

ST CONVICTED OF ASSAULT ON WIFE

PLAUSIBLE TALE ON WITNESS STAND

Unstable Harper's Evidence Corroborated—Certain Portion of the Informant's Story.

A police court this morning Harry Harper, the scene painter, charged with assaulting his wife, was convicted, and fined \$40, or in default two months' imprisonment with hard labor.

Harper occupied the greater part of his time in the witness box, telling two witnesses being examined for the prosecution, while the other told his own story.

Harper stated that when he was at the hotel at 11.20 on Wednesday, he saw the lady at the foot of the stairs, quite weak and leaning for breath.

Harper, upon examining her throat, found stable saw several dark red spots, apparently left by finger pressure.

Harper, night clerk of the Wilson, Elmer hotel, told of having heard screams from 11 and 12 o'clock on Wednesday, in which he distinguished, "For God's sake let me out."

Harper, he ran to the door, but it was some time before he located the room from which the screams came. He rapped on the door, and must have been unlocked, and entered.

Harper, he was dressed and standing in the room, while his wife was between the door and the window. When he saw her, he said "For God's sake take me out."

Harper, he took her into the hall and she was very weak and frightened. As he left the room and went down, he heard him muttering a threat, and toward his wife.

Harper, he said to what the threat was, he could not swear to it, but as far as he could understand the words were, "You, I could murder you here."

Harper, he replied to the accused, witness said he found the key in the door when he entered. He did not remember hearing anyone say that his wife could learn to swim after he first heard the screams.

Harper, he accused then went into the witness box to tell his story. He said that when he heard her screaming, he went to her room to notify her, and she told him that she would not find her very well to get rid of it. She then tried to get him to stay with her, and when he left this was impossible she came to the door and worked at a very excited pitch.

Harper, he also asked him to let her out of the room. He immediately unlocked the door and left the key in the lock. After he went up and down the floor for some time, his wife screamed "My God, what is this?"

Harper, he told her to keep quiet and would annoy people in the hotel. He said that was exactly what she did to do.

Harper, he then reclined on the bed and told her to get up. He had four or five glasses of beer during the day, but he was not intoxicated. The fact of his having collected \$5 of his wages from Mr. Blair had not induced him to the course he did. That was a matter. He did not ask her to go to the room for "no reason," but to take him to take lunch. He used no bad language toward her. She placed her hands to her throat to lend effect to her screams. He did not try to take her, and made no threats, while she was in the room. He believed her screams and charges were all a bluff, her being to get him into trouble.

Harper, he admitted having taken her watch chain for \$10, but said she gave it to him. He denied taking her watch and returning it empty. Her whole story was false.

Harper, he summed up the magistrate's remarks, that the accused had told a very plausible story, but pointed out that the man's evidence was corroborated by Constable Harper, who had seen her marks on her throat. The fact that she admitted having pawned her watch and chain also placed his case in an unfavorable light. In consideration of the evidence adduced he felt bound to find her guilty of assault on her husband, and imposed a fine of \$40 or two months' imprisonment with hard labor, leaving the proceedings to be decided by the informant was apparently frightened of the accused, especially as he passed her chair en route. She slightly shifted her position, returning to her chair after he had passed.

Robert Tackaberry, of Ottawa, Ont., fatally shot at Saratoga, N. Y., Friday by Joseph C. Banks, of Saratoga. Banks is under arrest for murder. He was shot in self-defence.

THE WARDEN GIVES HIS EVIDENCE

DENIES STATEMENTS BY THE PRISONERS

Proceedings at the New Westminster Jail Inquiry—Rose Gaylord Admits Making False Accusation.

At the sitting of the New Westminster jail commission on Tuesday, the prisoner Richard Fleming, recalled, explained to the commissioner how he received the meat from the butcher. On a short ration day, referred to, twelve pounds of meat had been received; there were only a few men working out of the 58. Of 33 pounds received next day, full ration day, he could not tell how much was bone. The guard on duty told him how many men were working. Either this many men were working, or the quantity of meat required, and the guard ordered it. On half rations day there was usually no bone in the meat. There was no record kept of the weight of bone. About two pounds of coffee were allowed for sixty prisoners. The stores were given out each night, and he made the coffee in the presence of his assistant, about five a.m. About half an ounce of sugar per man was allowed.

