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BRITISH COLUMBIA. ATTORNEY GENERAL.
Attorney General documents.



Police for the
 IN THE SUPREME COURT OF BRITISH COLUMBIA.
 (OYER, AND TERMINER AND GENERAL GAOL DELIVERY)

situate in the
 CANADA,)
 Province of British Columbia.) The jurors for our Lord
 County of Westminster.)
 City of New Westminster.) the King present that Ah Yu,

Crown and at)
 at the City of New Westminster,
 in the County of Westminster, on the third day of March, in
 the year of our Lord one thousand nine hundred and five unlaw-
 fully and corruptly did give to one J. W. McIntosh, a peace
 officer, to wit, the Chief of Police for the said City, employ-
 ed to detect and prosecute offenders against the criminal law
 in the said City, and generally to preserve and maintain the
 public peace in the said City, a sum of money with intent to
 interfere corruptly with the due administration of justice in
 the said City, against the form of the statute in such case
 made and provided, and against the peace of our said Lord the
 King, his crown and dignity:

2. And the jurors aforesaid do further present that the
 said Ah Yu, afterwards, to wit, on the day and year and at the
 place last aforesaid, unlawfully and corruptly did give to the
 said J. W. McIntosh, a peace officer, to wit, the Chief of Po-
 lice for the said City, employed as aforesaid, a sum of money
 with intent to facilitate the commission of the crimes of keep-
 ing a common gaming house and of playing in a common gaming
 house in said city, against the form of the statute in such
 case made and provided, and against the peace of our said Lord
 the King, his crown and dignity:

3. And the jurors aforesaid do further present that the
 said Ah Yu, afterwards, to wit, on the day and year and at
 the place last aforesaid, unlawfully did give to the said
 J. W. McIntosh, a peace officer, to wit, the Chief of



Police for the said City, employed as aforesaid, a sum of money, with intent to protect from detection and punishment the keeper of and the players in a certain common gaming house, situate in McInnes street in said City, kept by the said Ah Yu, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his Crown and dignity.

I hereby direct that the counsel acting for the crown at the Westminster spring assizes, 1905, prefer this Bill of Indictment to the Grand Jury.

Attorney-General.



I N D E X.

Case for the Prosecution.

J. W. McIntosh.....	Direct.....	1.
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J. H. Watson.....	Direct.....	13.
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INFORMATION and / COMPLAINT for an INDICTABLE OFFENSE.

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

THE INFORMATION and Complaint of J. W. McIntosh of New Westminster, taken this 6th day of March in the year of Our Lord One Thousand nine Hundred and five, before the undersigned, GORDON CORBOULD, ESQUIRE, Police Magistrate, and one of His Majesty's Justices of the Peace, within and for the said City of New Westminster, who saith that AH YEE, on the 3rd day of March A. D., 1905, at the said City of New Westminster, unlawfully and corruptly did give to the said J. W. McIntosh a Peace officer employed for the preservation and maintenance of the public peace, a bribe of money, with intent to protect from detection and punishment the keeper and frequenters of a certain common gaming-house situate on McInnes Street, and owned by the said AH. YEE, contrary to the form of the Statute in such case made and provided.

"J. W. McIntosh".

SWORN before me, the day and year first above mentioned, at New Westminster aforesaid.

"Gorden E. Corbould".

Police Magistrate in and for
the City of New Westminster.



Depositions of Witnesses.

J. W. McINTOSH, Called and sworn. Exam. by Mr. McQuarrie.
Mr. Livingston asks that it be noted that two separate offenses are named in the information.

(No amendment asked for)

1. Q. Mr. McQuarrie? What is your name? A. J. W. McIntosh.
2. Q. What position do you occupy? A. I am chief of police of New Westminster.
3. Q. You know the defendant here? A. I do.
4. Q: You might just tell us what dealings you have had with him in reference to this? A: About the 10th- between the 10th- and the 15th of February last I was told by a watchman at the C. P. R.--

(Objected to as hearsay)

Witness: From information I received I was informed that Hee Chung wished to see me.

Court: From information you received you understood this man wanted to see you? A. Not this man.

5. Q. Well whatever man it ~~was~~ is?

Mr. McQuarrie: Who is Hee Chung? A: A tailor in this City--- a Chinese tailor.

6. Q: Tell us what occurred. A: I did not go at the time as he knew where to find me if he wished to see me. Later on about two days afterwards, I was passing there and saw him.

7. Q: That is passing---A: Hee Chung's tailor shop on Begbie Street. I saw him and he gave me some cigars.

(Objected to ~~xx~~ by Mr. Livingston as irrelevant)

Witness: He asked me if I knew-----

(Objected to by Mr. Livingston)

Court: The Chief can say what this man did to him or offered to him. Anything that happened to the chief can be given.



2.

Mr. Livingston: Of course if your Wership is going to rule that--
Court: Not that he is quite right to say anything what this man told him, but if some person handed him something he has a right to give that evidence.

Mr. Livingston: It is subject to my objection anyway.

Mr. McQuarrie: As a result of information you received did you afterwards have some dealings, or some conversation with Ah Yee?

A: Yes, as a result of the interview I had with Hee Chung, he was -- Ah Yee was sent to me.

(Objected to by Mr. Livingston)

8. (Mr. McQuarrie) Q: As a result----A: I had arranged----

9. Q: When was this you saw Hee Chung ? A: I first saw him about the 10th of 15th of February.

10. Q: And what happened then? A: He gave me an envelope containing \$15.

(Objected to by Mr. Livingston)

Mr. McQuarrie: The prisoner, here---- the accused? A: Ah Yee.

