

Killing Of Netes

Frank Nicholes Committed to Stand His Trial For Murder.

Evidence Taken Before Police Magistrate at Preliminary Hearing.

Witnesses Tell What They Know of Row—Prisoner Declares His Innocence.

The preliminary inquiry into the murder preferred against Frank Nicholes began at the police court yesterday forenoon, Magistrate Hall presiding. H. A. McLean, deputy attorney-general, conducted the case for the crown and S. Perry Mills, K.C., appeared for the prisoner.

The court room was crowded with fishermen, friends of the prisoner and deceased, Tom Netes, watching the proceedings with interest. The prisoner, a typical Greek, of fine physique, seemed calm and self-possessed and bore the scrutiny of the hundreds of spectators unflinchingly.

Mr. McLean opened the proceedings by putting in a plan of the scene of the tragedy, and then called Constable Blackstock, who deposed that he was on duty on the night of November 7-8. He heard some grumbling on Government street between Chatham and Herald streets, and on going to the spot, found deceased, Tom Netes, lying on the sidewalk at the place marked with an X on the sketch, about 108 and 107 feet from the alleyway. Deceased lived in the Greek colony on the waterfront. Knew deceased by sight. When he found deceased he was groaning. He called "Police" and the matter with him. Got a back and took him to the station. He was bleeding a little from the mouth. At the station it was found he had a wound on the abdomen, and Dr. Robertson, who was sent for, found another wound in the breast. Netes died about 20 or 30 minutes after he was brought to the station. He was unconscious up to his death.

Cross-examined by Mr. Mills—It was very dark on Thursday night and Friday morning. It was extremely dark. The town was lighted up as usual. There is a light at the corner of Government and Herald streets, about 107 feet from the alleyway. Deceased was about four feet in height. Described Tom Netes as follows: Height, 6 feet; weight, 150 lbs.; age, he was a powerfully built man; thought he would be over 30; could not tell if Netes was drunk. Was at the corner of Herald and Government streets when he heard the grumbling. Had passed the point where heard grumbling previously. Could not say that his second time round he was drunk. He was about ten past 12. Deceased did not speak. He had on a coat and a white shirt. There is no fence through the alleyway from Herald to Chatham street. The line in the plan is only the line of the alley; not a fence. There is a vacant space behind the houses. There is a plank walk through the alley. It is grass on the left side of the plank. The houses are on the right. They are not occupied.

Dr. Robertson, city physician, was the next witness. On the morning of Friday, November 8, he was summoned to the police station to attend a wounded man. He had no recollection of the time was about 12. He saw Blackstock there. Concluded Netes was unconscious, for the Greek said he could not speak. He was in a condition of collapse. He was at times unmanageable. Examined Netes. There was a wound on the left side of the abdomen, about one and a half to two inches above the navel. It was a clean cut wound about one to one and a half inches in length, penetrating the abdominal wall and allowing the intestines to protrude. The wound would have a tendency to check bleeding. About one and a half inches from the left nipple was another wound, three-quarters of an inch long. Considerable hemorrhage had taken place from this wound. The blood had soaked into the wound from the upper wound, but had not penetrated the clothing. There was very little hemorrhage from the lower wound. Looking at him normally, he did not think blood would be seen. (A knife, exhibit B, produced.)

The abdominal wound might have possibly been caused by that knife as it was a clean cut wound. The other wound might have been caused by a knife like exhibit C. Both wounds might have been caused by the same knife. Some minutes after the autopsy on November 8. Described the abdominal wound. After lifting up the surface there was very little hemorrhage. The bowels were not penetrated, but the wound went right through the abdominal wall. The course of the upper wound, as seen from the inside, was between the third and fourth ribs on the left side. It passed very close to the left spinal border. The sac surrounding the heart was not penetrated. The heart had been perforated. The pericardial sac was ballooned out with dark blood, and the heart had been penetrated in the center of the face and on the left side. The heart was not injured. Necessary to examine the brain. Other organs were perfectly normal. Deceased was a healthy man. The wound in the heart cannot be seen.

Cross-examined by Mr. Mills—The wounds were incised. Made a mental note of the margins of the wound. The wound in the center of the face and on the left side. Hemorrhage was taking place, the wound was not gaping. The wounds were more oblique than that of the heart. The wound in the heart was a fatal wound. He had been instructed by the coroner. Did not think it necessary to examine the brain. Other organs were perfectly normal. Deceased was a healthy man. The wound in the heart cannot be seen.

