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Magistrates Court

YESTERDAY MORNING'S PROCEEDINGS.

When Court opened yesterday morning, Capt. Thomas Byrne, one of the defendants in the case arising out of the Herbert Green seizure, took his place on the stand, and was further cross-examined by Mr. Fox. When adjournment was taken on the previous evening, the witness was being examined concerning a conversation in the Herbert Green's cabin, previous to the time when Customs Officer Wilson arrived to have a bill paid. When Capt. Byrne took the stand he said he did not know Capt. Nauff's previous to the 4th of July, neither did he know Super-cargo Ryan before the Saturday in question. His talk was in the cabin with Super-cargo Ryan before Customs Officer Wilson arrived. He did not think anybody else went into the cabin, other than the engineer, and shortly after somebody asked the captain if he was getting ready for bed. The captain said, "No, he was getting ready for sea." Witness could not say whether that was before or after Wilson was paid but it was before the time Kendrick got to the door. Witness swore that he did not get any more cases except the five cases that he took from over the ship's side. He also swore that nobody on the Herbert Green gave him any liquor other than the five cases. He did not bring ashore a bottle of Ambassador Whiskey, but remembered having two or three drinks of the same stuff on that night, on one occasion he had a drink in the ship's cabin when Wilson was paid his bill. He also swore that he did not have Ambassador Whiskey on the schooner Orleans, and had no other liquor from the Herbert Green than the five cases. He did not give Officer Wilson a drink of Ambassador's whiskey on board the Orleans at 9 p.m., or any other time. Sunday night, Wilson boarded the Orleans in company with Green Sunday morning to make a search of the vessel.

Witness told Super-cargo Ryan he did not want whiskey for nothing. He asked Ryan how much he owed him, but received the reply to get out of the way, or words to that effect. The captain told him he expected to pay for it. After witness had left the Herbert Green after conversation with Super-cargo Ryan, he passed Kendrick on the dock, but returned a moment later, when Kendrick joined him to go aboard the Orleans. The witness could not remember whether he had invited Kendrick along or not. Wilson remained on the Furness wharf. Capt. Byrne stated he did not know what Customs Officers were in charge of the Herbert Green on Saturday, but remembered Wilson was in charge that night. He could not swear that Kendrick told him two officers were in charge. Witness could not remember telling anybody he got the liquor on the southside, or at the dry dock premises after the police had made the seizure, neither did he deny to anyone that he had got the liquor on board the Herbert Green.

Guy Shears, sworn and examined—Witness remembered Saturday night July 4th, when he made a friendly visit to Capt. Byrne of the Orleans about nine o'clock. Upon arriving there, Capt. Byrne was talking to Customs Officer Kendrick in the cabin. Byrne asked witness if he was acquainted with Kendrick to which he replied "No." After being introduced the captain stated that Kendrick was going to fix him up on board the Herbert Green. The conversation in the cabin then was about liquor and dogs. He remembered Kendrick stating that it would be all right to get the liquor. Kendrick went on to say that the duty had been paid on it, that it was out of bond and that it was not smuggling to bring it to his vessel. Shortly after Capt. Byrne took some notes out from his pocket and counted \$32 or \$33, and stated he did not have enough money to buy the liquor. Capt. Byrne then asked witness if he had any funds, or if he could obtain any. Witness thought he could do something, and as Bears' grocery was the nearest place, he thought he could get one of his own cheques cashed there until Monday. Witness hurried off to the store before it closed. This was about ten o'clock. Witness secured \$100 and proceeded directly to the Orleans. Capt. Byrne was then alone, Kendrick having left the vessel shortly after witness left. Witness was gone no longer than fifteen minutes, and as far as he knew Kendrick was on board when he left to get the money. Byrne and witness then left the Orleans for the Furness Wharf pier. Upon proceeding to the head of the wharf they met Kendrick and Wilson and one other Customs Officer whom witness did not know. Byrne then left Shears and conversed with somebody. Witness did not hear any of the conversation, neither was he interested any. Capt. Byrne remarked something about it being chilly and that he was going to the Orleans for his sweater. Kendrick then said it would be all right, that he would signal. Witness did not know what Kendrick meant by using the word signal. Shears then suggested for Kendrick to light 8 matches. Capt. Byrne and witness then went to the Orleans. While the Captain went below, witness remained on deck, and he was not there long when he noticed three matches lighted, and then

