

Death on the Rifle Range.

James J. Heartz Accidentally Shot

WHILE LEAVING THE BUTT WITHOUT A DANGER SIGNAL—THE INQUEST.

THE sad accident which occurred at Kensington Rifle Range yesterday, and which resulted in the death of Mr. James J. Heartz, cast a gloom over the city. It was a most unfortunate affair.

The evidence taken at the inquest is clear; and the particulars given are so full that further remark is unnecessary:—

An inquest was held by Coroner F. D. Beer, M. D., at seven o'clock in the evening in the Stipendiary Magistrate's Courtroom. The Jury were Messrs. J. W. Mitchell, Foreman; Theo. L. Chappelle, George Coombs, Joseph Seaman, Geo. C. Hooper, F. S. Hanford and W. N. Riggs. The testimony of Matthew Allan, Capt. Longworth, Dr. Hoobirk, Lieut. Daniel Stewart, Benj. Hooper, Lieut. Horne, Sergeant Major Ewan McDougall and John T. Heartz was heard.

MATTHEW ALLAN (sworn)—Stated that Capt. Longworth and Lieut. Stewart were in command of the Band of the 82nd Battalion at its shooting match at Kensington Rifle Range on Wednesday, the 3rd November. The Captain and Lieutenant had fired with the Band at the 200 and 400 yards range, and were getting ready to fire after the members of the band had completed at the 500 yard range. Captain Longworth mounted the platform, but Lieut. Stewart was not ready to fire. Benj. Hooper got permission from the Captain to fire a few shots. When they commenced firing the band began to play. Mr. Hooper fired a shot which struck the target and the deceased came out and marked it off. He then went in again and Captain Longworth took aim. Just as he fired the deceased came out in front of the target. The bullet struck him. I saw him turn around and fall. Two or three of us ran up to him. When we got there I asked him where the bullet struck him and he showed me. We helped him up and on turning him round I found that the bullet passed clean through him. He said "I'll never get over it." I asked "What in the world brought you out then?" He said, "it was my own fault. I had no business going out there." He talked quite sensible for a time. We sent for a surgeon. Dr. Dawson shortly arrived and attended to the deceased, who lived about three quarters of an hour.

When questioned by the Coroner the witness stated that the danger-flag was up when Mr. Hooper fired, but the deceased took it down when Captain Longworth was about firing, but the Captain did not see him taking it down; neither did any of us. The flag is visible from where we fire but if a person was taking sight he would not see it. It is not customary to use a bugle unless in Government matches, although the bugle sounded cease-firing at the completion of the competition at the 200 and 400 yard ranges. The deceased was quite sober when the accident occurred. I have large experience in shooting matches and believe that all the signal precautions were taken in this match which are taken in others. I attribute the death of Mr. Heartz to coming out after marking a shot and when the band was playing.

To a Juryman.—The deceased carried the danger flag with him, every time he came out to mark a shot. He had the flag with him when the accident occurred but it was not unfurled, nor we could not see it. He also had other flags with him. The deceased was turned towards the firing party when the bullet struck him I could not say how long he was out when it struck him.

CAPT. LONGWORTH, (sworn)—Stated that the day was set apart for the bands annual shooting match, and as it is attached to the 82nd Battalion, myself and Lieut. Daniel Stewart, attended in command. When I went to the range before the match commenced, I found there were no signals, I immediately sent to town for them. When they arrived they were put in the proper places and given to the proper parties, and the match commenced—deceased acting as marker, received the signals which the marker uses. Everything went on well. When the bandsmen had finished shooting at the 500 yard range, Lieut. Stewart and myself were to fire, but Lieut. Stewart was not ready, and Mr. Hooper asked permission to fire a few shots. He got up and when he fired, I took up my rifle. I noticed the danger flag on the proper post and proceeded to take aim. My eye was then on my rifle sights and target. The instant I pulled the trigger I saw the marker run out. The next instant he toppled over. I got much excited. A few of the firing party went up and when they returned they informed me that he was wounded on the hip. I then went up and spoke to him. He said he was badly hurt. He also said "I wish they would come"—meaning the doctors. Dr. Dawson came and Mr. Heartz shortly expired.

Going back, the witness stated that when the competition finished at the 200 and 400 yard ranges, the bugle sounded "cease firing," but it did not sound at the 500 yard range, because Mr. Hooper and myself were still firing. When the bandsmen had finished firing, Mr. Galbraith called them aside and they began playing. Mr. Hooper mounted the platform and commenced firing, without any intermission between his firing and that of the bandsmen. I believe that all the ordinary and necessary signal precautions were taken in this match. I attribute the accident to the man's going out to the target when he knew that shooting was progressing. I cannot account for the fact of his going out. I attribute his death to a mere accident, which was totally unavoidable on my part. The deceased was in the butt when I arrived on the shooting range. I did not see him until he was lying dying on the ground. He does not belong to my

Company. We were always on the most intimate terms.

The coroner stated that there were many complaints regarding the careless manner in which practices were carried on at the range, and also about the unsafety of the butts.

Capt. Longworth replied that the practices were all conducted as carefully as possible. He did not think there was any danger at the butts; on the contrary, thought them perfectly safe, but he thought the system of marking should be improved.

