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Rex v. Tauridgen:

(Unlawful assembly)

Crown Brief -

To Bill



POLICE COURT.

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

Vancouver, B. C., September 11th., '07.

OLAF LAURIDZEN, charged on the information of G. Alvin Murray, for that the said OLAF LAURIDZEN, 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. POTTENGER APPEARED FOR THE DEFENCE.

MR. KENNEDY APPEARED FOR THE PROSECUTION.

G. ALVIN MURRAY?, SWORN AS STENOGRAPHER.

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. day of October next as the Lieutenant-Governor in Council may appoint?"

MR. POTTENGER:- By a Jury.

DETECTIVE WADDELL, CALLED AND SWORN.

DIRECT-EXAMINATION BY MR. KENNEDY.

1. Q. Mr. Waddell, you are a Detective in this City? A. Yes sir.
2. Q. Now, on the 7th. of September, you were on duty on the 7th. of September? A. Yes sir.
3. Q. Do you recognize the accused? A. Yes sir.
4. Q. Will you tell the Court, how, and where, and under what circumstances you saw him? I want to describe when you saw him first and then follow it up? A. On Saturday night, about mid-night, Your Worship, there was a riot in this City, down in the center of the City.
5. Q. What part of this City? A. Down on Carrall street, and in the Chinese quarters, principally on Carrall street, and Columbia Avenue, the Police made an arrest on the corner of Columbia Avenue and Hastings Street. I think it was on Columbia Avenue. And they started to the Police Station with the Prisoner and the crowd followed.
6. Q. Who was the Prisoner--- one of these here? A. Yes, one of these here,--- and the crowd followed.
7. Q. And what next? A. And Detective Scott, and I followed them too, and we ran along with the crowd.
8. Q. And this man saw the crowd too? A. Oh yes, he was one of the crowd.
9. Q. This crowd was running? A. Oh, practically running,

they were seemingly in a hurry. They were moving quickly.

10. Q. Because the prisoner was going away from them? A. Yes that is exactly the case.

11. Q. The Prisoner and the officers were going fast? A. Yes quite fast. They were marching him along. And the big crowd followed and shouted in a riotous manner. And this man yelled, "take him away ---- mob the Police". And I kept up close to him, and when we got to the corner of Westminster Avenue, and Cordova Street, I arrested him.

12. Q. And he was yelling, "mob the Police"? A. Yes sir.

13. Q. You speak of a crowd,--- that crowd was on Carrall street? A. No, on Columbia Avenue.

14. Q. How was this crowd behaving? A. In a riotous manner.

15. Q. In what way were they riotous in their manner? A. Throwing stones and shouting, and in defiance of the Police.

16. Q. What have you to say as to the disturbance of the peace of the public? A. It was liable to cause a serious breach of the peace.

17. Q. Was there not a serious breach of the peace at this time? A. Well yes there was. What I meant, was they might have murder or manslaughter, or something serious.

18. Q. Now, the crowd were throwing stones, what at? A. Chinese windows.

19. Q. Chinese windows particularly? A. Yes sir.

20. Q. Any other windows? A. No sir.

21. Q. Did there seem to be any purpose of taking just the one class of citizens? A. Yes, the Chinese and Japanese.

22. Q. And this accused, was one of the number? A. Yes sir. But I did not see him in the crowd down there, he came with the crowd up here. There was an awful crowd, you could not identify everybody.

23. Q. And he followed up? A. Yes, to the corner of Cordova and Westminster Avenue.
24. Q. The prisoner who was taken in, was taken from this crowd? A. Yes sir.
25. Q. And when he was brought up here, this man started to come up with them as far as the corner of Cordova Street, and Westminster Avenue, you say? A. Yes.
26. Q. And he said "Mob the Police"? A. Yes sir.
27. Q. How many persons would you say there were there? A. Oh, there were a tremendous crowd.
28. Q. How many were following the police, about 500, down at the time approximately? Might there be more than four? A. Yes, there might have been more than four.
29. Q. More than what? A. More than four.
30. Q. COURT:- You mean more than four people? A. No, 400.
31. Q. More than four hundred? A. Yes.

CROSS-EXAMINATION BY MR. POTTENGER.

32. Q. Where did you first see this man? A. Coming up Hastings Street. Coming down from Columbia Avenue, after they arrested this other man.
33. Q. You say you saw him coming down Hastings street, from Columbia Avenue? A. Yes sir.
34. Q. Now, the crowd was coming down away from Columbia Ave., down away from Dupont street, they were, were they not --- this crowd? A. Yes sir.

