

GALLEY'S DEATH INVESTIGATED.

Coroner's Jury Exonerate Captain Nowlan
From all Blame, As He Used His
Best Judgement.

Coroner Benson, of Chatham, on Friday evening in the following jury to hold an inquest upon the remains of the late Theophilus Galley.—John Ashford (foreman), Howard Jeffries, Blackstock Matheson, John Kingston, Howard Whitney, Joseph Ingram, Chas. Sargeant. The jury viewed the remains, and the Coroner then adjourned the inquest until Wednesday at 10 a.m.

The taking of evidence opened at 11 a.m. Wednesday, in the town hall. T. W. Butler, Clerk of the Peace, conducted the investigation for the Crown, A. A. Davidson appeared for the Miramichi Steam Navigation Co., and R. A. Lawlor for Capt. Nowlan.

Frank Galley, a brother of the deceased man, was the first witness sworn. He identified the body which the jury had viewed, as that of Theophilus Galley. Was on the steamer Alexandra on the excursion on Tuesday night. Do not know date. Saw my brother come on board at Chatham. Was not speaking to him on the boat that night. Saw him afterwards when the boat was going down river. Did not see him after boat turned to come up river. There was an alarm of an accident when the boat was going down. A girl, Carrie Sevrut, came to me and told me my brother was overboard. That was the first I heard of it. I went and told the captain that my brother was overboard. He said it was too late and too dark to do any good. It was a pretty dark night; no moon. An object could not be seen in the water from the boat's deck. The boat kept on her course down river; for two or three miles, I think, then turned and came back. Boat eased up a little, and the whistle blew, but she did not stop. No life preservers thrown over nor boat lowered. No attempt made at rescue at all so far as I know. Did not make any protest against this to captain or any of the crew. My brother was not able to swim. Captain nor anybody else did not ask me about that when I went to him. Did not tell anybody that he could not swim. Did not see him again until I saw his body at the undertaker's. Do not know if he was drinking that night or not. When I saw him he did not seem to have been drinking.

To Mr. Davidson: The boat blew her whistle before she eased up.

To Mr. Lawlor: Carrie Sevrut who told me he was overboard was the young lady he was keeping company with that night. I told the captain five or six minutes after he went overboard. I was on the upper deck and went right to the captain to tell him. The boat was crowded with passengers. Had a good deal of difficulty in getting to the captain.

Allan Russell, sworn: Knew Theophilus Galley. Was on the steamer Alexandra on the night of July 30. Saw deceased on the boat. Was on the stern of the boat on the top deck when I saw him last. He was on the same deck. Boat was then below Middle Island. I was seated near the stern of the boat. The stern was crowded with passengers. Was seated with Miss Geikie. Theophilus Galley came out of the door of the cabin, lifted his hat to me, and kept straight on

across the boat. There were two small boys whom I do not know seated, and there was a lady sitting next to them. Was told it was Miss Johnstone. He made an attempt to part the two boys. I thought he wanted to sit down. He stepped up on the bench and stepped over, as far as I could see. It was a little dark. He did not hesitate from the time he came out of the cabin. I think there is a stanchion near where he went over. Do not know if put his hand on it or not. For a moment I could hardly believe he was overboard. Some of the passengers sang out "a man overboard." I then started for the cabin. The crowd was so confused it was almost impossible to go through them.

I got about to the side door of the cabin; got blocked there and could not get any farther. Asked them if they had told the captain there was a man overboard, and someone answered "yes." There was a general cry of "man overboard" the moment it happened. There was no light near where I was at all. Do not think there was any light on the deck except from the cabin. I then went back to the stern of the boat. Seeing that the boat was not stopping, I again started for the cabin. Tried the starboard door of the wheelhouse. It could not be opened easily. Then went to the port side, opened the door and exclaimed "man overboard." Do not know who was in the wheelhouse, or if there were more than one person in at the time. Heard only one voice. There was no light. The answer I got was, I think, "I heard that a few minutes ago, but I can't stop." I think those were the words used.

