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Royal Baking Powder

ABSOLUTELY PURE

THE BENSON MURDER.

CONTINUATION OF THE SENSATIONAL TESTIMONY.

The Judge Considers the Shocking Condition of Things on Reed Island, if True, Unparalleled—A Daughter's Story.

SECOND DAY.

The regular session of the Court of Oyer and Terminer and general jail delivery opened this morning before Mr. Justice Walkem. The jury panels are as follows:

Grand Jury—G. L. Allan, W. D. Burdis, John Collister, J. W. Campion, Ernest E. Evans, Wm. Farrell, Geo. H. Geary, James F. Hall, Charles A. Jackson, Robert Kelly, Jno. P. Lawson, H. H. Layfield, Thos. Mathews, James M. Macgregor, Henry Jno. Newton, William J. Pace, Harry J. Painter, Charles L. Queen.

Petit Jury—Benjamin Acreman, James John Alexander, William A. Bain, William J. Cain, Henry Earle, James A. Fairbairn, John E. Gamble, William Harlstone, Charles Henry Kaine, Arnold E. Kealy, James W. Lancaster, J. Washburn McPhee, Colin McAlpine, John Oben, Laurance O'Brien, James C. Patterson, James M. Paul, Thos. Pierson, Robert William Partridge, William R. Ramsay, Fritz Rathgaber, Russell Riley, Sidney H. Roach, Alexander Sanderson, F. H. Sankey, John Scott, Thos. Selwood, Harvey Slater, George Telford, Joseph Gilbert Vickers, George Wagg, William Yarco.

The list of cases is small. Three of the indictments are for perjury—Regina vs. Wolfe, Regina vs. Lashbrook and Regina vs. Kingsley. The other is a murder trial from Reed Island, about 80 miles up the coast. It is one of those cases that make one blush for our boasted civilization. Whether or not the accused is guilty is a matter that the jury must decide, but apart from that the detectives working on the case have unearthed a nest of depravity that is both startling and disgusting. So gross indeed are the facts that they could hardly be believed but for the silent but tangible and material witnesses that the officers discovered and which will likely figure as exhibits.

In opening the court, following the reading of the commission, Mr. Justice Walkem spoke very briefly to the Grand Jury. He said that the cases before them hardly reeded any explanation, they were all plain, and the Grand Jury being composed of sensible business men the matter might be left in their hands. There were, he said, two cases of perjury from Lulu Island, the facts in which were similar. The cases grew out of a conflict of testimony in a suit for damages because of the alleged damming up of a drain during the Fraser river floods. There was another case of alleged perjury growing out of a police court action. The other case was murder and it also required no elucidation. The Grand Jury retired to consider the indictments and the court was adjourned until 1 p.m.

The court resumed at 1 p. m. The Grand Jury brought in true bills in each of the cases put before them. The case of Regina vs. Smith was then called and the prisoner pleaded not guilty. The following jury was chosen: Henry Earle, Benjamin Acreman, William Hailstone, Laurance O'Brien, J. W. McPhee, J. G. Vickers, William A. Bail, William Yarco, William M. Ramsay, W. M. Smith, W. Sladen, Russell Riley. Laurance O'Brien was chosen foreman.

In opening the case Deputy Attorney-General Smith said that they had a very serious case to deal with involving the possibility of the taking of a man's life. The evidence would take them back over a year. The Crown alleged that Christopher N. Benson met his death on Oct. 9, 1894 at the hands of John Smith. When a man is killed a homicide has happened—either culpable or non-culpable. It may be murder or manslaughter. Where a clean case is made out the verdict should be murder unless there were facts pointing clearly to manslaughter. Great provocation might be pleaded to cause the reduction of a charge of murder to one of manslaughter. Mr. Smith then produced a chart and showed the location of Reed Island, the alleged scene of the murder and mentioned some of the settlers in the locality. Smith, the accused, was married in Minnesota in 1880. Wylie, a settler, on Reed Island, knew Benson in Ballard City, Dakota, in 1882. Wylie came to British Columbia under the name of Woods. He left the United States rather suddenly. His wife went to her home at Rochester, N. Y. Smith came out with Mrs. Wylie in 1888. He took a place one-quarter of a mile from Wylie's. Benson, the dead man, was for a time in partnership with Wylie, but they had dissolved before his death. Benson was a quiet man and somewhat inoffensive, but improper relations existed between Benson and Mrs. Smith. The court ruled against references to relations between Smith and Mrs. Wylie. The Deputy Attorney-General said he wished to show that the death was not due to a desire for money or in a sudden heat or temper. Benson started out on Oct. 9th, in a skiff, for Rose & Drinkwater's store. He arrived there safely about noon, stayed about a quarter of an hour and started back for Wylie's where he never arrived alive. He was seen opposite Smith's house. The latter was there with his wife and four children. Mrs. Smith saw him on October 30th. Two men, Doucet and Van Tassel, found Benson's body in a drifting boat. They towed it to Wylie's place. They notified Mr. Manson, J. P., who examined the body and made enquiries. The body was brought to Vancouver where Dr. Bell-Irving made a post mortem examination. The head was shown to be wounded and crushed in several places, the injuries being sufficient to cause death. The Deputy Attorney-General then described in detail the situation of Smith's house. Benson arrived after the children had gone to school. He expected that Smith was gone on a hunting trip, but the absence of his dog prevented his going. Benson and Mrs. Smith indulged in improper relations and they were standing in each other's arms when Smith came in by the back door and surprised them. He had a shingle mallet in his hands. He rushed at Benson and hit him on the head. Mrs. Smith rushed away, but she heard other blows struck. Mrs. Smith and her husband had some conversation and Mrs. Smith went into the room and found Benson still living. When the child Myrtle came home she heard groaning in the bed-room, but her father would not let her go in the room. In the evening Mr. and Mrs. Smith carried the body of Smith, then dead, down to his boat and pushed him with his head under the seat. Smith then got into his own boat and towed the boat with Benson's body in it about a mile down the coast. Bloodstains were left on the floor of the bed-room where the blows were struck. Blood stains were seen on Smith's clothes by his children. The motive for the crime was clear. It was natural to expect a man to assault another whom he caught in an improper predicament with his wife.

