5.15-7

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

C A N A D A,

Province of British Columbia,

City of Vancouver.

The information and complaint of E. E. Robinson of City of Vancouver taken the 3rd day of February in the year of our Lord one thousand nine hundred and thirteen, before the undersigned H. C. Shaw, Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that at the said City of Vancouver, on the 1st day of February A. D. 1913, Sim Loo did unlawfully and corruptly give a peace officer, employed in the capacity for the prosecution of offenders, a bribe of $24.00 with intent to interfere ~~with~~ corruptly with the due administration of Justice.

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

(Sgd) E. E. Robinson.

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

(Sgd) H. C. Shaw,
Police Magistrate

Accused committed to take his trial
at the next Court of Competent
Criminal Jurisdiction.

(Sgd) H. C. Shaw,
P. M.

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

Vancouver, B.C. February 7, 1913.

C A N A D A,

Province of British Columbia,

County of Vancouver,

City of Vancouver.

Sim Loo charged on the information of E. E. Robinson of the City of Vancouver on the 3rd day of February, 1913, for that at the said City of Vancouver on the 1st day of February, A. D. 1913, he did unlawfully and corruptly give a peace officer employed in the capacity for the prosecution of offenders a bribe of $24.00 with intent to interfere corruptly with the due administration of Justice.

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

J. K. KENNEDY, ESQ., Counsel for Prosecution.

A. J. KAPELLE, ESQ., Counsel for Defence.

L. H. HEANEY, sworn as stenographer.

LAMBERT SUNG, sworn as interpreter.

P. C. 70 QUIRK, called as a witness, being first sworn, testified as follows:-

QUESTIONS BY MR KENNEDY:-

1 Q You are a Police Officer in the City of Vancouver?

A I am sir.

2 Q And were such on the first of February?

A A The first of February of this year.

3 Q And as a Police Officer you were a Peace Officer as well, weren't you?

A Yes sir.

4 Q At that time you were engaged in the prosecution of offenders?

A Yes sir.

5 Q Now I want you to tell us place what happened between you and the accused on that day here in the City?

A Your Worship, shortly after seven o'clock on the evening of Saturday February the first in company with Constable Scallion we entered an opium joint in Market Alley. There were four men in this house and the accused probably recognized us as we went in. We stated we were Police Officers and he jumped up and he said "You likee a smoke?" I said "no" he put his arm round my neck; he said "I give you money you let us all go", I said "no" He said "I give you plenty money", and after that he took twenty four dollars out of his pocket and put it in my hand, and then went towards the door. Constable Scallion was at the door and I asked him to stop him there. I went towards Scallion who was just a yard or so from me and he counted the money out in his presence, and then brought him to the station.

6 Q That is the money there, is it?

A Yes.

(MONEY produced as Exhibit "A")

7 Q You were arresting some people for what at that time?

A Opium smoking. Being inmates of an opium joint.

8 Q Did you as a matter of fact arrest any people in that place?

A We arrested four.

9 Q Was the accused one of them?

A Yes.

10 Q Charged with that particular offence?

A Wes.

11 Q Has he been charged on that particular offence yet?

A Yes.

12 Q How did he plead?

A Pleaded guilty I think, I think so; I don't know to be sure.

13 COURT: That is all in the City here?

A Yes in the City of Vancouver.

13 Q Did you have a search warrant with you, Officer?

A No sir.

14- Q Did anyone with you have a search warrant?

A No sir.

15 Q What right had you on these premises?

A We knocked and the door was opened to us.

16 Q And you went in in the ordinary course?

A The course of duty.

17 Q In plain clothes?

A yes.

18 Q What did you say when you went in?

A The accused apparently recognized us; but we stated we were Police Officers.

19 Q Are you a member of the Detective force?

A No sir.

20 Q You are a constable are you?

A I am a constable of the City of Vancouver.

21 Q Who was it said "we are Police officers"?

A I did as I was the first going in.

