

ALLEGED INCENDIARISM.

The Cause of the Recent Fire at North Park Road Inquired Into.

An Insurance Scheme that Did Not Work—An Organ that Played a Part.

"A fire inquest," which is not a very common proceeding in Victoria, was held in the Police court yesterday. The Police Magistrate presided, and the following were sworn in as a jury to investigate the circumstances attending a fire which occurred on the 19th October last, on North Park road, in a house tenanted by Joseph Smith:

Messrs. W. J. Dwyer, Thomas Matthews, A. S. Henkie, J. Whitfield and William White.

The fire was reported at the time as a very suspicious one, and was so represented by the Chief of Police. The investigation was decided upon by resolution of the City Council, and that there is considerable interest taken in the proceedings was manifested by the large attendance in court.

Chief Sheppard conducted the inquiry, and Joseph Smith looked after his own interests.

Mr. Frank G. Richards, Jr., deposed that he remembered the fire on North Park street on the 19th October. The house was occupied by Joseph Smith, witness, as an insurance agent, insured the house, furniture and contents for \$800 in the Union Assurance Co. of London. The policy was issued on the 21st September, 1892, and the premium was about \$12 for the term.

Mr. Gonnell, who delivered the policy, had inspected the house and valued its contents at \$800.

"Did you inspect the place?" asked the Chief.

Witness: Yes, the day after the fire, and found that some of the furniture covered by insurance had been removed. This was acknowledged by Smith himself, who said that he had sold some of it at a second hand store a day or two previous to the fire. I found that the fire originated in a bedroom, and was confined to it. The contents of that room consisted of a bedstead, set bedding, some chairs, etc. Smith said he had paid \$112 for the suite alone; but I am confident I could have purchased it for \$75.

The fire originated in the northeast corner of the room, near a bureau, not far from the window. There was no fire-place or stove in the room.

To His Worship: There was a hole burnt through the floor right, close to the wall. To the Chief: I insured an organ, the value of which was said to be \$250. I mentioned to Smith, the morning after the fire, that there ought to be an organ, and asked him where it was. Smith pointed to a hand-organ, which I would value at from \$12 to \$15 when new. Smith said that all his wife's clothing had been destroyed by the fire, as well as his receipts, bills and papers. The clothes were not covered by the policy, but Smith said he thought they were. I went to the rear of the lot with the Chief of the fire department, and, in a stable, which was locked at the time and subsequently opened by Smith, I found some boxes, furniture and bedding. In one of the boxes we found bills, receipts and papers; another was full of his wife's clothing, including a box which Smith said had been destroyed by the fire. Smith put a sworn statement for damages amounting to \$245. I agreed to have a valuation put up on the furniture by a man in that line, and Mr. Lowe, with the approval of the Chief, valued it, and valued it at \$300. I offered him \$40, which he refused, and it was then he put in the sworn statement. At my suggestion Smith subsequently agreed to refer the damage to arbitrators, one of whom he should select, the other by lot, and if they could not agree, a third party was to be called in. The arbitrators awarded \$100, which I paid. Having inspected the furniture of the house, I would think that \$250 would buy it at auction, and \$400 new.

"Did Smith say anything to you as to how the fire originated?" asked Chief Sheppard.

"Yes," replied witness. "He said he thought the house had been set fire to by some boys throwing matches on the curtains through the window. When Smith said that the organ had been burned, the chief of the fire department suggested, 'Then we can find some of the ivory keys.' Smith then said it was a hand organ, and the chief said, 'Then we will find the handle.' The organ was afterwards found in another room."

To the Foreman: Mr. Smith told me that his child had been very sick, but I don't remember that he said anything about the place being fumigated a week before.

His Worship: "At the time of insurance you were certain that the risk was a proper one?"

Witness: "Yes."

His Worship: "On what grounds do you base your opinion?"

Witness: "On the report of Mr. Gonnell, who reported that the contents of the house were worth \$800. I paid a commission on the work done, and I employed by me and not by the company."

To Mr. Sheppard: The organ was included in the \$800 insurance on the house. Cross-examined by Joseph Smith: "I do not remember that you told me the furniture you had sent for sale was never in the house. You told me that all your wife's clothing had been burned, but that you had sent some of the bedding to the wash."

George Padgen, furniture dealer, Fort street, deposed that one or two days before the fire Smith came to him to sell some furniture, which he formerly belonged to the Odd Fellows of Bequimatt. The articles bought were tables, spittoons, an odd bedstead and mattress, and a baby's buggy. The articles were in a shop in the rear of the house and when removed a fender, box, some tools, etc., remained.

