





INFORMATION AND COMPLAINT.

CANADA:  
Province of British Columbia.  
County of Victoria.

THE information and complaint of D.G.Cox, of the City of Victoria, Provincial Constable, taken this day of April, A.D., 1904, before the undersigned, saith that he hath just cause to suspect and believe and doth suspect and believe that on the 23rd day of April, A.D., 1904, at Sidney, in the County of Victoria aforesaid, Kanazdo Oyadomari, Masakichi Yano, Giutano Nishii, Shimakichi Sakai, Saupei Nishino and Ichitaro Kai unlawfully did inflict greivous bodily harm upon one Sydney Saunders, contrary to the form of the Statute in such case made and provided.

(Sgd.) D.G.Cox.

Sworn before me the day and year first above mentioned, at the City of Victoria aforesaid.

On (Sgd.) H.G.Hall, I was employed as the Stip. Magistrate. I was present for the first time on the afternoon of the 23rd April, about half past five o'clock, Mr. Frayne, the judge, sent home four of the Japs. The rest of the Japs, thinking they were fired, went home also. One of the Japs, who was before me, one of the accused, Kanazdo Oyadomari, stayed behind.



# DEPOSITIONS.

Dr. J.D.Helmcken:-

I am a registered medical practitioner in the Province of British Columbia. I know Sidney Saunders. On Saturday, 23rd April, last, I was called to attend him about 9 o'clock that night. I found six contusions on the top of his head. A contused wound over the right eye and a contused wound below the right eye. The wound below the right eye being a punctured wound, not very deep. On the back of the right shoulder there was an abrasion; on his body were several bruises. On the right thigh in front a contusion; a contusion over the right knee and a contusion over the lower right leg. Saunders was in a very excited condition when I saw him, and suffering slightly from shock. These were all the external injuries I found on him. So far there has been no appearance of internal injuries. I saw Saunders again on last Tuesday 26th April, and Friday 29th April and Sunday 1st May. Saunders's condition at present is very good with the exception of his leg. He is not able to stand or walk upon it, and is at present unable to attend Court as a result of his injuries. He should be able to walk around in about another week's time. To Court: None of these wounds were really dangerous.

(Sgd.) J.D.Helmcken, M.D.

Sydney Seymour Saunders:-

I live at 320 Dallas Road, Victoria. My occupation is prospector. On 23rd April last I was employed at the Sydney Saw Mills at Sidney. I had been working there for five prior that date. On the afternoon of the 23rd April, about half past three o'clock, Mr. Frayne, the sawyer, sent home four or five Japs. The rest of the Japs., thinking they were fired, went home also. One of the Japs., who was foreman before me, one of the accused, Kanezdo Odemari, stayed behind.



I told him it was no use him staying around as he was not going to get paid. Oyodomari said that was all right, "I'll get paid up to 3 o'clock," and commenced to laugh, when I held up my hand saying "That will do now." My hand would be about a foot ~~from~~ away from his face at the time. Oyodomari scouled saying "What you do." He had an axe in his hand and swung it up towards me, cutting my hand. I grabbed a pevee and swore at him for cutting my hand. One of the employees, A. Roberts, jumped between the Oyodomari and myself and said "Don't touch him, there is trouble enough now without the Japs. around this mill", or words to that effect. Not wishing to get into a fight of any description, I let the matter drop. I did not bear the (Jap) any malice. Oyodomari then went to the Jap.'s bunk house where all the Japs. live and brought back all the rest of the Japs with him. The Japs. then stood around me without saying a word. I was going on (with my work and did not speak. I was not thinking of any attack, when I slipped and fell. When down I received two blows on the head. One of the blows was a kick. When I got up I grabbed hold of a stick and looked around to see who had attacked me. I saw one of the accused, Masakichi Yano, swinging back with something in his hand to strike me with, when I got in a quick blow and cut him over the eye. I hit another Jap. and ran. As I ran I got a cut over the eye. It was done so quick I do not know what it was done with. I ran to get on the ground from off the boards I was on as the boards were slipping. I looked behind me and saw another of the accused, Ichitaro Kai, running after me with a club, a long stick about five feet long, looked like a piece of 2 x 4 lumber. I swung around at him with my stick but missed him, when another of the accused, Saupei Nishino, ran in on me and grabbed me trying to get my club and succeeded in getting my club away from me. Then I punched him with my fist and I think he fell.



Then another of the accused, Ichitaro Kai, struck me on the back of the head with his club and stunned me. I knew no more for some time. When I came to again, another of the Japs. accused, Shumikichi Sakai, was pounding me on the back at the spine with a rock tied on the end of a handkerchief. I tried to stop him. Then the rest of the Japs., seeing I was not dead, all came at me at once. I was lying on the ground all this time. The Japs. came onto me jumping on me, kicking me and everything else. Then Mrs. Cuddy came out of the house and screamed and all the Japs. went away home. I saw one of the Japs. had an axe. I could not tell if he struck me with it. I do not identify Gintaro Nishii as being one of the Japs. who attacked me, but I saw him amongst the Japs. who attacked me. I identify axe produced as being the axe I was working with and I used it just about half an hour before I was attacked by the Japs. the axe from Yano. The other (Marked Exhibit 1.) The remainder of the prisoners in the box, were The axe was lying alongside of where I was working when the fight started. I got the axe from Yano. Another white man then came up. Al (Sgd.) (Sydney Saunders) tried to get the axe when the Japs. chased him about 100 yards swinging the axe in the air as he followed him and making cuts at him with the axe. I went back and saw three of the

George Frayne:-

I am sawyer at the Sidney Mill. I remember Gintaro Nishii, Saupai Nishino, Shumikichi Sakai as the three Japs. Saturday the 23rd day of April, 1904. About half past three o'clock we were putting lumber off the platform into the water. I sent the Japanese home. I went to the boiler room to examine the water in the boilers and was about fifteen minutes absent. On my return I found the Japs. all back again standing around in a circle on the lumber pile. Before I had

(Sgd.) G. Frayne.



work moving the lumber. Saunders said that he was not scared;  
A. Roberts:-

I live at Sidney. I am settler in the Sidney  
Saw Mill. I remember Saturday 23rd April last. The mill was  
not running that day and the employees were putting out the  
timbers in the water. There are some Japanese employed at the  
mill. Mr. Frayne was there. He was left that day as foreman  
at the mill. The Japs. did not seem to work to please him  
and he discharged three or four of them and told them to go  
home. All Japs. then went home except three. Presently one of  
the Japs., Oyodomari, came back on to the pile of timber and  
wanted to know what the trouble was and why all the Japs. had  
left. Saunders told Oyodomari that they were "fired." Oyod-  
omari went down off the lumber pile and returned presently  
with an axe in his hand. Mr. Blason, Mr. ~~Well~~, Saunders and  
myself were working on the lumber pile. I asked ~~xxxxxx~~  
Oyodomari what he wanted with the axe and Oyodomari said he  
was after him, pointing up to Saunders; said he was no good  
and that he was crazy. I asked Oyodomari for the axe but he  
would not give it up to me, but kept getting closer to  
Saunders all the time. Presently Saunders turned around  
and put his hand under Oyodomari's chin and said "You will  
have no pay for this afternoon's work." Oyodomari replied  
"We will get 3 hours pay." Saunders said "No, you won't."  
Saunders said he would see they did not get paid. Oyodomari  
had the axe in his right hand and swung it from underneath  
with the blade up at Saunders. Saunders grabbed the axe with  
his right hand and when he grabbed it cut himself across the  
palm of ~~his~~ his right hand. Saunders then took the pevee  
which he had in hand and told Oyodomari that he would run it  
through him. Oyodomari seemed mad, and I knew there was going  
to be trouble. I grabbed the pevee from Saunders and I also  
made a grab for the axe which Oyodomari had but could not get  
the axe. I asked Saunders to put the pevee down and have no  
trouble. Saunders was using the pevee at the time at his



work moving the lumber. Saunders said that he was not scared; that he could stand him off, or words to that effect. Oyodomari then went down to the bottom of the lumber pile and sung out to one of the other Japs. that was there. This Jap. is not present among the accused. This Jap. then went over to the ~~xxxxx~~ Japs.' bunk house, and in a few minutes all the Japs. came running over. I told Saunders to get away as there was going to be trouble and the Japs. were too many for him. Saunders again said he was not afraid of them. Just then Mr. Frayne came out of the saw mill and was walking off, and I spoke to him, and just as I turned around I saw the Japs. attacking Saunders. The Japs. were Oyodomari and three or four others. I then saw Saunders hit one of the Japs. with a stick. I ran in to see if I could stop them, but a couple of the Japs. with sticks in their hands told me to stay away. Mr. Frayne ran in to help Saunders, and one of the Japs. struck Mr. Frayne on the back of the head with a stick. The Japs. were at Saunders with the clubs all the time and Saunders was keeping them off. I identify Oyodomari, Ichitaro Kai, Saupei Nishino and Suitaro Nishii as the four Japs. who went up on the pile after Saunders. I yelled to Saunders to run, to get out of the way. When I turned around after talking to Frayne these four Japs. were at Saunders. By being at Saunders I mean they were attacking him with clubs similar to Exhibit 2, and the stick produced marked Exhibit 3. Saunders started to run and the Japs. were still following him up. Saunders seemed to slip jumping off the pile and I saw a Jap strike at him with an axe. I do not recognize this Jap. The Jap. seemed to strike Saunders on the breast somewhere on the left. Saunders ran a little further and a Jap. hit him on the head and knocked him down. The other Japs. then made a rush at Saunders with their clubs and one Jap. made at him with the axe. When Saunders was down on the ground the Japs. were beating him with their clubs, and one Jap. had



an axe. Saunders was yelling. I thought the Japs. were going to kill Saunders, that they meant to finish him, so I ran over to the hotel to get some help. When I returned the Japs. had all gone and Mrs. Cuddy was helping Saunders into her house. Saunders was unable to walk by himself. It took two of us to assist Saunders to the train afterwards.