22 Q You say the accused handed you this money; did you see where he got the money from?

A Yes.

23 Q He got it from another man who gave it to him to pass it to you?

A No.

24 Q What is the correct version; where did he get this money?

A Out of his right hand pants pocket, that is where it appeared to me to come from. He put his hand down into the right hand pocket. He was sitting on a trunk.

25 Q What did you say he said to you when he handed it to you?

A As I He said before he gave me this money; he put his arm round my neck and said "you likee smoke" and I said "no" he said "you likee smoke and lie down?" I said "no". Then he said "I give you money, you let us all go" I said "no" again. He said "You take the money and let us all go".

26 Q You took the money?

A Certainly?

27 Q You still have it?

A It is an exhibit now.

28 Q I suppose it was kept for the purpose of Exhibit was it?

A Yes.

29 Q Now did you arrest the whole four just then?

A We did.

30 Q And brought them to the Police Court?

A Yes to the Police Station.

31 Q And charged them with what?

A Being inmates of an opium joint.

32 Q Who did you lay that charge before?

A It was upstairs in the gaol put in the charge book.

33 Q Was that the only charge you laid then?

A Yes.

34 Q Why didn't you lay the charge of bribery then?

A At that time the charge wasn't laid. There was

a misunderstanding somewhere. I was upstairs in the other office with the material, paraphernalia we brought in for smoking. My fridn took the prisoners upstairs.

35 Q Who swore the information out?

A Well we both would swear the information.

36 Q You both would not swear out one information?

37-Q Who swore out the information against this man for smoking opium?

A We both laid the charge against him for smoking opium.

38 Q You both swore out the information?

A I guess so.

39 Q You must know?

MR KENNEDY:- By that actually this, swore this information.

A Yes I laid the information.

40 Q When you were laying this information why didn't you lay this more serious charge of bribery, why did you hold it up your sleeve?

A I didn't hold it up my sleeve.

41 Q Why didn't you produce the money?

A I produced the money before the Deputy Chief when I came in that night with the prisoners.

42 Q As a matter of fact this man here was let out on bail, he got bail didn't he?

A Yes.

43 Q Did you know he got bail?

A I did not.

44 Q He got it?

A Yes.

45 Q Then came back to get this $24.00 didn't he?

A No.

46 Q You swear he didn't come back to get this $24.00?

A I swear he didn't come back.

48 Q Of course you are speaking of your knowledge?

A To my knowledge I didn't see him back and I made investigations for him to see if he had come back, and he hadn't been back then.

49- Q Why did you make that investigation?

A When I learned that he had gone out I thought the bribery charge had been against him and when I came on duty on Sunday last about four o'clock I learned the accused had been let out on bail.

49 Q When did it dawn on you that you had better lay a charge of bribery against him?

A Directly I found the man was out. I understood the charge was laid against him the evening previous.

50 Q That who had laid the charge?

A The next witness.

51 Q You don't know what excuse he is going to make for not laying the charge?

A I tell you there are such a large number of prisoners upstairs at the present time; there is a mix-up somewhere.

52 Q Tell me these two charges you laid of smoking and b bribery which would you consider the most important?

A I would consider the bribery in the first place, but we had four prisoners with practically the same charge laid against them; four inmates.

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54 Q All that time expired before this bribery charge got working?

A I went off duty Saturday midnight and returned again at four o'clock Sunday afternoon.

55 Q Who swore the information for bribery?

A I did.

MR KENNEDY/ Here it is; it speaks for itself. What Mr Kappelle means is who actually swore to the charge? Mr Robinson swore to it.

MR KENNEDY/ Who laid the information?

A I would lay the charge of brobery.

P. C. SCALLION, called as a witness, being first sworn, testified as follows:-

QUESTIONS BY MR KENNEDY/

56 Q You also are a Police Officer?

A Yes.

57 Q And a Peace Officer?

A Yes.

