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Kamloops, Similkameen and Yale Divisions of Yale District.

Notice is hereby given that all Placer claims and mining leaseholds legally held in the Kamloops, Similkameen and Yale Divisions of Yale District, will be laid over from the 1st November next to the 1st day of May, 1896.

G. C. TUNSTALL,
Gold Commissioner.
Kamloops, Oct. 14, 1895. 369-m

Gold Commissioner's Notice — Cariboo District.

On and after the 1st November, proximo, all Placer mining claims in the Cariboo District, are hereby laid over until the 1st June, 1896. Subject to the provisions of the "Placer Mining Act."

JOHN BOWRON,
Gold Commissioner.
Richfield, Oct. 9, 1895. 369-m

TABLE

Showing the Dates and Places of Courts of Assize, Nisi Prius, Oyer and Terminer, and General Gaol Delivery for the Year 1895.

FALL ASSIZES.

Clinton	Thursday	26th September
Richfield	Monday	30th September
Kamloops	Monday	7th October
Vernon	Monday	14th October
Lytton	Friday	11th October
New Westminster	Wednesday	6th November
Vancouver	Monday	11th November
Victoria	Tuesday	19th November
Nanaimo	Tuesday	26th November

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THE ALLEGED MURDER.

THE JURY FINDS THE PRISONER NOT GUILTY.

Spectators in the Court Room Applaud the Verdict and are Rebuked by the Judge—Accused Wanted to Shake Hands with the Jury.

THIRD DAY.—(Continued.)

In the murder trial Provincial Constable Neil McLean was the next witness sworn after the examination of Myrtle Smith had been concluded yesterday afternoon. He is stationed at Nanaimo. Accused was placed in his charge. Mr. Smith asked if the man had been cautioned. Witness said no. Mr. Bowser objected to the evidence. The learned judge said that the testimony was good if the prisoner had spoken voluntarily. McLean said that he happened to be down at the boat and Mr. Hussey handed prisoner over to him to take to jail. The prisoner then commenced the talk. He said "This is a hard charge against a man when he is innocent." Witness said, "Yes." Prisoner said, "I am not discouraged. A friend promised to-day to stand by me, although there is strong evidence against me." Witness asked if the evidence was strong. The prisoner replied that some had testified that he had admitted doing it. Prisoner said that seven or eight witnesses had testified against him. Prisoner said that Hussey and a man with him had arrested him. He knew he was suspected of the murder, but he was not afraid and did not want to go away, because it was hard for a man to get away from this country, and if he did get away it would only puzzle the police for a while and he would be caught anyway. Prisoner also stated that he wanted no favors. He had lived on Reed Island for six years and he had stayed a night in Nanaimo before that. Next morning when witness was taking the prisoner to the boat the latter asked how long he would have to wait for a trial. Witness said that if he waited for the Assizes it would be some time in November. Witness said that that would give him time to work up his defence. Then he hesitated for a moment and blurted out: "I am quite innocent." Prisoner said no more and witness asked no more.

Cross-examined, witness said he was a Provincial constable. He worked at Nanaimo under Mr. Stewart. He had been a policeman for two years. He was told to watch the prisoner and make a note of anything he said. He wrote down what the prisoner said that evening, an hour or so after.

Dr. Bell-Irving, recalled, stated that from the blows and shock blood might have flowed from the nose and ears. He examined the ear. There was blood in it. He expected to find the base of the skull fractured and was surprised to find it not.

Cross-examined—A slight blow would fracture the skull where the marks were. The bruises might have been got in the boat.

This closed the case for the Crown.

Johnny Mr. Bower said that he would be brief. The first point he would call attention to was the fact that a man who found his wife and another in questionable circumstances got off, under the law, legally, if he killed the male offender. He would set up no such plea. He hoped to show that Smith was innocent. It was in fact a horrible conspiracy—one of the worst in the whole history of the courts of British Columbia. He would show that there was no boat in Smith's bay on that day. He would show that the beach of Reed Island had been searched and no boat found, thus doing away with Mrs. Smith's story that Smith had hidden the body. He would also show that at the time at which it is claimed the murder was committed Smith was in another part of the island altogether.

