

Wits

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Fall

Assizes.

Vancouver

REX

VS.

Max Heindl.

Offence Inciting to riot, etc.

CROWN BRIEF.

To be returned to
ATTORNEY-GENERAL'S OFFICE,
Victoria, B.C.

I N D E X.

REX v. MAX HERNDL.

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INFORMATION AND COMPLAINT (Member of Unlawful Assembly)

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AFFIDAVIT OF STENOGRAPHER

182 Roblin 26

AUG 11 1931

ACCUSED COMMITTED TO PRISON FOR THE TRIAL AT THE DISTRICT COURT CRIMINAL DIVISION

Frederick
Fred Salerman took Scanlon Mercer
to the Ho.
I saw them grabbing bottles at Gas Stn.
P.D. Thomson
112
picked up
encl

STATEMENT OF THE ACCUSED.

INFORMATION AND COMPLAINT.

CANADA
Province of British Columbia
County of Vancouver.

CANADA
Province of British Columbia
City of Vancouver.

MAX. HERNDL stands charged before the undersigned.

H.C. Shaw The information and complaint of R.W. Hughes of City of Vancouver taken the 8th day of August, in the year of our Lord One Thousand Nine Hundred and thirty one, before the undersigned, W.H.C. Firkins Esq., one of His Majesty's Justices of the Peace in and for the said Province of British Columbia, who says that at the said City of Vancouver, on the 1st day of August A.D. 1931 MAX HERNDL did unlawfully and with intent to disturb the Peace of His Majesty the King, and to endanger the persons and property of a great number of His Majesty's quiet and peaceable subjects, unlawfully and maliciously intended and endeavoured to raise and create riots and tumults for the disturbance of His Majesty's Peace by inciting divers subjects of His Majesty, whose names are unknown, who are inhabitants of the City of Vancouver, to assemble riotously and tumultuously with force and arms, to disturb the Peace of His Majesty and to injure and annoy a great number of peaceable subjects of His Majesty in their person and property Contrary to the form of the Statute in such case made and provided.

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

AUG 11 1931

"WALTER H.C. FIRKINS"

Justice of the Peace for the
Province of British Columbia.

ACCUSED COMMITTED TO TAKE HIS
TRIAL AT THE NEXT COURT OF COMPETENT
CRIMINAL JURISDICTION.

"H.C. SHAW."

INFORMATION AND COMPLAINT.

STATEMENT OF THE ACCUSED.

CANADA
Province of British Columbia
County of Vancouver.

MAX. HERNDL stands charged before the undersigned,
H.C. Shaw, Esq., Police Magistrate, in and for the said City of
Vancouver, this 11th day August, in the year of our Lord one thou-
sand nine hundred and thirty-one, for that the said MAX HERNDL,
at the said City of Vancouver on the 1st day of August A.D. 1931

(See charge on Information)

And the said charge being read to the said MAX HERNDL and the
witnesses for the prosecution,

, being severally examined in his presence,
the said MAX HERNDL is now addressed by me as follows:--

(Usual form)

Whereupon the said MAX HERNDL says as follows:--

(through his counsel)

"He has nothing to say to Your Worship".

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

"H.C. Shaw", P.M. "H.C. Shaw" 1931.
Police Magistrate in and for the City of
Vancouver.

INFORMATION AND COMPLAINT.

STATEMENT OF THE ACCUSED.

CANADA
Province of British Columbia
City of Vancouver.

The information and complaint of R.W. Hughes of City of Vancouver taken the 3rd day of August, in the year of our Lord One Thousand Nine Hundred and thirty-one before the undersigned, Earl E. Robinson Esq., one of His Majesty's Justices of the Peace in and for the said Province of British Columbia, who says that at the said City of Vancouver, on the 1st day of August, A.D. 1931, MAX HERNDL unlawfully was a member of an unlawful assembly.

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

being sworn "Robt.W. Hughes" in his

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

Whereupon the said MAX HERNDL "Earl E. Robinson"

AUG 11 1931 Justice of the Peace for the Province of British Columbia.

ACCUSED COMMITTED TO TAKE HIS TRIAL AT THE NEXT COURT OF COMPETENT CRIMINAL JURISDICTION.

"H.C. Shaw", P.M.

AUG-8 1931.

"H.C. SHAW"

Police Magistrate in and for the City of Vancouver.

POLICE COURT
(Before H.C. Shaw, Esq., P.M.)

Vancouver, B.C.
Aug. 10th, 1931.

STATEMENT OF THE ACCUSED.

CANADA
Province of British Columbia
County of Vancouver

MAX HERNDL stands charged before the undersigned, H.C. Shaw, Esq., Police Magistrate, in and for the said City of Vancouver, this 11th day August, in the year of our Lord one thousand nine hundred and thirty-one, for that the said MAX HERNDL, at the said City of Vancouver on the 1st day of August A.D. 1931 unlawfully was a member of an unlawful assembly. Contrary to the form of the Statute in such case made and provided.

And the said charge being read to the said MAX HERNDL and the witnesses for the prosecution,

, being severally examined in his presence, the said MAX HERNDL is now addressed by me as follows:--

(Usual form)

Whereupon the said MAX HERNDL says as follows:--

(through his counsel)

"He has nothing to say to Your Worship"

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

"H.C. SHAW"

Police Magistrate in and for the City
of Vancouver.

COURT: You have the option to be tried forthwith before me without the intervention of the intervention of the court or under bail as the court decides to be tried in the ordinary way by the court having competent criminal jurisdiction. How will you be tried?

P O L I C E C O U R T
(Before H.C. Shaw, Esq., P.M.)

Vancouver, B.C.
Aug. 10th, 1931.

CANADA
Province of British Columbia
County of Vancouver
City of Vancouver

REX vs. MAX HERNDL.

MAX HERNDL charged on the information of R.W. Hughes, of the City of Vancouver on the 8th day of August, A.D. 1931, for that at the said City of Vancouver on the 1st day of August, A.D. 1931, did unlawfully and with intent to disturb the peace of His Majesty the King, and to endanger the persons and property of a great number of His Majesty's quiet and peaceable subjects, unlawfully and maliciously intended and endeavored to raise and create riots and tumults for the disturbance of His Majesty's peace by inciting divers subjects of His Majesty, whose names are unknown, who are inhabitants of the City of Vancouver, to assemble riotously and tumultuously with force and arms, to disturb the peace of His Majesty and to injure and annoy a great number of peaceable subjects of His Majesty in their person and property. Contrary to the form of the Statute in such case made and provided.

W.M. MCKAY, Esq., Counsel for Prosecution

W.W. LEFEAUX, Esq., Counsel for Defence

L.H. Heaney sworn stenographer.

(Charge read)

COURT: You have the option to be tried forthwith before me without the intervention of a jury or to remain in custody or under bail as the court decides to be tried in the ordinary way by the court having competent criminal jurisdiction. How will you be tried?

ACCUSED Go to the higher court.

MR. LEFEAUX: Wish to be tried by the higher court. Preliminary hearing.

MR. MCKAY: I will call Mr. Jones.

MR. LEFEAUX: Your Worship, might I just say here in connection with these cases. I have appeared before Magistrate Findlay on a number of these cases. There is an unfortunate possible tendency on account of the fact I am defending a number of these men that they are connected with some very undesirable organization. My instructions are to appear for every man taken up in connection with any of these cases, no matter what organization they belong to, if they are not defended by any other counsel. A large number of these men are members of the same organization I am connected with.

CHARLES JONES: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

1 Q Mr. Jones you are City Clerk of the City of Vancouver?

A I am.