To Court: I identify all of the accused as being present at the fight with the exception of Shimickichi Sakai. I saw him working at the mill that afternoon.

(Sgd.) A. Roberts.

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Alfred G. Swell:-

I have been employed at the Sidney Saw Mill. I was employed there on Saturday 23rd April last. I was standing at the rollers and saw Saunders speaking with the boss Jap. I heard Saunders say to the boss Jap. he did not want him any more that afternoon or words to that effect. The boss Jap. had an axe in his hand and lifted the axe and cut Saunders on the hand. Saunders said "Look what you've done", and a little more talking. And the boss Jap. went off and came back and there was some more talking with Saunders and the Jap. Saunders was working at the time with apevee and he slipped when he was on top of a timber. The boss Jap. put up his foot and kicked Saunders's ~~xx~~ cap off. Saunders got up and seemed to be somewhat insulted. I think Saunders had something in his hand, and then they started fighting. All the other Japs. ran up and they all went for Saunders. There were about 9 Japs. I jumped up from the rollers and took hold of a piece of stick and struck a Jap. who was using an axe. He was hacking at Saunders with the axe. The other Japs. were beating Saunders with clubs and sticks at the same time. About six of the Japs., leaving Saunders, then



turned on me, still leaving three Japs. beating Saunders, who lay on the ground. Then I heard a woman scream and the Japs. then stopped. Saunders was lying down by the lumber pile while the Japs. were beating him. Saunders was conscious but was bleeding from the face and he looked pretty bad. He called for a drink. The Japs. beat Saunders with pieces of timber something like Exhibits 2 and 3 and some of the sticks used were much larger pieces than exhibits shown.

(Sgd.) Alfred G. Swell.

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Roberts went up to Saunders and said "Don't make a fool of yourself, you will only get the worst of it if you start."

Bertie Blasson:-

I live at Sidney. I am tallyman for the Breakwater and the Sidney Mill Company at Sidney. I was <sup>there</sup> employed on Saturday the 23rd of April last. There had been some difference between Saunders and the Japs. as to the boss-ship. Saunders had charge of two Japs., but after Mr. Cuddy went to Victoria Saunders wanted to have all the Japs. On that day Saunders and the other white employees of the Saw Mill and the Japs. were all employed moving timbers down to the water edge. Mr. Frayne had charge and when Frayne said anything to the Japs., Saunders would add to it and making dirty remarks to the Japs. In consequence the Japs. refused to do any work for either Frayne or Saunders. Mr. Frayne then sent four of the Japs. home, telling them to come back the next day and do the same work as we were then doing. The Japs. went home on being sent away. Mr. Frayne in the meantime went into the engine room to look at the boilers. On his way to the engine room Frayne met the boss Jap., Oyodomari and they had a conversation. The boss Jap., Oyodomari, then returned and asked why the other Japs. had gone home. Saunders lifted off his cap to Oyodomari in a mocking way and saying



Ichitaro Kai, Saupai Nishino, and Guitaro Nishii as being "Go home, you are no damn good." Instead of going home, Oyodomari came and stood within a few feet of us on the lumber pile. Oyodomari picked up an axe and when he came up saw one of the Japs. strike Saunders with the flat of the axe. Saunders chuckled Oyodomari under the chin telling him he was no good at all. There were present Saunders, Jack Reid, A. Roberts and myself. After chucking Oyodomari under the chin, Oyodomari swung the axe with one hand and the axe caught Saunders on the palm of the hand, cutting it slightly. Saunders, who had a pevee in his hand, threatened to strike the Jap. down. He told Oyodomari he would "run it through him." Roberts went up to Saunders and said "Don't make a fool of yourself, you will only get the worst of it if you start." Oyodomari then went home and in a few minutes after he came back followed by 8 or 9 Japs., and Oyodomari came up and stood up beside us with two Japs. One of them I recognize as Sakai. I don't know the other one. The other Japanese then fell back. They lined up in a sort of preparation preparing for battle. Oyodomari and Sakai and the other Jap. commenced to talk and laugh. There was no sign of any sticks when they were standing there talking. Saunders and I then tried to move a 42 foot timber. Saunders was standing at the end pressing the timber with a pevee, when he slipped, falling on his hands and knees. As soon as Saunders fell, Oyodomari gave a sort of side kick and knocked Saunders's cap off, and squatted down like a tiger waiting for his prey looking at Saunders. Oyodomari crouched ready to spring on Saunders. Saunders got up and asked what "Son of a bitch knocked his cap off." Saunders picked up something and struck Oyodomari on the back of the head, whereupon Sakai and the other Japs. picked up sticks and attacked Saunders. Roberts told Saunders to run and Saunders ran. He fell down once before he got off the lumber and got up again. All the Japs. were striking at Saunders by this time. I identify Shimikichi Sakai,



Ichitaro Kai, Saupei Nishino, and Guitaro Nishii as being in the fight. I am certain of these four being in the fight together with Oyodomari. After Saunders was down for good I saw one of the Japs. strike Saunders with the flat of the axe somewhere on the lower part of the stomach, below the belt I think. I can identify Exhibit 1 as the axe with which the Jap. struck Saunders. Exhibit "3" is like the sticks used by the Japs. Saunders had a similar stick. Frayne went to Saunders's assistance and Swell also. Frayne had no stick but Swell had a stick. One of the Japs. ran after Swell with the axe, but did not strike him. Frayne and Roberts then went to telephone and Swell went away also after he was chased with the axe. Saunders was lying on the ground. Saunders seemed dazed when he went into Mrs. Cuddy's. He was able to walk alone.

(Sgd.) Bertie Blasson.

I will not say anything.

(Sgd.) Shimikichi Sakai.

I have nothing to say.

(Sgd.) Saupei Nishino.

I will not say anything.

(Sgd.) Ichitaro Kai.



STATEMENT OF ACCUSED.

Kaneydo Oyodomari:-

I will not say anything.

(Sgd.) Kane Oyodomari.

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Masakichi Yano:-

I have nothing to say.

(Sgd.) Masakichi Yano.

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Guitaro Nishii:-

I have nothing to say.

(Sgd.) Guitaro Nishii.

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Shimikichi Sakai:-

I will not say anything.

(Sgd.) Shimikichi <sup>his</sup> ( X ) Sakai.  
mark.

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Saupei Nishino:-

I have nothing to say now.

(Sgd.) Saupeu <sup>his</sup> ( X ) Nishino.  
mark.

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Ichitaro Kai:-

I will not say anything now.

(Sgd.) Ichitaro <sup>his</sup> ( X ) Kai.  
mark.

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Taken before me, at the City of Victoria, in the County of  
Victoria this 9th day of May, A.D., 1904.  
(Sgd.) H.G.Hall, P.M.



1904.

Speedy Trial - Victoria.

Rex v. Ogamari et al.  
(Assault)

Copy of Depositions.



SIDNEY SAUNDERS says as follows:-

"I went to work at the Mill last Tuesday morning (19th April). I was put boss over the Japs working there. A Jap was boss before I went to work there.

This Jap boss got the rest of the Japs to buck ~~this Jap boss~~ against me.

About half past 3 o'clock this afternoon (Saturday 23rd April) Mr. Frayne, the sawyer, discharged all the Japs; about fifteen minutes afterwards the Japs returned to the Mill, I was just outside getting some planks on to the rollers - the Japs came up and stood around me, in getting up a plank I accidentally slipped and fell, as I fell one of the Japs kicked me on the head - then another Jap hit me with a club and I picked up a stick to defend myself - by this time ~~all~~ the Japs were clubbing me - I looked to see if there were any white men about who would assist me - I got dazed - then I fell - then I felt an awful blow on the head - I saw one of the Japs had an axe.

