#### SANKEY MURDER TRIAL DE-FENCE NOW GOING ON IN THE ASSIZE COURT.

(continued from page one)

twice on the Sunday afternoon, May 24. He was wearing a khaki shirt, his blue trousers seemed to have mud on both legs but his black shoes were clean. Under cross-examination, it came out that Brown was not very clear as to the on the afternoon he had seen ac-He did not notice the condition of his trousers the first time.

DRUNK THE NIGHT BEFORE

Frank Gilhooly, a white fisherman. told of finding accused leaning against a rail outside the dance hall on the night of May 23. He had sat with him previously in the dance and accused, being very much under the influence of liquor, failed in an atttempt to dance. After having seen the plight of accused outside witness testified that he assisted him to his home and placed him on his (accused's) bunk. Witness' description of accused's clothing was similar to that of previous witnesses only wearing a vest. The clothes were in good which was not much more than the ordinary with them.

accused's trousers without him seeing it. placed there a few hours previous, and He had not allowed accused to fall to not more than a day or so. the ground while taking him home. In After Dr. Kergin had left the stand, answer to a suggestion by Mr. Patmore. court adjourned at 4:35 to 7 in the witness said he himself never drank evening. His inability to dance was due to the fact that he had never learned to dance. When court resumed in the evening

boat Inlander. On the way out they tinger, one of the crown witnesses place."

#### THE JAPANESE BARBER

The Book. He was one of those who cused. had joined the search for the missing | The next witness was Sergeant Alex.

#### FINDING THE BODY

told of the search in which he had The blood stain on the undershirt, to bed. the morning of May 24 off the old fresh looking. mill road. The body was lying face downward and there were no signs of life. The clothes were disarranged. He covered the body over with skunk cabbage leaves and that afternoon turned it over to the police. The body was not touched between the time he h found it and the time the police arrived. A picture of the body at the spot it was found and also of a point nearby where the discovery of blood indicated there had been a struggle were proven by witness.

Dr. L. W. Kergin gave evidence of the post-mortem he had performed at 11 o'clock on the night of May 24 in the presence of Dr. J. A. West who had taken samples of blood. Deceased was 5 ft., 51/2 inches in height, her weight was approximately 140 pounds and she was 21 years of age. He saw the dead body where it was found but only made cursory observations at that time. The post-mortem that had been performed after the remains were brought to the city established that there was horizontal wound about 11/2 inches in length on the left temple with blood oozing therefrom, a large swelling over Blood stains were also found on his corrections were made. in diameter, scratches on both eyelids. left index finger which was wrapped made by accused was disclosed by In- sheriff and his deputies. ged fractures of both lower and upper jaws the fracture of the latter extending to the left eye, marks as from human nails on both sides of the chin. extensive bruses on the neck, broken hyoid bone in the neck, depressed right lung with blood in the cavity, contracted heart, ruptured liver and various discolorations of the skin. The mouth a voluntary statement. The statement and throat was plugged down to the was read by witness. In the statement Adam's Apple with moss and there was accused stated that on Saturday noon moss in the windpipe. There were no he quit work at B. A. Cannery and, indications of criminal assault. The after lying around the house for abrased throat might have been caused while, he changed to his best clothes by the grasp of the hand of the per- and went for a walk as far as the dance son committing the assault but it hall which he found was empty. He some heavy weapon to fracture the pool for about an hour and set out the pressure of a knee.

# MIGHT HAVE RECOVERED

"On the whole, what might her chances of recovery have been had the moss not been packed down her throat?" asked Mr. Johnson.

"She might have had a fighting chance," replied Dr. Kergin.

"What was the actual cause of death? "The actual cause of death was suffocation through the moss being plugged down her throat" was the conclusion of the doctor.

In answer to Mr. Patmore in crossexamination, Dr. Kergin testified that the girl's finger nails were unbroken but were discolored with blood underneath and her fingers were flexed. This was possibly due to a violent struggle.

Asked if he had examined a cut on accused's finger, Dr. Kergin stated that

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he testified positively that accused was he had seen a small finger abrasion condition and he noticed nothing out of scratch. There was blood on the button band of accused's undershirt. This Under cross-examination, witness ad- was on the afternoon of May 24 and mitted there might have been mud on he would say that the blood had been

