

A mass of matter entirely irrelevant to the real matter in issue has been brought forward by both parties. Your first duty then is to throw aside all this extraneous matter.

First - in regard to the ownership. It is unnecessary for you to consider this question at all. In fact it is a question beyond your province and which should have been properly submitted to the Court. Whether you take the statement of the Prosecution or the defence the property in the logs which was damaged in this fire was to all sufficient extent for the purpose of this indictment, in the witness Hearper. According to the statement of the Prosecution the property was solely that of Hearper. According to the testimony of the defence Hearper was the owner of the joint owners Scott and Hearper. The property therefore, was to all sufficient extent the property of Hearper and it is property, so a hazard.

Second - The number of logs identified as the property of Hearper. (Only two are thus recognized. One with the mutilated ears and the other with the head cut off.