

TIMBER SALE X 5594.

Sealed Tenders will be received by the District Forester, not later than noon on the 28th day of November, 1923, for the purchase of Licence X 5594, near T.S. X 4976, Smith Inlet, Range 2, Coast District, to cut 135,000 f.b.m. of Cedar, spruce, and Hemlock Sawlogs.

Two (2) years will be allowed for removal of timber.

Further particulars of the Chief Forester, Victoria, or the District Forester, Prince Rupert.

TIMBER SALE X 5643.

Sealed Tenders will be received by the District Forester, not later than noon on the 21st day of November, 1923, for the purchase of Licence X 5643, near Wallace Bay, west side of Roderick Island, C.R. 3, to cut 315,000 f.b.m. of Spruce, Balsam, Hemlock, and Cedar Sawlogs.

Two (2) years will be allowed for removal of timber.

Further particulars of the Chief Forester, Victoria, or the District Forester, Prince Rupert.

TIMBER SALE X 5501.

Sealed Tenders will be received by the Minister of Lands, at Victoria, not later than noon on the 16th day of November, 1923, for the purchase of Licence X 5501, to cut 1,084,000 feet of Hemlock and spruce, and 46,500 lineal feet of Cedar Poles, on Lots 1275 and 1376, Range 5, Coast Land District.

Two (2) years will be allowed for removal of timber.

Further particulars of the Chief Forester, Victoria, B.C., or District Forester, Prince Rupert, B.C.

TIMBER SALE X 5482.

Sealed Tenders will be received by the Minister of Lands, at Victoria, not later than Noon on the 8th day of November, 1923, for the purchase of Licence X 5482, to cut 70,000 lineal feet of Piling, 44,000 lineal feet of Cedar Poles, and 9,500 Hemlock Ties, on a portion of Lot 1571, Cassiar Land District.

Three (3) years will be allowed for removal of timber.

Further particulars of the Chief Forester, Victoria, B.C., or District Forester, Prince Rupert, B.C.

TIMBER SALE X 5587.

There will be offered for sale at Public Auction, at noon on the 16th day of November, 1923, in the office of the Forest Supervisor at Smithers, the Licence X 5587, to cut 85,600 Jack-pine Ties, on an area adjacent to the south boundary of S.T.L. 7797p, Range 5, Coast Land District.

Three (3) years will be allowed for removal of timber.

Further particulars of the Chief Forester, Victoria, B.C., or District Forester, Prince Rupert, B.C.

IN PROBATE.
IN THE SUPREME COURT OF BRITISH COLUMBIA.

In the Matter of The Administration Act; and
In the Matter of the Estate or Judson R. Cody, Deceased: Intestate.

TAKE NOTICE that in Order of His Honour F. McB. Young, made the 16th day of October, A.D. 1923, I was appointed Administrator of the Estate of Judson R. Cody, deceased, and all parties having claims against the said Estate are hereby required to furnish same, properly verified to me, on or before the 18th day of November, A.D. 1923, and all parties indebted to the Estate are required to pay the amount of their indebtedness to me forthwith.

THOMAS W. HERNE,
Official Administrator,
Prince Rupert, B.C.
Dated this 18th day of October, 1923.

IN PROBATE.
IN THE SUPREME COURT OF BRITISH COLUMBIA.

In the Matter of The Administration Act; and
In the Matter of the Estate of August Kreeps, Deceased: Intestate.

TAKE NOTICE that in Order of His Honour F. McB. Young, made the 16th day of October, A.D. 1923, I was appointed Administrator of the Estate of August Kreeps, deceased, and all parties having claims against the said Estate are hereby required to furnish same, properly verified to me, on or before the 19th day of November, A.D. 1923, and all parties indebted to the Estate are required to pay the amount of their indebtedness to me forthwith.

THOMAS W. HERNE,
Official Administrator,
Prince Rupert, B.C.
Dated this 19th day of October, 1923.

IN PROBATE.
IN THE SUPREME COURT OF BRITISH COLUMBIA.

In the Matter of The Administration Act; and
In the Matter of the Estate of George Orbich, Deceased: Intestate.