58 Q Employed in the capacity of the prosecution of offenders on the first of February?

A Yes.

59 Q Were you with the last witness?

A Yes.

60 Q You heard what he said this morning?

A Yes.

61 Q Is that correct?

A Correct. Of course as far as asking him to have a smoke he had his arm round his neck. I didn't hear that.

62 Q He had his arm round whom?

A Yes, round the other witness's neck.

63 Q Did you see the money pass?

A Yes I saw it pass; and it was counted in my hand too.

QUESTIONS BY MR KAPPELLE:

64 Q You were in plain clothes too officer were you?

A Yes.

65 Q And you both went intogether on this February 1st?

A We did.

66 Q What did you see as you went in?

A Well we spied all the opium utensils on the bed, and these men were in there, those four chinamen they had been smoking.

67 Q In the first place let us go back a bit. When you got to the door, where would this opium joint be leading off the street?

A It was on the third floor.

68 Q How did you get to the third floor?

A Walked up a back alley through the stairway.

69 Q Any search warrant?

A No.

70 Q You mean to tell me that you two officers entered the rear premises of private property and walked up three flights of stairs?

A Yes we did it all right.

71 Q But you did that anyway?

A I don't think we did any more than our duty calls for.

72 Q You did that anyway without a warrant?

A Yes.

73 Q Three flights of stairs you say?

A Yes.

74 Q And when you got to this particular room, what kind of a door was it on there? a blank door or a glass door?

A Just an ordinary wooden door.

75 Q I suppose there is a bell?

A I didn't see any bells, I didn't ring any.

76 Q You didn't look for any?

A No.

77 Q You walked right in?

A We knocked at the door and he admitted us in.

78 Q Do you mean to say as a matter of fact you knocked as the door; now did you bother to knock at the door?

A We pushed at the door like that.

79 Q Do you mean to say after walking up three flights a back alley in the first place without a search warrant that you went to the bother of rapping at the door?

A Yes we were just going through the different portions of the City we thought there was an opium joint?

80 Q You weren't rapping at any doors?

A Not particularly.

81 Q You walked right into this place as a matter of fact?

A Yes.

82 Q Then when you got into this room you found these four men in this room?

A Yes.

83 Q All four in one room?

A Yes.

84 Q Lying down smoking?

A No they were not lying down; they were sitting on the edge of the bed.

85 Q I suppose you had a whole lot of conversation with this men when you walked in?

A I had none whatever.

86 Q Did the other officer have any?

A Yes.

87 Q What did he say? I want his exact words from the time you opened the door and went in?

A Well he said we are police officers.

88 Q Did you say every time you went into a place?

A I generally do when I start to question.

89 Q You generally do?

A I do when I start to question anybody with regard to police duty; I tell ~~him~~ them I am a police officer.

90 Q You didn't do it in this case?

A He did it that was enough.

91 Q Of course you say you corroborate the fact of this $24.00 passing?

A Yes I saw it.

92 Q You came away with these four Chimanen and brought them down to the "jug"?

A Yes.

93 Q And a charge was laid against them for smoking opium?

A Inmates of an opium joint?

94 Q Who gave the information?

A I took the prisoners upstairs first and I was searching the prisoners and laying the information at the same time; and of course I spoke about the bribery as I went upstairs.

95 Q Who did you speak to about it?

A In front of the jailor.

96 Q But is that the man you speak to when it comes to do with the laying of charges?

A He lays the charges.

97 Q What is the Jailor's name?

A Emley.

98 Q You spoke to him about this bribery charge?

A Yes.

99 Q What did you say to him?

A I said "what do you think of this fellow bribing us for twenty-four dollars!"

100 Q But you didn't suggest that any charge be laid against him?

A Well we were searching prisoners. I was searching the prisoners and Quirk came up afterwards. I didn't have the charge laid the, but Quirk came up afterwards and I counted the money over ~~the~~ to him and gave it over to him. I said "here is the money" and I thought Quirk had laid the charge while I was searching the last prisiner.

