

PAGE

419

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

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Deposition of a witness.

CANADA:

Province of British Columbia.

Vancouver Jimmy, alias saith:- I (through Walter Woollacott,
County of Vancouver.
(only overseas Canadian Interpreter)

I am a fisherman. At present I live at Bella Coola. During the

THE information and complaint of Walter Woollacott of Alert
I was fishing with the prisoner Johnny Carl, in Rivers Inlet, in Bay, Provincial Constable, taken this 17th day of February, in
the year of Our Lord one thousand nine hundred and four before
the undersigned one of His Majesty's Stipendiary Magistrates
I cannot remember the month. I am a fisherman by occupation
in and for the said County of Vancouver, who saith that he hath
to Good Hope Country, in the said County of Vancouver, on
just cause to suspect and believe and doth suspect and believe
that Johnny Carl, at Rivers Inlet in the County of Vancouver, on
or about the tenth day of July A. D. 1900, murdered Sizo Taka-
moto, a Japanese.

I supposed he gave them liquor. I did not say it at the time, Harry
got very drunk and Susan a little drunk. The latter was sober
enough to reason. They invited me into the house and gave me
liquor to drink. I drank three glasses. After this Harry, Johnny
Susan and myself went down to our boat and started for the fish-
ing grounds. I find the prisoner were in our own boat. Susan and
Harry were in their boat. Harry was dead drunk. We towed their
boat. When we arrived near the Island outside Good Hope the pris-
oner commenced putting the net out and I rowed the boat. When we
Sworn before me the day and year first above-mentioned at Vancouver
in the County of Vancouver.

"Hx. O. Alexander"
S. M.
Carl then cut the Japanese net with a pocket knife. He wanted to
have a row with the Japanese. I tried to stop him, but he paid
no attention to me as he was a little drunk. I had no weapon
on me at the time and as Johnny Carl had a knife I was frightened
to stop him. There was about a little of our net remaining in the

Deposition of a Witness.

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Kinisquit Jimmy, Sworn saith:- (Through Walter Woollacott,
duly sworn as Chinook Interpreter)

I live at Bella Coola. During the fishing season of 1900 I was at Good Hope Cannery, Rivers Inlet. I was fishing with the prisoner Johnny Carl. I remember the time the two Japanese died. I think it was on a Tuesday. The fishing season had just advanced about one week when the Japanese died. I cannot remember the month. I was with Harry Humpchet and went to Good Hope Cannery with him and Susan. I went there from Green's Cannery on a pleasure trip. On arriving ~~there~~ at Good Hope the prisoner invited Harry Humpchet, Susan and myself to have tea at his house, Harry and Susan went inside with the prisoner where I supposed he gave them liquor. I did not go in at the time. Harry got very drunk and Susan a little drunk. The latter was sober enough to reason. They invited me into the house and gave me liquor to drink. I drank three glasses. After this Harry, Johnny Susan and myself went down to our boats and started for the fishing grounds. I and the prisoner were in our own boat, Susan and Harry were in their boat. Harry was dead drunk. We towed their boat. When we arrived near the Island outside Good Hope the prisoner commenced putting the net out and I rowed the boat. When we were throwing our net out Harry's boat was towing behind ours. Harry was asleep in the boat. When out net was nearly out we came across the Japanese net. I said don't put out any more. Johnny Carl then cut the Japanese net with a pocket knife. He wanted to have a row with the Japanese. I tried to stop him, but he paid no attention to me as he was a little drunk. I had no weapons on me at the time and as Johnny Carl had a knife I was frightened to stop him. There was still a little of our net remaining in the

boat. The prisoner wanted to let Harry's boat go. I hung to it as he wanted to go over to the Japanese boat. The prisoner then jumped into Harry's boat. Susan then left her husband in their boat and got into mine. The prisoner then rowed over to the Japanese boat, Harry still being with him but dead drunk. The Japanese boat was about 140 feet away. During this I was still holding on to our net. It was dusk at the time. When they arrived at the Japanese boat Johnny Carl, the prisoner struck the larger Japanese three times over the head with an oar. There were two Japanese in the boat. The oar that Johnny used had the handle broken off, during this trouble, I saw the handle broken off when Johnny was using it. The one Japanese was about the size of Mr. Woollacott the Interpreter the other was smaller. I think the big man handled the net, though at the time of the row they ~~were~~ were standing up in the ~~what~~ boat doing nothing. When the prisoner struck the larger Japanese he killed him. He then killed the smaller Japanese with the oar he had used to kill the Larger Japanese. The prisoner struck the smaller Japanese twice. The smaller Japanese was killed by the blows inflicted by the prisoner. After the Japanese were both killed the prisoner threw the bodies overboard. Between the time the Japanese were killed and the time their bodies were thrown overboard I did not see anything done by anyone to the Japanese. I did not see anyone take anything out of the pockets of the Japanese and I was not told by anyone that anything had been taken out. After the bodies had been thrown overboard the prisoner came back in Harry's boat to mine. Harry was still lying down drunk. Johnny the prisoner got into our ~~baat~~ and Susan got into Harry's boat. Johnny began hauling in our net. Harry did not ~~know~~ throw his net out. ^{It} ~~it~~ was all the time in his boat. We returned to out house at Good Hope Cannery. When the prisoner Johnny cut the Japanese net they did not know he had done it and did not say anything. They began overhauling their net and then found it was cut and began saying a lot to Johnny but

I could not understand what they were said. They were talking in Japanese. The Japanese picked ^{up} both parts of their net.

