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- Women's Tennis Shoes— **95c to \$1.15**
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Dawson Is Acquitted

(Continued from Page 1)

a half's time.
Another charge of arson against Dawson as an outcome of the burning of his store in Smithers some two years ago will be heard later in the Assize which is engaged today in the hearing of the unlawful assembly case from Anyox in which the accused are Kenneth Montgomery, Giovanni Sanvite, Angus McIvor and Joseph Sarich.
Argument of Counsel
In his argument before the jury in the Dawson case L. S. McGill, crown prosecutor, touched upon what he termed the "more salient circumstances" as presented in the evidence. He dealt with the removal of goods from the house to the garage and woodshed. "The most striking circumstance" of the case, he contended, was the nature of these goods. The prosecutor stressed the fact that subsequent to 7:45 p.m. the accused had been proved to have been in the immediate vicinity of the house, his wife having been seen standing in the lane back of the house. Movements and remarks of the accused at the time of the fire were described by Mr. McGill as "peculiar." Reference was made to the locking of the house so securely by the accused and the breaking of windows by him during the incipient stages of the fire. Accused had said in his own statement that he had lost the key to the front

door of the house although he still had the key to the garage. Had not accused directly benefitted from the fire through the payment of the debt to his sister by the insurance? The crown prosecutor submitted that the only possible conclusion that the jury could arrive at was that the fire could not have been accidental but had been deliberately planned and carried out by none else than the accused.
J. T. Harvey, defence counsel, contended that there was nothing in the circumstances as adduced by the crown to point to the guilt of accused. To the contrary, they clearly suggested that the fire was accidental rather than having been caused by incendiary intent on the part of accused. The removal of the goods from the house, defence counsel submitted, had been satisfactorily explained. What possible reason could accused have had for burning down the house of his parents which was also his own home? It was obvious that the accused's parents had not benefitted from the fire but had rather lost heavily. Was it reasonable, after all, to suggest that accused would burn down the house and put his aged parents out in the cold merely to pay a debt? He asked the jury to consider carefully if there was anything accused had done previous or subsequent to the fire to point to his guilt. As a matter of fact the crown's evidence did not allow any margin of time for accused to get in and set the place on fire. Accused himself had certainly not benefitted having had no interest in either the house or the insurance. There was nothing to show that the fire had been laid but there were plenty of circumstances suggesting that the fire might have been accidental. The circumstances were as consistent with innocence as with guilt and there was nothing to show that accused had committed an offence.

Judge's Charge

His Lordship gave the definition of arson as "wilfully setting fire." It was up to the crown to adduce sufficient evidence to make it necessary for accused to explain the circumstances. The burden of proof rested upon the crown and that proof must be beyond a reasonable doubt. This was a case of circumstantial evidence, no direct evidence having been adduced that accused

had set fire to the house. To convict the jury must be satisfied that the evidence was consistent with guilt and inconsistent with any other rational conclusion. If the jury were not so satisfied, it was its duty to acquit. The jurors were the exclusive judges of the facts. It was not necessary for the crown to prove motive but the jury should consider the presence or absence of motive. In reviewing the evidence, His Lordship asked the jury if it were reasonable to infer that accused, being penniless, should burn himself and family out of a free house and home. Assuming accused were guilty, he had certainly shown lack of common sense in covering up his tracks when he could expect that there would be an inquiry. There was no evidence of conspiracy involving accused, his wife and mother and father. There were no signs of incendiaryism such as gasoline or coal oil. Mere opportunity did not prove guilt. Unless the jury could honestly say that the facts of the case were consistent with guilt and inconsistent with anything else, it was its duty to acquit.

The jury retired at 4:45 p.m. and returned to the courtroom with its verdict of acquittal about fifteen minutes later.

Harry D. Johnson, well known locomotive engineer for the Canadian National Railways at Smithers, is here as one of the witnesses at the session of the Supreme Court Assizes, being accompanied by Mrs. Johnson. A former resident of Prince Rupert, Mr. Johnson notes a great improvement in the general appearance of the city since he was last here a few years ago. He formerly ran out of Prince Rupert and recalls that it was twenty-two years ago on May 24 that he first landed in this city.

