

The Weekly Times

Victoria, Friday, December 15, 1893.

THERE WAS NO "COOKING."

Hon. Justice Wilken yesterday had two faults to find with the Times' report of Monday's proceedings in the Stroebel trial. We are quite ready to admit that one of the judge's exceptions was well taken, namely, that which applies to the portion of the report dealing with Lucas' evidence. It is hardly necessary to state that in this particular the reporter erred through inadvertence and not through design, for the Times could have no motive in endeavoring to influence the result either one way or the other. It is true, however, that the evidence should have been reported as it was given and not criticized. But the judge brought a more serious charge against the report when he said that the portion which related to the brief discussion between himself and Mr. Morrison appeared to have been "cooked." He appears to have conceived the idea that some outsider had changed the report for a purpose after it had left the reporter's hands. That idea, we must say, was entirely wrong, for there was not the slightest attempt made to "cook" the report in any way; it appeared in the paper just as the reporter wrote it, and we are quite certain that the reporter's work was honestly done. There was no intention of making a hero of Mr. Morrison, and there was not a word put in either his mouth or the judge's mouth that was not uttered. We believe that a comparison of the Times' report with that of the Colonist will show any person conclusively that if there was "cooking" in one case there was "cooking" in both, and it is needless to say that the latter contingency was not at all likely. To allow of such comparison we reproduce both reports of the discussion referred to. The passage in the Times read as follows:

His lordship stated that the defence could have by this time easily ascertained whether there was any foundation for the charge that the witness had been tried for murder in San Francisco. In trying to damage the character of witnesses for the crown the defence was adopting a very dangerous course. It had been suggested that the majority of the witnesses were pickpockets, opium smugglers and thimble riggers, and now the imputation was thrown out that this witness was a murderer, and all this without the production of any evidence to justify such charges. He had been inquisitive at the treatment some of the witnesses had received.

Mr. Morrison replied that his defence was not yet in, and asked his lordship whether he meant to insist that the defence should give in its evidence before the case for the crown was concluded. His lordship stated that he (Mr. Morrison) knew what he was doing. He was pursuing the same methods as he had followed at the recent trial before a judge who had a reputation for fairness, and he thought he had met with some success in the present case. He was quite willing to take his chances with the jury.

His lordship replied that he had no right to depend on slanders whispered on the streets, but must be able to corroborate all the statements made against witnesses. His lordship would be compelled in fairness to address the jury on the matter and to point out that the unfortunate prisoner was not to be held responsible for a line of defence that was due to the inexperience of his counsel. Mr. Morrison again reminded his lordship that he had not entered on his defence. He must, in cross-examination, lay the foundation for his defence, otherwise his lordship would be the first to stop him when he examined his own witnesses on the very matters on which he was now cross-examining the crown's witnesses. No fine feeling for the witness, Lucas, would prevent him from doing his duty to his client. He intended to conduct his own case, and so long as he was not stopped by his lordship he would pursue his course. He had hitherto followed. This was the second time he had been interrupted, and he would not trouble the witness again.

Mr. Morrison refused to continue his cross-examination. Mr. Wood, surveyor, gave evidence briefly, and the court adjourned until to-day.

The corresponding passage in the Colonist's report is as follows:

His lordship said that with respect to the particular charge upon which the witness had been questioned, there had been abundant time to make the proper inquiries and either prove the charge or show it to be without foundation. He wished to observe to the counsel that he was adopting a very dangerous line of defence in the wholesale aspersion of the character of the witness. Counsel should be wary in bringing in these outdoor aspersions and introducing them as serious matter. The defence here had practically accused four or five or six or seven witnesses for the crown of being smugglers, pickpockets, thimble-riggers, or criminals of other types, and without the introduction of any evidence to show the slightest justification. In the whole course of his experience he had never seen anything like this. A judge usually put his foot down at once upon such proceedings, but he had up to the present refrained from interfering because he did not wish to interfere in the slightest any line of defence which might help the case of the prisoner. He had felt very much like interfering when a railway agent, who was unfortunately enough to have to appear as a witness, found himself without protection covered almost with slime in the court room. He asked the counsel to consider what would the jury think of their client when he had to take such a black brush to cover the witnesses on the side of the crown. His own duty he felt would be to tell the jury that the responsibility for this line of defence must not be saddled upon the prisoner, but rather that it must rest solely with the counsel. To persist in such a course toward witnesses must make this, in place of being a court of justice, a court of injustice and torture. He had felt most indignant on several occasions at the treatment of witnesses, but had not previously remonstrated because it is a form of defence which is in the right

of counsel to adopt, but he would have been glad to make it a subject of address to the jury.

