

The Semi-Weekly Telegraph

VOL. XXXVIII.

ST. JOHN, N. B., SATURDAY, NOVEMBER 18, 1899.

NO. 19.

TRAIN AMBUSHED.

The Boers Laid a Trap.

British Lost Heavily in Extricating Themselves--No Confirmation of Joubert's Reported Death.

London, Nov. 15.—(4.30 p. m.)—There is no additional news regarding the progress of hostilities in South Africa this morning except a despatch from Mafeking, forwarded by the Boers, dated October 31, which says that during the afternoon Gen. Buller...

been out some days reconnoitering the enemy's force and which had several skirmishes on returning to Fort Tuli.

Position of the Reinforcements. LONDON, Nov. 15.—The troopship Hawarden Castle, with the second battalion of the Royal Irish Fusiliers, has arrived at Durban, bringing the number of reinforcements that have landed there up to 5,237.

The total reinforcements that have arrived in South Africa since Friday are 19,000 men, chiefly infantry, nearly 13,000 horses and mules, three batteries of field artillery and a number of Maxim guns.

Another Account. EROUR, Nov. 16.—A military man, a native, but a reliable man, who arrived here yesterday from Ladysmith, reports that a big fight took place there on Friday, November 10.

Return With Loss. EROUR, Nov. 16.—Seven of the Durban have just come in, making 23 missing. Only 15 of the Durban have returned.

War Unpopular in the Free State. LONDON, Nov. 17.—The Cape Town correspondent of the Standard says he has heard from an old resident who has just left the Orange Free State that the war is very unpopular there.

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A Fort Tuli despatch, under date of Friday, Nov. 3, says: "There is great activity in the Boer camp south of here. Reconnoitering parties sent along the line heard heavy firing in the distance. The party returned to Colonel Spry's camp on the evening of the 2nd, reporting that the enemy was advancing in force. It was shelled at midday, stampeding every horse and mule but not touching a man. The Boers number 400."

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The Deed Done with Malice Aforethought--The Crime Committed Upon the High Seas--Maxwell is Still Confined in the Central Station.

The jury in the enquiry into the death of Captain George E. Bailey of the schooner J. B. Vandusen, brought in a strong verdict Thursday for the effect that he was murdered by Elmer Maxwell, feloniously, wilfully and of malice aforethought.

The inquest into the death of Captain George E. Bailey, of the schooner J. B. Vandusen, was begun Wednesday night by Coroner Berryman in the old probate court room at the court house.

The coroner asked if the American Consul was present, and found he was not. He then called to the stand the doctor of the J. B. Vandusen, Frank L. Snowdon, who was sworn and testified that he was on the vessel, which was called the schooner, when it was struck by the schooner J. B. Vandusen.

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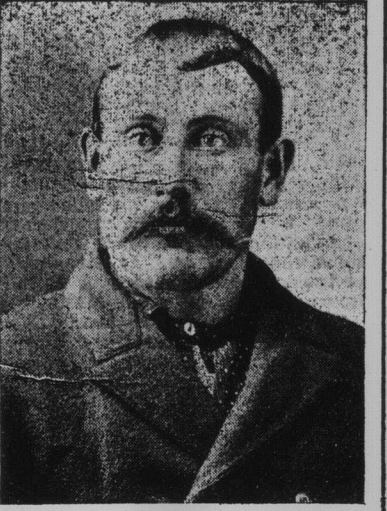
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steward came to witness and took the wheel and told witness to go and see if he could quiet Maxwell. Witness went as far as the end of the house when he heard Maxwell crying out that the son of a -- is aboard; to h -- with him, he was no good anyhow. Witness then launched the boat with the mate and finally rescuing the captain, who died in the boat without speaking. Saw the vessel for some time but she was going away from the boat so they made for shore, reaching Dipper Harbor. They rowed 10 or 12 miles. Witness can't remember that at the time of the kicking and supposed stabbing of the captain by Maxwell he was so drunk that he would not know what he was doing. He is a quiet sober when witness was talking to him in the galley. Witness saw a blue light to the north and eastward. This was Musquash light and he said that when the captain went overboard he thought they were five or six miles off.



