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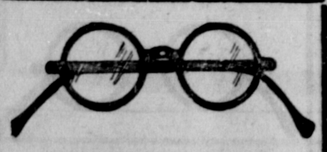

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MORE DETAILS SANKEY CASE

REASONS OF APPEAL COURT JUDGES IN THEIR DECISIONS GIVEN MORE FULLY

(Vancouver Province)

With two of five Court of Appeal judges favorable to Joseph Sankey, convicted murderer, his counsel, J. E. Bird, is applying immediately to the minister of justice for a new trial.

"We will move heaven and earth," said Mr. Bird, who added that he was convinced of the innocence of the 22-year-old condemned Tsimpshean Indian.

No endeavor will be made at this juncture to have the sentence commuted to life imprisonment, he declared.

Failing consent of the minister of justice to a new trial, an appeal will be taken to the Supreme Court of Canada for the same object. To finance the cost of this proceeding, assistance will be sought from Indian friends of Sankey in Northern British Columbia.

The execution of Sankey for the murder of the Port Essington school teacher, Miss Loretta Chisholm, on May 23, has been fixed for May 25 in Oakalla jail. Should an appeal be launched to the Supreme Court of Canada, a reprieve will have to be granted.

The reasons for judgment of Chief Justice Macdonald who, with Justices Galliher and M. A. Macdonald, dismissed the appeal; and of Mr. Justice Martin, who, with Mr. Justice McPhillips, would have granted a new trial, have been received here.

"I am unable to find in the case any good reason for interfering with the veridct of the jury," stated the chief justice of the Court of Appeal. "I think it can not be urged successfully that there was substantial wrong, amounting to a miscarriage of justice, in taking the unsworn testimony of 10-year-old Haldis Sandahl."

He decided that her evidence had been sufficiently corroborated by evidence of Reinholt and her mother. He found that Sankey's statement to Inspector Spiller, provincial police, Prince Rupert, had been properly admitted.

CHARGE NOT UNFAIR

"The prisoner's counsel then argued, as a question of law, that there was no legal evidence to support the conviction," said the chief justice. "He argued that because the verdict was founded on circumstantial evidence alone, the jury could only convict if the evidence was consistent with guilt and inconsistent with any other hypothesis. If that were the law, a conviction could never be legally obtained on circumstantial evidence.

"I think the rule is that the evidence must be inconsistent with any other reasonable hypothesis. Many other hypotheses might be conjured up in this case consistent with the prisoner's innocence, but would they be reasonable. In the last analysis the test is, was the evidence of guilt such as might bring home to the minds of the jury the conviction of guilt beyond a reasonable doubt? If the court be satisfied that there was such legal evidence then the verdict should on the grounds now under consideration be sustained. I think there was such in this case.

"I am also of opinion that the judge's charge was not unfair to the prisoner," he added.

Mr. Justice Martin allowed the appeal on the ground that a statement by Sankey to Inspector Spiller was inadmissable evidence. While the accused Indian was confined in jail at Prince Rupert, awaiting preliminary investigation, the police officer had the prisoner before him four times for examination, pointed out the judge.

"WAS MADE TO SPEAK"

"It is clear the inspector was conducting an investigation tending to incrimination on his own account and that, though the prisoner did not wish to speak, yet he was in effect finally made to speak by being brought from the cells until he did so," said Mr. Justice Martin.

"But still more, the accused has sworn that he was 'rattled' because of the 'rough treatment' he had received in the course of the said investigation and no explanation is given of this very serious allegation though the inspector of police was present in court at the time and was not called by the crown to refute it."

His lordship concluded that the statement thus elicited from Sankey was not voluntary and was obtained by duress, and "evidence obtained in a manner so highly improper should not have been admitted."

"Such an examination, improper in any case, is the more to be condemned because the present subject of it is an Indian and therefore peculiarly subject to the influence of those in authority," stated the judge. "It is beyond question that the result of the admission of this evidence seriously prejudiced the accused in his defense, as abundantly appears by the cross-examination of the accused thereupon, and the extended observation made by the learned judge in his charge to the jury."

Other points will be discussed by Mr. Justice Martin later.

LAND ACT

NOTICE OF INTENTION TO APPLY TO LEASE LAND.