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prisoner and the deceased. He had been with them on the fatal night. Met Netes in a restaurant which "lady." They had some beer. Afterwards met prisoner on the street and the whole party went to a saloon, where they had more beer. Then prisoner went with witness and two other men to a couple of gambling places. Witness won some money at one of the gambling places, and they went to a saloon and had drinks. Witness saw prisoner and deceased went to a house of ill-fame. Witness did not know the name of the street. He was a stranger in the city and did not know the streets by name. Witness went to a private room with a woman, Netes and Nicholas remaining in the front room. Heard them disputing about fishing. Netes said prisoner did not do the fair thing. Brought in too many herrings and lowered prices. The woman requested them to leave the house. All three went out and Netes and prisoner began to fight. Witness separated them. They were hitting each other and wrestling and had fallen to the ground. All three were drunk. A little later they began to fight again and witness tried to quiet them. He then called "Police" and the men ran away. Netes down the alley towards Chatham street and prisoner up Herald street towards Government street. Went down to the waterfront. Told Netes' brother. Did not see prisoner again that night. Did not see prisoner when they fought with their fists. They were drunk, but knew what they were doing.

Mr. Mills cross-examined without assistance the interpreter, and the witness answered in fairly good English. Netes and Nicholas fought when they came out of the house. They were cursing each other. Neither seemed to have the advantage of the other. Nicholas ran away first. He ran up the street; Netes ran down the alley. Saw Constantine Netes, Tom's brother, at one of the saloons. He asked Tom to go home. Tom said: "I will be home before you."

Questioned by Mr. Mills, witness traced the occurrences of the evening from the time he met Netes at the restaurant, and it developed that they had drunk a quantity of beer. Netes began the quarrel about the fishing. It appeared that Constantine Netes and Nicholas had agreed that no money was to be paid for the fish should be brought in on the same day, so as to keep up the price. Deceased accused prisoner of breaking

the agreement, which prisoner denied. Did not see knives or weapons in the hands of either Netes or Nicholas. Witness went to the police station after seeing Constantine. He looked in and had taken back to the street where the fight took place. Constantine asked if his brother was hurt. The policeman said "No much." Witness then returned to the street. Nicholas ran through the alley. Netes ran through the alley way. Did not know what the time was then. Tom Netes was a bigger man than prisoner. Re-examined by Mr. McLean, witness acknowledged that he had told the police in the first instance that both men ran down the alley, but he said that was not correct.

Stella Cameron, in whose house the row began, was the next witness. Lived at 16 Herald street. An alley way runs in rear of her house. Remembered the night of the 7th and morning of the 8th. As near as she could remember, about 12:15 three men—Angelo, Netes and Nicholas—came to her house. Netes was the only one who had seen before. Identified the prisoner as one of the visitors. Netes said he had brought a couple of friends. Netes asked her to treat. She asked him to have beer. He said a small glass of beer, which she gave them. Angelo went into an inner room. Netes and Nicholas remained in the outer room and started to talk in their own language. She asked Angelo what was the matter with Netes. He said they talked bad. Nicholas seemed more excited than the other man. He made more noise than Netes. He had a knife in his right hand. He was going to hit the hand of Netes. He noticed the blade. The knife produced looked like the knife she saw. She asked Angelo to take the knife. He said he would not. When they went outside she heard scuffling, sometimes on the walk, sometimes on the ground. She heard two men run after the alley towards Chatham street. Immediately after the scuffle she heard the men run through the alley. Looked outside the door and saw a policeman at the corner of Herald and Chatham streets. He was too dark to recognize him, but saw his uniform. Cross-examined by Mr. Mills—She was the landlady of the house. Lived alone. Had seen Netes in the house frequently.

"The man had been drinking. She treated them, as she had treated the other men. She had no more drinks in her house. The knife produced was shown to her by Mr. McLean in the chief's office on Thursday morning. She had seen the knife before she gave a description of it in the witness box. Mr. Mills endeavored to show that Nicholas was cutting tobacco with the knife to fill his pipe or to chew tobacco, but witness could not say as to that. The foot-prints showed as if the men were close together. The men could not have been excited. She would rather have them outside the house than in.

Court adjourned till 2:15 p.m.

Maria Blumens, sworn and examined by Mr. McLean—Lived at No. 11 Chatham street. Remembered the night of the murder. Heard men running up the alleyway in the direction of the street. Went up Chatham towards Government street. Heard one swear. It was between 12 and half-past. Think there were two men.

Cross-examined by Mr. Mills—Could not say if there were more than two men. Could not see them. They were running.

Rose Gregory was the next witness. She lives at 15 Chatham street. On the night of November 7, shortly after midnight, she saw two men go down the street towards Government. One said, "I'll catch you."

In cross-examination, witness said the men were running fast. One was running after the other. It was a very dark night.

