



Work Point Barracks much as it was at the time of Capt. Elliston's murder.

Photo courtesy the Esquimalt Municipal Archives

Life in prison, not death, for Work Point killer

This is the third and last in a series of articles on the murders at Work Point Barracks in the summer of 1910. Parts 1 and 2 were carried in the April 13 and 20 issues of the Esquimalt News. These are available for viewing at the Esquimalt Municipal Archives.

To recap, briefly, what has gone before: Early in the morning of August 1, 1910, Gunner Thomas Allen (press accounts spell the name as 'Allan', but court records show a spelling of 'Allen'), of No. 6 Company, Royal Canadian Garrison Artillery, pointed his service rifle out of his barracks room win-

dow at Work Point and shot his commanding officer, Capt. Peter Elliston, in the neck, fatally wounding him. Allen fled the Barracks and, after short search by police and soldiers, he was captured. Tried for Willful Murder, he was sentenced to die by hanging on December 2, 1910. While Gunner Allen awaited execution, a second murder occurred: at Macaulay Point Fort, Gunner Charles Ratcliffe shot Cpl. John Bowman and then turned his weapon on himself, blowing his brains out.

In the meantime, Gunner Allen's defence counsel, C.F. Davie, mounted an appeal, which

was upheld. Allen was to have a new trial.

Once again Crown prosecutor J.A. Alkman and defence counsel C.F. Davie faced one another in court. With Justice Denis Murphy presiding, Gunner Allen's new trial commenced June 5, 1911. That afternoon, the court visited the scene of the crime, the bare barracks room at Work Point, from where Allen had shot Captain Elliston. When the court reconvened in court the next morning, Allen made his appearance before a packed audience, looking healthy and at ease, smiling and joking with his two guards, in sharp contrast to his

previous appearance months before, this being no doubt to his enforced abstinence from alcohol.

Early in the proceedings, Allen stood up in the box and stated, "I would like to make a statement, my Lord. I don't want these proceedings to go any further." Justice Murphy declined to receive any statements from the prisoner, instructing that any communication must come through his counsel.

Witnesses were heard, and it was testified that Allen had been drinking the night before the murder, and that he had been found that morning fully dressed, lying on his bunk. Allen had been supposed to

be a member of a work party, but he had been "too shaken" to mount a scaffold. The defence tried to demonstrate that Allen had not really planned the murder, and while he had been heard to say "I'd like to shoot the old bouncer," in the canteen by Gunner Trimbe (who had helped capture Allen after his flight from the barracks), Allen had not mentioned anyone by name. It was also said that it was common to slight officers in the canteen.

Davies' defence was centred on his belief that the idea that "drunkenness was no excuse" was

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wrong. Davie argued that the change in mental capacity caused by alcoholism meant that Allen had been incapable of rational thought and was therefore not guilty of murder. Dr. Earnest Hall testified that Allen's actions, after a long debauch, could be the result of delusions.

After nearly nine hours of deliberation, the jury returned, and the foreman, William Drysdale, in a quiet voice, announced the jury's verdict: "We find the prisoner guilty of manslaughter." Allen had escaped the noose, and was congratulated by several friends on his new lease on life.

Allen's words at this point were curiously fatalistic. Leaning over the dock, he said, "This is the sixth of June. I think it was just one hundred years ago today that Patrick Henry, in his famous address, said: 'Give me liberty or give me death.'" (Allen's knowledge of history wasn't very accurate: Patrick Henry had uttered those words early in the years preceding

the American Revolution; he died sometime in the 1890s.)

Allen appeared before Justice Murphy again when he was sentenced on Friday, June 16, 1911. When asked if he had anything to say, Allen read a long, rambling prepared statement, saying that he could not remember his actions but that he wished to point out some defects in the evidence. Allen stated that he believed a struggle took place between Gunner Bryan and Bombardier Corrigan, and that Capt. Elliston was killed as a result of this struggle, and that in essence, the bullets found on his person at the time of his capture could have been planted there by Corrigan.

Justice Murphy told Allen that the jury had taken a very merciful view, and that he believed Allen to be guilty of willful murder. He then sentenced Gunner Allen to life imprisonment.

Written and researched by Paul Langevin and the staff and volunteers at the Esquimalt Municipal Archives