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## FOUR BOTTLES OF EXTRACT

Sailor Tells of Drinking Lemon Before Shooting Occurred at Massett

## EVIDENCE OF DEFENCE

Several Witnesses Called to Show That McEachern Was Intoxicated

In the assize court yesterday afternoon, before Mr. Justice Murphy, the case of Rex vs. McEachern was continued. McEachern is charged with shooting at Mate Matthews of the whaler White at Massett on August 21.

A. Donaghy, Terrace, appeared for the crown and Milton Gonzales, for the defence.

The first witness called was Provincial Constable Ponder of Massett who took prisoner into custody on the day of the shooting.

The constable said he saw prisoner about 11 o'clock in the morning on the day of the shooting, and they talked together for half an hour on active service conditions. He had to go up the inlet to an inquest and was out in his launch about a quarter of an hour when he saw the White pulling in. Upon arrival at the inlet he had a telephone message to return, and upon reaching Massett he took the prisoner into custody.

Cross examined by Mr. Gonzales, Constable Ponder said it was about 4 o'clock in the afternoon when he returned to Massett. He saw prisoner in a private house lying down.

Mr. Gonzales: "Drunk or sober?"

Witness: "He appeared dazed."

Mr. Gonzales: "Did he have control of his senses?"

Witness: "Not completely."

Mr. Justice Murphy: "What time was this?"

Witness: "Sometime after 4 o'clock."

Mr. Gonzales: "Did you find anything on the accused?"

Witness: "Yes, two bottles of extract, one of which was lemon, on his hip."

Mr. Gonzales: "How long did you stay with him?"

Witness: "About five minutes."

Mr. Gonzales: "What state was he in?"

Mr. Gonzales: "Explain what happened, as far as the accused is concerned, in the cell that night."

Witness: "He was very sick."

Witness: "He was very sick and did not want to eat. He seemed to have gone all to pieces."

Mr. Gonzales: "Did the make any statement at that time about Capt. Anderson and Mr. Matthews?"

Witness: "Yes. After I had told him that I was a provincial constable, and warned him, he said that he could not understand why he had done it."

Mr. Gonzales: "You say he was still in a dazed condition."

Witness: "Yes."

## Birch's Evidence

Richard Birch, a seaman on the whaler White, was the next witness called. On being questioned by A. Donaghy for the crown he said in giving his evidence that he and accused had been in conversation over the question of wages some time ago.

At that time he had told prisoner that Capt. Anderson had said that there was money coming to them that they would get it, and that whatever the company

## BRINGING UP FATHER



was paying other ships it would pay to their ship.

Mr. Donaghy: "Did that satisfy the accused?"

Witness: "No."

Mr. Donaghy: "How long before the shooting did that conversation take place?"

Witness: "That conversation was held in June."

Mr. Donaghy: "When the boat pulled out, where were you?"

Witness: "I was asleep in the bunk."

Witness said that the prisoner had come down the companion way into the cabin and had awakened him. Accused commenced to talk about the sailors on such and such a boat getting more money. However, witness was in no humor to talk. Prisoner then went to the opposite bunk and I took down a rifle which he commenced to load. In doing this he got the bolt jammed but fixed it again in a few minutes and took it on deck. Just after McEachern had gone on deck he heard the rifle explode. Then he jumped up and went on deck. On reaching the deck he saw accused over the side. The captain ordered the small boat lowered, and with assistance he lowered the boat and helped Captain Anderson to bring him back to the ship.

## Had Been Drinking

In replying to cross examination by Mr. Gonzales, for the defence, Birch said that he had known McEachern since May of this year. They had always got along all right together, and he had no reason to say against him. When accused had come down to the cabin for the rifle he knew that he had had a drink.

Mr. Gonzales: "After accused was taken out of the water, he was pretty drunk then, was he not?"

Witness: "Not to my knowledge."

Mr. Gonzales: "You would not say he was sober."

Witness: "He wasn't drunk, anyway."

Mr. Gonzales: "Have you any reason to think that prisoner would shoot Capt. Anderson or Mr. Matthews if he had been in his right mind?"