#### IN THE EVENING

James Gray, whose evidence was also the room was crowded and many were interpreted, told of the meeting on the turned away from the doors. Inspector morning of May 24 with John and Joe Spiller was called to the stand and put Sankey also of the walk to the old river in evidence to the effect that Eric Potheard the Japanese say that the body the preliminary trial was now in Enghad been found. One of Joe's remarks land. The evidence of Pottinger, who during the walk was "I wonder what had been storekeeper at B. A. Cannery, the girl was doing in such a lonely which was read to the jury by Mr. Gonzales, stated that he had sold accused a pair of light brown Oxford Sam Shimada, Japanese barber, gave shoes about May 15 and some shirts. his evidence through the Vancouver in- At the preliminary trial Pottinger identerpreter, T. Magao, and, stating that tified the shoes which had been prohe was a Buddhist in religious belief, duced in court but none of the shirts was affirmed instead of being sworn by in court were those he had sold ac-

school teacher but his efforts had been McNeill who briefly described the trip unsuccessful. On the morning of Mon- to Port Essington with Inspector Spilday he saw the body as it was guarded ler and other officers, which resulted self. He then went home with Frank mented on the fact that witness had by three watchmen and he took the in the finding of the body. He had and went to bed. news back to town of its having been accused on the afternoon of that | Waking up at 9 o'clock Sunday morn- handed it over to the police until Novfound. Witness had remarked to the day, May 24, and identified various ing, accused's statement continued, he ember 22. He also remarked on the crowd at Cunningham's corner: "It is articles of his clothing including the went downtown and met a girl in front fact that a witness called by the crown rather funny that only yesterday we undershirt with the blood stains on of the Japanese ice cream parlor. He had been drawing a plan for the decovered this particular spot in our the button band and water soaked bought two ice cream cones giving the fense. He would have to have the plan search and did not find the body that shoes which were covered with grit and girl one. When she left, he had more proved to the hilt as a proper one be-Under cross-examination, witness ad- investigation which resulted in the block and went home at 10 o'clock. He should not have been writing on the mitted that he had not searched over finding of deceased's barrette which was stayed in bed until 4:30 and then got plan, His Lordship declared.

# INSPECTOR SPILLER

Inspector Spiller, with considerable detail, described the ground where the body was found and the spot some bloodstain. Near this latter point was scratches on her throat. a piece of 4 x 4 which was also blood break, blood was found on the skunk and arrested. cabbage leaves. At the end was the Concluding the statement, which was might not have been possible to identi-

spot where the body was found. asked accused if he had seen the school him for the murder case. brought to Prince Rupert.

# STATEMENT OF ACCUSED

The next day, the inspector testified after repeated warnings, accused made would require a terrific impact with then went to the pool room and played jaws. The rupture of the liver might again for the dance hall. On the way have been caused by a heavy blow or he met a Jap whom he did not know and purchased from him a pint Scotch whiskey for which he paid \$3.75 He went on to the dance hall where he walked around with James Gray and drank all the liquor. Then he went back to the pool room and, after ten was told that he was drunk and ordered to stop dancing. Accused said however, that although he had been drinking he could take care of him-

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mud. Witness told of a subsequent ice eream and then walked around the fore he could allow it to go in. There buried in five inches of mud and earth up for dinner. He walked out again At the suggestion of Mr. Johnson at a point roughtly fifty feet from and went to church then returning was decided to have witness prepare Charles A. Moore, cannery bookkeeper, where the body was found. home and, after having a lunch, going new and unmarked plan for presenta-

participated and which resulted in his witness said under cross-examination. He got up at 6:30 Monday morning finding the body about 6 o'clock on was not large but seemed to be fairly and, on finding there was no work. Witness continued to tell of an exsuggested to John Sankey and James periment he had made to ascertain if Gray that they aid in the search for a person sitting at the Pierce fence the girl whom they believed was still could be recognized from the Sandahl missing. Then they were told that her house. No further evidence in regard body had been found and that her to this experiment was taken when witfifty feet distant under a trestle on head was smashed up, that she had ness stated that it had been made on the old trail where there was a large been choked and that there were a dull day whereas the morning of May

# GOT BLOOD ON SHIRT

stained and which witness identified At 1 o'clock that afternoon he went various conditions he had found when produced in court. This beam to work and at five minutes after one Port Essington after May 23. was practically covered with fern and cut his finger with a handsaw. He told court, Mr. Johnson declared, was inmoss on which there was also found the foreman about it and, in shaking terested only in conditions as they blood. It had been removed recently his finger, he got the blood on his un- existed on the day in question. This for it was bedded in moss. Further dershirt. He went to George Sankey's stand was supported by His Lordship. down there was found a fresh break house to get the finger wrapped and Witness told of having gone to Rein in the underbrush and, following the continued to work until he was sent for holt's boat building establishment. The

taken down in writing by the inspector fy a person passing on the sidewalk. Witness proceeded from the scene of and signed by accused, he had never The country lying direct between the the crime to the town of Port Essing- done anything about the blood on his Sankey house and the hospital, witness ton and to the house of accused where undershirt and had just left it there stated, was rough muskeg covered with he had Joe Sankey brought to him. He as he knew the police would get after trees and logs similar to Prince Rupera

teacher the day previous and his reply The inspector told of a further con- When court adjourned at 8:45 until was "No." He then ordered accused to versation with accused on the next day 10 o'clock this morning. Mr. Johnson strip and the blood stains were found when he had been sent for in order to stated that there was but one more witon the button band of his undershirt, read over his statement again, certain ness for the crown-Dr. J. A. West.

khaki shirt. Accused pointed to his Another statement that had been Prince Rupert Hotel under guard of the with an ordinary piece of rag. The in- spector Spiller. Recorded in accused's spector unwound the rag and found a own words it said: "I been down to to do with her."

with accused, the inspector stated.

