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Nanaimo B.C. Aug. 26th, 1913.

REX                    v                    ROBERT HADDOW and others.

(Riot 11th Aug, 13)

PROCEEDINGS ON PRELIMINARY HEARING HEREIN.

Before J. H. Simpson, Esq.,  
Police Magistrate.

GR-0518  
Box 3  
File 56

BRITISH COLUMBIA. COMMISSION ON CLAIMS ARISING OUT OF  
RIOTS IN 1913 AND 1914 ON VANCOUVER ISLAND, 1916.  
Documents re: court cases.



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THE GOVERNMENT OF  
THE PROVINCE OF BRITISH COLUMBIA

PROVINCIAL POLICE OFFICE.

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BRITISH COLUMBIA. COMMISSION ON CLAIMS ARISING OUT OF  
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I N D E X

<u>Witness</u>	<u>Exam</u>	<u>Cross Exam</u>	<u>Re-Exam</u>
Jacob Neen	1	13	19
John Shirras	20	26	
Harold Wallbank	32A	35	
James Robertson	37A	40	
Alexander Young	42A	46	
Henry Patterson	60A	62	
Thomas R. Stockett	66A	67	
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William Burnip	71A	72	



CANADA  
 PROVINCE OF BRITISH COLUMBIA  
 COUNTY OF NANAIMO;

The depositions of Jacob Neen, John Shirras, Harold Wallbank, James Robertson, Alexander Young, Henry Patterson, Thomas R. Stockett and William Burnip, taken before J. H. Simpson, Esquire, Police Magistrate in and for the City of Nanaimo, in the County of Nanaimo, this twenty-sixth day of August in the year of Our Lord one thousand nine hundred and thirteen, at the Provincial Court House, in the said City of Nanaimo, in the presence and hearing of Robert Haddow, D. Purss, Thomas Miller, Alexander Laird, James Baird, Arthur Jordon, Richard Griffiths, William English, Pat. Mulgrew, Charles Styles, Sam. Conner, William Wardell, Robert Farrell, Sam. Dickenson, Ben Miller, William Flockheart, R. W. Smith, George Skoynsky, H. Murdock, Frank Barber, R. Waugh, George Young, Wm. Cummings, J. Dougan, William Gibson, Isaac Storey, Alf. Wardell, James Higgins, William Burnip, H. Martin, Thomas Jordan, James Hodgkinson, who stand charged for that they did on the eleventh day of August 1913 at the said City of Nanaimo, unlawfully, riotously and in a manner causing reasonable fear of a tumultuous disturbance of the peace, assemble together and being so assembled together did then and there make a great noise, and thereby began and continued for some time to disturb the peace tumultuously, contrary to the provisions of section 88 of the Criminal Code of Canada.



T. B. Shoebottom, Esquire, appearing on behalf of the Crown.  
Clarence Darling, Esquire appearing on behalf of the accused.

Mr Shoebottom; - Your Worship, I am going to suggest, as it has been brought to my attention, that there is likely to be a demonstration of feeling on the part of the audience, during the proceedings at this trial, that Your Worship announce that you will have the Court Room cleared if there is the slightest disturbance of any kind.

The Magistrate; I may say that I will not sit in any Court where I cannot have control, and if there is any disturbance of any kind I will stop the proceedings and will clear the Court.

MR DARLING;- I would like to say that I do not anticipate any disturbance Your Worship.

MR SHOEBOTTOM;- I intend to proceed under section 88 of the Code. I will not proceed on the individual charges as they were laid. That was necessary in order to secure their apprehension, but after investigation we ascertained that the more serious charge should be laid, namely riot, and I may say that the evidence that I intend to adduce here on this enquiry is the same evidence as if I proceeded on the charges of unlawful assembly, except, of course, it goes further, in that it shows a more serious offence.

Mr Darling;- I have to object to any change in the informations laid. The informations have been changed from "unlawful assembly", to that of "riot", and I find also that, in individual cases in which there is a charge of intimidation of one Weeks, which is dissimilar entirely from that of "unlawful assembly". I find as well that these men were told that the alleged offence was committed on the 12th and 13th of August and the date has now been changed to the 11th.



I have to make a very strong objection to any change in the informations. We have come here prepared to meet a specific charge in the different cases, and the Crown is bound to proceed with the informations as laid. The Crown cannot afterwards proceed on another charge without issuing fresh informations, and at the same time allowing the accused persons to go free and making new arrests. This has not been done, We are not prepared at all to meet the information as now laid, and I submit that my objection should be sustained.

MR SHOEBOTHAM;- The evidence that I intend to adduce here is exactly the same, as if we proceeded on the other informations, except as I say it shows the more serious offence, of riot, under Section 55. It doesn't matter--supposing for instance I proceeded on a charge of intimidation, and the evidence adduced showed riot it would be your duty to commit the accused for riot on that evidence. The evidence is the same, except that it is stronger than I anticipated. I am not amending the informations; I am substituting; there is a new information sworn against these 32 men and I submit, no matter how they may be brought before Your Worship, it is your duty, when they are charged, to enquire and investigate.

THE COURT;-The information could be amended, even after all the evidence was in.

MR DARLING;- Is my learned friend proceeding on the original charge and then afterwards asking to have that charge amended?

MR SHOEBOTHAM;- I am proceeding on the last information of "Unlawfully, riotously, and in a manner causing reasonable fear of a tumultuous disturbance of the peace" etc, on the 11th day of August, 1913. A good many of these men, I have other charges against, for the 12th and the 13th of August, but I am dealing now with the charge only of the 11th of August 1913.

THE COURT;- I think that is perfectly right.



MR DARLING;-I would like my objection noted.

THE COURT;-Yes, I am quite clear, in my opinion, that the argument of the Prosecution is good.

The names of the 32 prisoners mentioned in the information called, and they are present.

The Information is read to the accused.

MR SHOEBOTHAM;- they don't need to plead.

THE COURT;- No.

MR SHOEBOTHAM;-before we proceed, I have a large number of witnesses here that will be required to-day, and continuing days during these trials. I would like the witnesses brought into Court and I will name those I want to use to-day and the others can be excused until to-morrow morning, and those I will use to-day will retire to the witness room.

MR SHOEBOTHAM;-Jacob Neen, John Shirras, Harold wallbank, James Robertson, Alexander Young, Arthur Rogers, John Campbell, William Laird, Andrew Murdock, T.R. Stockett, Henry Patterson, John Patterson, James patterson, Archie patterson, James Reid, Mr Sterling, Those are the names of the witnesses that I intend to call to-day in this case. Now it is my intention, if possible, to continue from day to day until these cases are disposed of, and I would ask Your Worship to have all the other witnesses in attendance to-morrow morning at nine o'clock, or at such hour as Your Worship fixes.

COURT;-So long as these cases continue we may as well meet at 9.30.

MR SHOEBOTHAM;-You might excuse the other witnesses then until to-morrow morning at nine thirty.

THE COURT; Yes, all those witnesses who have been standing in the Court room and whose names have not been called for this case



are excused for the day, but you must be here to-morrow morning at nine thirty.

MR SHOEBOTHAM;- I will call Chief of Police Neen.

JACOB NEEN, Sworn, Examined by Mr Shoebotham.

MR SHOEBOTHAM;-By the way, I don't know,Mr Darling, whether you intend to pursue the policy of reserving your defence or calling witnesses. If you intend to call witnesses,I expect you to furnish me with a list of those witnesses you intend to call.

MR DARLING; I have not the remotest idea of what witnesses I will call,if any; there may be no need of any witnesses when we hear the evidence.

MR SHOEBOTHAM;- If you have any witnesses you intend to call,you had better give me the names of them. I will have to ask His Worship to discredit their testimony,if you do not give me a list of them so that they may be excluded from the Court room.

THE COURT;- You know what the usual custom is.

MR SHOEBOTHAM; You must know what you are going to do.You ordinarily are prepared for a certain eventuality,and if so, you should give me the names of your witnesses.I would like to play the game fair; I am conducting this Prosecution fairly, I expect you to act in the same way.

MR DARLING; I have not the remotest idea of whether I will call any witnesses or not.There may be some in the Court whom I will call; they may volunteer--

THE COURT; We must follow the usual course, that is, of excluding the witnesses on both sides.That is the usual rule and I must insist on that rule being carried out here.

MR DARLING; That cannot be, when I don't know whether I will have any witnesses or not.As to the discrediting of testimony,that is, of course, beyond my power altogether.



MR SHOEBOTHAM;- I will call Chief Neen.

THE COURT;-What is to be understood then?

MR DARLING;-I am being strictly fair when I say that at the present time,I do not know whether I will call any witnesses or not. There may be some witnesses in the Court who may volunteer to give evidence, but I don't know the names of any now. I think there may be one or two witnesses in connection with Story's case.

THE COURT;-The usual rule in giving evidence is that you furnish the Crown with the names of your witnesses and that rule should be followed here.

MR DARLING;I cannot do anything more than I have done at present.

MR SHOEBOTHAM;-I want to know now before I ask Chief Neen to open his mouth, what you intend to do; if you intend to call witnesses, and if you do intend to call witnesses, their names.

MR DARLING;- I am powerless to give that to you.

MR SHOEBOTHAM;-

1 Q What is your name? A. Jacob Neen.

2 Q What is your position? A. Chief of Police for the City of Nanaimo.

3 Q Now you have been through the exciting scenes that have transpired this last week or so in the City of Nanaimo?

A Yes.

4 Q And--

MR DARLING;-I may say that my learned friend knows there is a proper form in which to put the questions. I object to the form of that question, as leading, and suggestive. The very gist of this offence is charging them with unlawful riot, and I objecting to the use of the words "exciting scenes" in the question; it is leading and suggestive to the witness. I object to the question,



I submit the question is not a proper one.

MR SHOEBOTHAM;-If my friend will wait for a moment I will get down to the 11th.

5 Q.I suppose you remember the 11th? A. Yes.

6 Q A charge has been laid here which you have heard read.I want you to state in your own way just what occurred on that occasion,the 11th,and in what part of the City it took place?

A. Well, on the afternoon of the 11th, about 2.40 I was on Fry Street, right opposite the Company's office -

7 Q Which company? A. Western Fuel Company, that is pretty close to Farquhar Street, the corner of Farquhar and Fry Streets; there was a large crowd there, a large crowd of people there. When I got there Isaac Storey was talking to some of the people in the crowd.

8 Q Is he one of the defendants? A. Yes. When I got there I found he was talking about the special constables. I asked the crowd to move off the sidewalk, and some of them did move and some of them did not move. When I asked them to move off the sidewalk, and told them they were breaking the law, when I asked them to move off the <sup>street</sup> ~~sidewalk~~ Robert Haddow said they would not do it.

9 Q Is he one of the defendants? A. Yes. I told them that they were breaking the law, and that they were liable to be- I don't know, I would not be sure, whether I said, -locked up, or pulled up, but someone in the crowd yelled ~~hask~~ "Lock us up" or "pull us up", whichever words I used. There was quite a little stirring around there, and they were going for Campbell and Rogers, the two men who were special constables, to get them to give up their tools and quit being special police. I took them



aside, both of them, separately, and told them if they wanted to quit, to quit, and they both told me they didn't want to quit. After a little while --

MR DARLING;- I object to the witness telling what he was told, or anything he may have said to Campbell and Rogers is not evidence unless it was said within the hearing of the defendants.

THE COURT;- that is right.

MR SHOEBOOTHAM;-

10 Q However Campbell and Rogers did not quit then? A. After a little while Constable Shirras -- I saw Constable Shirras with batons and I asked him about them and he got the batons of these two specials. I saw the crowd putting Campbell into an express wagon --

MR DARLING;- I object. I don't know what this has to do with the riot.

A There was a crowd there and the specials, these two specials quit their jobs, and there was a great shout went up.

11 Q Were there any more officers with you at that time? A. Constable Shirras was in the crowd. I saw him two or three times while this was going on.

12 Q Now at that particular time were you able to identify any of these defendants here to-day and if so which ones? A. I saw Haddow; he was there and Storey was there; this man at the end was taking a prominent part --

THE COURT;- What is your name?

PRISONER;- Sam Dickenson

WITNESS;- William Cummings was there, and Thomas Miller was there

13 Q About how many others? A. I should judge altogether there would be 200 people there.

14 Q You told us about one of the specials being put into an express wagon? A. Yes.



6

15 Q What happened after that? A. I heard the bell ring down in Number One shaft and I knew that the men were coming up and I went down in that direction. The crowd were right on the boundary of Number One shaft at this time. Fry Street divides; on one side is the Company's property--

16 Q And the other side is in the City? A. Yes, it is all in the City.

17 Q One on one side of the street and the other on the other side of the street, where they were? A. Yes.

18 Q Now just what took place? A. I went down to the shaft when the men came up; my opinion was from what I had seen of the crowd that the men had a poor chance of getting through without being hurt there and there was an automobile of Henry Freeman's there and I asked him to run the men up in that automobile, and after a little talk he said "Yes" -

MR DARLING;- I object to what he said being told here.

MR SHOEBOTHAM;- His Worship is holding an enquiry and wants to get all the facts, and I am going to see that the evidence goes in.

MR DARLING;- This witness is a police officer and knows what is evidence.

THE COURT;-I really want to hear it all. It is my duty to hear the evidence, all the evidence brought before me.

A.We got into the auto. there was the patterson family --

19 Q How many were ~~there~~ they? A. The old man, Henry patterson and I know the names of the sons but I don't know which is which. there were three sons, James, John and Archie, and James Reid, and Mr Bell.

20 Q Those were men you were trying to get away from that crowd?  
A. Yes.

21 Q Did you accompany them at all? A Yes I rode in the Auto.



22 Q Did you have any trouble in getting away from that mob?

A Yes, on the way, when we were going through the mob crowd on Farquhar Street, we were pelted with stones; the stones were thrown from that crowd and I was hit with a stone. I turned around and saw several in the middle of the road throwing stones. I could not say who they were.