The governor always weighed the sugar. Rose Gaylord, who was the cook, admitted giving Guard Marshall's head with oil; it was sweet oil for salad in the bottle produced. She admitted giving Fleming whiskey on July 4th. He and W. J. Weber were drunk. She gave him a syrup can full of liquor, but no glass such as that produced. She saw Fleming come in the office with Marshall at midnight, drunk. This was the 4th of July. He did not give him whiskey then. He was too drunk. (This Fleming denied.)

Rose said Fleming told her if anything came out she was to tell the warden, and the two battle children, playing cards in the office. Weber told her then that O'Connor was drunk, and mixing the cards.

Fleming, being questioned, said he had seen them playing cards sometimes, and he had played sometimes himself. Rose, resuming, said she saw the warden and May dance a waltz in front of her cell. Marshall never looked through the iron gate to watch them dancing, but the warden had. When whiskey was brought to the window bars, May turned down the gas.

To Mr. Dockrill: Just five days before she left she passed the syrup can of whiskey. She gave some of it to Fleming, and next day to O'Connor and the two battle children, playing cards in the office. Weber told her then that O'Connor was drunk, and mixing the cards.

Warden Armstrong, being sworn, first put in a copy of a report he had made to Superintendent Hussey early in the year regarding the prisoners. He then read the newspapers, hinting at a scandal in connection with this prisoner, and stating the Ministerial Association was having the matter up. Rev. Mr. Verter had come up to the jail and denied that the Ministerial Association was taking the matter up. Witness then told Rev. Mr. Verter to make his statement in writing.

This was not requested by Mr. Hussey. It did not occur to witness that he should get a written statement from Rev. Father De Vreidt, though he knew that a Roman Catholic and the priest was attending her. The commissioner here intimated that the examination of the warden would be facilitated if Mr. Dockrill conducted it.

Mr. Dockrill then asked Warden Armstrong as to the truth or otherwise of the various statements referring first of all to himself, as appeared in the evidence of Rose. The warden said he had been many times in the women's ward. May Evans frequently had fainting fits. Sometimes the matron would open the door, and sometimes she would go alone if he heard May fall. He was afraid she would fall off the iron balcony, in front of her tier of cells, down to the hard floor of the ward. He and the matron each had a key to that ward.

The warden said he never passed tea, coffee and groceries through the bars to the women. It could not be done. The bars were too close together. He had given May tobacco through the wicket. The doctor had ordered her to smoke. It had been the custom here to give prisoners tobacco. Whenever the chain gang worked for the school board or agricultural society, or any other institution, it has always been the custom to give the women tobacco. Mr. James Cunningham is giving them tobacco now while they are working on the school grounds. Witness was never in the hospital while the girls were there, except on the 14th. He had no key to that door; it was fastened by a special lock. He said "It's a black lie" when Mr. Dockrill told him the statements of Rose, who was having seen him and May in a compromising position in the hospital and chapel. He added that he may have advised May to quit drinking after she should have left the jail, but he never intimated to her anything about marrying.

The warden was next asked regarding Rose's statement that he had measured May's legs with a string while she was thrust through the iron gate in front of her cell. The warden answered that he would like to see the place where this was supposed to have happened, as forthwith the judge led the way to the women's ward. Arrived here Rose explained the affair again in detail, but in a vastly different way. According to this version, May stood in front of the cell with her feet on the iron railing of the platform, while the place where, she said, the warden stood turned out to be ten feet away, and about six feet above the girl's head. Moreover, Rose admitted it was herself,

not the warden, who measured May with a piece of string thrown to her from the wicket. This she passed back, she said, to the warden. "So this was at long range, was it?" was Mr. Dockrill's summing up of this incident.

On the witness stand, and before leaving this subject, Rose admitted she did not state what was true when she said the warden did the measuring.