Witness: "None whatever."

Mr. Gonzales: "When you woke up in the cabin you were kind of hazy."

Witness: "Yes."

Mr. Justice Murphy: "Had you had a drink?"

Witness: "No."

The Judge: "There is no disgrace if you had had one."

## H. T. Cross Called

H. T. Cross, Customs appraiser, was called to give evidence for the defence. He said that he had analysed the extract on exhibit. The vanilla extract he found contained 58.2% alcohol. A bottle of lemon extract he had tested he found contained 72.6% alcohol, or proof spirit.

Mr. Gonzales: "Is that the same kind of alcohol they have in whiskey?"

Witness: "I could not say at all. It is about the same strength as

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ordinary bottled whiskey."

Mr. Donaghy: "It is not quite as strong as Jamaica rum?"

Witness: "No, not by any means."

Doctor L. W. Kergin was the next witness called by the defence.

Dr. Kergin spoke on the action of lemon extract on a man's mind which he said affected different people in different ways.

Mr. Gonzales: "Would it be possible for a man to commit a crime without being able to distinguish between right and wrong at that time?"

Dr. Kergin: "Yes, quite possible."

## Special Constable

E. W. Singer, special constable at Massett, was the next witness for the defence.

Mr. Gonzales: "I understand that in August last you were appointed special constable and took charge of McEachern on August 21?"

Witness: "Yes, sir."

Mr. Gonzales: "What condition was he in?"

Witness: "He was under the influence of liquor and appeared to be dozy. I took him up to my house, made down a bed on the floor and he slept for half an hour. When he woke up he asked me how his clothes had got wet and I told him that he had shot the mate of the White and had then jumped overboard."

Mr. Donaghy: "Was he raving?"

Witness: "I could not understand what he said."

Mr. Gonzales: "Did he say anything regarding Captain Anderson or Mr. Matthews?"

Witness: "When I told him he had shot the mate and jumped overboard he said, 'What, Mr. Matthews! He would be the last man in the world anybody would shoot.'"

Cross-examined by Mr. Donaghy for the crown, the witness said that the prisoner was handed over to him, at the wharf by the magistrate, and he walked along with him to the house with handcuffs on.

Mr. Donaghy: "You did not caution him against talking?"

Witness: "Yes, I did."

Bought Extract

W. Baybont was the next witness called who said he was a sailor on the W. Grant, which boat was owned by the same com-

pany as the whaler White.

He had met McEachern in Martin's store at Massett, who was buying clothes, cigarettes and tobacco. Witness had bought some tobacco and a bottle of lemon extract. This they both drank together outside and then went back and bought three more bottles of extract, which they drank.

Mr. Justice Murphy: "What the three?"

Witness: "Yes, sir."

Witness continuing said that McEachern then bought one small carton of vanilla extract and some lemon extract. They both then went outside the store but he, witness, did not remember much more.

Witness did not remember where McEachern went and did not remember going back to his boat. The first thing he could remember was when the W. Grant was going into Naden Harbour.

Mr. Gonzales: "How many bottles do you know of that were consumed by you and McEachern?"

Witness: "Four at least."

In reply to questions put by Mr. Donaghy, for the crown, witness said that he had known prisoner before, having worked with him at the same station. He had never drunk lemon extract before, and that it was on his suggestion the extract had been purchased in the first place.

Mr. Donaghy: "You and the accused drank four bottles of it?"

Witness: "Yes."

Mr. Justice Murphy: "Before the shooting?"

Witness: "Yes, before the shooting."

The hearing was adjourned until 11 o'clock on Monday morning.

## TERRACE

Mrs. W. Ross Thompson arrived in Terrace on Wednesday.

Mrs. W. H. Jones returned from Prince Rupert Tuesday night.

Mrs. A. Long left for Win-athee, Washington, on Thursday, where she expects to spend the winter.

Mr. and Mrs. Anderson of Prince Rupert are spending a few days in Terrace.

Miss Vierick who has been staying with Mrs. Harry Frank, returned to Rupert on Wednesday.