2 Q I have asked you to attend here this morning to produce a by-law of the City of Vancouver. (Witness produces)

3 Q These are certified by-laws? A. Yes.

4 Q This is by-law 1475 and by-law number 2032 amending

A By-law 1475.

5 Q That by-law. A. Yes.

MR. MCKAY: Simply, Your Worship, to show that the Chief of Police may issue a permit in writing for such parade, but if he does not that no such parade shall be held, and that whoever...

MR. LEFEAUX: That is not exactly the ...

MR. MCKAY: I had better read it then. "The Chief of Police of the City of Vancouver may, on being satisfied that the provisions of this by-law will be complied with, issue a permit in writing for such parade, or proposed parade, and such permit shall be in possession of the person in charge of such parade and shall be produced for inspection on request of any police officer, of the City; and it shall be unlawful to hold any such parade on or through any street or public place in the City or to be members of any parade unless such permit has been issued therefore as herein provided, and failing to comply with the provisions of this section shall be deemed to be guilty of a violation thereof and liable to the penalties herein provided. This by-law shall come in to force and take effect from and after the date of the final passing hereof. Done and passed in open council this 16th day of december, A.D. 1929. Signed W.W. Malkin, Mayor, Signed William McQueen, City Clerk. I hereby certify the foregoing to be a true and correct copy of By-law No.2032 passed by the council of the City of Vancouver on the 16th day of December, A.D. 1929. Signed Charles Jones, City Clerk. That is the whole thing. I am going to put that in as Exhibit "A". Both of them.

BY-LAWS No.1475 and 2032 produced as EXHIBIT "A"

COURT: I think this was taken as a preliminary hearing.

MR. LEFEAUX: Yes Your Worship.

COURT: Any questions Mr. Lefeaux?

MR. LEFEAUX: No Your Worship, I haven't any.

INSPECTOR GEORGE SUTHERLAND: called as a witness,
being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

6 Q You are an inspector of Detectives in the City of Vancouver?

Suth.
Bing

A I am.

7 Q And on the 1st of August last you were the same? A. I was.

8 Q And you were on duty that day, where? first of all?

A At the Cambie Street grounds.

9 Q Cambie Street grounds in the City of Vancouver? A. Yes.

MR. MCKAY: Perhaps with your permission I will call Chief Bingham.

He is very busy.

COURT: Alright.

(Witness aside)

W.J. BINGHAM: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

10 Q You are Chief Constable for the City of Vancouver? A. Yes sir.

11 Q Now you know the charge here against this man Herndy. A By-law has been produced here showing that you have power to issue a permit in writing for parades. Did you issue such a permit that day? A. No sir.

12 Q Were you approached by any people to issue a permit? A. No sir.

13 Q And you did not issue any and there was no such permit? A. No sir.

14 Q I understand they had a permit to occupy Powell Street grounds for the purpose of speaking? A. Yes there was a permit for that.

15 Q There was a permit for that? A. Yes.

16 Q But not to parade? A. No.

17 Q I mean Cambie Street grounds? A. Cambie Street grounds.

18 Q. MR. LEFEAUX: A meeting was held on Cambie Street grounds, was it? A. Yes sir.

MR. LEFEAUX: Alright thank you.

INSPECTOR GEORGE SUTHERLAND: already sworn, testified as follows:

Smith

QUESTIONS BY MR. MCKAY:

19 Q You told me Inspector Sutherland that you were on duty that day. I would ask you to describe what took place on Cambie Street grounds that day which led up to this charge? A. I attended there with a number of other officers. There were...

20 Q You might mention a few of them that were there? A. There was Detective Lester and Sergeant Detective Grant and a number of police officers.

21 Q Murray and Bell. A. Parsons and Fletcher. There were three speakers I think it was. The first two speakers there was nothing I don't think we could object to very much. When the chairman was introducing this last speaker the accused

22 Q The accused? A. He told who he was. He said that he wanted everybody to remain until this last speaker was through speaking.

23 Q The last speaker was right there beside the chairman, was he? A. Right beside the chairman.

24 Q. That is the accused? A. Yes.

MR. LEFEAUX: I hardly think the chairman's remarks are admissible.

MR. MCKAY: Oh yes if this man acted in furtherance of the chairman's remarks made right beside him.

COURT: Oh I think in a preliminary hearing.

MR. LEFEAUX: The charge is not conspiracy

COURT: I think I will allow it in.

A The chairman said that all here are our friends with the exception of some of Bingham's stool pigeons and a few lousy policemen, but everyone remain till this speaker is through. He emphasized that. This man then starting his speech.

Suth

25 Q That is Herndy, the accused? A. That is Herndy, the accused. He spoke for a considerable time, and then towards the end he said "the police are cunning. Now we have a permit to hold our meeting, but no permit to demonstrate; but Mr. Bennett says that the will of the people shall prevail. Is it your will that we demonstrate?", and there was a shout from the people. He says "alright, follow me." But he says "before doing that" he says "give a cheer, that will make the policemen quake. If the police fight, we fight too". He then produced a red flag; this one here; and it was furled, and he unfurled it and led the parade out of the Cambie Street grounds.

26 Q Led the parade out of Cambie Street grounds on to the street? A. Up to the corner of Dunsmuir and Cambie.

27 Q Those are streets in the City of Vancouver? A. Yes. They then came out on Dunsmuir Street.

28 Q Now this flag is attached to a stick. It does not look like the usual flag stick? A. No.

MR. MCKAY: Will Your Worship just feel that stick.

COURT: It is weighty.

MR. MCKAY: It has considerable weight to it. I am going to put that in as Exhibit "B"

FLAG AND STICK produced as EXHIBIT "B"

29 Q Go on Inspector. A. There was considerable shouting as they were leaving the ground. I followed along the sidewalk with the crowd. The other detectives were with me; and when we got, when we crossed Cambie and Hamilton, and between Homer and Hamilton the City police came along, some of the mounted men, and the sticks and stones began to fly.

COURT: What is that?

A The sticks and stones began to fly among the crowd.

Q Yes, that is what I want to find out. How many followed this man on the street? A. Well I should judge there were probably five hundred, I suppose.

Sullivan

30 Q Go on. A. Herndy, who was in the lead with the flag, stopped at the corner, some of the mounted men were right beside him. I saw him, he had the flag waving it and hitting at the horses or the mounted men. Then I went up to where he was. He was out on the street about six or seven feet out from the sidewalk on the street with the flag, and I took hold of the flag and himself and I told him to drop it. So he turned on me and we had quite a little scuffle

31 Q Were you hit? A. Yes I was hit and knocked down.

32 Q You were hit and knocked down by him, by the flag?

A Well he was striking me; but I was struck from behind; there was a number rushed ahead and quite a crowd got behind us; and then when I was down I got a kick from the accused.

33 Q Who kicked you? A. The accused.

34 Q Right on the side of the head? A. Just caught me on the side of the face. Then a number piled on me but I got away from them, and when I looked behind, the mounted police had been driven back. There was no one close to me, none of the police, they had been driven back with sticks and stones; and after they rallied we located the accused on the sidewalk with the flag and placed him under arrest and brought him to the station.

35 Q Now there were many people there that day, weren't there? A. Well I should judge there would be between four and five thousand people.

36 Q Between four and five thousand people? A. A large crowd of people on the grounds and a great number followed this man on the street

37 Q Yes, that is what I want to find out. How many followed this man on the street. He said "follow me"

A Well I should judge there would be, oh probably five hundred, I suppose.