James Doucet was the first witness called for the defence. He brought in Benson's body to Wylie's. He did not remember seeing the prisoner there then. He saw him there afterwards, Smith did not act differently from the rest. He stood to make a stretcher.

John Fallet was the next witness. He was a logger and rancher on Reed island. He was there in October, 1894. About a week after Benson disappeared he went from Reed island to Valdez Island. He went along the shore of Reed island. He looked for Benson's boat. He went along the shore for three miles. He saw no sign of any boat. He would have known Benson's boat if he had seen it. A southeast storm beating on Reed island would smash a boat up.

Cross-examined—He did not go into the bays. He passed by them.

Edwin Ryd, yallyman for J. Hastings mill testified that he had a place at Reed island. He was there a year ago. He was there when Benson left, which was about 9 a. m. Did not see Smith there at the time. He had known Benson for two years and a half. He generally slept with him when at Reed island. They both slept at Wylie's. He did not know Benson to go out at nights. I had no reason for thinking that Benson was intimate with Mrs. Smith. Benson left about 9 a. m. for Drinkwater's. Smith, the accused, left Wylie's for home about 15 minutes after Benson left. Witness and the accused, Smith, were going fishing on Wednesday. They had no thought of going on Tuesday. Smith was down at the beach that day about 3 p. m. He went home. He was at home about 20 minutes later but returned again shortly after. In 1892 he logged with Smith. They lost their boom. They got supplies from Wylie. The supplies consisted of flour, bacon, sugar, tea, etc. Smith never spoke to witness about his wife's unfaithfulness. Smith and witness were partners again in 1894 and got into debt that year. Witness went through his memorandum book and showed how he and Smith had lost money. Witness was at Ramsay Arm with Smith in October after Benson had disappeared. He noticed nothing peculiar about Smith. On October 22nd, witness left Ramsay Arm for Wylie's with a boat load of fish. He left Smith at Ramsay Arm. He went back to Ramsay Arm on October 24th. They both came down to Wylie's on the 29th. Witness saw the body of Benson brought into Wylie's. Smith was there. From Wylie's front window you could see anyone going in to Smith's bay from the north, but not from any other direction—Drinkwater's for example. There was a heavy southeast storm beating on Reed island the night before Benson's body was found. A boat would not live five minutes in one of the Reed island bays on such a night. He had seen Smith's wife. He did not know her very well. He would not believe her on oath This was because of her reputation. You could see a boat on the beach from Smith's house.

Cross-examined—Witness lived now in Vancouver. He had lived at Reed island. Had made Wylie's his headquarters. He boarded there. He paid his bills. He owed Wylie nothing. He though Wylie owed him. He was at Wylie's on Oct. 9th. He was skinning a deer at 5 a. m. Smith came in and helped him. They had deer nearly all the time at Wylie's. Witness never heard of unfriendly relations between Smith and Benson, till after the latter's disappearance. The day Benson disappeared Smith was with him all afternoon. He would not have an opportunity to get away without witness noticing it. He was only away for 15 minutes. He did not remember seeing the Rainbow that morning. Witness was sure Smith could not be away half an hour that afternoon without witness knowing. He did not remember that he had sworn previously that he was not sure whether Smith was with him all day or not. He thought his memory was good. He believed it was true what he said. He had thought himself out of that. He did not remember Smith when in jail on June 23rd, saying to witness: "If you and Wylie stand by me, I will get clear." Witness did not recollect Smith calling witness' attention to the fact that he had been at Wylie's that afternoon. Smith did speak of it. He did not remember Smith speaking of the skinning of a deer.

At this point the court adjourned till the following morning.

FOURTH DAY'S PROCEEDINGS.

The court resumed at 10 o'clock this morning and after the roll of the jury had been called the cross-examination of Edwin Ryd by the Crown was continued. Witness and the accused had been out fishing and hunting. He was out with him on the 10th of October, 1895. Smith's dog was missing at that time. He did not know whether it was missing the day before or not. He did not think that it was missing far back in the summer. On the 9th witness did not have a drink with Smith. He did not notice anything strange about Smith when he came back from his house to Wylie's on the afternoon of the 9th. He did not question him. When Mr. Manson and Mr. Hussey were taking evidence witness had some conversation with Manson. He never told Manson that he would not give two bits for all their evidence, they would never find out how Benson died. Benson was about 45 years of age. He had a bottle of liquor before he started out on the 9th. Witness could not say whether he took it with him or not.