23 Q While this was going on, what was the condition of the crowd, peaceable or seething?

MR DARLING;- I object to the form of the question.

A They were very hostile, yelling and shouting.

24 Q In other words what would you call it? A. I would call it a very disorderly crowd.

25 Q What was the inspiration you received from it?

MR DARLING;-Never mind that; don't give us the inspiration; give us the facts.

MR SHOEBOOTHAM;- This is a case of reasonable fear, reasonable grounds for fear. I will read you this section, "Unlawfully, riotously, and in a manner causing reasonable fear of a tumultuous disturbance of the peace, assemble together, and did then and there make a great noise". Was there such a case there? Was there such cause for fear there? A. There certainly was.

26 Q And was there a breach of the peace?

MR DARLING;- I object. The witness can tell the facts, all the details but it is for the Court to decide as to whether they are sufficient to cause reasonable men on reasonable grounds to fear harm. It is not for the witness <sup>as</sup> to say, to give their judgment as to whether there was or was not reasonable ground to fear. It is for the Court to decide after hearing the facts whether or not there was reasonable cause to fear.

MR SHOEBOOTHAM;- I am going to ask him the effect it had upon him



He can state if it inspired fear; what was the effect upon him.

THE COURT; The parties present are the best judges of that.

MR DARLING;- No, the Court has to hear the facts and judge, decide upon the facts whether there was reasonable ground to fear.

THE COURT;-I shall give wide scope, in order to get in all the evidence I possibly can; either side can tell me anything they want to.

MR SHOEBOTHAM;-

27 Q Did anything else occur at that time? A. Well, when we got out of the range of the crowd's rocks, we ran into another on the corner of Walburton Street and Farquhar, as we were coming down Nicol Street, the crowd was coming rushing to meet us, trying to intercept us, to get to Patterson's house as quick as we did. The crowd followed us, and tried to intercept us, in getting to Patterson's house.

28 Q What was the attitude of the crowd? A. Well the attitude of the crowd, I didn't stop, some were pretty close, but I didn't stop to see that; I got the Pattersons into the house and got the driver to drive to Watkins street to bring Mr Bell whose head was bleeding. I took Bell home and when I came back the windows in Patterson's house were broken, and there was a large crowd around there. I tried to get them to clear off and they complained about a man standing with a gun at the door of Patterson's house. They refused to go away until the man gave up the gun and I eventually went and took the gun.

29 Q What was the name of the man who had the gun? A. Sterling. He said he got it from one of the inmates of the house.



- 30 Q What else happened there? A. There was a rock thrown through one of the windows while I was standing talking to the crowd; that rock came out of the crowd.
- 31 Q They objected to this man in front of Patterson's house?  
A Yes; he was standing at the back door, facing on Watkins Street.
- 32 Q How often were rocks thrown at you? A. I was struck twice, in the car, on that occasion.
- 33 Q In what duty were you engaged? A. As Chief of Police.
- 34 Q And you were engaged in the discharge of your duty?  
A Yes, trying to get order.
- 35 Q Personally, did you recognize any others in that crowd, besides those you have named?

MR DARLING;- Which crowd?

MR SHOEBOTHAM;- They were part and parcel of the one crowd.

- 36 Q Did you recognize any others there? A. Up at Petterson's house, Storey spoke to me, and Miller - I saw Dougan there, right in front of Patterson's house on Watkins Street, and I saw David Purses.

MR DARLING;- What has the witness got there? I submit I am entitled to know what he is reading from, before he proceeds any further.

A I am reading from my own book, of notes made practically when the thing happened. I also saw Richard Griffiths there and I spoke to Arthur Jordon.

- 37 Q Did you see James Baird that day, A. Yes.

MR DARLING;- I object. Don't suggest.

MR SHOEBOTHAM;-

- 38 Q Where did you see James Baird? A. Up at Patterson's house. I saw him on two occasions. I saw him on Fry Street and I saw him at Patterson's house.

38 Q You told us you saw Robert Haddow? A. Yes, and Thomas Miller, Alexander Laird, David Purses, James Baird, Richard Griffiths, Arthur Jordon --

- 39 Q And Ben Miller? A. No. Thomas Miller spoke to me.



40 Q You say that a rock went through the window of Patterson's house while you were standing there? A. Yes. a rock went through the window of the kitchen of Patterson's house while I was standing there.

41 Q The general attitude of that crowd was what? A. The general attitude of that crowd was hostile towards the Pattersons and they were noisy.

42 Q What kind of noise were they making? A. Everybody seemed to be talking and some were shouting.

43 Q How long did that continue, from the time you first saw them up at Fry Street until you left Patterson's house? A. I should say it would be all of an hour.

44 Q The crowd continued all that time there? A. After I took the gun away from ~~that~~ that man some of them went away but they hung around there for quite a little time afterwards; some of them went away.

~~45 Q~~ CROSS EXAMINATION BY MR DARLING;

45 Q Really the worst part of that was the stoning of the automobile? A. What I saw, the stoning of the automobile was the worst; I didn't see the windows broken, except the one.

46 Q And was this continued for an hour, this row? A. Yes.

47 Q Did you notify any of the other authorities as to the trouble? A. I didn't have time.

48 Q Didn't you communicate by telephone? A. No.

49 Q I suppose you are aware of the Riot Act? A. Yes.

50 Q The Riot Act was not read? A. No.

51 Q Can you give any reason why it was not read? A. No.

52 Q Do you think there was cause for it being read?

THE COURT;- There was nobody there to enforce it.

MR DARLING;- I am examining this witness.



MR DARLING;

53 Q You understand the conditions under which it can be read do you? A. I have no doubt that if the proper parties had been there, the proper authorities, that it would have been read.

54 Q You think that it was a proper condition of affairs, in which the Riot Act should have been read? A. Yes.

55 Q They continued there an hour, you say? A. Yes.

56 Q You had other officers there in that crowd? A. Yes, there were other police in the crowd.

57 Q But you did not go to notify the authorities to have the Riot Act read? A. No.

58 Q I suppose you know you have power yourself to read the Riot Act? A. No.

59 Q Why? A. Because I was not in a position to do so. I had to see to these men. --

60 Q Well, whether you had power to do so, or not you did not read the Riot Act? A. I did not. I didn't have the Riot Act with me.

61 Q You didn't think it a proper time to have a copy of the Riot Act? A. No.

62 Q I suppose you anticipated trouble there? A. Yes, but not quite so bad.

63 Q There was likelihood of such an outbreak, was there?  
A No, so bad; I thought there would be some trouble but not so bad.

64 Q Did the Riot Act come to your thought at all during this time? A Well yes, I guess it did.

65 Q Did the Riot Act enter your mind during this time? A. Yes, but I didn't think of reading it myself.



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66 Q Why? A. Because I was occupied with something else. I wanted to get this done without reading the Riot Act, I thought the quietest way was the best way.

66 Q Did you think about getting somebody else to read it? A. Not at that time.

67 Q Not during the whole of this day? A. No, I didn't think about getting anybody to read it.

68 Q You have no reason to suggest why the Riot Act was not read, or why you didn't notify somebody to read it? A. No.

69 Q Now, you saw, in the first instance, Haddow, Storey, Dickenson, English and Thomas Miller? A. Yes.

70 Q Was there a riot taking place at the time you first saw them? A. I would say they were very disorderly, the crowd.

71 Q Was there a riot taking place at the time you first saw them. A. No, I would not call it a riot then.

72 Q Then you saw Storey and spoke to him afterwards? A. Yes.

73 Q Or he spoke to you? A. Yes.

74 Q What did he say to you? A. He spoke to me about this man standing with a gun. He said he had no right, or he didn't think it was right, or that he hadn't any right with the gun.

75 Q What did you say? A. I told him it was all right.

76 Q What did Storey say? A. He said a whole lot; I can't exactly tell you; there were two or three talking at one time. They said that if it was them, they would have been arrested.

77 Q You were not much afraid of Storey and these other men? A. No, I was not much afraid of them, and I am not afraid of them now, not for myself; I was afraid for someone else.

78 Q You had no fear for yourself? A. Not for myself.

79 Q Do you think that they had any color of right in asking you to look after this man? A. I don't think they had any color of right to speak anything about the man with the gun.

80 Q Did you think that the man with the gun was a proper condition



of affairs? A. If a man comes to my home, and if I have a gun,

I will have it in my hand, if my home is attacked, but the  
at the time

man ~~xxxxxxx~~ was not using the gun at all. He had taken

it from the Patterson family. If my home or my family is

attacked and I have a gun, I will have it in my hand.

81 Q Why did this man with the gun take it from the Pattersons?

A You better ask him.

82 Q Is he an accused person? A. No.

83 Q He was friendly towards the Pattersons? A. I don't know, only

that he took it away from the Pattersons. I didn't see him

doing it.

84 Q On the second occasion did you recognize Haddow, at Patterson's

house? A. I never said I saw Haddow at Patterson's house.

85 Q Haddow was not there? A. I can't say that. I can't say that

I noticed him.

86 Q The only time you saw Haddow was on the first occasion?

A Yes, I spoke to him and he answered me.

87 Q When? A. He was standing on the street and I asked them to

disperse and he says "We are not going to"

88 Q Did you attempt to arrest him then? A. No.

89 Q Did you attempt to make any arrests at this time? A. No.

90 Q S. Dickenson you say you saw at Patterson's house? A. No, I

can't say I saw Dickenson at Patterson's house. I saw him on

Fry Street. He was taking a prominent part in getting the

two specials to quit.

91 Q What were they doing? Did you hear the conversation between

him and the constables? A. No, I can't say. They were talking

about some woman having a child to Campbell, or something

about children to Campbell.



92 Q Did you see them abusing the constables? A. I didn't see them strike them, no.

93 Q There was nothing of that nature? A. I think it was a disturbance myself, 200 or 300 people.

94 Q But these particular men? A. He was one of the prominent men there, Dickenson was; he was speaking in a rough way at this time; he was speaking louder than the ordinary voice.

95 Q Did he make any threats that you heard, at the time?

A Well, I can't say that.

96 Q Now there were three different assemblies that you spoke of; one at the end of Haliburton Street, one at the end of -- there are three different streets ends near the shaft?

A The assembly I saw when I went down was one at Fry Street, pretty close to the corner of Farquhar; it extended right around the corner of Farquhar.

97 Q But the rioting didn't really take place until the Patterson's came up out of the mine? A. That is when the rough work commenced.

98 Q Did you notice who did the rough work? A. I could not notice that, riding fast in an automobile.

99 Q Can you say how many stones were thrown? A. I can't say how many stones were thrown.

100 Q As many as six? A. Yes, I think more than twenty stones were thrown; two hit me and Bell was hit.

101 Q Anybody else? A. I could not say.

102 Q At the time that this throwing of stones took place, did you notice, or recognize anybody in the crowd? A. No, I didn't recognize anybody then.



- 103 Q So you don't know whether any of these men up here to-day were amongst the crowd throwing stones? A. I cannot say.
- 104 Q They followed up the automobile some little distance before throwing the stones? A. Well, no, I think they just waited until the automobile was going through, and lined up on both sides; some of the rocks came straight across.
- 105 Q Do you think that you were swearing to the fact when you swore that as many as ~~twenty~~ twenty stones were thrown? A. Yes.
- 106 Q More than twenty? A. I can say more.
- 107 Q More than twenty? A. Well I should say all of twenty, because, the first one came straight across, and they were coming across, and when I looked back after I was struck, I could see them still throwing stones.
- 108 Q At what point in the geography of the city would you say that this actual stoning took place? A. Farquhar Street, near Fry.
- 109 Q How many feet from the corner? A. If you are in a car going fast, as fast as this car was traveling, you can't tell.
- 110 Q Not as much as a hundred yards from the corner? A. No.
- 111 Q About seventy five feet? A. I could not say.
- 112 Q How did anybody make a complaint to you at this time about that crowd? A - Who?
- 113 Q Anybody at all? Did anybody at all complain to you about the attitude of the crowd, other than what you saw for yourself? A - Well, at this time, there was nobody had much chance to complain to me.
- 114 Q Did anybody complain to you at this time about the attitude of that crowd? A - No.



115 Q Was Patterson very much frightened by all this work?

A He will be best able to tell you.

116 Q You could not tell that yourself? A. I can tell you what he said.

117 Q Never mind that? A. From my own observations I would say he was.

118 Q But you were not, yourself? A. I was not what you would call afraid.

RE-EXAMINATION

BY MR SHOEBOTHAM;-

119 Q You said a few minutes ago that your auto was going as fast as it could? A. Yes.

120 Q What was the necessity for that? A. To get through the crowd.

121 Q Why? A. So there would be no danger of getting these men.

122 Q In other words you wanted to get these men clear? A. Yes.

MR DARLING;- I will ask him a question.

MR SHOEBOTHAM;- Put it to His Worship first.

MR DARLING;- I will ask my learned friend if he did the same?

MR SHOEBOTHAM;- I didn't have to; it was re-examination; but you are not entitled to re-examine.

THE COURT;- Let me have your question.

MR DARLING;- I want to ask some questions in connection with the Patterson house.

THE COURT;- That does not arise from the re-examination.

MR DARLING;- I will abide by Your Worship's ruling but this is not a civil case; it is a case in which you should give the defence the greatest latitude.



JOHN SHIRRAS, SWORN, EXAMINED BY MR SHOEBOTHAM;

123 Q What is your occupation? A. Police Constable, City of Nanaimo.

124 Q Where were you on the 11th of August last? A. I was on Fry Street at 2.30 p.m.

125 Q What took you to Fry Street at that time? A. I was there with the Chief Constable to protect the men going and coming from work.

126 Q Did you experience any difficulty on that occasion?  
A Yes.

127 Q You might just tell us the reason for the difficulty?  
A When I arrived there, there was quite an angry crowd.

128 Q Do you know the names of any of the men there; did you recognize any of the crowd there? A. Yes.

129 Q Will you be good enough to give us the names; did you make a record of the names? A. I made a record at the Patterson house, when the Patterson family got home, and the crowd followed up to the house.