In Range 3, Coast Land District, Land Recording District of Prince Rupert, and situate on the south shore of La-Bouchere Channel, B.C.

TAKE NOTICE that Gosse Packing Co. Ltd., of 325 Howe St., Vancouver, B.C., occupation Fish Packers, intends to apply for a lease of the following described lands:—

Commencing at a post planted at the southeast corner T.L. 10390, Range 3, Coast Land District; thence south 5 chains; thence west 10 chains; thence north 5 chains to shore; thence easterly along shore to point of commencement, and containing 5 acres, more or less.

GOSSE PACKING CO. LTD.,
Applicant.
Per Chas. L. Roberts, Agent.
Dated April 7, 1927.

QUEEN CHARLOTTE LAND DIVISION

TAKE NOTICE that H. F. Leonard, of Portland, Ore., physician, intends to apply to the Minister of Lands for a licence to prospect for coal, petroleum and natural gas over and under the following described lands, situate on Skidegate Inlet, Graham Island:

Commencing at a post planted at the northwest corner of Section 30, Township 1; thence 80 chains east; thence 80 chains south; thence 80 chains west; thence 80 chains north, to point of commencement.

Located March 14, 1927.

H. F. LEONARD,
A. J. GORDON, Agent

LAND ACT

NOTICE OF INTENTION TO APPLY TO LEASE LAND.

In Range 4, Coast Land District, Land Recording District of Prince Rupert, and situate in vicinity of Captain's Cove, Pitt Island, B.C.

TAKE NOTICE that Gosse Packing Co. Ltd., of 325 Howe St., Vancouver, B.C., occupation Fish Packers, intends to apply for a lease of the following described lands:—

Commencing at a post planted at the northwest corner of Lot 1253, Range 4; thence north 5 chains; thence east 15 chains; thence south to northeast corner Lot 1253; thence westerly along shore to point of commencement, and containing 7 acres, more or less.

GOSSE PACKING CO. LTD.,
Applicant.
Per Chas. L. Roberts, Agent.
Dated April 7, 1927.

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Malkin's Best Pure Jam, 4 lb. tin: Strawberry, Raspberry, Loganberry, Red Currant, Black Currant and Cherry, each 75c
Peach Apricot and Gooseberry 65c
Pure Plum Jam, any variety 50c
Heinz Catsup, large bottle, each 30c
Sterling Catsup, 5 bottles for 95c
Heinz Pork & Beans, medium, 2 for 35c
Small, 2 for 25c
Royal City Pork & Beans, medium, per tin 15c
Singapore Pineapple, sliced, per tin 15c
Hiwâiian Crushed Pineapple, 2's, per tin 25c
Imported Rice, per lb. 8c
Brown or White Beans, per lb. 8c
Pure Lard, per lb. 20c
Granulated Sugar, per lb. .. 7½c
Lump Sugar, per lb. 12½c
Icing Sugar, per lb. 10c
Terrace Local Eggs, per doz. 45c
B.C. Pullett Extras, 3 doz. for 95c
Capitol Butter, per lb. 45c
Any other variety, 2 lb. for 95c
Best Bacon, in piece 43c
Sliced 50c
Terrace Potatoes, per sack $1.75
Flour, any variety, per sack $2.50
Canned Milk, any variety, case $5.50
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S. B. Adams - - - Manager.

LOCAL NEWS NOTES

Eddie Clapp made the round trip to Stewart on the steamer Prince George on business, returning to the city last evening.

Major Walter Carruthers of Wrangell, divisional commander of the Salvation Army for Northern British Columbia and Alaska, arrived in the city yesterday afternoon from the interior, where he has been engaged for the past few weeks in Army work. Last night he took the services in the local citadel and will remain here for the coming week supervising the annual self-denial effort.

Rev. A. W. R. Ashley, who has been Anglican minister at Stewart for the past few years, arrived in the city last night from the northern town, accompanied by Mrs. Ashley and family, and proceeding on this morning's train to Moose Jaw, Saskatchewan, near which city he has accepted a pulpit. Mr. Ashley will be relieved at Stewart for the summer by E. W. Carter, a senior student at the Anglican Theological College, who will come north this week.