101 Q It is a case of where there is too many people doing things.

A There were a lot of prisoners at the time.

102 Q You was no charge laid at that time for bribery?

A No.

103 Q And this man was let out on bail?

A I didn't know.

104 Q What magistrate made the order for bail?

A I don't know that.

105 Q Do you know it is customary before bail is given to consult with the detective or the man who arrested the man?

A I went home at twelve o'clock.

106 Q You know this fact that before the magistrate bail he finds out from the detective of any difficulties?

A Yes.

107 Q Was this done in this case?

A The Inspector.

108 Q You expect the Inspector told him all there was against this man was an opium charge?

A Yes.

109 Q As a matter of fact that was all there was against him at that time that he was allowed out on bail of one hundred dollars?

A I heard the bail was one hundred dollars.

110 Q When did youndiscover that this other man who had offered you only twenty four dollars had not been charged with bribery?

A He didn't offer me he offered the other man.

111 Q That is why you are complaining?

A I am not complaining.

112 Q When did you find out that he had not been charged with bribery?

A About four o'clock I think next afternoon.

113 Q That is Sunday?

A Yes.

114 Q What did you do then?

A Well we talked it over and said it was too bad this fellow had gone away and this charge had not been laid against him; and of course we went out and took the accused up.

115 Q Did you know as a matter of fact that the accused came back and got his ~~$24-~~ twenty-four dollars?

A He didn't.

116 Q Do you swear he didn't?

A Not to my knowledge. He made enquiries at the station.

MR KENNEDY: That is the case.

COURT: Do you want me to read this usual thing?

MR KAPPELLE: We dispense with that.

COURT: Have you anything to say?

MR KAPPELLE: We reserve our defence.

COURT: I commit ~~the~~ you for trial at the next Court of Competent Criminal Jurisdiction.

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

(Sgd)L.H.Heaney,
Stenographer.

CERTIFIED by me as being a true and correct copy of the proceedings taken at the hearing of the above case.

(Sgd) H. C. Shaw,
Police Magistrate in and for the City of Vancouver in the Province of British Columbia

STATEMENT OF THE ACCUSED.

C A N A D A,

Province of British Columbia,

County of Vancouver.

Sim Loo stands charged before the undersigned H. C. Shaw, Esq., Police Magistrate of His Majesty's Justices of the Peace in and for the Coutny aforesaid this 7th day of February in the year of our Lord one thousand nine hundred and thirteen for that the said Sim Loo on the 1st day of February A. D. 1913 at the City of Vancouver did unlawfully and corruptly give a peace officer employed in the capacity for the prosecution of offenders a bribe of $24.00 with the intent to interfere corruptly with the due administration of Justice.

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

Usual warning is here read to the accused who states:-

"I reserve my defence."

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

(Sgd) H. C. Shaw,

Police Magistrate.

1913

Vancouver Spring Assizes.

Copy of Depositions in re

REX

vs.

Sim Koo

Offence Bribery.

22/13

Rex v Sin Jro.

Opening point.
227(a) p 240.
228

Q write.

Had been deported to Kent due gambling opium

"I don't think the chinaman did realize the seriousness of his position"

'Let us all go"

Koppelle,

McLinnan was ignorant of wrong doing

It was necessary to act at once

what did he mean

Chinaman could speak English well

Clearly proved

22/13

Res v Ingutse.

Nicholas Nicholoff
sworn Crown

Exn by Ogburn.

* ↑ w

I couldn't say whether brakes were applied when we turned.

Brakes were not applied starting when we got off.

No motors have been changed to go between this time.

We did not miss this (Ford car) by very much.

We took a sharp turn to right.

Giles Young. Proper not to have front light

Grey was walking a foot a little by the short car.

deceased slipped out towards curb.

Front wheels

22/13

In the Supreme Court of British Columbia.
Oyer and Terminer and General Gaol Delivery.