130 Q Will you just tell us the names of the men whom you recognized there?

MR DARLING;- At Patterson's?

MR SHOEBOTHAM;- The men he made a record of at Patterson's house.  
A May I use my original list?

THE COURT;- Certainly.

A The Chief Constable spoke to the crowd on Fry Street about 4.30 p.m. and Robert Haddow replied from the crowd; Sam Dickenson spoke to special Constable Rogers; Isaac Storey spoke to Special constable Campbell.

131 Q Give me the names of the men in the crowd that you recognized? A. Harry Martin, Sam Dickenson, Isaac Storey, Alexander Laird, Robert Farrell, Hugh Murdock--I didn't know him at the time, but Constable Young was beside me and gave me that name and I put it down.



132 Q Can you identify him in Court? A. Yes, I know him now,

133 Q Was he there? A. Yes, he was there, but I didn't know his name at that time.

134 Q But you saw him there? A. Yes.

THE COURT;-What is his name? A. Hugh Murdock. Benjamin Miller was there, and Thomas Miller, James Baird, Charles Styles, Davis Puras, Arthur Jordan, William English, William Gibson.

CHIEF CONSTABLE;-Four Worship, some of the prisoners want to retire to the toilet.

THE COURT;- Yes. (Prisoners retire and the Court waits until they return before continuing)

A. I may say that the names that I have given, those were names of men present at the shaft, on Fry Street. I have a list of names on Fry Street and also a list of names at Patterson's house that followed after the crowd and were present at Patterson's house. Those names I have given you were persons present in the crowd when the stones were thrown at the automobile. Then there was Frank Dougherty --

MR SHOEBOTHAM;- Not arrested.

A And William Wardell --

THE COURT;- That is on the 11th?

A Yes, Monday afternoon; other two not arrested; and Robert W. Smith, and another one not here; Pat Mulgrew, William Burnip, William English; those were down at the shaft on Fry Street and I have a list here up at the Patterson house, on Nicol Street.



135 Q Just give a complete list of those you recognized at the Patterson house? A. Isaac Storey, David Purss, Robert Kilpatrick (not here), William Gibson.

MR SHOEBOTHAM;- I understand there were a great many more men there than we have here.

A Richard Griffiths, Benjamin Miller, Robert Farrell, Charles Styles, Arthur Jordan, Pat. Mulgrew, George Young, James Cumriss, that is the name he gave me. I think he was with the Italian with the cocky overalls; that is how I know him; he is not here; William English, William Thompson, not here; James Hodgkinson, George Skoynsky, H. Murdock, and this man here, Robert Waugh; I didn't recognize him there, but that name was given to me.

136 Q Do you recognize him? A. I know him now,

137 Q But you didn't see him there? A. No. J. Dougan; that name was given to me. I didn't know him then. I know him now, but didn't recognize him in the crowd. Sam Dickenson, Arthur Jordan, William Wardell, the big Italian; I don't know his name, he is not here.

138 Q Now that list of names you have given, you saw those men there in that crowd that were down there on that occasion?

A That list of names with the exception of the two I have mentioned, I will swear to, was gathered at Patterson's house, and down in the crowd at the back of the shaft.

139 Q When you first went there? A. I first went to Fry Street; I arrived there about 2.30 in the afternoon.

140 Q Now you can go on and tell just what took place, the condition in which you found the people assembled there at that particular place and what you found at Patterson's house as well, and you might also give us your object in going there? A. When I arrived at Fry Street on Monday



afternoon the 11th about 2.30, there was quite a crowd; I would say about 200 there, and they were quite ugly, shouting and hollering, but not so terrible at that time, and there was two special constables, Rogers and ~~gan~~ Campbell, going down Farquhar Street towards the crowd, and I observed a commotion in the crowd, and heard several of them speaking about the specials, but could not say what individuals. Those specials advanced right into the crowd, and the two specials got separated, and the crowd got around Campbell and Robert Haddow was ridiculing him, and Storey was ridiculing him. Mr Storey was ridiculing him about some child, and Robert Haddow was very prominent regarding that. Now, I can't say whether before or after that, I really think it was after, that Chief Neen went on the sidewalk, or came along the sidewalk, and asked the crowd to disperse. Robert Haddow was standing in front, when the Chief addressed the crowd, and told them to disperse, and told them they were doing things that were not lawful, and were liable to get pulled up, and asked them to move, and Robert Haddow replied to the Chief's request "No, boys, hold your ground, remain here." After that, I could not say who, but some constable took away Campbell from that crowd; he went over to the other side and gave up his badge and baton, and took the other side of the street. Then ~~gan~~ Dickenson, this man here, this first man here, he spoke to Rogers and he says, "Are you a special constable Arthur? I emphasized what the remark was at the time, he says "You are a christian taking the bread and water out of our mouths", or words to that effect, and Rogers gave up his badge and baton also. The crowd was pretty hostile at that time, and then the Chief Constable went down to go to the mine, and then I saw the crowd give their attention down to



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the works, and I went over the fence, and I saw an automobile standing there, and Chief Neen and Harry Freeman, manager of the Jingle Pot mine, and a few workmen around this automobile, and the workmen got into the automobile with Chief Neen, and went North, and the crowd swayed in that direction and I went in that direction after them. Then the next thing I saw was the crowd reversing, and I heard shouting that they are coming up Parker Street; then the crowd rushed to Fry Street, and the automobile came right around, and just as I got back, there is an empty lot on the corner of Fry and Farquhar Streets and a big portion of the crowd struck through that lot, that empty lot, and I saw William Wardell throw a stone at the automobile; he was with a man by the name of McEwen, and just at the end of Fry Street and Farquhar Street, there was a shower of missiles of the same description thrown at the automobile passing, and the crowd was shouting and yelling and made up after the automobile. I followed up after the machine as quick as I could, not running, walking as fast as I could; several of the crowd ran, and several walked, and when I got up to Patterson's house on Nicol Street, when I was within probably 150 yards of the house I observed the crowd making a sort of retreat from the house; My impression was -

MR DARLING; I object.

A. The crowd retreated from Patterson's house, and when I went up there I saw a man named Sterling; I don't know Sterling, had taken the gun, but some one told me -

MR DARLING;- I object.

A. I am trying to refresh my memory; someone told me that a gun was pulled -

MR DARLING;- I object.



A. There is an individual here that I spoke to regarding it.  
MR DARLING;- I object. You cannot give conversations. ~~Mr~~ A. Mr Kilpatrick told me --

141 Q From information you got you went where? A. Well I went up there and I saw the Chief Constable with a gun -

142 Q If you don't know where the gun came from, you can say so?

A I could not really say where the gun came from. I tried to disperse the crowd. They were very ugly and hostile.

142 Q What do you mean by "ugly" and "hostile"? A. They were shouting and hollering and running from one side to the other side, around about the gate, a howling mob; the Patterson house was the sole object of their attention at that time. I stood in the middle of the street with the other two officers and took their names, and this is the list I took. I also heard a few remarks, I remember at the time, William Wardell, threw a stone at the automobile. I took this memorandum at Patterson's. ~~When~~ The only stone I saw William Wardell throw was at the junction of Fry and Farquhar Streets. Griffiths had a camera with him.

143 Q One of the accused? A. Yes. I spoke to Isaac Storey. He took a very prominent part at the time Campbell quit. I told him I thought that he knew better than to carry on that way.

144 Q Now did you notice anything about Patterson's house; did you examine it? A. Yes, I noticed that most of the windows was broken, more or less.

145 Q You noticed that damage had been done to Patterson's house?  
A Yes.

146 Q Did you find Patterson at home? A. I didn't see them at all after they passed in the automobile.

147 Q You say that you saw missiles being thrown? A. As the auto was passing the junction of Fry and Farquhar Streets.



148 Q Did you see any officer in charge of the automobile?

A Chief Neen was along with the working men. I knew who Patterson was but they were the only ones I recognized.

149 Q How fast was the automobile going? A. Probably about fifteen miles an hour.

150 Q About how long did this crowd continue? A. After I took this list, I looked at the time, and it was 3.30 P.M. when this list was taken. I would say that the crowd remained in the vicinity of Patterson's house, until about half past four o'clock.

151 Q Your description of the mode in which they were carrying on, does that reasonably portray the condition in which these people were at the time? A. I would say without exaggeration that it was a very serious disturbance.

CROSS EXAMINATION BY MR DARLING;-

152 Q How long have you resided in Nanaimo? A. I will be here about twelve months next week; I have been engaged as a police officer for 13 years.

153 Q For the City of Nanaimo? A. I have been a police officer here for eleven months.

154 Q Now these men that you spoke about, did you know any of them; at the time that the riot took place?

A I told you I knew them all but two.

155 Q You had known them before? A. Yes, during the last three months I have known more people in Nanaimo than ever before, because they were picketing, where I was on duty along the street.

156 Q None of those names were obtained from the other police?

A Except those two, I know that they were either at the shaft or at Patterson's house; I will swear those men were there.



157 Q You told us about a number at Patterson's house, and also some at the shaft at 2.30. Did you recognize any of the men in the crowd, except Wardell, that threw any stones? A. Wardell, McEwen, they are the only two persons I saw throw stones.

158 Q Only two persons you saw amongst that crowd throwing stones? A. That was the only two throwing stones that I can swear to.

159 Q Did you notice any of those men among the crowd throwing stones? A. They were there, but just the first list was where the stones were being thrown; the second list, the second crowd, was at Patterson's house.

160 Q Farrell, did you know him before? Before this trouble took place? A. I have known him the last two months, through picketting, I learned his name.

161 Q When did you learn his name, or what did you learn his name was? A. Robert Farrell.

162 Q Is that always what you understood his name to be? Didn't you think his name was Joe Farrer, or that he was a relative of the man who had the candy store?  
A I don't think so.

163 Q English, you say you recognized him at Patterson's house.

A Yes. When I saw him first he was lying on the grass right at the corner of the juncture of Fry and Farquhar, when I arrived.

164 Q You say he was lying on the grass? A. He was about the crowd after when the commotion started.

165 Q Did you see him get busy, as my learned friend suggests?

A Well, busy, I would not exactly say that he was busy but the crowd became very hostile. All I can say about English he was lying on the grass when I saw him first, and then



I saw him in the crowd. I will positively say he was at  
Patterson house.

166 Q Doesn't he live right across the street from Patterson's?

A I don't know where he lives.

MR SHOEBOTHAM;-

But you know that English was in the crowd moving about?

A Yes.

167 Q (By Mr Darling) You say that you first saw Mr English  
lying on the grass?

A He was lying on the grass when I arrived at the junction  
of Fry and Farquhar Streets, at 2.30, when the matter  
started and after that he started to move about in the  
crowd.

168 Q Did he conduct himself improperly?

A I didn't see anything about his conduct and I would not  
say that he did, but I saw him moving about in the crowd.

THE COURT;-

With the crowd as the crowd swayed?

A Yes.

169 Q (By Mr Darling) Did you hear Mr Dickenson asking the  
crowd to move, to disperse and go home?

A. No.

170 Q Or anybody?

A No.

171 Q Did you hear anybody trying to keep the crowd quiet?

A No.

172 Q Or trying to command silence?

A There was someone who was giving some advice of that  
kind but whether the accused or other persons I can't  
say. I have a slight recollection that there was someone  
appealing to the crowd to be quiet, but the appeal was no  
good.



173 Q Did you notice anyone amongst the crowd trying to repress them in any way? A. No.

174 Q Do you know whether Burnip was there or where you first saw him? A. When I recognized Burnip first he was right at Fry Street, right at the back of the office.

175 Q What office? A. The Company's office.

176 Q Did you observe anything there and what he was doing?

A I could not say what he was doing I can swear that he was shouting and hollering regarding the workmen that was behind the office.

177 Q Did you notice him again after you noticed him behind the office? A. I would not say.

178 Q Do you know where R. W. Smith was standing? A. He was somewhere in the crowd but just where he was standing I could not just exactly swear, but he was in the crowd somewhere.

179 Q And Charles Styles, where was he?

A Styles was around Rogers when Rogers gave up his badge.

180 Q Where did you notice this taking place?

A A little above the Company's office on Fry Street.

181 Q Where was David Purss? A. He was pretty prominent in that crowd on the corner of Fry and Farquhar Streets; he was shouting and roaring about the workmen.

182 Q What about Jordon?

A Arthur Jordon, I spoke to him at Patterson's house, I says, "Arthur Jordon, can't you get this crowd away?"

183 Q What did he say? A. Well he says "I am doing the best I can"

184 Q You gave me him amongst the list standing at the shaft did you not?

A I will swear he was there, I saw him there.



185 Q You say that because you have him on your notes?

A Well it is very difficult to swear to thirty individuals, but these ones I will swear was there, but for the others I am not just prepared to say.

186 Q Why did you single out Jordon and ask him to try to keep the crowd quiet? A. Because he was right up against me and a big Italian was very insulting in his language ---

MR DARLING;-

I object to your giving his language, I did not ask for that. I asked you why you singled out Mr Jordon and asked him to try and keep the crowd quiet? A. He was right up against me and when this Italian was so insulting ---

187 Q Did Jordon appear to be a man who might be able to keep the crowd quiet? A. During this trouble I have seen him having great influence over the crowd.

188 Q Was the influence he exerted with a view to keeping the crowd quiet, at that time? A. On this particular occasion Arthur Jordon took no means whatever, so far as that was concerned, to keep the crowd quiet. I have seen him when picketing, keep the crowd quiet by speaking a few words, but on this occasion, I would say that he did not take any steps to do so. I can only speak of what I saw.

189 Q He was not shouting? A. All I can say is that he was there.

190 Q William Gibson, what about him? A. I saw him running after the auto along with James Baird.

191 Q Did you see him taking any prominent part? A. I heard Baird shouting and hollering at the top of his voice down at the shaft.