Smith

- 38 Q And then you say this rioting took place and sticks and stones were thrown at the police like that? A. Yes, most of those that did not follow him followed along and took the sidewalk.
- 39 Q Along the same direction? A. Yes, but a great number followed the parade, paraded on the street.
- 40 Q Would it be possible for peaceable passengers along the street to get along that street at all? A. Oh absolutely impossible.
- 41 Q Pardon me. Besides the evidence you have given as to the sticks and stones and assaulting the police and so on, were any of the people of the City injured, I mean their property or anything like that? A. Oh yes there were. Well at the gas station just at that corner they had a number of bottles out containing oil. A number of those were seized and thrown.
- 42 Q Were seized and thrown by this crowd? A. Yes. Fences were torn down in front of some of the houses. I think that is part of some of the fences there. Sidewalks leading into the houses were torn up and thrown. Windows were broken in the vicinity in houses near the gas station. There were a number of other banners too beside this flag, which were displayed and carried in the parade.
- 43 Q Now did you see this article anywhere around? A. Well, I saw the accused with a cap similar to that, that he put on his head when they started to parade.
- 44 Q When he started the parade. Was that before he said "follow me" that you have told us? A. Well that is just about the same time.
- 45 Q Just about the same time he put that cap on? A. Well, a cap similar to that. I could not swear to it.
- 46 Q But a cap similar to that? A. Yes, that he was wearing.

Satin
m.k.

MR. MCKAY: I am going to put that in as an Exhibit. I have another witness coming in....

MR. LEFEAUX: It is not identified.

MR. MCKAY: Well a similar cap was identified, and I undertake to connect this cap with the demonstration.

MR. LEFEAUX: It is alright if you do.

CAP produced as EXHIBIT "C"

QUESTIONS BY MR. LEFEAUX:

47 Q Inspector, how many, about how many people were there at the meeting on the ground? I don't mean the spectators on the outside but the meeting itself? A. I should judge there would be between four and five thousand

48 Q Actually listening to the speakers in the meeting? A. Yes.

49 Q I mean actually in the meeting, not on the outside? A. Not on the outside, no I mean grouped round the speakers.

50 Q And you say you were struck from behind. You do not know who you were struck by, I suppose? A. No I could not say. I know that he struck me

51 Q Afterwards? A. I know that I got other blows from other fellows

52 Q That was afterwards? A. No.

53 Q You say you had a struggle with the accused afterwards when you went to arrest him? A. While I was struggling I got a crack from behind from somebody else, or from the side.

MR. MCKAY: I am going to call Mr. McKelvie.

ARCHIE JOHN MCKELVIE: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

54 Q Your full name Mr. McKelvie please? A. Archie John.

55 Q You are a journalist by profession? A. Yes.

56 Q Now did you happen to be there that day, August the 1st?

A August the 1st, yes.

*Mck
Grant*

57 Q And you heard Inspector Sutherland's statement of what was going on. Do you agree with that, that there was a regular riot there? A. When I got there there was a fight on between the police and demonstrators.

58 Q And there were many articles lying around, I suppose?
A Yes.

59 Q Did you pick up anything? A. I picked up that hat.

60 Q You picked up that hat right there, whereabouts? A. About twenty-five feet east of the lane that divides Dunsmuir Street, between Hamilton and Homer near the south kerb.

61 Q Did you see the accused man there? A. I cannot say that I did

MR. LEFEAUX: No questions.

COURT: Alright thank you.

Grant
DETECTIVE SERGEANT GORDON GRANT: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

62 Q You are a detective sergeant on the Vancouver police force? A. I am.

63 Q You also were on duty there that day? A. I was.

64 Q August the 1st? A. I was.

65 Q A peace officer? A. I am.

66 Q On duty. Now you heard Inspector Sutherland's story of that took place. Did you see and hear all that he saw, that is in the first part of it? A. I did, that is in the first part of it, at the meeting. I corroborate what he says.

67 Q You agree with what he says about the meeting? A. Yes I do.

68 Q And about this man addressing the meeting? A. He did.

69 Q And what he did. Now does your memory of the words agree with Inspector Sutherland's as to his words when he said "follow me" and so on like that? A. It does.

70 Q That is true? A. I was there for the purpose of taking



Grand

notes of what had taken place.

71 Q Did you see him putting on a hat there? A. I did.

72 Q Was it a hat like that? A. It was a hat similar to this; and he had quite a difficulty in pulling the hat on his head, and he pulled this flap down afterwards.

73 Q It had a strap? A. It had one similar to that.

74 Q What is your recollection of when that happened? A. That happened immediately after he requested if they would have a demonstration, and the crowd around that he had addressed had said that they would, and they answered by holding their hands up and shouting; and he then waved the flag, put on the hat and waved the flag and said "follow me"

75 Q This is the flag he had? A. Well I seen a flag similar to that. I could not swear that is the flag.

76 Q You did not come in contact with that flag? A. No I did not come in contact with the flag.

77 Q Afterwards there was quite considerable fighting between the police and the crowd at the corner of Homer and Hamilton on Dunsmuir? A. Between Homer and Hamilton on Dunsmuir, and considerable damage done to property there. One house was wrecked there. They had gone clean right through and it was wrecked, the doors, and clear through the house to the back; and these debris and pieces of wood and stones were picked up on the street and taken to the police station after the riot had ceased.

78 Q You also saw the crowd throwing sticks and stones?

A I did I also saw them throwing, stones and sticks flying.

79 Q What is this in the bag? A. That is pieces of debris and wood torn from the sidewalks and fences, stones, a bag containing stones and two big kerb-stones or paving stones.

80 Q You say someone was throwing these big paving stones?

Grant
July

A I did not see these actually being thrown, those big stones, but that is the wood that was picked up off the street as the result of the fight. The street was littered with it.

MR. MCKAY: I would like to put those in as an Exhibit, the stones and the pieces of wood and everything.

COURT: Very well.

MR. LEFEAUX: I object to that. I would like my objection noted

MR. MCKAY: Your Worship these things were found right there after the fracas was over

MR. LEFEAUX: Yes, but no witness definitely identified them as being things that were used.

COURT: I think I should allow them to go in.

PIECES OF WOOD AND STONES produced as EXHIBIT "D"

81 Q Now there are also other certain banners here. Did you see those banners? A. Yes there was a banner with these words on it "Down with Imperialist war"

82 Q That was carried there? A. That was carried by the crowd following, by some persons in the parade.

83 Q Following? A. Following the accused.

MR. MCKAY: I will put that in as an Exhibit. Also a number of other banners which were being carried. A number of other banners here. Here is one "Fight deportation" "The

streets must be ours" "No job; no food, pay no taxes"

"War on Starvation." "Join the communist party." "Down

with capitalism." "Free all class war prisoners." "Re-

lease all class war prisoners." The same as the last.

Here is one that is torn, and it says: "Continue Soviet

nada" "Canada" apparently. I am putting those all in as

an Exhibit.

BANNER produced as EXHIBIT "E"

BANNERS produced as EXHIBIT "E"

84 Q Were you present on August the 1st on Duty? A. Yes at the

Cambie Street grounds where there was a meeting.

Grant
Lester

84 Q Now I also see poles here. What is this, a long pole.
Has that got anything to do with it? A. That pole was used
to hold up one of the banners.

MR. MCKAY: Well that should go in with the banner, the banner
and pole.

85 Q Can you give me any estimate of the damage that was
done? I understand that certain officers were detailed
to find out? A. I only took a cursory look around there. I
could not actually estimate the damage, but I know one
house was completely wrecked inside and outside.

86 Q Is that all? A. That is all I know.

COURT: Alright thank-you. Mr. McKay you have got a number of
other witnesses?

MR. MCKAY: Oh yes, and we have got a number of other cases.

COURT: Well I think we may as well adjourn now and come back
later.