Re-examined by Mr. Bowser—Benson was over six feet high. He would weigh about 175 or 180 lbs. Witness went to see Smith in jail. They talked over what had happened. They mentioned Benson's case and tried to recall what had taken place that day. He had also talked it over with Wylie. He was just as good friends with Benson as with Smith.

The court here rated the witness for telling more yesterday than at the examination a year ago. He then stated that he could not say whether Smith was there all that day or not. Yesterday he remembered all about it and he gave in detail Smith's movements. After giving him a strong censure the judge ordered the witness to leave the box.

John McPherson testified that he lived at Reed island and that he had been there off and on last summer. He was a logger. He knew Smith and Benson. He knew Mrs. Smith. He was at Camp island after Mrs. Smith went there. Smith had been arrested at that time. He knew Benson. Had been sick. Complain about his stomach. Had heard Mrs. Smith talks about Lang—she said that he wanted her to go and live with him. Witness had been told by Mrs. Smith that she had not seen Smith kill Benson. Later, after Hussey had been up, she said it again. Mrs. Smith said she had told Hussey so because of the little girl's statement that she had heard groans in the room. She said that she was not on oath when she spoke to Hussey and declared that she did not know anything except what she had sworn to at Comox. Manson and Hussey were always bothering her and she had to tell them something. Witness was pretty well acquainted with her. He had a conversation with her at Camp island in reference to the blood on the floor under the bed and she had said that it got there when she was ill two years before. As to the conversation at Camp island between Cora and her mother he could not say that it was vulgar. Manson said to witness that he would not believe Mrs. Smith on oath without corroboration.

Cross-examined—The conversation with Manson was on the Stella. He could not remember the date. He could remember if Manson said that he would not let up until he got corroborative evidence. He was at Cortes island about a month ago. He did not remember saying that he believed Smith killed Benson all right enough and that the old woman was telling the truth now. Witness was not at Wylie's the day of Benson's departure. He was there a week or so after, while he was there Benson was not there when Benson's body was brought in. He did not blow in his money at Wylie's. He boarded there. Smith's conversation was vulgar and he helped her along with it sometimes.

Re-examined—He was as good a friend of Benson as of Smith.

William Belding affirmed that he lived at Reed island. He heard of Benson's disappearance on returning to Wylie's from a hunting trip about a week after Benson disappeared. Manson and witness had a conversation after the body was found. They had an agreement that he was to go on the case and find out if possible who killed Benson, if he was killed. He got $120. He and Manson had both heard rumors. If Smith had killed Benson it would, most likely, have to be found out from the family. He agreed to be sweet on Mrs. Smith or Miss Smith either, if necessary. He got a letter from Mrs. Smith. He and Manson thought it better to keep the letters. Witness was at Wylie's. He had no trouble seeing Mrs. Smith. Smith never spoke to him. The notes he got from Mrs. Smith he turned over to Manson. He got the note produced back from Manson. He did not present it to Hussey ever saw it or not Witness got a letter from Manson asking him not to produce the letter. Mrs. Smith had told him that she would go and had been anyone who would treat her well. She said that he could come over and see her when Smith was away. A signal system of lights was arranged. Witness came down to Vancouver to see Mr. Hussey. He went back by the Comox and saw Mrs. Smith shortly after. They had a conversation. Witness said that he did not know whether John would be arrested or not. He did tell her that if John and Benson had had a fight and John had killed him and told her so, that her statement to that effect would lead to his arrest. She said she would say that. He took a letter from Manson to Mrs. Smith in which he referred to the fact that she had made statements, and mentioned the punishment for perjury.

Cross-examined—At Wylie's he had to be cautious. He did not want to let them see him talking to Mrs. Smith. He did not remember asking Mr. Manson not to keep back a letter from Mr. Hussey. He had no definite agreement as to pay. He had got two months' pay and had asked for more.

