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Blue Ribbon Tea, 1's	70c
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1 Dance 10c 3 for 25c

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Free Admission

EVIDENCE IN INDIAN CASE

Port Essington Indians Quarrel and One Uses Axe on the Other

CONFLICTING STORIES

Domestic difficulties and a long standing grievance between the attacker and the attacked played a part in the case according to evidence that was presented yesterday afternoon in the trial of Arthur Stewart of Port Essington who was put on trial on two counts of unlawfully wounding David (Peg Leg) Douglas at Port Essington on April 21 last. The counts were, first, wounding with intent to murder and, second, with intent to do grievous bodily harm. The case was the last on the docket of the present assize court session. It was commenced at 3.30 yesterday afternoon and was still proceeding this morning. L. W. Patmore acted for the crown and Milton Gonzales for the defence.

The following jury was empanelled after the accused had pleaded not guilty: R. E. Benson (foreman), J. Harris, J. E. Dyer, Howard Steen, J. J. Gillis, G. W. Rudderham, W. H. Sherman, F. C. Gilhuly, J. Naylor, H. F. Glassey, S. Wood and A. T. Parkin. The defence challenged M. McArthur, F. W. Wesch and J. W. Exley and the crown stood aside W. H. Montgomery and R. G. Cunningham.

Crown's Case

In outlining the case for the crown, Mr. Patmore stated that the evidence would show that there had been bad blood between Stewart and Douglas. When he was wounded, Douglas was baling out a canoe that had been made by him but which had been used by the accused. Accused came along a high sidewalk above the beach and asked Douglas if he was going to use the canoe to which Douglas answered in the affirmative. Accused went away and returned with a light axe in his hand. Douglas saw him coming and shouted out in fear. Accused struck him on the head with the axe and he was knocked down, becoming unconscious. As Douglas was struggling to his feet, Stewart renewed the attack with the axe and knocked him down again. The first blow, it would be shown, resulted in Douglas losing an eye.

David Douglas was the first witness. He spoke through an interpreter, C. P. Ryan. Witness said he had been born in Port Essington and knew accused for twenty years. He then proceeded to give an account of the attack that had been made on him on the day in question. The canoe he (witness) had built himself for Moses Feak, but the latter had not paid for it. He had not sold or given it to anybody but he and accused had been using it together. As a result of the attack, accused had lost the sight of an eye. Both eyes had been in good condition before. Witness also said that he had a wooden leg.

Long Standing Trouble

Further examined, witness said that Stewart and he had first had trouble in 1914. He had endeavored to stop a row between accused and Mrs. Stewart and accused had threatened to strike him with a sledge hammer. Somebody had taken the sledge hammer away from accused. Late in the season of 1924, accused had charged witness with mixing up with his (accused's wife). Just prior to the assault in question, accused had again threatened to strike him with an axe but the axe had been taken away from him by Herbert Robertson. This occurred in accused's house when accused had returned from a trip and found him sleeping there.

Mr. Gonzale's conducted a lengthy cross-examination of Douglas in the course of which it was attempted to show improper relations between witness and accused's wife. Witness admitted on several occasions living at Stewart's house. He said he had been encouraged by both Mr. and Mrs. Stewart. There were letters between Mrs. Stewart and witness — one of which was apparently intercepted by Stewart. Witness denied that he had at any time threatened to kill Stewart. On the day in question, witness jokingly told accused that he could not use the canoe any more. He thought accused had taken it in a joking way but to his surprise he came back with an axe and attacked him.

Doctor's Evidence

Testifying as to nature of the wounds sustained by Douglas who had arrived in the city for treatment on the day of the assault, Dr. L. W. Kergin said that he had an injured eye, his nose was broken and he had two or three bruises on his left hip. The sight of the left eye was gone. The injuries had been caused by some semi-sharp instrument, more likely the blade of an axe than the butt.

