

GR 419  
Box 182 File 1907/85



1907

Vancouver Fall Assizes.

Re v. The Queen.

(Unlawful assembly, &c.)

Crown Brief.

No Bell







IN THE SUPREME COURT OF BRITISH COLUMBIA.

*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

*James Mc Laren*

together with divers other evil disposed persons, to the number of more than three, to the Jurors aforesaid unknown, on the *7th* day of September, in the year of our Lord one thousand nine hundred and seven, at the City of Vancouver, in the County of Vancouver, in the Province of British Columbia, unlawfully did assemble together, with intent to carry out a common purpose, to wit, to break the glass in the windows of the shops and dwellings of Chinese and Japanese residents in the quarter of said City in which are chiefly situate the shops and residences of the Chinese and Japanese residing in said City; and that the said

*James Mc Laren*

and the said other evil disposed persons did assemble as aforesaid in such a manner, and did so conduct themselves when so assembled, as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the persons so assembled would disturb the peace tumultuously, against the form of the Statute in such case made and provided, and against the peace of our Lord the King, his Crown and dignity.

2. And the Jurors aforesaid do further present that, afterwards, to wit, on the day and in the year and at the place aforesaid, the said

*James Mc Laren*

together with divers other evil disposed persons, to the number of more than three, to the Jurors aforesaid unknown, unlawfully, riotously, and tumultuously, did assemble together, with intent to carry out a common purpose, to wit, to break the glass in the windows of the shops and dwellings of Chinese and Japanese residents in the quarter of the said City in which are chiefly situate the shops and residences of the Chinese and Japanese residing in said City, and, being then and there so unlawfully, riotously, and tumultuously assembled together as aforesaid, did then and there begin to disturb the peace tumultuously by unlawfully and with force, breaking the glass in the windows of the shops and residences of the said Chinese and Japanese residing in said quarter of said City as aforesaid, against the form of the Statute in such case made and provided, and against the peace of our Lord the King, his Crown and dignity.

I hereby direct that the Counsel acting for the Crown at the Vancouver Fall Assizes, 1907, prefer this Bill of Indictment to the Grand Jury.

*Attorney-General.*



INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

C A N A D A

PROVINCE OF BRITISH COLUMBIA

CITY OF VANCOUVER.

THE INFORMATION and Complaint of G. A. Murray,  
taken the 11th day of September, in the year of our Lord One  
thousand Nine Hundred and Seven before the undersigned, A.  
Williams, Esq., Police Magistrate, and one of His Majesty's  
Justices of the Peace in and for the said City of Vancouver,  
who says that at the said City of Vancouver, on the 7th day of  
September, A. D. 1907, James McLaren took part and was a member  
in a riot, to wit: an unlawful assembly that had begun to dis-  
turb the peace tumultuously.

Contrary to the form of the Statute in such case made and  
provided.

"G. Alvin Murray"

SWORN before me the day and year first above mentioned,  
at said City of Vancouver.

"A. Williams"

Police Magistrate

Committed for Trial.



Indictable Offences  
(T) Section 591.

STATEMENT OF THE ACCUSED.

CANADA  
PROVINCE OF BRITISH COLUMBIA  
COUNTY OF VANCOUVER.

JAMES McLAREN stands charged before the undersigned A. Williams, of His Majesty's Justices of the Peace in and for the County aforesaid, this 12th day of September, in the year of our Lord one thousand nine hundred and seven, for that the said James McLaren on the 7th September, at City of Vancouver, took part, and was a member in a riot, to wit: an unlawful assembly that had begun to disturb the peace tumultuously. Contrary to the form of the Statute in such case made and provided.

And the said charge being read to the said James McLaren, and the witnesses for the prosecution, Chamberlin: Waddell: being severally examined in his presence, the said James McLaren, is now addressed by me as follows :

"Having heard the evidence, do you wish to say anything in answer to the charge ? . . . . &c., &c., . . . .

"promise or threat" Whereupon the said James McLaren saith as follows:

Nothing to say.

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

"A. Williams"

P. M.



POLICE COURT.