He never had any conversation with any about collecting money to get her away to her home. He was not afraid of her nor any other prisoner, or what they might say, that he should bribe them to do anything.

Guard Marshall was here summoned. The warden, continuing, said he had offered to carry May to her cell. It usually took two to carry her. He never said anything to May about "hot blood." He did not think he ever had her in his arms alive, even when she was in a fit.

Guard Marshall asked the warden if May was not laughing, instead of fainting, on one occasion, when he held her, and she said "I don't know." He had never held her except when she was in a fit. He never made the remark Marshall attributed to him about "hot blood." Both Marshall and the warden agreed that the "hot blood" was not on this point, each reminding the other he was on his oath.

The warden claimed the west part of the garden, lying east of the jail building, as his. He bought it, he said, for seed used there. "Half the potatoes in the field also were grown from seed raised by him from a few special potatoes he had got from the East five years ago. He had

Never Given Away Any Vegetables. The government owned all the land enclosed; it is a part of that he claims as the warden's prerogative. He looked upon the potatoes as his property, and as being his own government property, though he started the supply in his own person. He never gave away any of the potatoes from the jail field. The piece of garden referred to had always been known as the jail garden, and the potatoes in question were known as the governor's potatoes.

Regarding the manner of serving food, the warden described it in detail, giving the rations served to the prisoners. He himself measured or weighed the sugar, coffee, etc. Sometimes the 14 pound loaf was divided into three parts, and an extra loaf is kept by the warden for an hour or two. The hours are practically the same as when he entered the service on June 1st, 1888.

Regarding the bread and meat frequently and weighed them. The ten ounces of raw meat per man allows for shrinkage in cooking and for bone. Formerly, only eight ounces were allowed. The meat in the kitchen must be done by prison labor. Six men, four inside, including himself, and two outside, and the matron, constitute the jail staff. Only one guard is on duty at one time as a rule. Two are on duty from 6.30 to 7 a.m., while the men are washing. Witness generally comes in about 8 a.m. He has no definite hours, but does not leave till 4 p.m., remaining away then till 6 p.m., and again away in the evening for an hour or two. The hours are practically the same as when he entered the service on June 1st, 1888.

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dancing. There may have been dancing and whiskey in there, but he never saw it. As to the internal economy of the jail, Guards Marshall and O'Connor did not know anything about it, rationing, etc. The commission then adjourned.

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The warden did not know about whiskey being passed about in the jail until the investigation commenced. The prisoners were all right at 3.30 in the afternoon on July 4th and again at 7 and 11 p.m. Marshall always reported things in a mysterious way; he would give a bit of the middle, not the beginning or end. He told Marshall he did not want to hear his trash unless he could give him names and other particulars. The warden admitted he played solitary almost every day. It did not interfere with his duties. He did not use offensive language to "Blackie." Witness put "Blackie" out of the kitchen because he suspected him of digging the hole under the wall during his first sentence. Sometimes, he had received money from the outside.

Marshall, recalled, said for three years he had the feeling within him that the warden was not what he could look up to. He did not report to the authorities because he would have lost his job. To the judge he said he was not satisfied with the result of the last investigation. He said the judge did not get all the

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The warden did not know about whiskey being passed about in the jail until the investigation commenced. The prisoners were all right at 3.30 in the afternoon on July 4th and again at 7 and 11 p.m. Marshall always reported things in a mysterious way; he would give a bit of the middle, not the beginning or end. He told Marshall he did not want to hear his trash unless he could give him names and other particulars. The warden admitted he played solitary almost every day. It did not interfere with his duties. He did not use offensive language to "Blackie." Witness put "Blackie" out of the kitchen because he suspected him of digging the hole under the wall during his first sentence. Sometimes, he had received money from the outside.

Marshall, recalled, said for three years he had the feeling within him that the warden was not what he could look up to. He did not report to the authorities because he would have lost his job. To the judge he said he was not satisfied with the result of the last investigation. He said the judge did not get all the

work. He only put his hand on a shoulder and counted them, and nearly as often as not he counted them wrong.

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