MR. MCKAY: Two thirty.

COURT: Two thirty, alright.

MR. MCKAY: Will you notify the witnesses to be here.

COURT: The witnesses in this case and the other cases that we
have been obliged to stand over will appear here at half
past two this afternoon.

Adjourned to 2.30 p.m.

MR. MCKAY: I think we had finished with Sergeant Grant.

MR. LEFEAUX: No, I wanted to ask him one or two questions. No,
that is alright.

DETECTIVE LESTER: called as a witness, being first
sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

87 Q You are a detective on the Vancouver police force? A. I
am sir.

88 Q Were you present on August the 1st on Duty? A. Yes at the
Cambie Street grounds where there was a meeting.

Herndy

- 89 Q And did you hear the same thing that Inspector Sutherland heard? A. Yes.
- 90 Q Did you hear his evidence this morning? A. I heard his evidence, just the very same.
- 91 Q That is you heard the chairman address the meeting? A. Yes sir.
- 92 Q And then you heard the accused man? A. Yes
- 93 Q Say what Inspector Sutherland said? A. Yes.
- 94 Q And you saw him unfurl this flag? A. I saw him unfurl the flag and wave it like this.
- 95 Q Now have you examined this flag at all? A. Yes I examined it in the office there, after it was brought in.
- 96 Q Have you seen the emblem on that flag? A. Yes.
- 97 Q What emblem is that? A. That is the emblem of Soviet Russia
- 98 Q That is the emblem of Soviet Russia, you are satisfied of that, are you? A. Yes sir.
- 99 Q Now Detective Lester tell me what you saw afterwards?
- A After he waved the flag he made the statement that he would lead the parade. He led the parade across Cambie Street square to the corner of Dunsmuir and Cambie and along Dunsmuir towards Hamilton Street, and a large crowd followed. A lot of fellows were shouting and screaming, and then the detachment of police came up on horseback, and then I saw a lot of stones and sticks flying through the air.
- 100 Q Any of the police hurt? A. And some of the police were hurt with these miscles.
- 101 Q Anything special that you noticed outside -- you agree also with Inspector Sutherland's story about what occurred? about the crowd there? A. About the crowd there except that I was not just present when Mr. Herndy was actually placed under arrest.
- 102 Q What else did you see thrown there outside of stones

Kush

and sticks, and so on like that? A. Stones and sticks, and I saw one bottle going through the air, a big bottle

103 Q Do you know where that bottle came from? A. Well it came from the direction of the garage.

104 Q Of the garage? A. The garage up there at the corner.

QUESTIONS BY MR. LEFEAUX:

105 Q Detective Lester you were at the meeting, you say, were you? A. Yes sir.

106 Q And they formed up, did they, to parade after the meeting? A. Who 'phoned?

107 Q This crowd you are explaining about? A. They 'phoned up?

108 Q Formed up. Did they form up? A. They didn't altogether get into what you would call proper formation. They just all

went in a crowd, in a kind of mob. When they got out on to the street, the street was quite filled from side to side.

109 Q That is they were leaving the meeting, that is the meeting dispersed and moved on? A. No the meeting kept together

and followed the red flag that the accused was carrying as they had been requested to do

110 Q The meeting kept together? A. Yes kept together and followed the accused.

111 Q And up to this time there was no trouble? A. On the grounds

112 Q Yes? A. No there was no actual trouble up to that time.

113 Q No actual trouble, what do you mean by that? A. There was no, what you might call rioting. There was no stones or anything like that being used.

114 Q Why do you use that language, why don't you say there

was no trouble. Cannot you say that? A. Because it looked like trouble on account of the way that the accused man was speaking.

115 Q It looked like trouble? A. Yes.

Henry

- 116 Q There was no trouble up to this particular time? A. No.
- 117 Q Then this crowd followed this man out on to the street?
- A Yes.
- 118 Q I suppose there was nothing particular up to that time?
- They got out on to the street; what happened next? A. There was nothing particular up to that time, only the speeches of the accused man and some others.
- 119 Q Perhaps you objected to the speeches, but there was no trouble anyhow, no overt act? A. I didn't say a word about the speeches. I was just standing there like anybody else
- 120 Q What happened next, the crowd followed or went with this man down the street. What next next? A. Yes they were following him and cheering and yelling and jumping, some of them like maniacs.
- 121 Q Jumping, eh? A. Yes actually jumping on the street.
- 122 Q What made them jump? A. Well because they had got so mad from the inflammatory speeches, I suppose.
- 123 Q Oh, the speeches must have been very inflammatory.
- A They were screaming and jumping up off the street and shouting "hoo" like that
- 124 Q You saw them doing that? A. Right beside me.
- 125 Q Did you arrest any man doing that? A. Well I arrested one man afterwards.
- 126 Q And what happened next? A. Well they started to throw stones and sticks at the policemen when they came up, that is what happened next.
- 127 Q The police came up and then they commenced to throw stones and sticks at them? A. Yes.
- 128 Q What were the police doing? A. I suppose they went to stop these people going over towards Granville Street.
- 129 Q The police came to stop the people from going in a

Heard

certain direction? A. Well it would look that way.

130 Q And they tried to stop them I suppose? A. Yes.

131 Q And then stones and sticks began to fly? A. Yes.

132 Q The police tried to stop them first? A. Yes.

133 Q That was the result of it? A. The result of what?

134 Q Of the police trying to stop them? Well in any case stones and sticks commenced to fly at these policemen as soon as the police tried to stop them? A. Yes.

135 Q How many police were there, have you any idea? A. There was a detachment of mounted police, probably fourteen. I did not count them. Fourteen or fifteen; and then later on some policemen on foot came up.

136 Q And in their usual way commenced to disperse the crowd, I suppose? *you* have been in these things before, haven't you? A. Yes I have. I asked them "you had better go away now and not be causing trouble. "That is what I asked them myself, and I expect the other policemen probably spoke in the same manner as I did.

137 Q And then the mounted police I suppose proceeded to break up the accumulation of people on the street? A. They did not proceed to break up anything. Sticks and stones commenced to hurl at them before they had time to do anything.

138 Q Do you mean to say that the police came up and they did nothing? A. The police came up behind the crowd and was passing them by, and these sticks and stones flew through the air. I was behind them you must remember. There were several people behind me, and where these sticks and stones were thrown. I was down about a quarter of a block from where the thickest part was going.

139 Q The police must have come behind you? A. Yes.

140 Q And they walked peaceably behind this crowd? A. They walked peaceably by where I was, and then when they got further

*Ken
Murray*

forward the crowd was thicker up near where this red flag was, and there is where the stones and sticks commenced to go through the air.

141 Q The mounted men were trying to disperse them? A. I presume that is what, I presume they were trying to do.

142 Q Could you see them? A. I could see the mounted police on top of their horses, and there was a crowd there, but there were other people between me and the spot. It was what the mounted police was doing.

143 Q It is only a presumption of your part is it, or something that you know? A. I did not hear what they said, because I was not close enough

144 Q You could see what they were doing, they were dispersing the crowd? A. They were going about, I suppose they were dispersing the crowd.

145 Q And then there was some sticks and stone flying? A. Yes.

DETECTIVE MURRAY: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

146 Q You are also a detective on the Vancouver police force?

A I am.