(Before A. Williams, Esq., P. M.)

Vancouver, B. C., September 12th, 1907

JAMES McLAREN, charged on the Information of G. Alvin Murray, for that he the said JAMES McLAREN, at the said City of Vancouver on the 7th day of September, A. D., 1907, took part, and was a member in a riot, to wit; an unlawful assembly that had begun to disturb the peace tumultuously.

MR. KENNEDY, appeared for the prosecution.

Mr. Pettenger, appeared for the accused.

G. Alvin Murray, sworn as Stenographer.

R. G. CHAMBERLIN, CALLED AND SWORN.

DIRECT EXAMINATION BY MR. KENNEDY.



Q You are Chief of Police in the City of Vancouver ?  
 A Yes sir.

Q Were you on duty on the 8th of September as Police Officer  
 A Yes sir, I was.

Q Did you have occasion to see the accused ? A: I did, sir

Q Well, will you tell the Court the circumstances under  
 which you saw him, and his condition ? A: Your Honour,  
 when the trouble was going on down in the Chinese quarters  
 we had driven the crowd all out of the Chinese quarters,  
 up to about in front of the Woods Building, and I noticed  
 the accused along with the crowd, and he was shouting  
 and -----

Q I do not want to interrupt, but I do not think Your Honor  
 has asked the accused to elect in this case ?

COURT: Do you consent that the charge against you shall be  
 tried by me, or do you desire that it shall be sent for  
 trial by a Jury at the next Court of Oyer & Terminer &  
 General Gaol Delivery, to be held at the said City of  
 Vancouver, on or about the 1st of October next, as the  
 Lieutenant-Governor in Council may appoint ?

MR. POTTINGER: Take a Preliminary Hearing, your Honor.

Q Mr. K. I ask that the evidence given so far will be  
 taken as evidence through ?

Mr. P. Well, I don't think he has said anything yet He  
 said that he had driven the crowd out of Canton Street?

Mr. P. Q: What time was this ? A: On the 7th.

Mr. P. Q The time ? A: Between 9,--- 8:00 and 9:00, or  
 a little later.

Mr. P? 9:00 and 10:00 ? (No Answer)



Mr. K:

3 :

Q I would like you to describe the nature of this crowd before you go any further? A: Well, I should judge that they were the crowd that were on Carrall and Hastings Streets, would be about several thousand people, and as far as I could see they were acting in a very riotous and disorderly manner.

Q In what way? A: Shouting and throwing stones and breaking windows.

Q Throwing stones at the windows, what effect did this have with the windows? A: The windows were all broken around that part of the town. Breaking them all to pieces.

Q Did you see any reason why this crowd should be going on like this? A: No, I don't think so. We got a rope and we stretched it across the street, and the Police Officers held either end of this rope, and we brought the crowd right back out of that street altogether. And on several occasions, while doing this, I noticed the accused along with a couple more young men acting in a very disorderly manner. I approached him once and I asked him to go away home and he kept on shouting and swearing.

Q What were the words he used? A: Well, I do not remember exactly. When he was spoken to, I remember he said He was a dam good British subject, a Dam good British subject, and that he would stay there if he liked. And I told him he was a young man, and he should go home, and not make a fool of himself, to go home. When we got the crowd shoved back to the corner at the Woods Hotel I noticed him right up against the rope and he was acting in a very disorderly manner.

Q How was he acting in a very disorderly manner? A: Carry on in the same way, and using profane language, and exciting the crowd all around him. He was there up to the last.



4 :

Q He was there up to the last, of what ? A: The trouble.  
When the crowd dispersed he was there.

Q When the crowd dispersed he was there, did you say ?  
A Yes sir.

Q He was there all the time, he was there to the very last?  
A Yes. He was amongst the last, and I have noticed him in  
the Court here several times, and I had him arrested,  
he was taken down and arrested down below.

Q You saw a crowd of about how many people that night ?  
A Yes, about 1000 of them.

Q And yet you recognize this boy ? A: Oh yes, sir.  
Q What have you got to say about the manner in which the  
peace was being disturbed by that crowd ? A: In a very  
riotous manner.