11. Q: What was the first time you saw him? A: The first time I Had any conversation with him in regard to gambling was on-----

(At this state at the request of Mr. Livingston all witnesses ordered to withdraw)

Mr. McQuarrie :Q: When did you first have a conversation with Ah Yee? A: March the 3rd.

12: Q: What was that conversation? What occurred? A: He came to my office, and I had the Chief of the fire brigade in the adjoining room where he could see and hear all that took place. Ah Yee says to me "That was my gambling house you pulled a short time ago." I says "Yes" and he says "Well I am not making much money how; I don't want you to do me harm," and spoke in that line for a little while. I told him I did not want to do him harm; he then gave me \$15. saying he would pay that amount every month, provided I would not pull his house. If I would pull his house, to notify him so that

he could close down for two or three days. He said that if he would not himself pay me the money, Hee Chung would pay ^{me} the money; he said Hee Chung would act as his agent to give me the money.

13. Q: What else occurred? A: I took the \$15.

14. Q: He gave you the \$15? A: He gave me the \$15. which I produce. (Poduces 3 \$5. Bank of Montreal bills numbered respectively 255, 681, 299, 844 and 44,127. Marked Exhibits A. B. and C.)

15: Q: Did anything else occur? A: He told me that he was the owner of this gambling house on McInnes Street.

16: Q: And the conditions on which that money was given to you?

A: It was to be paid to me every month on condition that I would not raid the house; if I did raid the house I would notify Hee Chung so that the place could be closed up for two or three days.

Cross-Exam. by Mr. Livingston.

17: Q: Did you know Ah Yee in Vancouver, Mr. McIntosh?

A: I knew him by sight.

18: Q: You did not know him very well: A: I never spoke to him that I remember of.

19: Q: There was nothing in your conduct when you were on the force in Vancouver which would lead Ah Yee to think you would accept a bribe? A: I don't think so.

20: Q: You are sure of it, aren't you? I am. A: I don't know what he was thinking.

21: Q: Was there anything in your conduct while you were on the force in Vancouver which would lead Ah Yee or anyone else to think you would accept a bribe? A: Not as far as I know.

22: Q: I could do better than that myself if I were asked that question. A: Well, I can't tell what the man was thinking. As far as I know I did nothing which would convey the impression to him that I would accept a bribe.

23: Q: From anyone? A: No.



4.

24. Q: You were always known on the force at Vancouver as far as I know as a perfectly honourable officer, is not that so?

A: You are asking me what other people think.

25. Q: What your general reputation was? A: Well, I don't suppose I ever heard my reputation expressed by other people.

26. Q: Did you ever hear anything to the contrary? Did anything ever arise in Vancouver during your incumbency in office there which would lead anyone to expect you would take a bribe? A: No.

27. Q: You were expecting Ah Yee that night? A: I was.

28. Q: You were expecting that he would come there and offer you money? A: I was.

29. Q: Hee Chung you say----- I an cross-examining subject to my objection--- Hee Chung you say offered you \$15. and you declined to take it? ~~XX~~ A: He handed the money to me.

30. Q: That is right? A: Yes.

31. Q: And you declined to take it? A: Yes.

32. Q: Hee Chung after that left you to send word to Ah Yee?
A: No, wanted me to send word.

33. Q: No, after leaving he was intending to send word to Ah Yee to come over? A: After seeing me, yes.

34. Q: When he left you he left intending to send word to Ah Yee to come over? A: No, I left him--- it was in his shop this affair occurred.

35. Q: After you parted? A: Yes.

36. Q: So that as a result of your conversation with Hee Chung, or his conversation with you or of a conversation between you, he left under the impression that he was going to send for Ah Yee to come over and see you and offer you money? Is not that all right?

A: He said nothing about Ah Yee offering me money; I had been offered money by Hee Chung, who said it was sent by Ah Yee.

37. Q: No, now don't say that, I did not ask you that and that is clearly bad. I do not want you to volunteer statements but to answer my questions. Of course that is not binding on my client in



5.

any event and your Worship is not a Jury, but (to witness): Hee Chung when he left that conference intended to your knowledge to send over for Ah Yee to come and see you? A: Yes.

38. Q: And you were expecting AH Yee? You have already said, was going to offer you money? A: Yes, that was the idea I had.

39. Q: Yes, so that as a result of the conversation between you and Hee Chung, both you and Hee Chung were under the impression apparently that Ah Yee would come over or was to be sent over to offer you money? A: I did not tell Hee Chung to send for him to send for Ah Yee.

40. Q: I was not asking you that? A: What did you ask?

41. Q: I ask you if it is not a fair statement that from the result of your conversation with Hee Chung, or his conversation with you that Hee Chung left you to tell Ah Yee to come over to offer you money? A: Hee Chung told me that Ah Yee was coming over, so I believed he was going to come.

42. Q: That is the way you change it? A: I don't change it at all; that is what I said in the first place.

43. Q: So that Hee Chung told you on that occasion--- this was in his tailor ~~shop~~ store? A: Yes.

44. Q: There were others there besides Hee Chung ? A: No there were not.

45. Q: I understood there were four there? Might have been in the back shop but not within hearing.

46. Q: The door was open? A: No.

47. Q: Oh yes. A: Well if you were there-----

48. Q: No. You say that Hee Chung told you on that occasion that Ah Yee was coming over? A: Yes.

49. Q: So he did not require to send for Ah Yee at all?

A: Yes--- if you will allow me to explain I will tell you how that was: He told me that Ah Yee was coming over here to see me and he wanted to know what time would be most suitable for me to see him~~??~~.



6.