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RADIO FOR HOSPITAL

Successful Concert Tour By Mrs. Gordon Jolliffe of Queen Charlotte

QUEEN CHARLOTTE CITY, May 6.—On Saturday last Mr. and Mrs. Gordon H. Jolliffe of Queen Charlotte City entertained members and friends of the concert party which recently made such a successful tour of the islands at a party held in the McKenzie Hotel at Queen Charlotte City, kindly loaned for the occasion by Mr. and Mrs. R. G. McKenzie.

The evening was spent in games and dancing which were followed by a delicious supper.

During the course of the evening Mr. Jolliffe made a report which showed that their efforts to secure funds for a radio to be installed in the hospital had met with success and he wished, on behalf of Mrs. Jolliffe, to thank those who helped in any way to effect such a successful conclusion.

Dr. Charter spoke suitably on behalf of the hospital board, mentioning the appreciation of the interest which had been shown in the hospital.

Philharmonic Society Pays Hospital Visit

The concert party of the Prince Rupert Philharmonic Society, under the direction of H. N. Brocklesby, visited the Prince Rupert General Hospital yesterday afternoon and rendered a program of vocal music which proved delightful to hospital staff and patients alike.

The program consisted of the choral numbers "Were You There?" "Steal Away" and "Eriskey Love Lilt;" "The Snow," ladies chorus, with double violin obligato by Miss Nellie Lawrence and Bert Cameron, and solo "Lead Kindly Light" by Dr. R. G. Large.

Charles P. Balagno was accompanist.

Pastor Leads in Preventing Sale Sick Man's Farm

FERGUS FALLS, Mann., May 8.—A local pastor led three hundred farmers in preventing foreclosure sale of a farm belonging to a man who is ill in bed.

Former Prince Of Sweden Has Become Father

STOCKHOLM, Sweden, May 8.—Mrs. Karin Bernadotte, wife of the former Prince Lennart of Sweden gave birth to a daughter at the end of the week.

Cost of Living Moving Upwards

General Advance in Retail Prices Reported by Major Cities of United States

NEW YORK, May 8.—The cost of living is going up, a general advance in retail prices being reported from major cities of the country.

"HALF NAKED TRUTH" HERE

Modern Ballyhoo Dramatized in Picture Featuring Lee Tracy and Lupe Velez

A lively comedy-drama that exposes the ballyhoo racket and which is alive with personality, "The Half Naked Truth," paralleling some of the real-life exploits of the late Harry Reichenbach, who is conceded to have been the most spectacular press agent Broadway has ever known, comes to the Capitol Theatre here as the first of the week feature offering. Lee Tracy takes the part of the press agent while Lupe Velez plays opposite him as the dancing girl who became famous through high pressure publicity. Between the two an interesting romance develops.

Supporting Tracy and Miss Velez in "The Half Naked Truth" are such popular screen actors as Eugene Pallette, Frank Morgan, Shirley Chambers, Mary Mason and Robert McKenzie.

District News

REMO

The snow is now all gone here except in the shady places and the farmers will be commencing spring work in a few days. There was about five feet of snow here this winter.

Strawberries came through the winter well. Everybody has a lot and what the farmers need is a good market this summer.

This settlement is steadily growing. The school has been in operation about fifteen months and now the ferry is being repaired and is expected to be launched this week.

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"THE HALF NAKED TRUTH"

With LUPE VELEZ, LEE TRACY — A Radio Picture A Million-Laugh-Power Romance in the World of Bank Comedy—"JITTERS, THE BUTLER" Travel—"MOSCOW" Novelty—"CHALK UP"

CASES OF FIVE MINERS ON UNLAWFUL ASSEMBLY CHARGES ARE GOING ON

(Continued from Page 1)

On the morning of the third he drove up the road toward the smelter when he met two crowds of excited men Sanvite being among them. Some of them wore miners' helmets but the only weapon he noticed was a piece of hose pipe sticking out of a man's coat. In the crowd one man looked at him and remarked, "This is the finish now."

Cross-examined by Gordon Grant, Mr. Maxwell admitted that many of the employees had been with the company for years. It was usually an orderly town. The men had made complaints and asked for redress which had been refused. He did not know the strike was coming. It was not called until January 29. The list of grievances was presented January 30. He knew Sarich and McIvor and that they were prominent on the strike committee. The company had asked the men for time to close down the smelter and this was granted.

The company officials had asked that special maintenance work be allowed to proceed. He thought police were necessary. He had heard that an outside agitator had been in town trying to organize a union. He knew the company had a list of names of men considered "undesirable" and included in the list was McIvor and he believed Sarich. The company was trying to keep running with the money available. They had told the men they were operating at a loss and the need of taking a reduction. They were taking a chance on selling the copper. At the time it was costing more to produce than it was worth. He thought intimidation was the purpose of the men coming down from the mine.