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

The Jurors for Our Lord the King present that heretofore to wit on the first day of February in the year of Our Lord One thousand nine hundred and thirteen one Quirk was a peace officer employed for the prosecution and detection of offences within the City of Vancouver in the County of Vancouver in the Province of British Columbia and as such peace officer as aforesaid did enter a certain place to wit an opium joint in Market Alley in the said City of Vancouver for the purpose of detecting and apprehending offenders against the law. And the Jurors aforesaid do further present that Sim Loo, being then and there unlawfully an inmate of such opium joint and well knowing that said Quirk was a peace officer, to wit, a police officer, but contriving and unlawfully intending to pervert the due course of justice, on the said first day of February in the year and at the place last aforesaid, unlawfully, wilfully and corruptly did give to the said peace officer a bribe, to wit, the sum of twenty-four dollars, to protect him the said Sim Loo from punishment for violation of the law as aforesaid against the form of the Statute in such case made and provided and against the peace of Our Lord the King His Crown and Dignity.

I hereby direct that Counsel acting for the Crown at the Vancouver Spring Assizes, 1913, prefer the above Bill of Indictment to the Grand Jury.

Attorney-General.

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

C A N A D A,

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(Before C. C. Shaw, Esq., P.M.)

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A The course of duty.

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A The accused apparently recognized us; but we stated we were Police Officers.

19 Q Are you a member of the Detective force?

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A I am a constable of the City of Vancouver.

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A We did.

66 Q What did you see as you went in?

A Well we spied all the opium utensils on the bed, and these men were in there, those four chinamen they had been smoking.

67 Q In the first place let us go back a bit. When you got to the door, where would this opium joint be leading off the street?

A It was on the third floor.

68 Q How did you get to the third floor?

A Walked up a back alley through the stairway.

69 Q Any search warrant?

A No.

70 Q You mean to tell me that you two officers entered the rear premises of private property and walked up three flights of stairs?

A Yes we did it all right.

71 Q But you did that anyway?

A I don't think we did any more than our duty calls for.

72 Q You did that anyway without a warrant?

A Yes.

73 Q Three flights of stairs you say?

A Yes.

74 Q And when you got to this particular room, what kind of a door was it on there? a blank door or a glass door?

A Just an ordinary wooden door.

75 Q I suppose there is a bell?

A I didn't see any bells, I didn't ring any.

76 Q You didn't look for any?

A No.

77 Q You walked right in?

A We knocked at the door and he admitted us in.

78 Q Do you mean to say as a matter of fact you knocked as the door; now did you bother to knock at the door?

A We pushed at the door like that.

79 Q Do you mean to say after walking up three flights a back alley in the first place without a search warrant that you went to the bother of rapping at the door?

A Yes we were just going through the different portions of the City we thought there was an opium joint?

80 Q You weren't rapping at any doors?

A Not particularly.

81 Q You walked right into this place as a matter of fact?

A Yes.

82 Q Then when you got into this room you found these four men in this room?

A Yes.

83 Q All four in one room?

A Yes.

84 Q Lying down smoking?

A No they were not lying down; they were sitting on the edge of the bed.

85 Q I suppose you had a whole lot of conversation with this men when you walked in?

A I had none whatever.

86 Q Did the other officer have any?

A Yes.

87 Q What did he say? I want his exact words from the time you opened the door and went in?

A Well he said we are police officers.

88 Q Did you say every time you went into a place?

A I generally do when I start to question.

89 Q You generally do?

A I do when I start to question anybody with regard to police duty; I tell ~~him~~ them I am a police officer.

90 Q You didn't do it in this case?

A He did it that was enough.

91 Q Of course you say you corroborate the fact of this $24.00 passing?

A Yes I saw it.

92 Q You came away with these four Chimanen and brought them down to the "jug"?

A Yes.

93 Q And a charge was laid against them for smoking opium?

A Inmates of an opium joint?