- 192 Q What about Gibson? A. It was Baird, at the shaft, I didn't hear Gibson but Gibson and James Baird were together.
- 193 Q They happened to be together when you saw them? A. Yes.
- 194 Q What about William Wardell? A. He threw a stone at the junction of Fry and Farquhar Streets.
- 195 Q What about R. W. Smith? A. He was in the crowd.
- 196 Q Simply in the crowd? A. Yes.
- 197 Q You didn't notice anything about R. W. Smith? A. No.
- 198 Q Did you hear him shouting? A. No.
- 199 Q Or doing anything? A. No.
- 200 Q Pat Mulgrew? A. He was at the shaft and he was doing some loud talking, he was talking pretty loud.
- 201 Q On that particular occasion? A. Yes.
- 202 Q What was he saying? A. I would not swear the words he was using.
- 203 Q Whom was he addressing? A. It was relating to the workmen.
- 204 Q What workmen? A. Workmen that commenced work that day.
- 205 Q He was in the crowd and that is about all you can say about him? A. He was talking pretty loud but I don't know what he was saying. I didn't hear all that was said.
- 206 Q William Burnip? A. He was at the back of the office.
- 207 Q And Richard Griffiths? A. He was talking and shouting and he was up at Patterson's house and had a camera.
- 208 Q Did you notice him doing anything? A. He moved about in the crowd.
- 209 Q Did you take the camera away from him? A. No, I had no occasion to do so.
- 210 Q Among those people at Patterson's house what ones did you notice taking a prominent part in the disturbance?



A. I would not swear, that individually, I can only speak collectively; they were hollering and shouting and acting in a dangerous way.

211 Q The crowd were? A. Yes.

212 Q You didn't notice any particular one shouting? A. They were all together. I would not swear to them individually.

Witness aside.



HAROLD WALLBANK

SWORN

EXAMINED BY MR SHOEBOTHAM;-

213 Q Your occupation? A. Police constable of the City of Nanaimo.

214 Q Coming down to the 11th day of August, last, where were you on that date, say about 2.30 in the afternoon?

A I was at the corner of Fry and Farquhar Streets.

215 Q Now what took you there? A. I was there to protect the men who were <sup>going</sup> ~~marking~~ to their work.

216 Q How did you come to be there? A. There was a crowd around there.

217 Q There was a crowd around at that time? A. Yes.

218 Q Now I want you to tell the Court the condition of the crowd, the condition of mind, that they were in and what they were doing and any in the crowd that you recognized. A. The crowd was very hostile, which was shown by their shouting, and by the epithets they were hurling in the direction of the shaft and the language that was used; there was pretty bad language used and some missiles thrown.

219 Q Did the men get out of the mine; the men that were working there? A. The men had got out at that time, I think about half a dozen came out somewhere around three or just after.

32A

32A



220 Q Who would these men be? A. Four men, Pattersons, and one ~~man~~ man named Bell; I can't recollect the others,

221 Q You can't recollect any of the others? A. James Reid.

222 Q Did you succeed in protecting them, or in getting them away? A. They were taken up in an auto, we didn't have an understanding which way the auto was going, and the crowd was watching and dodging back and forth and eventually came up Parquhar Street, everyone rushed that way and when the auto passed a shower of rocks was hurled from the crowd and Chief Yeen was struck, and one of the men in the auto, I can't state definitely who threw the rocks.

223 Q Where did the auto take these men? A. To Nicol Street, to Patterson's house.

224 Q Did you go to Patterson's house? A. Yes.

225 Q How did the crowd behave there? A. Everyone seemed to be rushing pell mell and rushing and shouting, seemed to be a very frenzied crowd, as far as I could judge. When I arrived at the house, the crowd swept back as if something had driven them away and I found a man standing there with a gun, and that had driven them back.

226 Q You took it that the gun was what induced them to fall back? A. Yes.

227 Q You didn't know whether it was loaded or not? A. No.

228 Q But you say that it was a frenzied crowd; did that continue right ~~down~~ up to Patterson's house? A. Yes.



229 Q Did you notice whether or not any damage had taken place at Patterson's house? A. Yes, the top and bottom window of the front room was broken. I can't say as to the side but there were two windows broken at the front.

230 Q I don't ask you to say who did that unless you absolutely know, but in the crowd that you say was there shouting at the Patterson's house, did you recognize any of the members of that mob. I am not asking you whether they did anything specific or not, but just tell me whether or no you recognized any in that mob and if so, who they were? A. Yes, I can swear to everyone in that back row.

THE COURT;

Give their names? A. Robert Haddow.

MR DARLING;-Where was this? A. Either at the shaft or Patterson's house.

231 Q (By Mr Shoebottom) I want you to tell me the names of any of the crowd that you recognized either at the shaft or at Patterson's house, at either one of those places? A. David Pura.

232 Q Yes, go on and tell me the names of any other whom you recognized? A. Thomas Miller, James Baird, Richard Griffiths, Alexander Laird, Benjamin Miller, Robert parrell, William Wardell, William English, James Hodgkinson, H. Martin, Dickenson, Flockheart, Cummings, Isaac Storey, William Gibson. That is all I can swear to.

233 Q You have identified these as men whom you saw there in that crowd? A. Yes.

234 Q What were those men doing in the crowd? A. In some cases some were very active; Robert Haddow was very active at one time and had quite a lot to say, I remember.



235 Q The others were all there? A. Yes.

236 Q Now returning to the missiles that were hurled -  
MR DARLING;- Has he given any evidence of that?

237 Q (By Mr Shoebottom) Did I understand you to say that  
the Chief and one other man was struck? A. Yes, I  
saw one man struck and the Chief was hit.

238 Q Do you know which of the other men ~~xxxx~~ was struck?  
A I didn't know him then but I found out since that  
the man's name was Bell.

239 Q You saw one of the other men being struck? A. Yes.

CROSS EXAMINATION BY MR DARLING;-

240 Q How long have you been in Nanaimo? A. About seven  
years.

241 Q Where was it, in what place was it, that this dis-  
turbance took place? A. In front of the Company's office.

242 Q (By Mr Shoebottom) In what Municipality? A. Within the  
City of Nanaimo.

243 Q (Mr Darling) Where did you notice David Pears? A. I  
had a conversation with David Pears opposite Patterson's  
house.

244 Q He lives near there, does he not? A. He lives just  
below there. He was telling me, he said, that if the  
man had pointed the gun at him he would have closed in  
on him.

245 Q You would probably do the same thing under similar  
circumstances could you not, if a man pulled a gun  
on you, would you not close in on him? A. It would  
depend on the circumstances.

246 Q But that is what he said to you? A. There was lots  
said, I can't remember everything that was said,



There was something said about carrying a gun without a license.

- 247 Q He was living right next door to the Patterson's was he not? A. Near there. It was on Nicol Street and he lives at Watkins Street.
- 248 Q It would not be out of his way at all to pass along there on his way home? A. No, it would be on his way home but he was a long time getting there.
- 249 Q You thought he was a long time getting home? A. If he was going home. I saw him there for quite a while.
- 250 Q On his way home? A. I would not say that.
- 251 Q Didn't you see him at the shaft first? A. I can't swear to that.
- 252 Q Did you see Styles there? A. I can't swear to that I may have done that. There were lots that I can't distinctly remember.
- 253 Q And you don't remember having seen him? A. Not just then, I can't distinctly remember.
- 254 Q Do you remember seeing him that day at all? A I can't say I remember.
- 255 Q Did you see Pures in the crowd previous to speaking to him that day? A. Yes.
- 256 Q Did you see William Burnip around there? A. I have some idea I did but I can't swear to it.
- 257 Q You don't remember seeing him? A. I have a faint recollection but I can't swear to that, and I didn't mention his name.
- 258 Q And are any of the others only faint recollections or are you swearing to having seen them? A. I have given the names of the others I have sworn to. I didn't mention those that I could not swear to.



259 Q But you think Burnip was there? A. Yes.

260 Q But you don't remember seeing him? A. Yes, I can't distinctly remember whether I saw him or not.

261 Q Will you swear that you saw him that day? A. No, I saw him that day but not on that occasion.

Witness aside.



JAMES ROBERTSON

SWORN

EXAMINED BY MR SHOEBOTHAM;-

262 Q What is your occupation? A. Police constable for the City of Nanaimo.

263 Q Do you remember the 11th of August last? A. Yes.

264 Q Where were you about 2.30 the afternoon of that day? A Near the shaft.

265 Q Which shaft? A. No. 1 shaft of the Western Fuel Company.

266 Q That is situate where? A. In the City of Nanaimo.

267 Q Did anything occur out of the ordinary there? A. Yes.

268 Qn Will you kindly tell us just in your own words what occurred there that was out of the ordinary? A. Well when I went there there was a big sort of a crowd there and my idea was that they were waiting for the men coming from work.

MR DARLING;-

I object. never mind giving your ideas.

269 Q (By Mr Shoebotham) Were your ideas verified by what took place afterwards? A. Yes.

270 Q So there were men coming from work and they were after the men coming from their work?

MR DARLING;-

I object.

271 Q (By Mr Shoebotham) Now go on and tell me what occurred there, or rather tell the Court just what occurred there?

A Well, we waited around there for a considerable time and the men seemed to have difficulty, -



difficulty in getting from their work. There was a large crowd there and Mr Freeman's car was standing there and the Chief took the Pattersons away in the car.

272 Q Now I just want to make your evidence as short as I can. Just tell us the condition of that crowd at the time when these men started away, as to whether they were orderly or disorderly? A. they were very disorderly.

273 Q Were they creating any tumult? A. Yes.

MR DARLING;- I object, that is both leading and unfair.

274 Q (By Mr Shoebottom) Did the Chief get away with the Pattersons in the auto? A. Yes.

275 Q Was anything done towards them at all? A. There was a lot of rocks thrown at the car.

276 Q Did you see those yourself? A. I saw rocks thrown

277 Q Did any of them reach the car? A. I could not say I was a good distance away at the time and could not tell what effect they had.

278 Q Now about how many people would be in that crowd there?

A I would say, taking the street all through that there would be about seven hundred people there.

279 Q Is that at the shaft alone? A. No. Also on the street right along Fry Street.

280 Q And you say that they were very noisy? A. Yes, shouting and bawling.

281 Q What was the impression that you reached from the condition in which they were?

MR DARLING;- I object. It is for the Court to decide, after hearing the facts.



282 Q Will you answer my question? A. Their sole object was to keep the men from getting home and we were trying to get them home without getting seriously damaged.

283 Q Now after the Pattersons got away in the automobile did you see them again? A. I didn't see them. I went up to the house.

284 Q About what distance is it from the shaft to the houses? A. A short distance, probably two thousand yards.

285 Q What did you find when you got there? A. A large crowd some of them, coming back from Patterson's house told me that one of the Patterson's had put a gun through the window -

MR DARLING;-I object, unless you can identify him as one of the accused. If he says that somebody ran back and told him something unless it was one of the accused he cannot give evidence of what he said,

MR SHOEBOTHAM;-

I don't know that it has any particular bearing on this case.

MR DARLING;-then I ask that it be ruled out.

MR SHOEBOTHAM;- I am not ~~going~~<sup>going</sup> to object very strongly to it being ruled out.

THE COURT;- It doesn't amount to anything one way or ~~the~~ another.

286 Q (By Mr Shoebotham) Were you able to identify any of the members of the mob either at the shaft or down at the house? A. Yes.



- 287 Q Will you be good enough to mention the names, Have you any notes? A. These notes I took.
- 288 Q (By Mr Darling) When did you take those notes that you have in your hand? A. They are in my writing made immediately after I came back to the office the same day.
- 289 Q ( By Mr. Shoebottom) Will you give us the names of any of the members of that mob that you identified either at the shaft or down at the house? A. William Wardell, William Gibson, Isaac Storey, Davis Purss, Ben Miller, Pat Mulgrew, Geo. Young, Charles Styles, Jas. Hodgkinson, William English, those are the names I took at the time.
- 290 Q Those names are names of men whom you recognized were there? A. Yes.
- 291 Q Did you see any others whose names you have not given? A. There was a big crowd and of course there were others whose names I didn't know personally.
- 292 Q But those whom you have mentioned you are positive about? A. Yes.
- 293 Q About how long did that crowd continue there? A. For about an hour.
- CROSS EXAMINATION BY MR DARLING;
- 294 Q Did you notify any of the authorities about the trouble that was taking place ; did you notify the Magistrate? A. No.
- 295 Q Or the mayor? A. No.
- 296 Q Didn't you think it worth while? A. Not my duty.
- 297 Q About how long have you been a police officer? A. Thirteen years.



298 Q Have you ever had experience with riots? A. Yes.

299 Q You know that there is such a thing as the Riot Act?

A Yes.

300 Q Did you think that there was sufficient cause to have the Riot Act read? A. Not my duty.

301 Q Did you think it was an occasion on which the Riot Act should have been read? A. I don't know.

302 Q You don't know whether it was such an occasion or not? A I am not going to say.

MR SHOEBOTHAM;- The law states when the Riot Act may be read.

A That is not my business.

THE COURT;- It is not for him to say when the Riot Act shall be read.

303 Q I am asking you your opinion as to whether or not you thought that was a proper occasion to read the Riot Act?

THE COURT;- I rule it out on the ground that it would be none of his business. If I was there I would read the Riot Act.

MR DARLING;- His opinion was asked about the crowd being tumultuous.

THE COURT;- I rule this out.

MR DARLING;- There is no use asking any further question then.

COURT ADJOURNED at 12 N. Until two p.m.

2 p.m. case continued Pursuant to adjournment.

Same Parties present.

MR SHOEBOTHAM;- If your Worship would ask the witnesses to retire into the witness room.

THE COURT; yes (Witnesses retire)

MR SHOEBOTHAM;- The Chief of Police has asked me to mention one fact; in escorting the prisoners to and from the prison to the Court House certain things are being passed from persons in the crowd to the prisoners, such as cigarettes and other things, we don't know what, and that is directly in violation of the prison regulations and any person doing



that, any person found guilty of that is liable to prosecution.