Before the evidence was started, Mr. Justice Walkem said that there was no need going behind the time of the murder. Where Benson spent the rest of the morning was immaterial.

James Doucat was the first witness called. He swore to the finding of Benson's dead body in a boat in October last. He was rowing W. Van Tassel from Duncan bay to Camp Island. They got windbound and put into Reed Island, and put up at Wylie's. There were several people there. In the morning they left Wylie's between 8 and 9 o'clock for Camp Island. About three-quarters of a mile from Wylie's they found a skiff floating with a body in it. They were surprised and immediately turned back and towed the boat to Wylie's. They towed it with a painter that was in the boat. The painter was frayed at one end as if it had been dragging on rocks. Witness and Van Tassel left the boat and body at Wylie's. There were no oars or paddles in the boat and no oarlocks in the sockets. The body was lying on its back with the feet towards the stern. It was a small skiff, about 14 feet long with one seat in the middle. The left arm of the corpse was straight down by the side. The face was turned to one side.

Mr. Bowser, who appeared for the defence, said that he would like to have the boat produced for use in his cross-examination. It was explained that it had not arrived from Victoria, and the learned judge said that the witness could be recalled on the morrow. Witness described to the jury where the body was found. He had a small canoe and the waves broke into it. The gale was blowing southeast. Witness and Van Tassel got to Reed Island about 7 p. m. The wind had calmed down next morning. A close examination followed as to the apparel on the body and the position it lay in in the boat. The tide was running out when the body was found, at least witness thought so.

Witness was warned to be present again in the morning.

J. A. Van Tassel was next called, but he was not present, and John Farry was called instead. He was a hand-logger a year ago at Wylie's on Reed Island. He knew Benson. Had known him for several years. Benson was of a very quiet disposition and was not quarrelsome. Benson was married. His wife was in Tacoma. He had two daughters. Benson lived for a short time in Tacoma. Witness knew Benson in Ballard City, Dakota. He knew Wylie at the same time, but did not know their wives. Benson was a hardware merchant in Ballard City. He was trying to collect some old debts on Reed Island. Witness was at Wylie's when Doucet and Van Tassel arrived with the body of the dead man.

When The World went to press today J. Farry was giving his evidence in the Smith murder trial. Continuing, Farry said that the body of Benson was lying in the boat on its back with the head under the seat. The shirt was rolled up under his arms and the right hand was across the body. He saw no suspenders but deceased had trousers and shoes on. The face was turned to the left. At the time he thought that the nose of the corpse had been broken through knocking against the seat of the boat. The conversation at Smith's was often marked by vulgarity. Mrs. Smith would talk obscenily with men. She said she would go with any man who would take her. Her reputation was terrible. Witness would not believe her unsupported statements. He did not care to say that he would not believe her on oath.

Re-examined—The conversation at Reed island was not always bad.

Michael Manson, J. P., was next called. He described his business and said he was also a J. P. and lived on Cortez island. He had seen Benson alive about the beginning of October. Witness was home on October 31st. Wylie and Farry arrived at his place and told of the finding of Benson's body. Witness went with them to Reed island. He found a double-ended skiff with Benson's body in it. There were some clam shells and pebbles in the boat. The bottom of the boat was chafed as if it had been rubbing on a beach. The seaweed, shells and gravel had apparently been washed in by the waves. Witness described how the body lay in the boat. He saw that the nose was bent over. One side of the head was all black. There were wounds on it. Witness told of residences of persons on Reed island and islands in the vicinity. He also produced a plan of Smith's premises. Witness saw stains like blood on the floor of Smith's bedroom, under the bed. He corroborated the previous evidence as to a southwest gale on Oct. 30, 1894.

The cross-examination was long, but it brought out no additional details. Witness did not think the wounds in the head were caused by tossing about in the boat. He had stated that if Mrs. Smith's statement made at Comox was true it would have been better if Smith had given himself up and pleaded guilty. He had written to Mrs. Smith stating that the punishment for perjury was very severe and that she ought to tell the truth. He also told one McPherson that Smith had told all about it. This was not true. Belding, engaged as a detective on the case, had stated that a good way to get Mrs. Smith to tell her story would be to pretend to be sweet on her. He had visited many places looking for evidence in the case.

The judge congratulated him on having done his duty.

FIRST DAY—MONDAY.