To Mr. Lawlor: It was out of the stern door of the cabin that Galley came. That would be about amid-ship.

To Foreman Ashford: Can't say how long it was after Galley went over before I reached the wheelhouse. It might be six or seven minutes. It was very dark, and after ten o'clock. It did not occur to me to throw anything overboard and did not see anybody else do so. Steamer continued on her course down river, maybe half an hour. Do not remember whistle being blown or boat slowing down.

To Mr. Davidson: Bought my ticket on the wharf at Newcastle before going on board. Did not see Galley on board until he came out of the cabin as stated.

Miss Bertha Johnstone, of Chatham, sworn: Did not know deceased. Was on steamer Alexandra on night of July 30. When accident occurred was sitting on stationary seat at side of boat, on the second deck. Deck was lighted by lanterns hanging between cabin and stern of boat. Saw a man come across the deck. He passed me and pushed his way up to the side of the rail. Was not noticing him particularly. The next thing I heard was a splash at the side of the boat. Then a girl came along looking for him and I told her he had gone overboard. Asked her who he was and understood her to say Joe Galley; probably she said Theo. Galley. She got excited and I tried to quiet her. She went away and came back again. When she came back she tried to jump over after him. Some boys kept her back. Told some of the boys standing around to go and tell the captain. Do not know if they did so. Did not see the man in the water. It was very dark. He went over towards the Newcastle side. I was sitting with my back to a stanchion. There was a small boy between me and where he went over. The boat was crowded.

To Mr. Lawlor: A minute or two elapsed after he went over, before the young lady came.

To Foreman Ashford: Did not hear him make any noise after he went into the water.

To Mr. Butler: From the time he came over by me until he went overboard was only a second, practically instantaneously.

The inquest was here adjourned until 4.30 p.m.

On resuming, Miss Carrie Sevrut was the first witness sworn.

She said: Deceased came out of

cabin and he went just ahead of me to the side of the vessel. There were two couples sitting there. He went in between them, stooped over the rail, and then fell overboard. I saw him fall. There was a rope or something on the deck. When I ran to see what happened him I got caught on this rope, and thought it might have tripped him, as he was sick before he came out. It might have been a raise in the deck that I tripped over. I was excited and did not notice what it was. I told his brother that he was overboard, right away after he went over. Steamer was very much crowded. Would take a minute or two to look up anyone. I sang out there was a man from Newcastle overboard, and everybody came around me. Others cried out afterwards. Before starting for there he had not said anything to lead me to believe he was going overboard. From what I saw I think it was purely accidental. He told me he had not drunk all day, but I know that on the boat he had a little drink with three men. He did not seem to be intoxicated. Did not notice that there was any particular lurch or movement of the crowd against him that would push him over. There was no one near him that would push him over.

To Foreman Ashford: Did not see any light at the stern when we came out of the cabin.

To Mr. Lawlor: Was no more than four or five feet behind him when he went overboard. Did not see him put his foot up on the seat, but would not swear he did not. Could only see one of his feet as he went over. As then went out the door of the cabin I stopped to speak to Frank, his brother, to tell him to stay where he was till we came back. That was the reason I was not quite near when he went over. He went straight out from the door. He went to the right side of the post, or flagstaff on the stern. Put his left hand on the flagstaff and fell over. Did not hear noise when he went over except the splash in the water. Night was very dark.

To Foreman: Went right away to tell Frank. Told Frank to tell the captain. Frank went away and came back to me, and we both went to the captain. Captain was in the wheelhouse. We went right in to the wheelhouse. I told the captain that there was a man from Newcastle overboard, and mentioned his name. Said "would you please stop the boat, there is a man overboard." He said it was too dark a night to have a search. He asked me could he swim. I said he could not. He said, "it's no use, he is at the bottom." Did not hear a whistle or notice the boat slow up. Would not say it did not happen.

