AFTER LONG HEARING, JURY IN LOCAL ASSAULT CASE CONSIDERS ITS VERDICT THIS AFTERNOON.

(Continued from Page One).

with her.

The court would not allow Mrs. McLeod to take the witness stand.

Sergeant McGlinchy

Sergeant McGlinchy, at the time on the city police force, told of Florence Morrison telephoning to the police station and stating that Murdoch MacKenzie had torn off her clothing in McClymont Park and taken it away. The officer got in touch over the telephone with Mackenzie and told him to come to the police station and bring the clothing with him. At 12:30 (midnight) he arrived at the station and produced the clothing. He was then duly warned and placed under arrest.

Mr. Gonzales asked the officer if he had not "bawled" Mackenzie out and forced him to make certain statements before he had been warned. Sergeant McGlinchy denied this and stated that statements made by Mackenzie had been voluntary. At this point, Mackenzie was called to the stand. He stated that McGlinchy had been "pretty severe" over the telephone and, when he had given him the girl's clothing in the station, McGlinchy had called him a "big bum" and asked him, if he wanted to treat a girl like that, why he did not go to Comox Avenue. The officer had been rough with him and he (Mackenzie), before being warned and before knowing that he was going to be arrested, had answered certain questions. Later he received a warning and was forthwith locked up.

Bullying

Asked by Mr. Johnson specifically what McGlinchy's "bullying" had consisted of, Mackenzie said it had been calling him "a big bum" in a gruff voice and suggesting why he had not gone to Comox Avenue. There had been no other remark constituting "bullying."

Sergeant McGlinchy took the stand and disagreed with Mackenzie that he had asked him questions before warning him. His Lordship gave the accused the benefit of the doubt and the questions and answers at the time of Mackenzie's arrest were not admitted. Casey and Capstick were arrested later the same night.

Heard Girl Scream

David Hudema, 21, who was present in the park on the night in question, was the next witness. He told of the group of girls and boys that had been in the park and their movements. Florence Morrison remained sitting on a bench with one of the accused while he (witness) and others went to the plank roadway. They were watching a dog fight when Florence was heard to scream "Dave, help me." He voice seemed to be in agony but she had often screamed before and he (witness) did not think it necessary to return to her assistance. No further screams were heard before the witness and the others left after Casey and Capstick had come running up to the roadway.

Under cross-examination, witness denied asking the girl to remain in the park. He was not sure if he had asked her to come along when he and the others were leaving the park. At one time, while they were near the swimming pool, she had asked him to take her away from Mackenzie. He had seen no reason why she could not have left at any time if she had wanted to. If, when the girl had yelled, he had thought she was in danger he would have returned to her rescue. Asked if it had been a common practice for girls and boys to "sit down and love each other in the park without serious intentions," witness admitted that it had been. He had not seen Florence Morrison sitting down with different boys in the park.

Identifies Article

After Hudema left the stand, Florence Morrison was recalled to identify the clothing that Mackenzie had surrendered to McGlinchy and which had previously been entered as an exhibit.

George Shenton, 24, also told of the evening in the park. He had heard the screams after the girl had been left sitting with Mackenzie, Capstick and Casey being about ten feet away. The screams sounded as if the girl was in pain or frightened. She had cried, "O'h, for God's Sake, Dave." Nobody returned to her rescue.

When he heard the first scream he thought something was wrong and then he changed his opinion. It was getting dusk at the time but was not dark.

Shenton said in answer to questions that he did not remember Murdoch sitting and fooling with the girl at any other time the same evening. He saw Pearl Thompson stop and talk to her. There was nothing to have stopped her going with the other girls at that time if she wished. She was just fooling around and spooning on the bench. While the others were there the girl seemed content to sit with Mackenzie.

In answer to the judge, Shenton said the girl was sitting four feet away from Mackenzie. He did not see them with their arms around each other. When he left for home Florence was the only girl in the park left with five boys. She did not suggest to him that she wanted to go home.