50. Q: This was on the first occasion it was mentioned Ah Yee would be sent for? A: Yes, I mentioned ~~you~~ 7 o'clock as a suitable hour, but afterwards, after seeing Chief Watson I found out that he was engaged at that hour, so I called at Hee Chung's store three different times before I could find him in. The last time I passed there his man came out and called me in and said Hee Chung was in. So his man went to the back of the shop and Hee Chung and I spoke at the front door and he had closed the door leading to the back of the shop, and I told him then I could not be here at 7 o'clock and I mentioned ⁹ as the hour at which I could meet Ah Yee. He said "All right, I will telephone to Ah Yee to come", and Ah Yee came at 9 o'clock.

51. Q: So if Hee Chung says that when you came to him he said he did not understand English very much but would send for Ah Yee and he would talk to you, that is not true? A: It is not true, for I believe he ~~is~~ better at English than Ah Yee, ~~xxxxxxxxxxxx~~

52. Q: And if he gave you any reason for sending for Ah Yee it is not true? A: In what way do you mean?

53. Q: If he gave you any other reason of any kind for sending for Ah Yee, that is not true? A: I told him I did not want to deal with him down there, if he wanted to speak to me to come to the office----- I told Hee Chung. He told me then he would send for the boss himself.

54. Q: Yes, that is the idea. Now why did you say a few moments ago he said Ah Yee was coming over? A: Well, he told me he was coming over.

55. Q: Then why did he say he was going to send for him?
A: Because he wanted to know what hour I could meet him.

56. Q: So it was to send for him at a certain hour, and that is the distinction? A: Yes, that is the distinction without a difference.

~~57. Q: If it is a distinction you are making, I don't think there is~~



7.

57. Q: It is a distinction you are making, I don't think there is much difference myself. So that he told you that he would send for AH Yee? A: Yes.
58. Q: That is right? A: Yes, to come to meet me at the hour I appointed.
59. Q: And you say that he before that said AH Yee was coming over to Westminster? A: Yes.
60. Q: Did he say AH Yee was going over to Westminster to see you? A: To see me.
61. Q: This was not on the day on which he offered you the money first? A: No, it was about two weeks afterwards.
62. Q: And when you went down there that time did he offer you some cigars? A: He did.
63. Q: A box of cigars? A: Yes.
64. Q: And any money? A: \$15.
65. Q: That was the first time? A: The first time.
66. Q: What became of the cigars? A: They are smoked by this time I guess; I believe you had one of them yourself.
67. Q: How was that? A: The last time you were over here you were with Mr. Kappelle, either you or Mr. Kappelle.
68. Q: Well I did not smoke them. I never smoke cigars got in that way. I will have to see Mr. Kappelle about this. You took the cigars? A: I ~~xxx~~ did.
69. Q: From Hee Chung. And your relationship with him was apparently very friendly? A: The first time I met him.
70. Q: You did not say anything to him that he should not have bribed you. A: He did not offer them as a bribe.
71. Q: The \$15? A: I mean the cigars. He said the cigars were from him and he said the money was from Ah Yee.
72. Q: I am not asking about money, in the meantime I am saying you did not tell him he should not offer you money? A: I told him I would not take it.



8.

73. Q: But you did not tell him he should not offer it?

A: No I did not; I guess he probably knew that without me telling him.

74. Q: That he should not offer it? A: Yes.

75. Q: If you would not accept money from Hee Chung, how did he get under the impression you might accept it from AH Yee?

A: Well, from subsequent conversation.

76. Q: With you? A: Yes.

77. Q: And was that conversation on the day on which AH Yee came over? A: No.

78. Q: That was before that? A: Yes, the day previous; well, within a day or so; I believe it was the day previous.

79. Q: I am not tying you down to a day, Chief, - it was a day previous to that? A: Yes.

80. Q: +---- to the day on which AH Yee came over? A: It was the day on which he said he wanted to arrange for AH Yee to meet me and I think that was the day previous to AH Yee coming over.

81. Q: And that was the day on which he gathered from you that you would be willing to treat with AH Yee if Ah Yee came over?

A: I did not lead him to believe I would treat with him at all.

82. Q: You said he gathered the impression you were willing to accept money from AH Yee from conversation with Hee Chung, is that right? A: As far as I know he made no mention to me about Ah Yee giving me money.

83. Q: (Question repeated) Is that true? A: Well if he had that impression he might have had it from my consenting to meet AH Yee.

84. Q: Is it true from subsequent conversation he gathered the impression you were willing to treat with him? A: I am stating the truth as far as I know.



85. Q: And you think if he got that impression it was from subsequent conversation with you? A: If he got that impression.

86. Q: (Questions 75 and 76 and answers thereto repeated as follows:- "If you would not accept money from Hee Chung, how did he get under the impression you might accept it from AH Yee?

A: Well from subsequent conversation . Q: With you? A: Yes.") (To Witness) Is that ~~xxxx~~ true? A: It is true as far as I know, if, that is, provided he had that impression.

87. Q: Well, I say if he got that impression it was from subsequent conversation with you? A: But I did not tell him at that time I would accept it.

88. Q: You say if he got it it is true he got it from subsequent conversation with you? A: Well, I am telling you all that occurred.

89. Q: You have already said that there was nothing in your conduct in Vancouver to lead Ah Yee or anyone else to believe you would accept a bribe? A: No.

90. Q: And you did not know AH Yee personally except to see him?

A: I knew him to see him.

91. Q: So that there was nothing anyway that you know of by which Ah Yee could have come under the impression that you would accept a bribe from Ah Yee, except through Hee Chugg? Isn't that right?