DR. HOOBIRK (sworn)—Stated he examined the body of the deceased. The bullet struck the right side. It appeared to have passed through the lower margin of the liver, through the stomach and out below the lower rib on the left side. Death was caused by hemorrhage.

LIEUT. DANIEL STEWART (sworn)—Was in command and had fired with Capt. Longworth at the 200 and 400 yard ranges. When the bandsmen were done at the 500 yard range I was not ready, and Mr. Hooper got up to fire. Shortly after I asked Mr. Hooper if he was near done. He then fired and the marker came out and marked off the shot. Captain Longworth then got ready to fire. As he pulled the trigger he I saw the marker come out. I sung out to Capt. Longworth but it was too late. I then saw the marker fall and I said to the Captain "I am afraid you have shot him." He said, "Nonsense." They went up and found him as described by the other witnesses. When the marker came out this time he had no danger-flag. If so, it was furled. I corroborate Captain Longworth's evidence all through, and believe that all necessary precautions were taken. I did not notice the deceased taking down the danger-flag before he came out. There was no music at any of the ranges save this one. The match was conducted in regular military style. There was no liquor on the grounds that I was aware of.

BENJ. HOOPER (sworn). Corroborated Capt. Longworth's evidence in every particular. It was two o'clock when I went to the range. All the bandsmen were done firing; and as Lieut. Stewart was not ready, I fired a few shots. As Capt. Longworth was about firing I heard Lemuel Hooper saying, "He (the marker) is going up to take down the danger signal." The marker jumped down with the signal, and rushed out before the target. I said, "There he is;" but it was too late. The Captain had pulled the trigger. The marker seemed to come out from the butts with the object of coming down to the firing party. The ball which passed through the deceased's body made an "outer" on the target. It was but a few seconds between the deceased's taking down the danger flag and Captain Longworth's firing. It was Mr. Heartz's own carelessness caused his death.

LIEUT. HORNE (sworn)—Having heard the evidence of the witness said that all the precautions usually taken at shooting matches were taken at the band match. It is generally the rule for a marker to show a danger flag from the butt before he comes out from it. The marker (Mr. Heartz) did not do this. Regarding the use of a disc, Lieutenant Horne said that there was no order making it imperative to use the disc at these matches. He also said that if the marker had put the danger flag out ahead of him he would be observed by the party taking aim.

SERGEANT-MAJOR McDUGALL, (sworn)—Thought the death of Mr. Heartz, was caused by his own carelessness. It appears from the evidence, that he did not put out the danger flag at all as he should have done. I think he must have come to a conclusion that the match was finished. I think by the evidence that every precaution was taken at the match. [The witness, who is a man of large experience, stated that shooting matches at our range were more carefully and cautiously conducted than matches at any range which he has been at except Wimbledon, where the marking is done on an entirely different principle.]

JOHN T. HEARTZ, brother of the deceased (sworn.) Detailed the particulars of the accident very briefly; and said that on going to his brother he said, "I ought not to have run out at that time."

After instructions from the Coroner, the jury retired and, after a short time, rendered the following verdict:—

"We, the Coroner's Jury, appointed to ascertain the cause of the death of James J. Heartz, to-day, at Kensington Rifle Range, have, after hearing the evidence in the case, arrived at the conclusion that the deceased came to his death from a ball fired from a rifle in the hands of Capt. F. S. Longworth, and that the accident occurred on account of the deceased neglecting to show his danger signal before leaving the butt."

J. W. Mitchell, foreman,
T. L. Chappelle,
George Coombs,
Joseph Seaman,
G. Chas. Hooper,
F. S. Hanford,
W. N. Riggs.

Charlottetown, Nov. 3, 1880.
The Jury agreed to hand their fees, \$3, to the widow of the deceased.

MARRIED.

By the Rev. T. J. Deinstadt, at the residence of Mr. John Goss, Mr. Levi Silliphant to Miss Eliza McDonald, both of Summerside.

DIED.

In Charlottetown, on Wednesday, Nov. 3, from the effects of a wound received at Kensington Rifle Range, Mr. James J. Heartz, in the 32d year of his age, leaving a wife and two children, his parents, and other relatives, to mourn his sudden death. [Funeral will leave his father's residence, to-morrow, Friday, at 2 o'clock, p.m.] The Volunteer Companies will be in attendance.

At Summerside, on the 23rd ult., of Diphtherie, William Walland, youngest son of the late Captain Chisholm, aged 6 years.

SIR THOMAS BOUCHE, the engineer of the Tay Bridge, is dead.

The Swiss nation has by a plebiscite rejected the proposed revision of the constitution.

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Nov. 2, '80—tu th sat

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Sign of the Lion.

Oct. 11, 1880—tu th s

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Charlottetown, Oct. 7, 1880.

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90 boxes Valencia RAISINS,
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This property will be sold without reserve on the day and hour first above named. No postponement on account of weather or any other cause. As the Buildings may be converted into another line of manufactory, they will be offered separately or together, as may suit purchasers.

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TOILET COVERS & QUILTS,

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Cloths, Tweeds, &c.,

All of which are now opened, and will be sold at our usual low prices.

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