Under cross examination by Mr. Gonzales, Dr. Kergin said that Douglas' wounds, in the absence of infection, could not have been described as endangering his life. However, it was in a dangerous locality and an inch further would have entered the brain. It would not take a heavy swing of the axe to cause the injuries Douglas had sustained.

Court adjourned at 5.45 until 10 o'clock this morning.

Gave Up Axe

Mary Wesley, sister of the wounded man, was the first witness this morning. She arrived on the scene of the alleged assault shortly after it occurred. Douglas was lying down bleeding and accused had the axe in his hand. Witness' mother was given the axe by accused.

John Wesley swore that he saw Stewart strike Douglas the second time with the axe as Douglas, with his face bleeding, was attempting to rise from the ground. He struck him on the lower part of the back.

Constable R. Gibson told of accused having given himself up. Accused told the officer that it was the first time he had been in trouble and he was sorry. Witness said he had heard of trouble between Stewart and Douglas over Stewart's wife. Accused himself had reported it. Under cross-examination, the witness said that accused had been a good type of Indian. He was religious and, rather than aggressive, was inclined the other way. He had been surprised when he learned he had got in such trouble.

Defence Outlined

In outlining the case for the defence, Mr. Gonzales said he would endeavor to show that accused had on several occasions found his wife and Douglas together under suspicious circumstances. He had complained to the police about Douglas. When accused had attempted to remonstrate with Douglas, the latter had used bad language and picked up a club. At no time did accused attempt violence against Douglas. Accused, when Douglas had insisted that he was going to take the canoe that belonged to accused's son, had taken an axe with a view to smashing it up. Douglas had obtained his injury when he had got between Stewart and the canoe as accused was about to put this intention into effect. Previous to this, accused had put the situation as regarded his wife and Douglas before the Indian Agent and was expecting a visit from the Dominion constable to look into the affair.

Moses Feak was the first witness for the defence. He declared that he had given the boat in question to Moses Stewart, accused's son.

Moses Stewart, son of accused, in giving evidence, largely bore out the story as outlined by Mr. Gonzales. There had been words between Stewart and Douglas over witness' mother. The culminating incident was when Douglas drove accused out of his own house.

Told Own Story

Arthur Stewart, the accused, told his story in a courteous and ready manner and was very clear in relating the incidents. He went at some length into the association under compromising circumstances of his wife and Douglas. Just after the death of Douglas' mother and the day before the funeral, Douglas came to a Salvation Army meeting to repent, accused told the officer to drop it altogether.

But again this year, accused testified, his wife and Douglas had resumed their association. He came to Prince Rupert to see the Indian Agent and had been promised that Constable Watkinson would investigate. In the meantime, he had moved out of his own house when Douglas had refused to go. He had decided to leave the matter to the law.

Wanted Smash Canoe

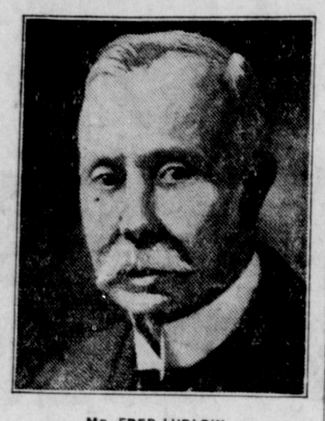
Relating to Douglas' wounding, accused said that he had gone to the canoe in order to smash it up if Douglas refused to give it over to him. He asked Douglas to do so three times but Douglas had refused. Finally accused said "Keep out of my way, Dave I am going to smash the canoe." When he was lowering the axe, Douglas rushed in and was hit. Accused had not intended to hit him. Douglas fell down and accused said he did not hit him again.

Under cross-examination, accused said that he was afraid of Douglas in a fight even if he was a one-legged man. The judge asked accused why he had not gone to a policeman over the boat. Did he not think his conduct with the axe was dangerous under the circumstances? Asked by Mr. Patmore why he had not gone to the law with the matter of the boat just as he had in connection with the relations of his wife and Douglas, accused said "It was too early in the morning to take the case to the law."