A: If you will allow me to explain-----

92. Q: Is that right? A: Yes,-- if you will allow me to explain I will give you my reasons why. You wanted my reasons and I am going to give them: I refuse to deal with him and when I consented to talk to Ah Yee he evidently then was under the impression I would receive money from Ah Yee.

93. Q: That is right? A: If you would have let me go ahead I would have told it long ago.

94. Q: So as far as Hee Chung is concerned, he did gather during his conversation with you, you would be willing to treat --- to negotiate with Ah Yee? A: I don't know what he gathered.



10.

95. Q: He sent for AH Yee in pursuance of your conversation?

A: Yes.

96. Q: And there was no other way he could find ^{it} out? Did he ask anybody else in town--- the chief of the Fire Department?

A: No, not that I know of.

97. Q: And there was no one whom you told that except Hee Chung?

A: Yes there was.

98. Q: There were others who could have told Hee Chung?

A: They could if they wished to.

99. Q: Who? A: The Mayor for one, and some of the Police Commissioners.

100. Q: You are not trying to make us believe that any one of them did tell that? A: No, I am not trying to give you that impression at all.

101. Q: It was really at the instance of the Commissioners, I am told by my instructions, that this plan was laid to get Ah Yee to give you money, wasn't it? You were acting under instructions in doing it? A: Not in regard to the plan altogether.

2. Q: But in regard to the main body of the fact it was required to get some evidence from somebody? A: No, I reported to the Commissioners--- to the Mayor, I had been offered money, and they told me if I was offered money again to try and ~~have~~ have a witness there.

3. Q: And you thought it would be better as far as you were concerned to have Ah Yee do the offering than have Hee Chung, is that right? A: Well it is better to get it from headquarters.

4. Q: So far as you were concerned you then directed your efforts towards getting Ah Yee to do it? A: I did not care which of them came forward.

5. Q: No, as long as one of them did? A: Yes.

6. Q: But such effort as you put forth from that time was put forth in order to get Ah Yee to do it instead of Hee Chung?



11.

A: No, I would have been just as willing for Hee Chung to come forward and give me money instead of Ah Yee, but he was too foxy, he didn't want to come to the station and talk the matter over at all.

107. Q: Now your real object I am instructed in getting Ah Yee to do this was in order to obtain information, was it not, as to what had been going on here in Westminster? A: I did not get Ah Yee to do it; he did it voluntarily. I have not asked him to do it.

8. Q: But in order to have this done by Ah Yee or Hee Chung your real object was to acquire information as to what had been going on here? A: You were under the impression that bribery had been going on? A: It was told me by certain Chinamen that bribery had been going on.

9. Q: You had information to that effect? A: Yes.

10. Q: Those are my instructions, Chief, I don't want to use any conversation we had but those were my instructions before I came over. And you thought that if this plan carried successfully and someone was laid open to prosecution you would get that information--- that is right? A: I was instructed by certain parties that Chinese were trying to trap me, to get me to take money and get me in trouble over it, and that there were certain parties who might be interested in getting me in trouble, and I wished to catch them in their own trap.

11. Q: Well there was no suggestion that Hee Chung offered you that money to trap you, because nobody was there? A: No, I don't think Hee Chung was trying to trap me---- Ah Yee, I mean to say.

12. Q: Hee Chung? A: Well I don't know about him; I was under the impression first that he was.

13. Q: Although you were alone with him when he offered you money?
A: Yes.

14. Q: You thought the bills were marked? A: I did not know

what might happen; it would not be necessary for the bills to be marked. If I took money from him he might spread it all around and say I was accepting bribes from him.

115. Q: Your idea was simply to trap the Chinese but not to get any information? A: I wanted to get information and to catch whoever he sent around in their own trap. I was informed by Chinese that certain other Chinese were trying to trap me.

16. Q: Trying to trap you? A: Yes.

17. Q: Hee Chung, as far as you know, brought Ah Yee up to the station? A: Yes, they came together; Hee Chung went out then and left Ah Yee with me.

18. Q: And if you could get either Hee Chung or Ah Yee to offer you a bribe/ then you would be able to expose them by this plan of having the Fire Chief there and show up this whole thing and practically stop it? That is your idea fairly stated? A: My idea was I could have the whole of them if they wished to trap me.

19. Q: An also you wanted to stop bribery in Westminster, is not that right? A: I did not care who else they bribed; I didn't want them coming around and bothering me.

20. Q: Ah well, you are Chief of Police. You do care who else they bribe. A: Well it did not make so much difference as when it came to trying to trap myself.

21. Q: I should think as a law officer of the City you would not want to encourage bribery? A: There are a number of people listening to you now. A: I am not trying to encourage them.

22. Q: Your idea was if you could get either of these men to offer you a bribe, where you could prove it was done, you could expose them and stamp bribery out--- that was your idea? A: Partly.

23. Q: That was your idea really? A: Yes.

24. Q: Ah Yee, when he came over and came to your office, did not hesitate at all about offering you the money? He did not even



ask you, as I understand from your evidence, whether you would accept it, he just handed it to you and said he was your very good friend? A: He did not hand it to me at once. He first told me that was his house down there and he did not wish to be interfered with down there; afterwards he came to handing the money.

125. Q: But he never asked you if you would take it? A: I can't recollect whether he did or not.

126. Q: You gave your story? A: Yes, but hold on--- I don't think he asked me whether I would take it or not.

127. Q: When he promised you a further sum of \$15. a month--?
A: Yes.

128. Q: What did he say about that? A: He said that if he would not come to pay it himself his friend, Hee Chung would pay it.

