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CAMPBELL BKUS.

BRYANT ON TRIAL ON MURDER CHARGE

(Continued from Page 1.) examined by Mr. Rigney, and said changed my cap. I do not know if Napance. Witness said when he first went into the laneway he could not see anything.

Mr. Miller, land surveyor, was recalled and identified a photograph he had taken of the laneway where the body was found.

Benjamin Luffiman's Story.

Benjamin Luffman, who keeps the Royal Hotel, on Dundas street, Napanee, opposite Smith's jewelry laneway?" store was sworn. He was in front of his hotel early on the morning of the tragedy. Witness recalled Bova not-Mying Constable Beard about the three men in the laneway. Witness | way?" was near the front door of Smith's store, when he heard a shot. He then went around on John street, but the bag. returned to his hotel, and afterwards went back to the laneway. Witness saw three men going east on Dundas stree. He could not tell how the men were dressed, but they appeared to be of medium height and slightly bufft ..

Witness then told about going into the laneway at the rear of Smith's store. He found Constable Beard's body lying on the ground. Witness thought he was the first to discover the body. Witness picked up the nstable's flashlight which was lying about six feet from the body Constable Beard was lying on his face. Witness turned the body over and with the light from the officer's flashlight, which was still burning when he found it, could see that Constable Beard wats dead. making this discovery, witness notified Chief of Police F. W. Barrett, and Mr. Exley, license inspector.

Questioned by Mr. Nickle, witness said he knew nothing of what had occurred in the laneway before the shot was fired. The Constable's flashlight was about seven or eight inches in length.

E. A. Exley, the next witness said he was a provincial officer. He told of seeing Constable Beard's body in the laneway. Witness noticed the officer's revolver nearby.

On a later examination, witness said he found a bullet imbedded in the window of Bova's store. From the position of the bullet, witness would say that it was fired from a north or easterly direction. Witness handed over the bullet to Chief Barrett.

Witness was also present when Provincial Constable Ward pecked up a rifle shell.

To Mr. Rigney, witness said be thought Constable Beard must have time he met death

Also On Scene. William O'Neill was at the scenof the shooting about 1.30. Witness about 9.30 in the morning of the

shooting, found a jacket of a rifle bullet in some sawdust or shavings on the windowsill of Boya's store. He handed the jacket over to Chief Barrett. Edward Ming, undertaker, of Napanee, said he was at the scene

of the shooting, and viewed the body of the dead constable. Witness removed the body to his undertaking parlors. Later on Dr. James Miller, and then returned to Kingston and of Kingston, performed an autopsy left the car in a woods near King-

Dr. James Miller, Kingston, told Where did you get the rifle you of conducting a post mortem examin- | had?" ation on the body of the late constable. He found a small wound over the heart, also a wound in the chest. So far as witness could recall, bre. there was a wound close to the

"The wound was such as would be made by a bullet entering the

"Yes." Witness said all the other organs of the deceased were in good order. Witness gave the cause of death due to hemorrhage, brought on from the wound over the heart.

Mr. Rigney questioned the witness about the wounds. Could he tell whether the course of entrance was straight through the body, or dia-

From memory, without his report to review, witness thought the bullet entered the body in a straight course. Death would be instantan-

Mr. Exley was recalled and asked about the finding of the bullet in Bova's windowsill. The height or the bullet from the ground was described as being even with Constable Barrett's shoulder. The bullet was in the windowsill about five feet from the ground.

Erwood Upton Testifies. Erwood Upton, now serving a four-year term in the penitentiary for theft, was the next witness. He appeared in a meat suit of grey

"I know Bryant," said the witness. "I was in Napanee on August 28th. I went to Napanee by train with my brother Sherwood, and Bryant, on the afternoon of Saturday, August. 27th. We took with us a club bag, 2 rifle and some clothes. The rifle was in two parts, and was wrapped up in a canvass sack. On arrival in Napanee we first went to the main street to a restaurant, I do not know which one. It was a Chinese restanrant. We left our stuff in the restaurant. We had something to eat and then walked around the town. We left our stuff in the restaurant for about three hours (until after dark). We then went back to the restaurant and got our stuff and took it close to the river. We then

went to an old mill, and left our three parcels there. We went down street again and walked around. We went to where we had left our parcels about 11 o'clock. We hid the parcels and stayed there till about 11.30, when we left again. I

that some time prior to the shooting, the others did. We went to the lanehe had been acting as a constable in way at the rear of Smith's jewelry store. We stood there for a time, all three of us."

