

The Killing of Clinick

Harold Gill, the Young Royal Engineer Pleads Not Guilty.

Evidence for the Crown All in and the Defence Proceeding.

In the criminal assize court yesterday morning Harold Gill was arraigned before Mr. Justice Drake for the murder of Captain Clinick, at Work Point barracks, on October 13. Hon. D. M. Eberts, K. C., attorney-general, appeared for the prosecution, and the prisoner was defended by Mr. Belyea, K. C., and Mr. Ernest Powell.

The court was densely crowded with spectators, jury men and military witnesses and comrades of the prisoner and defence.

Gill entered the dock with a calm, soldierly demeanor, and when he was asked to plead, said "Not guilty, sir," in a steady voice. He is a bright-looking young fellow, who no one would suspect of crime.

The following jury was called and sworn: John A. Johnson (foreman), Fred A. Brock, Jas. Atkins, D. Goodman, Robert Davidson, Fred. Emery, John G. Hay, F. H. Campbell, Robt. Brown, L. Foster, Arthur Bent and Patrick Everett.

Hon. Attorney-General Eberts in opening the case for the crown said it was his duty to present to them one of the most deliberate cases of homicide which had ever come before a British Columbia court. He then briefly outlined the prisoner's action immediately preceding the shooting of Clinick. He told how Gill borrowed a carbine on pretense of settling a bet, how he went into the canteen, deliberately took aim and fired the fatal shot, instantly killing Clinick.

No motive for the crime appeared in the evidence which the crown would produce, but it seemed natural that it was a motive impelling Gill to the commission of what was to be a deliberate murder. The fact that he intended killing Mahoney and not Clinick did not lessen his crime. He fired the shot with murder in his heart, and if it struck the wrong man, he was equally responsible as if it had killed his intended victim.

Roderick L. Fraser, M.D., the first witness sworn for the prosecution. He was called to Work Point on October 13 to make a post mortem examination on the body of Clinick. He found two bullet wounds. The one (the entrance) was above the left nipple, and the other (the exit) was under the right shoulder blade. The bullet would have traversed the heart and perforated the lungs and would cause instant death.

Cross-examined by Mr. Belyea, witness said the direction of the wound was almost horizontal, slightly upward.

Frederick Lamb, gunner, Royal Artillery, sworn—Knew prisoner and deceased. Saw Clinick on the Sunday night of the murder in the canteen with several other men. Clinick was called for some beer. Witness furnished his beer and went to his barracks room. Gill, the prisoner, came in and asked for Mr. Mahoney, and on being told he was not in the canteen, he took the loan of his carbine to settle a bet about the position of the indicator.

Witness identified the carbine produced in court.

When Gill had the carbine, but did not give him any ammunition. Shortly after witness was going to the canteen and heard a shot. Prisoner seemed to be usual senses. Next saw Clinick dead in the morgue.

Cross-examined by Mr. Belyea—About four minutes after Gill got the gun witness heard the shot. Did not hear the murder. Did not hear of anything that happened at St. George's inn between Mahoney and Gill at that time. He heard stories since. Did not see Gill much that week.

Harry Levin, private Royal Engineers, sworn—Was in the canteen when Clinick was shot. Was sitting down with several other men. Clinick was shot, turned round and saw Gill with a carbine. Jumped up and seized Gill and bore him to the ground; he had the rifle pointed at the canteen. Heard a shot. Saw the flash as he turned round. Could not see prisoner through the smoke of the gun.

Witness said, "I'm glad I did it." Gill replied, "Shot Mahoney?"

Witness told him he had shot Clinick, and Gill said, "Oh, God! I'm sorry! I intended to shoot Mahoney!"

On the way to the guard room Gill said he was sorry for Clinick, as he meant it for Mahoney.

Cross-examined by Mr. Belyea—Prisoner was talking all the way to the guard room. Had been in the canteen for about 20 minutes before the shot was fired. Saw him at the canteen bar; he had no carbine then. Did not see him go out. Heard a story about Gill and Mahoney on the Wednesday or Thursday previous to the shooting. It was a common subject of conversation. It was discredit to both Gill and Mahoney.

William Foley, gunner, Royal Artillery, sworn—Saw Clinick in the canteen playing cards about 7 o'clock on the night of the shooting. He was sitting facing the bar and the door. Witness was also facing the door, but at a different table. Gill came in the door and pointed the carbine at the table where Clinick was sitting, and fired. He then reversed the carbine. He was four or five yards behind Mahoney. Heard Gill say he had shot the wrong man. Formed one of the escort to take him to the guard room. On the way he said, "I shot the wrong man, but I'd shoot Mahoney tomorrow if I had the chance."

Cross-examined by Mr. Belyea—Mahoney was sitting between Clinick and the door and was talking to Clinick, when the shot was fired. Had not seen Gill during that week. Did not hear a story about Gill and Mahoney on the Tuesday or Wednesday. He did not attempt to strike anybody after he fired the shot.

