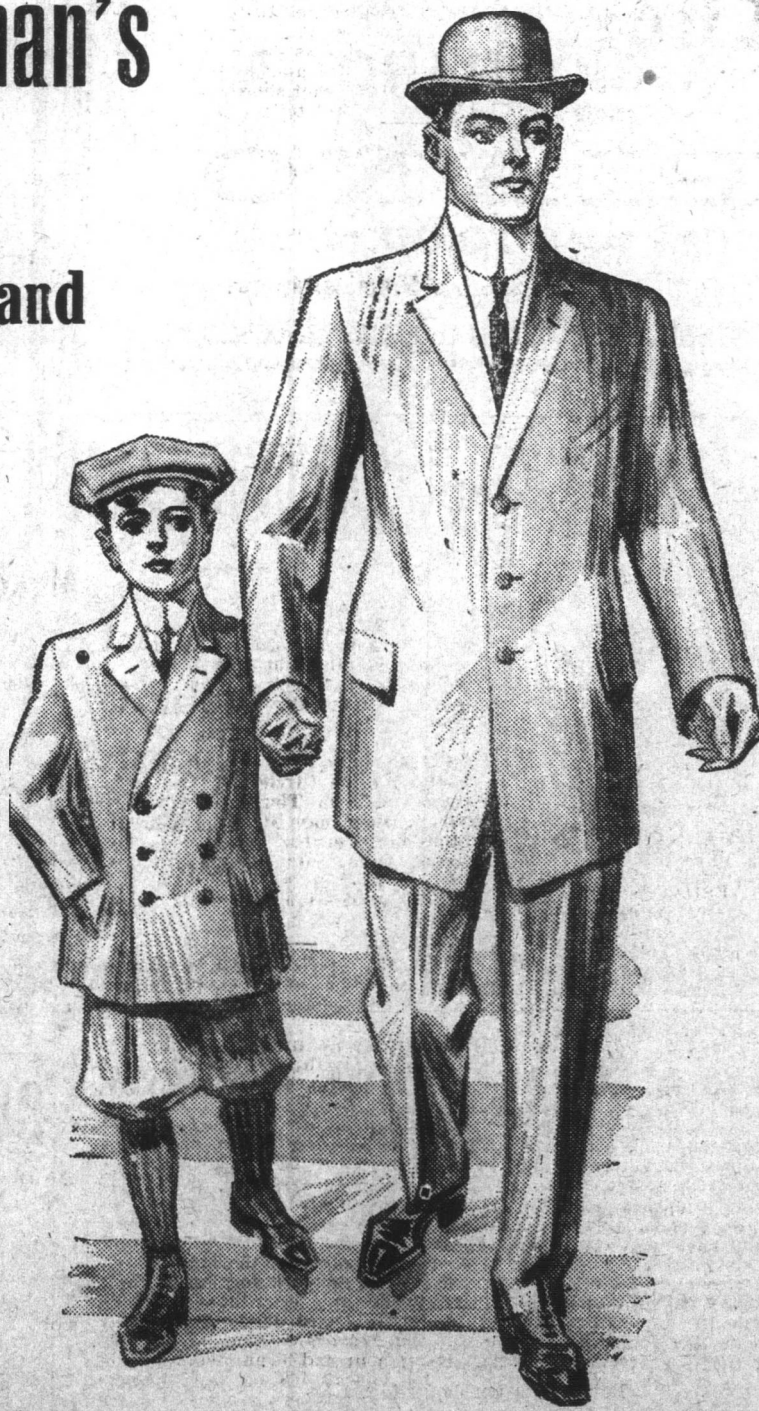
A LARGE FUNERAL. The funeral of the late Philip Field took place yesterday from his late residence, Quidi Vidi Road, and was largely attended. A squad of Naval Reservists went before the hearse, there being about 100 in number. Deceased was a member of the Reserve and went south with the first contingent. Interment took place at the C. of E. Cemetery. Rev. Mr. Birchby conducted the service at the grave.

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cause every person who committed offence had some object in view, some motive actuating him, either revenge, gain, or some such object, but in this case, motive was entirely absent, because the prisoner had nothing to gain, was not promised anything, nor had not received anything. Then, why should he encompass his freedom for nothing? If he was anxious to lose the vessel, there must surely be some reason for it, but none had been shown. Mr. Gibbs made an eloquent and sympathetic appeal for his client, and several in the court were moved to tears by his remarks.

The jury retired at 9 p.m. and were out until after eleven o'clock, when they came back to ask the Court a question. The judge ruled that it was a question for the jury themselves to answer. He merely gave them a few general directions, and pointed out that the point for them to consider was, whether the prisoner was a participant in the casting away of the vessel. That they must judge themselves from the evidence before them. His Honor said that the prisoner, in helping to work the vessel and bring her to the place where she was lost, was only doing his duty, and that only participation in the act of casting her away after they arrived at that place, would make him guilty. Whether he did, or did not, take part in this action was for them to determine.

The jury again retired, and were out only three minutes, when they returned and pronounced the prisoner "Not Guilty."

The judge thanked them for their care and trouble in deliberating on the case, and they dismissed them.

The prisoner also was discharged. Mr. Hutchings wished to withdraw prosecution against Austin Butt. The Court consented.

The Court then adjourned until the first Monday in December.

Schr. Total Wreck.

Mr. H. W. LeMessurier, Assistant Collector of Customs, had a wire last night from Trepassy saying that the schooner Elsie B. had gone ashore at St. Shott's Monday night, the crew having a narrow escape from being drowned. The vessel belonged to Tack's Beach, P.B., and had 400 qtls. of fish on board. The vessel evidently went ashore in the N. E. storm of Monday night.

LEAVING RAILWAY WORK.—Men are now quitting railway work every day in gangs of twenty to thirty on the Bonavista branch. The weather of the past week is compelling them to come home.