two others at the Furness wharf. Witness answered the signal by striking one or two matches. Both Capt. Byrne and Shears then left the Orleans and went over to the Furness wharf. Capt. Byrne went into the Herbert Green's cabin while witness waited on the wharf. About five or seven minutes later witness stepped on board and proceeded to the door leading to the engine room, and while waiting for Capt. Byrne he conversed with one of the stokers. During this time witness could hear talking going on in the Captain's cabin, while different parties were going in and out, but he could not say who they were, and also swore that he did not hear any of the conversation that was going on inside. A little later Capt. Byrne came out and went ashore with witness. They went up the wharf to the spot where the row boats were lying, and Byrne remarked to witness that he was going over to let go one of the boats, before doing so it was found without any cars, and Byrne left the wharf for the Orleans to get one. While Byrne was gone witness fastened the boat to the top of the pier. While witness was waiting for Byrne to return he met somebody whom he thought to be Kendrick. The party told him the ship was going and asked witness to take the liquor down on the wharf. Witness refused to do so, as Capt. Byrne was going on board for the liquor. At that time witness did not decide whether he would get into boat or not. Capt. Byrne then returned to the pier and got down on board the tug Moulton followed by witness. Byrne then boarded a small boat, and said witness could please himself about going with him. Witness joined the Captain in the boat and went around the outside of the Herbert Green, a little beyond midships when cases of whiskey started to come down pretty fast into the boat. Witness admitted handling some cases for his own protection. The ship at the time was in motion, and it took the boat quite a considerable time to swing around in the direction of the Orleans. Witness swore he did not know of any arrangements made as to the landing of it, but he heard Edward Buckingham shout from the wharf 'stop that boat' 'we know who you are.' Witness was seated in the forward seat, and did not have his legs over the whiskey, as stated in previous evidence. Witness



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White Onions small bottles.
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Jersey Milk.
Ridgeway's Tea in pkgs.
Cube and Gran. Sugar in pkgs.
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swore he met Kendrick on Duckworth Street, Monday and Tuesday following the seizure, in company with Mr. Green. After Green walked away Kendrick asked witness how the case was going and witness replied, he did not know. This was before the case was started. Witness then said, of course you are the Crown witness in this case, Kendrick replied, that he only told Sir John Crosbie of the conversation that occurred on board the schooner Orleans and also heard Capt. Byrne was looking for him to have it cut, and hoped that the Captain would not get them into trouble.

The Court then arose until eleven o'clock this morning.

A World Coming Back

In an impressive article on "What Europe Thinks," quotes an unnamed English "editor" as follows:

"We thirsted for governments which asked us no tax or service of citizenship; we wanted a magic international formula which would allow every one to dance all day and prevent all conflict. We insisted on a paper plan of the world which would make the least fit man as fit as the fittest. We flew in face of man's nature and we defied God. We preached freedom and got license; we gave in a requisition for pay without labor, happiness without virtue, public welfare without contribution, rights without obligations, decency without clothing, social relationship without standards, justice without laws, liberty and security without authority."

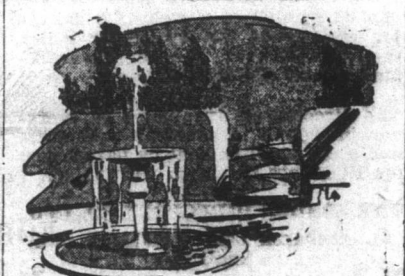
This Englishman, says the "Wall Street Journal," was speaking of Europe, but are in no position to make a moral umbrella of the failings of our neighbors. We were swamped a few years ago with talk of "ideals." This quotation describes the ideals, for it shows how man expected an outside agency, called government, and even international government, to take over individual responsibility.

So long as man is a moral agent with a soul to be damned or saved, he will always come back to the ideals which have stood the test of time, which stand long after the man who gives his life for them is forgotten. One of those ideals is freedom, not to be had without responsibility. The other is good work for good work's sake.

A signed column in one of the New York morning papers speaks of the "deadly arts." Such an art is described as "one that is no fun to be engaged in, one that gives the artist small fame, one that makes the artist feel 'suppose I do this supremely well, what then?'"

This commentator, naively showing that he himself is no artist, in the highest sense of the word, places "editorial writing" as the first of the seven deadly arts. He should go further. The builders of the great cathedrals in the thirteenth century, with only a few exceptions, are not even named. The men who did the exquisite carving in them were never known, outside the circle of their neighbors and fellow workers. The writer who cannot feel that good work must tell for its own sake, without his little name tagged on to it, will do little worth remembering.