Chief Deasy, of the Victoria fire department, deposed that on October 18, last, he was called to the house of Joseph Smith on North Park street. A few minutes after the alarm sounded the brigade was on the spot. The house was unoccupied and the fire was put out in about five minutes. Witness then proceeded to investigate the place finding that there was considerable smoke in the front room and on bedding on any of the beds. There was a bureau in the second room, which was destroyed, and a burned hole in the floor showed that the house had been maliciously set fire to no better place could have been selected. There was good straw for the flame, and the window of the room looked out on an occupied house. There was very little furniture in the room, and what there was was more or less damaged. It was difficult to find that the owner or occupier of the house could be discovered. Finally Sergeant Hawton brought in Joseph Smith. When Smith entered he exclaimed, "My God, all my wife's clothes have been

destroyed." Smith further said that he had been in the house at 7:30 that evening, and had taken a clock off the wall to bring it to the house at which he was staying. That Mr. Rosen, he also stated, that he was insured, that he had sent the blankets to the wash, that his child had died there of what some people called smallpox, and that he had fumigated the house in consequence on the previous Sunday.

"Next morning," continued the witness, "I visited the place with Mr. Richards, who asked Smith what had been burned. Smith replied, an organ and a Japanese box worth \$40. I proceeded to search for the ivory keys of the organ, and Smith at once said it was a hand organ. I said, 'Well, we'll find the handle.' Smith replied, 'Perhaps I am telling a lie, the organ may be in the other room.' He went in and found it there—a common, every-day hand organ. We then went to the shed or stable, which was locked."

Witness corroborated the evidence of Mr. Richards as to what occurred in the shed, adding that the Japanese box which Smith said had been destroyed was found there, and that Smith further said that he intended to leave the house, and that the police had been paid up but two days before the fire.

The Chief, in reply to a question, said that he had valued the contents of the house at more than \$800.

Cross-examined by Joseph Smith: "You may have said that the Japanese box destroyed by the fire was larger than the one found in the shed."

To the Foreman: "I saw no oil lamp in the room where the fire was. There was no trace of coal oil or any other inflammable in the room—nothing to show how the fire started."

The witness Gonnell, by whom the insurance was effected, was called, but there was no response.

On the motion deposed to having served the summons upon Gonnell.

Chief Sheppard undertook to produce the witness, and the inquiry was adjourned until to-day at two p. m.

The investigation into the circumstances attending the fire at North Park road on the 19th October was continued yesterday, when the evidence elicited created no small amount of surprise, especially that of the witness Gonnell, who admitted having valued furniture which he had not seen.

There was a large attendance of interested parties throughout the day.

Thomas Kirby, a fireman in the Victoria Fire Department, was the first witness examined. He was in the North Park road district, and hearing the alarm ran to the place indicated and saw a dim light through the window of Joseph Smith's house. He burst the door of the house locked and found it open. The place was in darkness, and he ran to Mr. Dwyer's store where he borrowed a lamp, and returning examined the house, locating the fire in the second bedroom.

George Rossin swore that he had known Smith for 15 or 20 years. Smith told him that he was running a hand-organ, and some six days previous to the date of the fire. During these six days witness and Smith visited the house on North Park road almost daily. About 7 o'clock on the evening of the 19th Smith went to his house and took out the clock, bringing it with him to the house of witness. The clock was hung up and set to the correct time.

His Worship: What time did you leave Smith's house with the clock?

Witness said that the distance between the two houses was not more than two or three minutes walk.

"When did you leave Smith's house?" repeated His Worship.

Witness fenced the question for some time, and ultimately said that to the best of his ability, the clock was taken out at 7:15. There was no delay in hanging it up, and neither Smith nor himself went out afterwards until Sergt. Hawton called and told them the house was on fire. Witness did not hear the fire alarm, and did not know that the house was on fire until apprised of the fact by Sergt. Hawton.

Chief Sheppard: During your daily visits to the house did you remove anything from it?

Witness: Sometimes we would take away some of the children's clothing. When we went for the clock I did not enter the house.

Why? asked the Chief.

Witness: Because it was dark at the time, and Smith said he could go in and lay his hand on the clock without striking a light. The clock was on the mantelpiece. He did not know whether Smith struck a light or not. I did not see any light. He was not in the house more than three minutes.

Cross-examined by Joseph Smith: I was on the sidewalk while you were in the house.

To the Foreman: All the windows in the house were open, some ten or twelve inches. There had not been a fire in the house since the day Mrs. Smith left it, a week before.