35. Q. They came right along,---? A. Yes sir,
36. Q. And they ran along Columbia Avenue to Hastings? A. Yes sir.
37. Q. And up Hastings to Westminster Avenue? A. Yes sir.
38. Q. And this man was somewhere around the crowd? A. Yes sir. He was there.
39. Q. About in the middle of the crowd? A. Yes sir.
40. Q. What time of the night? A. About 12.00 O'clock Saturday night.
41. Q. What time does that train get in from Seattle Mr. Waddell? A. It usually gets in about 10.20.
42. Q. Do you know what time it got in Saturday night? A. No sir.
43. Q. You were not on duty Saturday night, then? A. Well, I did not pay any attention to the train, Saturday night, I was too busy with this mob.
44. Q. Well, you do not know that it was pretty late? A. No, I did not know anything about the train Saturday night.
45. Q. Now, was this man alone, or was he with the crowd?
A. No, he was in the crowd. I took particular notice to him, on account of being a big burly.
46. Q. Oh well, you were rather different from the other Police you were watching for the big men? A. I was watching him.
47. Q. Does he talk pretty good English? A. He talks broken English.
48. Q. What were the exact words he used? A. "Mob the Police", he said at the top of his voice. He was the only one.
49. Q. And he was shouting louder than the rest? A. No, I did not say that he was.
50. Q. He was the only arrested? A. Well, I could not bring

them all in.

51. Q. Have you ever seen this man before? A. No, I could not say that I have, I don't think that I have ever seen him before.

MR. P:- Well, that is all.

DETECTIVE SCOTT, CALLED AND SWORN.

DIRECT-EXAMINATION BY MR. KENNEDY.

52. Q. Mr. Scott, you are a Detective, in the City service?

A. Yes sir.

53. Q. Were you on duty Saturday night? A. Yes sir.

54. Q. You heard the evidence of the last witness, --- I want you to describe to the Court, your recollection of the circumstances of this arrest of this man, and describe the crowd, and --- ?

A. As Detective Waddell, the crowd was very riotous.

55. Q. Well, I want you to tell your story in your own words?

A. Well, the crowd was riotous and breaking windows and destroying property, and they would not obey the orders of the Police to move out, and they would say, "mob the Police, and take him away, he is a white man", and such remarks as that. And when the arrest was made just previous to 12.00 O'clock, Detective Waddell and I followed the crowd to the station, and this man was with the crowd.

56. Q. What did you do then? A. We were trying to find out

who was the instigator in this trouble. They were breaking the orders of the Officers.

57. Q. Did you feel that the arresting Officer needed protection?

A. Yes, there were four or five hundred people on the street, and what could the officers do if they turned on them.

58. Q. And I understand you to say they were shouting? A. Yes.

On the corner of Hastings and Westminster Avenue, was where I first saw the accused. Detective Waddell was separated from me a little way at that place. He followed close to the crowd and he kept close to this man. And I heard this man say "Mob the Police", and "take this man away".

59. Q. Take who away? A. The prisoner they had. The Police.

60. Q. That is what he had reference to? A. Yes. And when we were just out here, Detective Waddell arrested the accused, and brought him in.

61. Q. You saw him arrest him? A. Yes sir. There were others and I arrested one too.

62. Q. This expression, "he is a white man", what did he mean by that? A. Well, they were on Columbia Avenue just when this arrest was made, and these men that were following was saying all this.

63. Q. Well, what does it mean, "he is a white man, take him away?"

MR. P:- I object to that, it is not for him to say who they mean is it?

64. Q. Well then, this mob, this great crowd of people, what were they doing? A. They were smashing windows right and left, on both sides of the street, Columbia Avenue.

65. Q. And these windows belong to what kind of houses? A. To Chinese. I think there was only one belonging to a Japanese place.

66. Q. Well, this expression he used, "Take him away", he would mean the prisoner? This crowd was composed of white men then?
A. Yes.

67. Q. And this crowd, when saying "Take him away", in your opinion would mean the Prisoner? A. Yes.

CROSS-EXAMINATION BY MR. POTTENGER.

68. Q. This man did not say anything about take him away, he is a white man? A. No, I didn't hear him say that.

69. Q. The remark you heard was "mob the Police"? A. Yes, and take him away.

70. Q. Where was that? A. On the corner between here and Westminster Avenue.

71. Q. Well, it was not Hastings, it was Cordova? A. Yes sir. Right down here at the corner.

72. Q. And you followed him up all the way? A. Yes, we came with the crowd, up to the station and he was in the crowd, and we followed him all the way up here.

73. Q. And they were in a nice walk? A. No, they were in a run, a kind of a trot.

74. Q. They were all shouting? A. Yes.

75. Q. Were they shouting at the corner here? A. Yes sir.

76. Q. The only thing you heard was "Mob the Police"? A. Yes and I was as close to him as I am to him now, and Detective Waddell took hold of him.