129. Q: That is right, that is what he said? A: That is what he said.

~~20xxxx~~: J. H. Watson, called and sworn. Exam. by
Mr. McQuarrie.

130. Q: What is your name? A: J. H. Watson.

31. Q: You are Chief of the Fire Department here I believe?
A: Yes sir.

32. Q: Do you remember the evening of the 3rd of March last?
A: Yes sir.

33. Q: And do you know the accused here, Ah Yee? A: Yes sir.

34. Q: You might just tell us what occurred, what you know of anything that occurred between Ah Yee and the Chief of Police?

A: On March the 3rd, shortly before 9 ~~o'clock~~ o'clock in the evening, by request of Chief McIntosh I went into the police station and about nine or a few minutes after Ah Yee came in and started to talk to the Chief about his gambling house and had a little conversation and then the chief got him to draw a plan on the desk there, where it was situated, and after they had got it

located he gave the Chief \$15. for letting him run gambling in the house.

135. Q: Where were you? A: I was in the adjoining room, off the office.

36. Q: What is that room like? A: It is used for the Gaoler's bed-room.

37. Q: And waht are the facilities for seeing and hearing what occurred in the other room? A: Oh I was not but a few feet, from I should judge about 6 feet probably or thereabouts.

38. Q: So that you would have no trouble--? A: No, at times I did not hear all that was going on--- whispering sometimes, but I heard distinctly what I said.

Cross-Exam? by Mr. Livingston.

39. Q: How do you know it was \$15.? A: I seen him take it out, count it, counted it and put it on the desk.

40. Q: You could see the money? A: I could see the money.

41. Q: Could you see the denomination? A: No sir, I saw it was \$5. bills.

42. Q: That is the denomination. You could see it was \$5. bills?

A: Yes; I don't know what Bank, but I could see it was \$5. bills.

43. Q: And the light was out in your room? A: Yes.

44. Q: And burning in the Chief's? A: Yes sir.

45. Q: How did they speak? A: Oh sometimes whispered, other times a little louder.

46. Q: B ut there is no doubt that you heard all you say you heard? A: Yes, I heard it all.

47. Q: Have you discussed this with Chief McIntosh since?

A: No sir.

48. Q: As to what to say? A: No sir.

49. Q: Never gone over it at all? A: No sir.



15.

150. Q: So what you did say was purely from your recollection?

A: Yes; there was other talk that I didn't hear.

51. Q: But you heard that part of it? A: Yes.

Mr. McQuarrie: That is our case for Worship.

(Mr. Livingston states that he is not offering any evidence and submits that no case has been made out)

(The accused having been duly cautioned states through his Counsel that he has nothing to say. Committed for trial at the next Court of competent jurisdiction).

Concluded.

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

F. Evans"

Official Stenographer.

STATEMENT OF THE ACCUSED.

I have nothing to say.

Ah Yee.

Taken before me at New Westminster, the day and year first above mentioned.

"Gordon E. Corbould".

Police Magistrate.



1905.

New Westminster
Spring Assize.

204

05

Rey v. Ah Yee.
(Bribery)

rec 132
" 196



Brief for Crown.

Dr. W. C. C. —
Sentence suspended
May 2, 05. H. A. A.





I N D E X.

Case for the Prosecution.

J. W. McIntosh.....	Direct.....	1.
	Cross-exam.....	3.
J. H. Watson.....	Direct.....	13.
	Cross-exam.....	14.

INFORMATION and / COMPLAINT for an INDICTABLE OFFENSE.

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

THE INFORMATION and Complaint of J. W. McIntosh of New Westminster, taken this 6th day of March in the year of Our Lord One Thousand nine Hundred and five, before the undersigned, GORDON CORBOULD, ESQUIRE, Police Magistrate, and one of His Majesty's Justices of the Peace, within and for the said City of New Westminster, who saith that AH YEE, on the 3rd day of March A. D., 1905, at the said City of New Westminster, unlawfully and corruptly did give to the said J. W. McIntosh a Peace officer employed for the preservation and maintenance of the public peace, a bribe of money, with intent to protect from detection and punishment the keeper and frequenters of a certain common gaming-house situate on McInnes Street, and owned by the said AH. YEE, contrary to the form of the Statute in such case made and provided.

"J. W. McIntosh".

SWORN before me, the day and year first above mentioned, at New Westminster aforesaid.

"Gorden E. Corbould".

Police Magistrate in and for
the City of New Westminster.



Depositions of Witnesses.

J. W. McINTOSH, Called and sworn. Exam. by Mr. McQuarrie.

Mr. Livingston asks that it be noted that two separate offenses are named in the information.

(No amendment asked for)

1. Q. Mr. McQuarrie? What is your name? A. J. W. McIntosh.

2. Q. What position do you occupy? A. I am chief of police of New Westminster.

3. Q. You know the defendant here? A. I do.

4. Q: You might just tell us what dealings you have had with him in reference to this? A: About the 10th- between the 10th- and the 15th of February last I was told by a watchman at the C. P. R.--

(Objected to as hearsay)

Witness: From information I received I was informed that Hee Chung wished to see me.

Court: From information you received you understood this man wanted to see you? A. Not this man.

5. Q. Well whatever man it ~~was~~ is?

Mr. McQuarrie: Whos is Hee Chung? A: A tailor in this City--- a Chinese tailor.

6. Q: Tell us what occurred. A: I did not go at the time as he knew where to find me if he wished to see me. Later on about two days afterwards, I was passing there and saw him.

7. Q: That is passing----A: Hee Chung's tailor shop on Begbie Street. I saw him and he gave me some cigars.

(Objected to ~~xx~~ by Mr. Livingston as irrelevant)

Witness: He asked me if I knew-----

(Objected to by Mr. Livingston)

Court: The Chief can say what this man did to him or offered to him. Anything that happened to the chief can be given.