To His Worship: The bedroom window is about four feet from the ground. There is no thoroughfare there.

Chief Sheppard: I heard you say that you were about to remove to another house. I went to a house with you, which you said you intended to rent, and saw you packing up dishes and other things the day before.

Joseph Gonnell was called, and asked by His Worship why he did not attend on the previous day, having been duly summoned. The witness apologized and said he was sick.

His Worship informed Gonnell that it was well for him he was not in the dock for contempt of court instead of in the witness box. He put the jury to considerable inconvenience.

The witness' apology was accepted and he proceeded with his evidence. He said he was an insurance canvasser, and in September last went to the house of Joseph Smith and got him to insure for \$800 on his household effects. He examined the contents of the house and valued them at \$800. He did not see the inventory of the furniture nor did he go through the whole of the house—he only inspected the front room and hall. Smith told him that the furniture in the rest of the house was as good as that in the front room.

Chief Sheppard: Did you see anything of an organ there?

Witness: I did not see it, but Smith told me he had an organ valued for \$250 which he had paid \$900. I only inspected the hall and parlor, and I took Smith's word for all the rest.

Did he tell you what amount he wanted to insure for?

Witness: No, but I told him I would insure the lot for \$800. He did not say he wanted to put on more.

Chief Sheppard: Why did you value the furniture—yourself or Smith?

Witness: I did. I took it that if all the furniture was as good as that in the front room it would be worth \$800, and I reported this to Mr. Richards. There were four rooms in the house, and the front one was about sixteen feet square. The premium was paid two days before the fire—\$12 for

three years. Smith came to my house at seven o'clock in the evening and paid the money.

Cross-examined by Joseph Smith: You did not tell me that the organ was worth \$250; you said it cost you \$300 and you valued it at \$250. I do not remember that you asked to insure for \$700, but I called a few days after our first conversation and told you you had been insured for \$600.

"Was it on the 16th or the 16th October?" asked Smith.

Witness: It was on the 16th—a couple of days before the fire.

To the Foreman: In valuing the furniture of the house, the value of the organ at \$250, what Smith said it was worth.

His Worship: You stated that you looked at most of this furniture and valued it at \$800. Is that a statement?

The witness would not answer the question definitely, and His Worship did not press it, but asked, "What was your commission on this transaction?"

Witness: Ten per cent. The report I made to Mr. Richards was that I valued the furniture at \$800, and that he would be safe in insuring it for \$600. I did not tell Mr. Richards that I had only been in one room of the house, or that I had not seen the organ. I have been in the insurance business for the past four months.

His Worship: Was the work done by you, in all instances, your ordinary mode of doing business?

Witness: Yes, sir.

His Worship: Is this* the only occasion upon which you valued furniture which you did not see?

Witness would not answer, but explained that the only intimation Smith had had that his house was insured before the 16th October, was that witness had told him.

His Worship: If the fire had occurred on October 1, before the premium was paid (it was about the middle of September you insured), would the company have honored it?

Witness replied in the affirmative.

Mr. F. G. Richards, who represents the insurance company, was asked by His Worship if he wished to put any questions to the witness. The opportunity was waived, and the following questions were put through His Worship.

"Did Mr. Richards ask you if you had seen that organ?"

"After the fire had occurred, did Mr. Richards ask you if you could swear to having valued the organ?"

"Did you reply that you had, and indicate its height?"

"No."

"Did Mr. Richards, after the fire, tell you that the organ was a hand-organ, not worth more than \$10 or \$15?"

"He did."

"Did you reply that if that was the only organ, the one you had seen and valued \$800, must have been removed from the house?"

"I did."

"Did Mr. Richards then say that, in that case, the circumstances in connection with the fire were suspicious, and would call for investigation?"

"He did, and that in that event I would be required to give evidence."

"Did Mr. Richards enjoin you to be careful in your examination?"

"He did."

Sergeant Hawton deposed to having been at the scene of the fire and notifying Smith of the blaze. When the particular room was reached and searched, a thorough search was made, and Mr. Appleton, God, all my wife's clothes are there. Witness corroborated the evidence of Chief Deasy given Thursday, as to the appearance of the house after the fire, adding that the house was in a state of confusion, and that the furniture was in a state of confusion.

Joseph Smith, the occupant of the house in question, volunteered a statement. He denied the statement of Gonnell, that he had said the organ was worth \$250. What he said was that it was worth \$25 and the music about \$50. He described the furniture—a bed lounge, for which he had paid \$80; his bed, for which he had paid \$30; and some of them as he had seen, and the house was well carpeted throughout. The only things he had removed from the house previous to the fire were a clock, a box, and a bird and cage.