The boss Jap appeared to be the ringleader, I cannot tell if the boss Jap struck me or not, he was the nearest to me.

The Jap with the axe hit me on the shoulder and breast - with the blunt end of the axe.

All the Japs were clubbing me. I got dazed and remember no more.

The Manager's wife, Mrs. Cuddy, dressed my head."

*(Saunders stated "He left his mark on one of the Japs")*

Taken on train between Sidney and Victoria,

April 23rd 1904.

*Identifying Jap*

*with all his strength.*



Sidney, April 24th 1904.

GEORGE FRAYNE says as follows:-

"I am sawyer at the Mill. Saunders came to work at the Mill on Tuesday last. He was teaching the Japs how to do the work. The Japs would not work for him nor would do as he told them so they did not get along very well; Saunders swore at them a good deal.

On Saturday 23rd inst. about half past three o'clock there was no more work for the Japs and I sent them home, I went inside the Mill to attend to some work and when I returned in about fifteen minutes I saw the Japs had come back to the Mill, about nine Japs, they were standing on the platform just outside the Mill - Saunders was working, shoving planks on to the rollers. Saunders slipped as he was shoving a plank and the boss Jap made a kick at Saunders' face, but missed, knocking his cap off. All the Japs were standing round ready for to "scrap". Saunders then picked up a stick to keep the Japs off. Most of the Japs picked up sticks and clubs ("2 by 4") that were lying around.

All the Japs started in to beat Saunders with the sticks.

One Jap (Yano) took an axe that lay on the wood pile. He struck Saunders with the axe as Saunders fell and lay on his back amongst some lumber, the rest of the Japs were attacking Saunders with the clubs.

Yano struck Saunders with the sharp end of the axe, (a single bitted axe) ~~with the right shoulder~~ as Saunders lay on his back on the lumber pile, struck him on the right side of the breast, Saunders then turned over on his face and Yano struck Saunders another blow with the axe, on the right shoulder, Yano delivered both blows with all his strength. I then tried to take the axe



Sidney, April 24th 1904.

(Frayne)

2.

A. ROBERTS says as follows:-

from Yano when three other Japs attacked me with clubs.

I don't think I could pick out the Japs ~~who~~<sup>me</sup> attacked ~~me~~ I am certain of one of them, the one who struck me on the back of the head - I turned round and faced him. The new man who works at the Mill (Alfred Sivell) came to my assistance, then the Japs turned on him and Yano also turned on him and chased him up the road with the axe. Yano made three or four swings at him (Sivell) with the axe as he chased him up the road, there were three or four more Japs with clubs behind Yano as he chased him (Sivell).

I went over to the Hotel to ~~report~~ telephone to the police at Victoria. As I left three or four Japs were standing over Saunders beating him with clubs, Saunders was lying between the lumber and the Japs could not get at him very well with their clubs."

(Signed) G. Frayne.

D. G. Cox, Witness.



(Roberts)

Sidney, April 24th 1904. 2.

Hotel for help.

A. ROBERTS says as follows:-

I am setter at the Mill, that is, work the  
carriages.

On last Saturday afternoon, April 23rd, about half past  
3 o'clock at the Mill; some of the Japs were not working  
very well so Mr. Frayne sent them home. They all  
left except three (there are 7 or 8 Japs working at the  
Mill). One of these Japs came up to where Saunders  
and myself were working, the Jap had an axe in his hand;  
I asked him to give me the axe, but he refused; he said  
he was going after Saunders; Saunders put his fingers  
under the Jap's chin in a joking way; the Jap looked  
mad, but Saunders kept on joking. Saunders said to  
the Jap "You will get no pay for this Afternoon".

D. G. Cox, Witness.

Saunders had a canthook in his hand - the Jap fired  
the axe at Saunders - Saunders lifted the cant-hook  
and made to drive it at the Jap - I grabbed the cant-  
hook and prevented him. The Jap then went down and  
sent one of the other Japs to the Japs cabin - then all  
the Japs returned. I knew there was going to be  
trouble and was about to tell Mr. Frayne, the sawyer,  
to get Saunders out of the way. When I turned around  
again I saw the Japs were attacking Saunders, all of the  
Japs, about seven or eight. They all had clubs (same  
as exhibit) - Saunders had a stick and was standing off  
the Japs, one of the Japs had an axe, Saunders stood  
~~the Japs~~  
off the Japs for a short time and tried to escape from  
them the best he could, I then saw a Jap strike  
Saunders on the head, with a club, I think, and Saunders  
fell among-st a pile of lumber; I thought the Japs were  
going to kill Saunders right there, so I ran over to the



(Roberts)

2.

(Saw) Hotel for help.

Sidney, April 24th 1904.

The time I saw the Jap strike Saunders with the axe was when Saunders was trying to escape from them - trying to get over the lumber pile, the Jap was close to Saunders at his left side, Saunders slipped and the Jap struck him with the axe in the breast, somewhere in front; Saunders ran a little further - until he was knocked down by a blow on the head with a club by one of the Japs; then five or six Japs got around Saunders where he fell and pounded him with clubs (same as exhibit)

At this satge I ran over to the Hotel for assistance."

SAUNDERS got up and seemed very much insulted, and he struck or attempted to strike the Jap boss; apparently

"A. Roberts"/

there was going to be a row and all the ran to where Saunders and the boss Jap were, on the way the Japs

D. G. Cox, Witness.

picked up pieces of wood and scantling, one Jap had an axe (I think I can identify this Jap). At this time I did not see any other white man there, they cleared off pretty quick; before the fight I saw two white men, employees of the Mill. There were about nine Japs around Saunders, piling on to him. I saw the Jap swinging the axe and I saw him strike Saunders with it. The Jap with the axe was hacking at Saunders with it as he (Saunders) lay on the ground; all the other Japs were also around Saunders beating him with sticks. I picked up a piece of wood and went to Saunders' assistance as I thought the Japs were going to murder him. About six of the Japs then turned on me, the Jap with the axe also; I had to back out trying to defend myself as best I could. Then I heard the boss Jap calling the Japs off me, the Japs did not return at his first call, but they eventually quit me.



(Sevill)

Sidney, April 24th 1904.

ALFRED SIVELL says as follows:-

"I commenced work at the Mill on Saturday morning, 23rd instant. On the same afternoon, about half past 3 o'clock, there appeared to be some trouble between Saunders and the Japs. They were making grimaces at each other.

I think Saunders was shoving planks on to the roller with a cant-hook; Saunders slipped and the boss Jap put up his foot and knocked Saunders' cap off; Saunders got up and seemed very much insulted, and he struck or attempted to strike the Jap boss; apparently there was going to be a row and all the Japs ran to where Saunders and the boss Jap were, on the way the Japs picked up pieces of wood and scantling, one Jap had an axe (I think I can identify this Jap). At this time I did not see any other white man there, they cleared off pretty quick; before the fight I saw two white men, employees of the Mill. There were about nine Japs around Saunders, piling on to him. I saw the Jap swinging the axe and I saw him strike Saunders with it. The Jap with the axe was hacking at Saunders with it as he (Saunders) lay on the ground; all the other Japs were also around Saunders beating him with sticks. I picked up a piece of wood and went to Saunders' assistance as I thought the Japs were going to murder him. About six of the Japs then turned on me, the Jap with the axe also; I had to back out trying to defend myself as best I could. Then I heard the boss Jap calling the Japs off me, the Japs did not return at his first call, but they eventually quit me.



Sidney, April 24th 1904.

(Sevill)

2.

BERTIE BLANSON says as follows:-

Saunders was then lying by the side of the road near the lumber pile, his face covered with blood and in a very dazed condition.

The Japs left Saunders lying there and returned to their shack at the other side of the Mill."

as there was no more work for them. "Alfred G. Sivell." after the boss Jap returned to the Mill and Saunders began

D. G. Cox, Witness.

I was standing beside Saunders at the time and the boss Jap came up to Saunders and mumbled something. I could not pick up. Saunders began chucking the Jap under the chin in a half jocular way; the boss Jap picked up an axe and as Saunders brought his hand down it came in contact with the axe causing a slight cut, it did not appear to be intentional on the part of the boss Jap although the boss Jap seemed to be pretty mad; Saunders had a cant-hook in his hand and threatened to strike the boss Jap down with it, but Roberts persuaded Saunders not to do so. The boss Jap then went to the Jap shack and returned in a few minutes with all the Japs, about nine, following after him. The boss Jap then came up to where Saunders was working, getting planks on to the roller, two or three Japs followed the boss Jap; they began talking to each other looking and laughing, at Saunders who was trying to move a large timber on to the roller, Saunders slipped and fell almost in front of the boss Jap, when the boss Jap knocked the cap of Saunders head with his foot; Saunders got up and asked "who has knocked my cap off" or



(Blasson)

Sidney, April 24th 1904.