77. Q. Were there amny people between you and him? A. Yes,

dozens of them. He was on the side walk and the sidewalk is higher than the street, and I was out on the street, and I could easily see him when he was high up like that, and I could distinguish him easily.

78. Q. And his voice was the one you heard, and he was saying "mob the Police", and "take him away"? A. Yes certainly.

DEFENCE.

COURT;- Having heard the evidence, do you wish to say anything in answer to the charge? A. You are not obliged to say anything unless you desire to do so; but whatever you do 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 favour which may have been held out to you to induce you to make any admission 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:- Just a minute Your ~~Lords~~ Worship, there is one matter I would like to clear up. My client tells me that he was not arrested there at all, and I would like to bring out that point clearly from this man.

DETECTIVE WADDELL RECALLED.

CROSS-EXAMINATION, AGAIN, BY MR. POTTINGER.

79. Q. He was arrested right on the corner of Westminster Avenue and Cordova Street? A. Yes sir.
80. Q. Was it not the corner of Columbia Avenue and Hastings street? A. No, I followed him all the way up.
81. Q. Why did you not arrest him at the first instead of leaving it to the last minute? A. Well, it was easier to arrest him here than away down there.

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 upon 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 confession or admission of guilt, but whatever you now say will be given in evidence against you upon your trial, notwithstanding such promise or threat?."

MR. P:- We will give evidence on oath.

OLAF LAURIDZEN, CALLED AND SWORN.

DIRECT-EXAMINATION BY MR. POTTENGER.

82. Q. What is your name in full? A. Olaf Lauridzen.
83. Q. What is your occupation? A. Laborer.
84. Q. Where do you work? A. I have been threshing.
85. Q. Where have you been working? A. Threshing on the Delta Flats.
86. Q. Where did you come from on the 7th. of September?
A. Cloverdale.
87. Q. What time did you arrive in this city? A. About 11.30.
88. Q. What time? A. Saturday night, September 7th.
89. Q. What train did you come in on? A. The V. W. & Y.
90. Q. COURT:- What time did you arrive here? A. 11.30 on Saturday night.
91. Q. Where did you go when you arrived? A. To the Glasgow Hotel. I was going up to my room.
92. Q. Where is the Glasgow Hotel? A. It is on the corner of Westminster Avenue and Dupont street.
93. Q. Did you stay there any length of time? A. I had to wait for a few minutes for the clerk to find my room.
94. Q. You got a room there did you? A. Yes sir.
95. Q. Did you go out again? A. Yes sir. And I was to go down to the Europe Hotel or to the Royal Hotel, to meet a friend. I thought he would be at the Europe Hotel or at the Royal Hotel.

96. Q. What is his name? A. Scanton.

97. Q. And you started to the Europe Hotel to meet this friend?
A. Yes.

98. Q. How did you go? A. I went down this way along Westminster Avenue. And I went down Hastings and down past the Carnegie Library.

99. Q. And what did you do after that? A. I walked down Hastings street, and when I came to the corner of Hastings street, and Columbia Avenue, and I saw this big crowd of men marching over that way. And I said to myself "I wish I was through this big crowd of people". And a couple men I heard them saying move on, and I walked right along along, for I was going that way anyway, and I moved on, and I heard a lot of people say run in, and run in, but I did not hear any of them saying "mob the Police", I did not hear one of them saying that. I heard them saying take him away. But I did not hear, "mob the Police", at all.

100. Q. Where were you arrested? A. I was arrested down on the corner of Columbia Avenue and Cordova street.

101. Q. That is the street you came down? A. Yes sir. That is the street. I just walked that one block when I was arrested.

102. Q. Well, he said that he could distinguish your face from any other, what makes him think he could do that, do you know? A. I do not know. I don't see how he could tell me from the others, I did not do anything.

103. Q. Did you make any yells? A. No sir, I did not.

104. Q. You did not say "take him away", or "mob the Police"?

A. No sir.

105. Q. What did he do? A. Well, just as I was going along down

Cordova and Columbia, he said, "I am a Policeman, you better come with me". And I said to him, "what is the charge against me, I have done nothing?" And he said to me, "You are agitating", and I said, "I have only been in the City about 10 minutes". And I said "I took no part in this affair". I said, "I am a stranger here, and I have not had anything to do with it at all". And when I came in, they asked in the Police Officer, what is the charge and he said agitating, and he said, "I got it in for you".

106. Q. COURT:- Who said this? A. That gentleman there ---- and he said "I got it in for you". And I said, --- well, I did not answer that question in fact, but I was going to. And he said "I can do two or three fellows like you". And I did not dare to say anything.

CROSS-EXAMINATION BY MR. KENNEDY.

