

Approved and ordered this

14th day of November, A.D. 1923

 Lieutenant-Governor.

At the Executive Council Chamber, Victoria,

PRESENT:

The Honourable

Mr. Oliver
 Mr. Manson
 Mr. Sloan
 Mr. Hart
 Mr. Barrow
 Mr. Pattullo
 Mr. Sutherland
 Mr. MacLean

in the Chair.

To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to REPORT:--

THAT W.G. MCKENZIE was, on the 21st of September, 1923, convicted by J.A. Findlay, Deputy Police Magistrate, Vancouver, British Columbia, for unlawfully selling liquor contrary to the provisions of the "Government Liquor Act", and for said offence was sentenced to six months imprisonment.

THAT the said Deputy Police Magistrate has written to the Department as follows:--

"Re W.G. McKenzie.

On the 21st instant I convicted W.G. McKenzie on a charge of having sold liquor, and sentenced him to six months in Oakalla. McKenzie is a taxi-driver, and upon being requested by the Provincial police offered to take them to a place at which they could obtain some liquor. He drove in his taxi, and the Police drove in their car to 551 Union Street. McKenzie went up to the house and received a bottle of whiskey from an occupant of the house, and brought it to the Provincial Police at their car, and received in payment five dollars. McKenzie paid four dollars for the bottle.

"He told a very straight story in the box, and is a young fellow nineteen years old, and claims that he was just trying to accommodate, as he thought, three American tourists, and had no intention whatever of selling any liquor. He considered that he was entitled to the dollar for his services in having driven with his taxi from the taxi-stand to the place the liquor was obtained. I was very favorably impressed with the manner in which McKenzie gave his evidence and I believed his story. I think that he is worthy of some consideration, and I believe the ends of justice would be served if you could shorten the time he will remain in jail. I should think that he would be sufficiently punished if he were allowed out after serving a month or six weeks."

THAT the City Prosecutor reports as follows:--

"Rex vs. W.G. McKenzie.

I am in receipt of your letter of the 3rd instant, and beg to advise you that the appeal for clemency in this case really originated with the Police Officers, and Colonel McGugan was also interviewed, and he expressed his agreement with the suggestion made to the Magistrate.

"In addition to the information given you by the Magistrate, I might add that this boy is married and has a child."

THAT the Inspector of Police at Vancouver reports as follows:--

"Re W.G. McKenzie.

I agree in every particular with the statement of the Deputy

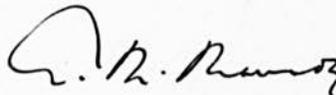
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Police Magistrate, and think it is a case worthy of some consideration.
"This man has no record."

C.A.A.
THE UNDERSIGNED HAS THEREFORE THE HONOUR TO RECOMMEND, under authority of section 9, chapter 44, "Revised Statutes of British Columbia, 1911", "Constitution Act", that four ~~and one~~ ^{R.A.} ~~half~~ months of the sentence of six months imposed on the said W.G. MCKENZIE be remitted and that after having served two months' imprisonment the said W.G. MCKENZIE be discharged from custody on the following condition, namely, THAT in case the said W.G. MCKENZIE be found guilty during the said time of an offence against either a Provincial or Dominion Law, the Attorney-General may thereupon order the arrest of the said W.G. MCKENZIE under the original Warrant of Commitment for the offence first above stated and cause him to be returned to Oakalla Prison Farm to undergo the unexpired portion of his sentence.

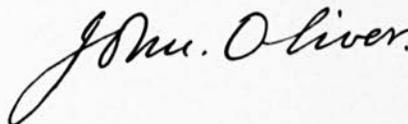
AND THAT a certified copy of this Minute, if approved, be forwarded to the Warden, Oakalla Prison, Oakalla, B.C., and to the Superintendent of Provincial Police, Victoria, B.C.

DATED this 13th day of ~~October~~ ^{November}, A.D. 1923.



Attorney-General.

APPROVED this 13th day of ~~October~~ ^{November}, A.D. 1923.



Presiding Member of the Executive Council.

Order in Council No. 1329

14th November, 1923

Received from the Provincial Secretary's Office 2 Certified Copies of
above Order in Council.

Department of Attorney-General

Per W. Cook