BERTIE BLASSON says as follows:-

"I keep tally of the lumber for the Breakwater. I understand there was trouble between Saunders and the Japs for the last two or three days.

On Saturday last, April 23rd, about half past 3 o'clock P.M., the sawyer (Frayne) had sacked five Japs as there was no more work for them. Shortly after the boss Jap returned to the Mill and Saunders began doffing his cap to him in a mocking way, and called him a "son of a bitch; dam bugger, &c." .

I was standing beside Saunders at the time and the boss Jap came up to Saunders and mumbled something, I could not pick up, Saunders began chucking the Jap under the chin in a half jocular way; the boss Jap picked up an axe and as Saunders brought his hand down it came in contact with the axe causing a slight cut, it did not appear to be intentional on the part of the boss Jap although the boss Jap seemed to be pretty mad; Saunders had a cant-hook in his hand and threatened to strike the boss Jap down with it, but Roberts persuaded Saunders not to do so. The boss Jap then went to the Jap shack and returned ~~afterwards~~ in a few minutes with all the Japs, about nine, following after him. The boss Jap then came up to where Saunders was working, getting planks on to the roller, two or three Japs followed the boss Jap; they began talking to each other looking and laughing, at Saunders who was trying to move a large timber on to the roller, Saunders slipped and fell almost in front of the boss Jap, when the boss Jap knocked the cap of Saunders head with his foot; Saunders got up and asked "who ~~was~~ knocked my cap off" or



(Blasson)

Sidney, April 24th 1904. 2.

words to that effect; the boss Jap was in a crouching attitude beside Saunders, apparently ready for fight - <sup>JOHN REID (halfbreed) says as follows:-</sup>  
<sup>(Does not wish to give evidence)</sup>  
I could not tell who struck the first blow, but in an instant the fight was on, and all the Japs joined in the attack on Saunders, I heard Roberts shout to Saunders to run, but the Japs had surrounded Saunders, beating him with sticks. Saunders was armed with a stick also, a piece of scantling I think,; in trying to get away from the Japs Saunders fell at the end of some lumber; one of the Japs was armed with an axe, I saw him strike Saunders with the axe, with the flat of ~~the axe~~ the axe in the stomach, as Saunders lay on the ground.

I could not identify the Jap who struck Saunders with the axe; Frayne and Seville then went to Saunders assistance; the Jap with the axe then turned on Seville swinging the axe and chasing Saunders. I did not see the Jap strike Seville with the axe. I then left; the fight was nearly <sup>over</sup> by this time." eight Japs. I think

the fight lasted about five minutes. I would recog-

"Bertie Blasson."

the Japs again, they all work at the Mill.

The Japs cleared the white men out. I saw one D. G. Cox, Witness.

Jap armed with an axe - I saw him chase the new man (Seville); that was the end of it. Frayne skipped off to the Hotel. Saunders was <sup>left</sup> lying on the gravel by the roadside and the Japs were beating him with their sticks (same as exhibit); each Jap gave Saunders a whack or two and leave. All the Japs then went home.

I did not see Roberts. He must have cleared out when the fight started.



(B7922)

Sidney, April 24th 1904.

JOHN REID (Halfbreed) says as follows:-

(Does not wish to give evidence)

"I am working on the breakwater. Last Saturday afternoon, about 3.30, I was at the beach near the Mill.

I saw the men working on the lumber pile. Saunders was making signs at the Japs, rubbing his chin and so forth; I also noticed Mr. Frayne the sawyer making signs at the Japs, and the Japs were returning the signs. Finally, Mr. Frayne told the Japs they were no good and sent them home.

About twenty minutes or half an hour afterwards I saw the Japs come back to the Mill. I thought they were going to work - to put in the balance of the day. A few minutes later I saw them all fighting, the Japs and whites, Frayne, Saunders, and the new comer (Alfred Seville). Both whites and Japs had sticks (same as exhibit). There were seven or eight Japs. I think the fight lasted about five minutes. I would recognize the Japs again, they all work at the Mill.

The Japs cleaned the white men out. I saw one Jap armed with an axe - I saw him chase the new man (Seville); that was the end of it. Frayne skipped off to the Hotel. Saunders was <sup>left</sup> lying on the gravel by the roadside and the Japs were beating him with their sticks (same as exhibit); each Jap gave Saunders a whack or two and leave. All the Japs then went home.

I did not see Roberts. He must have cleaned out when the fight started.



(Reid)

2.

I was standing close by during the fight but none of the Japs molested me, and I did not interfere.

I did not see the Jap with the axe hit anyone with it."

"John Reid."

D. G. Cox, Witness.



INFORMATION AND COMPLAINT.

CANADA:  
Province of British Columbia.  
County of Victoria.

THE information and complaint of D.G.Cox, of the City of Victoria, Provincial Constable, taken this day of April, A.D., 1904, before the undersigned, saith that he hath just cause to suspect and believe and doth suspect and believe that on the 23rd day of April, A.D., 1904, at Sidney, in the County of Victoria aforesaid, Kanezdo Oyadomari, Masakichi Yano, Giutano Nishii, Shimakichi Sakai, Saupei Nishino and Ichitaro Kai unlawfully did inflict greivous and bodily harm upon one Sydney Saunders, contrary to the form of the Statute in such case made and provided.

(Sgd.) D.G.Cox.  
28th April, and Friday 29th April and Sunday 1st May. Saunders's condition at present is very bad with the exception of his leg. He is not able to stand or walk upon it, and is at present unable to attend Court as a result of his injuries. He should be able to walk around in about another week's time. To Court: None of these wounds were really dangerous.

Sworn before me the day and year first above mentioned, at the City of Victoria aforesaid.

(Sgd.) H.G.Hall,

Stip. Magistrate.

For prior that day, on the afternoon of the 23rd April, about half past three o'clock, Mr. Gray, the lawyer, sent home four or five Japs. The rest of the Japs, thinking they were fired, went home also. One of the Japs, who was foreman before me, one of the accused, Kanezdo Oyadomari, stayed behind.



DEPOSITIONS.

Dr. J.D.Helmcken:-

I am a registered medical practitioner in the Province of British Columbia. I know Sidney Saunders. On Saturday, 23rd April, last, I was called to attend him about 9 o'clock that night. I found six contusions on the top of his head. A contused wound over the right eye and a contused wound below the right eye. The wound below the right eye being a punctured wound, not very deep. On the back of the right shoulder there was an abrasion; on his body were several bruises. On the right thigh in front a contusion; a contusion over the right knee and a contusion over the lower right leg. Saunders was in a very excited condition when I saw him, and suffering slightly from shock. These were all the external injuries I found on him. So far there has been no appearance of internal injuries. I saw Saunders again on last Tuesday 26th April, and Friday 29th April and Sunday 1st May. Saunders's condition at present is very good with the exception of his leg. He is not able to stand or walk upon it, and is at present unable to attend Court as a result of his injuries. He should be able to walk around in about another week's time. To Court: None of these wounds were really dangerous.

(Sgd.) J.D.Helmcken, M.D.

Sydney Seymour Saunders:-

I live at 320 Dallas Road, Victoria. My occupation is prospector. On 23rd April last I was employed at the Sidney Saw Mills at Sidney. I had been working there for five prior that date. On the afternoon of the 23rd April, about half past three o'clock, Mr. Frayne, the sawyer, sent home four or five Japs. The rest of the Japs., thinking they were fired, went home also. One of the Japs., who was foreman before me, one of the accused, Kanezdo Odomara, stayed behind.



I told him it was no use him staying around as he was not going to get paid. Oyodomari said that was all right, "I'll get paid up to 3 o'clock," and commenced to laugh, when I held up my hand saying "That will do now." My hand would be about a foot ~~from~~ away from his face at the time. Oyodomari scouled saying "What you do." He had an axe in his hand and swung it up towards me, cutting my hand. I grabbed a pevee and swore at him for cutting my hand. One of the employees, A. Roberts, jumped between the Oyodomari and myself and said "Don't touch him, there is trouble enough now without the Japs. around this mill", or words to that effect. Not wishing to get into a fight of any description, I let the matter drop. I did not bear the (Jap) any malice. Oyodomari then went to the Jap.'s bunk house where all the Japs. live and brought back all the rest of the Japs with him. The Japs. then stood around me without saying a word. I was going on with my work and did not speak. I was not thinking of any attack, when I slipped and fell. When down I received two blows on the head. One of the blows was a kick. When I got up I grabbed hold of a stick and looked around to see who had attacked me. I saw one of the accused, Masakichi Yano, swinging back with something in his hand to strike me with, when I got in a quick blow and cut him over the eye. I hit another Jap. and ran. As I ran I got a cut over the eye. It was done so quick I do not know what it was done with. I ran to get on the ground from off the boards I was on as the boards were slipping. I looked behind me and saw another of the accused, Ichitaro Kai, running after me with a club, a long stick about five feet long, looked like a piece of 2 x 4 lumber. I swung around at him with my stick but missed him, when another of the accused, Saupei Nishino, ran in on me and grabbed me trying to get my club and succeeded in getting my club away from me. Then I punched him with my fist and I think he fell.