The court resumed at 10 o'clock this morning and after the jury roll had been called Dr. Bell-Irving was sworn. He deposed that he was a duly qualified medical practitioner located in Vancouver. He remembered making an examination of the body of Chris. Benson. It was in an advanced state of decomposition. The body was dressed in pants, boots and shirt. There was a small contused wound on the left arm above the elbow and another below the heart. The latter was slight and he could not say if it was made before or after death. The one on the arm was made before death. There was a small incised wound about an inch long cutting through the scalp but not injuring the bone, about two inches behind the left ear. The whole left side of the face and neck was in a battered condition. On removing the scalp a large amount of diffused and coagulated blood was found underneath the scalp and all over the left side of the head and face. On opening the skull blood was found in the left front of the sinus—a channel that ordinarily does not contain blood. The bones of the skull were not fractured. There were signs of contusions on the bones about the left eye. The nasal cartilage was fractured and bent to the right. The lungs were partly consolidated showing signs of an old lung trouble, nothing acute. The other organs were healthy. The lungs were perfectly free from water. There were absolutely no signs of death from drowning. He saw nothing wrong with the heart. The wound behind the ear was slight; the edges were clean cut. It need not necessarily be made by a knife. The condition under the scalp indicated that the wounds were made before death. There were signs enough of wounds to cause death from concussion or shock. A man might die from concussion without the brain showing any sign as to the wounds causing immediate death, he judged that the man had lived some little time. A man might live from a few minutes to 12 hours and then succumb to the shock. He might or might not have become unconscious at once.

To the jury he said that a heavy stick might have caused the wounds. An oar was too heavy. A paddle might have done it.

Cross-examined by Mr. Bowser—The witness said that blood might stay a long time on rough boards. There was no sign that the wound behind the ear had been made before or after death. The blows on the side of the head, he was sure, were received before death. It was possible that the cut in the head had bee caused by a rail in the boat. Witness examined the boat with Police Supt. Hussey. He saw a man lie in the boat as Benson had been found. It was possible that the wounds might have been caused by bumping about in the boat in a rough sea, but he thought it highly improbable. Death was due to shock or syncope. A man taken with a sudden pain in the heart might bend over and put his head up to his breast. Echymosis might occur without a blow. He never knew of a case. Post mortem changes often showed in black spots. There were no signs of blood outside the skin when he saw the body but the body had been found in water. He was positive that the wounds on the side of the head were caused before death. Here the witness and Mr. Bowser had a discussion over points from Taylor on evidence. A mallet like a shingle mallet was produced and witness said that he thought it was too heavy to have been used on Benson's head. He thought it would have smashed his skull. The mark over the left eye and the break of the nasal catilage might have been caused through the body rolling about in the boat. He could swear positively that the wounds on the side of the head were caused before death. He was equally positive that the man did not die of drowning. He did not like to say whether or not the body had been shifted with the head under the seat by the action of the water. The mark over the heart was not one of the ordinary post mortem marks.

Re-examined—Blood soaks into a board very rapidly. It is not easily washed out. It cannot be determined whether blood is human or not. When fresh it can usually be determined whether blood is fish blood or mammal blood. Witness thought the location of the hand no sign. After rigidity had passed away the hands would fall about anyway.

To Mr. Bowser—Syncope may be partial or complete.

To Mr. Smith—Death from syncope has occurred after a man had eaten too much.

J. A. Van Tassell was the next witness. It was he who was with Ducet in the canoe when Benson's body was found. He corroborated Doucet's story about their putting in a night at Wylie's on Reed island. They left on the morning of Oct., 21st. They saw a peculiar object in the water. They changed their course to intercept it and found it to be a skiff. Benson's body was in it. The head was under the seat. One arm lay straight, the other was bent. The shirt was pulled up and there was a wound on the left breast. The boat had a short painter that looked as if it had had a piece worn off it. It was anchored opposite Wylie's. Witness went away for a time. All the people that had been at Wylie's the night before were there when he got back. There was also another man there. He wondered how he had come as there was no boat in sight. The man saw him looking at him and turned away in a nervous manner. He recognized the man as the prisoner at the bar. There were gravel, shells and kelp in the boat as if it had been washed in while the boat lay on a beach. He assisted in taking the body from the boat and from that to the steamer.

Cross-examined by Mr. Bowser—There was a stormy wind blowing when they went in to Reed island. It was calm next day. Witness pointed out the location of the channel and islands on the chart. The boat was brought in and witness explained how the body had laid in it. He did not remember how the boat was chafed. The rope was chafed. He did not notice the end of the boat. He thought from appearances that the boat had been entirely submerged at one time. When he saw the boat the water was up to the top plank.

William B. Drinkwater was next sworn. He resides at Whaletown, Cortes island and is a merchant. There was a post-office at his place and at Wylie's and Manson's. He had known deceased, Benson, for 15 months previous to October last. Benson lived on Reed island and was at one time in partnership with Wylie. Witness saw Benson on Oct. 9, 1894, at Whaletown wharf at about mid-day. Witness saw Benson get in to his boat a double-ended skiff. Witness did not see what Benson had in his boat. He started out towards Reed island. If Benson took the inside channel he would be seen from Wylie's as he approached Reed island. If he went outside he would be hidden from view by the rocks.

Cross-examined by Mr. Bowser—Witness said that he remembered the date when he saw Benson from an entry in the day book. Dickson who waited on Benson at the store was not now at Whaletown. Witness last heard from him at Kamloops. He did not pay a great deal of attention when Benson was rowing away. He pointed out the places on the chart.

F. S. Hussey, superintendent of Provincial police, said that he had taken possession of the boat produced at Reed island in November last. It had been pointed out to him as Benson's boat. Witness was at the prisoner's place in July last. He saw stains on boards under the bed in a room there. Witness took up the sections of stained boards and submitted them to the Provincial analyst, Mr. Carmichael, at Victoria. (Boards produced and identified.) Witness pointed out the stains to the jury and explained the location of the boards in the room from which they were taken. In July witness brought an oar and a piece of rope from the bay in front of Smith's. In June the prisoner was arrested. Witness with Mr. Manson examined two small bays within a mile and a half of Smith's house. In one there was a convenient place to hide a boat by a rock and bush. The location of the bay was pointed out on the chart.