William Foster, gunner in the Royal Artillery, sworn—He was sitting with Clinick and Gill in the canteen on the night of the shooting. He saw Gill come in with the carbine; he seemed very excited. He brought his carbine to his shoulder and fired. Witness said, "Look out! That man is presenting his carbine!" All rushed from the table, upsetting it. Mahoney turned as I spoke, presenting his rifle side towards the canteen. After the shot saw Clinick sliding off the right, rushed over and picked him up. He was bleeding from the mouth. At the same time saw accused on the floor. Heard him say he had shot the wrong man, but he meant it for Mahoney. Could not say if Gill was sober or not. He was much excited.

Cross-examined by Mr. Belyea—During the week previous to the shooting did not hear any story about Gill and Mahoney. Mahoney told witness last Saturday that there had been a dispute be-

tween him and Gill on account of one of them having vomited on the table at St. George's inn on the night the Royal Horse Artillery left for England. Mahoney and Gill are members of the garrison band.

Frederick Bartlett, lance corporal, Royal Engineers, sworn—Was in the canteen all the evening of Sunday, October 13, from 8 to 9:30. Saw prisoner there about 20 minutes past 7. Witness was on duty in the canteen. Saw Clinick. He was playing cards with others. The witness was in the non-commissioned officers' bar, next to the canteen, head a shot. Saw Clinick wounded. Heard prisoner say "Oh, God! I'm sorry for Clinick!"

On the way to the guard room prisoner said Mahoney had disgraced him and he would rather be dead than dishonored. He also said he was a marksman and did not know how he had missed Mahoney, and that he would shoot Mahoney if he had a chance.

Cross-examined by Mr. Belyea—Gill appeared to be excited. He was talking about the shooting. He was saying, "Look out, this man belongs to the band," referring to accused.

Witness repeated the story told by Levin of the incident at St. George's inn, adding that a woman had witnessed the act and had told about it to the other people in the house. The story was common talk around the barracks. The fellows would say, "Look out, this fellow belongs to the band." Once, when Gill heard the remark, he blushed and walked away. Gill was coked and drunk.

Lance Corporal of the Royal Engineers—sworn. Knew accused. Was on duty on Sunday, October 13. The non-commissioned officer reported that a man had been shot and that the prisoner was in the guard room. Went to see him. He was excited and hysterical. Said he was sorry he had shot Clinick, that he meant it for Mahoney, that he would rather be dead than dishonored, and that he would do it again to Mahoney if he had a chance.

Quartermaster Sergt. Smith, Royal Engineers, sworn—Saw prisoner when he was being taken to the guard room. Heard him say he was sorry for Clinick, that he had meant it for Mahoney.

Cross-examined by Mr. Belyea—Mahoney was sitting at the canteen bar, and the murder and was released. He was under arrest at present for threatening to shoot Mr. Mahoney.

William Vince, gunner in the Royal Artillery, sworn—Knew Clinick and Gill. Saw Clinick on the evening of Sunday, October 13. Saw Clinick also. Saw accused when he came into the canteen. Clinick sat facing the door. Accused pointed a carbine across the canteen and Clinick and fired. He then reversed the carbine in a position to strike Mahoney. Witness and Sapper Levick seized and disarmed him. He was on the floor. He said, "I'm glad I shot Mahoney." When told he had shot Clinick, he said, "My God! I'm sorry. I meant it for Mahoney!"

In cross-examination witness said he had not heard any story about Gill and Mahoney.

At the conclusion of Vince's cross-examination, the court adjourned till 2:30 p.m.

AFTERNOON SESSION.

When the court reassembled after lunch, R. W. Lambert, corporal in the Royal Army Medical Corps, was called and examined by Attorney-General Eberts. Saw Clinick on the morning of October 13, alive. Next saw him when his dead body was brought into the hospital. He was present when Dr. Fraser made the post mortem examination, and corroborated Dr. Fraser's evidence as to the nature of the wounds.

George Hinton, corporal in the Royal Army Medical Corps, deposed to having seen and identified Clinick's body in the morgue.

Thomas Mahoney, gunner in the Royal Artillery, sworn—He knew the accused. Was in the canteen on Sunday, October 13. Did not see accused on that day. Was in the canteen in the evening, about 6:30, for five minutes. Went back to the door. Heard a shot. Heard cards with Clinick, Murphy and others. Sat with his back to the door. Did not see Gill. Nothing unusual happened except the shooting. Did not see Gill. Clinick was shot. Did not hear any remarks before the shot was fired. Saw several men there. Saw a soldier on the ground, but did not know who he was. Was told afterwards it was Gill. Knew Gill enough to see him and bid him the time of day. There was a good deal of confusion. The table was upset, and the men were standing about. Was there when Gill was arrested, four or five yards from him, but did not recognize him. Had no trouble with Gill. Turned round and saw the flash. Saw the flash as he turned round. Could not see prisoner through the smoke of the gun.