Hollered for Help

Thomas Howe said he knew the accused boys well and also the girl. He was there in company with the Thompson girls, Hudema and Shenton. He heard screams coming from where Florence Morrison was sitting with the three boys. She "hollered" for help saying "Help, Dave, Help." They did not go to her help. Asked why he did not do so he said: "I figured I should get into trouble."

Asked what he meant by getting into trouble witness said he meant he would get into a fight. He also urged Dave Hudema not to go as he was staying out of it. He did not think it was anything serious. He did not consider he had any right to interfere.

Cross-examined, Howe said he thought there was some trouble going on. He knew the girl and she screamed quite often and these were pretty nearly the same kind of screams he had heard before. He had seen her in the park several times before. That evening he had seen her with her arm around Mackenzie. They were at that time close together and she seemed quite satisfied.

Howe said he had heard someone ask Florence to come home and she said she was going to stay. She was still seated on the seat with Mackenzie's arm around her when he left. He said he was not worried at her staying with the boys.

Mr. Gonzales then drew attention to the answers witness gave in the police court trial which differed from what he had given on that occasion.

Defence Evidence

Mr. Gonzales then outlined the evidence he intended to produce for the defence. He called Pearl Thompson, a girl 20 years of age employed as a maid at the hospital. She said she was in the park that evening with her sister. They went in by the cinder path and met the boys on the centre of the bridge. She had asked Florence to come home with her after she had been swinging awhile. Her sister was sitting at the table with the boys and Florence. The boys were Mackenzie and Casey. She said she thought one of the boys had his arm around Florence. She did not answer when asked to come home. She did not make any move to come. She could have gone home if she wanted to. She thought Dave Hudema also asked her to go.

The judge asked what was this concern about getting her home.

In answer to another question witness said Florence often yelled a great deal without cause. She did not pay much attention to her screams as it was quite a natural yell.

Cross-examined in regard to the screams she repeated that it was a natural yell. She did not hear her say "Help, Dave, help." She had met Florence at dances and she considered her character was "perfectly all right." She never head a word against her.

"Kidding Her Along"

George Casey was the first witness for the defence after the dinner adjournment. Florence had been swinging and she came to where witness and Ned Burns were. The latter told her to "get to H—— out of here." She then went to a bench and sat down, Murdoch Mackenzie sitting down beside her. Casey and Capstick were over at a table. Witness sat down beside Florence and Mackenzie. She was not being held and there was nothing to prevent her getting away had she wished to do so. In fact she had been asked by a girl and a boy if she was going to leave but she had said nothing and made no movement as if to go. After the others had gone, Florence said "Let's go and sit with the rest of the boys." They then went to the table—George Casey, Mackenzie and the girl—the latter not being carried. When they got to the table, Florence told one of the boys to get up and give somebody else a seat. Capstick got up and Florence sat down beside Darrow Casey, giving him a push. To support himself, Darrow put his arm around the girl and they bumped into Mackenzie who also put his arm around her. They bumped back and forth for a while and the girl put her arm around Murdock and Darrow. They were "kidding her along and telling her how good looking she was." Shortly after, Capstick suggested that they take a garment off her. Then the dog fight started and witness, with Ned Burns, left. They heard Florence squeal but they paid no attention to it as they were used to hearing her squeal. A few minutes later Lawrence and Darrow came up to the dog fight on the road. There was no further yells and they, including Darrow and Lawrence, went home.

Under cross-examination by Mr. Johnson, witness could not account for the girl being bruised unless it was while they were bumping back and forth on the table.

Always Screaming

Edward Burns gave evidence of a similar nature to that of George Casey. He had told her to "get to h— out" because she was always screaming and making a noise in the park. While Murdoch, George and the girl were sitting on the bench they were "loving each other up and making a lot of noise." She had her arms around the two boys. There was no reason that she could not have gone had she wanted to. The girl was not carried from bench to table. She had made no protest as to what was going on. No handkerchief had been placed in her mouth. He heard her scream a couple of times but it was her usual habit to scream. If he had heard the girl yell as if in danger he would have gone back.

Under cross-examination, witness said he had seen nothing wrong that evening unless it was wrong for "a young man to have his arm around a young lady." In answer to a question by the judge, witness said that he had seen no indecent conduct and had heard nothing that would warrant the boys taking liberties with the girl or any suggestion of liberties.