Mr. Livingston: Of course if your Worship is going to rule that--
 Court: Not that he is quite right to say anything what this man told him, but if some person handed him something he has a right to give that evidence.

Mr. Livingston: It is subject to my objection anyway.

Mr. McQuarrie: As a result of information you received did you afterwards have some dealings, or some conversation with Ah Yee?

A: Yes, as a result of the interview I had with Hee Chung, he was -- Ah Yee was sent to me.

(Objected to by Mr. Livingston)

8. (Mr. McQuarrie) Q: As a result----A: I had arranged----

9. Q: When was this you saw Hee Chung? A: I first saw him about the 10th of 15th of February.

10. Q: And what happened then? A: He gave me an envelope containing \$15.

(Objected to by Mr. Livingston)

Mr. McQuarrie: The prisoner, here---- the accused? A: Ah Yee.

11. Q: What was the first time you saw him? A: The first time I had any conversation with him in regard to gambling was on-----

(At this state at the request of Mr. Livingston all witnesses ordered to withdraw)

Mr. McQuarrie :Q: , When did you first have a conversation with Ah yee? A: March the 3rd.

12: Q: What was that conversation? What occurred? A: He came to my office, and I had the Chief of the fire brigade in the adjoining room where he could see and hear all that took place. Ah Yee says to me "That was my gambling house you pulled a short time ago." I says "Yes" and he says "Well I am not making much money how; I don't want you to do me harm," and spoke in that line for a little while. I told him I did not want to do him harm; he then gave me \$15. saying he would pay that amount every month, provided I would not pull his house. If I would pull his house, to notify him so that



3.

he could close down for two or three days. He said that if he would not himself pay me the money, Hee Chung would pay^{me} the money; he said Hee Chung would act as his agent to give me the money.

13. Q: What else occurred? A: I took the \$15.

14. Q: He gave you the \$15? A: He gave me the \$15. which I produce. (Produces 3 \$5. Bank of Montreal bills numbered respectively 255, 681, 299, 844 and 44,127. Marked Exhibits A. B. and C.)

15: Q: Did anything else occur? A: He told me that he was the owner of this gambling house on McInnes Street.

16: Q: And the conditions on which that money was given to you?

A: It was to be paid to me every month on condition that I would not raid the house; if I did raid the house I would notify Hee Chung so that the place could be closed up for two or three days.

Cross-Exam. by Mr. Livingston.

17: Q: Did you know Ah Yee in Vancouver, Mr? McIntosh?

A: I knew him by sight.

18: Q: You did not know him very well: A: I never spoke to him that I remember of.

19: Q: There was nothing in your conduct when you were on the force in Vancouver which would lead Ah Yee to think you would accept a bribe? A: I don't think so.

20: Q: You are sure of it, aren't you? I am. A: I don't know what he was thinking.

21: Q: Was there anything in your conduct while you were on the force in Vancouver which would lead Ah Yee or anyone else to think you would accept a bribe? A: Not as far as I know.

22: Q: I could do better than that myself if I were asked that question. A: Well, I can't tell what the man was thinking. As far as I know I did nothing which would convey the impression to him that I would accept a bribe.

23: Q: From anyone? A: No.



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24. Q: You were always known on the force at Vancouver as far as I know as a perfectly honourable officer, is not that so?

A: You are asking me what other people think.

25. Q: What your general reputation was? A: Well, I don't suppose I ever heard my reputation expressed by other people.

26. Q: Did you ever hear anything to the contrary? Did anything ever arise in Vancouver during your incumbency in office there which would lead anyone to expect you would take a bribe? A: No.

27. Q: You were expecting Ah Yee that night? A: I was.

28. Q: You were expecting that he would come there and offer you money? A: I was.

29. Q: Hee Chung you say----- I am cross-examining subject to my objection--- Hee Chung you say offered you \$15. and you declined to take it? XX A: He handed the money to me.

30. Q: That is right? A: Yes.

31. Q: And you declined to take it? A: Yes.

32. Q: Hee Chung after that left you to send word to Ah Yee?

A: No, wanted me to send word.

33. Q: No, after leaving he was intending to send word to Ah Yee to come over? A: After seeing me, yes.

34. Q: When he left you he left intending to send word to Ah Yee to come over? A: No, I left him--- it was in his shop this affair occurred.

35. Q: After you parted? A: Yes.

36. Q: So that as a result of your conversation with Hee Chung, or his conversation with you or of a conversation between you, he left under the impression that he was going to send for Ah Yee to come over and see you and offer you money? Is not that all right?

A: He said nothing about Ah Yee offering me money; I had been offered money by Hee Chung, who said it was sent by Ah Yee.

37. Q: No, now don't say that, I did not ask you that and that is clearly bad. I do not want you to volunteer statements but to answer my questions. Of course that is not binding on my client in

any event and your Worship is not a Jury, but (to witness): Hee Chung when he left that conference intended to your knowledge to send over for Ah Yee to come and see you? A: Yes.

38. Q: And you were expecting AH Yee? You have already said, was going to offer you money? A: Yes, that was the idea I had.

39. Q: Yes, so that as a result of the conversation between you and Hee Chung, both you and Hee Chung were under the impression apparently that Ah Yee would come over or was to be sent over to offer you money? A: I did not tell Hee Chung to send for him to send for Ah Yee.

