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PAUL POLLARD IS CHARGED WITH KILLING OF NORMAN CLELLILAM AS RESULT OF AUTO COLLISION.

(continued from page one)

contained five persons and proceeded in the same direction. Along the road the Ford truck came to a stop. Just as it was stopping, the McLaughlin crashed into it. Deceased was knocked off the running board and struck a post. The serious injuries he sustained caused his death shortly afterwards.

First Witness

The first witness was Alex King, Indian, driver of the truck. He gave further particulars of the incidents leading up to the fatality. In the truck were himself, his wife and baby, Andrew Schooner, a white boy named Olof Otergaard, and deceased. The last mention was standing on the running board facing witness. He was bracing himself by holding with both hands to uprights.

A stop was to be made so that the party might get a musical instrument from Gordon's residence. As witness was bringing the truck to a stop at Gordon's side road, the bump occurred. Clellilam was thrown off and the impact sent the truck some 20 feet further along. Witness saw Clellilam thrown off but he did not see at that time what had happened to him.

Details of Crash

When the car finally stopped after the collision, witness got out and ran back to the boy. He was partly sitting on the side of the road by the McLaughlin car. The car was facing towards the post in a diagonal position across the road. Witness knew that Clellilam was badly hurt. He was being held up by Arthur King. Blood was running from his head. He was put in the truck again and taken to the hospital, where he died shortly afterwards. Accused was driving the McLaughlin car.

Witness declared that Pollard's car had been badly damaged. The hood was smashed, head lamp broken, mudguard crumpled and the radiator damaged.

"Did you hear Pollard coming behind you?" asked Mr. Manson. "No," replied witness.

Mr. Manson: "What condition was the road in?"

Witness: "It was dry and the ground was frozen hard and smooth."

Mr. Manson: "How far could a car coming behind see you at the point you were struck?"

Witness: "About 200 yards."

"Clear view?"

"Yes."

Describing the damage to his own car, witness said that the right mud guard was crumpled and a cross bar holding the mud guard was broken off together with an iron rod that held it.

Getting Extracts

Under cross examination by Mr. Fisher, witness said that Clellilam and Albert King, who had been riding in accused's car, had waited behind at the store to get extracts. Witness had been driving ten or twelve miles an hour and his truck was toward the left hand side of the road when struck. Pollard, he thought, could have passed him on the road without going into the ditch. He did not know the car was behind him until it struck. He had seen it standing at Shipstad's store. When Clellilam was picked up there was a bottle of extract lying beside him. The road was not slippery but was hard with frost.

Further examined by Mr. Manson, witness said that the extract had been found on the ground by him. It was lying

about three feet from Clellilam. He had not actually seen deceased obtain it in the store. There was no sign that Clellilam had any liquor in him at the time.

Questioned by His Lordship, witness said that he had heard no warning from the car behind, such as the blowing of a horn.

In answer to a question from the jury, witness said that he was not familiar at the time as to the rules of the road in passing of cars. He had been driving the truck about a year.

Constables' Evidence

Constable Williams gave evidence in detail as to the nature of the road. Cars could easily pass he felt, without being harmed even if they had to leave the road. There was light brush on the side.

Constable Islip, provincial police officer at Bella Coola at the time of the accident, gave further particulars of the nature of the road. It was dry and cold on the day in question and, to his recollection, not slippery. The accident was reported to him on the evening in question. He saw the dead man and made an investigation which resulted in the arrest of Pollard that night on a charge of manslaughter. Early the morning following he examined the scene of the accident. He found blood and tufts of human hair similar to that of deceased at the base of the mail box on the post. In Pollard's car he found the label from a vanilla bottle. Investigation that followed resulted in the conviction of the storekeeper on a charge of supplying.

Like Blue Funnel Line

Albert King, who had been in the McLaughlin car with accused, was examined at length. He did not know how fast accused was driving but likened the speed to that of the Blue Funnel jitney line between Vancouver and New Westminster.

When the McLaughlin car was still some 94 feet off, witness said that he saw the truck in front slowing up. Pollard, however, had not slowed down. When they got closer he saw that they could not help but go right through the truck. The little boy who was beside him he grasped in his arms to protect him. He told of the impact but said that he could not actually describe what had happened for he had shut his eyes. He helped to take deceased to the hospital after the collision.

Asked by Mr. Fisher, under cross-examination, if he had not been afraid that Alex King, the driver of the truck and his nephew, would not get into trouble as a result of the accident, witness said "Who told you that." He did not seem to understand the question which was then put to him through the interpreter. After this he replied

that he was not afraid Alex King would get in trouble.

Asked why he had not demanded that Pollard slow up, witness said that the accused was familiar with cars and he thought he could attend to his own business.

Further questioned by the judge, witness confirmed his previous statement that he had seen the truck slowing down from a distance of 94 feet and that Pollard had not slowed down.

Dr. Bayfield

Dr. G. E. Bayfield testified that Clellilam had been brought to the hospital at 4 o'clock in the afternoon. He had met with a severe accident and was suffering from shock. He had cuts on his head which was crushed on the left side. There was a minor cut over the right eye and two long cuts to the bone on the right side of the head. Four ribs on the left side were fractured these interfering with heart action and breathing. It looked as if the lungs had been punctured for hemorrhaging was going on and deceased was expectorating blood. Clellilam was suffering great pain and died two hours later about six o'clock. The doctor was of the opinion that there had been two distinct sets of injuries probably from different blows. The head injuries might have been caused by hitting a sharp part of the car, those on the body perhaps from being hurled against the post. Shock was the cause of death, Dr. Bayfield said in answer to the judge.

Norwegian Youth

The last witness of the afternoon was a Norwegian youth, Olof Otergaard, who had been sitting on the rear of the truck. The impact of the collision knocked him off the board on which he was sitting into the bottom of the truck. There had been no warning signal of the approach of the car behind. Pollard was coming fast and he could not say whether he slowed down.

After a brief examination of this witness by Mr. Fisher, court adjourned until this morning at 10 o'clock.

Andrew Schooner, the first witness this morning, gave details of the collision largely corroborating the stories of previous crown witnesses. He was seated in the rear of the truck and, looking backwards, he looked to him as though the driver of the McLaughlin car was trying to stop. Witness said that he gave a signal that the truck was going to stop. None of the witness' testimony was shaken in cross-examination.

This concluded the case for the crown.

The Defence

Mr. Fisher, in outlining the defence, said that he would endeavor to show that the accident had been purely unavoidable and that accused had done everything possible to prevent the accident.

The first witness for the defence was John Hall, who was riding in the car alongside accused. The truck in front, he said, was visible all the time. When the truck came to a stop, the car was not far behind. When accused noticed that the truck was slowing down, he threw out the clutch and put on the brakes. The car skidded straight on for about thirty feet and hit the truck. Witness said that accused touched the muscle of his leg in putting on the brake. The car could not have passed the truck without going into the ditch, witness asserted. The road was frosty and had a little ice on it.

Accused on Stand

Paul Pollard, the accused, gave evidence on his own behalf.

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When about sixty feet behind, he said that he noticed the truck coming to a stop. He shut off the gas and put on the brake. There was no signal from the car ahead that it was going to stop. Accused's car skidded and hit the truck.

Under cross examination, accused said he did not see Schooner hold out his hand from the truck. He had had the McLaughlin car about a week and had never driven before.

The judge called for further evidence regarding distances and Constable Williams was again put on the stand.

The addresses of counsel and the judge's charge to the jury followed. Then the jury retired to consider its verdict which had not been reached at 3 o'clock this afternoon.

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