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| Sirloin Steak, 2 lbs. .. | 55c |
| Shoulder Steak, per lb. | 15c |
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We Specialize in Piano and Furniture Moving.


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

(continued from page four)

ence to go home. She asked for the clothing that had been removed and he, to tease her, said he thought he would keep them. Then she walked off "in a huff" and he tried to follow her and give her the clothing. Then he heard a car coming and he picked up his coat hurredly and caught a ride. The girl had not been hit, abused or treated intentionally rough. The statement that he had threatened to "biff her on the jaw" was false, also the remark about what would happen if she didn't "come through."

After he had gone home and gone to bed, Sergeant McGlinchy telephoned and told him that he had been accused of tearing a girl's clothing off. As a result of the conversation with the officer, accused went to the park, got the girl's clothing where they had been left, and took them to the station.

### Showing Affection

Accused was cross-examined by Mr. Johnson as to his intentions in putting his arm around the girl. On one occasion this had been to hold her on a swing and show his affection. Their conduct on the night in question might have appeared unseemly but it was "just for fun."

"I suppose it was showing your affection," suggested His Lordship. Asked by Mr. Johnson if the girl had ever encouraged him to be familiar, witness said she had never objected to his being around. The girl had not ben manhandled by the three accused on the night in question. The girl had smoked cigarettes with other boys in the park previously.

Lawrence Capstick was then placed on the stand. His evidence was similar to that of Mackenzie's. He denied having carried the girl from the bench to table, of putting a handkerchief in her mouth and smothering her. At the table, Capstick said, they were "fooling around and having a good time." They had no intention of doing anything wrong. Capstick later realized the seriousness of what he had done and when Darrow said he was going to stop the dog fight he followed. It had not been hard, Capstick said, to remove the article of clothing. "It's a wonder they did not fall off before you ever got there," His Lordship suggested. Witness said he had changed his idea of having a good time between April 6 and now. He did not apologize or try to "square himself" with the girl.

Darrow Casey gave evidence of a similar nature before the court adjourned at 10:30 p.m. until 10 o'clock this morning.

### Counsel's Address

In addressing the jury this morning, Milton Gonzales, defence counsel, stated that it was difficult to know just how to start in a case of this kind where these three unfortunate boys appeared before the court charged with such a serious crime. He discussed the matter of the bruises that had been found on the girl's body several days after by the doctor. He emphasized the fact that the girl had seemed to be more concerned about getting her clothes back than about the assault which she alleged. It was difficult to believe that she could have been assaulted as she claimed and had struggled to free herself without any of her clothes having been torn. It was a question whether the bruises had been sustained at the time and in the manner alleged by her. Was the jury going to believe that, if the girl had cried out in distress or danger, none of the several boys and girls who were around would have come to her rescue? Used to hearing her yell, they had thought that it was but an ordinary occurrence as far as she was concerned. Pointing out that the crown had failed to break down the story of any of the boy witnesses of the defence, Mr. Gonzales asked the jury to consider the probability of the girl's story and that of the accused. Even the crown witnesses had admitted that the girl could have gone away any time she had chose. Her evidence on this point contradicted that of other witnesses in the case.

Why then had the girl lied asked Mr. Gonzales? Because she had not expected when she made her complaint to the police that the matter would go any further and, when she found proceedings started against the boys, she had made up a worse story to save her own name. If she had been carried to the table and gagged and smothered, why had not the assault been completed? Could intent on the part of the boys be believed when, two seconds after the occurrence, they had gone off to a dog fight? Later the girl was seen, apparently contented, still seated with Mackenzie on the table. The fact of the matter was if the clothes had been returned by Mackenzie, the boys would never have been in court today. No one was more sorry today regarding what happened than the accused boys themselves. In considering the story of the girl and of the accused boys, Mr. Gonzales asked the jury only to be fair, reasonable and, last but not least, human.

### Mr. Johnson

Mr. Johnson, in addressing the jury, emphasized the fact that there was no conflict or question as to an assault having been committed. As to whether or not there had been intent it was for the jury to decide. This would guide in differentiating between the first and second counts on the indictment. If one of the boys was guilty of such intent and the others had raised no objection then all were equally guilty. Mr. Johnson asked the jury to consider the probability of the girl's story and that of the accused.