Mr. Morrison said that unless his lordship stopped him he should follow the course he had been so far pursuing, with some success before another judge, and he was quite willing to take his chances with the jury.

His lordship replied that in such event he must not depend upon the slanders of the street, but must produce in justification the evidence of a court of record.

Mr. Morrison continued that he was quite prepared to produce evidence in support of every charge upon which witnesses had been questioned. He asked the court to remember that he had not yet entered upon his line of defence, and in explaining this to the jury he would justify to them the course he had adopted.

The attorney-general said that, as far as the record of the present witness Lucas in San Francisco was concerned, Mr. Morrison had produced in court to-day a letter from the chief of police there, which must state if there is anything on record against him. Waiving any question of admissibility, would the witness be prepared to put that in and have it read? If the letter did not contain the information, and counsel thought there was any chance of improving his case by procuring it, he might telegraph to San Francisco and procure it the morning. His lordship remarked that this would be improper evidence and he could not admit it if procured.

The attorney-general again requested that the letter from the chief of police, which had been placed in the hands of the witness for identification, should be put in. He thought it would prove a perfectly harmless document, and not, as the jury had been led to infer, one which would prove damaging to Lucas.

Mr. Morrison replied that he would conduct his case in his own way without reference to the attorney-general. He declined, however, after the manner in which it had been interfered with, to further cross-examine Mr. Lucas.

Leaving out the fact that the Colonist's passage is the longer of the two, there is very little practical difference between them. With such evidence the Times is quite ready to be tried by any impartial jury of critics on the charge of "cooking." We have gone thus fully into the matter because we regard the charge as a serious one, under which no paper with a regard for its reputation could be content to lie. Reporters, being human, may easily make errors, but an unintentional error is a different affair from allowing a report to be tampered with for some ulterior purpose.

MORE GOVERNMENT STUPIDITY.

There may be a number of ratepayers who have lost sight of the fact that three members of the school board retire at the end of this year, whose successors are to be elected at the same time as the mayor and aldermen. It is likely that a good many more are acquainted with an amendment introduced into the school law last session which may materially affect the voting for school trustees. By the act of the previous year it is specified that the list of voters for trustees shall be the same as for the majority, but last session's amendment qualifies this provision by enacting that "no person liable to pay the revenue tax shall be permitted to vote until he has paid such revenue tax for the current year." At the approaching elections the "current year" will mean the year 1894, so no person will be at liberty to vote for school trustees next month unless he can show a receipt from the collector for his revenue tax for the year 1894. In all likelihood this peculiar provision will cause an endless amount of trouble in the event of polling for trustees being necessary. Of all the stupid things for which the present government is responsible this is about the most stupid. The revenue tax does not become due until the 2nd of January, and the election will come in a little more than a week afterwards, so that the whole of the citizens must pay the tax in that short interval or suffer disqualification. Such a ruling is legislation, as this shows how capable is the peculiar aggregation of politicians that now misrules the province.

NANAIMO.

Nanaimo, Dec. 13.—A little daughter of A. Dick narrowly escaped drowning in the park pond on Monday. She ventured too near the bank, slipped and fell into the water. The cries of the other children attracted the attention of an elder sister who pulled her out. The father arrived a few minutes after and let a great deal of the water off. The attention of the mayor and council has been called to the matter.

There is every probability of ex-Mayor Hilbert running for the civic chair. A few days ago he said he had not decided what to do. He feels certain of success if it is left between Quinell and himself. The Liberals had a very enthusiastic meeting last evening and a great deal of work was done. It was shown by Mr. Ross that the registration of a large number of the citizens had been accomplished, and before another month many more will be placed on the list.

Provincial Constable Alex. McKinnon has been appointed chief of police by the council, subject to ratification of the commissioners.