Smith was cross-examined at great length by Chief Sheppard, who elicited that the value set on most of the furniture was because of the fact that the articles were heirlooms. Since the fire witness said that he had had the organ, and having turned some fumigating stuff on his stove his friends put in a claim to the Board of Health for compensation, and he was awarded \$50.

This concluded the evidence, and His Worship addressing the jury pointed out that their duty was to return a verdict according to the evidence given under oath, and that it was their special desire, he would not sum up.

The jury did not think it necessary that His Worship should further address them, and at 6:30 they retired to consider their verdict.

After half-an-hour's absence they expressed themselves as—

"Of opinion that the house was set on fire by some person unknown to the jury, and we would recommend the insurance agents to be more particular as to whom they employ to solicit insurance."

The jury were then discharged, His Worship having ordered for goods until intelligence and attention.

REGULARS WOOLFULLY WHIPPED BY REVOLUTIONISTS.

LAREDO, Texas, Dec. 23.—A report was received here late last night of a skirmish that occurred near Guerrero on the 17th inst., between the Mexican troops and revolutionists, in which the latter, 600 strong, were victorious; that several soldiers were killed and also some revolutionists. Parties in touch with the authorities have serious apprehensions. Attacks on small interior towns are expected at any time. Some say even the New Laredo or Cerevo, a rich mining town, is in danger. Eight carloads of Mexican cavalry were hurried into Laredo yesterday. Merchants are contemplating orders for goods until matters have become more settled.

CITY OF MEXICO, Dec. 22.—Searching investigation fails to find any trace of General Lottin, who was reported to have been in military academy at Chapultepec. This city, although the Minister of Foreign Affairs and other officials of the Government yesterday asserted that the General was here. It is now known 10 days since Rocha left the military academy, and according to information received from a reliable source he has been traced to Monterey. If the report be true that Rocha has gone to the revolutionary movement on the Rio Grande border against Mexico, or that he is identified in any way with such a project, thousands of Mexicans will flock to him, as he is the most popular leader of the Mexican army and the best informed man in Mexico on military tactics.

NEWS OF THE PROVINCE.

Hotel Rummaged by a Train—Vancouver Schools Braised—That Midnight Robbery.

The Port Moody Coal—Valuable Samples of Kootenay Ores—Local Mining Enterprise.

(Special to the Colonist.)

VANCOUVER.

VANCOUVER, Dec. 23.—A letter was received by the Board of Works from D. H. Morgan, a city contractor, making very strong detailed charges against the city engineer in reference to his management of a city contractor. Mr. Morgan will appear before the Board of Works. The letter is said to have been kept from the reporters by the board.

Mr. J. A. MacFarlane, F.C.S., ex-manager of the Boles Copper Mining company, South California, has permanently located in Vancouver, and becomes a partner of Mr. W. M. McKinnon in mining and real estate business.

There was a very large attendance at the High school examinations yesterday. Mr. Theodore Davis and Inspector Burns were present. Vancouver students are doing well in the district of New Westminster to-day.

The regular monthly meeting of the Y. M. C. A. was held last evening. Papers were read on the effects of tobacco, and the merits of God.

Mr. C. P. Major heard seventy-five appeals entered against the assessments of the city of Vancouver for the year 1892. The appeals were heard in the district of New Westminster to-day.

The friends of Otto Bond, the young Russian Jew who committed suicide here on Tuesday, cannot be found, and fellow-countrymen in the city will bury the remains.

Mr. Geo. Barnes will not give the police minute particulars as to his doings on the night of the 19th inst. Common talk on the street is that there is something mysterious about the affair that should be cleared up.

The programme of the Epworth League concert at the Home street Methodist church last evening was of unusual merit. Those who contributed the instrumental numbers were the Misses Nichols and Mrs. Nichols.

Mr. J. J. Banfield, Miss Orrell, Messrs. P. Dyke, J. Dyke and Mr. Appleton, all talented and highly trained musicians. The instrumental music was far ahead of that of the usual church concert.

At 8:20, when the band was rendered by Miss Orrell, Miss Nichols, Mrs. Nichols, Messrs. Welsh, Lee and Dr. Richardson. Miss Orrell is now the recognized star among the soprano singers of Vancouver. Mr. Barnes will not give the police minute particulars as to his doings on the night of the 19th inst. Common talk on the street is that there is something mysterious about the affair that should be cleared up.

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