Accused on Stand

Murdoch Mackenzie was then called to the stand to give his story of the events in the park on the night in question. While Florence Morrison was sitting near the swimming tank he had made a motion as if to push her in. She yelled twice then and asked Dave Hudema to help her. They then went to the bench where he seated himself after the girl. He had not pushed or pulled her down. He told her she looked "kind of lonely" and asked if he could sit down beside her. She made no objection. Later George Casey sat down. Asked twice if she was going, the girl made no answer nor movement to go. Mackenzie denied picking the girl up and carrying her to the table. She had proposed to go to the table where the others were. After they were seated at the table, witness and Darrow Casey pushed the girl back and forth. She raised no objection. Some one proposed that they remove an article of her clothing and this was done by Capstick. They had no intention of doing anything wrong. Witness admitted that his and Darrow Casey's arms were around the girl at this time. Darrow and Lawrence then left for the dog fight and he, witness, was left with the girl. There had been no handkerchief placed in her mouth. After Darrow and Lawrence left, witness stated that he and Florence had a cigarette. Later he suggested it was time for Flor-

(continued on page six)

BRINGING UP FATHER

By George McManus

Eczema Was So Bad Could Hardly Sleep

Mrs. G. Jones, Kitseoty, Alta., writes:—"I had eczema on my left hand, and my first finger was so swollen, sore and itchy I could hardly sleep at night.

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FOR RENT.—Larsen building at 171 Third Avenue East; six room modern flat with bathroom and workshop premises on street floor. Apply Hyde Transfer, 139 Second Avenue.

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FLAT for Rent. — Five rooms with bath; Sixth Avenue West. Phone 543 or Black 325. tf

FOR RENT.—Four room suite, hot water heated. Apply Smith & Mallet.

PIANOS for Rent at $6.00 per month and up. Walker's Music Store.

MODERN FLAT for Rent.—Apply Max Heilbroner. tf

LOST.

LOST.—Between Third Ave. and Bowser Street, light colored marten neckpiece. Finder please phone Green 327. Reward.

LOST.—On Fourth Avenue West, gold ring set with opal. Finder please return to Daily News office.

LOST.—Scotch terrier. Finder please phone Red 348.

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LAKELSE LODGE, near Terrace. Visit Lakelse lithia Hot Springs. Lithia is one of the finest mineral waters known for rheumatism. Good fly fishing for rainbow trout in Lakelse lake and river. Motors meet all trains giving through connection with Lodge. Telephone connected to Terrace. J. Bruce Johnstone, manager.

MISCELLANEOUS

SUMMER Camp at Lake Kathlyn opens June 20. For particulars apply Mrs. K. E. Birnie, Smithers, B.C.

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TIMBER SALE X649.

Sealed Tenders will be received by the Minister of Lands at Victoria, not later than noon on the 15th day of July, 1926, for the purchase of License 649, to cut 4,881,000 feet of Spruce, Hemlock, Balsam and Cedar on Coste Island, Grenville Channel, Range 4, Coast District.

Two (2) years will be allowed for the removal of timber.

Further particulars of the Chief Forester, Victoria, B.C., or District Forester, Prince Rupert, B.C.

LAND REGISTRY ACT.

Sections 182 and 127.

IN THE MATTER of Application 349 for the cancellation of a certain Agreement or Option to Purchase, dated 5th December, 1917, and registered 5th January, 1918—on application received the 3rd January, 1926, of Lots 10D, between GEORGE T. KAY, of the First Part, and GORDON C. EMMERSON, of the Second Part, covering the following property:

Lots seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), and sixteen (16), Block one (1), and Lots nine (9), ten (10), eleven (11) and fourteen (14), Block seven (7), of District Lot number one thousand forty-one (641), Range five (5), Coast District, Map 856.

Satisfactory proof of breach of covenants and re-entry and recovery of possession by the vendor or owner of the land subject to the above Agreement or Option to Purchase, having been filed in this office.