Nanaimo, Dec. 14.—The attention of the citizens at present seems to be centered on the coming poultry show, for which already about 350 entries have been booked. The New V. C. Co. have offered an additional prize of \$25 for the best display from breeders on the leased or "Five Acre" block. The show promises to be one of the most successful of the kind previously held in the province, and everything is being done by the committee to make the affair attractive.

It is reported the New V. C. Co. will close the Northfield mine at the end of the month unless the miners come to a satisfactory arrangement.

Chicken stealing is becoming quite popular in the district. Wellington appears to be the most troubled, and many of the cocks have been dug out by the watch. Hugh Patterson, baker, C. Barford, S. Webster, A. Creane, J. F.

too often near catching one thief in the act the other night.

The newsmen employed on the Daily Telegram complain that they are not fairly treated. They say that they entered into a contract to do the work on the route at \$1.50 a week, and ask that this agreement be kept, and also that their wages now due, be paid.

NEW WESTMINSTER.

New Westminster, Dec. 13.—A fashionable wedding took place this afternoon at Holy Trinity cathedral, when two well known Victorians were joined in holy matrimony. The contracting parties were A. W. Taylor, second son of the Rev. J. J. Taylor, vicar of South Shields, Durham, England, and Miss Frances Ella Armstrong, second daughter of the late G. Armstrong, of New Westminster. Miss Armstrong is known in Victoria as having ably filled for eight years the position of principal of the girls' school. The bridesmaids were Miss Rose Armstrong, sister of the bride, and Miss Arrowsmith of Victoria. C. J. Loewen, of Vancouver, supported the groom. The service was performed by Bishop Sillitoe of New Westminster, assisted by the Rev. Mr. Irwin. The church was crowded to the doors. The presents were many and very handsome. A reception is being held this afternoon, and the happy couple, after a sojourn on the mainland, intend returning to their home in Victoria at 8 Franklin street.

VANCOUVER.

Vancouver, Dec. 12.—A number of boys in the East End school under Principal Tom were arrested yesterday for creating a disturbance by smashing windows near the school and for general rowdiness. They were kept in jail several hours, severely lectured, and dismissed with a warning.

Four Singalese affected with chicken-pox were prevented from sailing by the Empress of China yesterday and sent to the small-pox hospital.

Vancouver, Dec. 13.—The Licensed Victuallers Society has been formed; there are 30 members. Mr. Aubrey, of the Cosmopolitan hotel is president.

Wm. Dismore, father of the boy who was whipped by Principal Tom of the east end school, has charged Principal Tom before the school board with driving away from the public eye the actions, with brutal conduct and with causing to be published damaging matter in local papers.

SPORTING INTELLIGENCE.

Matters of Interest Going Forward in the Sporting World.

FOOT BALL.

VICTORIA V. VANCOUVER.—The teams selected to play again at Vancouver at the hill on Saturday follow: H. Pettit, back; J. F. Foulkes, H. B. Haines and A. D. Crease, three-quarter backs; F. Smith and C. W. Ward, half backs; H. F. M. Jones (captain), L. Crease, W. H. Langley, Fraser, Q. H. Vardon, H. Wallaston, C. Gibson, D. O'Sullivan and W. Scott, forwards.

THE TURF.

SETTING THEMSELVES RIGHT.—St. Louis, Dec. 14.—A large number of horse breeders from different parts of this state assembled in the exposition building to-day for the purpose of organizing a Missouri Horse Breeders' Association. The object of the proposed organization is to preserve the purity of breeds and to promote unity and harmony among owners. The movement is in opposition to the St. Louis Agricultural and Mechanical Association, under the auspices of which all previous sales of blooded stock in this city have been conducted. It is contended that instead of encouraging the live stock interests from the public sale, the management of this association has been to discourage horsemen, to depreciate in value the property of the breeder, with the result of wrongfully associating him with the gambler and in the public estimation as a common thief, a mere tool for vice and fraud.

FAREWELL, NANCY HANKS.—Richmond, Ind., Dec. 14.—For the first time since, as a three-year-old, she broke the record for trotters of that age on a half-mile track, Nancy Hanks withdrew from the public sale to the St. Louis Agricultural and Mechanical Association, and the announcement has been made that next spring she will be bred to Arion. The turf has seen the last of her. Her winnings, amounting to several hundred dollars in 1891, for which no figures are quoted, reach \$61,954.