107. Q. As a matter of fact, you had not seen the Detective before?
A. No. I did not.
108. Q. So he could not have had any grudge at you before this?
A. No, I do not know the Detectives at all.
109. Q. You came from the Glasgow Hotel did you? A. Yes sir.
110. Q. Well, when you came to this town you came from Cloverdale?
A. Yes.
111. Q. That is near Bellingham? A. No, it is right near Mud Bay.
112. Q. Do you belong to any labour union? A. No, I do not.

113. Q. Did you ever? A. No, Threshing that is all.
114. Q. Did you not do anything but thresh all your life?
A. Well, I did not have any work in the city.
115. Q. Did you ever live in the city before? A. No, I never lived in the city excepting, when I used to bring the produce into the town.
116. Q. Is that all? A. Yes sir.
117. Q. And when you saw this crowd you were going from the Glasgow Hotel to the Europe? A. Yes sir. I had a friend down there. And I thought he would either be there or at the Royal.
118. Q. And you saw this crowd, and then you stopped to have a look at them? A. Yes, that is all.
119. Q. They were marching from, --- to Hastings from Columbia?
A. Yes, I came down Hastings to Columbia.
120. Q. COURT.- From the Avenue? A. Yes sir.
121. Q. And where was the crowd? A. They seemed to me to come over Hastings and went across over Columbia Avenue, and they walked down that way.
122. Q. That is not the way the crowd was coming at all? ---
I supposed you asked what the crowd was doing? Asked one of the crowd? A. Well, I did ask while the crowd was passing by. And I was wondering what it all mean, and I heard a couple voices saying move on. And I only walked along, for I was going that way anyway.
123. Q. Were you on the sidewalk or on the road? Alongside the sidewalk.
124. Q. What is on the road? A. Yes sir.
125. Q. What is on the sidewalk? A. No.
126. Q. So you were not on the sidewalk? A. No, I was not on the sidewalk.
127. Q. So when the Detective caught you you were not on the sidewalk?
Walk? A. No, I was alongside the sidewalk.

127. Q. Did you have curiosity enough to ask what this crowd was, and what it meant? A. Yes, I asked what it was all about. And so many answered and spoke that I could not distinguish a one voice.
128. Q. You heard them say, "get him away"? Yes, "take him away".
129. Q. You did not know who they meant? A. No.
130. Q. You had no idea they were arresting a prisoner? A. Yes, I had. I heard somebody in the crowd say that he was arrested. And I heard "take him away" too.
131. Q. You did not think that it was necessary for you to get out of the crowd? A. No, I could not get away. They said "Move on", and I moved on too.
132. Q. COURT:- Well, is the Europe Hotel this way? A. No, I could not get to where I wanted to go, the crowd would not let me pass.
133. Q. Where is the Europe Hotel? A. It is on Water Street, I think. I was arrested at the corner of Cordova Street, and Columbia Avenue, that is where I was arrested.
134. Q. COURT:- Well, both parties swear that you were arrested right out here at this corner? On the corner of Westminster Avenue and Cordova Street? A. Well, I walked down Hastings Street, and this crowd was coming this way, and the first corner here I always thought it was Columbia and Cordova Street and that is where I was arrested.
135. Q. You know these streets pretty good for being a stranger in this town? A. Yes sir, I was here about 20 times.
136. Q. COURT:- Are you a British subject? A. No.
137. Q. What Nationality are you? A. I am Norweigian.
138. Q. Have you ever lived on the other side? A. No, I have never been on the other side. I never crossed the line.

And more than that there was only one Detective when I was arrested. And that is this man. And I could not see this man at all. When I came in, that gentleman over there said, "What is he in for?" And he said, "Well he is in for agitating".

COURT:- Is that all the evidence for the defence.

MR. POTTENGER:- Yes, ---- (Argument).

COURT:- I ORDER HIM TO BE COMMITTED FOR TRIAL.

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

"G. Alvin Murray".
Stenographer.

A. Williams."

Police Magistrate.

STATEMENT OF THE ACCUSED.

CANADA:)
Province of British Columbia.)
County of Vancouver.

OLAF LAURIDZEN stands charged before the undersigned A. Williams, of His Majesty's Justices of the Peace in and for the County aforesaid, this 11th. day of September, in the year of our Lord one thousand nine hundred and seven, for that the said Olaf Lauridzen, on September 7th, '07, at the City of Vancouver Olaf Lauridzen, 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 Olaf Lauridzen, and the witnesses for the prosecution, Detective Waddell; Detective Scott; being severally examined in his presence, the said Olaf Lauridzen is now addressed by me as follows:-

"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 ~~used~~ 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 admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat".

Whereupon the said Olaf Lauridzen saith as follows:-
"Wish to give evidence".

Taken before me at Van-
couver, the day and year
first above mentioned.

"A. Williams".