Mr. Johnson claimed the character of the girl had never been attacked and two of the boys were strangers to her. From the evidence the jury had heard the girl was normal, had been in domestic service for four years and had been in the habit of going out and amusing herself. Any woman was entitled to go out and stay in the park until 2 o'clock in the morning without being approached and insulted by anyone. When the girl screamed "For God's sake Dave, help me" it had been a yell which meant something more than an ordinary scream. He did not think it was a very insignificant fact that the girl had made a statement to the effect the boys had stated that if she did not "come through" in ten minutes that they would come back. If it had all been a joke why had the girl telephoned to McGlinchy. If it was a joke there would have been no object in telephoning the police. Had the defence satisfied the jury that the girl had been a consenting party? Even were the girl a bad character that did not justify the assault. There had been no single incident brought forward by the defence to show that the girl was in any way immoral. The fact that she had smoked a cigarette and obtained cigarettes from men was no particular slight on the girl. "Even if she smoked a packet of cigarettes it did not follow that she was to be attacked" exclaimed counsel.

### Judge's Charge

Mr. Justice W. A. MacDonald, in charging the jury, repeated the indictments with intent charging the accused with having assaulted Florence Morrison and the lesser count of having committed an indecent assault. His Lordship defined the code of law to the jury and charged them each with their full responsibility in the matter of arriving at a verdict. They had to consider whether the accused were acting in concert and whether the act of two or three would implicate and carry the guilt to the third person. The law required the judge to instruct the jury to be particularly careful in reviewing the surrounding circumstances of the case. It was for the jury to decide whether the surrounding circumstances were true or false.

There were several tests to apply. One of these tests was the story told by the complaining woman. Had she made the complaint within a reasonable time after the occurrence? The girl upon arriving home that night and finding her master and mistress absent had resorted at once to the police complaining of the occurrence. It was true that in that complaint she had only mentioned the fact that her clothes were taken from her without having mentioned what they happened to be. Then, later that evening, when Mr. McLeod came home, she complained along the same lines adding something about insult being offered to her. It was for the jury as men to determine whether the young girl was telling the truth or not. What other means was there of testing the credibility of her story? One was that witness was a girl of good character. Another matter to come in for consideration was in the shape of the bruises on the girl's body testified to by Dr. Tremayne. He presumed the jury would accept the doctor's evidence. These were matters for the determination of the jury themselves. If there was any reasonable doubt in the case the accused were entitled to the benefit of such doubt. That was their right in the eyes of the law. The question of sympathy had to be left entirely aside.

The jury retired at 12.05 p.m. to consider their verdict and court adjourned until 2 o'clock this afternoon.


Ingersoll WRIST RADIOLITE

$5.50 New Model

Illustrations can't do justice to the new tonneau-shape Ingersoll Wrist Watch. They can't show the real character of the design, nor how the watch and strap shape themselves to lie flat on the wrist.

Will stand the bumps of outdoor use better than higher priced, delicate watches. Tells time in the dark.

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Dr CHASE'S OINTMENT


### WILL YOUR FORD GO 66 MILES ON 1 GALLON?

Walter Critchlow, 4651 H Street, Wheaton, Ill., has patented a new Vapor Humidifier and Gas Saver that beats anything ever gotten out. It causes autos to give amazing mileage and automatically frees them from hard carbon troubles. One Ford owner reported 66 miles on 1 gallon. It is for all makes. Mr. Critchlow offers 1 free to quickly advertise. Write him for one. He also wants county and state distributors who can make $500 to $2,500 per month.—Advt.

R. Howe of the Swift-Canadian Co. sailed last night on the Prince Charles for Vancouver via the Queen Charlotte Islands on a business trip. He will be away about ten days.

### NAVIGABLE WATERS PROTECTION ACT, R.S.C. CHAPTER 115

Union Oil Company of Canada, Limited, hereby gives notice that it has under section 7 of the said Act deposited with the Minister of Public Works at Ottawa and in the office of the District Registrar of the Land Registry District of Prince Rupert in the Province of British Columbia, a description of the site and plans of a pile and timber wharf proposed to be built in the harbor of Prince Rupert in the said Province, on water lot four, Block "G"; the said wharf comprising a narrow approach varying in width from 12' to 20', and extending northerly from the highwater mark a distance of approximately 300', whence it widens to an L section 50' x 60' in area, the sixty feet measurement being approximately parallel to the shore line.

And take notice that after the expiration of one month from the date of the first publication of this notice the Union Oil Company of Canada, Limited, will under section 7 of the said Act apply to the Minister of Public Works at his office in the City of Ottawa, for approval of the said site and the said plan, and for leave to construct the said wharf and approach to the same.