ROYAL HORSE FLESH.

Chicago, Dec. 12.—Directum, the king of trotters, started from here yesterday to winter at San Antonio, Cal. Directum's companions on the trip are Flying Jib, the famous pacer, Alix, Little Albert and several lesser lights.

STARTS TO-MORROW.

The Broadmead farm mare, Marcelle, has been entered for the Brown steeplechase, 1.1.4 miles, to be run at the Bay District track, San Francisco, to-morrow, on Saturday afternoon. She is a Norfolk stakes, one mile; the following Thursday she will take part in the race for the Quinlan stakes, 1.1.8 miles. On Saturday, December 23rd, she runs in the Thornton handicap, 1.1.4 miles, and on the 30th she will try for the Nagle handicap, 1.1.6 miles. There are good purses for each of the foregoing races and it is thought by her owners that Marcelle stands a good chance of winning some of them.

THE RING.

WILLING TO FIGHT.—San Francisco, Dec. 11.—Young Mitchell says he will meet Jack McAuliffe a limited contest, or, if Ryan, his recent opponent, in a finish contest, the result of which he is prepared to wager \$2,500 or more.

"Salor" Brown, who is an eccentric figure in the pugilistic world several years ago, has emerged from the swamp, and to-day sends a challenge from Velejo to Young Mitchell, Jim Ryan or to any other middleweight who wishes to meet him.

HORNETS WIN.

The Victoria Rugby team journeyed to Nanaimo on Monday and played a match with the Hornets in the evening. The Hornets won by two goals and two tries; Victoria nothing. After the match the following team was chosen, subject to approval by the Victoria club, to represent the island in the island-mainland match: Hugh Patterson, back; C. Barford, S. Webster, A. Creane, J. F.

Foulkes, three-quarters; J. Neen, H. Hill, half-backs; J. C. Hilton, Geo. Lester, M. Duffy, M. Woodburn, H. F. M. Jones, L. Crease, W. H. Langley, A. H. Worden, forwards—seven from Nanaimo, seven from Victoria, and one, J. C. Hilton, from Somers.

MITCHELL INTENDS TO TRAIN.

Jacksonville, Fla., Dec. 13.—Charles Mitchell, the pugilist, has written a friend here saying he will certainly train in the vicinity of Jacksonville for the coming contest. He will reach here by Christmas.

PUGILISTS IN CUSTODY.

Crown Point, Ind., Dec. 13.—The cases of Dominick O'Halley, ex-manager of the pugilistic club at Roby, and of Costello and Woods, who were arrested in September last at the conclusion of their fight by order of the state authorities, are on the docket for trial in the circuit court to-day. The defense has a strong array of counsel and the state will make a vigorous effort to secure a conviction.

MACAULIFFE ACCEPTS.

San Francisco, Dec. 13.—Jack McAuliffe has accepted Young Mitchell's challenge for a limited boxing contest. The men will meet shortly to complete arrangements.

WILL SPAR DELANEY.

Mike Quilligan has expressed a willingness to spar with Paddy Delaney and will if he desires meet him at the rooms of the Pastime club this evening. He is willing to box eight or ten rounds. The men are of about the same weight.

GIBBONS AND MURPHY.

Chicago, Dec. 8.—Reports are current this morning that the police would prohibit the meeting scheduled for to-night at the second regiment armory between Austin Gibbons, of Patterson, N. J., and Jimmy Murphy of Chicago, both of whom have participated in some rattling mills. According to the programme the event is to be an eight round contest for scientific points, but to this is added, (sub rosa) "anything else in sight," which is interpreted by every ticket purchaser as meaning that the mill will be to a finish. Both men have made their marks in the pugilistic arena. Gibbons has lost only one decision, this being on the occasion when he boxed Jack McAuliffe, and in which Jerry Dunn, of unsavory reputation, stopped the set-to and declared McAuliffe the winner. Numerous efforts have been made to bring about another meeting between the two men, but McAuliffe, true to his characteristics, has always backed down at the critical moment. Jimmy Murphy has the reputation of being exceedingly clever with his fists. He is quick, shifty, able to stand punishment and to give as good as he takes. His greatest showing was his 57 rounds with Tommy Ryan, which resulted in a draw. He also took out Konnick, a 12 Chicago match between the two, which was a very close affair.

