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MURDER TRIAL OPENED WITH EFFORT TO SHOW ACCUSED WAS INSANE

(continued from page one)

E. Alexander, William Denholm, W. G. Oakley, Mrs. Emma Campbell and F. W. Beard.

After the jury had been empannelled, other petit jurors were excused from further attendance until tomorrow. The Grand Jury, having returned true bills in the two murder cases before the Assize, was discharged from further service, the judge congratulating it upon the despatch with which it had carried out its work.

The case for the crown was briefly outlined by the crown prosecutor who explained his duties to the petit jury. Accused, his father, mother, brother and sister all lived at Delkatla and on January 18, accused and his father left for their two pre-emptions about four or five miles distant. Nothing was heard from the father who was expected back about January 27. Finally a search party had been sent out, the culmination being the finding of the body partly shattered in a shallow grave. Accused was subsequently arrested and charged with the murder of his father.

DOCTOR'S EVIDENCE

Dr. J. C. S. Dunn told of proceeding on Sunday, January 29, to a point where the search party, under the leadership of the accused, had unearthed the body of the late James Smith. The doctor described the nature of the ground and told how accused had pointed to the spot. Witness performed a post-mortem and described the condition of the body. Part of the body was missing as a result of the explosion of powder. Death, the doctor concluded, had been originally due to hemmorhage for which the cause had not been found. After Dr. Dunn had been heard, he was excused from further appearance in order that he might return to Massett where he had an urgent call.

Constable Grant testified that accused had come to him on January 28 and reported that his father was missing. Search parties went out with no success. Accused had accompanied the first search parties. Asked as to the firearms on the pre-emptions, he (accused) had explained that there was a shotgun and rifle, the rifle being missing. Accused had not accompanied a large search party which went out the next day. That night Frank Smith, brother of accused, came to the officer's quarters as a result of which witness went to the house of accused's mother. Harry was there. His clothes were soaking. He said that he had lost his coat which contained a considerable amount of money. He had been walking, he said, along the beach in his bare feet. The officer detained Smith and took him to the police station. After he had asked accused several questions, he asked if he was telling everything.

At this point, Mr. Gonzales objected to witness telling what accused had told him at that time. Defense counsel announced that he would have witnesses to show that accused had only the mentality of a seven-year old and thus did not understand the seriousness of what he had told the officer. His Lordship, after considerable discussion by counsel, ruled that the conversation might be admitted.

MADE STATEMENT

Continuing his evidence, Constable Grant testified that accused hesitated and then he had said: "If I tell you, will I have to go up there?" Witness stated that he told the accused he could make no promise and gave the usual warning. Then accused gave a voluntary statement. The statement was typewrittten at that time and read over by accused who signed it. The statement said that accused had never had anything against his father. He had accidentally shot him on Thursday, January 19 with a shot gun which went off while he was carrying it. He (accused) left the body in the ground and went home. Later, fearing that he would be blamed anyway, he went back with a view of blasting the body to pieces. He dug a hole, placed the body in it, set the charges off and covered up the grave, later throwing the rifle in the woods. Witness stated that he did not charge accused but this had been done by Inspector Spiller who arrived the next day.

Inspector Spiller told of warning accused and placing him under arrest. Accused said that he had understood the warning and what he was being arrested for.

Contsable Grant, Inspector Spiller and Staff Sergeant McNeill all agreed in cross-examination that accused did not seem normal mentally. Inspector Spiller and Sergeant McNeill, in their examination-in-chief, gave further details pertaining to the investigation. The accused led the officers to the rifle which had been hidden under a log about half way between Massett and the pre-emption. A knife had also been found there, accused stating that he had taken this to protect himself as he was afraid of his father. There was also a depression in the moss near the rifle as if someone had sat there, there being cigarette butts, matches and bread crumbs around.

Frank Smith, son of deceased and brother of accused, gave evidence pertaining to the search and identified clothes of his father. He also told of the movements of his brother about the time in question. The father and the accused had always seemed on friendly terms except on one occasion when the accused had allowed a box of dynimite to fall on his father who "got sore but got over it in about an hour."

Under cross-examination, witness told of a funny laugh which accused had. He used to laugh when there was nothing to laugh at and talked foolishly. He developed this when he was about 14 and as he grew older it became worse. One time, accused cut the tails of his mother's hens; another time he poured coal oil on his pet dog and set it on fire. While working at Buckley Bay once a man had fallen off the wharf and broken his leg and accused had laughed. Once he had said if he lived the right life, he would have wings like an angel and would fly away. Another time he had said he could live a thousand years and still again he had said if he lived the right life he would become like "Christ." A girl he knew, he had said, had a baby who had a face like "Christ." Witness had objected to accused getting a pre-emption when he was so "simple." Jack Martin, accused had told his brother, had been drowned and his death had preyed on his mind and he thought he heard his soul calling for him (accused). Other hallucinations which he purported his brother had told him of were described by witness.

"You are trying to give the impression that your brother was of unsound mind?" inquired Mr. Justice Gregory.

"Yes," replied witness "he had it for some time."

"Have you ever taken steps to protect himself and society by reporting it to the police or a medical man?"

"No, we did not think he was in a bad shape at that."

Court adjourned at 12.15 noon until 2 p.m.

Defence evidence is being heard this afternoon and it is expected the case will go to the jury before evening.

RAINING AT YUKON

Government Telegraphs report today that it is raining at Lower Lebarge, Big Salmon and Carmacks in the Yukon.

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TIMBER SALE X9691.

There will be offered for sale at Public Auction, at noon on the Eighteenth (18th) day of July, 1928, in the office of the District Forester at Prince Rupert the Licence X9691, to cut 5,256,000 F.B.M. Spruce, Balsam, Hemlock and Cedar on an area covering a portion of Lot 305 at the head of Kynoch Lagoon Kynoch (East Mussel) Inlet, Range 3, Coast District.

Three (3) years will be allowed for removal of timber.

"Provided any one unable to attend the auction in person may submit tender to be opened at the hour of auction and treated as one bid."

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

PRINCE RUPERT TIDES

TUESDAY, JUNE 26		
High	8:53 a.m.	15.4 ft.
	21:10 p.m.	18.1 "
Low	2:51 a.m.	8.2 "
	14:30 p.m.	8.2 "
WEDNESDAY, JUNE 27		
High	9:56 a.m.	15.4 ft.
	21:54 p.m.	18.6 "
Low	3:54 a.m.	7.4 "
	15.26 p.m.	8.6 "
THURSDAY, JUNE 28		
High	10:52 a.m.	15.8 ft.
	22:35 p.m.	19.1 "
Low	4:46 a.m.	6.5 "
	16:17 p.m.	8.9 "
FRIDAY, JUNE 29		
High	11:39 a.m.	16.2 ft.
	23:15 p.m.	19.6 "
Low	5:31 a.m.	5.6 "
	17:05 p.m.	9.0 "
SATURDAY, JUNE 30		
High	12:20 a.m.	16.7 ft.
	23:54 p.m.	20.0 "
Low	6:11 a.m.	4.8 "
	17:50 p.m.	9.0 "
SUNDAY, JULY 1		
High	12:59 p.m.	17.2 ft.
Low	6:48 a.m.	4.0 "
	18:33 p.m.	8.8 "
MONDAY, JULY 2		
High	0:32 a.m.	20.4 "
	13:36 p.m.	17.6 "
Low	7:24 a.m.	3.2 "
	19:14 p.m.	8.5 "

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