Constable Carson was on duty on the night of November 7. Was acting

sergeant. About half-past 12 was coming up through the alley from Chatham to Herald streets. Met two men. One of them was Netes, whom he saw dead at the station shortly afterwards. The other man resembled prisoner in size. They were going towards Chatham street. Went on to Herald street. Saw a Chinaman. A woman came out of No. 16, looked around and went in again. It was about half-past 12. Heard there had been a fight. Went down Store street, then back and through the alley and up to Government, where deceased was lying on the sidewalk. Constable Blackstock was standing. Went to Turret Rock to see if he could find the prisoner. Prisoner's slop was gone. Saw body of deceased. Found no knife or other weapon.

In cross-examination witness said he had known Tom Netes for some time. He had given trouble to the police. He had been arrested for striking at William Thomson, of the Germania saloon, with a hammer. Deceased had the reputation of having a nasty temper. He was not a temperate man. Went to Turret Rock about five minutes past 1. The men in the alley were going in a hurry. One resembling prisoner was in advance. Netes was a strong, powerful man, about 24 years old. Netes died about 20 minutes to 2. Was not sure of exact time.

Constable Jackson—Arrested the prisoner on Sunday, November 10, in a wooded corner of Henry and Turner streets, about 7:15 p.m. He was crouching in a corner. Prisoner said he had been in the shed for 15 minutes. Found the knife produced in court as one found on prisoner. It was a spring pocket knife, held open by a spring. Asked him if that was the knife he had done the stabbing with. He said "Yes." Said if he had not killed Tom he would have killed him with a knife. No other weapon had been found at or near the scene of the stabbing.

Cross-examined, witness said the words used by prisoner were those given above in the best of his recollection. Had known prisoner for eight years. Knew him as a quiet, hard-working man.

Constable Blackstock, re-called—Did not find any knife or weapon on the deceased or in the neighborhood of the stabbing.

Cross-examined—Searched for over an hour next morning. Went down before 7 o'clock. Searched on Chatham street and Government street. Also searched the waterfront at the corner of Chatham and Government streets. A great number of Indians and Chinamen live about there.

This closed the evidence.

The court rests to take the statutory warning to accused and he, acting on the counsel's advice, replied that he was not guilty.

Mr. Mills contended that the evidence produced by the crown did not disclose a case of murder. The case was clearly, at most, one of manslaughter. No malice had been shown. He thought the crown might easily concede the point. He, however, he was prepared to submit authorities and precedents. It was the duty of the court under all the circumstances to commit the prisoner for the lesser crime.

The court held that the question raised by Mr. Mills was a jury to decide, and committed the case to the jury to stand his trial for murder at the next assizes.

DENMARK NEXT.

Talks of Retaliation Against the United States.

Copenhagen, Nov. 14.—The government of Denmark is considering the most effective method of retaliating against the United States for the recent trade representations now being made in behalf of the Danish chocolate exporters. The exporters allege over valuation of chocolate by the United States customs officials. The exporters deny that Denmark pays a bounty on chocolate and holds that Copenhagen should be accorded the same treatment as the United States gives to other free ports. It is pointed out that Denmark will suffer little loss in the case of retaliatory duties, since her exports of chocolate to the United States are only \$750,000 against the United States \$20,000,000.

MORE WRECKES.

More Than One Hundred and Sixty People Have Lost Their Lives.

London, Nov. 14.—The loss of a lifeboat and 11 lives near Yarmouth, headed the list of today's wrecks by the continued gale. The lifeboat was on its way to the rescue of a distressed vessel when it was struck by the waves and capsized. The crew were imprisoned and only three of them succeeded in making their escape. Innumerable minor casualties continue to be reported on the coasts of the United Kingdom, marking the storm as the most disastrous since the gale of 1893.

The Norwegian bark Erratic, of Christiansand, has been wrecked in the vicinity of Skidgater and eight members of the crew have been drowned. An incomplete list of the persons who have lost their lives by drowning during the storm already aggregates over 160.

Y. W. C. A.

Convention for Dominion Opens in Montreal.

Montreal, Nov. 14.—(Special.) The twelfth biennial convention of the Dominion Y. W. C. A. began a two-days' session this morning with exercises in the Young Women's Christian association, conducted by Mrs. Asa Gordon, evangelistic superintendent. In the evening a reception was held in the hall of St. James' Methodist church.

FOLDING BED.

Caught a Doctor in Its Clutches and Sew Him.

Buffalo, N. Y., Nov. 13.—A man said his life crashed over him last night. Persons living on the floor beneath heard a crash in the doctor's room and upon investigation found the folded bed lying on the floor, it was open and Dr. Barclay's lifeless body found inside.

Topeka Comes For Repairs

Will Enter the Drydock at Esquimalt to Have Repairs Made.

New Steamer in Prospect for Alaskan Trade—Puebla's Fast Trip.