# Cross Examination

Under cross examination by Mr. Pat- of the exhibits. more a discrepancy in figures between the surveyor, Frank Rice, and witness as to the distance from the place of the of his examination of blood stains on ironing of accused's trousers with a hot alleged assault to where the body was the clothes of the accused. He gave a fron and damp cloth might have serifound was pointed out and the in- great deal of technical evidence and ously interfered with testing, Dr. West spector admitted that he might be open sumarized his findings to the effect that said. to correction having not made a de- a total of eleven positive human blood . In cross-examination, there was a finite measurement. The figure of the stains had been found and six or more good deal of haggling between the docsurveyor was 80 feet and that of the negative. The blue serge coat had five tor and Mr. Patmore. Witness told of inspector 40 or 50. Witness admitted positive stains and three negative, the examining accused some five days after that Rev. Mr. Pierce had mentioned to \_\_\_\_\_\_ May 23, and finding no bruises or fino'clock, returned to the dance hall and him that two men who had gone up started to dance with Martha Starr but the river against the tide past the old sawmill, and had asked him to send his men out to see if they were white or Indians. This incident was on the afternoon of Monday and the inspector had not paid much attention as he felt that Mr. Pierce would have liked to have had charge of the investigation himself

> Constable Thomas Arthur Camm told of various visits he had made to Port Essington for the purpose of gathering accused's belongings from his shack Various of these articles were produced Sold by all druggists |in court and Mentified by witness.

#### DOMINION CONSTABLE

The last witness of the evening was Dominion Constable A. J. Watkinson who had not given evidence at the preliminary trial. Watkinson stated that he had been requested by the Indian Agent to go to Port Simpson and obtain the vest from the Sankey house. This he had done on October 25 and November 22 the vest was turned over to Sergenat McNeill.

Under cross-examination, witness said the request to get the vest had been made a few days after the preliminary trial by Mr. Patmore through the Indian Agent. The vest was produced in court and identified by witness. It was care of this important item of noted that there had been a small personal hygiene in a delight- piece cut from the inside lap of the ful, refreshing way - by clear. serge. Witness said his headquarters had been in Port Simpson for several years. He told of having seen accused engaged in playing basketball some four

Mr. Patmore sought to tender through witness a sketch of Kameda's store at Port Essington which had been made about a week ago. Mr. Johnson objected to the plan going in unless various writings on it were explained.

At this point His Lordship stated that he was doubtful if the evidence of Watkinson was permissable. He comobtained the vest in October and not

tion to the court this morning.

# MADE EXPERIMENT

23 was bright and sunny. Mr. John son objected to witness testifying to windows were muggy and it might or

The jury spent last night in the

# COURT REOPENS

At the opening of court this mornsmall cut which showed red flesh. Ac- graveyard a lot of times last couple of ing. Dominion Constable Watkinson was cused was then placed under arrest and weeks but I never been on sawmill recalled to present a new plan of Katrail. I did not know it there. I meda's store. To clear up the evidence never been in graveyard alone. On of Inspector Spiller with regard to the Friday before last I saw school teacher. distance from the spot where it was Felix Brown told me who she was. That alleged the crime had taken place to was after supper. I said nothing else the point where the body was found, trousers three positive and one negabecause I don't want to have anything F. D. Rice, B.C.L.S., was recalled and live, woollen undershirt, two positive stated that the distance was 79 feet and one negative, light cotton shirt There were no further conversations by the trail and approximately 55 feet none positive, and khaki shirt, one deby airline. Constable Camm was re- finite and one indefinite. On deceased's called to correct the numbering of one gauntlets, which he examined, the doc-

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# FURS MADE TO ORDER AND RE-

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tor said there were positive human blood reactions while the brown oxford Dr. J. A. West gave a detailed account shoes of accused gave no reactions. The

gerprints upon his hands or face. Grease was found inside accused's low shoe and on the laces but no blood. The finding of sand or mud over the blood stains on the clothing indicated that it had got there after the stains.

Joseph Naylor, a juryman, asked if it was possible to determine difference in the blood of races or different groups of people. No satisfactory answer to the question was forthcoming.

OPENING THE DEFENCE The first defence witness was Highsh! Saburo Kameda, keeper of the store and ice cream parlor at Port Essington. He (continued on page five)

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