CROSS EXAMINATION BY MR. POTTINGER.

23 Q When did you have this fellow arrested, Chief ? A: I  
think it was yesterday, or else the day before. Day be-  
fore yester day I guess it was.

24 Q That is Tuesday ? A: Yes, for two days he was here in  
Court, and I had him arrested.

25 Q Why did you not have him arrested on this night ? A: I--  
we could not arrest them all. We only had a very small  
body of men.

26 Q Well, did you make any arrests at this particular time ?  
A No.

27 Q You did not make any ? A: No. We could not spare  
any men. Somebody would come up to go down that street,  
and they would be serging up and down, and it was necessary  
for all the officers to be brought in from their beats .

28 Q Was this after the rope was put up, that you saw this fellow  
A Yes, and I saw him before too.



Q Before the rope was used, and how did you come to notice him in the first place? A: He was acting in a very disorderly manner.

Q What was he doing? A: Simply talking in a loud manner. And he was shouting.

Q What was he shouting? What did you hear mostly? A Well, there were thousands of people there, and shouting.

Q Well, then, what do you remember of this fellow saying? A He said he was a God dam good British subject, and he would stay there if he wanted to, and he was pounding his breast, and acting very disorderly.

Q Pounding his breast? A: Yes sir.  
God

Q And saying that he was a dam good British subject, and that if he wanted to he would stay there? A: Yes sir.

Q Well, did he say "mob the Police" or anything that way? A No.

Q Did he say "throw bricks" or anything like that? A: No sir.

Q And that is all he said? A: Yes sir.

Q And that is the time you are speaking of, after you saw him away across there, by the rope, and talking, as you say in a disorderly manner? A: Yes sir.

Q Throwing stones and things of that kind, the whole crowd?

A Well, they had been down in the Chinese quarters, but at this time they were all in the center of the street by the Woods Building, and this was about the center of the Woods Building, perhaps a little nearer the lower end when I first noticed him.

Q And what windows had the crowd been breaking? A: Oh, all the windows on the other side.

Q Well, but the Woods Hotel is all along there? A: Yes, but it was on the west side.

Q Yes, but the Tram Office is on the West side? A: Yes.



Q Well, were they breaking windows in the Tram Office ?

A No sir.

Q Well, were they breaking the windows in the Woods Hotel ?

A No sir.

Q Well, you say they were standing between the Woods Hotel and the Tram Office ? A: Yes.

Q Well, how could they be breaking the ~~xxxx~~ windows in the Chinese places when they were standing opposite the Tram Office or the Hotel ? A: Well, I did not say they were breaking the windows at that particular time, and place.

Q Well, did you see this fellow throwing any stones ?

A I did not.

Q And he came up here for two days and you did not have him arrested the first day ? A: No.

Q The second day ? A: No. I did not want to arrest him the first day, I did not have enough corroborative evidence. And after that I thought I would tell the officer to bring him out. I told the officer there is a young man in the crowd who had caused a lot of disturbance, and to see if he could pick him out. And he picked him out. Well, I am not sure whether he did or not, but anyway I asked him to take this young man down.

Q And did you come to the conclusion that was the man ?

A Oh yes.

Q Was the man intoxicated ? A: I think he was.

Q He was pretty drunk ? A: Well, he had been drinking.

# RE DIRECT EXAMINATION BY MR. KENNEDY.

Q Did you have any conversation with this boy after he was arrested ? A: I had some conversation downstairs.

Q Well, before you had that conversation, did you offer him any inducements if he would tell you all about it ?

A No sir, not at all.



Q Threaten him ? A: No sir.  
Q Well, what did the boy say ?  
MR. P. I object.

COURT: Note your objection.

WITNESS: Well, I did not have very much conversation with him. He just said that his friend told him that he had insulted the Chief and that he told him he better go home, and that is about all I remember.

Q But he had not gone ? A: No.  
MR. K. All right.

DETECTIVE WADDELL, CALLED AND SWORN.

DIRECT EXAMINATION BY MR. KENNEDY.