TAKE NOTICE that an application has been made to cancel the registration of the above mentioned Agreement or Option to Purchase, and which is registered in Register of Charges Volume 19, Folio 5, as No. 710D, and that in support of the application it has been produced to the satisfaction of GEORGE THOMAS KAY, dated 26th October, 1925, and a declaration of STANLEY WALTER TAILOR, dated the 20th November, 1925, proving the breach of covenants and re-entry and recovery of possession as aforesaid. IT IS MY INTENTION, after the expiration of thirty (30) days from the service of this notice to cancel the registration of the option to purchase or Agreement upon the expiration and thereupon the estate of the purchaser in the said Agreement or Option to Purchase shall cease and determine, unless you shall take and prosecute the proper proceedings to establish your claim, if any, to the said lands or to prevent such proceedings being taken on my part.

DATED at the Land Registry Office, Prince Rupert, B.C., this first day of June, A.D. 1926.

H. F. McGILL,
Registrar of Titles.

To Gordon C. Emmerson, Esq.

LAND ACT.

Notice of Intention to Apply to Lease Land.

In Land Recording District of Prince Rupert, and situate at head of Stephens Inlet, Moresby Island, (near Cha-ada Group.

TAKE NOTICE that The Canadian Fishing Company, Limited, of Vancouver, occupation Salmon Canners, intends to apply for a lease of the following described lands:—

Commencing at a post planted at the mouth of Skaat Inlet, 15 chains north of a small named Creek; thence west 20 chains; thence south 20 chains; thence east 20 chains, more or less, to shore line; thence northerly following shore line to point of commencement, and containing 40 acres, more or less.

THE CANADIAN FISHING COMPANY, LIMITED, Applicant.
Per William Alfred Brown.

Dated 11th April 1926.

"GOVERNMENT LIQUOR ACT"

Notice of Application for Beer License.

Notice is hereby given that on the 7th day of June next, the undersigned intend to apply to the Liquor Control Board for a license in respect of premises being part of the building known as Grenville Hotel, situate on Front Street, Township of Ocean Falls, upon the lands described as Lot No. 31, Range 3, Coast District, Plan No. R.M.-42, Land Registration District, in the Province of British Columbia, for the sale of beer by the glass, or by the open bottle for consumption on the premises.

Dated this 7th day of June, 1926.

PACIFIC MILLS LIMITED,
Per C. L. Barker, Treasurer.

LAND ACT.

Cassiar Land District, Land Recording District of Prince Rupert and situate at Taku Arm, about 7 miles southerly from mouth of Atlinto River.

TAKE NOTICE that Francis Richard Dunlop of Atlin, B.C., occupation Mine manager, intends to apply for permission to purchase the following described lands:—

Commencing at a post planted on the south shore of Taku Arm about 2 miles southwest from the mouth of Atlinto River and running thence 20 chains south; thence 20 chains east; thence 20 chains north; thence 20 chains east; and thence 20 chains north to point of commencement, containing 40 acres, more or less.

FRANCIS RICHARD DUNLOP, Applicant.

Date, Atlin, May 20, 1926.

LAND ACT.

Cassiar Land District. Land Recording District of Prince Rupert, and situate at Atlin Lake about 35 miles southerly from Atlin Townsite.

TAKE NOTICE that Edwin Jules Egger of Atlin, in the Province of British Columbia, occupation operating tourist boat, intends to apply for permission to purchase the following described lands:—

Commencing at a post planted at the southeast corner of Glacier Bay, in Atlin Lake, situated as above; thence north along the shore line west 20 chains; thence south 20 chains; thence east 20 chains; thence north 20 chains, to point of commencement.

EDWIN JULES EGGER, Applicant.

Dated May 10, 1926.

LAND ACT.

Notice of Intention to Apply to Lease Land.

In Prince Rupert Land Recording District of Coast Range 5, and situate at North Rachael Island.

TAKE NOTICE that Alfred Swanson of Prince Rupert, occupation Mariner, intends to apply for a lease of the following described lands:—

Commencing at a post planted at the south end of North Rachael Island, thence around the island at high water mark and containing 50 acres, more or less.

ALFRED SWANSON, Applicant.

Dated April 27, 1926.