147 Q Were you present at this affair on duty? A. I was.

148 Q On August the 1st? A. August the 1st, yes.

149 Q Now did you hear Inspector Sutherland and Sergeant Grant and the last witness giving their evidence? A. I did.

150 Q Do you agree with them? A. I agree with the gist of their evidence, yes.

151 Q Did you hear anything else or see anything else when the crowd moved out from the grounds there beside what has been given in evidence? A. No, I guess it has been pretty well cover. There was a crowd, and they had only gone about

Murray

151 Q a block.

152 Q Do you agree with the last witness that they were jumping and excited and so on like that? A. They were, yes.

153 Q Were they doing anything else than that? A. Well do you mean marching up the street?

154 Q Yes.

MR. LEFEAUX: I object to too much leading

MR. MCKAY: I am not leading. I am asking him if there was anything else. If there was not anything else, let him say so.

155 A No as soon as the mounted detachment went up to head off the parade the fight started.

QUESTIONS BY MR. LEFEAUX:

156 Q You say the trouble started as soon as the mounted police went up to head off the crowd? A. Yes to stop the unauthorized parade.

157 Q And were they stopping them? A. They rode up alongside and halted them, and as soon as they did, sticks and stones commenced to fly.

158 Q Was there any use of whips or clubs? A. Well I was jammed away in the crowd about half a block back.

159 Q And if you agree with the other witnesses there were four or five thousand people at that meeting, if they were all on the street at that particular time and the Mounted men were trying to disperse them there must have been a jam? A. There certainly was a jam.

160 Q And the people could not get away very quickly if they wanted to? A. Well some of them were going different directions..

161 Q There was quite a jam. You could not get back, could not get down the lanes? They were moving anyhow? A. They were moving pretty fast.

Murray

161 Q And the mounted men were persuading them to move quicker?

A They were trying to break up the parade. That is what they were there for.

162 Q I understand there was no parade; just a mass of people?

A Yes there was a parade, the accused went ahead carrying the flag. He said "all them that want to follow me" they could go ahead with him

163 Q And there was a mass of people? A. They came up ~~from~~ the grounds en masse.

164 Q Were there any people in front of him at all? A. Well the majority of the crowd on the ground stopped till he got through. The stand was pretty well full, and then I should imagine, oh there was a couple of thousand anyhow on the grounds.

165 Q About two thousand on the stand? A. I would say beside what was in the stand about twenty-five hundred.

166 Q I suppose when the accused started to move off from the grounds others had started to go before him? A. As far as I could see the crowd stayed till he got ahead and then they moved in a body. I don't know how many formations there were.

167 Q Just in a mass, a mob? A. Yes.

168 Q Just a mob moving off from the grounds on to the street?

A Just a mob.

169 Q And the mounted police decided to disperse them? A. Well they were about a block and a half before the mounted police got up to them. The Mounted police were not at the grounds when they marched off.

170 Q I suppose you have no idea as to why the mounted police tried to disperse them? A. Only my assumption they were stopping the unauthorized parade

171 Q The time of it? A. Yes the time of it.

Murray Parsons

171 Q On the assumption there was a parade? A. I would call it a parade

172 Q You would call it a parade? A. Yes I would call it a parade.

173 Q And they had gone a block and a half before the trouble started? A. Yes I would say about a block. They went up as far as Hamilton. That is where most of the damage was done. That is where the windows were broken.

174 Q And that is where the police first tried to disperse them? A Yes.

175 Q They did not try to break windows until the police tried to disperse them? A. Yes.

176 Q And that is when the fight started? A. Yes.

DETECTIVE J. PARSONS called as a witness, being first sworn, testified as follows;

QUESTIONS BY MR. MCKAY:

177 Q You also were there on duty that day in the Cambie Street grounds? A. I was.

178 Q And you heard the evidence of the others. Do you agree with the evidence given by Inspector Sutherland and the others as to what occurred? A. I do.

179 Q When they moved out on the street. You heard them say that they were excited and dancing and so on, jumping. Were they doing anything else? A. Yes beside the hollering and shouting, some of the men started singing the Red Flag.

180 Q Some of them started singing the Red Flag? A. Yes, that is when they arrived at the corner of Cambie.

QUESTIONS BY MR. LEFEAUX:

181 Q. You are sure it was the Red Flag? A. Oh yes I know that song pretty well.

182 Q The tune of it? A. Yes the tune of it.

*James
Reilly*

183 Q They were not singing some other song to that tune?

A No.

184 Q You recognized the words of it? A. No I recognized the tune of it.

DETECTIVE REILLY: Called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

185 Q You are an officer on the Vancouver police force? A. I am.

186 Q You were there that day also? A. I was.

187 Q And did you do any special duty after the affair was over? A. I did.

188 Q What was it? A. From instructions from Inspector Long I took up the account of the damage done to several pieces of property there.

189 Q Just tell the court what damage was done during this affray to the property of private owners there, and so on. A. In company with another officer P.C. 142 we got instructions from Inspector Long to visit the scene of this disturbance, and this is what were reported, one plate glass window about eight by ten feet in a store at 571 Hamilton Street occupied by the American type foundry company, the amount of the damages if about \$35. One plate glass window about ten by fifteen in a store at 375 Dunsmuir Street valued about \$75. A feather Selvage owned by Mr. Peter Fyfe, that is the Antique Store at the corner of Homer and Dunsmuir. One plate glass window about six by six feet, this is an empty store, glass completely broken, valued at \$60, that is at 302 Dunsmuir. At 310 Dunsmuir street there were four lights of glass valued about six dollars, these were about 12 by 20. Automobile 37-398 had two windows broken. The owner Mr. William ... manager for the Union Oil Company, damage about \$7.

*Reilly
Woodworth*

One window a small one in the Alcazar Hotel about \$5.
Two windows broken, this car was owned by Mr. Clements
a visitor in the Alcazar Hotel about \$5. 308 Dunsmuir
Street three lights of glass about 12 by 20. A front door
and a back door valued about \$18 owned by Mr. Mayagawa,
a Japanese 334, 336 Dunsmuir Street. Damage to the fence,
sidewalk and flowers damage about \$10. Back road service
station owned by Thomas Rowbottom, three pints of oil
and containers, and one small window, total value about
\$3.

COURT: Alright thank you Mr. Reilly.

JACK WOODWORTH: called as a witness, being first
sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

- 190 Q What is your name please? A. Jack Woodworth.
- 191 Q And where do you live? A. ~~302~~ 302 1/2 Dunsmuir.
- 192 Q In the City of Vancouver? A. Yes sir.
- 193 Q Is that near the scene of this trouble? A. Yes sir.
- 194 Q Right there is it? A. Yes sir.
- 195 Q Now did you see this trouble that day? A. Well I saw some
of it. I did not see all of it.
- 196 Q Well would you just explain to the court your feelings
about this trouble there? A. Well I did not feel any too
safe.
- 197 Q You did not feel any too safe? A. No.
- 198 Q What did you do in consequence of that? A. Well I was in
the house and I locked the door.
- 199 Q You went in the house and locked the door? A. I was in
the house and I locked the door
- 200 Q Was any damage occasioned to your property? A. Well it
is not our property we are just renting the house.
- 201 Q Any damage done to the place you are renting? A. Yes, tore
up the fence and the walk and broke it up.

Woodworth
Long

202 Q And do you know what they were using it for? A. Well they were throwing some of the walk at the policemen.

MR. LEFEAUX: No questions.

MR. MCKAY: Just a moment Mr. Woodworth before you go.

203 Q I put in certain Exhibits here. You are acquainted, you remember your fence, is it possible for you to identify any of that stuff as your fence? A. That piece there looks like it.

204 Q The bottom piece with the wire attached? A. Yes.

205 Q It would hardly be possible. Why did you have that wire around it? A. We didn't put the fence up.

MR. MCKAY: Alright.

INSPECTOR LONG: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

206 Q You are an inspector of Police in the City of Vancouver

A Yes.