Elmer Maxwell.

Elmer Maxwell, worth about \$2 to \$2 1/2 knots to the vessel. Considered her a fair sailing vessel. It was about 3.30 when we started our course and we kept it till 6 o'clock about his time I started to pump the vessel out. Maxwell was in the galley and I said, 'Well, old boy, how do you feel?' He said 'all right.' Witness told of the captain putting Maxwell out of the galley. 'Captain struck Maxwell once, I told captain he'd better not fight with Maxwell. Maxwell broke out of the forecabin and came on the deck, where the captain was. The captain said 'You're looking for more fight are you?' They clinched and the captain threw Maxwell down. After a little scuffling the captain called to me 'Come, Mr. Campbell, he's got a knife, hurry up.' I ran and showed Maxwell's arm from off his back on to the deck, and at the same time showed the captain of Maxwell taking Maxwell by the other hand I raised him to his feet. I talked to him, and he talked back, saying 'Leave me alone.' He ran to the captain who was by rigging. I ran for a marine spike but it was empty and I came to Maxwell and said, 'Try not to fight.' He said, 'I'll kill the -- anyhow.' and I ran for a captain bar. Then some one cried, 'The captain's overboard.' Witness told of the rescue of the captain, and his death, and their reaching Dipper Harbor. They rowed eight or ten miles, he thought. Witness saw a knife in Maxwell's hand when he was under the captain on the deck. He did not speak to Maxwell about it, nor try to take it from him.

A chart was produced and witness marked off the course from the island and three or four miles off shore. The vessel was when the trouble occurred. Then he said when it occurred they had called 11 miles SW by W 2 W, and were about three miles off shore.

Dr. James Christie was called and testified as to holding a post mortem on Capt. Bailey's body, visited by Dr. J. B. Scammell. He said there were present, besides the physicians, Undersecretary J. Q. Beasley and David Maxwell. The back of deceased's vest, both shirts, and upper portion of his pants were stained with blood. There were also stains on the left shirt sleeve. One cut through the vest N shaped and held in place by a 3/4 inch, 1/2 inch and 1/4 inch, and both shirts were cut through the shoulder and through the leather straps of the suspenders and both shirts 1 1/2 inches long and transverse, and just below a long narrow transverse, penetrating between 7th and 8th ribs into the pleural cavity. One cut through pants, through drawers and shirt, over the left hip, posterior. One cut through left pant leg and left drawer leg 2 1/2 inches long on outside. Body was lean, well nourished and well developed muscular man, 5 feet 10 inches in height. The wounds were--

Left leg, large oblique incised flesh wound through skin and superficial tissues, 5 1/2 inches long.

Incised wound on outer side of left leg, 3 inches long, 1/2 inch wide, penetrating into the pericardial cavity.

Incised wound, one inch long, vertical, exposing the lumbar vertebrae.

Dr. Christie said death was due to hemorrhage caused chiefly by the wound between the ninth and tenth ribs, which punctured the lung.

The coroner complimented Dr. Christie on the manner in which the post mortem was conducted by him and the excellent report of it he made to the coroner and jury.

Maxwell was represented by counsel at Thursday's session of the enquiry, Mr. A. B. Copp of the firm of Teed & Copp of Dorchester being present in the prisoner's interests. Maxwell sat between his

lawyer and Sergt. Kilpatrick and preserved the same demeanor as on the previous evening. While the jury was out he talked with his counsel in a low tone. When the jury came in, and the verdict was handed to Coroner Berryman and the coroner began to read it, Maxwell fixed his gaze on the floor and did not raise his eyes until the coroner called Sergt. Kilpatrick to give him directions about the disposition of Maxwell. He was to keep him at Central while the coroner was preparing a committal to the county jail.

Coroner Myers. U. S. Consul Myers was the first witness. He identified a set of shipping articles as a copy of those of the schooner J. B. Vandusen. He said he placed beside the master, three of a crew on the schooner, on Saturday. The full complement would be six. He said he didn't know how many the vessel had port with. In part of my duty to see that an American vessel is properly manned before she leaves this port.