TAKE NOTICE that in Order of His Honour F. McB. Young, made the 16th day of October, A.D. 1923, I was appointed Administrator of the Estate of George Orbich, deceased, and all parties having claims against the said Estate are hereby required to furnish same, properly verified to me, on or before the 18th day of November, A.D. 1923, and all parties indebted to the Estate are required to pay the amount of their indebtedness to me forthwith.

THOMAS W. HERNE,
Official Administrator,
Prince Rupert, B.C.
Dated this 18th day of October, 1923.

BUCKLEY BAY JAPANESE GIVEN FOUR YEARS FOR KILLING OF COUNTRYMAN.

(Continued from Page 1).

that accused had meant to cause death, it would be the duty of the jury to bring in a verdict of murder. If they considered that insufficient evidence had been produced by the crown then it would be their duty to acquit the prisoner. Though the indictment read murder, the jury could bring in a verdict of manslaughter if it was satisfied that accused had killed deceased. If, however, the killing was done in self defence, the accused might be entitled to acquittal. If there was sufficient provocation to cause accused to be deprived of his self-control, the finding might be reduced to manslaughter as it might also be if there was not intent to kill. If the jury believed that accused had been met with a situation whereby his only means of escape from death or grievous bodily harm was by means of assault then he might be excused. Three findings were open to the jury, —acquittal, manslaughter or murder—and it was up to it to decide. The jury had the facts and it was not his desire to influence it. It had a serious duty to perform and its decision would be final. He knew that earnest consideration would be given to the responsibility with due respect to the accused and to the country. No matter what accused's nationality might be he was entitled to all the protection of the state and a fair trial.

In the course of his review of the evidence, His Lordship pointed out that the prosecution had failed to prove that the knife produced in court had anything to do with the case. The accused had not had sufficient provocation to kill because things had been said about his sister. He had known about those things for a long time and they would not be the cause of sudden and blind passion.

Defence Address

In his address to the jury, L. W. Patmore, counsel for the defence, felt that there would be little difficulty in dismissing the idea of murder for it required premeditation or malice aforethought and there had been no evidence to show that. None of the actions of accused as recorded in either crown or defence evidence indicated premeditation. If it was not murder then the only charge to consider was that of manslaughter. If accused had received such a blow on the head that he did not know what he was doing he was not guilty of manslaughter. He submitted that the story of accused that his mind had become confused was correct especially since the doctor had admitted that such might be quite possible. There was no doubt that accused had been struck with a bottle and it must have been Harata who struck him. If, therefore, he had killed the man when he was out of his senses he was not responsible. There was every evidence to show that accused had been in a state of mental aberration. There was no doubt that it was the accused who had caused the death of Harata. If he was in a terrific rage the duty of the jury would be to bring in a verdict of manslaughter. If he was out of his senses then he must be acquitted.

"I submit in the first place from the evidence to hand that there are only two verdicts possible—acquittal or manslaughter depending entirely upon your belief of the evidence of accused. I would persist, however, that the evidence of the crown as well as that of the man himself points to the fact that accused was not in his proper senses. Such being the case, it will be your duty to bring in a verdict of not guilty."

Crown Prosecutor

W. E. Fisher, crown counsel, felt that the actions of accused as shown in the evidence had not proved that he had desired to avoid trouble. He had started a quarrel with Harata in the first instance and had come back and started another. The evidence had not shown that Harata was desirous of picking a quarrel. It did not seem reasonable to believe that deceased lying on his bed had struck accused so effectively with a bottle. There was no evidence to show that the knife used by accused on Harata had been there before he entered the bunk house. On the contrary, he believed the knife had been brought in by accused. If deceased had used the bottle at all, it was most logical to believe that he had done so in an attempt to protect himself from the knife. The story of accused that he had lost his memory did not seem to be borne out by the facts of the case. The Japanese witnesses had known more about the case than they were willing to tell, he felt.

Evidence of Doctor

Dr. J. A. Briggs, the first witness heard in the afternoon, told of finding the body of deceased on the bunk house floor on the night in question. Life was extinct and there were two wounds —one a deep wound on the right breast between the second and third ribs which had pierced the lung and undoubtedly caused death. The other wound was a shallow cut on the neck. The nature of the wounds indicated that deceased had been reclining or semi-reclining when he had received them. They were caused from a sharp pointed and edged weapon. The chest wound would cause death in a very few minutes.

