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**THE DAILY NEWS.**  
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 H. F. PULLEN - - - Managing-Editor

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DAILY EDITION Wednesday, May 10, 1933

**Jury, After Over One Hour's Deliberation, Finds Men Guiltless**

(Continued from Page 1)

they did not exceed a certain time, they might go on. There was no unlawful assembly there but merely a peaceable and orderly gathering. At no stage of the proceedings had the men anticipated or wished trouble. An unfortunate occurrence had brought them into court unfortunate but innocent accused. Mr. Grant submitted that the charges were built up upon the flimsiest of evidence and that the men had not been arrested for participating in a riot but for having been leaders in the strike. They had acted "as men and not as cowards or criminals" and he asked for their acquittal.

**Mr. McGill**  
 The fact of whether or not the strikers had just grounds for complaint, Mr. McGill contended, did not enter into the case. The question was: were their actions of February 3 justified? He submitted that the attitude of Sarich at least was not that of a person trying to give a true picture of the occurrence. If the men were not looking for trouble, why were so many of them carrying weapons and wearing safety helmets? The only reasonable conclusion was that they were deliberately looking for trouble. Sarich, McIver, Montgomery and others, as leaders of the armed mob, therefore, being responsible for the actions arising whether they were at the bridge or beach. Either a demonstration of armed force was considered necessary or the intention was to make trouble, neither of which was lawful.

Did it seem reasonable, after all, that the police, outnumbered as they were by a mob of armed men, should wish to provoke a clash? It had been actually shown that Sanvido had kicked a police officer while he was down. Jurgeovich had endeavored to prevent men at the beach from going to work. There was a definite attempt to throw two men off the bridge and, as it was, four officers had sustained injuries. The police, if they used violence, had done so to protect themselves. As soon as they had been able to rescue their comrades from the crowd, they had withdrawn, seeing that they were unable to control the crowd.

As far as the incident at the beach was concerned, crown counsel submitted that there had been a tumultuous disturbance of the peace constituting a riot by a spitting, shouting and hostile crowd blocking up the roadway and preventing men from going to work. As leaders of an uncontrollable mob, the five accused, of necessity, must answer for its actions.

**His Lordship**  
 Explaining the law, His Lordship defined a riot as an unlawful assembly which had begun to disturb the peace tumultuously. To constitute an unlawful assembly, it was necessary to prove that there were three or more persons conducting

**CHARGE DISMISSED**  
 For lack of evidence, Magistrate McClymont in city police court this morning dismissed a charge against Wong Chew of being the keeper of a gaming house at the Kwong Sun Chong Grocery, five alleged inmates also being discharged.

**EVIDENCE IS HEARD**

Citizens of Smithers Give Testimony in Connection With Trial Of E. C. Dawson

Charles Reid gave information at the E. C. Dawson arson trial at Supreme Court here this morning in regard to financial matters of accused. He said he had been manager of the Royal Bank of Canada at Smithers for 15 years and knew accused a good deal of that time. At the time of the fire he had \$14.06 to his credit at the bank. Accepted drafts were nearly due amounting to \$516.94 and drafts that had been returned amounted to \$598.17. A large number of drafts had been returned unaccepted prior to that month. A number of accused's checks had been returned on account of insufficient funds. Subsequent to the fire he had become a bankrupt.

Oller Fjestaad told of refusing accused a loan of \$1,000 shortly before the fire. R. L. Gale, whose office adjoins the building that was burned down, told of the insurance. Prior to September of that year there was \$3,000 on the stock and fixtures. On September 20, just before the fire, he issued a policy for \$5,500. He did this at the request of accused's father.

C. L. Warner stated he was in Dawson's store between 11 and 12 the night prior to the fire. Dawson was filling the floor and witness remarked: "My God, Ernie, there's lots of oil on the floor."

Mrs. Jenkins of Prince Rupert said she lived in Smithers at the time of the fire. She was returning home the morning of the fire about 1 o'clock and saw Dawson in the store, apparently placing boxes on the shelves.

H. D. Johnston, locomotive engineer, told of going to work about five minutes to five the morning of the fire. He smelled smoke and eventually noticed fire burning on the floor inside the building. He roused Dawson who shouted for him to turn in the alarm. L. B. Warner came along and he showed Warner where the fire was burning and helped with the hose, after which he went to his work.

Warner gave particulars of the work of fighting the fire which appeared to have broken out at several points in the building. Finally he and Percy Davidson were driven downstairs and outside by flames and smoke and the building was ultimately consumed.

Percy Davidson, Smithers fire chief, also described the work of fire fighting. In addition he told of having seen accused at 2:30 on the morning of the fire removing a large carton box from the store to a car which was backed against the front of the store. Davidson was still on the stand when the court adjourned for luncheon.

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**FIRE CASE PROCEEDING**

(Continued from page one)

ists of P. W. Anderson, foreman, A. T. Parkin, C. P. Balagho, J. R. Mitchell, G. J. Dawes, W. J. Greer, G. W. Adams, C. E. Youngman, George Bailey, C. Houldsworth, William Moffatt and W. H. Wright.