207 Q Were you on duty the day in question? A. Yes sir.

208 Q Now do you have a knowledge of what happened there, how many officers were injured as the result of this? A. Oh minor injuries altogether I should think about fifteen or so.

209 Q Fifteen officers? A. Yes.

210 Q Any of them seriously injured? A. Yes there are some still off duty

211 Q Still off duty now? A. Still off duty now, five.

212 Q This is the 10th? A. Five I think it is. Of course we do not know when they will get back on duty.

QUESTIONS BY MR. LEFEAUX:

213 Q You were at the scene of action, were you Inspector?

A I was there, yes.

214 Q And you saw the crowd move off the ground, did you?

A No, I did not see them move off the ground. I saw them

Constable McDonald

immediately after. I was in the drill hall, as a matter of fact, and I did not see them move off the ground.

215 Q That is some distance off the ground, isn't it? A. Well we were of course behind the building and we had to get round the corner, so I did not see them move off the ground.

216 Q When did you first see them? A. Well within a very few minutes. As soon as we turned west on to Dunsmuir Street we saw them of course. We saw them although they were easily a block away from us.

217 Q And they were on Dunsmuir Street? A. On Dunsmuir, Well on Dunsmuir and all over, just a mob of people.

218 Q And you were coming from the east? A. We were coming from the east going to the west, yes.

219 Q And when did the trouble start? A. I don't know, the trouble was started then, at least judging by the noise. We could see nothing but a crowd of people and heard the noise.

220 Q So that you could not tell exactly when the trouble started? A. No.

COURT: Alright thank you.

MR. MCKAY: Constable Robinson. He is one of the injured men.

Constable McDonald.

W.B.

POLICE CONSTABLE McDONALD: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

Rides Wildboy.

221 Q You are an officer on the Vancouver police force? A. I am sir.

2nd Squad

222 Q You were engaged, on duty that day? A. I was.

223 Q Were you on horseback? A. Yes sir.

224 Q Were you injured? A. I was sir.

225 Q How? A. A bone broken in my right hand by a rock.

226 Q By a rock? A. Yes sir.

227 Q And are you still off duty? A. Yes sir.

Went to assistance of Rob McDonald when he was hit by the 2nd.

McDonald
R. Brown

QUESTIONS BY MR. LEFEAUX:

- 228 Q You were not mounted, were you constable? A. I was mounted, yes.
- 229 Q There were quite a number of officers there in plain clothes, were there, do you remember? A. I could not say how many was there in plain clothes.
- 230 Q You recognized some? A. Oh I recognized some of the men in plain clothes, yes.
- 231 Q MR. MCKAY: There is just one question. You were mounted. How many mounted men were there altogether, do you know?
A Sixteen I believe, sir.

MR. MCKAY: Sixteen.

COURT: Alright thank you.

POLICE CONSTABLE ^{L.}ROBIN (162) called as a witness,
being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

- 232 Q You are also a police officer on the Vancouver police force? A. I am sir.
- 233 Q Were you mounted? A. No sir I was a foot man.
- 234 Q You were on foot? A. Yes.
- 235 Q Were you injured during this trouble there? A. Yes I was.
- 236 Q How? A. I was struck on the head by a rock and also struck on the arm by a rock.
- 237 Q And you were not a mounted man at all? A. I was not a mounted man, no sir.

QUESTIONS BY MR. LEFEAUX:

- 238 Q Constable were you in uniform? A. Yes sir.
- 239 Q And where were you when you were struck? A. I was on the premises of the gas station at Dunsmuir Street and Hamilton.
- 240 Q Roughly speaking how far would that be from the Cambie Street Grounds where the meeting was held? A. Oh it is a full block, or a little over.

RM

241 Q A block and a half? A. A block and a half possibly

242 Q And were you with the squad of police that dispersed the crowd? A. I was.

243 Q And the crowd was coming down towards you were they, from the Cambie Street grounds? A. No, we were following the crowd.

244 Q Oh you followed the crowd? A. Yes.

245 Q And what were you doing when you followed the crowd?

A The crowd got about a block ahead of us, and as soon as we approached Cambie street we saw the stones start flying and the sticks and we went on Hamilton street on the double and getting orders from the sergeant we cleared out this gas station.

246 Q But the crowd in dispersing or leaving the Cambie Street grounds got a block ahead of you? A. There were sir.

247 Q And moving pretty quickly? A. I could not judge till we got up to Cambie Street and when we got to Cambie Street the crowd was at a stand-still.

248 Q You say you saw sticks and stones flying. What caused that, did you see? A. All that I could see was that the mounted men were in the centre of the road, and they were the target for these sticks and stones.

249 Q The mounted men were ahead of you? A. Yes.

250 Q And you were following the crowd, and what were the mounted men doing? A. I could not tell you.

251 Q You don't know whether they were standing still or stationed at a certain point or whether they were being driven by the crowd? A. First I saw the mounted men they were riding up and down the centre of the road, when I saw them.

252 Q That would mean riding up and down the centre of the crowd, wouldn't it? A. The crowd at this time was on the

Ref
Scanlon

sidewalks when I saw them.

253 Q Then this four or five thousand were on the sidewalks?

A. The sidewalks and the adjacent kerbs

254 Q And the mounted men were riding up and down the centre of the street? A. Yes sir.

255 Q And no crowd round them at all? A. The crowd were throwing stones and sticks from the sidewalks.

256 Q This big crowd of four or five thousand we have heard so much about had got on the sidewalks? A. They were of course on Hamilton Street and crossing Dunsmuir.

257 Q And do you mean to tell the court that the mounted officers were riding up and down the centre of the street and that there was nobody on the street? A. There were parked cars there, and there were people along the kerb, but not out in the centre of the street.

258 Q Do you mean to say then that the mounted men were not engaged in dispersing this crowd. A. I say we were a block behind; they may have broken up the crowd before we arrived there.

259 Q When you arrived there they were riding up and down the centre of the street? A. Yes sir.

260 Q Were they in single file or how A. No, trying to control their horses. Their horses were being struck by stones, and they had quite a time to control them.

261 Q And they were in the centre of the street and the crowd were all on the sidewalks? A. Yes.

262 Q You do not know anything about their efforts previously to disperse the crowd? A. No sir.

POLICE SERGEANT SCANLON: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

263 Q Now you are a sergeant of police on the Vancouver Police force? A. Yes sir.

Saulson

264 Q And you were in charge of the mounted men on the day in question? A. Yes sir.

265 Q How many men had you under your command? A. I had eight and sergeant Morgan had eight.

266 Q Sixteen altogether? A. Sixteen altogether.

267 Q Now just explain to the court exactly what happened?

A About four o'clock we were in the armories in the drill hall and we got instructions from Superintendent Hood that there was a parade formed up and was going west on Dunsmuir Street. Our instructions were to stop the parade; and we turned out then, eight horses to ride up through the crowd and get up ahead of the parade. When we got up to the head of the parade the sticks and stones were flying at us.

268 Q Had you taken any steps to disperse the crowd before that? A. No we didn't get to the head of the parade.

269 Q And you had not taken any steps to disperse the crowd?

A No, only rode up through them.

270 Q And did not do anything? A. No just rode up through them.

271 Q And then you say the sticks and stones started at you?

A Yes.

QUESTIONS BY MR. LEFEAUX:

272 Q Were there many people there sergeant in the crowd? A. Going on for four thousand I guess.

273 Q The street was pretty well jammed, wasn't it? A. Yes round Cambie and Dunsmuir it was jammed.

274 Q And you were interested particularly in Dunsmuir? A. Yes Dunsmuir, that is between Hamilton and Homer.

275 Q And the four or five thousand people were where? A. The big bulk of them were round Hamilton and Cambie.

276 Q Round the corner? A. Round the corner. The big bulk of them were there and the others were marching up Dunsmuir and had got about halfway between Hamilton and Homer.