The court adjourned at 12:15 for an hour.

The court resumed at 1:15 p.m.

Cross-examined by Mr. Bowser—Supt. Hussey said that Bell was set to work on this case by his instructions. He was paid. The rope and oar produced at the preliminary trial were found in a cabin. Mrs. Smith and family were taken to Cortes island because it was cheaper to keep them there. They were not kept from other people. Bell was on the coast two months. His reports led him to believe that Smith committed the murder. Mrs. Smith had made more than one statement. She gave more information the second time and the third time she told all she new. Statements written by Mr. Hussey at her dictation were not on oath.

Herbert Carmichael, Provincial analyst, told of his qualifications. He had been public analyst for British Columbia five years. The boards produced were received by witness from Mr. Hussey last August. On Saturday last he took the boards to the Provincial police department and had them sealed up. He broke the seals himself this morning in court. Witness showed boards to jury. Where the stains were the boards had been washed and scrubbed. With Mr. Hall, of the Victoria Chemical works, he had taken chips from the board. Some were put in solution of borax and solution of bycarbonate of soda. These dissolve the blood and hold it in solution without change. The result was tested with the spectroscope. The test was not conclusive. Blood was indicted but not emphatically. Witness technically described other tests which showed traces of blood. Known blood was tested with the suspected blood and gave identical re-actions. Unstained portions of the boards were examined and gave no results. Cochineal in the spectrum gives somewhat similar results taken from the blood.

Cross-examined by Mr. Bowser witness said that he knew other things that gave similar reactions as blood under certain conditions but he had not been satisfied with one test. He admitted that the older blood got the harder it was to test it.

John Hall, manager of the Victoria Chemical works, corroborated Mr. Carmichael's evidence. He was almost positive that starch would not give the same reaction as blood.

Mrs. Norah J. Smith, wife of the accused, was next called. The was showing signs of hysterics and Mr. Justice Walkem told her that she would be given every consideration and she need not be nervous. She said that last October she was living at Reed island with her husband, the accused. She was married on Sept., 30, 1880, at Rochester, N. Y. She was asked if her husband was married before. This was objected to. Admissions made by him to her were held not to be evidence. Living at Reed island were also the children Cora May, aged 13, last October, Myrtle Alice 10, Roy 8 and Daisy Pearl 2. Witness remembered Oct. 9th, 1894. She was at home that day. All the family were at breakfast that day. Her husband went to Wylie's after breakfast. Her husband and Mr. Ryd had been preparing the night before to go to Ramsay arm. Lunch bedding and guns had been prepared and carried down to the beach. In the morning Mr. Smith went over to Wylie's. The children, excepting the baby, went to school. School was held in Wylie's front room. There was no school building finished then. The children used to go up to the partly finished school building on the hill above Wylie's to play at recess and noon hour. Smith returned from Wylie's. Someone had gone out to the SS. Rainbow with some deer skins, and Smith's dog had run away with Wylie's dog, which was running along the beach. Smith tried to stop the dogs. Wylie's dog came back but Smith's did not. She had not seen it since. Witness saw Benson going along in his boat at the same time. She saw her husband on the beach. Benson was going out from Wylie's. Benson was alone. She asked her husband who was in the boat and he answered "Benson." Witness said that if she had known it was Benson she would have liked to have gone to Camp island with him to see Mrs. Ireland. Smith was in and out during the day. Smith brought his things back and said the dog had not come back and he would not go. She saw Benson about 2:30 p.m., after they had had dinner. The children had not helped their father carry his blankets, etc., that day. The children would not know that their father had not gone till evening. She saw Benson coming in the boat at a point to the right of her house. Benson came in till he got opposite the house. He ran his boat ashore on the beach down by the point to the left of the house. He had landed in the bay before, generally at the same place. He used to land there so that his boat would not be visible from Wylie's. Witness was in the house when Benson came in. Benson was without a coat and vest. The children were back at school after the noon meal when Benson came. Witness met Benson at the front door. They waited there a few minutes. Benson said: "We are all alone now, arn't we?" witness answered: "Yes, but the old man did not go out this morning." She explained that the dog had run away. Benson said that he would not remain long for fear Smith would come and catch him. At Benson's suggestion they went to the bedroom. Benson said that Smith was no good to her