

PABC

GR

419

Box

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File

1907/101



1907.

Vancouver Fall Assizes:

Rex v. Reel:

(Unlawful assembly, &c.)

Crown Brief

Smithy

Sentence 6 months.





INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Canada,  
Province of British Columbia,  
City of Vancouver:

The information and complaint of G. A. Murray of City of Vancouver, taken the 9th 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 9th day of September, A. D. 1907, W. H. Reed, being riotously and tumultuously assembled, to the disturbance of the public peace, with more than three other persons, unlawfully and with force, damaged a building in the said City of Vancouver. 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,"

"A. Williams,"

" P. M."



STATEMENT OF THE ACCUSED.

Canada,  
Province of British Columbia,  
County of Vancouver:

W. H. Reed 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 W. H. Reed, on the 8th September, at said City of Vancouver, being riotously and tumultuously assembled, to the disturbance of the public peace, with more than three other persons, unlawfully and with force, damaged a building in the said City of Vancouver,  
Contrary to the form of the Statute in such case made and provided.

And the said charge being read to the said W. H. Reed, and the witnesses for the prosecution, Leatherdale: Greenaulch: and Mulhern, being severally examined in his presence, the said W. H. Reed is 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 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 will be given in evidence against you at ~~at~~ upon your trial, notwithstanding such promise or threat." Whereupon the said

W. H. Reed saith as follows:-

"I do not wish to say anything."

Taken before me, at Vancouver, the day and year first

above mentioned,

"A. Williams."



P O L I C E   C O U R T .

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

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

W. H. REED, charged on the Information of G. Alvin Murray, for that he, the said W. H. Reed, at the said City of Vancouver, on the 8th day of September, A. D. 1907, being riotously and tumultuously assembled, to the disturbance of the public peace, with more than three other persons, unlawfully and with force, damaged a building in the said City of Vancouver.

MR. KENNEDY Appeared for the Prosecution:

MR. POTTENGER appeared for the Defence:

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 Over & 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. P: He will take a Jury trial.



Mr.P: I ask, Your Worship, that all the witnesses<sup>s</sup> in this case, will be excluded ?

COURT: Yes, all witnesses will leave the room, but don't leave the building.

POLICE CONSTABLE LEATHERDALE, Called and sworn:

Direct Examination by Mr. Kennedy:

1 Q Mr. Leatherdale, you are a Police Officer ? A Yes sir.

2 Q Were you on duty on the 8th of September, in the evening ? A Yes.

3 Q Do you recognize the accused here ? A Yes.

4 Q Did you see him that evening ? A Yes sir. The morning of the 8th I saw him.

5 Q That is Sunday morning ? A Yes sir.

6 Q Will you tell the Court under what circumstances you saw him, and with whom ? A About 1:00 o'clock Sunday morning, the mob came up from Carrall street towards Columbia Avenue.

7 Q What was this mob ? A It is a mob of men. About, 100's of them, shouting and breaking windows, and using all kinds of language.

8 Q Breaking windows in what kind of houses ? A Chinese, that is all I seen. I was not in the Japanese part of the City at all.

9 Q Were there any white residents around there ? A Yes.

10 Q Did you notice of they broke any windows there ? A No sir.

11 Q Well, what have you got to say as to their breaking of these windows ? A Well, they broke the windows.

12 Q Well, now, say that there is about four or five residents, houses, belonging



to white men, belonging to white people, and as many Chinese, what have you got to say as to the windows in that case?

A Well, all I can see is that I did not see any white people's windows broken at all. I saw all Chinese windows broken.

13 Q Next door? A Yes sir.

14 Q Then what happened? A Well, this mob came to the corner of Hastings Street and Columbia Avenue, and I was on duty there trying to keep the mob from going down Columbia Avenue, and I stopped the crowd, and they were hollering "rush us."

15 Q Was there any other officers with you? A Yes. Mr Allen was there with me. And they all stood there at the corner of Hastings street. This man stepped out of the crowd, and there was a stone on the sidewalk, right on the side on the corner of Columbia Avenue and Hastings street, and he took this rock up, and he smashed it into the window.

16 Q: What kind of a window was this? A It was a Chinese tailor shop.

17 Q Did he break the window? A Yes, the window crashed and I heard it and I ran, and he tried to get away, and I took after him. I had known him before, for I saw him standing there in the crowd.

18 Q Were you in plain clothes? A No. I was in uniform.

19 Q What have you got to say as to how this crowd were conducting themselves? A They were conducting themselves in a very riotous manner. And they were very disorderly.