John Bartlett, recalled. Could not say when Stroebel went out the morning of the 19th of April or whether he was fishing or not. Saw Mr. Moresey 1st of December. Did not tell him that Stroebel did not have his fishing rod the day of the murder. His mother did not correct him in the matter nor did his sister shake her head at him.

MITCHELL AND CORRETT.—London, Dec. 14.—"Pony" Moore, father-in-law of Charlie Mitchell, leaves for the United States on January 4th, to witness the fight between Mitchell and Corbett.

P. Delaney, of New York, and Mike Quilligan, of Australia, last evening signed articles for a boxing match for points to take place on Saturday the 22nd instant at the Pastime Club.

THE KENNEL.

AMERICAN NATIONAL SHOW.—Chicago, Dec. 14.—The national dog show under the auspices of the Chicago Kennel Club was opened at the Second regiment armory to-day with over 2,000 entries, including some fine specimens of mastiffs, Great Danes, spaniels, pugs and other breeds. The two finest Great Danes in the country, Imperator and Melac, are on exhibition.

BILLARDS.—THE BIG THREE.—New York, Dec. 13.—Billiard players are in a flutter of excitement over the match that opens here this afternoon between the "Big Three," Schaefer, Ives and Slosson, for a purse of \$1,500, the winner taking 50 per cent. of the gate receipts. Schaefer is the favorite, although Slosson has many admirers. In view of the "anchor nurse," as played in the recent match between Ives and Schaefer, Maurice Daly has decided to have the cloth changed every night. This will do away as far as possible with the chance of any position on the rail that will permit any anchor trickery.

WRESTLING.—A BRAGGART FLOORED.—Harry Dunn gave a display of his ability as a wrestler at Black Diamond near Seattle on Monday last. Here is what the Post-Tribune says: "A wrestling which created much amusement took place in the Black Diamond saloon Monday evening between Harry Dunn, champion mixed wrestler of Australia, and Stone, who claims to be champion of Montana. The match grew out of a dispute between the contestants. Stone was boasting of his powers and Dunn ended by saying that he could throw him five times in one hour, Cumberland style. A purse of \$15 was soon collected among the many eager spectators and the match arranged. Dunn handled Stone as he would a rubber image, winning the five falls in the following time: First fall, two seconds; second fall, three seconds; third fall, two seconds; fourth fall, two seconds; fifth fall, two seconds. Dunn weighed 204 pounds and arrived with his brother from Australia about two weeks ago. He is open to all comers, mixed style."

THE CUE.—VICTORIA HANDICAP.—The English billiard tournament takes place at the Hotel Victoria this evening. C. J. Prior, who receives 50, will play Mr. Baillie, who receives 100. The match will commence at 8:30.

WILLING TO PLAY.—Archie Reid is willing to play C. McMin fifteen ball, 100 balls, for any amount from \$100 to \$500, match to take place after the tournament at the Victoria, the principals to toss for choice of the time. Reid is willing to play for \$100, Reid will spot McMin 10 balls for \$200 20 balls, and for \$500 30 balls.

The Liberals of North Norfolk have nominated John Charlton for the coming election, and E. C. Carpenter for the legislature.

THE MARSHALL HOMICIDE.

Marshall Lucas Another Important Witness on the Stand.

AN EXPERT GUNSMITH CALLED.

The Case for the Crown Not Yet Closed—Trial Will Probably Last Several Days Yet—Increased Interest Shown in the Trial by the Public.

(From Monday's Daily.)

After recess on Saturday Mr. Webb continued his evidence. The prisoner's revolver was a 38-calibre revolver, a very common one, and of the cheapest make. The grooving in a cheap revolver was never so polished nor so clear as in a first-class Smith & Wesson and would rust more quickly. The grooving in a first-class revolver would only make a rust groove in a bullet shot from it. This was shown to the jury by a new revolver. There is a great similarity between the grooving in bullet shot from Stroebel's revolver and the grooving in the one taken from the neck of the murdered man; both were evidently fired out of a rusty revolver; both were the same make and calibre. There were five kinds of 38-calibre cartridges made; none were like the 38 Smith & Wesson. There could be only one of two kinds of 38-calibre cartridges fired from the prisoner's revolver. The cartridges found in Stroebel's room were 38 Smith & Wesson.