X Exam. The accused does not wish to ask any questions.

his
Kinisquit X Jimmy.
mark

Statement of the Accused.

Johnny Carl, Sworn saith:-

I want to say a little. It was the idea of Harry, Jimmy and Susan to kill the Japanese and Harry did it. I want to say what I said in the Court at Namu. I was with Jimmy at my house at Good Hope, Harry came there with his wife. Jimmy got a bottle from a Chinaman, and I got one bottle also. The four of us drank it all. When we finished drinking we went to our boats. We were very drunk, but we could walk without falling down. Jimmy, my partner went with Harry in his boat. They tied my boat to theirs and towed me, I do not know who tied my boat. I threw my net out whe a little way from the Island. Harry also threw about half of his net out. When he came to the Japanese net he cut it with a pocket knife. I saw the knife at the house before we left. Harry then threw out the rest of his net. The Japanese hauled in their net and went to Harry. I hear the Japanese talking very loudly to Harry. I also heard two boats shouting to them. I do not know who they were. The woman, Susan, said "Let us kill the Japanese" Harry took an oar and struck the larger Japanese ~~two~~ twice over the head killing him. Harry then got the smaller Japanese by the neck and cut his throat with a pocket knife. After the two Japanese were killed Harry threw the two bodies overboard. There wasn't anything tied to them. Jimmy during the row sat down in the boat and did not try to stop Harry at all. A half an hour afterwards Jimmy came to my boat. In a little while it was morning and I hauled in

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my net. I did not know where Harry had gone to. I then went ~~top~~
my house at Good Hope. Two days afterwards I saw Harry and
Susan at Green's Cannery.

his
Johnny X Carl.
mark

Taken before me at the City of Vancouver, the day and year first
above-mentioned.

"Hy. O. Alexander"

S. M.

W. Woollacott,
Interpreter.

1904.

Vancouver Spring
Assize.

Rex v. Johnny Carl.
Murder.

23
04

Copy of depositions.



1904.

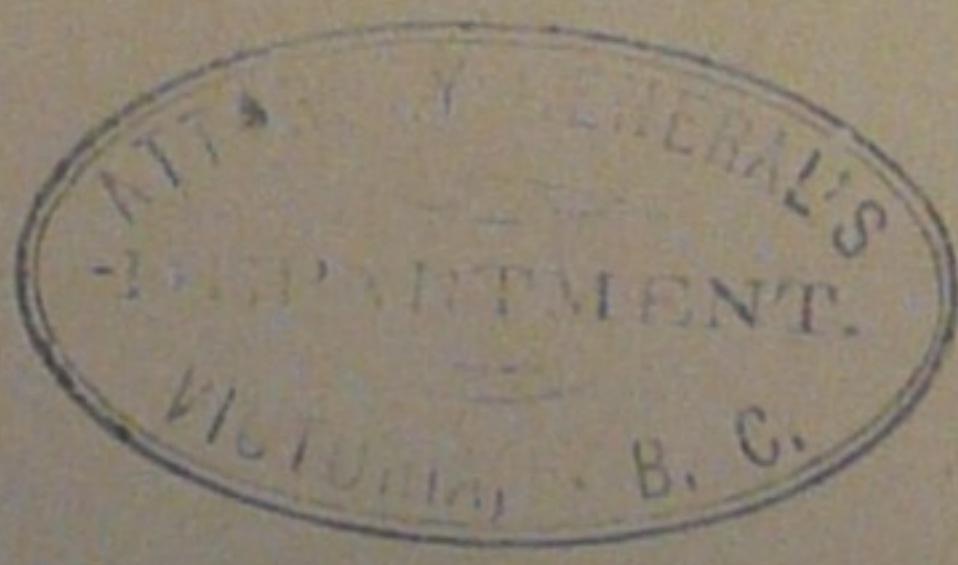
Vancouver Spring
Assize. 23

04

Rex v. Johnny Carl.
(Murder).

16, 17, 18 April 1904
Trial - in - key for defense -
verdict - not guilty
F. H. H.

Brief for Crown.



INDICTMENT AND PETITION FOR AN INDICTMENT OFFICE.

IN THE COURT OF OYER AND TERMINER AND GENERAL GAOL DELIVERY.

CANADA.
Province of British Columbia }
County of Vancouver, }
City of Vancouver. }
The jurors for our Lord

the King present that Johnny
Carl, an Indian, at Rivers Inlet,
in the County of Vancouver, in the Province of British Columbia,
on or about the tenth day of July in the year of our Lord one
thousand nine hundred, one Sizo Takamoto, a Japanese, unlawfully
did kill and murder, against the peace of our then Lady the Queen,
her crown and dignity:

2. And the jurors aforesaid do further present that the
said Johnny Carl, afterwards, to wit, on the day and year and
at the place last aforesaid, one Matsuzo Takamoto, a Japanese,
unlawfully did kill and murder, against the peace of our then
Lady the Queen, her crown and dignity.