20 Q And what have you got to say as to the disturbance of the peace?

A: Well, they had taken one man away that I had arrested before that.

21 COURT: Well, do you know who it was? A No, I had to let him go, for I had no assistance at that time. This was about the start of it.

22 Q Now, you arrested this man? A Yes sir.

23 Q: Did you find anything on his person? A Yes, I found this thing in his pocket when I searched him. Inspector Mulhern helped me to take him up.



He admitted that when we got him to the station.

4 Q You found this ? A Yes sir.

25 Q Was it empty like this ? A Yes, just like that.

26 Q Does that appear to have been recently filled with ink ? A No.

27 Q Where do you suppose he got it ? A Well, it appears to have been picked up off the street.

28 Q What made you think so ? A Well, it <sup>is</sup> ~~was~~ full of dirt.

INK BOTTLE PUT IN AS EXHIBIT "A".

29 Q And you arrested him, and brought him to the Police Station ?

A Yes, and Inspector Mulhern, and Sergeant Harris, were following all the way up, when I arrested him. The mob was following up too.

30 Q Did you take him to the Station yourself ? A Yes.

31 Q Did you at any time make any - did you offer him any reward or anything if he would tell you about it ? A No sir, none whatever.

32 Q: Did you threaten him or anything if he did not make a confession ? A No.

33 Q Well, now, did he say anything to you ? A Well, he said that he would pay for it.

34 Q For what ? A For the window.

Mr. P: I object.

Court: Note your objection.

35 Q: Well, did you - did he say anything else at all ? Did he make any other statement ? A Well, he said he wanted to go back to the hospital, he had told us that he had been in the Hospital. And he said he wanted to go back to the Hospital. He said he would pay for the window.

36 Mr. P: (To stenographer) You have my objection noted ?

CROSS EXAMINATION BY MR. POTTERNGER:



37 Q Where was this man arrested? A Close to the corner of Columbia Avenue and Hastings Street.

38 Q And which way was the mob going? A Up from the corner of Carrall street and Hastings street.

39 Q And the crowd were moving east along Hastings street? A Yes, but they stopped for quite a little while at the corner, and then they started to move away.

40 Q Coming East? A Yes sir.

41 Q And where were you standing, x Behind the crowd? A I was standing in the entrance of Columbia street keeping the crowd back as well as I could.

42 Q You kept the crowd from going up Columbia Avenue? A Yes sir.

43 Q And where was this man in respect to the crowd? Was he west of the crowd? A He was right in the crowd. He belonged to the crowd.

44 Q He was behind the bulk of the crowd? A Yes, he was.

45 Q And there were quite a lot of people there? A Yes.

46 Q And you saw this fellow? A Yes, I saw him step from the crowd, and pick up this stone.

47 Q The first you saw of him was when he was in the middle of this crowd? A No, the first I saw, he was going across to the edge of the sidewalk, and he picked this stone up.

48 Q Was he near the Empire Hotel? A Right in front of the tailor shop.

49 Q I think they call it Fonguin's? A Yes, I guess that is the place.

50 Q And you say he picked up a stone? A Yes sir.

51 Q And then he walked up Columbia Avenue a little way? A No, it was on Hastings street.

52 Q Well, then, Hastings street -? A Yes.

53 Q Were there lots of stones on Hastings street, don't you know that Hastings street, is paved? Where would he get a stone on that street? A Oh, there were lots of them, and the whole crowd were throwing stones at that night.

54 Q And when he threw the stone it would light on the curb? A No,



it hit the window.

- 55 Q And you are sure this is the man? A Yes sir.
- 56 Q And you arrested him right on the corner? A Yes, right there.
- 57 Q Are you sure that the exact time was 1 o'clock? A Yes, between 12:30, and 1 o'clock. Thereabouts.
- 58 Q I would like you to fix that time as nearly as you can? A That is as close as I can make it, he was charged up when I got him to the Station, and that was about 1 o'clock. Just about 1 o'clock, close to 1:00 o'clock in the morning.
- 59 Q Do you know what time you did get him to the station? Is it entered in the book? A 1 o'clock.
- 60 Q In the book - are you sure of that? A Oh, I am not positive.
- 61 Q If there is any way of fixing that time, I would like you to fix it? A I suppose it is fixed at the office, and entered in the book.
- 62 Q If there is any way of fixing that I would you to fix it and let us know what time it was.
- 6 Court: He swears it is fixed in the book.
- Mr. P: Well, I want that book produced.
- 63 Q And you walked him from the corner of Columbia Avenue, and Hastings street? A Yes sir.
- 64 Q Was there any other officers with you? A No, not when I arrested him. They came in about a minute. Inspector Mulhern he came up just when the stone was thrown.
- 65 Q He came up just as the stone was being thrown? A Yes. I had not taken him over 20 yards when he came along.