THE COURT;- I will mention for the benefit of those in the Court room that during the time the prisoners are taken from the Court House to the gaol or from the gaol to the Court House that there is no intercourse whatever to be allowed with anyone outside, either in conversation or in handling anything to the prisoners as they pass.

MR DARLING;- Can there be some arrangement made whereby the prisoners might be allowed to be given little things, if done in the regular way, such as articles of food?

THE COURT;- That is a matter altogether for the warden. I have nothing whatever to do with that. I merely mention this matter as it has been brought to my notice and I mention it in the hearing of those in the Court Room and trust that it will not be done again.

Next witness called.



ALEXANDER YOUNG SWORN

EXAMINED BY MR SHOEBOTHAM;-

304 Q What is your occupation? A. Police constable.

305 Q Where? A. City of Nanaimo.

306 Q How long have you been a Police constable?

A For five months past.

307 Q Where were you on the 11th of August instant? A. I was on Fry Street, in the City of Nanaimo.

308 Q You were there about what time of day? A. Oh about a quarter to three in the afternoon.

309 Q What was the occasion of your going there? A. I went down there to protect the men coming home from work.

310 Q Was there any necessity for that?

MR DARLING;- I think that if he will tell the circumstances it will be for the Court to find out whether there was was any necessity for it.



311 Q (By Mr Shoebbotham) Why did you go there at that time of day?  
A. Chief Neen gave us orders to go.

312 Q When you got there what did you find? A. There was quite  
a large crowd of people gathered around in front of the  
Company's works.

313 Q About how many would you estimate in that crowd? A. Any-  
where between three hundred and five hundred.

314 Q What kind of crowd was it, How were they behaving themselves.  
A Well, at the beginning they were not too bad but just before  
these men came up they got very disorderly.

315 Q How many officers were there all told? A. Possibly  
eight or ten; I could not be sure.

316 Q You say that just before the men came up that the crowd got  
very disorderly? A. Yes.

317 Q What do you mean by that? A. Pretty noisy.

318 Q Did you know what they were after? A. I had a vague idea  
MR DARLING;- I don't think that is evidence.

319 Q (By Mr Shoebbotham) By the light of subsequent events, what  
transpired during the time you were there, and after, do you  
know what they were after?

MR DARLING;- I object.

320 Q (By Mr Shoebbotham) Tell us what occurred between the time  
you went there and the time you got out the men? A. Well the  
crowd was getting around the special and urging them to  
quit.

321 Q I want to shorten up your evidence as much as possible;  
~~did~~ you see any men coming out of the mine? A. Yes at three  
o'clock.

322 Q Who were they? A. I was told that-

MR DARLING;- Never mind that.



322 Q (By Mr Shoebottom) Some men came up out of the mine?

A Yes.

323 Q What was done when those men came up What was the attitude of the crowd towards those men?

A Those men were put into an automobile and they proceeded up Farquhar Street and when they passed the corner at Fry Street there was a volley of rocks thrown at them.

324 Q Now were you able to identify any of the members of this crowd? A. Yes.

325 Q Did you know any of the people there? A Yes.

326 Q Can you give us the names of some of those who were there?

A Robert Haddow.

327 Q Did you make a list of them? A. I did.

328 Q When? A. That same afternoon.

329 Q Have you got it with you? A. I believe I have my note book.

330 Q You had better take your note book and read them slowly

A. I saw at No.1 Mine Robert Haddow, Isaac Storey, Sam Dickenson, Ben Miller, William Wardell, Hugh Murdock, Allan Cook (he is not here) R. Sturton(not here) T. Miller, B. Purss, Frank Doherty (not here) James Gaird. That is all.

331 Q Now did you say that there was a volley of stones thrown at the auto as it passed through these men? A. Yes.

332 Q Were you able to identify the individuals who hurled the stones? A. No.

333 Q Now after that auto got away what became of the crowd?

A The crowd followed the auto up Farquhar Street.

334 Q Did any or all of that mob get to Patterson's house?

A They followed the auto.



335 Q They followed up Farquhar Street? A And I went straight up on Nicol Street.

336 Q To where? A. To Patterson's house.

337 Q Tell us what you saw there? A. Well, I saw the crowd retreating back.

338 Q There had been quite a number of people there before you got there?

MR DARLING;- I object. He can't speak of what was there before he got there.

A I saw people there.

339 Q (Mr Shoebottom) What condition were they in there?

A They were very disorderly indeed.

340 Q And were you able to recognize any of the people you saw there? A. A few of them.

341 Q Can you remember who they were? A. I believe I have some there, if you want them read out.

342 Q Yes. James Baird, George Young, Frank Doherty, William English, D. Purss, J. Dougan, J. McEwen, T. Miller, J. Anderson (not here) J. Hodgkinson, Hugh Murdock, A. Jordon, Ben Miller George Skyosky, C. Styles, R. Waugh, R. Farrell, Pat Mulgrew that is ~~all~~ about all.

343 Q Now did you notice the Patterson house at all?

A I did.

344 Q Did you notice anything unusual about it at the time?

A The windows were broken in the front.

345 Q About what time would this be when you were at Pattersons' house? A. Possibly between a quarter after to half past 3.

346 Q I think you said this crowd was very noisy? A, Yes.

347 Q Did you notice anything besides the windows being broken or any person around the Patterson house? A. I saw one man on the front verandah with a gun or a rifle in his hand, at the door.



348 Q Had the Pattersons got home by that time?

A Yes, I suppose they were. I saw one man on the verandah.

349 Q Do you know the Pattersons? A. Yes.

350 Q But you don't know of your own knowledge whether they had yet arrived at home or not? A. Well, they came up in the car from the mine, and it was my opinion they were home.

MR DARLING;- I object.

351 Q (By Mr Shoebotham) And how long did that crowd hang around there? A. Oh about an hour or an hour and a half I guess.

352 Q Had you policemen enough with those eight or ten to handle that crowd in the condition in which they were.

MR DARLING;- I object, that is a matter of opinion.

MR SHOEBOTHAM;- Surely there could be no better judge, no one better able to judge of that fact than the parties themselves, the policemen, whether or not eight or ten men could handle that kind of crowd.

MR DARLING;- I object to his expressing an opinion on that matter.

353 Q (By Mr Shoebotham) Do you say it was not possible for the policemen there to cope with that crowd? A. No.

CROSS EXAMINATION BY MR DARLING;

354 Q That last list you spoke about at Patterson's house, when did you take those names down? A. Just before I left the place.

355 Q Did you take them down while you were still there? A. Some of them were there.

356 Q You were writing them down at the time you were there? A. Yes.

357 Q These same identical notes you have there now? A. Yes.

358 Q R. waugh, you swear positively he was there? A. I saw him on the street.

359 Q Was he in with the crowd? A. He was there.

360 Q He was on the street, was he actually in the crowd



- at the time this tumultuous disturbance took place? A. Yes.
- 361 Q Was he actually - that is at Patterson's house? A. Yes.
- 362 Q After they were retreating was it that you saw him? A/ What do you mean?
- 363 Q You noticed the crowd retreating; you said you noticed the man with a gun and that the crowd that was there apparently was retreating? A. He was there after they retreated.
- 364 Q After they had retreated I don't suppose there was very much of a row going on? A. Yes.
- 365 Q What took place? A. Two windows were broken.
- 366 Q Did you see Robert Waugh at the time of the windows getting broken? A. After that.
- 367 Q How many men were standing right next to him? A. I can't tell you. I saw him on the street.
- 368 Q How far from the crowd would he be? A. He was amongst them.
- 369 Q What time of day was it that you saw Mr Waugh? A. Well, I cannot just say the exact time.
- 370 Q You are very exact about seeing him, you might mention the time of day that was?
- A. Well I can't give the definite time.
- 371 Q Give it as near as you can? A. Well, between the periods, after, during the time the crowd was there.
- 372 Q During what time was the crowd there? I am waiting to give you time, have you got it there? A. No, I gave it to you.
- 373 Q During what time was the crowd there? A. Well any time from a quarter to 3 to half past 4.
- 374 Q So that Robert Waugh would necessarily be there before half past four? A. That is when I saw him.
- 375 Q Before half past four you saw him? A. Yes I guess so.
- 376 Q Did you notice who was with him? Was Mr Higgins with him



or not? A. I don't remember.

377 Q Do you know whether Mr Waugh had his wife with him? Do you know Mrs Waugh? A. I know her to see her.

378 Q You don't remember whether she was there? A. No, I didn't see her.

379 Q She may have been there? A. She was not there.

380 Q You swear that she was not there? A. Yes I didn't see her.

381 Q Was Mrs Higgins around that vicinity? A. I can't say.

382 Q Do you know Mrs Higgins? A. No.

383 Q You are the first one that has identified Mr Waugh as being amongst that crowd at all. Don't you think that the others would be able to identify him as well as you if he had been there? A. I quite believe that.

384 Q Let me see your book will you? A Yes (Book produced)

385 Q I notice you have "5 p.m." written down above his name.

A I will explain that, this here, at 5 p.m., there was a crowd of people gathered at No.1 and there they are there, those that were there. You see James Baird's name and that is 5. p.m. there.

386 Q James Baird, you have got "James Baird, disorderly 5 p.m."

A Yes.

387 Q What time of day were all these men written down here, was that at three thirty? A. It may have been after three thirty.

388 Q That is in front of the Patterson's house? A. Those are the persons there.

389 Q "James Baird, disorderly 5 p.m."? A. Instead of writing his name on the other side, that is the way I did it.

390 Q That was the second time? A. That is not in this case at all.

391 Q Was James Baird disorderly at 5 p.m.? A. At another place.

392 Q What time of day was Robert Waugh's name written? A. Be-



twen three and four.

393 Q Why didn't you commence Robert Waugh's name and write down where you have disorderly 5 p.m.? A. I put that in later.

394 Q Why didn't you write it up here? A. I can't tell you.

MR DARLING;- I want this book marked as an exhibit.

BOOK MARKED EXHIBIT 1 - with pages referred to as EXHIBIT 1A, EXHIBIT 1B, EXHIBIT 1C, EXHIBIT 1D.

395 Q Why did you strike the words "5 p.m." out, if it referred to Robert Waugh? A. These people here were all gathered in front of No.1. Mine waiting for the carpenters to come out.

396 Q Speaking of page Exhibit 1D, what do you have to say with regard to that? A. Those men were all gathered in front of No.1. Mine and I just looked over the list, like that, and I saw Baird's name and he was acting very disorderly at No.1 and that is why I put "disorderly at 5 p.m.".

397 Q Which is the first list you made? (pointing) A. This (pointing)

398 Q This Exhibit A1? A. That had no bearing on this case at all.

399 Q This was the first list you made out, the first writing you started in the book regarding this afternoon's performance? Answer yes or no. A. Yes.

400 Q Then after that you made out this list? What time did you make out exhibit 1A, what time of day was that do you remember? A. About four o'clock I believe Constable Shirras and I were together.

401 Q Four o'clock is the first time you did any writing that day? A. Between three thirty and four o'clock.

402 Q What time did you write Exhibit 1D? A. I got this list from Constable Shirras at 5 p.m. that is at No.1 shaft; he took down that list and I copied that, but that has no bearing on the Patterson case.

403 Q Exhibit 1D has no bearing on the case whatever? A. No.



- 404 Q This "James Baird disorderly 5 P.M." you wrote that yourself did you? A. When Constable Shirras was writing the list he gave me the names and I wrote them down. That is my writing. He took the list and I copied that, not this list.
- 405 Q This is the list I am referring to? A. This has no bearing on the Patterson case whatever.
- 406 Q You say that Exhibit 1D has no bearing on the Patterson riot at all? A. Except those two words.
- 407 Q That is of Exhibit A1? A. Yes.
- 408 Q I notice "Robert Waugh and James Higgins" written under the heading of people opposite 5 p.m. Have you identified Higgins? A. I may have overlooked him.
- 409 Q Don't you think it rather strange that you overlooked Higgins? A. It is possible.
- 410 Q You have got Robert Farrell there? A. Yes.
- 411 Q And F. Poole? A. He is not up here.
- 422 Q You didn't read his name because he is not here, but isn't it a fact that you read the names of a lot of people who are not here? A. Yes. I didn't think it advisable, I thought you just wanted those who are here.
- 413 Q Were any of those named written down from any other lists the other constables had? A. No.
- 414 Q You didn't write any of those list from other lists that the other constables had? A. No.
- 415 Q How did you come to overlook Higgins? A. It is possible to overlook one.
- 416 Q When was Higgins disorderly or was he disorderly? A. I don't know.
- 417 Q When you saw him, you are not able to tell us whether he was disorderly or not? You are a policeman, and have been examined as an expert, giving your opinion as to whether



or not men are disorderly but you don't remember whether Higgins was disorderly or not? A. No.

418 Q Do you remember seeing Higgins? A. You cannot remember everybody in a crowd like that, you can take out a few.

419 Q Then you can not remember Higgins? A. Yes, I seen him before.

420 Q You say that you saw Higgins before? A. I used to work in the mine along with him.

421 Q You are just playing with words. Did you see him on this occasion at all, of this rioting as it has been called; do you swear that you saw him on the occasion of this rioting? A. I would not swear to it.

422 Q Why have you got him down in your list then? A. I possibly may have put that down later on.

423 Q Where would you get that from? A. Thinking it over in my memory.

424 Q After thinking it over in your memory as you say, that is how you came to put that down? A. Possibly.

425 Q Robert Waugh - is it the same, does what you have said pertain also to Robert Waugh? A. I saw Waugh on the street.

426 Q Did you see him right in the midst of the crowd of turbulent people? A. He was there in the crowd.

427 Q Did you see him right in the midst of the crowd of turbulent people? A. Well, they were not at the time, they were quieted down.