Q I understand you are a Detective in this city ? A: Yes sir

Q And you were such on the 7th of September ? A: Yes sir

Q Now, have you ever seen this accused ? A: I cannot recognize him as having taken any part in the riot down on Carrall Street on the night of the 7th.

Q You do not recognize him as having taken any part ? A: No my attention was called to him by the Chief of Police in the Court room, on the 10th, and he sat over there. And I was instructed to take him down and interview him in regard to the affair on the night of the 7th.

Q Did you warn him before you interviewed him ? A: Yes sir I did.

Q What did you say ? A: Well, I took him into the Detective's Office, and I told him that anything he might say might be taken in evidence against him.

MR. P. Well, I have gotten so used to objecting, that I will take the same objection in this case too.



COURT: I note your objection, over-rule it. 8 :

- 64 Q Well, what about it ? A: Well, we waited until the Chief came down stairs, after I had taken him down. And he recognized him, and he was satisfied that he was the man all right. And he also recognized the Chief and he admitted talking to the Chief. He said he was sorry for causing any disturbance, and that his friends told him that he went too far. He said he was intoxicated or he would not have done it.
- 65 Q He would not have caused the disturbance, if he had not been intoxicated ? A: Yes, practically that.

CROSS EXAMINATION BY MR. POTTENGER.

- 66 Q Have you given us his exact words ? A: Yes, I have not given the whole conversation.
- 67 Q Well, he was sorry he caused the disturbance, did he say that ? A: Yes, sir; he did.
- 68 Q And that is the words he used ? A: Yes, well, practically.
- 69 Q Did he use the word disturbance ? A: Yes sir.
- 80 Q Well, did he say he insulted the Chief, and he was sorry?
- A No, the Chief never said that.
- 81 Q No, but did he, or did he not say, did he not or did he use those words "insulted the Chief" and that his friends told him that he had "insulted the Chief" and "he was sorry"? A: Well, he did say that he was sorry, and ---
- 82 Q Did he use that word, or those words "insulted the Chief"? Did he or did he not use those words ? Did he not say something to this effect "If he did anything, he would be sorry for it," "If he had done anything, he was sorry for it." Were these not the words ? A: I think he did say that.



9 :

Q Now, you do not remember anything else, to your knowledge?

A Yes, Indc. He said "he remembered seeing the Cheif" And the Chief was in plain clothes and he recognized him.

Q Well, he could not have been intoxicated so very much then ? A: Well, he was pretty drunk.

Q The man did not deny doing disorderly ? A: He did not deny that at all.

# DEFENCE.

COURT: "Having heard the evidence, do you wish to say anything in answer to the charge ? You are not obliged to say anything unless you desire to do so ; but whatever you say will be taken down in writing and may be given in evidence against you at your trial.

You must clearly understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to you to induce you to make any amission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat ?

MR. P. No, nothing to say.

COURT: Do you wish to offer any evidence ?

MR. P. No, your Worship.

COURT: I order him to be committed for trial.

(Sgd) A. Williams,  
Police Magistrate.

I hereby certify the foregoing to be  
a true and accurate copy of the said  
proceedings . "G. Alvin Murray"  
Stenographer.



## AFFIDAVIT OF STENOGRAPHER.

Province of British Columbia  
City of Vancouver.

IN THE MATTER OF THE KING, on the Information of G. Alvin Murray, against James McLaren.

I, G. Alvin Murray, of the City of Vancouver, Province of British Columbia, Stenographer, make oath and say :

- 1: That I am Stenographer appointed by A. Williams, Esquire, Police Magistrate, one of His Majesty's Justices of the Peace in and for the said City of Vancouver, to report the evidence in this case.
- 2: That the transcript of evidence hereunto annexed, signed by the said A. Williams, Police Magistrate, is a true report of the evidence taken in this case before the said A. Williams, and taken by me as such Stenographer as aforesaid.

"I hereby certify the foregoing to be a true and accurate copy of the said proceedings.

"G. Alvin Murray"  
Stenographer.

SWORN before me  
the 20th day of  
September, A.D. 1907.

"A. Williams"  
Police Magistrate.