40. Q: I was not asking you that? A: What did you ask?

41. Q: I ask you if it is not a fair statement that from the result of your conversation with Hee Chung, or his conversation with you that Hee Chung left you to tell Ah Yee to come over to offer you money? A: Hee Chung told me that Ah Yee was coming over, so I believed he was going to come.

42. Q: That is the way you change it? A: I don't change it at all; that is what I said in the first place.

43. Q: So that Hee Chung told you on that occasion--- this was in his tailor shop store? A: Yes.

44. Q: There were others there besides Hee Chung? A: No there were not.

45. Q: I understood there were four there? Might have been in the back shop but not within hearing.

46. Q: The door was open? A: No.

47. Q: Oh yes. A: Well if you were there-----

48. Q: No. You say that Hee Chung told you on that occasion that Ah Yee was coming over? A: Yes.

49. Q: So he did not require to send for Ah Yee at all?

A: Yes--- if you will allow me to explain I will tell you how that was: He told me that Ah Yee was coming over here to see me and he wanted to know what time would be most suitable for me to see him.



50. Q: This was on the first occasion it was mentioned Ah Yee would be sent for? A: Yes, I mentioned ~~xxx~~ 7 o'clock as a suitable hour, but afterwards, after seeing Chief Watson I found out that he was engaged at that hour, so I called at Hee Chung's store three different times before I could find him in. The last time I passed there his man came out and called me in and said Hee Chung was in. So his man went to the back of the shop and Hee Chung and I spoke at the front door and he had closed the door leading to the back of the shop, and I told him then I could not be here at 7 o'clock and I mentioned ⁹ as the hour at which I could meet Ah Yee. He said "All right, I will telephone to Ah Yee to come", and Ah Yee came at 9 o'clock.

51. Q: So if Hee Chung says that when you came to him he said he did not understand English very much but would send for Ah Yee and he would talk to you, that is not true? A: It is not true, for I believe he is better at English than Ah Yee, ~~xxxxxxxxxxxx~~

52. Q: And if he gave you any reason for sending for Ah Yee it is not true? A: In what way do you mean?

53. Q: If he gave you any other reason of any kind for sending for Ah Yee, that is not true? A: I told him I did not want to deal with him down there, if he wanted to speak to me to come to the office----- I told Hee Chung. He told me then he would send for the boss himself.

54. Q: Yes, that is the idea. Now why did you say a few moments ago he said Ah Yee was coming over? A: Well, he told me he was coming over.

55. Q: Then why did he say he was going to send for him?
A: Because he wanted to know what hour I could meet him.

56. Q: So it was to send for him at a certain hour, and that is the distinction? A: Yes, that is the distinction without a difference.

~~xxxxx@iffaitnaa a distinction you are making. Ixxxxkxhinkxthaxxis~~



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57. Q: It is a distinction you are making, I don't think there is much difference myself. So that he told you that he would send for AH Yee? A: Yes.
58. Q: That is right? A: Yes, to come to meet me at the hour I appointed.
59. Q: And you say that he before that said AH Yee was coming over to Westminster? A: Yes.
60. Q: Did he say AH Yee was going over to Westminster to see you? A: To see me.
61. Q: This was not on the day on which he offered you the money first? A: No, it was about two weeks afterwards.
62. Q: And when you went down there that time did he offer you some cigars? A: He did.
63. Q: A box of cigars? A: Yes.
64. Q: And any money? A: \$15.
65. Q: That was the first time? A: The first time.
66. Q: What became of the cigars? A: They are smoked by this time I guess; I believe you had one of them yourself.
67. Q: How was that? A: The last time you were over here you were with Mr. Kappeler, either you or Mr. Kappeler.
68. Q: Well I did not smoke them. I never smoke cigars got in that way. I will have to see Mr. Kappeler about this. You took the cigars? A: I ~~did~~ did.
69. Q: From Hee Chung. An your relationship with him was apparently very friendly? A: The first time I met him.
70. Q: You did not say anything to him that he should not have bribed you. A: He did not offer them as a bribe.
71. Q: The \$15? A: I mean the cigars. He said the cigars were from him and he said the money was from Ah Yee.
72. Q: I am not asking about money, in the meantime I am saying you did not tell him he should not offer you money? A: I told him I would not take it.



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73. Q: But you did not tell him he should not offer it?

A: No I did not; I guess he probably knew that without me telling him.

74. Q: That he should not offer it? A: Yes.

75. Q: If you would not accept money from Hee Chung, how did he get under the impression you might accept it from AH Mee?

A: Well, from subsequent conversation.

76. Q: With you? A: Yes.

77. Q: And was that conversation on the day on which AH Yee came over? A: No.

78. Q: That was before that? A: Yes, the day previous; well, within a day or so; I believe it was the day previous.

79. Q: I am not tying you down to a day, Chief, - it was a day previous to that? A: Yes.

80. Q: +---- to the day on which AH Yee came over? A: It was the day on which he said he wanted to arrange for AH Yee to meet me and I think that was the day previous to AH Yee coming over.

81. Q: And that was the day on which he gathered from you that you would be willing to treat with AH Yee if Ah Yee came over?

A: I did not lead him to believe I would treat with him at all.

82. Q: You said he gathered the impression you were willing to accept money from AH Yee from conversation with Hee Chung, is that right? A: As far as I know he made no mention to me about Ah Yee giving me money.

83. Q: (Question repeated) Is that true? A: Well if he had that impression he might have had it from my consenting to meet AH Yee.

84. Q: Is it true from subsequent conversation he gathered the impression you were willing to treat with him? A: I am stating the truth as far as I know.

85. Q: And you think if he got that impression it was from subsequent conversation with you? A: If he got that impression.