and made use of Mrs. Wylie's name in a disparaging way. Witness and Benson then had improper relations. Then they talked for a time before Smith arrived. Witness and Benson were standing in the bed-room door-way. Benson was nearer the bed and window. The curtain was over the window. She and Mr. Benson were in each others arms when Smith arrived. When Smith came in witness stepped back. Smith had a shingle mallet in his hands. Witness described the mallet which was much smaller than the sample produced. When Smith entered he struck Benson without saying a word. Smith walked across the floor quite lively. He struck Benson on the left side of the head. Benson said: "Oh Smith, you've hurt me." Smith said: "d—n you I'll fix you so that you wont come and see a woman of mine again." Benson fell down right there. Witness then rushed out into the kitchen, and got between the table and stove. She did not look to see what was being done. She heard further blows struck but no voices. Smith threatened to shoot witness at this time and she promised never to sin again. No one interfered. The child Myrtle came home about 3:30. Accused went out soon after. The child said that she heard groans in the bed-room. The door was shut by Smith. Witness and the child went over to the school building to get shavings to start a gre. Witness had been in the bed-room twice. She rubbed Benson's hands and thought that he was gone. This was about 4 o'clock. The other children came home at 4 p.m. Smith was out during the afternoon after the affair. He was home to supper at 6. After supper all the children, baby and all, went up on the hill to play. The hill is only a little way from the house. There are some alder bushes growing on the hill. When the children had gone out Smith said that they had better take "the body down to the boat." Mrs. Smith then described to the jury with the aid of the plan the location of Smith's body on the bed-room floor. Continuing she explained how Benson's body was carried to the boat. Smith took the shoulders and she the feet. They backed out of the back door and crossed a stump. They then walked angle-ways down to the beach where Benson's boat was. The boat was pulled up on shore. The body was put in the boat, face up, with the head at the end and the feet on the seat. She then left Smith to finish fixing it and returned to the house. She saw Smith tow Benson's boat with the body in it away behind his own boat. She did not watch him for any length of time. She went out for the children. It was dusk at the time. She put the children to bed. She did not make an examination of the bed-room, but went to bed herself at once. Smith came in and went to bed in about an hour. He told her that he had taken the body away about a mile. He said he would fix her if she ever gave it away. In the morning she found the shingle mallet and picked it up and set it behind the door. It was lying on the floor near the window. It stayed behind the door for a while and was then thrown outside. When she heard that Smith was going to be taken up she got it and burned it, together with Benson's hat and Smith's pants and shirt. This was in January. She cut a pair of sleeves out of Smith's shirt for Myrtle's dress. There was blood on the shirt and pants, but she thought there was none on the club. Clothes belonging to her, that had been under the bed, were washed out next morning. They were near where Benson's head was. Mrs. Wylie washed the blood off the floor. She saw the blood and washed it up without being asked to by witness. Mrs. Wylie said to Smith: "There is a lot of blood in there." She and Smith then had some further conversation which witness did not hear. Mrs. Wylie also washed witness' clothing that was stained. Witness was not over at Wylie's when the boat with Benson's body was brought in. She saw a boat towed in there, but from her place could not make out whose it was. She and Smith lived together at Reed Island until June. After that she was at Mrs. Ireland's on Camp Island till August and thereafter at a house near Manson's until she came to Vancouver for this trial. Witness thought Smith had a previous knowledge or suspicion of her relations with Benson. The day of the murder was not the first occasion of criminal intimacy. She had been married to Smith in Sept. 1880, at Rochester, Minn. She had been married before to a man named Palm. He had got a divorce, but not for adultery. She had not done wrong before coming to this country. She was asked no questions at the divorce trial. She did not know V. Hatch or Eugene Victor. She knew Peter Clemmenson. A statement by him was read at her divorce trial. Clemmenson told of seeing her go to the house of one Talcot, a man who lived alone. Depositions as to this divorce trial were not admitted. Witness described as in evidence-in-chief how she had helped put the body in the boat. It was dusk at the time. She could not see very far. Benson's boat was about the length of the court house from the house. You could not see the boat from the house. Witness remembered the first visit of Mr. Hussey and Mr. Manson. She remembered a deposition made by her before Mr. Manson. This was put in as evidence.