It is not difficult to see from the English editor's words, some sort of an indictment of mass production, not only of things but of "regulatory" laws. The remedy is in the older and better ideals—those we seem to have forgotten. At the risk of seeming old-fashioned it may be pointed out that every substitute for the Christian religion has failed.



Dawn

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Birds as Weather Prophets

By OLIVER G. PIKE, F.Z.S., F.R.P.S.

We may call it what we like—a sixth or seventh sense, or give it any scientific name—but the fact remains that birds are able to perform feats that to human beings are impossible. Birds have, for instance, a most marvellous sense of direction. This cannot be put down to memory, for young birds reared go straight to the same African haunts to which their parents went weeks before them. But it is as weather prophets that birds excel. Last autumn I told many of my friends that we were going to have a mild winter. Lapwings gave me the information. For several days last October vast flocks of lapwings flew over my home going north. They should, according to all the rules of birdland, have been going south, for our English lapwings winter in the south of France and Spain. The birds by some wonderful sense knew that they could safely travel to feeding grounds in this country without being frozen out.

A friend of mine possessed a tame raven, in many respects almost human. It was the raven's general rule to sleep in a porch on the south-west side of the house. Twice in two years it changed its sleeping quarters to the north side. On each occasion terrific gales from the south-west came on hours after the bird went to roost. How did it know?

I have known a wood in the summer to be filled with the songs of birds. Suddenly the songs ceased, and I knew from experience that a thunder storm would soon be raging.

Swallows, martins, and swifts will tell us without fail whether the following day will be fine. If they are flying high, say five hundred to a thousand feet above the ground, we can look forward to a whole week of sunshine; if the birds are about fifty feet high, the outlook is doubtful. But if they skim a few feet above the ground there will certainly be rain on the morrow.

Are Creased Trousers Capitalistic?

Trousers occupy a good deal of space in the British press just now. There are many illusions to Oxford "bags"; and at long distance many may imagine that, this season, the wearing of creased trousers is a sign of social obscurity. Apparently this is not so. In many "hearts of oak" creased trousers are still adored as a sign of capitalistic sympathies. Because of this sentiment Ramsay MacDonald was recently in trouble again. One day he chanced to don a pair of creased trousers, and a photograph of him was widely circulated. By his "Red" enemies in the Labor party this was at once proclaimed a proof that he was untrue to the cause of the people; a "nob" in disguise.

The prejudices aroused against him proved so strong that he felt obliged to explain, on May Day, to the miners of Cymer the sad mischance by which he happened to get inside garments reprobated by true hearted sons of the people. It appears that while on a holiday he took out an old pair of trousers and discovered after he had put them on that they had been carefully creased without his knowledge or consent. It was too late to change them when he made discovery, for intellectual men are apt to be oblivious to such matters; and as luck would have it he happened to be photographed in them. Thus he explained away the outcry that he had deserted the workers, and was getting too respectable. Would there not have been a greater outcry had he been photographed in the ultrafashionable Oxford "bags." Truly the problems a British Labor leader has to face are many.

New General Against the Rifians

PARIS, July 6.—Supreme command of the French forces opposing the Rifians in Morocco is to be taken from Marshal Lyautey, the governor general and entrusted to a general who will leave France immediately for the front.

This decision, which is subject to ratification by the cabinet to-day, was reached at a council of war held last night under the chairmanship of M. Painlevé, the Premier, and War Minister. The step is being taken, it is explained, to allow Marshal Lyautey freedom in carrying out his administrative and political duties.

The man selected for the post is understood to be General Guillaumat, commander in chief of the Allied operations in the Balkans during the World War.

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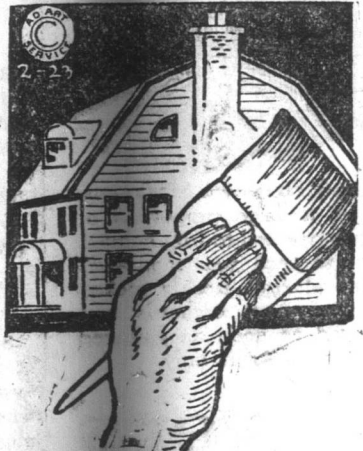
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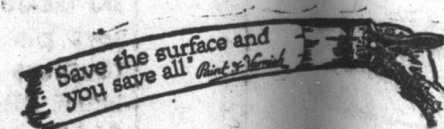
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