94 Q Who gave the information?

A I took the prisoners upstairs first and I was searching the prisoners and laying the information at the same time; and of course I spoke about the bribery as I went upstairs.

95 Q Who did you speak to about it?

A In front of the jailor.

96 Q But is that the man you speak to when it comes to do with the laying of charges?

A He lays the charges.

97 Q What is the Jailor's name?

A Emley.

98 Q You spoke to him about this bribery charge?

A Yes.

99 Q What did you say to him?

A I said "what do you think of this fellow bribing us for twenty-four dollars."

100 Q But you didn't suggest that any charge be laid against him?

A Well we were searching prisoners. I was searching the prisoners and Quirk came up afterwards. I didn't have the charge laid the, but Quirk came up afterwards and I counted the money over ~~the~~ to him and gave it over to him. I said "here is the money" and I thought Quirk had laid the charge while I was searching the last prisiner.

101 Q It is a case of where there is too many people doing things.

A There were a lot of prisoners at the time.

102 Q You was no charge laid at that time for bribery?

A No.

103 Q And this man was let out on bail?

A I didn't know.

104 Q What magistrate made the order for bail?

A I don't know that.

105 Q Do you know it is customary before bail is given to consult with the detective or the man who arrested the man?

A I went home at twelve o'clock.

106 Q You know this fact that before the magistrate bail he finds out from the detective of any difficulties?

A Yes.

107 Q Was this done in this case?

A The Inspector.

108 Q You expect the Inspector told him all there was against this man was an opium charge?

A Yes.

109 Q As a matter of fact that was all there was against him at that time that he was allowed out on bail of one hundred dollars?

A I heard the bail was one hundred dollars.

110 Q When did youndiscover that this other man who had offered you only twenty four dollars had not been charged with bribery?

A He didn't offer me he offered the other man.

111 Q That is why you are complaining?

A I am not complaining.

112 Q When did you find out that he had not been charged with bribery?

A About four o'clock I think next afternoon.

113 Q That is Sunday?

A Yes.

114 Q What did you do then?

A Well we talked it over and said it was too bad this fellow had gone away and this charge had not been laid against him; and of course we went out and took the accused up.

115 Q Did you know as a matter of fact that the accused came back and got his ~~$24-~~ twenty-four dollars?

A He didn't.

116 Q Do you swear he didn't?

A Not to my knowledge. He made enquiries at the station.

MR KENNEDY: That is the case.

COURT: Do you want me to read this usual thing?

MR KAPPELLE: We dispense with that.

COURT: Have you anything to say?

MR KAPPELLE: We reserve our defence.

COURT: I commit ~~the~~ you for trial at the next Court of Competent Criminal Jurisdiction.

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

(Sgd)L.H.Heaney,
Stenographer.

CERTIFIED by me as being a true and correct copy of the proceedings taken at the hearing of the above case.

(Sgd) H. C. Shaw,
~~Po~~lice Magistrate in and for
the City of Vancouver in the
Province of British Columbia

STATEMENT OF THE ACCUSED.

C A N A D A,
Province of British Columbia,
County of Vancouver.

Sim Loo stands charged before the undersigned H. C. Shaw, Esq., Police Magistrate of His Majesty's Justices of the Peace in and for the Coutny aforesaid this 7th day of February in the year of our Lord one thousand nine hundred and thirteen for that the said Sim Loo on the 1st day of February A. D. 1913 at the City of Vancouver did unlawfully and corruptly give a peace officer employed in the capacity for the prosecution of offenders a bribe of $24.00 with the intent to interfere corruptly with the due administration of Justice.

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

Usual warning is here read to the accused who states:-

"I reserve my defence."

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

(Sgd) H. C. Shaw,
Police Magistrate.

22/13

1913

Vancouver Spring Assizes

Rex
vs
Sim Koo

Offence Bribery

Crown
Brief

Before Murson J.
April 10th 1913

Indict. guilty