Following the addresses of counsel and the charge of His Lordship, the jury retired at 1 o'clock this afternoon to consider its verdict.

TORTURED BY A "DEAD" STOMACH

"Fruit-a-tives" bring relief from Chronic Constipation



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So writes Mr. Ludlow, a former U. S. Vice and Deputy Consul in Great Britain, and now of 161 West 36th Street, New York.

Thousands have been relieved of the miseries of Constipation and Indigestion by "Fruit-a-tives", the famous natural remedy made from the concentrated and intensified juices of fresh oranges, apples, prunes and figs. 25c and 50c at all dealers.

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BURDOCK BLOOD BITTERS

Miss T. Hunter, R.R. No. 8, London, Ont., writes:—"I wish to recommend Burdock Blood Bitters to all women who are suffering from pimples or any other facial blemishes. About two years ago I was greatly troubled with pimples and sores breaking out on my face, and could get no relief until, finally, a friend recommended me to take B.B.B. This I did, and I am now glad to say that your remedy has given me the desirable results, and I now have a nice smooth, clear skin, as it has eliminated all the impurities from my blood."

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THE SIGNAL TOWER

An exciting tale of the Iron Road with the great redwood forests of California as a background. All the tremendous sweep of a narrative filled to overflowing with the romance, thrills and dangers of railroad life has been embodied in this fine photoplay. You will see the crash of giant locomotives, the hurtling through space of an entire train, and the breath-taking fight between two men in the signal tower. You will see one of the most appealing love-stories of the year in which Virginia Valli reaches new heights of artistic character portrayal. Many stirring spectacles to bring you to the edge of your seat. Strong cast.

Virginia Valli, Rockliffe Fellowes, Wallace Beery, J. Farrell MacDonald, Frankie Darro, Dot Farley and others.

Century Comedy---"Present Arms"
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Exchange Block
Phone 109

NOTICE OF CANCELLATION OF RESERVE

NOTICE IS HEREBY GIVEN that the reserve covering certain lands near the junction of Oestall and Skeena Rivers designated Lot 24, Range 5, Coast District, is cancelled.

GEO. R. NADEN,
Deputy Minister of Lands.
Department of Lands,
Victoria, B.C.,
May 4th, 1925.

LAND ACT.

Notice of Intention to Apply to Lease Lands.

In the Land Recording District of Prince Rupert, and situate on the north-west coast of Pearse Island, B.C., approximately three miles north from the mouth of Winter Harbor.

Take Notice that J. Fielding Strang of Sunnyside, B.C., occupation cannerynman, intends to apply for a lease of the following described lands:

Commencing at a post planted approximately three miles north from the mouth of Winter Harbor, Pearse Island; thence northwest two (2) chains, more or less, to low water mark; thence northeast along low water mark one hundred and sixty (160) chains; thence southeast two (2) chains; thence southwest one hundred and sixty (160) chains, more or less, to point of commencement and containing thirty-two (32) acres, more or less.

JAMES FIELDING STRANG,
Name of Applicant.
Dated May 12th, 1925.

CUNARD ANCHOR ANCHOR-DONALDSON

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Ausonia ..... June 27, Aug. 1, 29
Ascania .... July 11, Aug. 15, Sept. 12
TO LIVERPOOL
Auranda, June 26, July 24 Alaunia, Aug. 7
TO GLASGOW.
Athenia ..... June 19, July 17
Letitia ... July 3 Saturnia ... July 10
FROM NEW YORK
TO QUEENSTOWN AND LIVERPOOL
Laconia .. June 20 Carmania .. June 27
Caronia .. July 8 Lacouia ... July 18
TO CHERBOURG AND SOUTHAMPTON
Mauretania .. June 24, July 15, Aug. 12
Aquitania ..... July 1, 29, Aug. 19
Berengaria ..... July 8, Aug. 5, 26
TO LONDONDERRY AND GLASGOW
Cameronia..June 20 California..June 27
Assyria ... July 4 Columbia ... July 11
TO PLYMOUTH-CHERBOURG-LONDON
Albania ... July 18 Caronia ... Aug. 8
TO PLYMOUTH-CHERBOURG-HAMBURG
Andania ..... June 27, Aug. 1, Sept. 5

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LAND ACT.