Then another of the accused, Ichitaro Kai, struck me on the back of the head with his club and stunned me. I knew no more for some time. When I came to again, another of the Japs. accused, Shumikichi Sakai, was pounding me on the back at the spine with a rock tied on the end of a handkerchief. I tried to stop him. Then the rest of the Japs., seeing I was not dead, all came at me at once. I was lying on the ground all this time. The Japs. came onto me jumping on me, kicking me and everything else. Then Mrs. Cuddy came out of the house and screamed and all the Japs. went away home. I saw one of the Japs. had an axe. I could not tell if he struck me with it. I do not identify Gintaro Nishii as being one of the Japs. who attacked me, but I saw him amongst the Japs. who attacked me. I identify axe produced as being the axe I was working with and I used it just about half an hour before I was attacked by the Japs. the axe from Yano. The other (Marked Exhibit 1.) under of the pris. now in the box, were The axe was lying alongside of where I was working when the fight started. I got from getting the axe from Yano. Another

white man then came up, Al (Sgd.) Sydney Saunders tried to get the axe when the Japs. chased Sgd. about 100 yards swinging the axe in the air as he followed them and making cuts at him with the axe. I went back and saw three of the Japs. still beating Saunders with the clubs. I identify George Frayne:-

I am sawyer at the Sidney Mill. I remember Saturday the 23rd day of April, 1904. About half past three o'clock we were putting lumber off the platform into the water. I sent the Japanese home. I went to the boiler room to examine the water in the boilers and was about fifteen minutes absent. On my return I found the Japs. all back again standing around in a circle on the lumber pile. Before I had

(Sgd.) G. Frayne.



A. Roberts:-

-4-

I live at Sidney. I am better in the Sidney time to go up to them, one of the Japs. made a kick at Saunders who was on the pile, knocking Saunders's cap off. I identify him as one of the accused, Oyodomari. Another Jap. also made a kick at Saunders. Then Saunders picked up a stick and made a strike across in front of him with it and struck Yano on the forehead making a cut. I notice Yano step across the platform and pick up an axe. The remainder of the accused now in the dock, whom I now identify) picked up clubs and clubbed Saunders. Saunders ran across the lumber pile. He fell (I think he was knocked down with the clubs) amongst the lumber. I saw one of the accused, Yano, strike Saunders on the right side of the chest with the axe while Saunders lay on his back. (Exhibit 1 produced). I identify that as the axe used by Yano. Saunders then turned over on his face and Yano struck him again with the axe on the back shoulder. I then tried to take the axe from Yano. The other Japanese, the remainder of the prisoners in the box, were clubbing Saunders, and some of them struck me on the arm and prevented me from getting the axe from Yano. Another white man then came up, Alfred Swell, and also tried to get the axe when the Japs. chased Swell about 100 yards swinging the axe in the air as he followed ~~him~~ him and making cuts at him with the axe. I went back and saw three of the Japs. still beating Saunders with the clubs. I identify Guitaro Nishii, Saupei Nishino, Shimkichi Sakai as the three Japs. Mrs. Cuddy then came out and screamed and Japs. then all left Saunders and I went to the hotel and reported the matter. (Stick produced and marked Exhibit 2.) The clubs used on Saunders by the accused were something like that. Most of the clubs I think were larger, 2 X 4. Exhibit 2 produced is only 1 X 3.

(Sgd.) G. Frayne.



A. Roberts:-

I live at Sidney. I am settler in the Sidney Saw Mill. I remember Saturday 23rd April last. The mill was not running that day and the employees were putting out the timbers in the water. There are some Japanese employed at the mill. Mr. Frayne was there. He was left that day as foreman at the mill. The Japs. did not seem to work to please him and he discharged three or four of them and told them to go home. All Japs. then went home except three. Presently one of the Japs., Oyodomari, came back on to the pile of timber and wanted to know what the trouble was and why all the Japs. had left. Saunders told Oyodomari that they were "fired." Oyodomari went down off the lumber pile and returned presently with an axe in his hand. Mr. Blason, Mr. Swell, Saunders and myself were working on the lumber pile. I asked ~~xxxxxx~~ away. Oyodomari what he wanted with the axe and Oyodomari said he was after him, pointing up to Saunders; said he was no good and that he was crazy. I asked Oyodomari for the axe but he would not give it up to me, but kept getting closer to Saunders all the time. Presently Saunders turned around and put his hand under Oyodomari's chin and said "You will have no pay for this afternoon's work". Oyodomari replied "We will get 3 hours pay." Saunders said "No, you won't." Saunders said he would see they did not get paid. Oyodomari had the axe in his right hand and swung it from underneath with the blade up at Saunders. Saunders grabbed the axe with his right hand and when he grabbed it cut himself across the palm of ~~the~~ his right hand. Saunders then took the pevee which he had in hand and told Oyodomari that he would run it through him. Oyodomari seemed mad, and I knew there was going to be trouble. I grabbed the pevee from Saunders and I also made a grab for the axe which Oyodomari had but could not get the axe. I asked Saunders to put the pevee down and have no trouble. Saunders was using the pevee at the time at his



work moving the lumber. Saunders said that he was not scared; that he could stand him off, or words to that effect. Oyodomari then went down to the bottom of the lumber pile and sung out to one of the other Japs. that was there. This Jap. is not present among the accused. This Jap. then went over to the ~~xxxxx~~ Japs.' bunk house, and in a few minutes all the Japs. came running over. I told Saunders to get away as there was going to be trouble and the Japs. were too many for him. Saunders again said he was not afraid of them. Just then Mr. Frayne came out of the saw mill and was walking off, and I spoke to him, and just as I turned around I saw the Japs. attacking Saunders. The Japs. were Oyodomari and three or four others. I then saw Saunders hit one of the Japs. with a stick. I ran in to see if I could stop them, but a couple of the Japs. with sticks in their hands told me to stay away. Mr. Frayne ran in to help Saunders, and one of the Japs. struck Mr. Frayne on the back of the head with a stick. The Japs. were at Saunders with the clubs all the time and Saunders was keeping them off. I identify Oyodomari, Ichitaro Kai, Saupei Nishino and Suitaro Nishii as the four Japs. who went up on the pile after Saunders. I yelled to Saunders to run, to get out of the way. When I turned around after talking to Frayne these four Japs. were at Saunders. By being at Saunders I mean they were attacking him with clubs similar to Exhibit 2, and the stick produced marked Exhibit 3. Saunders started to run and the Japs. were still following him up. Saunders seemed to slip jumping off the pile and I saw a Jap strike at him with an axe. I do not recognize this Jap. The Jap. seemed to strike Saunders on the breast somewhere on the left. Saunders ran a little further and a Jap. hit him on the head and knocked him down. The other Japs. then made a rush at Saunders with their clubs and one Jap. made at him with the axe. When Saunders was down on the ground the Japs. were beating him with their clubs, and one Jap. had

Ex 3  
1



an axe. Saunders was yelling. I thought the Japs. were going to kill Saunders, that they meant to finish him, so I ran over to the hotel to get some help. When I returned the Japs. had all gone and Mrs. Cuddy was helping Saunders into her but house. Saunders was unable to walk by himself. It took two of us to assist Saunders to the train afterwards. To Court: I identify all of the accused as being present at the fight with the exception of Shimickichi Sakai. I saw him working at the mill that afternoon. G. Swell.

(Sgd.) A. Roberts.

