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PRELIMINARY HEARING IN THE BURNT CHURCH TRAGEDY

(Continued from page 1)

said. William asked me questions. I don't know what he told me. I don't know if he told me to say it. I talked to William Dedham about an hour. Peter and Frank Mitchell and Charlie Mitchell and Charles's wife were in the house when Peter said words about the knife. An India from Restigouche was there outside saw the wood. My stepmother, Ellaabeth Clement, and my sister, Delosia Swanson were there all in one room. The first I heard Peter Mitchell's story I first told Wm. N. Dedham in his story; he is a councillor. I do not know if he is a big man among Indians or not. I work in gravel pit; can see main bridge from pit; Peter and Frank Mitchell work on new bridge; gravel pit is at the core. I can't say who was working on bridge; I don't know who was working there; I don't know how many men. I don't know if Peter and Frank worked there on Nov. 27th. I spoke to no one else; but William N. Dedham; I paid my own way up on today; the boss where I work gave me the money; O'Brien the boss; time keeper is LeComble; gave me money pay night, last Saturday; all others in Charlie Mitchell's house could hear Peter talking; I did not see Peter with wife nor Frank with revolver; I did not see Peter nor John Dedham that night. Peter Mitchell said at Charlie Mitchell's he had been fighting with Dedham; he did not say anything about a knife; there was not much talk at Charlie Mitchell's; this finished the cross-examination.

Questioned by Mr. Whalen for the Crown—We were at Peter Mitchell's when he spoke of the knife; gravel pit is on the east side of the river, on the same side that witness lives. It is about 20 yards from the end of the bridge to the gravel pit.

Court adjourned until one-thirty p. m.

Afternoon Session

After the noon recess hearing was continued. William Martin was called by the Crown. Said he knew the nature of an oath; had been in court before as witness. I know Frank and Peter Mitchell; I saw Peter Dedham and Charlie Mitchell fighting at Burnt Church between six and seven o'clock Sunday before last outside of my door; someone called me by name; I went; it was Charlie Mitchell; he was asking me who was all there; while he was talking Peter Dedham came and grabbed Charlie by the shoulder; they were laughing both of them; they were going to fight in fun; before we got to the door they were starting to fight, so I tried to stop them, but couldn't; John M. Dedham was in my house; he ran out and first thing he did he hit Charlie and knocked him down and kicked him many times; Peter Dedham kicked Charlie too; I took Peter away; then Charlie escaped and got away; about an hour and half or two hours after Peter and John Dedham came in my house after John Dedham's coat; this is all I know.

In answer to questions witness said—I was about 50 yards from my door when they started to fight; they started to go into the house; I do not know how the row started; I was a ead; I do not know who hit first; just after the row I found the coat inside the porch of my house; someone else found the cap; I left then in the house; my boy brought the cap in the house; I grabbed Peter Dedham and took him away out. John was too strong, I couldn't stop him; I went in the house and left them outside. I was in the house about two minutes there was no body outside, all gone away, when I came out; I don't know where they went; it was about an hour and a half or two hours until I saw the two Dedhams; they just stayed long enough to get cap and coat; it was about eight o'clock; after that I saw Peter Mitchell; it was about ten minutes after John and Peter Dedham left my house; second time that I saw Peter Mitchell alone he came in alone and we talked alone; we did not have any conversation while he was in, I did not see any of the Mitchell's earlier that day.

Cross examined by Mr. McDade—This is all I remember; I know nothing in regards to the murder, but I do know that John Dedham gave Charlie Mitchell a bad beating; I did not see any knife or revolver on Frank or Peter; I saw Peter Dedham grab Charlie Mitchell first by the shoulder with his hand and swing him around; I considered them fooling; John rushed out and hit Charlie right away, no words were spoken; John then kicked him in the face and head; he kicked him many times eight or ten; I saw it was bad trouble; Peter Dedham booted Charlie Mitchell four or five times; John Glinch was not there then; I went in the house because I was afraid of the Dedhams; John Glinch and Peter Mitchell were in my house before the row started; I could tell John Dedham had been drinking; I did not see him drink; but he acted as if he had been; I know nothing against the Mitchell's, Frank and Peter; I was afraid of the Dedhams at the road; I stayed two or three minutes in the house after the row.

Next witness called by the Crown was Charles Mitchell. (Sworn)—I live in Burnt Church, Parish of Anwick, County of Northumberland. I know Peter and Frank Mitchell, the

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accused. I remember the night of Nov. 28th; I went over to Lemy Ward's about half past six; I saw William Martin by the side of his place; I went to him and spoke to him and Peter Dedham was behind him; I asked who all is here? We were about 25 yards from Martin's house; Peter Dedham came and grabbed me by the shoulder; I said go right; and we laughed and we went over to William Martin's, we were still in fun; I made sign with fists in fun and he stepped back; I looked at William Martin on the right side of me; Peter Dedham hit me in the back of the neck and I swung round towards Peter Dedham and someone struck me on the head and knocked me down and kicked me and hit me. I can't say which; I got a chance to get away and I went toward Lemy Ward's; I went into Lemy Ward's and got my head washed; my wife and Lemy's wife were there and Mrs. Swanson, a widow; Peter Mitchell came in after a while; Peter said it was too bad, you bet or sue those fellows tomorrow and Lemy Ward's wife said to him; I told him I would not sue him but settle with them myself, and make up friends; it is the cheapest way; we were going to start away and they say wait till morning; I live across the other side from the church; the Mitchell's who are charged are my brother; Peter Mitchell, Noel Swanson and Joe from Restigouche went home with me as far as my home and Peter went on to his home; I do not know what time we got home, it was after eight.

Dr. Bell was then called by the Crown, but was out of town for two hours. It was asked by Mr. McDade if there was any other evidence to bring forward. Mr. Whalen as clerk of Peace, decided there was nothing more to be brought forward for the Crown.

Court adjourned until 7 p. m. for evidence of Dr. Bell.

The Doctor's Evidence

Dr. J. A. M. Bell described the wound on the dead man. There was a bad wound in the upper part of the chest, between the second and third ribs. All of the organs of the heart were normal and the wound was inflicted before death by a knife or sharp instrument, a least in length and three quarters of an inch wide. The wound was sufficient to cause death.

Both men pleaded not guilty. George M. McDade then asked for dismissal of the accused on the ground that there were not sufficient evidence submitted to send the men for trial. After hearing the argument Judge Lawlor committed the accused for trial at the next sitting of the Supreme Court which opens here in January 4 next.

R. R. CALL WAS BURNED

The steam ferry R. R. Call, owned by Capt. Frank J. Allard, which plies between Dalhousie, Carleton and Miguasha with Saturday trips to Campbellton was completely destroyed by fire at Carleton Saturday, Nov. 27th.

The crew were on board and made a heroic effort to save the boat but without avail, losing all their personal belongings and some having a very narrow escape.

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