Dated at Vancouver, British Columbia, this 18th day of May, 1926.

R. J. KENMUIR,
District Sales Manager.

### WATER NOTICE.

**Diversion and Use.**

TAKE NOTICE that Gosse Packing Co. Limited, whose address is 325 How Street, Vancouver, B.C., will apply for a licence to take and use 200,000 gallons per day of water out of a stream, name unknown, which flows northeast and drains into Shannon Bay about 1,600 feet southwesterly from northeast corner Lot 458, lease dated April 4, 1926. The water will be diverted from the stream at a point about 800 feet from mouth and about 900 feet west by south from southeast corner Lot 458, and will be used for cannery purposes upon the Cannery site described as Lot 457 Shannon Bay, Q.C. Islands. This notice was posted on the ground on the 25th day of May, 1926. A copy of this notice and an application pursuant thereto and to the "Water Act," will be filed in the office of the Water Recorder at Prince Rupert, B.C. Objections to the application may be filed with the said Water Recorder or with the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C., within thirty days after the first appearance of this notice in a local newspaper. The date of the first publication of this notice is June 1, 1926.

GOSSE PACKING CO. LTD., Applicant.
By J. F. Strang, Agent


Picnic Supplies

Ripe Olives—
On Sale
Delmonte buffet size—
Reg. 25c, now 3 for ... 50c
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Libby's 18 oz. size—
Reg. 65c, now 2 for .... 95c
Gallon size ..... ... $1.75

Pork and Beans—
On Sale
Heinz flats, 15c size—
7 tins for ... ... .... 95c
Heinz talls, 25c size—
5 tins for ... ... ... $1.00
Libby's large, 20c size—
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Delmonte Pork and Beans—
Extra special, 12 tins for 95c

Buy your summer stocks now

B.C. Butchers and Grocers, Ltd.

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### WATER NOTICE.

**Diversion and Use.**

TAKE NOTICE that Gosse Packing Co. Limited, whose address is 325 How Street, Vancouver, B.C., will apply for a licence to take and use 50,000 gallons per day of water out of a stream, name unknown, which flows northwest and drains into Shannon Bay about 100 feet westerly northeast corner Lot 458, lease dated April 4, 1926, B.C. Govt. lease. The water will be diverted from the stream at a point about 50 feet from mouth of creek and 107 feet west of northeast corner Lot 458, and will be used for cannery purposes upon the Cannery site, described as Lot 457, Shannon Bay, Q.C. Islands. This notice was posted on the ground on the 25th day of May, 1926. A copy of this notice and an application pursuant thereto and to the "Water Act, 1914," will be filed in the office of the Water Recorder at Prince Rupert, B.C. Objections to the application may be filed with the said Water Recorder or with the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C., within thirty days after the first appearance of this notice in a local newspaper. The date of the first publication of this notice is June 1, 1926.

GOSSE PACKING CO. LTD., Applicant.
By J. F. Strang, Agent.

### LAND ACT.

**Notice of Intention to Apply to Lease Foreshore**

In Queen Charlotte Islands Land Recording District of Prince Rupert, and situated 2½ miles west of Alliford Bay, Skidegate Inlet, and fronting on Lot 144, Queen Charlotte District.

TAKE NOTICE that the B.C. Fishing & Packing Company, Ltd., of Vancouver, B.C., occupation Salmon Canners, intends to apply for a lease of the following described Foreshore:—

Commencing at a post planted at the southwest corner of Lot 144; thence northerly and easterly following the line of high water mark, 34 chains, more or less, to the northwest corner of Lot 144; thence west 5 chains; thence southerly and westerly, following a line parallel to the line of high water mark, 34 chains, more or less; thence east 5 chains to point of commencement, and containing 17 acres, more or less.

BRITISH COLUMBIA FISHING AND PACKING COMPANY LTD.
Per H. Sherwood, Agent.

Dated 30th April, 1926.