Witness testified that he had also examined the wounds on accused. There had been a bump on his forehead and minor cuts on both sides of his head. At first he thought nothing of them but shortly afterwards one began to bleed profusely.

Under cross examination, Dr. Briggs admitted that the wounds on accused's head might have been caused by a bottle. They might also have caused him to be confused and lose his memory temporarily.

Accused's Story

Nishida, giving evidence on his own behalf, told of being in Canada for five years and a half. He had first met Harata in Vancouver. Deceased had spread news around about accused's sister. Nishida went to Buckley Bay on October 18, 1922, and Harata had come about three months later. He had had no talk with Harata prior to August 18. On that occasion he went into the bunk house to get his partner Kujima to go home for it was their custom to retire in their own cabin about 10 o'clock each night. Kujima was playing cards at a table and had told accused that he had better go home and he would come later. Accused then went over to Harata's bunk and told him that he had been speaking bad about his sister. "You are an old man now," said accused to deceased, "and ever since you were in Vancouver you have talked bad about my sister. Why do you still do it here?" An argument followed and Harata had asked why he should not speak bad about witness' sister. Then Fujimoto came and took Nishida out to Mrs. Inoyue's house. Accused stayed there twenty minutes and then went on to his own cabin where he started to read some books.

The Knife Play

After 11 o'clock Nishida said he again went to get his partner at the bunk house. Witness said it was getting late and he (Kujima) had better come home. He again told accused to go home and he would follow shortly. He (witness) was proceeding out of the bunk house and as he passed Harata's bed deceased, who was sitting up, told him to come over. Accused asked what was the matter and went over. Deceased resumed the conversation about accused's sister and the outcome was that Harata, saying "You fool," grabbed witness by the breast and beat him three times over the head with a bottle. The bottle broke and witness saw the knife. He tried to grab the knife from Harata and then everything seemed to go black and he lost his memory. The next thing he remembered was at Mrs. Inoyue's house after she had wiped his face with a towel. She supplied witness with new night attire and put him to bed in her house. Accused identified a blood stained night gown which was produced in court as his and the one that had been removed at Mrs. Inoyue's. Accused said he had no knife that night and it was not his that was produced in court. Neither was it his partner's for they had none in their shack.

Sustains His Evidence

Mr. Fisher conducted a lengthy cross-examination which failed to shake accused's evidence very materially. Witness denied having asked Harata to "come outside" in the first altercation, also that Harata had said, "we will talk it over tomorrow." In both first and second altercations, Harata had called accused "you fool." When he hit him with the bottle, Harata had said to accused, "You fool, young man, you think you are smart." The incident of the bottle and the grabbing of the knife came in for a great deal of questioning but accused stoutly persisted he had lost his memory just as he grabbed for the knife. Harata had had the knife in his right hand but he (accused) was not sure where he got it. Accused had tried to get the bottle away from deceased. The blow on the head had hurt him so badly that he was unable to open his mouth and call for help. He made a grab for the knife to protect himself and that was all he remembered. He had blood all over his face. Everything occurred in the space of a moment. He did not recollect going to Mrs. Inoyue's house with the knife in his hand nor what he had done with it when he had left her house. When he regained his senses he told Mrs. Inoyue that Harata had hit him over the head.

Answering His Lordship, Nishida said that Harata was 52 years of age and he himself was 31. In answer to H. W. Birch of the jury Nishida said that Harata was of powerful physique, some two inches taller than himself.

Dr. Briggs was recalled by the Crown to give further particulars of the wounds sustained by Nishida and the taking of evidence closed.

IN PROBATE.
IN THE SUPREME COURT OF BRITISH COLUMBIA.

In the Matter of The Administration Act; and
In the Matter of the Estate of George Mercer, Deceased: Intestate.