"What was your purpose in stay-'We were looking in a rear win-

"For what object?" pressed Mr.

Herrington. "To see if we could get in."

"How long did you stay in the

"About fifteen minutes, I think." "And were you disturbed?" "Yes, by two people on the street." "What did you leave in the lane-

"A military kit bag." Witness did not know who carried

Further questioned, witness said they were disturbed

Bryant Had the Rifle. "At this time which one had the

"Bryant had it." "What kind of a rifle was it?" "It was a 30-calibre repeating

Remington rifle." "Witness was near Smith's winow, his brother was next to him, and Bryant nearest the street.

"What was the first you noticed?" "I noticed a flash of light and a man said, 'What are you doing Witness and his two companions

then ran farther into the alleyway. I tripped on a rubbish pile. Bryant and my brother were ahead of me. They cutran me. It was dark and I could not see."

Witness was asked to look at the plans and was asked where Bryant was when he (the witness) heard a

Witness showed Mr. Herrington and Mr. Nickle the spot on the plans where he thought Bryant was standing when he heard the shot. "Who had the rifle at that time?

"He hed it." (meaning Bryant.) After the shooting the three went at on the street. "Was anything said?" "I asked them why they made

"What did you say" Girs us the

"i said, 'What in heil did you di that for'." "Die snyone answer you?"

Witn sa said he and his companions went back to the river, where they had left a suitcase. Witness left a kit bag in the lanaway

Mr. Herrington then asked about further arrangements "We went back to the old mill." said the witness, "and afterwards went to the west end of the town. We went into a garage and got a

"Was it your car?"

Witness said they broke into the garage by removing a pane of glass. Witness removed the pane of glass. The door was opened, and the car

was taken out. "Where did you go?"-"We went west a short distance

"We stele it from Dalton's store." "Did you take more than one:" "We took two of different - call-

"When did you first get possession of the rifle you had on Aug. 28th?" "About a year before that time."

"Who got it?" "I did, I suppose it does not matter about the others." "Yes, it does."

Witness then said Bryant was with tion. him when the rifle was stolen. "Who kept the rifle?"

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"And who else?" pressed Mr. Her-

"Bryant," said the witness: "Do you remember an occasion when Detective James Cotter was

said to have been shot?" "Yes," said witness, who also recalled the scene of the shooting.

"Who took part in that?" "Myself, my brother and Bryant." "Who handled the rifle on that oc-

Mr. Rigney objected to this ques-Used Same Rifle. Mr. Herrington said he wished to

establish that the same rifle figured in the two shootings. Witness admitted that the same

rifle had figured in the two cases. His lordship stated that the question was as to who had possession o the rifle. "Who handled the rifle on the occasion of the shooting in Napanee?"

"Bryant had it." "What became of the rifle eventually?"

"The police got possession of it." "Someone gave it to the police. did not give it to the police." Witness said the last time he saw the rifle it was concealed in the back yard at the home of the witness. The rifle in question was then produced by Mr. Herrington, who ask-

ed, "What was done with the rifle?" "It was used." "But was anything done with the

Witness said that the numbers on the rifle were filed off by himself. This was the same rifle used in the Beard and Cotter shooting. "How was the ammunition carried o Napanee?" "In a suit case or club bag."

At this stage, 12.20 p.m., the court adjourned for luncheon, to resume at 2 o'clock. Before the court adjourned, his

lordship warned the members of the jury that they must not speak about the case to any person. He recalled the fact that at a recent trial in Owen Sound a juryman was found talking to some person, and as a result the trial was upset, and a new trial was necessary. His lordship stated that any person endeavoring to talk with the jurymen would be severely dealt with.

Bryant's mother was present during the morning session of the

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