Alfred G. Swell:-

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I have been employed at the Sidney Saw Mill. I was employed there on Saturday 23rd April last. I live at Sidney. I am tallyman for the Breakwater and the Sidney Mill Company at Sidney. I was employed on Saturday the 23rd of April last. There had been the boss Jap. I heard Saunders say to the boss Jap. he did not want him any more that afternoon or words to that effect. The boss Jap. had an axe in his hand and lifted the axe and cut Saunders on the hand. Saunders said "Look what you've done", and a little more talking. And the boss Jap. went off and came back and there was some more talking with Saunders and the Jap. Saunders was working at the time with a peavee and he slipped when he was on top of a timber. The boss Jap. put up his foot and kicked Saunders's ~~xx~~ cap off. Saunders got up and seemed to be somewhat insulted. I think Saunders had something in his hand, and then they started fighting. All the other Japs. ran up and they all went for Saunders. There were about 9 Japs. I jumped up from the rollers and took hold of a piece of stick and struck a Jap. who was using an axe. He was hacking at Saunders with the axe. The other Japs. were beating Saunders with clubs and sticks at the same time. About six of the Japs., leaving Saunders, then lifted off his cap to Oyedomari in a mocking way and saying



turned on me, still leaving three Japs. beating Saunders, who lay on the ground. Then I heard a woman scream and the Japs. then stopped. Saunders was lying down by the lumber pile while the Japs. were beating him. Saunders was conscious but was bleeding from the face and he looked pretty bad. He called for a drink. The Japs. beat Saunders with pieces of timber something like Exhibits 2 and 3 and some of the sticks used were much larger pieces than exhibits shown.

(Sgd.) Alfred G. Swell.

Bertie Blason:-

I live at Sidney. I am tallyman for the Breakwater and the Sidney Mill Company at Sidney. I was employed <sup>there</sup> on Saturday the 23rd of April last. There had been some difference between Saunders and the Japs. as to the boss-ship. Saunders had charge of two Japs., but after Mr. Cuddy went to Victoria Saunders wanted to have all the Japs. On that day Saunders and the other white employees of the Saw Mill and the Japs. were all employed moving timbers down to the water edge. Mr. Frayne had charge and when Frayne said anything to the Japs., Saunders would add to it and making dirty remarks to the Japs. In consequence the Japs. refused to do any work for either Frayne or Saunders. Mr. Frayne then sent four of the Japs. home, telling them to come back the next day and do the same work as we were then doing. The Japs. went home on being sent away. Mr. Frayne in the meantime went into the engine room to look at the boilers. On his way to the engine room Frayne met the boss Jap., Oyodomari and they had a conversation. The boss Jap., Oyodomari, then returned and asked why the other Japs. had gone home. Saunders lifted off his cap to Oyodomari in a mocking way and saying



Ichitaro Kai, Saupai Nishino, and Guitaro Nishii as being  
"Go home, you are no damn good." Instead of going home,  
Oyodomari came and stood within a few feet of us on the  
lumber pile. Oyodomari picked up an axe and when he came up  
Saunders chuckled Oyodomari under the chin telling him he  
was no good at all. There were present Saunders, Jack Reid,  
A. Roberts and myself. After chucking Oyodomari under the chin,  
Oyodomari swung the axe with one hand and the axe caught  
Saunders on the palm of the hand, cutting it slightly. Saund-  
ers, who had a pevee in his hand, threatened to strike the  
Jap. down. He told Oyodomari he would "run it through him."  
Roberts went up to Saunders and said "Don't make a fool of  
yourself, you will only get the worst of it if you start."  
Oyodomari then went home and in a few minutes after he came  
back followed by 8 or 9 Japs., and Oyodomari came up and  
stood up beside us with two Japs. One of them I recognize  
as Sakai. I don't know the other one. The other Japanese  
then fell back. They lined up in a sort of preparation pre-  
paring for battle. Oyodomari and Sakai and the other Jap.  
commenced to talk and laugh. There was no sign of any sticks  
when they were standing there talking. Saunders and I then  
tried to move a 42 foot timber. Saunders was standing at the  
end pressing the timber with a pevee, when he slipped, falling  
on his hands and knees. As soon as Saunders fell, Oyodomari  
gave a sort of side kick and knocked Saunders's cap off, and  
squatting down like a tiger waiting for his prey looking at  
Saunders. Oyodomari crouched ready to spring on Saunders.  
Saunders got up and asked what "Son of a bitch knocked his  
cap off." Saunders picked up something and struck Oyodomari  
on the back of the head, whereupon Sakai and the other  
Japs. picked up sticks and attacked Saunders. Roberts told  
Saunders to run and Saunders ran. He fell down once before he  
got off the lumber and got up again. All the Japs. were  
striking at Saunders by this time. I identify Shimikichi Sakai,



STATEMENT OF ACCUSED.

-10-

Ichitaro Kai, Saupei Nishino, and Guitaro Nishii as being in the fight. I am certain of these four being in the fight together with Oyodomari. After Saunders was down for good I saw one of the Japs. strike Saunders with the flat of the axe somewhere on the lower part of the stomach, below the belt I think. I ~~xx~~ identify Exhibit 1 as the axe with which the Jap. struck Saunders. Exhibit "3" is like the sticks used by the Japs. Saunders had a similar stick. Frayne went to Saunders's assistance and Swell also. Frayne had no stick but Swell had a stick. One of the Japs. ran after Swell with the axe, but did not strike him. Frayne and Roberts then went to telephone and Swell went away also after he was chased with the axe. Saunders was lying on the ground. Saunders seemed dazed when he went into Mrs. Cuddy's. He was able to walk alone.

Shiwikichi Sakai:-

(Sgd.) Bertie Blasson.

I will not say anything.

(Sgd.) Shiwikichi ( <sup>his</sup> X ) Sakai.  
mark.

Saupei Nishino:-

I have nothing to say now.

(Sgd.) Saupei ( <sup>his</sup> X ) Nishino.  
mark.

Ichitaro Kai:-

I will not say anything now.

(Sgd.) Ichitaro ( <sup>his</sup> X ) Kai.  
mark.

Taken before me, at the City of Victoria, in the County of  
Victoria this 9th day of May, A.D. 1904.

(Sgd.) H.C. Hall P.M.



STATEMENT OF ACCUSED.

Kaneydo Oyodomari:-

I will not say anything.

(Sgd.) Kane Oyodomari.

-----

Masakichi Yano:-

I have nothing to say.

(Sgd.) Masakichi Yano.

-----

Guitaro Nishii:-

I have nothing to say.

(Sgd.) Guitaro Nishii.

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Shimikichi Sakai:-

I will not say anything.

(Sgd.) Shimikichi <sup>his</sup> ( X ) Sakai.  
mark.

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Saupei Nishino:-

I have nothing to say now.

(Sgd.) Saupeu <sup>his</sup> ( X ) Nishino.  
mark.

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Ichitaro Kai:-

I will not say anything now.

(Sgd.) Ichitaro <sup>his</sup> ( X ) Kai.  
mark.

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Taken before me, at the City of Victoria, in the County of  
Victoria this 9th day of May, A.D., 1904.  
(Sgd.) H.G. Hall, P.M.



1904

Speedy Trial

Rex v. Oyadomari et al.  
(Assault)

44  
OP

Copy of Depositions

1. D. Helmcken ✓
2. Sydney S. Saunders
3. George Hayne ✓
4. A. Roberts ✓
5. Alfred J. Swell ✓
6. Bessie Blum ✓
7. Mrs Caddy ✓



1904.

Speedy Trial - Victoria.

44

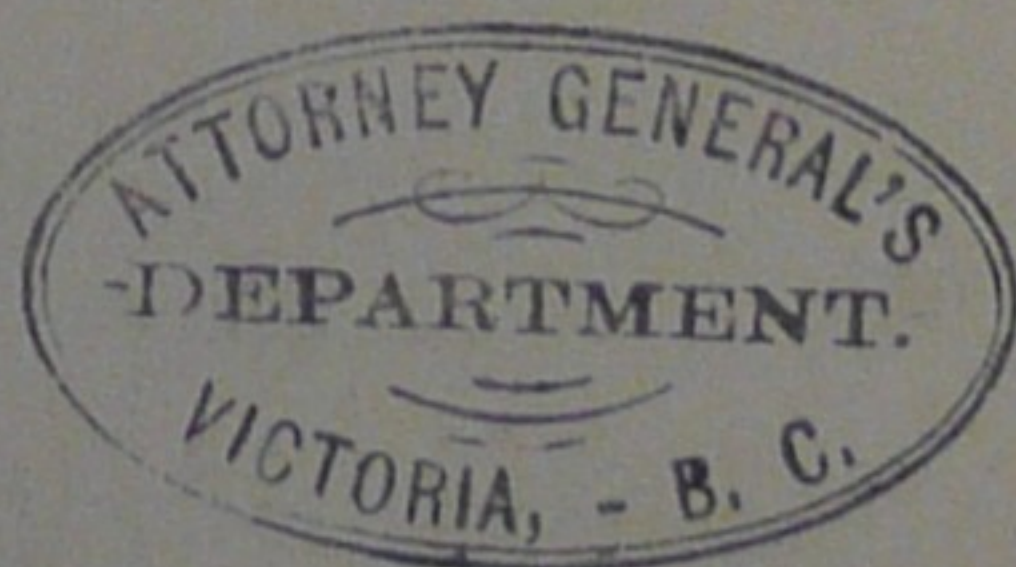
Rex v. Odyomeni et al.  
(Assault)

Crown Brief.