Other Witnesses

Ralph Lucius Healy, in charge of the Hidden Creek mine, identified the five accused as workmen under him. He saw a crowd of between four and five hundred men going down the road toward the beach on the morning of February 3. It was dark but he could see the procession by means of the electric lights on the road.

Roland Gale, who worked at the toolroom, being in charge of the tools for the plant, was stopped, he said, by a mob of men while near the messroom enroute to work. They were very hostile and one spat in his face. Witness, becoming afraid, turned around and went home. Gale said that he was called a "scab." He could identify none of the five men. Under cross-examination, Gale said that he had a "pretty good job" although there were "better jobs." He admitted that he was ambitious and wished to please his employers. No one struck him.

Charles John Doherty, a foreman, found the road near the messroom completely blocked with a crowd of 400 to 500 men as he came from work. He identified Sarich and Jurzevich as being in the crowd which appeared to be hostile. The men had articles in their hands, one having what appeared to be a piece of hose. Sarich told witness it was no use trying to get through the crowd. He saw no one hurt or struck.

Richard Deeth, repair gang foreman, told of first being allowed to pass through the crowd and later

WANT WAR DEBT CUR

French Desire at Least Fifty Percent Reduction in United States Obligation

PARIS, May 8.—Senator Berenger revealed during debate on the French budget in the Senate that France wants at least a 50 percent reduction of her war debt to the United States.

QUEBEC HAS HEAVY RAIN

QUEBEC, P.Q., May 8.—Incessant rains have been steadily against floods in several sections Quebec province caused by a 48 hour rain.

Auto Shares in Gotham Strong

NEW YORK, May 8.—Automobile shares led the New York market into new high ground last year at the end of the week the turnover for one day being around four million shares.

Canadian Pacific Earnings Are Low

MONTREAL, May 8.—The earnings of the Canadian Pacific Railway for nine days ended April 30 were \$248,000, a decrease of \$619,000 as compared with the same period last year, it was announced.

Rev. William McKennie, United Church clergyman at Queen Charlotte City, was brought to the city by a Royal Canadian Air Force seaplane on Saturday to see Prince Rupert General Hospital in operation. The plane arrived at 11 a.m. from the Islands and on its return there it is one of two planes which are based at Queen Charlotte engaged in mapping work.

being stopped and told not to speak. The men were cursing and swearing and many of them talking in foreign tongue.

James B. Murdoch and John Jeffrey told of seeing from their boat the procession of men from the mine moving toward the beach. They were carrying articles in their hands, Murdoch seeing that one of these was a piece of iron about 18 inches long. The men were in working clothes mostly and many of them were wearing helmets.

The jury consists of Claude Edgum, G. A. Edgum, C. E. McKeown, Dugald McLean, Walter Vance, Frank Diob, Hubert Wain, B. J. Bacon, Robert Gordon, J. P. Agar, John McLeod and Robert Liff. Robert Gordon was chosen foreman.

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"TILLIE THE TOILER"

Mac Quickly Changes His Mind —By Westover.

Panel 1: "YES THIS IS MISS JONES - OH, YOU'RE SENDING MY CAR OVER! THAT'S FINE BECAUSE I THINK MR. MACDOUGALL'S GOING TO GIVE ME A DRIVING LESSON - YOU'RE SURE THE WHEELS ARE IN PERFECT CONDITION NOW! ALL RIGHTS - THANKS A LOT"

Panel 2: "LISTEN, TILLIE I DON'T THINK I OUGHTA TEACH YOU HOW TO DRIVE - IT JUST LEADS UP TO AN ARGUMENT"

Panel 3: "IF THAT'S THE WAY YOU FEEL ABOUT IT, I'LL HAVE TO HIRE AN IN-STRUCTOR"

Panel 4: "YOUR CAR IS OUTSIDE, MISS JONES, AND HERE'S THE KEY - CAN BE OF ANY FURTHER SERVICE?"

Panel 5: "WHY-ER"

Panel 6: "WHEN YOU WANT ME TO GIVE YOU A DRIVING LESSON, TILLIE?"

Panel 7: "THAT'S ALL - THANK YOU - MR. MACDOUGALL'S ANXIOUS TO TEACH ME HOW TO DRIVE"