

'LIM' HEARING STRIKES SNAG

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by the defense during the impaneling of the jury, while 27 jurors were told to stand aside by the crown. The latter included those who had served on the trial which concluded Thursday morning, and those who had been sworn in Monday when the trial suddenly terminated and the jury was discharged when His Lordship discovered that the indictment being proceeded on had not been signed by the attorney general.

PANEL EXHAUSTED

This exhausted the panel with only 11 jurors selected. The question then arose as to the legal position under the circumstances, and whether the selection could be made from those who had been told to stand aside. Counsel for the crown and the defense withdrew to consult on the situation, while His Lordship remained on the bench studying law books.

Returning in about half an hour, Mr. Wismer quoted the law upon the subject, which stated that "those who had been told to stand aside can be called in the order in which they were told to stand aside."

Mr. Maitland objected to anybody who had sat on the last trial or on the hearing of Monday, October 17.

The first four called were all challenged.

WAS ON JURY BEFORE

Mr. Maitland objected to the next man on the ground that he had been on the jury at the hearing of Monday, October 17.

Mr. Wismer urged that there was no reason why the man should not serve, as the jury on that occasion had been discharged without coming to a decision.

The juror in question stood waiting while the legal aspect was again considered.

His lordship then said he agreed with crown counsel. He held that the trial that became void did not preclude the juror from being called on what was a separate and distinct indictment.

The juror was then sworn in, and all petit jurors not engaged in the case were excused until 10:30 o'clock Monday morning.

LACHENAUER ON STAND

Arnold C. Lachenauer, United States narcotic agent, residing at Detroit, was the first witness. His evidence followed along practically the same lines as at the previous trial. He described visiting accused's store, 75-77 Pender street east, and accused asking him what he wanted. He explained that he posed as a dope dealer, and told accused he wanted 20 cans of opium. Witness proceeded to detail a con-

versation that he said took place about other dope dealers.

Mr. Maitland objected, declaring that the conversation concerned acts dealing with other transactions.

"It simply explains to the jury how certain things took place," replied Mr. Wood.

Witness identified a telegram he said he showed accused, as coming from his partner in New York, Jake Simons, concerning sending opium. He declared that accused suggested a code for communicating, and prepared one which contained the word, Vancouver B., George for No. 1 opium, and Smith for No. 2. This

witness said he wrote on the back of the telegram.

Mr. Maitland objected to this being put in as evidence, pointing out that witness had already given the code in his evidence.

The court upheld the objection but ruled that the telegram itself could be put in as an exhibit.

Witness said he gave \$500 to accused for 10 cans of opium on July 4. He identified one \$50 American bill as being one of these. He declared that he received the opium the following morning, saying that an elderly Chinese brought a package containing the cans into Lim Jim's office, and the accused opened it so that witness could see the cans.