To Mr. Lawlor: Would not think it was five minutes, but it may have been longer from the time he went overboard until I got to the captain with Frank. (On being told of Frank Galley's evidence witness it might have been 10 minutes.) Heard someone say it was not a man, but a chair, verboard. Was at the

side of the boat then. Heard that before I went to the captain and afterwards.

Capt. James Nowlan sworn: Am master of Ste. Alexandra. Passenger capacity of boat is 400. Carries two lifeboats, 400 life-preservers, and two ring-life buoys. Preservers are kept overhead where they will be most available. Vessel was equipped in this way on night of July 30. There were 341 passengers on board on that night. Left Chatham about 9.15 p.m. It was as dark a night as ever I was on the water. Saw no moon nor stars. There are no regulations that I know of about excursion parties on such dark nights. We go when we are told by the manager. We were away from Chatham a half hour or more when I first learned of the accident. We were then abreast of Stewart's. That is about 2½ miles below Chatham. We were nearer the north side of the river. I was in the wheelhouse at the wheel, at the time. The first word I got was when a boy came up to me, and told me. He said a man told him there was a man overboard. I said "if that's not true, don't spread that report on the boat."

Inquest was here adjourned, at 6 p.m., and the coroner, jury and witnesses Allan Russell, Miss Sevrut and Capt. Nowlan, went to the boat to view the place where the man went overboard.

Miss Sevrut pointed out the space on the port quarter of the boat, between the 3rd and 4th, or between the 2d and 3d stanchions counting forward from the flag staff, as the place where Galley went overboard, as near as she could say. This showed that when she spoke of the flagstaff in her evidence she meant one of the stanchions. The place she pointed out is just at the end of the seat which runs alongside the rail.

Mr. Russell pointed out the space between the 6th and 7th, or 7th and 8th stanchions, on the port side, counting forward from the flagstaff, as the place as near as he could say. The distance between these two places pointed out by each witness would be about 8 feet.

The evidence of Capt. Nowlan was resumed at 7.15 p.m.:

I told the boy to go and get the man that told him and bring him to me. The boy left the wheelhouse, and did not come back that I remember of, nor the man that told him either. After he left a man came to the wheelhouse and told me there was a man overboard. There were two others came after him and also told me. I decided then it was too late for me to do anything to save that man's life, as he had been overboard too long. And if I stopped the boat or turned her back I would be in great danger of losing more lives overboard, so I let the boat continue on her speed. There is no fixed rule to follow in such cases, that I know of, except to use one's best judgment. Did not hear the whistle nor stop nor slow down the boat. Heard the whistle blow, but I did not do it.

The A. O. H. society was responsible for that excursion having taken place that night, and could have called it off at any time before we left Chatham. Once we left the wharf it was my duty to run the boat over the course she was chartered for. Later on, after the parties I have mentioned had come to me, a girl came and told me about it. The number of passengers I had on board that night would have the effect of listing the boat; if they went in a body to one side. My reason for not stopping or turning back was the darkness of the night, the large number of people aboard, and the fear I had that there might be another accident. I used my best judgment in taking the course I did. Looking back now, and looking coolly over all the events, if I had to act now under the same circumstances I would do the same as I did.

To Mr. Lawlor: Excursion started from Newcastle. The A. O. H. had charge of the passengers. The A. O. H. had advertised a moonlight excursion, and it had been postponed twice. For that reason it was held on that night. Left Newcastle before dark, with 102 passengers. It was after the excursion started from Newcastle that the night turned dark and thick, getting blacker all the time. Have been running on the river since 1889. Have been twelve years on a passenger steamer. Served as mate for 15 months. Got my papers as captain in 1900. Was deckhand for a long time. Although captain I served as mate under other captains on the river for some time, until spring of 1906, when I took command of the Alexandra. Sailed for some years on this down-river course, while serving as mate, though holding a captain's papers.

Continued on page 2.

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