May  
25 April

to trial nearly all day -  
mostly for accused,  
hurry for Crown -  
Verdict Odyomeni  
acquitted the others Con-  
victed assault - fined  
\$5<sup>00</sup> each or two weeks  
in jail

J. H. M.  
15th





INFORMATION AND COMPLAINT.

CANADA:  
Province of British Columbia.  
County of Victoria.

THE information and complaint of D.G.Cox, of the City of Victoria, Provincial Constable, taken this day of April, A.D., 1904, before the undersigned, saith that he hath just cause to suspect and believe and doth suspect and believe that on the 23rd day of April, A.D., 1904, at Sidney, in the County of Victoria aforesaid, Kanazdo Oyadomari, Masakichi Yano, Giutano Nishii, Shimakichi Sakai, Saupei Nishino and Ichitaro Kai unlawfully did inflict greivous bodily harm upon one Sydney Saunders, contrary to the form of the Statute in such case made and provided.

(Sgd.) D.G.Cox.

Sworn before me the day and year first above mentioned, at the City of Victoria aforesaid.

(Sgd.) H.G.Hall,

Stip. Magistrate.



DEPOSITIONS.

Dr. J.D.Helmcken:-

I am a registered medical practitioner in the Province of British Columbia. I know Sidney Saunders. On Saturday, 23rd April, last, I was called to attend him about 9 o'clock that night. I found six contusions on the top of his head. A contused wound over the right eye and a contused wound below the right eye. The wound below the right eye being a punctured wound, not very deep. On the back of the right shoulder <sup>there was</sup> an abrasion; on his body were several bruises. On the right thigh in front a contusion; a contusion over the right knee and a contusion over the lower right leg. Saunders was in a very excited condition when I saw him, and suffering slightly from shock. These were all the external injuries I found on him. So far there has been no appearance of internal injuries. I saw Saunders again on last Tuesday 26th April, and Friday 29th April and Sunday 1st May. Saunders's condition at present is very good with the exception of his leg. He is not able to stand or walk upon it, and is at present unable to attend Court as a result of his injuries. He should be able to walk around in about another week's time. To Court: None of these wounds were really dangerous.

(Sgd.) J.D.Helmcken, M.D.

Sydney Seymour Saunders:-

I live at 320 Dallas Road, Victoria. My occupation is prospector. On 23rd April last I was employed at the Sydney Saw Mills at Sidney. I had been working there for five prior ~~that~~ date. On the afternoon of the 23rd April, about half past three o'clock, Mr. Frayne, the sawyer, sent home four or five Japs. The rest of the Japs., thinking they were fired, went home also. One of the Japs., who was foreman before me, one of the accused, Kanezdo ~~Odemara~~ <sup>to</sup> Odemara, stayed behind.



I told him it was no use him staying around as he was not going to get paid. Oyodomari said that was all right, "I'll get paid up to 3 o'clock," and commenced to laugh, when I held up my hand saying "That will do now." My hand would be about a foot ~~from~~ away from his face at the time. Oyodomari scoulded saying "What you do." He had an axe in his hand and swung it up towards me, cutting my hand. I grabbed a pevee and swore at him for cutting my hand. One of the employees, A. Roberts, jumped between the Oyodomari and myself and said "Don't touch him, there is trouble enough now without the Japs. around this mill", or words to that effect. Not wishing to get into a fight of any description, I let the matter drop. I did not bear the (Jap) any malice. Oyodomari then went to the Jap.'s bunk house where all the Japs. live and brought back all the rest of the Japs with him. The Japs. then stood around me without saying a word. I was going on with my work and did not speak. I was not thinking of any attack, when I slipped and fell. When down I received two blows on the head. One of the blows was a kick. When I got up I grabbed hold of a stick and looked around to see who had attacked me. I saw one of the accused, Masakichi Yano, swinging back with something in his hand to strike me with, when I got in a quick blow and cut him over the eye. I hit another Jap. and ran. As I ran I got a cut over the eye. It was done so quick I do not know what it was done with. I ran to get on the ground from off the boards I was on as the boards were slipping. I looked behind me and saw another of the accused, Ichitare Kai, running after me with a club, a long stick about five feet long, looked like a piece of 2 x 4 lumber. I swung around at him with my stick but missed him, when another of the accused, Saupai Nishino, ran in on me and grabbed me trying to get my club and succeeded in getting my club away from me. Then I punched him with my fist and I think he fell.



Then another of the accused, Ichitaro Kai, struck me on the back of the head with his club and stunned me. I knew no more for some time. When I came to again, another of the accused, Shumikichi Sakai, was pounding me on the back at the spine with a rock tied on the end of a handkerchief. I tried to stop him. Then the rest of the Japs., seeing I was not dead, all came at me at once. I was lying on the ground all this time. The Japs. came onto me jumping on me, kicking me and everything else. Then Mrs. Cuddy came out of the house and screamed and all the Japs. went away home. I saw one of the Japs. had an axe. I could not tell if he struck me with it. I do not identify Gintaro Nishii as being one of the Japs. who attacked me, but I saw him amongst the Japs. who attacked me. I identify axe produced as being the axe I was working with and I used it just about half an hour before I was attacked by the Japs.

(Marked Exhibit 1.)

The axe was lying alongside of where I was working when the fight started.

(Sgd.) Sydney Saunders.

George Frayne:-

I am sawyer at the Sidney Mill. I remember Saturday the 23rd day of April, 1904. About half past three o'clock we were putting lumber off the platform into the water. I sent the Japanese home. I went to the boiler room to examine the water in the boilers and was about fifteen minutes absent. On my return I found the Japs. all back again standing around in a circle on the lumber pile. Before I had



time to go up to them, one of the Japs. made a kick at Saunders who was on the pile, knocking Saunders's cap off. I identify him as one of the accused, Oyodomari. Another Jap. also made a kick at Saunders. Then Saunders picked up a stick and made a strike across in front of him with it and struck Yano on the forehead making a cut. I notice Yano step across the platform and pick up an axe. The remainder of the accused now in the dock, whom I now identify) picked up clubs and clubbed Saunders. Saunders ran across the lumber pile. He fell (I think he was knocked down with the clubs) amongst the lumber. I saw one of the accused, Yano, strike Saunders on the right side of the chest with the axe while Saunders lay on his back. (Exhibit 1 produced). I identify that as the axe used by Yano. Saunders then turned over on his face and Yano struck him again with the axe on the back shoulder. I then tried to take the axe from Yano. The other Japanese, the remainder of the prisoners in the box, were clubbing Saunders, and some of them struck me on the arm and prevented me from getting the axe from Yano. Another white man then came up, Alfred Swell, and also tried to get the axe when the Japs. chased Swell about 100 yards swinging the axe in the air as he followed ~~him~~ him and making cuts at him with the axe. I went back and saw three of the Japs. still beating Saunders with the clubs. I identify Guitaro Nishii, Saupai Nishino, Shimkichi Sakai as the three Japs. Mrs. Cuddy then came out and screamed and Japs. then all left Saunders and I went to the hotel and reported the matter. (Stick produced and marked Exhibit 2.) The clubs used on Saunders by the accused were something like that. Most of the clubs I think were larger, 2 X 4. Exhibit 2 produced is only 1 X 3.

(Sgd.) G. Frayne.



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A. Roberts:-

I live at Sidney. I am settler in the Sidney Saw Mill. I remember Saturday 23rd April last. The mill was not running that day and the employees were putting out the timbers in the water. There are some Japanese employed at the mill. Mr. Frayne was there. He was left that day as foreman at the mill. The Japs. did not seem to work to please him and he discharged three or four of them and told them to go home. All Japs. then went home except three. Presently one of the Japs., Oyodomari, came back on to the pile of timber and wanted to know what the trouble was and why all the Japs. had left. Saunders told Oyodomari that they were "fired." Oyodomari went down off the lumber pile and returned presently with an axe in his hand. Mr. Blason, Mr. ~~Sw~~ell, Saunders and myself were working on the lumber pile. I asked ~~Oyodomari~~ Oyodomari what he wanted with the axe and Oyodomari said he was after him, pointing up to Saunders; said he was no good and that he was crazy. I asked Oyodomari for the axe but he would not give it up to me, but kept getting closer to Saunders all the time. Presently Saunders turned around and put his hand under Oyodomari's chin and said "You will have to pay for this afternoon's work." Oyodomari replied "We will get 3 hours pay." Saunders said "No, you won't." Saunders said he would see they did not get paid. Oyodomari had the axe in his right hand and swung it from underneath with the blade up at Saunders. Saunders grabbed the axe with his right hand and when he grabbed it cut himself across the palm of ~~his~~ his right hand. Saunders then took the pevee which he had in hand and told Oyodomari that he would run it through him. Oyodomari seemed mad, and I knew there was going to be trouble. I grabbed the pevee from Saunders and I also made a grab for the axe which Oyodomari had but could not get the axe. I asked Saunders to put the pevee down and have no trouble. Saunders was using the pevee at the time at his