Cross-examined by Mr. Morrison—You are an expert gunsmith, are you? Witness—I have been in the business for 17 years. Q.—Selling guns or making them? A.—Selling and repairing guns. Q.—But you consider yourself an expert, do you not? A.—I think I am an expert. Q.—What do you mean by "calibre"? A.—Well, what I mean is this: A 38-calibre revolver would take a 38 cartridge (laughter). Q.—But what do you mean by the word "calibre"? A.—It means a decimal. Q.—A decimal of what? A.—I don't know.

The witness then made a lengthy explanation of rifles, shotguns and revolvers, but did not appear to give a satisfactory definition of "calibre."

Mr. Moresey was again recalled to prove that the cartridges produced in court were the same as found in Stroebel's revolver, and that the money was that which was found in Marshall's house. He also swore that the bullets produced in court were the same as came out of Marshall's neck and head.

John Bartlett, recalled. Could not say when Stroebel went out the morning of the 19th of April or whether he was fishing or not. Saw Mr. Moresey 1st of December. Did not tell him that Stroebel did not have his fishing rod the day of the murder. His mother did not correct him in the matter nor did his sister shake her head at him.

Mr. Morrison again objected to the Attorney-General's cross-examining his own witness. Objection sustained.

Witness, continuing: Saw prisoner walking without a stick at Sumas while the jury were up there.

Mr. Moresey again recalled: Went to Sumas City last week with Mr. Woods to make a plan of Bartlett's house. While there going Bartlett told him that the fishing rod he had in his hand was Stroebel's fishing rod and that he did not have it with him the day of the murder.

His sister and mother interrupted him with such exclamations as "Yes, he told," "I don't know," "I don't know," "I don't know."

Cross-examined by Mr. Fell: Did the Attorney-General this (Saturday) afternoon about young Bartlett's statement about the fishing rod. He, the Attorney-General did not know about it before.

James Byron, Silverton, sworn: Lived in upper Sumas; knew the prisoner. Saw him in the custody of Mr. Moresey at Huntington. Spoke to him there. Wanted him to go before a magistrate to declare his innocence. He told witness he went fishing the night of the murder after helping Porter to milk; that he sat on the bridge fishing and whistling, he did not know how long and that he then went back and got a revolver out of a stump near Marshall's and went home. The prisoner is an Odd Fellow.

Cross-examined by Mr. Morrison: Don't remember whether prisoner told me these exact words or not. Told the prisoner's conversation to Mrs. Bowley, a sister of Mr. Ackerman, and she refreshed my memory.

Mrs. Bartlett, recalled: Stroebel did not tell her that he did not leave his fishing rod on the road but that he left his revolver in a stump near Marshall's. Stroebel and her son John did not sleep together on the night of the murder. (Jury went back in again to examine the bedstead.)

P. A. Laurence was sworn: Is mayor of the town of Sumas. The marshal of the city was appointed by the city council. Knew Marshall Lucas. Did not agree with Mrs. Bartlett's opinion of Lucas. Would believe the latter on oath. Knew the country surrounding Sumas and went fishing quite often in the Sumas river. Fish might be caught in Marshall's creek below the treble. Never saw any fish above the treble. Was in Seattle at the time of the Marshall murder. Had a conversation with Mrs. Bartlett regarding Marshall's death after he returned. She asked him if he had heard about the Marshall affair and she told him she knew more about the matter than he thought she did but did not care to tell about the matter for fear she might get fixed the same as Marshall. Had a conversation with Mrs. Bartlett about Stroebel and some money matters. She said she expected about \$25 or \$30 from him. Mrs. Bartlett owed the witness about \$15 at that time.

Cross-examined by Mr. Morrison: Mrs. Lucas supported the witness for mayor and was a friend of his.

Mr. Lucas, recalled: Would believe Mrs. Lucas on oath. Got milk from Lucas.