Services are being held at different homes on the hill every three weeks. Rural Dean Marsh and Rev. W. J. Parsons taking the services alternately. Last Sunday Rev. W. J. Parsons conducted a service at the home of W. Donald.

Dr. Bleaker left for Vancouver on Wednesday.

Mr. Attwood had the misfortune to injure his knee and was confined to his home for over a week. It is much improved now and he is able to go about again.

Tuesday two motor loads of Tuxis Bays and Trail Rangers, to the number of thirty-five, held a surprise party at the home of Mr. and Mrs. George Forster. Rev. J. T. Marsh and Rev. W. J. Parsons accompanied the party of boys. A very hilarious evening was spent with

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## BOARD.

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games, songs and an impromptu program which revealed much hidden and unsuspected talent. Reversing the usual order, Mr. and Mrs. Forsier were treated to a brief charivaree as their guests left.

Thursday afternoon Mrs. Donaghy was hostess at a very enjoyable tea. Among those present were Mrs. T. J. Marsh, Mrs. Geo. Dwyer, Mrs. O. Sundal, Mrs. W. J. Parsons, Mrs. A. Barker, Mrs. Colthurst and Mrs. Bishop.

Mr. and Mrs. Fred Nash and family moved into D. McGreger's house and Mr. and Mrs. N. Sherwood and child are occupying the house vacated by the Nashes.

On Thursday evening a meeting of the Young People was held at the Presbyterian church under the joint auspices of the Anglican and Presbyterian churches. Rev. W. J. Parsons was chairman. It was decided to organize under the name of the Terrace Welfare League and to hold meetings every Tuesday at the Presbyterian and Anglican churches alternately. The meetings are to be both religious and secular. They will commence at 8 o'clock with devotional exercises and bible study. At 8.30 the secular part of the evening's entertainment will begin. Rev. W. J. Parsons was elected president and Henry Walberg Sec.-Treas. An executive of ten members was also elected.

Mr. and Mrs. McIntyre have rented Mrs. Annie Ross' house for the winter and took possession on Wednesday.

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IN THE SUPREME COURT OF BRITISH COLUMBIA

In the Matter of the Administration Act, and

In the Matter of the Estate of Daisy Priest, and

and in the Matter of the Estate of Daisy Priest, deceased, intestate.

TAKE NOTICE that in order of His Honor, F. McE. Young, made the 11th day of October, A.D. 1922, I was appointed Administrator of the Estate of Daisy Priest, deceased, and all parties having claims against the said estate are hereby required to furnish same, properly verified to me, on or before the 12th day of November, A.D. 1922, and all parties indebted to the estate are required to pay the amount of their indebtedness to me forthwith.

JOHN H. McMULLIN, Official Administrator.

Dated this 12th day of October, 1922.

IN THE SUPREME COURT OF BRITISH COLUMBIA

In the Matter of the Administration Act, and

In the Matter of the Estate of George Crook Doughty, deceased, intestate.

TAKE NOTICE that in order of His Honor, F. McE. Young, made the 11th day of October, A.D. 1922, I was appointed Administrator of the Estate of George Crook Doughty, deceased, and all parties having claims against the said estate are hereby required to furnish same, properly verified to me, on or before the 12th day of November, A.D. 1922, and all parties indebted to the estate are required to pay the amount of their indebtedness to me forthwith.

JOHN H. McMULLIN, Official Administrator.

Dated this 12th day of October, 1922.

LAND ACT.

NOTICE OF INTENTION TO APPLY TO LEASE LAND

In Prince Rupert Land District, Record District, Coast Range 5, B.C., and situate immediately east of G.T.P. By bridge at mouth of Honeyard Creek on north shore of Skeena River.

Take Notice that J. Bert Butler, of Hazelton, B.C., occupation farmer, intends to apply for permission to lease the following described lands: Commencing 549 feet west of a post planted at the south-east corner of Lot 567, Range 5, Coast Range B.C., thence in a westerly direction 200 feet along G.T.P. By bridge, thence in a southerly direction to low water mark, thence in an easterly direction along low water mark to a point directly south of the point of commencement, thence in a northerly direction to point of commencement, containing 2 acres more or less.

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