BOOK PRODUCED: Time, 1:20 A M.

JAMES GREENAULSH, called and Sworn:



DIRECT EXAMINATION BY MR. KENNEDY:

- 66 Q What is your occupation ? A Teamster, sir.
- 67 Q Now, Mr. Greenaulsh, were you on the street, on Sunday morning very early ? A Saturday night ? A I was there about ~~Saturday~~ 11:00 o'clock, up to about 1:30, or something like that. Sunday morning.
- 68 Q Sunday morning ? A Yes sir.
- 69 Q Who were you with ? A All Alone.
- 70 Q Court: Not all alone ? A Well, certainly not, but I was by myself.
- 71 Q You had no friends ? A No.
- 72 Q But there were other people in that vicinity ?  
A Yes, quite a crowd there.
- 73 Q What were they doing, this crowd ?  
A Shouting, and yelling now and then.
- 74 Q What else were they doing ? A Occasionally throwing stones.
- 75 Q Throwing stones, were they ? A Yes sir.
- 76 Q Throwing stones at what ? A Windows, and one thing and another.
- 77 Q Did they hit any windows ? A I heard a crash of glass.
- 78 Q And you assumed that glass had been broken ? A Yes.
- Mr. P: Objected to.
- 79 Q How were they behaving ? A They did not seem to be behaving in a right way.
- 80 Q What have you got to say as to disturbing the peace ?  
A It was a little that way.
- 81 Q Did you see Officer Lee that night ? A I saw him right up at the Empire that night, between the Empire Hotel and the Tailor shop.
- 82 Q Where is the Empire Hotel ? A On the corner of Hastings and Columbia Avenue.
- Q And he was parading up and down there ? A Yes sir.
- Q Do you recognize the accused ? A Yes sir, I did after he was arrested.



The crowd stopped for a second and officer Leatherdale told them they could not get down there, and they moved around a little piece.

85 Q And what happened then ? A There was a crash of glass.

86 Q And then did you see who threw the stone ? A Well, I did not exactly see who did it.

87 Q Who threw it, well did you see if anybody threw it ? A Well, it must have been something of that description to make the glass fall like that.

88 Q When did you see this prisoner first ? A Well, just in the crowd. Officer Leatherdale arrested him, and the boys said, "let him go." And I just jumped in and I saw what they were doing. And I was going to stop any mix-up, and help the officer, there was any more trouble.

Court:

89 Q Had there been more like you there would have been no trouble.

Witness: Well, I was going to help him out, but Inspector Mulhern stepped in and helped him out.

90 Q Was there any other Officer except Mulhern stepped in ? A No, Leatherdale brought him to the Station.

91 Q Did you come with him ? A Yes sir, I came to the station.

92 Q The prisoner and Mr. Leatherdale ? A Yes, right up behind them.

93 Q Did you come into the Station ? A Yes sir.

94 Q Did you have any conversation with the prisoner at all ?

A No sir, I did not have any talk with him at all.

95 Mr. P: I claim that this man has no right to repeat what was said to the officers. I object to it.

Court: Oh, I do not know that it makes any difference, I have already ruled that it is all good evidence, and I don't think it makes any difference whether he is an officer or not.

96 Q Was there any conversation - did you hear a conversation between the accused and anybody else in the station ? A Yes, I heard him talking.

97 Q Did you hear him make any statement ? A Yes sir.



- 97 Q To whom was this statement made ? A To Officer Leatherdale.
- 98 Q Mr. P: Was it in answer to questions ? A No, he was just by himself.
- Mr. P: I tender my objection just the same.
- 99 Q What was the statement he made to the Officer ? As he was coming to the station ? A Oh, he said he would pay for the damage.
- 100 Q What kind of damage ? A He did not say exactly. He said "the damages."
- 101 Q Did you see anything taken from the pockets ? A Yes, I saw a dirty ink bottle.
- 102 Q Did the bottle look anything like that, Exhibit "A" ? " Yes sir.

CROSS-EXAMINATION BY MR. POTTFINGER:

- 3 Q What were you doing on the street at that time ? A Well, I had been helping to hold the rope until that time.
- 4 Q Were you a special officer ? A No, I was not.
- 5 Q And then you came down to the station ? A Yes sir, I went home after I saw things were all right again.
- 6 Q All you know about this man is that he was arrested? A Yes sir.
- 7 Q Did he resist at all ? A No, it was no use, the crowd --
- 8 Q Well, I never asked you about the crowd, did he offer any resistance ? A No doubt he made a little.
- 9 Q Did you see him make a little ? A I saw him twisting around.
- 10 Q Was he trying to get away from the officer ? A Maybe he did but I did not see him doing anything.
- That is all.