work moving the lumber. Saunders said that he was not scared; that he could stand him off, or words to that effect. Oyodomari then went down to the bottom of the lumber pile and sung out to one of the other Japs. that was there. This Jap. is not present among the accused. This Jap. then went over to the ~~Japs.~~ bunk house, and in a few minutes all the Japs. came running over. I told Saunders to get away as there was going to be trouble and the Japs. were too many for him. Saunders again said he was not afraid of them. Just then Mr. Frayne came out of the saw mill and was walking off, and I spoke to him, and just as I turned around I saw the Japs. attacking Saunders. The Japs. were Oyodomari and three or four others. I then saw Saunders hit one of the Japs. with a stick. I ran in to see if I could stop them, but a couple of the Japs. with sticks in their hands told me to stay away. Mr. Frayne ran in to help Saunders, and one of the Japs. struck Mr. Frayne on the back of the head with a stick. The Japs. were at Saunders with the clubs all the time and Saunders was keeping them off. I identify Oyodomari, Ichitaro Kai, Saupei Nishino and Suitaro Nishii as the four Japs. who went up on the pile after Saunders. I yelled to Saunders to run, to get out of the way. When I turned around after talking to Frayne these four Japs. were at Saunders. By being at Saunders I mean they were attacking him with clubs similar to Exhibit 2, and the stick produced marked Exhibit 3. Saunders started to run and the Japs. were still following him up. Saunders seemed to slip jumping off the pile and I saw a Jap strike at him with an axe. I do not recognize this Jap. The Jap. seemed to strike Saunders on the breast somewhere on the left. Saunders ran a little further and a Jap. hit him on the head and knocked him down. The other Japs. then made a rush at Saunders with their clubs and one Jap. made at him with the axe. When Saunders was down on the ground the Japs. were beating him with their clubs, and one Jap. had



an axe. Saunders was yelling. I thought the Japs. were going to kill Saunders, that they meant to finish him, so I ran over to the hotel to get some help. When I returned the Japs. had all gone and Mrs. Cuddy was helping Saunders into her house. Saunders was unable to walk by himself. It took two of us to assist Saunders to the train afterwards. To Court: I identify all of the accused as being present at the fight with the exception of Shimickichi Sakai. I saw him working at the mill that afternoon.

(Sgd.) A. Roberts.

Alfred G. Swell:-

I have been employed at the Sidney Saw Mill. I was employed there on Saturday 23rd April last. I was standing at the rollers and saw Saunders speaking with the boss Jap. I heard Saunders say to the boss Jap. he did not want him any more that afternoon or words to that effect. The boss Jap. had an axe in his hand and lifted the axe and cut Saunders on the hand. Saunders said "Look what you've done", and a little more talking. And the boss Jap. went off and came back and there was some more talking with Saunders and the Jap. Saunders was working at the time with a peavee and he slipped when he was on top of a timber. The boss Jap. put up his foot and kicked Saunders's cap off. Saunders got up and seemed to be somewhat insulted. I think Saunders had something in his hand, and then they started fighting. All the other Japs. ran up and they all went for Saunders. There were about 9 Japs. I jumped up from the rollers and took hold of a piece of stick and struck a Jap. who was using an axe. He was hacking at Saunders with the axe. The other Japs. were beating Saunders with clubs and sticks at the same time. About six of the Japs., leaving Saunders, then



turned on me, still leaving three Japs. beating Saunders, who lay on the ground. Then I heard a woman scream and the Japs. then stopped. Saunders was lying down by the lumber pile while the Japs. were beating him. Saunders was conscious but was bleeding from the face and he looked pretty bad. He called for a drink. The Japs. beat Saunders with pieces of timber something like Exhibits 2 and 3 and some of the sticks used were much larger pieces than exhibits shown.

(Sgd.) Alfred G. Swell.

Bertie Blasson:-

I live at Sidney. I am tallyman for the Breakwater and the Sidney Mill Company at Sidney. I was employed <sup>there</sup> on Saturday the 23rd of April last. There had been some difference between Saunders and the Japs. as to the boss-ship. Saunders had charge of two Japs., but after Mr. Cuddy went to Victoria Saunders wanted to have all the Japs. On that day Saunders and the other white employees of the Saw Mill and the Japs. were all employed moving timbers down to the water edge. Mr. Frayne had charge and when Frayne said anything to the Japs. Saunders would add to it and making dirty remarks to the Japs. In consequence the Japs. refused to do any work for either Frayne or Saunders. Mr. Frayne then sent four of the Japs. home, telling them to come back the next day and do the same work as we were then doing. The Japs. went home on being sent away. Mr. Frayne in the meantime went into the engine room to look at the boilers. On his way to the engine room Frayne met the boss Jap., Oyedomari and they had a conversation. The boss Jap., Oyedomari, then returned and asked why the other Japs. had gone home. Saunders lifted off his cap to Oyedomari in a mocking way and saying



"Go home, you are no damn good." Instead of going home, Oyedomari came and stood within a few feet of us on the lumber pile. Oyedomari picked up an axe and when he came up Saunders chuckled Oyedomari under the chin telling him he was no good at all. There were present Saunders, Jack Reid, A. Roberts and myself. After chucking Oyedomari under the chin, Oyedomari swung the axe with one hand and the axe caught Saunders on the palm of the hand, cutting it slightly. Saunders, who had a pevee in his hand, threatened to strike the Jap. down. He told Oyedomari he would "run it through him." Roberts went up to Saunders and said "Don't make a fool of yourself, you will only get the worst of it if you start." Oyedomari then went home and in a few minutes after he came back followed by 8 or 9 Japs., and Oyedomari came up and stood up besides us with two Japs. One of them I recognize as Sakai. I don't know the other one. The other Japanese then fell back. They lined up in a sort of preparation preparing for battle. Oyedomari and Sakai and the other Jap. commenced to talk and laugh. There was no sign of any sticks when they were standing there talking. Saunders and I then tried to move a 42 foot timber. Saunders was standing at the end pressing the timber with a pevee, when he slipped, falling on his hands and knees. As soon as Saunders fell, Oyedomari gave a sort of side kick and knocked Saunders's cap off, and squatted down like a tiger waiting for his prey looking at Saunders. Oyedomari crouched ready to spring on Saunders. Saunders got up and asked what "Son of a bitch knocked his cap off." Saunders picked up something and struck Oyedomari on the back of the head, whereupon Sakai and the other Japs. picked up sticks and attacked Saunders. Roberts told Saunders to run and Saunders ran. He fell down once before he got off the lumber and got up again. All the Japs. were striking at Saunders by this time. I identify Shimikichi Sakai,



Ichitaro Kai, Saupai Nishino, and Guitaro Nishii as being in the fight. I am certain of these four being in the fight together with Oyedomari. After Saunders was down for good I saw one of the Japs. strike Saunders with the flat of the axe somewhere on the lower part of the stomach, below the belt I think. I identify Exhibit 1 as the axe with which the Jap. struck Saunders. Exhibit "3" is like the sticks used by the Japs. Saunders had a similar stick. Frayne went to Saunders' assistance and Swell also. Frayne had no stick but Swell had a stick. One of the Japs. ran after Swell with the axe, but did not strike him. Frayne and Roberts then went to telephone and Swell went away also after he was chased with the axe. Saunders was lying on the ground. Saunders seemed dazed when he went into Mrs. Cuddy's. He was able to walk alone.

(Sgd.) Bertie Blasson.



STATEMENT OF ACCUSED.

Kaneydo Oyedomari:-

I will not say anything.

(Sgd.) Kane Oyedomari.

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Masakichi Yano:-

I have nothing to say.

(Sgd.) Masakichi Yano.

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Guitaro Nishii:-

I have nothing to say.

(Sgd.) Guitaro Nishii.

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Shimikichi Sakai:-

I will not say anything.

(Sgd.) Shimikichi ( <sup>his</sup> X ) Sakai.  
mark.

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Saupei Nishino:-

I have nothing to say now.

(Sgd.) Saupeu ( <sup>his</sup> X ) Nishino.  
mark.

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Ichitaro Kai:-

I will not say anything now.

(Sgd.) Ichitaro ( <sup>his</sup> X ) Kai.  
mark.

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Taken before me, at the City of Victoria, in the County of  
Victoria this 9th day of May, A.D. 1904.  
(Sgd.) H.G. Hall, P.M.