Coroner Berryman asked, 'Would you be derelict of your duty if you allowed an American registered vessel to leave this port without being properly manned?'

'Witness--I refuse to answer that question in that form. The schooner left port with my consent under certain conditions. I do not know Elmer Maxwell personally. I did not understand that he, as a derelict mate, was to go as a seaman on the J. B. Vandusen. Maxwell originally shipped on September 30. On the return to this port he was discharged as mate by mutual agreement and re-shipped Nov. 8 as mate. Two days afterwards, the captain reported to me that Maxwell was drunk and refused to join the vessel, notwithstanding that he had signed articles. The rules of the office is to keep the same as customs house hours, Saturday afternoon is a half holiday. Captain Bailey left a few minutes before closing time Saturday last reported to me that he was two men short, but that he would not leave the harbor till he shipped the other two men. Under the rules of the U. S. shipping commission, outside of office hours the master has power to ship and fill up his crew and sign them aboard. The shipping articles as finally returned to me did not contain additional two names. I believe the captain carried out my instructions in part--by shipping Maxwell. She would not have been leaving with my consent if I had known the two additional men had not trusted to the captain to put them on. The captain would have done wrong to leave without my consent. If a sailor agrees to go aboard as an employe, this is binding on him, provided he is in his right senses at the time.'

Photo's Evidence. Pilot John C. L. Sherrard and Pilot Joseph Doherty were called to testify as to the vessel's probable position when the trouble occurred. The conditions of the vessel were one mile south of Partridge Island at 3 p. m., shape a course F. W. by W. W. and held it till 6 p. m. with a speed of five miles an hour. Mr. McFarland without chart made out that she would be about 15 miles from the island and three or four miles off shore.

Pilot Sherrard marked out the course on the chart and said that after 6 o'clock Saturday last the tide would be with the schooner. With a five-mile breeze and the tide two hours she would make about six miles in the first two hours and about six miles in the next two hours. He would put her about 30 miles from St. John to the westward and about 2 1/2 miles from Musquash light, abreast of which she would be at the time.

Pilot Doherty placed her 14 miles from Partridge Island and between Dipper Harbor and Chance Harbor. From where she would be at 6 o'clock, Musquash and Point Lepreaux lights could be seen. She would be five miles or a little better from shore.

Other Testimony. Chief Clarke and Sergt. Kilpatrick gave evidence, telling of the arrest of Sergt. Kilpatrick producing Maxwell's shirt which was blood stained. Seaman John McIntyre was recalled to make the identification of the captain's body, and then the case was given to the jury, after Lawyer Copp had briefly addressed the jury on the position of the schooner at a brief and comprehensive summary of the evidence to the jury and they retired, retiring about an hour later with the following verdict:

'We, the jury empanelled to inquire as to the death of George E. Bailey, master mariner, and mate of the schooner J. B. Vandusen, of American registration, find that, on Saturday evening last, 11th November, 1899, at or about 6 p. m., on Spitz Rock light, or Musquash Head, in the Bay of Fundy, from weakness and loss of blood due to stab and cuts inflicted with a sharp instrument or knife in the hands of one Elmer Maxwell, a seaman on board of the schooner J. B. Vandusen aforesaid, and we further state that the said Elmer Maxwell did feloniously and wilfully and of malice aforethought, kill and murder the said George E. Bailey.'

U. S. Consul Myers, who watched the proceedings during the evening, was given opportunity to have any questions he wished asked the witnesses. He was interested chiefly in the determining of the position of the vessel when the murder was committed.

Lawyer A. B. Copp arrived in the city last evening and will remain in the interests of the prisoner, Maxwell. He did not know what the next step will be. It was said last night by a legal gentleman that the verdict of the jury would be the first point in the deciding where the jurisdiction for the trial of the prisoner lies.

It was expected that Maxwell would be taken to the county jail on the coroner's commitment after the inquest but only this morning he was still in central police station, the jail keeper not accepting him on the coroner's papers. Maxwell has received letters from his brothers at Backville and has replied. Some of his relatives will be here.

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