Notice of Intention to Apply to Lease Lands.

In the Land Recording District of Prince Rupert, and situate on the north-west coast of Pearse Island, B.C., approximately six miles north from the mouth of Winter Harbor.

Take Notice that Gosse-Millerd Limited of Vancouver, B.C., occupation packers, intends to apply for a lease of the following described lands:

Commencing at a post planted approximately six miles north from the mouth of Winter Harbor, Pearse Island; thence northwest two (2) chains, more or less, to low water mark; thence northeast along low water mark one hundred and sixty (160) chains; thence southeast two (2) chains; thence southwest one hundred and sixty (160) chains, more or less, to point of commencement and containing thirty-two (32) acres, more or less.

GOSSE-MILLERD LIMITED,
Name of Applicant.
Dated May 12th, 1925.

DICK'S CALCULATION

Father—You are too young, my dear, to marry and leave a good home.

Daughter—But, papa, Richard says that won't be necessary.

Advertise in the Daily News

LAND ACT.

Notice of Intention to Apply to Lease Land

In Skeena Land District, Recording District of Prince Rupert and situate at Port Edward, B.C.

TAKE NOTICE that the Skeena River Packing Company, Limited, of Port Edward, B.C., occupation Fish Packers, intends to apply for permission to lease the following described lands:—

Commencing at a post planted at the southwest corner of Lot 4476 R.V. coast district; thence southerly along low water mark, 200 ft.; thence southwesterly parallel to the southerly boundary of Lot 4476, 150 ft.; thence northerly parallel to water mark, 200 feet; thence northeasterly along the southerly boundary of Lot 4476 produced, 150 feet to the point of commencement, containing half an acre, more or less.

SKEENA RIVER PACKING COMPANY, LTD.
Applicant
Dated May 1st, 1925

LAND ACT.

Notice of Intention to Apply to Lease Lands.

In the Land Recording District of Prince Rupert, and situate on the north-west coast of Pearse Island, B.C., approximately six miles north from the mouth of Winter Harbor.

Take Notice that Gosse-Millerd Limited of Vancouver, B.C., occupation packers, intends to apply for a lease of the following described lands:

Commencing at a post planted approximately six miles north from the mouth of Winter Harbor, Pearse Island; thence northwest two (2) chains, more or less, to low water mark; thence northeast along low water mark one hundred and sixty (160) chains; thence southeast two (2) chains; thence southwest one hundred and sixty (160) chains, more or less, to point of commencement and containing thirty-two (32) acres, more or less.

GOSSE-MILLERD LIMITED,
Name of Applicant.
Dated May 12th, 1925.

LAND ACT.

Notice of Intention to Apply to Lease Lands.

In the Land Recording District of Prince Rupert, and situate on the north-west coast of Pearse Island, B.C., approximately three miles north from the mouth of Winter Harbor.

Take Notice that Frizzell's Limited of Prince Rupert B.C., occupation packers, intends to apply for a lease of the following described lands:

Commencing at a post planted approximately three miles north from the mouth of Winter Harbor, Pearse Island; thence northwest two (2) chains, more or less, to low water mark; thence southwest along low water mark one hundred and sixty (160) chains; thence southeast two (2) chains; thence northeast one hundred and sixty (160) chains, more or less, to point of commencement and containing thirty-two (32) acres, more or less.

FRIZZELL'S LIMITED.
Name of Applicant.
Dated May 12th, 1925.

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