428 Q They were quiet when you saw Waugh? A. Well they were getting a little quieter.

429 Q Were they quiet when you saw Waugh? A. Not exactly.

430 Q What were they doing, going home? A. Some of them were scattering home.

431 Q This riot had practically ended at the time you saw Waugh?

A Well yes it may have.



- 432 Q Now the rest of the names in that book is your memory about the same in regard to the rest of the names in that book as it is with regard to Higgins and Waugh? A. Well no.
- 433 Q You say that your memory in regard to the rest of the list is not the same as it is with regard to Higgins and Waugh? A. Not exactly.
- 434 Q Your memory is not the same. What difference is there? A. Some more conspicuous than the others.
- 435 Q You remember the others, whether you remember those or not, is that the idea? A. Yes.
- 436 Q Tell me the names of some of the conspicuous ones? A. James Baird -
- 437 Q That was up at Patterson's house? A. Yes.
- 438 Q What was he doing? A. He was shouting to arrest Patterson.
- 439 Q Or to arrest the man that had the gun? A. Some man that had the gun.
- 440 Q You don't know whether Patterson was in the house at that time or not? A. I understood he was there.
- 441 Q Did he use Patterson's name when asking you to arrest the man? A. He might have.
- 442 Q Your memory is pretty bad. Do you remember what name he did use or did he use any name at all? A. I believe he did. I remember him naming Patterson.
- 443 Q Asking you to arrest Patterson? A. To take the gun away from him?
- 444 Q Did Patterson have the gun? A. The man who was at the door
- 445 Q Don't you know that it was not Patterson who was at the door at all? A. It may not have been Patterson.
- 446 Q I suggest to you that it was not Patterson at the door, will that make any difference as to whether or not he used Patterson's name when asking you to arrest the man? A. I don't think so.



- 447 Q But he did use Patterson's name? A. Yes.
- 448 Q You swear to that? A. Yes.
- 449 Q Your evidence is that he used Patterson's name in asking you  
arrest a man with a gun? A. Yes.
- 450 Q You will say that? A. Yes.
- 451 Q Do you know Sterling? A. Yes.
- 452 Q Wasn't it Sterling was at the door? A. Sterling was at the  
door facing on Watkins Street.
- 453 Q Was it Sterling that he referred to when he asked you  
to arrest a man with a gun? A. No.
- 454 Q When he spoke about some man having a gun did he use any  
name at all or did he just say "arrest that man with the  
gun"? A. No.
- 455 Q He said "Arrest Patterson"? A. Yes.
- 456 Q Well then, all that Baird was trying to do was trying to have  
the man arrested who had the gun? A. Yes.
- 457 Q Did you notice anything else about Baird, did you notice  
anything else about him that was disorderly at all? A.No.  
He was shouting ~~wik~~ along with the rest.
- 458 Q That was when he was saying to arrest that man? A. He said  
that to me.
- 459 Q Do you distinctly remember his shouting anything else? A. I  
heard him with the rest.
- 460 Q Did you recognize Mr Baird's voice? A. Yes.
- 461 Q Who else was turbulent at this time at Patterson's house?  
A John Dougan.
- 462 Q What was John Dougan doing? A. He wanted the gun taken away.
- 463 Q Would you call that turbulent? ~~xx~~ Is that the only turbulent  
thing you can think of that he did? A. A few more things.
- 464 Q Let us have them? A. He asked me, he said that he had no  
right to come out with a gun.
- 465 Q Anything else that he said? A. I can't just remember.



466 Q Did he do anything else? A. No.

467 Q He only spoke to you and asked you, whether right or not, to arrest a man who came out with the gun? A. Yes.

468 Q And that is what you call being riotous. Is that what you call riotous? A. Well there was a good deal of shouting going through the crowd.

MR SHOEBOTHAM;-The law says that any member of the assembly, any one who is in a crowd of that nature, is guilty of a charge of this kind.

MR DARLING;

469 Q Do you know the difference between a riotous person and one not riotous? A. Yes.

470 Q If you know the difference, can you say that Dougan was riotous? A. Well he may not have been at the time.

471 Q I am asking you to swear, not what you may conjure up.

MR SHOEBOTHAM;- It is for you to say Your Worship whether or not there was riotous conduct there, and if you find that there was riotous conduct there, then the law says that you are bound to take cognizance of every man there; it is for you to put a construction on it.

MR DARLING;-That was my argument in answer to my learned friend before.

MR SHOEBOTHAM;-I asked if they had a sufficient force to cope with that crowd. On the other point, if he knows the difference between a riotous person and one not riotous, that is a different matter.

MR DARLING;- Will your Worship rule out the question as to whether or not Dougan was riotous at the time?

THE COURT;-I shall rule this, that if there was a riot going on at the time, that all the members/<sup>who</sup>composed that assembly were riotous; that is very plainly laid down.



You can ask him what he thinks, as to <sup>whether</sup> ~~what~~ this man  
Dougan was riotous or not.

472 Q (Mr Darling) So you think that this man Dougan was riotous?

A Yes, I believe he was.

473 Q What did he do that constituted riotousness other than  
what you have said before? A. I can't say exactly.

474 Q Mr Shoebottom; he was there? A. Yes.

475 Q Mr Darling;- No other Police officer has identified Dougan,  
and that being the fact, are you able to swear definitely  
that John Dougan was riotous? A. I would swear, I feel positive  
that he was there and that I believe he was riotous.

476 Q During what time? A. During the time I saw him.

477 Q At the Patterson house? A. Yes.

478 Q Did you see Frank Parker? A. No.

479 Q You are not sure whether you saw Robert Waugh or not and  
you don't know anything about James Higgins. You mentioned  
Higgins? A. Yes.

480 Q Did you notice Thomas Jordan there? A. I could not swear  
to him.

481 Q William Burnip? A. I can't swear to him.

482 Q Did you identify Styles? A. I believe I did.

483 Q Did you see Styles; did you give us Style's name? A. Yes.

484 Q At the time of giving your evidence? A. Yes.

485 Q Will you swear you gave it or do you remember? A. Yes, I  
gave it.

486 Q Where was Styles? A. I saw him in the centre of the street.

487 Q At No.1? A. No, at Patterson's house.

488 Q How far from Patterson's house was Styles when you saw him or  
do you remember? A. He was there in the middle of the street.

489 Q How far from Patterson's house or do you remember?

THE COURT;- Opposite Patterson's house? A. Yes.

490 Q (Mr Darling) How far from Patterson's house?



A. I could not tell you, it would depend upon whether direct or diagonally.

491 Q One hundred feet or thereabouts? A. It might be about a hundred feet.

492 Q What time of the day was it you saw Styles? A. About the time the crowd was all there.

493 Q About half past four? A. No.

494 Q About four o'clock? A. I can't give the exact time Styles was there.

495 Q Was it after the time the crowd had started to disperse that you saw him there or at the time the tumult was at its worst?

A I believe it had subsided a little.

496 Q Some of them had started to go home? A. They may have.

497 Q Had Patterson arrived at his house when you saw Styles?

A I don't remember that.

498 Q Was Styles accompanied by his wife? A. I don't know.

499 Q He may have been? A. I could not say.

500 Q Do you know Mrs Styles? A. No.

501 Q Did you notice whether there was anyone else with him or not? A. No. I saw him in the middle of the street.

502 Q Alone? A. He was in the crowd.

503 Q You don't know whether anyone else was with him or not?

A No, there was no one else with him at the time.

504 Q Do you know Styles? A. Yes.

505 Q How long have you known him? A. I can't give you the exact time.

506 Q Six months? A. More than that.

507 Q And during that time you don't remember whether you ever saw Mrs Styles or not?

A. I don't know.



- 508 Q You are not quite sure what hour of the day it was you saw Mr Styles? A. No.
- 509 Q Where did you make those notes, in the middle of the road or after you got back from the office? A. It was about half past four.
- 510 Q Where were you at the time? A. Near Patterson,s house.
- 511 Q What time of day did you complete your notes. Did you do any writing that day after that? A. No not much.
- 512 Q You don't know? A. I may have added one the next day.
- 513 Q Or two or three days after? A. No.
- 514 Q It was only the next day that you added any? A. It might have been.
- 515 Q Is it possible that you may have written something in that book ~~xxxx~~ two or three days after the tumult on those particular pages? A. Possibly I may have added some.
- 516 Q Did you consult anyone of the constables and then add other names? A. No.
- 517 Q You didn't speak to any of the constables about the names you have written on these three pages marked as exhibits?
- MR SHOEBOTHAM;- You are referring to the Patterson trouble.
- MR DARLING;- Referring to those names there.
- MR SHOEBOTHAM;-There is a page there that has nothing to do with the Patterson trouble.
- 518 Q (Mr Darling) The list of names referring to the Patterson trouble, did you make any entries in that book two or three days after the tumult had taken place? A. I may have added one or two.
- 519 Q Did you consult any of the other constables about any of those names before you wrote them down, as to whether they had the same ones on their lists? A. I would not say.
- 520 Q You might have consulted with them, is that correct? A. I might.



521 Q You might have consulted some of the other constables about writing the names down in that book, isn't that a fact? A. Yes.

522 Q So they were not written down from your own memory? A. Yes.

523 Q You did ~~not~~ consult with the other constables about it? A. Just checking with each other.

524 Q And you added a few names after you consulted with them? A. I remember them being there. I recollected them from memory.

525 Q Q But they suggested names to you did they not? A. They might have done so.

526 Q You can say whether or not you wrote them down after consulting with the other constables?

MR SHOEBOTHAM;- It is no crime, witness.

527 Q (Mr Darling) Isn't it a fact that you may have had your memory jogged by getting the other constables to suggest some names to you? A. Possibly, yes.

528 Q Isn't it a fact that you did? A. The day after.

529 Q Yes, and some of them two or three days after? A. No.

530 Q Do you swear there were no names or notes in that book written down after the next day, after the Patterson trouble?  
A. Yes.

531 Q You say there was nothing written after the lapse of that one day? A. Yes.

MR SHOEBOTHAM;- In reference to this particular case.

MR DARLING;- Yes.

532 Q (Mr Darling) Didn't you say that you wrote some of those names two or three days after? A. No.

533 Q You said it might be two days? A. I said the day after it.

534 Q Didn't you also say that it might be two or three days after?  
A. No.

535 Q What constables did you consult the next day with regard to those names? A. It might have been Constable Shirras.



536 Q And Constable ~~neen~~? A. No.

537 Q You didn't speak to him about those names? A. We may have talked.

538 Q Didn't you check up these names with the other constables the next day; didn't you check each others names up? A. No.

539 Q You did not check up these names with any of the other constables? A. We looked over each others lists.

MR SHOEBOTHAM;- Nothing wrong with that.

540 Q (Mr Darling) How many names did you put down after consulting with the other constables, two or three? A. I don't know how many.

541 Q Did you write down any after consulting or checking over your lists? A. I may have added one or two.

542 Q Do you remember what names you got from any of the other constables? A. No.

543 Q Robert Waugh, is he one of the men whose names you may have got from one of the other constables? A. No.

544 Q You put that down of your own volition? A. Yes.

545 Q Did you notice any of the other constables writing down names after you had consulted with them? A. No.

546 Q You said a little while ago that you were checking up each others names reading them over, isn't that a fact? A. We may have looked them over.

547 Q Were they writing down names when consulting your book?  
A I can't tell.

548 Q They may or may not?

MR SHOEBOTHAM;- If you like I will recall them.

MR DARLING;- I don't want you to recall them.



THE COURT;- I have no doubt in my mind at all that when they were together in the Police office they had talked these matters over.

MR DARLING;- That is not a matter for the stenographer's notes.

Witness aside.



HENRY PATTERSON

SWORN

EXAMINED BY MR SHOEBOTHAM;-

549 Q Where do you reside? A. Nicol Street, the City of  
Nanaimo.

550 Q What is your occupation? A. A Miner.

551 Q Where were you engaged on the 11th of August last past?  
This present month? A. No. 1 Mine.

552 Q Near what street? A. Fry street, is it?

553 Q No.1 Mine? A. Yes.

554 Q Is it in the City of Nanaimo? A. Yes.

MR DARLING;- There is plenty of evidence of that.

555 Q (Mr Shoebotham) Now did you have any difficulty on or  
about the 11th? A. Yes.

556 Q Will you just tell us what occurred? Were you working that  
day in the mine? A. Yes.

557 Q What time did you quit work? A. Three o'clock, came out  
of the mine at that time.

558 Q Did you experience any difficulty after you came out?

A Yes, a great mob was at the top of the street at Number 1,  
and a great mob in the other direction and I wanted to get  
home, we wanted to get home, and Chief Neen advised us to  
go into the motor car and he would take us home.

559 Q What was the attitude of that mob? A. I have no idea  
how many.

560 Q The attitude? Was it<sup>a</sup> quiet prderly mob, or otherwise?

A Very unorderly.

60 A



561 Q What was your feeling in respect to it?

MR DARLING;- I object.

THE COURT;- I will take it.

562 Q (By Mr Shoebottom) What was your feeling with respect to that mob? A.Well, that there was something doing if they got hold of us.

563 Q You were afraid they were after you?

MR DARLING;- That is unfair; that is a leading question.

564 Q (By Mr Shoebottom) Were you in fear or were you not?

A Yes.I was in fear.

~~565~~MR DARLING;- I object to that; it is unfair and leading.

565 Q (By Mr Shoebottom) As a result of what Chief Neen told you, what did you do? A. Went in the motor car.

566 Q And where did you go when you got into the motor car?

A Went towards that street.

567 Q Did you get home? A. Yes.

568 Q Did you get home by the motor car? A. Yes.

569 Q After you got in the motor car to get away did anything occur? A. Yes, a lot of rocks flying.

570 Q Did anything happen any of the persons in the auto? A.Two men got struck but I didn't see them.

MR DARLING;- I object.

571 Q (By Mr Shoebottom) Did you see the rocks flying, being hurled at the auto? A. Yes.

572 Q Did anyone get into the machine? A. Two.

573 Q And at the time you were passing there, about how fast were you going? A. Going like a flash of lightning.

574 Q You were going fast. What was the attitude of the crowd as you passed through? A. I don't know. I had to hide my head for the rocks.