Court: Well, your conduct was very praiseworthy.



INSPECTOR MULHERN, Called and sworn:

DIRECT EXAMINATION BY MR. KENNEDY.

- 111 Q Now, Mr. Mulhern, you were on duty as a Police Officer on the 8th or the 7th, and the morning of the 8th? A Yes sir.
- 12 Q Will you tell the Court the circumstances under which you saw the accused, if you did see him? A About 1:00 o'clock Your worship, or shortly after 1:00 o'clock, I was on duty -
- 13 Q On what night or morning? A The morning of the 8th.
- 14 Q Sunday the 8th? A Yes, the 8th. I was on duty on Carrall street and Hastings street. There was a mob there. Creating quite a disturbance; the Police made an arrest there, and the crowd followed the arresting Officer up, at least part of the crowd did follow the arresting Officer this way along Hastings street. And I followed along as close to the party as I could get, and when I got to the corner of Columbia Avenue and Hastings street, that party was some distance up the street, and there was another disturbance.
- 15 Q What party was this? A The first party, and there was a second disturbance, and I rushed through the crowd and I found Leatherdale had this man in charge. And the man - the crowd was gathered around him, and some were shouting take him away from him. However, I took hold with Officer Leatherdale, and we got the man started towards the station.
- 16 Q Did you bring him to the station? A Yes sir, Officer Leatherdale and myself brought him to the station. And he wanted us to let him go.

Mr. P.: Objected to.



COURT: Note your objection.

117 Q Did you as a Police Officer, did you offer him any reward, to make a statement to you? A No sir, I said nothing to him whatever.

18 Q Did you threaten him any punishment if he did not tell you all?  
A: No, none whatever.

19 Q Then what he said to you, was it in answer to any questions? A No.

20 Q Voluntarily? A Yes sir.

21 Q What was this statement? A He said he broke the window, let him go and he would pay for it. He kept repeating that all the time. He repeated that I should say from the time we got him until he got to the station. Fully twenty times he mentioned the same thing. If we would let him go he would pay the damages.

22 Q Did you find anything about his person, in his clothes? A No.

A Well, I did not search him.

23 Q Now, when you speak about the others there, did they kick up quite a row, how was the crowd behaving themselves? A Very disorderly, the first, or rather the second crowd had rushed up the street, in pursuit of the first crowd.

24 Q Following the arrested prisoner? A Yes, and on the way up this window was broken, and the arrest of this man was made.

25 Q Well, this crowd of which this man was one, well you came along behind, how was this crowd behaving? A Very disorderly.

26 Q That is when the window was broken? A This window that I saw had also been broken earlier in the evening. The window that was broken at that time. I heard crashing of <sup>the</sup> glass, and just then the arrest was made.

27 Q Was it up-stairs or down-stairs? A No, the large plate-glass window at the corner of Hastings and Columbia streets.

CROSS-EXAMINATION BY MR. POTTINGER:



128 Q This same window had been broken previously ?

A Yes, I believe so.

29 Q A stone had been thrown through it ? Previous to this ? A stone had been thrown through the same window ? A Yes, I believe so.

30 Q As a matter of fact the stone had been thrown ~~had been thrown~~ and the window, although it was broken, it still stayed in its place until it had been hit by this other stone when it fell, and broke, and that is the smashing you heard ? A Probably, that is the way.

31 Q Does a stone usually make a small hole ? A Some of them do, if it is thrown swift enough.

32 Q Does it not have to be <sup>in order</sup> a bullet, to make a small hole ? A No, not always, as I say if the stone is thrown with force, it might make a small hole.

33 Q Well, this window had been broken before ? A Yes, I heard that window being stoned earlier in the evening.

34 Q You had been down there for some time on the corner of Carrall and Hastings ? A Yes sir.

35 Q And the first occasion you had to make an arrest was this ? A Yes.

36 Q That is the first ? A Yes.

D E F E N C E .

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

Mr. P.: He don't wish to give any evidence.

Court: He don't wish to give any evidence ?

Mr. P.: No.

Court: Any evidence ?

Mr. P.: No evidence.

Court: "I order him committed for trial."

(Stenographer's Certificate),

"G. Alvin Murray,"

Stenographer.

"A. Williams,"

Police Magistrate.

Committed for trial.