Scanlon

- 277 Q How many were going that way? A. Close on to a thousand in the parade at that place.
- 278 Q You say you rode through this four or five thousand people? A. Yes.
- 279 Q Eight of you? A. Yes.
- 280 Q Peaceably? A. We never touched anybody with whips or any thing else till we got up to the front.
- 281 Q. Then you touched them with whips? A. When they started to throw the stones and sticks we started.
- 282 Q You rode through this mass of people without any trouble? A No trouble, there was just a lot of groaning and yelling
- 283 Q You were able to get through comfortably? A. We went through in half sections.
- 284 Q You went single file? A. No two abreast.
- 285 Q And yet the street must have been pretty well jammed? A Yes they got out of the way.
- 286 Q The crowd made way for you? A. Yes.
- 287 Q Did you shout for them to make way for you? A. Yes we did.
- 288 Q And they opened up to make way for you? A. Yes.
- 289 Q And when the trouble started where were you? A. About half-way between Hamilton and Homer, that is near the lane between Hamilton and Homer.
- 290 Q How far would that be from Cambie Street? A. That would be about a block and a half.
- 291 Q And how far would that be from the meeting place? A. The head of the parade was about that lane. That would be about a block and a half from Cambie on Dunsmuir
- 292 Q And then you started then, you had orders you say to break up the parade? A. Yes stop the parade.
- 293 Q Were they in any formation? A. The nearer we got to the

Dollimore
Walker

head of the parade they were in better formation. They were in about four deep I should say approximately up at the head of the parade behind the red flag.

POLICE CONSTABLE DOLLIMORE(No.60) called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

294 Q You are an officer on the Vancouver police force? A. Yes sir.

295 Q You were also on duty there that day? A. Yes sir.

296 Q Were you mounted? A. No sir.

297 Q Were you in uniform? A. Yes sir.

298 Q Were you hurt? A. Yes sir.

299 Q How? A. Slightly. I got a slight hit across the forehead

300 Q What with? A. With a stick

MR. LEFEAUX: No questions.

MR. MCKAY: Mrs. Walker.

MRS. SARAH WALKER: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

301 Q What is your first name please Mrs. Walker? A. Sarah Walker.

302 Q And are you housewife? A. Yes.

303 Q Have you any children? A. Three.

304 Q Now you live where? A. Well just at the corner of Homer and Dunsmuir, just a little off the corner.

305 Q And anywhere near where this trouble occurred? A. Well they were just on the corner, just around the corner from where live.

306 Q And what were your feelings about this trouble? A. Well my children were at the show at the time and I was scared of them getting hurt by the rocks that were thrown, and I went out to look for them.

307 Q And you did see rocks thrown and so on? A. I seen rocks up in the air just at the corner, at a distance.

MR. LEFEAUX: No questions.

Sands

COURT: Alright thank you.

EDWARDS SANDS: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

- 308 Q What is your full name please? A. Edward Sands.
- 309 Q And where do you live? A. Alcazar Hotel.
- 310 Q In the City of Vancouver? A. In the City of Vancouver, yes.
- 311 Q And what is your occupation? A. Well I am interested in mining.
- 312 Q Are you just a visitor here in the City? A. No I am here on and off all the time.
- 313 Q Now were you at the Alcazar Hotel on the day of this trouble? A. Yes I got to my rooms on the fifth floor at ten minutes to four.
- 314 Q And was that before the crowd moved up? A. Well I will tell you. That is the best way to get over it. I was preparing for a bath when I heard cheering and hurrying. I thought it came from the Hamilton Hall building. I went on with my undressing. Presently the tone changed into a yell and howl, and then I looked out of the window and I could see a dense mob coming up from Cambie.
- 315 Q Could you see the street before this mob came up?
A Absolutely. I had a full view.
- 316 Q Were there any sticks or stones on the street and so on on the street before the mob came up? A. Not that I noticed.
- 317 Q Now what did you see? Well first of all, how did this affect you? I mean what were your feelings about it? A. Well it did not affect me at all. I only realized it was something on. When I saw the crowd coming from the Cambie Street grounds -- I can see a portion of the grounds and I can see a portion of the grand-stand. I saw these people leaving there, then I realized it was a demonstration of

Sandy

some kind.

- 318 Q And then you realized it was a demonstration? A. The noise got greater as they approached Dunsmuir and Hamilton, and at the head of the crowd which eventually appeared was one man, a small man carrying a red flag
- 319 Q Could you identify the accused? A. No I could not, but he was a small man
- 320 Q And carried a red flag waving it? A. Yes. When they crowded between Hamilton, when they were in about the middle of the section of Hamilton and Dunsmuir two mounted men, and I don't think any more than three or four constables approached them with the idea, I suppose, of deterring them. The cry went up "let's get them. Let's get them. Let's get them" Those were the exact words. The officer mounted went up to the man with the red flag The red flag man immediately struck at the horse's legs; the horse reared and backed. Then the riot was on. The police few in number were swept completely aside and it was each man for himself. The ground at the garage was completely covered with men, and stones, rocks and two or three bottles I saw and also pieces of board plank and scantling were being used against the police.
- 321 Q Did you see the street after the men were dispersed? A I did.
- 322 Q Ih? A. I did.
- 323 Q Could you say the condition it was in? A. I saw the officers pick all that stuff up.
- 324 Q Did you see this man with the red flag speak to anybody else beside of hitting this man on horseback? A. No the officer snatched the flag from him, and then the rocks and stones and sticks, anything they could pick up, gravel from the garage lot, was thrown

QUESTIONS BY MR. LEFEAUX:

Sands

- 325 Q Just a minute Mr. Sands. Mr. Sands you say you are a mining man, are you? A. Yes.
- 326 Q Not working at present? A. No, well I am down here on a little deal
- 327 Q You say that an officer snatched this flag that you saw in the hands of one of the man? A. Snatched the flag away, yes.
- 328 Q Did you see what he did with it? A. No he was kept pretty busy and so were the others. They had a very very rough time, and they handled it with extreme tolerance.
- 329 Q Yes I quite realize that. Where were you? A. My window was wide open, room 532 on the 5th floor. That is facing the hall
- 330 Q Were you facing Homer or Dunsmuir? A. Facing Hamilton and Dunsmuir, the hall and the garage.
- 331 Q On which side of the building is your room, on the east side or the south side? A. My room is facing the east
- 332 Q Facing the east, so that you were looking down? A. I was looking right down, as I am here.
- 333 Q Looking down Dunsmuir Street? A. Yes.
- 334 Q And you saw the officers approach this crowd? A. I did.
- 335 Q That was coming up too? A. I did.
- 336 Q And how many of them would you say there were? A. Well I saw the mounted man only and not more than four or five constables on foot.
- 337 Q It has just been given in evidence that there were sixteen mounted men there and they rode through the crowd? A. Of course there was a lot more I could see, as a matter of fact I was going to say...
- 338 Q I am not asking you what you were going to say, but I am asking you specific questions. A. You are telling me there were sixteen men and I am just telling you I

*Sanders
Wilson*

only saw two.

MR. MCKAY: At that stage.

339 Q And you say that this was at the beginning of the trouble? A. Right at the beginning.

340 Q What officer was it that snatched the flag, was it a mounted man? A. I don't know the name.

341 Q I mean was he a mounted man? A. A mounted man

342 Q You saw him take the flag? A. I did; the horse backed up and passed the man and then I saw the horse back up and he took the flag.