Baxter, recalled: Had a conversation with Mrs. Bartlett regarding preliminary examination in New Westminster. Stroebel had no fishing rod when seen by witness on railway track. Mrs. Bartlett told him that Stroebel told her that he went up to Marshall's not to get his fishing rod but to get his revolver which he left in a stump.

Cross-examined by Mr. Morrison: The witness could not hear very well but memory was fairly good. Might not have heard Mrs. Bartlett properly.

Mr. Moresey was again recalled by the Attorney-General to identify the prisoner's revolver.

Court adjourned till 10 o'clock Monday morning.

At 10 this morning court again opened, Frank P. Carpenter, a barber in Sumas City, knew the prisoner who was at one time apprenticed to another barber, Lewis Larson. Before April 19th there was talk between witness and prisoner as to a proposed business arrangement. He wanted to buy witness out. Witness offered to sell for \$250 and prisoner said he had \$500 in the New Westminster bank. The \$250 was to cover barber shop fixtures and household goods. Prisoner said he wanted to settle down as he was going to get married. Had a conversation with him almost every day and sometimes in the presence of Mrs. Bartlett and Lizzie. The last conversation in their presence was inside of a week of Marshall's death. Had a conversation with Mrs. Bartlett who wanted to put an attachment on a horse which Stroebel had on the Canadian side of the line. She wanted witness to take the horse over the line. She wanted to get her money from Stroebel and be rid of him as she was afraid of him.

Cross-examined by Mr. Morrison: There were other barbers in Sumas but he had not much competition. He had not been subpoenaed but had received a telegram on Friday last from Mr. Moresey asking him to come. Did not tell Mr. Moresey before the New Westminster trial what he had since told him and was not a witness at that trial. Was not very anxious to be a witness. Remember having a conversation with a party in his shop, but not now recognizing him. Did not tell him that Stroebel was a good young man who would not commit such a terrible crime. Did not ask what pay witnesses received. Did not say that prosecution would not subpoena him as he had no evidence in favor of the prosecution. The conversation with prisoner as to money in the bank took place in February, March or April. Knew of land dealings between Stroebel and Moulton. The land was in Vancouver and was originally owned by Stroebel's brother who transferred it to prisoner to save it. The latter transferred it to Moulton, rightfully he guessed. Witness said with Moulton. Had negotiations with Mrs. Bartlett as to the purchase of her house. Had the money to buy it with. Made a little about thimble-riggering and there might or might not be an advantage in being near the boundary line. He had not stolen razors or rugs from a former employer in Sumas.

Charles Moulton, who lives at Huntington, explained about the land transaction above referred to. In cross-examination he said he had been asked to bet on the result of the trial at New Westminster.

David B. Lucas, recalled: Delivered milk on April 20th, between 7 and 8 a.m. Saw Mrs. Bartlett, Mary, Lizzie and John. He said if he had heard of the murder of John Marshall, witness replied: "Who is John Marshall?" Mrs. Bartlett said: "Don't you know old Marshall, the Portuguese, who lives across the line?" Witness, after that, a negative reply went into the dining room and heard Stroebel say to Mrs. Bartlett that the Chinaman who worked for Marshall might know something of the murder. He then went to Marshall's and recognized the dead man. On the way to Sumas he saw the body saw Mrs. Bartlett and the prisoner.

Court adjourned until 1:30 p.m.

After recess Lucas continued his evidence. Saw Mrs. Bartlett, Stroebel and others. Mrs. Bartlett in Stroebel's presence asked if he was after AL (meaning the prisoner). Prisoner said: "I wish they would take me, as I could get to Vancouver anyway." Witness said: "AL, I do want you, merely to go with me and point out the Chinaman that was working for Marshall's yesterday. Prisoner said: 'I don't have to go. Said to him that Mr. Moresey wanted to summon the Chinaman. Prisoner said: "All right, and we went to the Huntington hotel, where prisoner pointed out the Chinaman. The Chinaman gave evidence next morning after they went to the Huntington hotel, where we saw Charles and Mrs. Bartlett. He said to Stroebel: 'It was working for Marshall's yesterday. Prisoner said: 'I don't have to go. Said to him that Mr. Moresey wanted to summon the Chinaman. Prisoner said: "All right, and we went to the Huntington hotel, where prisoner pointed out the Chinaman. 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