In it she claimed to have not spoken to Benson for five weeks before his death. She saw him then at Wylie's and passed the time of day with him. She saw him pass the day he disappeared going to Drinkwater's and never saw him again.

Witness continuing, said: Her husband was arrested at Dineen's logging camp on June 18. Manson told her before that she had committed perjury in her examination at Wylie's. This was at Manson's place. She was taken there by Belding and another man. She did not tell Smith about that. She had told him she was going to Ireland's for some flour. She did not speak with Manson flour. She did not speak with Manson between April and June. She went to Comox on the same boat with Smith. She did not speak to him. The children had spoken once or twice about wanting to see their father. She gave evidence at Comox on the 20th.

This deposition was also put in. The story was much the same as her evidence-in-chief, given at this trial, except that she hid the fact that Benson had been in her house. Smith had said on Oct. 9th that he would fix Benson so as to spoil "our fun," meaning the fun of witness and Benson. There was also a long rambling story showing threats made by Smith against Benson. The main fact that she had seen the killing and had helped to carry the body to the boat was not in this story. Benson, she said, had been kind to her. The Wylie's had warned her, she said, not to give evidence against Smith.

On cross-examination being resumed, Mrs. Smith said that she did not remember saying that her husband had gone hunting on Wednesday, Oct., 9th. Her husband sometimes brought home deer. She could not say whether or not he brought any on Oct. 11th, 1894—two days after Benson's disappearance. She did say to Mr. Hussey that she had burned the club used to kill Benson a day or so after the occurrence. She had thought over the matter since and concluded that she was incorrect. Benson had helped to support witness and family. Smith had had hard luck, he had lost the money for a boom of logs and also money earned by him for wages. Benson and witness had just got off the bed when Smith came in and rushed at Benson and hit him. She described the mallet or club used as being 18 inches long and two or three inches in diameter. Discrepancies in the previous depositions were pointed out. She did not recognize an oar found in a cabin as one that Smith had had to hang venison on. Witness would have gone off with anyone who would offer her a better home than the one she had. She had never spoken to W. McPherson about going to live with Henry Lang. She had told Mrs. Wylie that she would go away with a better man. She said the same to Belding. She denied to Belding, Mrs. Wylie and Smith having acted improperly with Benson. She did tell Mrs. Wylie that she could clear John (Smith, the accused) if he were accused of killing Benson. She had asked Mr. Wylie what circumstantial evidence was. She had got a letter from Manson telling her of the punishment for perjury. She once told Mr. Wylie that she and John could not get along together. She remembered after Belding commenced to work in the case she came down to Vancouver and went back again. She talked to Belding when she went back. She asked if they were going to do anything against John. Belding said that they did not have facts enough. Belding said that if there had been a fight between John and Belding and he had told her he had killed him Hussey would arrest him. She replied: "If I thought they would I would do it?" Letters written by witness to Mrs. Wylie were produced. When at Manson's, Mr. Manson or Mrs. Ireland saw her letters. She was chummy with Belding. They never had criminal relations. She could match him at rough talk. She generally gave a man as bad as he would send. She said she would go away with Belding. She said if the case went through she would go with him. She said he could come at nights. He was there one night but only to talk to her eldest daughter. A letter was read from witness to Belding in which she said to tell Manson to hurry the affair up, and expressing her willingness to swear that John had told her that he would do the bad deed and had done it. She further wrote that she would not go back on anything she had said. Questions were here asked to show whether or not blood on the floor came from an illness of Mrs. Smith a couple of years before. This she denied. The daughter Myrtle told witness that she had heard groans on the day Benson disappeared. She did not tell of this till after the arrest of Smith. The children were present when she told of the killing to Mrs. Ireland. She mentioned groans before them. She had been afraid of cross-examination. She had mentioned it to the children. She told them yesterday to stick to their story. They did not then tell her what they were going to say. They were going to tell the same as before. They made statements at Ireland's. Witness did not hear Myrtle's former evidence. Yesterday Myrtle said that she would tell the same as she had told Mr. Hussey. Belding was the only one that was sweet on me and we were awfully sweet, too.

Re-examined—Smith went off on Wednesday, the day after the disappearance of Benson. The mattrass and bed in the room when Benson was there was the same that was there two years ago. She could not get on with her husband because he would not let other women alone. He put his arms around another woman and said: "Hattie, I love you but I don't love Laura." Meaning witness. As to the difference between her previous statements and her present one witness said that she had been urged before not to tell the truth or she would get into trouble. Mrs. Wylie also said it would give her (Mrs. Wylie) away. Wylie told her that if Smith was to be hanged witness would have to go and see it done.

To the court—She was attached to Benson. She was shocked when she saw him on the floor dead, but it was "a ground hog case" and she had to take hold and help him. She was not afraid of Smith assaulting her when he came back because he had agreed to let bygones be bygones if she helped carry the body and kept her mouth shut about what she had witnessed. She slept some. She had nerve enough to sleep. Witness never knew directly from Mr. or Mrs. Wylie or anyone that they knew of the affair. The secret was kept between her and her husband on the condition that he would not molest her. She did not know but what she might be charged with the murder herself. She had heard that someone had said she had done it. She did not know but what she might get into trouble herself. That had influenced her in keeping quiet. The affair had haunted her a good deal. She did not notice the rope in the boat. She did not notice whether or not there was any gravel or shells in the boat.

THIRD DAY'S PROCEEDINGS.

The court resumed at 10 o'clock this morning.

Mrs. Smith, wife of the accused, was recalled and to the court she said that the cause of her estrangement from her husband was because he made another woman share the marital couch with her. This was three years ago. He had not struck her. Her evidence yesterday was true. She disliked him because he had used her as badly as if he had struck or killed her. She slept for two weeks in the same bed with her husband and Mrs. Wylie. He lost no time while they were together. She kept quiet because he threatened to shoot her.

The next witness was Cora Smith, daughter of the accused and Mrs. Smith, the principal witness. She deposed that she was 14 years old on the 14th of last September. She was living on Reed island on October 9th, 1894. She remembered when Benson was last seen by her. It was on a Tuesday. She saw him in the morning. She was at home that morning. She left home shortly after breakfast. She went to school. School went in about 9 o'clock that morning. Sometimes it went in at 9:30. She thought her father was at home when she left. She did not know what he was doing. She thought that he was preparing to go shooting with Mr. Ryd. Myrtle and Roy went to school with her. School was at Wylie's. Benson and Mrs. Wylie were at Wylie's in the dining room. Benson did not stay there. Benson said that he was going to Drinkwater's. If he did not get what he wanted there he would go to Mr. Manson's. School got out at noon. They went back at 1 p.m. She was not sure when they got out, at 3 o'clock and sometimes at 3:30 when they had recess they got out at the late hour and when not they got out early. She could not remember whether or not they had recess that day. Myrtle and Roy went home before her. They played around the house after school. Witness got home about 5 o'clock. Myrtle and mother were home then. She did not remember her father coming home till after they went to bed that night. Father came home after they went to bed. They had supper. They played after supper. She thought that they played on the hill. They took the baby up on the hill. She thought that her father was home to supper. She remembered next morning. She went to school. Something happened before they went to school. Mrs. Wylie was at the house before she left. Mrs. Wylie went in alone to witness' mother's and father's bed-room, witness had not been in there that morning.

Witness was so nervous that she could not answer for some moments. She twitched her head and spasmodically pulled her handkerchief.

Recovering she said Mrs. Wylie washed up some blood. Mrs. Wylie's back was turned. She did not see what she had in her hand. She heard her mother and Mrs. Wylie talking about blood. The bed-room door was halfway open and she could see Mrs. Wylie scrubbing or wiping something at the foot of the bed. She saw no blood then or before or after. She did not see a stain at all. She was not in the house all the time. She was in the kitchen first and then went out of doors. Her mother told her to go out, but she did not go till her father told her. The kitchen and bed-room referred to adjoin. She had seen Mrs. Wylie at their house before. Mrs. Wylie had been there several times before.