575 Q You were dodging missiles? A. Yes.

MR DARLING;- I object to your suggesting.



- 576 Q (By Mr Shoebottom) was there any noise? A. Lots of tooting, I guess; I didn't hear much noise; I was not paying much attention. It was my head I was looking out for
- 577 Q But you finally got home? A. Yes.
- 578 Q Did you have any trouble when you got home? A. I got into the house with the boys and rocks were flying through the windows, rocks came flying through the windows.
- 579 Q How many windows were broken? A. Four in the kitchen, one in the side room, and three in the front room.
- 580 Q What did you do when the rocks came flying into your house, what did you think? A. I says to my children to keep back, to protect them.
- 581 Q Was there any noise or turmoil? A. I don't know much about the outside, I never looked outside, but the rocks were coming in from the outside.
- 582 Q Well you personally then didn't recognize any members of the mob? A. Not one.
- 583 Q Who else were in the house with you? A. All the boys and myself and my brother.
- 584 Q Before the 11th had there been any trouble at all in connection with getting to and from work? A. That was the only day I worked.
- 585 Q And do you know whether there was any other reason why the mob came that day? A. No reason, they were there in the morning but acted like gentle men, only advising me that I was doing wrong.
- 586 Q At night they were there in force? A. Yes, but I don't know what they were at night.



587 Q I am speaking of the time you came out of the mine in the afternoon; that afternoon, was there any trouble? A. Yes.

588 Q Rocks were thrown? A. Yes.

CROSS EXAMINATION BY MR DARLING;

589 Q You had joined the union had you not? A. Yes.

590 Q How long had you been a member of the union previous to this trouble? A. I joined it the first of March, I think, or the 1st of May, when the strike was started.

591 Q And were you receiving strike pay from the union? A. Yes.

592 Q How long did that continue? A. All the time.

593 Q How much were you getting from the union? A. \$12.00

594 Q And your sons were getting something as well? A. On their own account \$4 each I guess from the union.

595 Q After drawing that amount up to the 1st of May, you thought better of joining the union and ceased your membership? A. I didn't cease to be a member, but I was told by some of them that I went to Mr Stockett and asked for work and I said it was not true. I said I never spoke to the boss for work since the strike, which was true, but on account of the lies of some of my neighbors -

596 Q You thought the best thing you could do then was to start to work yourself? A. Yes.

597 Q And never mind the union at all? A. Yes.

598 Q I suppose that was the reason why a lot of the union men had a little bit of ill feeling against you? A. They need not, because I never done anything to account for this.

599 Q Except to draw strike pay? A. That was all.

600 Q You drew that from the 2nd day of May, was it? A. I guess four weeks, I got it every week.



- 601 Q When you arrived at your home you got hold of a weapon at your house? A.No sir, I never did.
- 602 Q Somebody else did? A. I handled a weapon after my windows were broke;
- 603 Q Did anybody else handle a weapon before your windows were broken? A. No sir.
- 604 Q Wasn't this man Sterling out there with a gun? A. After the windows were broken.
- 605 Q Was there anybody else had any arms or ammunition in their hands before the windows were broken? A. No.
- 606 Q Do you know Mr Pursse? A. Yes.
- 607 Q Where does he live? A. Next door to me.
- 608 Q Did you notice anything particular in his attitude? A.Nothing.
- 609 Q It was natural for him to be about there at the time? A.Yes.
- 610 Q You and he were friendly? A. We were always talking together.
- 611 Q You have never known of any ill feeling that Mr Pursse had against you? A. No.
- 612 Q You have been on most friendly terms with him? A.I am on friendly terms with the whole of them/
- 613 Q I am speaking of this man Pursse? A. Always on good terms, meber had any trouble with him.
- 614 Q He happened to be amongst the crowd at that time, did he? A I don't know.
- 615 Q It was natural for him to be there? A. I don't know.
- 616 Q He naturally would look to see whether any damage was done his ownhouse? A. Quite so.
- 617 Q As you were living next door to him? A, Yes.
- 618 Q How many guns had you around the house? A. Two.
- 619 Q Yours and Sterling's ? A. Yes, I had one.



620 Q And Mr Sterling? A.No,my brot her.

621 Q Wasn't there a man named Sterling there with a gun? A. I don't know.

622 Q You don't know of a man named Sterling being there with a gun?  
A He was a special police. He got the gun from my brother and had it at the back door. I never was out of the house with a gun. I never had it loaded.

BY MR SHOEBOTHAM;-

623 Q That was your only means of protection in case of assault?

A Yes. I had no means or intention of using the gun but if they interfered with my family I certainly would but it never was loaded.

624 Q Did anybody have a rifle on the front verandah? A. There was nobody with a rifle on the front verandah.

MR DARLING;- I think there is evidence that there was somebody with a gun on the front verandah.

MR SHOEBOTHAM;- The only evidence was at the back. You made a suggestion that somebody had a gun but I don't think there is any evidence that any person had a gun on the front verandah.

MR DARLING;-Is that Your Worship's understanding about the gun? You don't remember anything about any evidence about a man having a gun on the front verandah.

THE COURT;- I understand that there was a man with a gun but the evidence to-day, I understand was that that was at the back.

625 Q (By Mr parling) there is a verandah to your house? A.Two, a back verandah and a front verandah as well.

626 Q (By Mr Shoebotham) Did you have any other way of protecting yourself if you were attacked, than by using your gun? A.If any person had come into the house, with my children there, I would have defended myself and them.



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627 Q You had your gun for the protection of yourself and  
family? A. Yes.

MR DARLING;- I object, that is suggesting.

Witness aside.



THOMAS R. STOCKETT SWORN

EXAMINED BY MR SHOEBOTHAM;-

628 Q Your occupation? A. General manager of the Western Fuel Company,

629 Q Do you remember the 11th day of August last past? A. I do.

630 Q Where were you at 3 o'clock that afternoon? A. ~~xxxx~~

In and around Number 1 Mine of the Western Fuel Company  
in the City of anaimo.

631 Q Now did any men work there that day? A. Yes.

622 Q Who were they, do you know?

MR DARLING;- I will admit that they were the Patterson family  
and Bell and Reid.

A Yes, we had about forty five altogether in the mine during  
the 24 hours. The men came out of the mine at three  
o'clock.

623 Q Did you have any difficulty in getting the men away that day?

A A great deal of difficulty.

623½ Q Now what gave rise to that difficulty? A. There was a  
large gathering of men and women around the property.

624 Q What was the character of that crowd? A. Well, they were  
very boisterous and noisy.

625 Q So much so, that did you take any steps?

MR DARLING;- I object.

626 Q (By Mr Shoebotham) What precautions did you take to get  
your men away? A. I had notified the police that there  
was a large crowd expected to be around the mine in the  
afternoon, from the report that I had -

MR DARLING;- I object.



THE COURT;- I want to hear the evidence.

MR DARLING;- I object to his giving any conversation he had with anybody else, as that has not any bearing on the case.

THE COURT;- He has stated that he notified the Chief of Police.

MR SHOEBOOTHAM;- And the reason why he notified the Chief of Police is important.

627 Q I want you to tell me why you did that? A. Because I was apprehensive of difficulty in the afternoon when the men went to work.

628 Q Did you have that difficulty of which you were apprehensive?  
A Yes.

629 Q What means did you take to get them away, take the Patterson family for instance? A. They were taken away by the Chief in the auto.

630 Q What was the attitude of that crowd towards the Pattersons?  
A Well, it was a very fierce attitude, a very bad attitude.

631 Q So much so, that you deemed the precautions you took necessary?

MR DARLING;- I object. A. Yes.

632 Q (By Mr Shoebbotham) It has been said that in passing through the crowd, towards their home, in the auto, that a shower of missiles followed? A. I did not see that, I heard that.

MR DARLING;- I object.

A I had other men to look after to get away safely.

633 Q Did you have to take precautions to protect all your men on that occasion? A. Yes.

CROSS EXAMINATION BY MR DARLING;

634 Q You probably had seen something of riots before? A. Yes.

635 Q And you know there is such a thing as the Riot Act, which may be read on such an occasion? A. I have heard there is such a thing in British territory.



- 636 Q Do you think that that crowd at the time you actually saw them, not what you heard, but at the time you actually saw them, was of such a nature that it would be necessary to read the Riot Act in order to quell the multitude? I will read you Section 88 (reads). Do you think it was such a crowd that there was any necessity for the Mayor or some other official to read the Riot Act in order to disperse that crowd? A. It might possibly; I think I should have done so if I had authority to do so.
- 637 Q You would have read the Riot Act on that occasion? A. I think so.
- 638 Q Did you notify anybody to do so? A. No, I notified the Chief Constable and mayor.
- 639 Q About what hour of the day was it that you notified Mr Shaw? A. I am not positive.
- 640 Q Was it about half past two? A. No, earlier in the day.
- 641 Q Had they been there all day? A. No, not since morning; they were there in the morning and then they dispersed and came back again in the afternoon.
- 642 Q When did they start coming back? A. About two o'clock.
- 643 Q At two o'clock did you notify Mr Shaw? A. No, it would probably be in the afternoon I notified him.
- 644 Q You never notified him in the afternoon about the trouble? A No.
- 645 Q You had plenty of time to do so? A. I had plenty of time to do so.
- 646 Q You never notified Mr Simpson about the trouble? A. No.
- 647 Q Or any other Magistrate, in the afternoon? A. No.
- 648 Q It was only in the morning. Did you tell Mr Shaw you expected trouble there in the afternoon? A. I think so; I was apprehensive all day; from reports I had, I was apprehensive that there would be trouble and that it most likely I would have mentioned that.



to him.

- 648 Q Now in this evidence you have given, you say there was a gathering of men and women there and that you were apprehensive since the morning that there was going to be trouble when the men came out of the mine? A. I thought there would be trouble.
- 649 Q In the morning before there was any gathering at all? A. There was trouble at 7 o'clock in the morning and I naturally anticipated there would be trouble in the afternoon.
- 650 Q I don't suppose you are in a position to say, or that you were in a position to observe exactly what was going on in the afternoon? A. Yes, to a general extent.
- 651 Q Where were you, at the office? A. No, right near the pit mouth and the lamp house. I was not in the office after half past 12 until after the men had gone home, until after the disturbance.
- 652 Q You say the crowd were boisterous? A. I heard them calling but cannot recollect what they said. It was a very noisy crowd.
- 653 Q You were attending to those other people who came out of the mine? The stoning of the auto, you didn't see that? A. No, I saw the Pattersons starting away from the mine.
- 654 Q When the Pattersons came out you gave them over to Constable Neen to look after, while you looked after the rest of them?  
A. No, I didn't pass them over to anybody in particular.
- 655 Q Constable Neen came and took charge of them? A. Yes.
- 656 Q And you took charge of the others? A. I took charge of them in a sense.
- 657 Q You were so busy with the others that you didn't notice any stoning? A. I saw the auto until it turned the corner and then the crowd rushed towards the auto, waving their hands for them to go that way and following it up.



658 Q You didn't see anything more? A. Not of those particular people.

659 Q Did you recognize any of the people? A. Yes during the day I recognized quite a few.

MR SHOEBOTHAM;- This, Your Worship is the case for the Crown, except this, I want the stenographer to note, that I have a large number of another witnesses; Arthur Roger, J. Campbell, William Laird, Andrew Murdock, John, James and Archie Patterson, James Reid, and Mr Sterling, and I may say in addition to that, that so far as Robert Waugh is concerned, and James Higgins, I do not intend to ask for a committal. I don't think there is evidence which would justify it, and as there is no other charge against either of these men, they are entitled to their release. I also intend to ask the dismissal on this charge (there are other charges against them), of Sam Conner, Frank Barker, Alf. Wardell, Thomas Gordon, As to all the others I make a formal motion for committal, unless my friend wants to adduce evidence.

MR DARLING;- I would like to see the information against these men.

MR SHOEBOTHAM;- Yes.

MR DARLING;- I would like to know if there are other informations against these men.

MR SHOEBOTHAM;- Yes, if you want to know.

MR DARLING;- yesterday I was informed by my learned friend that he was withdrawing the other charges against the list he handed me and was bringing in lieu thereof a number of charges against these men for rioting.

MR SHOEBOTHAM;- There are other charges against these men and they have been remanded until the 29th.

MR DARLING;- I suppose it was a mistake in including them in this list.

MR SHOEBOTHAM;- I don't consider it was a mistake.



MR DARLING;- there is no evidence against them.

THE COURT;- I am going to let you off on this.

MR SHOEBOTHAM;- The Crown is not working to commit any man  
against whom there is not evidence to justify a committal.

THE COURT;- I don't think so either. Do I understand that there  
are other informations against these men?

MR SHOEBOTHAM;- With the exception of Waugh and Higgins, the others  
are all remanded.

THE COURT;- Well that stands. I will release Robert Waugh  
and James Higgins. The Crown has withdrawn the charge  
against these parties with reference to the 11th of August  
and I don't see any other and you are therefore free.  
Robert Waugh and James Higgins, the Crown has withdrawn  
this charge against you and you are therefore free. I  
release Sam Conners, Frank Barker, Alf. Wardell, Thomas  
Jordan from this charge charge brought against you to-day.

MR SHOEBOTHAM;- But the officers will have to retain them  
on the other charges on which they are remanded.

THE COURT;- Yes.

MR DARLING;- I have three witnesses in regard to the case of  
William Burnip that I would like to call.

THE COURT;- Were the witnesses out of the Court Room?

MR DARLING;- They could not have been out before as two of  
them were accused. I will call William Burnip.



5.

WILLIAM BURNIP

SWORN

EXAMINED BY MR DARLING;-

660 Q You heard the evidence given against you here in reference  
to this charge? A. Yes.

661 Q What have you got to say as to where you were at the  
time of the alleged riot? A. I left home after dinner  
about half past 2 on the 11th.