343 Q And he was mounted? A. He was mounted.

MR. LEFEAUX: Alright thank you.

WILLIAM WILSON: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MCKAY:

344 Q Your full name please Mr. Wilson? A. William Wilson.

345 Q And do you live at the Alcazar Hotel? A. Yes sir.

346 Q You are clerk there? A. Yes sir.

347 Q Now did you see this trouble that day? A. I heard the shouting. I didn't see the crowd. I could not get up so far.

348 Q Did you go out on to the street? A. No I did not go out. I was on duty.

349 Q How did it affect you when you saw this crowd coming up? A. Well I heard the crowd, and I thought at first it was boys playing, hollering; then of course it got louder and I saw the windows across the street, that is to the south, the houses across the street, I saw the windows go up and people look out; and then all at once I saw the mounted sergeant he was on his horse, and some men after him with sticks, and he turned to stop them, and one struck the horse and the horse sort of went down, and he lost his balance, and there was an automobile at the side, beside the road, and he went on that and broke the window



Scanlon

Wilson
Clarke

beside the road, and he went on that and broke the window
350 Q You don't know the name of that officer by any chance?
A Yes Murphy. Mr. Murphy owned the car.

351 Q No, I mean the officer that went down? A. Oh no.
352 Q You don't know his name? A. I would know him if I seen
him, but I don't know his name.

MR. LEFEAUX: No questions.

ALBERT EDWARD CLARKE: called as a witness, being
first sworn, testified as follows:

QUESTIONS BY MR. MACKAY:

353 Q What is your full name please Mr. Clarke? A. Albert Edward
Clarke.

354 Q And you live, you carry on business where? A. I am an
attendant at the service station at the corner of Hamil-
ton and Dunsmuir

355 Q The service station right about where this occurred.
Were you there that day? A. Yes I was on duty sir.

356 Q On the 1st of August? And how did it affect you? Were
you hurt yourself? A. Well I was a little bit worried about
the stuff around the yard.

357 Q Had you anything outside your door there? A. Yes I had
bottles of oil.

358 Q What happened to these bottles of oil? A. Well I could
not tell you just exactly what happened to them. I noticed
they were missing when I took the rest of them inside.

359 Q How many were missing? A. Three.

360 Q And did you see any sign of them after the trouble?

A I picked one up at the end of the driveway, as a
matter of fact it was across the street.

361 Q What condition was it in? A. The neck of it was broken.

362 Q Did you see the sticks and stones and things like that
flying about? A. Yes.

*Mayagawa
Masakawa*

MR. LEFEAUX: No questions.

(T. Ide sworn as Japanese Interpreter)

H. MAYAGAWA: called as a witness, being first sworn, through Interpreter, testified as follows:

QUESTIONS BY MR. MCKAY:

363 Q What is your name please? A. H. Mayagawa.

364 Q And what do you do? A. Well I am running some confectionery store.

365 Q Where? A. 601 Cambie Street. That is the corner of Dunsmuir and Cambie Street.

366 Q I don't want to lead. Did you see this trouble that day? A. No.

367 Q August the 1st? A. No, I not see it. I was away.

368 Q You were away. Any damage done to your property?
A Yes, well the door was broken.

369 Q Anything else? A. And some dishes destroyed.

370 Q What is the value of it? A. It is worth about three or four dollars.

371 Q And anything else happen? A. Nothing else.

372 Q Well was there more than one door smashed? A. Two doors.

373 Q Two doors smashed? A. Yes.

MR. LEFEAUX: No questions.

MR. MCKAY: Alright thank you. Masakawa.

T. MASAKAWA: called as a witness, being first sworn, through Interpreter, testified as follows:

QUESTIONS BY MR. MCKAY:

374 Q What is your name? A. T. Masakawa.

375 Q Have you got a store anywhere near on Dunsmuir Street?
A Yes three hundred Dunsmuir Street.

376 Q Three hundred Dunsmuir Street? A. Yes sir.

377 Q And what is your business? A. Grocery and confectionery.

378 Q Now, were you there when this trouble occurred that day, on the 1st of August? A. Yes sir I was in the store.

379 Q You were in the store? A. Yes sir.

380 Q What did you think of it? A. I am awful scared anyway.

MacKawa

381 Q You are awful scared; and what happened to your store?
Did anything happen? A. No nothing happened to me.

382 Q Anything lost or damaged? A. No sir.

MR. MCKAY: That is the case for the Crown, Your Worship.

MR. LEFEAUX: I am not calling any evidence, Your Worship.

MR. MCKAY: I ask Your Worship to commit on the two charges under
the authority I have often given you can commit on any
charge that arises out of the evidence. Now there are
two indictable offences this man is charged with. One is
the one that was read to him and the other that he was a
member of an unlawful assembly. That is these facts
given on that evidence prove it is an unlawful assembly.

COURT: Stand up please. Having heard the evidence, do you wish
to say anything in answer to the charge? You are not
bound to say anything 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 or favour and
nothing to fear from any threat which may have been held
out to you to induce you to make any admission or con-
fession of guilt, but whatever you now say may be given
in evidence against you upon your trial, notwithstanding
such promise or threat. Have you anything to say?

MR. LEFEAUX: He has nothing to say to Your Worship. Your Worship
if you are going to commit for trial would you defer
it till tomorrow so that I can arrange bail.

COURT: Any objection to that Mr. McKay?

MR. MCKAY: I have no objection. I don't see we can make any
defference between this man and any other man.

COURT: Alright, let the case stand till tomorrow morning.

Adjourned to Aug. 11th.

MR. MCKAY: Now there are two charges to deal with for committal.

COURT: Yes.

MR. MCKAY: I ask Your Worship to commit on those charges. There is evidence on both charges. Your Worship under the Mooney case can commit on anything arising out of the evidence.

COURT: Then I commit you for trial at the first court of competent criminal jurisdiction.

I hereby certify the foregoing to be a true and accurate transcript of the within proceedings.

"L.H. Heaney"

Court Stenographer

Police Magistrate in and for
the City of Vancouver in the
Province of British Columbia.

I, L.H. Heaney, of the City of Vancouver, do make oath and say:

FIRST: That I am the stenographer appointed by H.C. Shaw, Esquire, Police Magistrate in and for the City of Vancouver, to report evidence in this case.

SECOND: That the evidence hereto attached is a true and correct copy of the proceedings taken at the hearing of the said case.

"L.H. Heaney"

Stenographer

Sworn before me this

day of A.D. 1931.

Police Magistrate.

AFFIDAVIT OF STENOGRAPHER

CANADA
Province of British Columbia
County of Vancouver
City of Vancouver.

IN THE MATTER OF THE KING on the information of
R.W. Hughes against Max Herndl.

I L.H. Heaney of the City of Vancouver, in the Province
of British Columbia, stenographer, do make oath and say:

FIRST: That I am the stenographer appointed by H.C. Shaw,
Esquire, Police Magistrate in and for the City of
Vancouver, to report evidence in this case.

SECOND: That the evidence hereto attached is a true and
correct copy of the proceedings taken at the hearing of
the said case.

"L.H. Heaney"

Stenographer

Sworn before me this

day of

A.D. 1931.

Police Magistrate.

Handey

Presented to Grand jury
True Bill returned.

Nov. Case opened continued 11 A.M. 8 5. 15 P.M.
" Trial continued - Evid concluded 12.45 P.M.

2.30 Address to jury
3.45 jury retired
4.15 " returned

Verdict

Guilty on Count 1.
Not Guilty " " " 2.

Dec. 3/1931

Sentence.

2 months to take effect
at expiration of present
term of imprisonment (6 months)

Handey

J. H. Jones

Crown Counsel