### WATER NOTICE.

**Diversion and Use.**

TAKE NOTICE that British Columbia Fishing & Packing Co. Ltd., whose address is Vancouver, B.C., will apply for a licence to take and use 3 cubic feet per second of water out of an unnamed stream which flows northwesterly and drains into South Bay, Skidigate Inlet, about four miles northeasterly from mouth of Deena River. The water will be diverted from the stream at a point about 40 chains southeast of northwest corner of Lot 917, Moresby Island, and will be used for domestic and cannery purposes upon the lands stated as lease and being the foreshore in front of Lot 144, Queen Charlotte Islands. This notice was posted on the ground on the 30th day of April, 1926. A copy of this notice and an application pursuant thereto and to the "Water Act" will be filed in the office of the Water Recorder at Prince Rupert, B.C. Objections to the application may be filed with the said Water Recorder or with the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C., within thirty days after the first appearance of this notice in a local newspaper. The date of the first publication of this notice is June 3, 1926.

BRITISH COLUMBIA FISHING & PACKING CO. LTD., Applicant.
By H. Sherwood, Agent.

### WATER NOTICE.

**Diversion and Use.**

TAKE NOTICE that Robert George Johnston, whose address is Inverness Cannery, will apply for a licence to take and use a portion of water out of creek west of wharf at China Hat, name unknown, which flows southeast and drains into Trout Bay about 400 feet south along the beach from the southeast corner Lot "A," Kitasoo I.R. The water will be diverted from the stream at a point about 500 feet from its mouth, and will be used for domestic purpose upon the cannery described as Lot "A," Kitasoo I.R. This notice was posted on the ground on the 11th day of May, 1926. A copy of this notice and an application pursuant thereto and to the "Water Act" will be filed in the office of the Water Recorder at Prince Rupert. Objections to the application may be filed with the said Water Recorder or with the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C., within thirty days after the first appearance of this notice in a local newspaper. The date of the first publication of this notice is June 4, 1926.

ROBERT GEORGE JOHNSTON,
Applicant.

### NOTICE.

IN THE MATTER of an application for the issue of a Provisional Certificate of Title for the East half of Lot two (2), Block fifty-two (52), subdivision of Lot seven hundred and forty-six (746), Queen Charlotte District, in the Province of British Columbia (Map 1079).

Satisfactory proofs of the loss of the Certificate of Title covering the above land having been produced to me, it is my intention to issue after the expiration of one month from the first publication hereof, a Provisional Certificate of Title to the above land in the name of His Majesty The King in the Right of The Imperial Munitions Board. The original Certificate of Title is dated the 26th February, 1919, and is numbered 10682-I.

Land Registry Office, Prince Rupert, B.C., 1st June, 1926.

H. F. MacLEOD,
Registrar of Titles.


JUNE BRIDES' SILVERWARE and Cut Glass Sale

Never before have we assembled such a variety of beautiful and distinctive pieces to sell at such amazingly low prices. You will do well to give them your close study. Of particular importance is the offering of Rodgers' 1847 Community Plate and William Rodgers' flatware on which we are giving a special discount during the month of June.

Scientific Optical Work

Ours is the best and most modern equipped Optical Parlor in the North. Our specialist has had twenty-seven years' experience in fitting and testing eyes. Our prices are always reasonable and our work dependable. We invite consultation.

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INTERNATIONAL NEWS. 50c and 25c



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MEN'S AND BOYS' DEPARTMENT

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| Men's Ballantyne's Pullover Sweaters. Reg. $4.50. Sale | $2.75 |
| Boys' Ballantyne's Pullovers, sizes 30 to 34. Reg. $3.25 Sale | $1.95 |
| Fishermen's Oilskin Suits, Towers'. Reg. $3.80 a garment. Sale, per suit | $6.00 |
| Fishermen's Hats for | $1.25 |
| Men's Khaki Pants. Reg. up to $2.70. Sale | $1.85 |
| Men's Navy Blue Serge Pants. Reg. up to $3.75. Sale | $2.75 |
| Boys' Khaki Long Pants. Reg. $1.85. Sale | $1.25 |
| Boys' Serge and Tweed Pants, all sizes, straight or bloomers, clearing at 15% discount. | |
| No. 1 Group Boys' Tweed Suits, sizes to 34, in a variety of shades. Values up to $14.50. Clearance Sale | $9.75 |
| No. 2 Group Boys' Suits, sizes up to 28, valued up to $12.50. Clearance Sale | $7.50 |
| Balance of Stock of Boys' Suits at 15% Discount | |
| Men's "Turnbull's" Woollen Underwear. Reg. to $5.50. Sale | $4.25 |
| Boys' Tiger Brand Shirts and Drawers, sizes to 34. Reg. $1.50. Sale | $1.10 |
| Boys' Tiger Brand Shirts and Drawers, sizes up to 28 Sale price | 95c |

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