Edgar Wilmot Wylie was next sworn. He lived on Reed island. He was a farmer and trader on Reed island. Benson was a friend of his. He had known him since 1879. He had known Smith for six years. Benson and Smith were good friends. They often sat together and chatted in the store. He was absent when Benson went away. He had been at Hayter island. He came back with some deer. Smith came along just after they landed. He came around the shore. Witness saw no boat at Smith's. Smith and witness had a conversation. Ryd and Smith skinned a deer. Smith brought in a piece of it. It was fresh. There was blood on it. Smith left for home about 6 o'clock. Witness was present when Benson's body was found. It had been rough all the day before. It is rocky in the bays along Reed island. A boat would not live long in any of the bays. He hunted for Benson's body from his place to Manson's. Benson never told him that he had been familiar with Mrs. Smith. Smith got deer and fish from him whenever he wanted. He got it for nothing. He also got groceries in the ordinary way. Witness never saw Benson going to Smith's house.

Cross-examined—He had met Smith at Ballard City, North Dakota, in 1885 or 7, or thereabouts. Wylie was chief of police and Benson was mayor. Afterwards he was buying wheat. There was a dispute about accounts. Witness had been a deputy sheriff. He left rather suddenly and got into Manitoba. He drifted out to British Columbia, was in Vancouver six weeks and got to Reed island in about a year. Witness went under the name of Edgar Wilmot. Mrs. Wylie came out a year after witness. Smith and witness' two children came with her. Witness went into business with Benson in 1892. They carried on business until Benson died. They had done no business for some time, but they had not actually dissolved partnership. A statement was put in in Benson's writing. Witness said he had never seen it before. There was no trading to amount to anything after Benson's return from Tacoma. Witness' conviction for selling liquor to Indians was in his opinion wrong. He was very heavily fined. He thought there might have been prejudice on the part of the Indian agent. He appealed and the appeal was dismissed. He took a deep interest in the case. He did not engage counsel. He had heard that Mr. Smith was suspected. He did not know that Mrs. Smith was to give evidence against her husband. He had heard that she had threatened her husband. If he had thought Smith was guilty he would have helped to convict him. Benson had been almost like a brother to witness. When he heard that Smith was accused he thought that an alibi could be proved. A letter written by witness to a brother of Mrs. Smith was produced. In it it was stated that Laura (Mrs. Smith) had wanted to get rid of John (Mr. Smith) and was going to say he killed Benson, but they had given her a good talking to and they thought she had dropped it. Witness stated that he said "we," not "I." The letter also said: "It looks bad for John unless Laura's evidence can be broken." Witness thought he got home on Oct. 9th, 1894, early in the afternoon. He mentioned 2 o'clock, but thought that it might have been about 2. They could look into Smith's bay from one point as they came by. A boat might have been inside the point.

The court adjourned at 1 p. m. until 2 p. m.

The court resumed at 2 p. m. The petit jurors not on the Smith case were excused till to-morrow morning.

The cross-examination of E. W. Wylie was resumed—Smith, he said, came over at about the same time as witness returned with the deer. He did not remember Fitzpatrick and Farlett being there. If he swore to that on Nov. 9th, 1894, it was likely true. It escaped his mind now. He positively remembered Smith bringing there and taking the venison. If he had sworn to the others before he supposed it must have been true. He had said to Smith that it was queer that Benson had not come back. Smith's dog had gone away a week before that. Witness had rowed out to the Rainbow. His dog and another had run along the beach with another dog and Smith's did not come back. Witness did not see Smith after supper on the 9th. Smith did not have a drink with witness that day. Witness had no liquor. He saw no bottle on the counter with liquor in it there.

Re-examined—I was not at the Comox examination. I heard about it from Manson. Comox is 40 miles away from my place.

Mr. Bowser—That is the case for the defence, my Lord.

The bench—Close the case, Mr. Smith.

Mr. Smith asked that John Farlett be called in rebuttal. Farlett said that he lived four miles from Wylie's and was not there at all on Oct. 9th, 1894.

M. Manson, recalled, said that he had conversations with the previous witness, McPherson. McPherson did make the statement: "I think Smith killed Benson all right. I think the old woman is telling the truth now." Belding did ask him to hold back a certain letter. Belding got the letter afterwards on the pretence that he was going to give it to Hussey. Witness knew Mrs. Wylie and had seen her in Vancouver on Monday or Tuesday of this week. Witness Ryd had been seen by Manson when he