Defence objects.

The court—"That cannot hurt you, if you are going to prove an alibi."

The Crown attorney—These matters were not contradicted on cross-examination.

Witness continuing—She remembered when Benson's body was found. She heard conversations. Her mother said what the doctor said as to how long Benson lived. Her father said, "He did not, either, he had a devil of a pounding." Before Benson disappeared she heard her father and mother speak of him. It was not long before. She was in bed. Her father and mother were also in bed in their room. She could hear them talk. "Papa said that if Benson came around there he would fix him," said the witness. Her father did not go hunting on Oct., 9th because the dog ran away. She saw the dog that day. She never saw it after. It ran away with Wylie's dog. Wylie's dog came back. Their dog did not. She remembered no other talk between her father and mother than what she had told. She remembered her father's clothes. He had a grey shirt and blue overalls. On Wednesday (the 10th) she noticed blood on the middle of the back of his shirt, also on one arm and on one leg. Mother took part of the shirt and made sleeves of it. The conversation between her mamma and papa was before Benson's body was found. Her father had said that Benson should get out of there. Benson had come to their house. He came every once in a while. He came two or three times a week. Sometimes he came oftener and sometimes not so often.

To Mr. Bowser on cross-examination witness said: I now go to school at Manson's. The teacher scolded me. He whipped Roy. This was when he was bad. She had been at Ireland's. Her mother had taken her there. She remembered the day Mr. Benson went away. She did not remember who she saw at Wylie's on that day. She remembered seeing no one on Sunday. She remembered seeing no one on Saturday. She saw Mrs. Wylie and Benson on Wednesday—no Tuesday. She did not remember seeing Mr. Wylie on the Tuesday that Mr. Benson went away.

Depositions made at Comox were produced.

She heard Benson tell Mrs. Wylie that he was going to Drinkwater's.

The copy of the depositions read "Mr." Wylie, but witness said that that was incorrect. The learned justice commented on this point and said that magistorial copies of witnesses' statements were very frequently wrong, but the original one being produced verified the statement of the witness.

Witness continuing—She saw her father at Comox. She had not seen him since. She was not anxious to see him. Either Mrs. Ireland or Mr. Manson saw the letters or notes that her mamma wrote after her father's arrest. She was now lodging at the Alhambra. She never went out alone. Mr. Manson went with her. Myrtle was there too. They went to see the Ireland girl at another hotel. They all went together. Witness was in the "next room" yesterday when her mother gave evidence. Mr. Manson took them to the hotel afterwards. He had brought them up yesterday.—No they came in a hack to the court room. Officer Lister met them and told them to come upstairs. Her mother said last night that she had got through. She did not tell her mother last night what she was going to say. She first heard how Benson was killed on Reed island when her mother was telling Hussey and Manson. Mrs. Ireland and her mamma were talking when they came back. She did not hear her mamma tell Hussey. It was the conversation of Mrs. Ireland and her mamma that she heard afterwards. She had not thought before that it was her papa that had done it. There were more men about Ireland's than at home. She would rather live there. There were better times there. The night they went up on the hill to play they were not sent up. They generally had supper at 6 p.m. It was true that she did not go out when Mrs. Wylie was at the house until her father told her. She remembered the day the body was found. It was a school day, not Saturday or Sunday. She did not remember if her father was splitting wood the day Mr. Benson went away. Her father left the day after. She did not know if her father was home the night before Benson's body was found. She did not remember when Myrtle went home the day Mr. Benson left. Witness and Minnie Wylie were playing. She was around about the house. They did not go to the beach. They could see the beach in front of the house. They saw no boat there. Wildgrub's children went to school. She did not remember if they saw Benson on Oct. 9th. The day Mr. Benson disappeared her father came home after they had all gone to bed. She did not recollect seeing her father at supper that night. The day after Mr. Benson disappeared she heard and saw Mrs. Wylie washing or scrubbing the floor. She did not know what Mrs. Wylie did with the cloth. Witness saw no blood. Mrs. Wylie was washing right by the bed. She slept next room to her father and mother. There was a partition. She heard part of what was said. Sometimes Benson's name was mentioned. She first heard the conversation as to how long Benson had lived at Reed island. She first mentioned it at Camp island to Mrs. Ireland. She went to Camp island on the same boat with her father. She spoke to Mr. Hussey and Mr. Webster about the case. Witness heard Myrtle speak of hearing groans. This was at Ireland's. Witness could read and write. Mr. Manson gave her a copy of what she had sworn to at Comox. Benson used to bring groceries from Wylie's. Mamma told him what she wanted. She did not know if the groceries were charged to her father. Father sometimes brought home flour. He lost money on a boom and in the mines at Nanaimo. Her father brought deer from Wylie's. If Mr. Wylie had some deer he gave papa some. Father had blue overalls. They were very old. The shirt that was burned was old. When the sleeves were cut out from Myrtle's dress the rest was no good. Her father objected to her going to Ireland's. She first commenced to go there some four years ago. Her father said that it was not a nice place. Her papa spoke of Van Tassel being at Ireland's and said he did not want witness to see him.

To the court—It was after Benson disappeared that her father would not let her go at all to Ireland's. Before that he did not like to have her go.

Re-examined—She was in Vancouver five years ago. She did not know Vancouver at all well.