MR SHOEBOOTHAM;- You had better put the other witnesses out now.

71A



THE COURT;- Yes (Witnesses retire)

662 Q (By Mr Darling) You left your house at half past two? A. Yes.

663 Q Where did you proceed to? A. Took the Gillespie Street where I was picketing, 4 or five of us.

664 Q Were you about the premises of number 1 mine or around Patterson's house? A. No sir.

665 Q Between the hour of half past 2 and half past 4 o'clock? A No.

666 Q You swear that positively? A. I swear it.

667 Q You say that you proceeded to Gillespie Street? A. Yes.

668 Q What part of Gillespie Street? A. The south end.

669 Q How far from Patterson's house? A. I don't know Patterson's house any more than No 1 street, I don't know the house.

670 Q How far from No.1 shaft? A. I guess a quarter of a mile.

671 Q You could easily hear any trouble that was going on? A. Yes.

672 Q And are you sure you didn't take a sneak away? A. No. I did not. I can call Constable Hannay. I was talking to him between half past 3 and four o'clock.

673 Q You swear that you were not there at the scene at all? A. No.

674 Q It was a mistake when it was said that you were there? A. Yes.

675 Q Where did you see Constable Hannay? A. He came along, driving along with a man about half past 3 or a quarter past three.

676 Q Down at this street where you were? A. Yes.

MR SHOEBOTHAM;- CROSS EXAMINATION

677 Q Whose house were you picketing on Gillespie Street?

MR DARLING;- I don't think he need answer that? A. I was not picketing any particular house, no house in particular; I was just watching men going to work and taking a note.

MR SHOEBOTHAM;- As the evidence is very slight against this man, I don't wish to press the charge against him and I would ask for his discharge.

THE COURT;- The Crown has taken your matter into consideration



and as the evidence against you was not very strong,  
has withdrawn the information and you are therefore at  
liberty to go.

MR SHOEBOTHAM;- All the others, I must ask for an Order for  
Committal.

MR DARLING;- May I ask if the accused are to be committed  
on the charge that has been handed to me, whether this is the  
same charge that you are asking them to be committed upon?

MR SHOEBOTHAM;- I am asking that they be committed on the  
information read to-day.

MR DARLING;- (after looking at the information) Yes, it  
is the same that was handed to me.

THE COURT;- I suppose I had better read the names over.

MR SHOEBOTHAM;- You can order their committal to the  
County of Nanaimo Gaol at Victoria, as it will be necessary to  
do so, in order to have them properly taken charge of.

THE COURT;- I can commit them.

MR SHOEBOTHAM;- You have got to ask them if they have anything  
to say, and give them the forms of committal.

THE COURT;- I have got the form; there will be a separate  
committal but I will read it all over at once after reading  
the names.

THE COURT;- Robert Haddow, D. Pures, Thomas Miller, Alexander  
Laird, James Baird, Arthur Jordon, Richard Griffiths,  
William English, Pat Mulgrew, Charles Styles, William Wardell,  
Robert Farrell, Sam Dickenson, Ben Miller, William Flockheart,  
R. W. Smith, George Skoynsky, H. Murdock, George Young, William  
Cummings, John Dougan, William Gibson, Isaac Storey, H. Martin,  
James Hodgkinson; stand up.



THE COURT;- Having heard the evidence do you wish to say anything in answer to the charge? you are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat, which may have been held out to 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 DARLING;- There will be nothing said by anybody.

THE COURT;- (To the accused) It is my duty to send you up for trial to the first Court of Competent Jurisdiction, and in the meantime you will be remanded to the Common Gaol of the County of Nanaimo, at Victoria.

MR SHOEBOTHAM;- My friend says that Mr Styles is suffering from asthma and is receiving treatment here. If that is the case, I would ask that an exception be made in his case, and I would consent to his being committed to the Nanaimo Gaol.

THE COURT;- Is there any doctor's certificate?

MR SHOEBOTHAM;- I will consent to that.

THE COURT;- All right. The committals will be made out.

MR SHOEBOTHAM;- They are ready for signature before you go away so that they will be able to go to Victoria tomorrow.

I certify the foregoing to be a true and correct report of the proceedings herein.

*[Signature]*  
Deputy Official Stenographer.



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THE GOVERNMENT OF  
THE PROVINCE OF BRITISH COLUMBIA

PROVINCIAL POLICE OFFICE,

GR-0518  
Box 3  
File 56

BRITISH COLUMBIA. COMMISSION ON CLAIMS ARISING OUT OF  
RIOTS IN 1913 AND 1914 ON VANCOUVER ISLAND, 1916.

Documents re: court cases.



*Garland*

HANAIMO RIOT NO. 1.

TIME 2.40 to 5 p.m. AUGUST 11th 1913.

PLACE: FRY STREET, NO. 1 SHAFT, and  
PATTERSON HOUSE ON NICOL  
STREET.

SYNOPSIS OF EVIDENCE.

JAMES BAIRD. Neen; P. 12. Saw him both on Fry Street and at Patterson House.

P. 21. Shirras. Saw him on Fry Street

P. 30. " Saw him running after the auto with Gibson. Heard him shouting and hollering at the top of his voice down at the shaft.

P. 31 Baird and Gibson were together.

P. 34 Wallbank. Saw him in crowd at Shaft or Patterson's house.

P. 44 Young. Saw him at Fry Street.

p. 45 Young saw him at Patterson's House.

P. 48,49 & 50, also 52 & 53. Baird was conspicuous, and was also disorderly at 5 p.m.

*h a*

WILLIAM CUMMINGS. P. 8. Neen. He was with crowd on Fry Street. 200 people there. They made Special Constables. Campbell & Rogers quit.

P. 34 Wallbank. Saw him at Shaft or Patterson's house.

*Adams*

SAM DICKENSON. P. 8. Neen identifies at Fry Street.

P.15 " " " " "

P.16 " " " " " He was taking a prominent part in getting the two Specials to quit.

P.17 He was one of the prominent men there. Speaking in a rough way.

P. 20 Shirras identifies on Fry Street.

P. 22 Shirras saw him at Patterson house.

*5  
Mr. Neen*



Page 23. He spoke to Rogers. "Are you a special Constable? You a Christian taking the bread and water out of our mouths" Rogers gave up his badge and baton. The crowd was pretty hostile.

" 28 Did not hear him asking the crowd to move, to disperse and go home.

" 34 Wallbank identifies at Shaft or Patterson's house.

" 44 Young identifies at Fry Street.

J. DOUGAN. P. 12 Neen saw him at Patterson's house.

p. 22 Shirras took down his name as being at Patterson's house.

*N.A.*

p. 45 Young identifies at Patterson's house.

p. 53 He wanted the gun taken away.

p. 54 A good deal of shouting going on. He may have been riotous.

p. 55 I believe he was riotous.

*Out on Bail  
from Court*

WILLIAM ENGLISH.

p. 15 Neen saw him in Fry Street crowd.

p. 21 & 22. Shirras saw him in Fry Street and also at Patterson house.

p. 27 Saw him in crowd. Crowd became very hostile.

p. 28 He was at Patterson House.

p. 34  Wallbank. Saw him at Shaft or Patterson's house.

p. 40  Robertson identifies. *Picketing in morning.*

p. 45  Young saw him at Patterson's house.

*Robertson identifies both at Fry St. and at Patterson's house*

ROBERT FARRELL.

p. 20 & 22 Shirras saw him in both places.

p. 27 Did not mistake him for Joe Farrer.

p. 34 Wallbank identifies at shaft or Patterson house.

p. 45 Young saw him at Patterson's house. *at 201 - at 5.15 am.*

p. 50 " " " " " "  
*Bridge saw him at no: 1 - at 3.15 am.*

*N.A.  
Bell*

*2 charges*



WILLIAM FLOCKHEART. p. 34. Wallbank identifies in crowd at Shaft or Patterson's house.

*W.P.*

WILLIAM GIBSON. p. 21 & 22. Shirras identifies in both crowds.  
p. 30 & 31 Shirras saw him running after the auto with Baird.

*W.A.*

p. 34 Wallbank identifies.  
p. 40 Robertson identifies.

RICHARD GRIFFITHS. p. 12 Neen saw him at Patterson house.  
p. 22 Shirras saw him at Patterson House.  
p. 25 Had a camera with him.  
p. 31 Was talking and shouting and had a camera.  
p. 32 They were hollering and shouting and acting in a dangerous way.  
p. 34 Wallbank identifies.

*W.A.*

ROBERT HADDOW. p. 7 & 8. Neer. Was in Fry Street crowd. Refused to move on when ordered.

*Quiller* *Robert*

p. 12 Neen identifies.

p. 15 " "

p. 16 I spoke to him ~~in~~ and he answered. I asked him to disperse and he said "we are not going to". *Justin 86- and 87-*

p. 20 Shirras. The Chief Constable spoke to the crowd on Fry street about 3.40 p.m. and Robert Haddow replied from the crowd.

p. 23 Shirras. Was ridiculing Campbell.  
The Chief told them to disperse and asked them to move and Robert Haddow replied to the Chief's request "No boys, hold your ground remain here".

*Young - at Shaft at 3. P. m  
5  
Confirms - same H  
Saw him at Shaft - at 7. P. m*



4.

p. 34 Wallbank. Robert Haddow was very active at one time and had quite a lot to say.

JAMES HODGKINSON.

p. 22 ✓ Neen identifies at Patterson house.  
 p. 34 ✓ Wallbank identifies.  
 p. 40 ✓ Robertson identifies.  
 p. 45 ✓ Young identifies.

]

T.P.

ARTHUR JORDAN.

p. 12 Neen identifies at Patterson house. Spoke to him.  
 p. 21 & 22. Shirras identifies in both places.  
 p. 29 I spoke to him at Patterson's house. I will swear he was at the shaft. ~~XXXXX~~  
 p. 30 I asked him to keep the crowd quiet. During this trouble I have seen him having great influence over the crowd. On this particular occasion Arthur Jordan took no means whatever to keep the crowd quiet. I would say that he did not take any steps to do so.  
 p. 45 Young saw him in very disorderly crowd at Patterson house.

N.A.

ALEXANDER LAIRD.

p. 12 Neen. Saw him at Patterson house  
 p. 20 Shirras saw him at Patterson house.  
 p. 34 Wallbank identifies.

N.A.

HENRY MARTIN

p. 20 Shirras saw him at Patterson house.  
 p. 34 Wallbank " " " " "  
 p.

N.A.

BEN MILLER.

p. 21 & 22 Shirras identifies in both crowds.

N.A.



- p. 34 Wallbank identifies.
- p. 40 Robertson identifies.
- p. 44 & 45 Young identifies.

THOMAS MILLER.

*wa*

- p. 8 Heen identifies at Fry Street.
- p.12 Also at Patterson house. He spoke to me.
- p. 15 " " " "
- p. 21 Shirras identifies.
- p. 34 Wallbank identifies.
- p. 44 & 45 Young identifies.

PAT MULGREW.

*wa*

- p. 21 & 22 Shirras identifies in both crowds.
- p. 31 He was at the shaft doing some loud talking.
- p. 40 Robertson identifies.
- p. 45 Young identifies.

HUGH MURDOCK

*H.P.*

- p. 20 & 21 Shirras identifies in both places.
- p. 22 " " " "
- p. 44 & 45 Young identifies in both places.

DAVID PURSS.

*3*

- p. 12 Heen saw him right in front of Patterson house.  
On Watkins Street.
- p. 21 & 22 Shirras identifies in both places.
- p. 29 He was pretty prominent in the crowd at Fry Street  
shouting and roaring.
- p. 34 & 35. Wallbank identifies. Had a conversation with  
him. He lives near there.
- p. 40 Robertson identifies.
- p. 44 Young identifies.
- p. 45 " "
- p. 64 Patterson. He lives next door to me.



GEORGE SKOYHSEY

*n.a.*

- p. 22 Shirras. He was at Patterson house
- p. 45 Young identifies at Patterson house.

R. W. SMITH

*n.a.*

- p. 21 ~~Heen~~ <sup>Shirras</sup> saw him at Fry Street.
- p. 29 ~~Heen~~. He was in the crowd.
- p. 31 *do* " " " " "

ISAAC STOREY.

*\$*

- p. 7. Heen. Was talking to the crowd.
- p. 8 Storey was there.
- p. 12 Storey spoke to me.
- p. 15 He spoke to me about the man with the gun.  
I was not afraid for myself I was afraid for  
some one else.
- p. 20 He spoke to Special Constable Campbell.
- p. 22 Storey was at Patterson house.
- p. 25 I spoke to Storey. He took a very prominent  
part at the time Campbell quit.
- p. 34 Wallbank identifies.
- p. 40 Robertson identifies.
- p. 44 Young identifies.

CHARLES STYLES.

*n.a.*

- p. 21 & 22. Shirras saw him in both crowds
- p. 29 Styles was around Rogers when Rogers gave up  
his badge.
- p. 36 Wallbank cannot swear Styles was there.
- p. 40 Robertson identifies.
- p. 45 Young identifies.
- p. 55 & 56 Young saw him in the middle of the street,  
about 100 feet from the Patterson house. He  
was in the crowd.



WILLIAM WARDELL.

- p. 21 & 22 Shirras identifies in both crowds.
- p. 24 I saw him William Wardell throw a stone at the automobile. There was a shower of missiles. The crowd was shouting and yelling.
- p. 25 William Wardell threw a stone at the automobile. The only stone I saw William Wardell throw was at the junction of Fry and Farquhar Streets.
- p. 27 Wardell & McEwan are the only two persons I saw throw stones.
- p. 31 He threw a stone at the junction of Fry and Farquhar Streets.
- p. 34 Shirras identifies.
- p. 40 Robertson identifies.
- p. 44 Young identifies.

*Wardell*

GEORGE YOUNG.

- p. 22 Shirras identifies at the Patterson House.
- p. 40 Robertson identifies.
- p. 45 Young identifies.

*Young*