TAKE NOTICE that in Order of His Honour F. McB. Young, made the 16th day of October, A.D. 1923, I was appointed Administrator of the Estate of George Mercer, deceased, and all parties having claims against the said Estate are hereby required to furnish same, properly verified to me, on or before the 18th day of November, A.D. 1923, and all parties indebted to the Estate are required to pay the amount of their indebtedness to me forthwith.

THOMAS W. HERNE,
Official Administrator,
Prince Rupert, B.C.
Dated this 18th day of October, 1923.

IN PROBATE.
IN THE SUPREME COURT OF BRITISH COLUMBIA.

In the Matter of The Administration Act; and
In the Matter of the Estate of James Langille, Deceased: Intestate.

TAKE NOTICE that in Order of His Honour F. McB. Young, made the 16th day of October, A.D. 1923, I was appointed Administrator of the Estate of James Langille, deceased, and all parties having claims against the said Estate are hereby required to furnish same, properly verified to me, on or before the 18th day of November, A.D. 1923, and all parties indebted to the Estate are required to pay the amount of their indebtedness to me forthwith.

THOMAS W. HERNE,
Official Administrator,
Prince Rupert, B.C.
Dated this 18th day of October, 1923.

The Court of Last Appeal

YOU are the judge and the jury. Your verdict is final. There can be no appeal---for this is the High Court of Public Opinion

The wares of the world must appear before you---the product of every factory---the merchandise of every store. Those things that fail to measure up to your requirements are quickly condemned to oblivion

The manufacturer who advertises deliberately places his merchandise on trial. He openly courts your critical inspection. He invites comparison. He directs your attention to his goods and then forces those goods to stand on their own merits.

If he were not sure of his wares he would not dare to advertise. For advertising would put him to a test he could not meet, and thus hasten the end of his business career. It would be business suicide.

You can depend on the man who advertises. He knows his product is good.

That's one reason why it pays to read the advertisements you find in this paper. It is through advertising that you are able to keep in touch with the good things that progressive business men are spending their money to introduce and to keep before you.

BASE YOUR JUDGMENT ON THE ADVERTISEMENTS

WHIST DRIVE AND DANCE LAST NIGHT

Second Degree Moose Assisted by Women's Mooseheart Legion Entertain in Metropole Hall

There was a large attendance at the whist drive and dance given last night by Legion 26, second degree Moose, assisted by the Women's Mooseheart Legion. The affair took place in the Metropole Hall and there were twenty tables of whist supervised by Joe Slaggard. The prize winners were: ladies' first, Mrs. James Sturgeon; ladies' second, Mrs. Thor Tohnson; ladies' consolation, Mrs. M. Hendricksen; men's first, Gillis Royer; men's second, A. Carlson; men's consolation, N. R. Pedersen. Refreshments were served and a dance followed, music being furnished by the Westholme Orchestra. Gillis Royer was master of ceremonies.

HEART WAS SO BAD HAD TO SIT UP IN BED

Mrs. O. E. Fitzgerald, 106 Ross St., St. Thomas, Ont., writes:—"In the Fall of 1921, I was taken ill with my heart, but I did not pay much attention to it. I kept on with my household duties, but seemed to become worse and worse, and finally had to call in a doctor. He said I was all run down and was a nervous wreck. I had a severe pain in my chest which would move over to my heart and it became so bad I could not lie down, as when I did I had such a smothering feeling I would have to sit up in bed till it passed away.

I tried reveral remedies, but with no good results. Finally, I was induced to try Milburn's Heart and Nerve Pills. I took 7 boxes, and I am now as well as I was 30 years ago, and I am now 65 years old."

Milburn's Heart and Nerve Pills are 50c a box at all druggists or dealers, or mailed direct on receipt of price by The T. Milburn Co., Limited, Toronto, Ont.

Canadian National Railways

Prince Rupert

DRYDOCK AND SHIPYARD

WOODEN HULL CONSTRUCTION A SPECIALTY.
Plans and Estimates Furnished For All Classes of Boats.

Anyone considering the purchase of a new fishing vessel, tug, or wooden boat of any description is cordially invited to inspect progress on the two 60 foot cruisers we are now building for the Fisheries Department.

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Beautiful Winter OVERCOATS

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Storm Collars—Detachable Belts—Latest Style.

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