The court—Is that to show why Manson was with them? It was perfectly right he should be. The evidence had to be preserved. Such a thing is difficult in a family case, particularly, I may say, where such a state of things existed as did at Reed island, if the evidence is true. In fact it is unparalleled.

To Mr. Smith—The day Benson went away they took the baby out to play after school. She did not know if her father was at home when they left. The Wildgrube's lived at Wylie's. The Wylie's had a house, a shed and a store. People might be in the store and she would not see them.

To the court—Mrs. Wylie was often at their house. Her father and mother were there. She came sometimes.

This closed Cora's evidence and the court adjourned for recess.

The court resumed at 2 o'clock.

Myrtle Smith, daughter of the prisoner, was called. She lived on Reed island last fall—the fall of1894, in October. She remembered the 9th of that month. She saw Benson that morning at Wylie's and also on the beach by his boat. The boat in court was Benson's boat. Benson went out in the bay in his boat. She had something to eat at noon to-day. She went to school in the afternoon. She was out with others at recess playing. She saw a boat on the beach. She was playing on the hill at the time with Lena Wildgrube. She saw a boat coming as from Drinkwater's. Benson was in the boat. She saw him. She did not see him land. He went around behind the rack, by a creek mouth. She did not know how far the creek was from the house. When she came home from school on Oct., 9th at 3.30 her father did not say anything to her mother. She heard a noise like someone groaning. It was in mamma's bed-room. She heard no other noise. It was a light groan. She said nothing about it. She went to her mamma's bed-room door. Her father called her back and said if she did not go away a policeman would have her put in jail. She heard groans at no other time. Cora was not home at the time. There was no groaning after she came home. She did not remember who was at supper that night. She did not recollect what she did before she went to bed.

To the court—She had a play at recess with Lena Wildgrube. She got savings for her mother to make a fire. It was to heat water to wash up the blood in the kitchen. The blood was near the back door. Her mother started to clean it up with a mop. She did not mention this to Cora. Her mother or father said nothing to her about it. Her mother had patched her dress. Her mother got the stuff to do it with across the creek, in a shanty. Men had lived there at one time but there was no one there when her mother went for the stuff. She did not see her mother cut it out nor did she remember the color. On thinking it over witness did remember her mother cutting out the sleeves. Her mother burned the rest of the shirt. She knew Mrs. Wylie. Mrs. Wylie was at her house at all times of the day. Lots of times she was there after supper. Witness' father and mother were there at the time.

Cross-examined by Mr. Bowser—She did not remember what day she came down by the Comox. The blood she saw was in the kitchen. Here witness pointed out on the plan where the blood was. She left school that day at 3.30. She played before going home. She played on the beach at Wylie's after school on Tuesday, she thought. She was in Wylie's room looking out of the window when she saw Benson coming in the boat. Her mother went across the creek to get shavings. Her papa was there when her mamma washed up the blood. When she went in with the shavings it was the first time she had been in after school. She told her mother about the groans, at Ireland's. Her mother told of the killing first. Then Cora told her story. Her father used to beat her. She did not like her father as well as her mother. She liked living at Ireland's. There were lots of people there. She got better food at Manson's and Irelands's than at home. She did not ask to see her father while at Ireland's. She remembered her father being at supper the day Benson disappeared. She thought it was on Tuesday she heard the groans. On further questioning she was not sure. She had told her story to Mr. Manson, Mr. Hussey and her mamma. Cora heard her telling Mrs. Ireland. She did not hear her mamma telling Mrs. Ireland. She did not see her mamma get the shirt from which the pieces were taken for her sleeves.

This closed the examination of this witness and the trial was in progress as The World went to press.

THE MARKETS.

A steady all-round market still prevails and may be expected to do so for some months to come. Produce is plentiful and of excellent quality, while prices remain about the same. No special features present themselves and everything portends an unusually busy holiday trade both for Thanksgiving and Christmas. Eggs are still scarce and bring good prices. Potatoes are very numerous and low prices prevail. Poultry is wanted. The supply of game is limited. Current prices are given as follows:

VEGETABLES—Potatoes, ton, $7@$9; Ashcroft, $13@14; carrots, turnips, parsnips, cabbage, 3-4@1c. per &.; onions 1 1-2 per &.

PRODUCE—Hay, ton, $8@10; wheat, Washington, $22 per ton; oats $19 rolled oats, per 90 lb. sack, $3.50; Keewatin, $4.70; Portland City, $3.80; salt, $13@14; oil cake, $35.

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FRUITS, WHOLESALE—Apples, 80c@$1; California apples, $1.50; pears, $1.60@1.75; grapes, $1.35@1.40; plums and prunes, 50@75c; tomatoes, $1@1.25; oranges, Australian, $3 lemons, California $5@6.

PROVISIONS—Butter, creamery, 18@20c; dairy, 25@30 cents per &.; fresh eggs 40c. per doz.; Ontario, 25c per doz.; lard, tins, 10c; pails and tubs, 9 1-2c; hams, 14c; breakfast bacon, 14 1-2c; backs, 12 1-2c; long clear, 10c; short rolls, 10c.

DAIRY PRODUCE—Butter, imported, 15@18c; choice creamery, local, 30@35c; cheese, 12@14c; eggs, domestic, 35@40c; imported, 18@20c.

DIED.

WALLACE—At Denver, Colorado, U. S. A., on the 10th inst., the wife of Mr. Andrew Wallace, in her fiftieth year.

DIED—At St. Paul's hospital, Vancouver, on the morning of the 13th inst., Alexander Clubb, formerly of Embro, Ont., aged 20 years and 7 months.

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