I hereby direct that the counsel acting for the
Crown at the Vancouver spring assizes, 1904, prefer
this Bill of Indictment to the Grand Jury.

Attorney-General.

Mr. A. M. MacLaren

S. H.

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

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CANADA:

Province of British Columbia.

County of Vancouver.

THE information and complaint of Walter Woollacott of Alert Bay, Provincial Constable, taken this 17th day of February, in the year of Our Lord one thousand nine hundred and four before the undersigned one of His Majesty's Stipendiary Magistrates in and for the said County of Vancouver, who saith that he hath just cause to suspect and believe and doth suspect and believe that Johny Carl, at Rivers Inlet in the County of Vancouver, on or about the tenth day of July A. D. E 1900, murdered Sizo Takamoto, a Japanese.

"Walter Woollacott."

Sworn before me the day and year first above-mentioned at Vancouver
in the County of Vancouver.

"H. O. Alexander"

S. M.

Deposition of a Witness.
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Kinisquit Jimmy, Sworn saith:- (Through Walter Woollacott,
duly sworn as Chinook Interpreter)

I live at Bella Coola. During the fishing season of 1900 I was at Good Hope Cannery, Rivers Inlet. I was fishing with the prisoner Johnny Carl. I remember the time the two Japanese died. I think it was on a Tuesday. The fishing season had just advanced about one week when the Japanese died. I cannot remember the month. I was with Harry Humpchet and went to Good Hope Cannery with him and Susan. I went there from Green's Cannery on a pleasure trip. On arriving ~~there~~ at Good Hope the prisoner invited Harry Humpchet, Susan and myself to have tea at his house, Harry and Susan went inside with the prisoner where I supposed he gave them liquor. I did not go in at the time. Harry got very drunk and Susan a little drunk. The latter was sober enough to reason. They invited me into the house and gave me liquor to drink. I drank three glasses. After this Harry, Johnny Susan and myself went down to our boats and started for the fishing grounds. I and the prisoner were in our own boats, Susan and Harry were in their boat. Harry was dead drunk. We towed their boat. When we arrived near the Island outside Good Hope the prisoner commenced putting the net out and I rowed the boat. When we were throwing our net out Harry's boat was towing behind ours. Harry was asleep in the boat. When our net was nearly out we came across the Japanese net. I said don't put out any more. Johnny Carl then cut the Japanese net with a pocket knife. He wanted to have a row with the Japanese. I tried to stop him, but he paid no attention to me as he was a little drunk. I had no weapons on me at the time and as Johnny Carl had a knife I was frightened to stop him. There was still a little of our net remaining in the

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boat. The prisoner wanted to let Harry's boat go. I hung ^{on} to it as he wanted to go over to the Japanese boat. The prisoner then jumped into Harry's boat. Susan then left her husband in their boat and got into mine. The prisoner then rowed over to the Japanese boat, Harry still being with him but dead drunk. The Japanese boat was about 140 feet away. During this I was still holding on to our net. It was dusk at the time. When they arrived at the Japanese boat Johnny Carl, the prisoner struck the larger Japanese three times over the head with an oar. There were two Japanese in the boat. The oar that Johnny used had the handle broken off during this trouble, ~~when Johnny was using it.~~ The one Japanese was about the size of Mr. Woollacott the Interpreter the other was smaller. I think the big man handled the net, though at the time of the row they ~~were~~ were standing up in the ~~what~~ boat doing nothing. When the prisoner struck the larger Japanese he killed him. He then killed the smaller Japanese with the oar he had used to kill the Larger Japanese. The prisoner struck the smaller Japanese twice. The smaller Japanese was killed by the blows inflicted by the prisoner. After the Japanese were both killed the prisoner threw the bodies overboard. Between the time the Japanese were killed and the time their bodies were thrown overboard I did not see anything done by anyone to the Japanese. I did not see anyone take anything out of the pockets of the Japanese and I was not told by anyone that anything had been taken out. After the bodies had been thrown overboard the prisoner came back in Harry's boat to mine. Harry was still lying down drunk. Johnny the prisoner got into our boat and Susan got into Harry's boat. Johnny began hauling in our net. Harry did not know throw his net out. ^{It} was all the time in his boat. We returned to our house at Good Hope Cannery. When the prisoner Johnny cut the Japanese net they did not know he had done it and did not say anything. They began overhauling their net and then found it was cut and began saying a lot to Johnny but

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I could not understand what they ~~were~~ said. They were talking in Japanese. The Japanese picked ^{up} both parts of their net.

The accused does not wish to ask any questions.

Kinisquit X Jimmy.
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Statement of the Accused.

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Taken before me at the City of Vancouver, the day and year first above-mentioned.

"Hy. O. Alexander"

S. M.

W. Woollacott,

Interpreter.