During the forming of the jury for this case Louis Amadio, H. F. Glassey, Thomas Ballinger, J. F. Filton, Gillis Couture, G. S. Fleming, Fred MacLeod and John Gabriel were stood aside by the crown while W. H. Goodsell, John Curvich, Ernest Campbell, Max Heilbroner and Arthur Brooksbank were challenged by the defence.

All jurors except those engaged in the hearing of this case were excused until 2:15 this afternoon.

In briefly reviewing the evidence which it was proposed by the crown to adduce, L. S. McGill, crown counsel, stated that accused was carrying on the business of a men's furnishings store at Smithers on the ground floor of the building owned by Messner, having his living quarters above. In the month of September, 1930, he was having financial difficulties in his business and, a few days before the fire, arrangements had been made to put on considerable additional insurance. During the night preceding the fire accused had been seen in and about the store at different times when the store would ordinarily be closed for business. About 5 a.m. on the morning of September 25 the fire alarm sounded and the store and residence were found to be on fire. Although the alarm brought a considerable number of people who fought to put the flames out, they were unable to do so as, even in the early stages, fire was burning at several different points in the building. Subsequently, accused collected insurance. Evidence would be adduced to show, Mr. McGill stated, that, during the night, John DeVoin, a brother-in-law of accused, had heard Dawson make certain remarks which would show that he (accused) had deliberately burned down the building in order to collect the insurance.

**First Witness**  
 The first witness was B. F. Messner, owner of the building. Dawson, witness said, had taken a five-year lease on the building in 1927 at a monthly rental of \$60. In September, 1930 he was one month behind in his rent. There was \$2500 insurance on the building which had cost a little better than \$6000. Accused had informed witness that he was desirous of selling out and had parties interested in buying the building as well as the business. Some months after the fire, at the time of which witness was not in Smithers but out on his mining property, the one month's rent less 25% was paid over by accused's lawyer who had the assignment of an insurance policy. Witness described in some detail the nature of the construction of the building, its size, etc. It measured 27 feet, six inches by 48 feet and was on frame construction. Walls and ceiling in the store were of pressed metal. There were two brick chimneys, one going through both floors and the other being on a bracket upstairs. There was a rubberoid roof and asbestos was used in certain parts of the building which had been erected in compliance with the village fire regulations. There were also timber fire steps and four air vents in the ground floor.

Under cross-examination, witness said that the store was usually very tidy, back of the showcases usually being rubbished up while the store room to the rear was usually dirty and untidy with a collection of rubbish including oily clothes, etc. At 6 p.m. the trial was adjourned until 10:30 this morning.

**SOFTBALL BY GIRLS**

High School League Starts Season's Activities

In the opening game of the High School Girls Softball League yesterday afternoon the Sentinels were victorious over the All Stars by a score of 11 to 2.

There was keen playing all through the game on the part of the Sentinels for they only allowed the All Stars one run in the first and third innings.

Due to the wild playing on the part of their opponents, the third inning was the best for the Sentinels for they made three runs. The All Stars, although good at the bat, were weak in the field.

Sentinels—Lillian Vaccher (captain), Leah Bass-Bert, Daisy Mah, Tona Blain, Mary Johnson, Francis Yager, Kathie McMeekin, Blanche Jensen, Peggy Steen and Betty Ingils.

All Stars—Freda Mussallem, Lillian Johnson, Betty Ellison, Edna Diekens (captain), Lillian Crox-

**FOOTBALL LINE-UP**

The team to represent the Regiment in the opening Gilhuly Cup football game against the Canadian Legion on Thursday evening will be as follows: Ted Smith; G. Bluffe and J. Greer; Phil Edgcombe; G. Hill and O. Wingham; R. Wicks, M. Colussi, D. Christison, A. Davies and D. Gomez; reserves: S. Veitch, F. Eby and A. Ritchie.

The Canadian Legion line-up will be as follows: Pierce; Styles and Watson; Gilker, S. Currie and T. Haddon; Baptie, J. R. Murray, W. Stewart, A. Horne and J. Comadina.

**Baseball Scores**

(Canadian Press)  
**National League**  
 Pittsburgh 9, Boston 7.  
**American League**  
 Washington 7, St. Louis 5.

ford, Thelma Davis, Ruby Green, Cathie Finlayson, Venetia Peero, Gertrude Turgeon.  
 Umpire—Miss M. Delaney.  
 Base umpire—Mildred Hunt.  
 Reporters—Alice Hallberg and Emilie Skattebol.

**BASEBALL ELECTION**

R. J. Collison Named President at Terrace and D. K. Kerr Secretary

TERRACE, May 10.—The annual meeting of the Terrace Baseball Club was held in the Terrace Hotel on Tuesday night last. Officers elected for the year were as follows:

President, R. J. Collison.  
 Vice-President, P. Hertel.  
 Secretary-treasurer, D. K. Kerr.  
 It is the desire of the club to have games with neighboring teams during the year.

In conjunction with the baseball officers were also elected to guide the affairs of the football association.

A committee was also appointed to look after the interests of softball.

William Schriberg, who has been on a brief business trip to Vancouver, returned to the city on the Prince George this morning.

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