Advertise in the Daily News.

FELL INTO HOLD OF GRAIN SHIP AND DIED VANCOUVER HOSPITAL

VANCOUVER, May 2.—Falling into the hold of the freighter Yosen Maru which was engaged in loading a grain cargo, Alfred Wright sustained injuries here Saturday night which resulted in his death at the hospital shortly after.

Many a man has a lame excuse because he got his foot in it by getting his leg pulled.

It seems as if pretty nearly every program nowadays has to have its beauty contest.

NEW HOUSES BEING BUILT

PERMITS ISSUED DURING MONTH FOR FIVE AND ADDITIONS TO OTHERS

Including five new residences, building permits issued at the office of the city building inspector during the month of April aggregated $18,800 in value. The permits were as follows:

J. Squirchuck, addition to residence on Eighth Avenue East, $500.

Atlas Boiler Works, addition to boiler shop at Market Place, $500.

A. H. McPherson, two residences at the corner of Fourth Avenue East and McBride Street, $2,800 each.

Mrs. R. V. G. Le Pine, residence on Fifth Avenue East and Cotton Street, $4,000; garage, $200.

Terminal Investment Syndicate, residence at northeast corner of Second Avenue and junction, $4,000.

William Douglas, residence at Eleventh Street between Beach Place and Second Avenue, $4,000.

TENNIS CLUB OPENS SEASON YESTERDAY

Col. and Mrs. McMordie Defeated Will Lambie and Miss Caroline Mitchell in Tourney

The Prince Rupert Tennis Club opened the season on the Acropolis Hill courts yesterday afternoon when there was a good turnout of club players and visitors. There was a club tournament in which the players were divided into groups. Col. and Mrs. S. P. McMordie defeated Will Lambie and Miss Caroline Mitchell in the final by a score of 7 to 5.

PUBLIC ALOLOGY.

Whereas on or about the 7th day of February, 1927, at Anyox, B.C., I repeated certain slanderous statements of and concerning Mrs. Grace Clari Mattix, of Anyox, B.C., I, the undersigned, hereby admit that all such statements were made by me without any justification or foundation, and I hereby publicly apologize to her for making them.

Dated at Anlox, B.C., this 22nd day of April, A.D., 1927.

F. H. HENDERSON.

C.P.R. steamer Princess Alice, Capt. C. C. Saintey, is expected in port tomorrow about noon, southbound from Alaska ports to Vancouver, Victoria and Seattle.

MAIL CONTRACT

SEALED TENDERS, addressed to the Postmaster General, will be received at Ottawa until noon, on Friday, the 10th June, 1927, for the conveyance of His Majesty's Mails, on a proposed Contract for a period not exceeding four years as required times per week on the route between Prince Rupert and Railway Station (C.N.R.), and Wharves (C.N.R. and C.P.R.), and Transfer of Mails between Railway Station and Wharves (C.N.R., U.S.S. Co., and C.P.R.) from the Postmaster General's pleasure.

Printed notices containing further information as to conditions of proposed Contract may be seen and blank forms of Tender may be obtained at the Post Office of Prince Rupert, B.C., and at the office of the District Superintendent of Postal Service, Vancouver, B.C.

J. F. MURRAY,
District Superintendent of Postal Service.
District Superintendent's Office,
Vancouver, B.C.,
April 29, 1927.

LAND ACT

NOTICE OF INTENTION TO APPLY TO LEASE LAND.

In Range 3, Coast Land District, Land Recording District of Prince Rupert, and situate on the south shore of Evans Arm, B.C.

TAKE NOTICE that Gosse Packing Co. Ltd., of 325 Howe St., Vancouver, B.C., occupation Fish Packers, intends to apply for a lease of the following described lands:—

Commencing at a post planted about 3 chains distant in an easterly direction from northeast corner Lot 740, Range 3; thence south 10 chains; thence west 15 chains; thence north to shore, thence easterly along shore to point of commencement, and containing 7 acres, more or less.

GOSSE PACKING CO. LTD.,
Applicant.
Per Chas. L. Roberts, Agent.
Dated April 7, 1927.

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To Vancouver, Victoria, Seattle—April 1, 12, 22; May 3, 13, 24.

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