Cross-examined by Mr. Belyea—Had dinner alone in the barracks that day. When he left the canteen at 6:30 went to his room. Went back to the canteen about five minutes to 7. Stood looking at the men playing cards. Down to play cards shortly before the shot was fired. When it was fired he was looking at Gill. Had to pass him as he was going to the door. He was not at the door. Gill was a member of the band. Met him at band practice. Never went round town or had any talk with him. Heard a story about the shooting on Sunday. Was not in the canteen on Sunday. Did not remember seeing him during the week previous. The band came to town on Saturday night previous to the shooting. Was in the canteen on the Wednesday or Thursday previous to the shooting. It was a common subject of conversation. It was discredit to both Gill and Mahoney.

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they swore that Gill expressed his sorrow for not having shot Mahoney, who had disgraced him. He had been goaded by the remarks of the men directed against him with regard to a disgraceful story which was the common talk of the barracks. On the Sunday of the shooting he had been out with Mahoney and had several drinks, and while excited had in dispute with Mastey regarding the position of the indicator on a carbine. It was for that reason only that he borrowed the carbine. He had no intention of shooting Mahoney when he borrowed the gun, but when he entered the canteen and saw Mahoney there, all the wrong he had felt and his pent-up indignation, and the better of him and he fired the fatal shot—not at Clinick, but at the man Mahoney, whom he believed guilty of having disgraced him. He gave the gun to the man Mahoney, had perjured himself in the witness box and that instead of leaving the inn at 3:30, as he had sworn, that he and his friend went together to the guard room till 6 in the morning, when they had a drink at the bar and returned to barracks together. The theory of the defence was that the victim of a monstrous indignity at Mahoney's hands, that he brooded over his disgrace, as he considered it, and the last night of his life he was driven to desperation and excited with liquor, he had fired at his enemy and, unfortunately, killed Clinick.

The first witness for the defence was Edward Thos. Troup, gunner in the Royal Artillery—Was in the canteen previous to the shooting of Clinick. Gill was there about 6:30. He stayed about 18 minutes in the canteen. He went out and returned in a minute and went to the bar and got two drinks and then sat down at a table with witness and Sapper Levick. He was there about 20 when pushed, and it is this matter of speed which is making the cost of the steamer great, for the difficulty with all the leaders is that the matter of speed is the most important. They were in the best that can be secured for the trade, for which she has been planned, and will be constructed so as to suit all the requirements of the trade.

The report that she will have to tie up at the outer wharf because of inability to come into the inner harbor, is untrue. Although the vessel will be 200 feet long, she will be able to move freely in the inner harbor and will come and go from the same wharf as that now used by the Charmer. She will have a large observation saloon, handomely furnished, and other accommodations, including smoking rooms, bathrooms, steam heat, etc.; in fact, with every conceivable equipment, fitting and arrangement for the accommodation of the travelling public.

It was Capt. Troup's idea that a side-wheel steamer, similar in model to the fast vessels running in the English Channel, be constructed, but it being decided to build a steamer that would be suitable to other runs on the coast as well as the Victoria-Vancouver route, it was decided that a steamer with a double hull, and every arrangement for the comfort and safety of passengers, and appointments that are handsome; in fact, to be about 280 feet long, with a beam of 30 feet, and to be with an equal on the Coast. She is expected to be ready 10 months hence.

The Victoria-Skagway liner, which is to replace the Charmer, will be like the ferry steamer, but built to plans adapted in every way to the trade into which she is placed. While she will not be so fast as the ferry, she will be a more comfortable and more economical. On the Victoria-Skagway route, she will be the fastest and best steamer on the Skagway route. This steamer will be built with double hull, and every arrangement for the comfort and safety of passengers, and appointments that are handsome; in fact, to be about 280 feet long, with a beam of 30 feet, and to be with an equal on the Coast. She is expected to be ready 10 months hence.

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Fast Steamers To Be Built

Capt. Troup Tells of the New C. P. N. Liners to be Constructed.

Trip to Vancouver by New Vessel Will Occupy Four Hours.

Capt. J. W. Troup, manager of the C. P. N. company, arrived by the Charmer last night from his trip to Montreal and the Eastern coast, where he went in connection with the securing of steamers for the Victoria-Skagway route, and for the Victoria-Skagway route, and in an interview with a Colonist reporter gave some interesting details of the new liners for the route.

The new liners to be built in every sense of the word—the matter of speed is the most important. They were in the best that can be secured for the trade, for which she has been planned, and will be constructed so as to suit all the requirements of the trade.

The report that she will have to tie up at the outer wharf because of inability to come into the inner harbor, is untrue. Although the vessel will be 200 feet long, she will be able to move freely in the inner harbor and will come and go from the same wharf as that now used by the Charmer. She will have a large observation saloon, handomely furnished, and other accommodations, including smoking rooms, bathrooms, steam heat, etc.; in fact, with every conceivable equipment, fitting and arrangement for the accommodation of the travelling public.

It was Capt. Troup's idea that a side-wheel steamer, similar in model to the fast vessels running in the English Channel, be constructed, but it being decided to build a steamer that would be suitable to other runs on the coast as well as the Victoria-Vancouver route, it was decided that a steamer with a double hull, and every arrangement for the comfort and safety of passengers, and appointments that are handsome; in fact, to be about 280 feet long, with a beam of 30 feet, and to be with an equal on the Coast. She is expected to be ready 10 months hence.

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