Steamer City of Topeka arrived here yesterday to enter the dry dock, where the repairs made necessary by the liner's collision with the schooner "Haw" on November 2 will be made. The work of repairing the cruiser Phaeton is about complete and the Pacific Coast steamer is to follow after the dry dock, where she will be surveyed and the extent of the damages caused by her contact with the ice will be made known, and tenders called for the necessary work. The cost of repairs is expected to be in the neighborhood of \$15,000, for a number of plates have been damaged, necessitating their being changed and replaced, others need straightening and some new frames will be needed. Mr. Miller, superintendent of the Pacific Coast Steamship company, who is in charge of the repairs, said that the steamer City of Topeka when she came over to the outer harbor yesterday afternoon, and then proceeded to Esquimalt, where she will enter the dock.

According to officers of the steamer, she has quite a passage when she struck the ice, the island of the disaster was fresh in the minds of those on board. It was a dark night, and a blinding snow storm was without warning there was a tremendous shock, and there was much confusion among the startled passengers. The engines were at once reversed and the officers went among the passengers and assured them that there was no danger of the ship foundering. A number rushed to the boats and the others remained on deck. Slings were trussed and men lowered over the bows, while the ice, which was about 100 feet high, was making water. Little water was found entering the hold, but those lowered over the bow found that a big hole had been cut in the vessel's bow near the waterline, and that the water was big ice floe with which the steamer had collided. Capt. Olsen then decided to leave the steamer on Douglas island, which was done, and the passengers and crew were transferred to the steamer, the steamer steamed to Juneau, where, after a survey was held, it was decided to steam to Seattle, where the repairs, being estimated at a cost of \$22,000, are complete on her.

On the upper harbor ways the schooner fleet are being overhauled, and the steamer Danube is to have an overhaul. The bark Hawaii and E. K. Wood had to be sent to Vancouver for repairs, owing to the inability to have them hauled out without the aid of a tug. The number of vessels now on the cradles of the local yards.

A FAST TRIP.

Steamer City of Puebla Makes the Run From Golden Gate in 54 Hours.

Steamer City of Puebla, which arrived at 5 p.m. yesterday from San Francisco, with 80 tons of general cargo, including a large quantity of fruit, including apples, oranges, and pears, for the California and Canadian markets, made a fast trip to the Bay City. She left there on Tuesday morning, and arrived here at 5 p.m. yesterday, 54 hours after she left San Francisco, which means that she has averaged over 14 knots during the trip.

The Puebla had a small passenger list. There were 67 passengers in all, of whom 49 were for Seattle, 13 for Victoria, and 5 for Tacoma and 1 for Port Townsend.

Steamer Unatilla will sail for San Francisco tonight. She will carry the freight, including a large quantity of fruit, including apples, oranges, and pears, for the California and Canadian markets, made a fast trip to the Bay City. She left there on Tuesday morning, and arrived here at 5 p.m. yesterday, 54 hours after she left San Francisco, which means that she has averaged over 14 knots during the trip.

The rooms of the Victoria Athletic club at the Philharmonic hall, were filled with an immense audience last night, for the first time since the opening of the season, when the club was re-opened. The veteran athlete, Fred Foster, the veteran athlete, was the main attraction. While the affair was in the way of a testimonial to the "Professor," it was also one of the best athletic performances ever given in the city. Foster's friends are legion, and they turned out last night, civilian, soldier and sailor, to show their appreciation of the many favors that they have received from his willing hands. In the absence of Capt. Olive Phillips-Wolley, Dal Hawkins, the ex-champion lightweight, who is to meet Martin Denny, the champion, at the same place next Thursday evening, acted as referee of the boxing and wrestling contests. The event of the evening was the wrestling match between C. Wriglesworth, of this city, and Morrison of Ladysmith. The contest was a very close one, the Victorian winning the first and third falls, the latter lasting close on to six minutes. In the four-round boxing contests for the gold medal, Teddy Brown defeated J. Burns; Gibbs, of the Warspite, defeated Stubbs, of the Condor, and Jack Sykes defeated Kirby, of the Warspite. There was also a friendly boxing bout between Martin Denny and Davis, the trainer of Martin Denny, which was decided in a draw. The club swinging of the club was one of the best exhibitions seen here, having improved since the days of the old Victoria Athletic club, of which he was a leading spirit. The club dancing contest for the gold medal, which was won by the club, was a very close one, the Victorian winning the first and third falls, the latter lasting close on to six minutes. In the four-round boxing contests for the gold medal, Teddy Brown defeated J. Burns; Gibbs, of the Warspite, defeated Stubbs, of the Condor, and Jack Sykes defeated Kirby, of the Warspite. 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