86. Q: (Questions 75 and 76 and answers thereto repeated as follows:- "If you would not accept money from Hee Chung, how did he get under the impression you might accept it from AH Yee?

A: Well from subsequent conversation . Q: With you? A: Yes.") (To Witness) Is that ~~xxxx~~ true? A: It is true as far as I know, if, that is, provided he had that impression.

87. Q: Well, I say if he got that impression it was from subsequent conversation with you? A: But I did not tell him at that time I would accept it.

88. Q: You say if he got it it is true he got it from subsequent conversation with you? A: Well, I am telling you all that occurred.

89. Q: You have already said that there was nothing in your conduct in Vancouver to lead Ah Yee or anyone else to believe you would accept a bribe? A: No.

90. Q: And you did not know AH Yee personally except to see him?

A: I knew him to see him.

91. Q: So that there was nothing anyway that you know of by which Ah Yee could have come under the impression that you would accept a bribe from Ah Yee, except through Hee Chugg? Isn't that right?

A: If you will allow me to explain-----

92. Q: Is that right? A: Yes,-- if you will allow me to explain I will give you my reasons why. You wanted my reasons and I am going to give them: I refuse to deal with him and when I consented to talk to Ah Yee he evidently then was under the impression I would receive money from Ah Yee.

93. Q: That is right? A: If you would have let me go ahead I would have told it long ago.

94. Q: So as far as Hee Chung is concerned, he did gather during his conversation with you, you would be willing to treat --- to negotiate with Ah Yee? A: I don't know what he gathered.



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95. Q: He sent for AH Yee in pursuance of your conversation?

A: Yes.

96. Q: And there was no other way he could find ^{it} out? Did he ask anybody else in town--- the chief of the Fire Department?

A: No, not that I know of.

97. Q: And there was no one whom you told that except Hee Chung?

A: Yes there was.

98. Q: There were others who could have told Hee Chung?

A: They could if they wished to.

99. Q: Who? A: The Mayor for one, and some of the Police Commissioners.

100. Q: You are not trying to make us believe that any one of them did tell that? A: No, I am not trying to give you that impression at all.

101. Q: It was really at the instance of the Commissioners, I am told by my instructions, that this plan was laid to get Ah Yee to give you money, wasn't it? You were acting under instructions in doing it? A: Not in regard to the plan altogether.

2. Q: But in regard to the main body of the fact it was required to get some evidence from somebody? A: No, I reported to the Commissioners--- to the Mayor, I had been offered money, and they told me if I was offered money again to try and gave a witness there.

3. Q: And you thought it would be better as far as you were concerned to have Ah Yee do the offering than have Hee Chung, is that right? A: Well it is better to get it from headquarters.

4. Q: So far as you were concerned you then directed your efforts towards getting Ah Yee to do it? A: I did not care which of them came forward.

5. Q: No, as long as one of them did? A: Yes.

6. Q: But such effort as you put forth from that time was put forth in order to get Ah Yee to do it instead of Hee Chung?



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A: No, I would have been just as willing for Hee Chung to come forward and give me money instead of Ah Yee, but he was too foxy, he didn't want to come to the station and talk the matter over at all.

107. Q: Now your real object I am instructed in getting Ah Yee to do this was in order to obtain information, was it not, as to what had been going on here in Westminster? A: I did not get Ah Yee to do it; he did it voluntarily. I have not asked him to do it.

8. Q: But in order to have this done by Ah Yee or Hee Chung your real object was to acquire information as to what had been going on here? A: You were under the impression that bribery had been going on? A: It was told me by certain Chinamen that bribery had been going on.

9. Q: You had information to that effect? A: Yes.

10. Q: Those are my instructions, Chief, I don't want to use any conversation we had but those were my instructions before I came over. And you thought that if this plan carried successfully and someone was laid open to prosecution you would get that information--- that is right? A: I was instructed by certain parties that Chinese were trying to trap me, to get me to take money and get me in trouble over it, and that there were certain parties who might be interested in getting me in trouble, and I wished to catch them in their own trap.

11. Q: Well there was no suggestion that Hee Chung offered you that money to trap you, because nobody was there? A: No, I don't think Hee Chung was trying to trap me---- Ah Yee, I mean to say.

12. Q: Hee Chung? A: Well I don't know about him; I was under the impression first that he was.

13. Q: Although you were alone with him when he offered you money?
A: Yes.

14. Q: You thought the bills were marked? A: I did not know



12.

what might happen; it would not be necessary for the bills to be marked. If I took money from him he might spread it all around and say I was accepting bribes from him.

115. Q: Your idea was simply to trap the Chinese but not to get any information? A: I wanted to get information and to catch whoever he sent around in their own trap. I was informed by Chinese that certain other Chinese were trying to trap me.

16. Q: Trying to trap you? A: Yes.

17. Q: Hee Chung, as far as you know, brought Ah Yee up to the station? A: Yes, they came together; Hee Chung went out then and left Ah Yee with me.

18. Q: And if you could get either Hee Chung or Ah Yee to offer you a bribe/ then you would be able to expose them by this plan of having the Fire Chief there and show up this whole thing and practically stop it? That is your idea fairly stated? A: My idea was I could have the whole of them if they wished to trap me.

19. Q: An also you wanted to stop bribery in Westminster, is not that right? A: I did not care who else they bribed; I didn't want them coming around and bothering me.

20. Q: Oh well, you are Chief of Police. You do care who else they bribe. A: Well it did not make so much difference as when it came to trying to trap myself.

21. Q: I should think as a law officer of the City you would not want to encourage bribery? A: There are a number of people listening to you now. A: I am not trying to encourage them.

22. Q: Your idea was if you could get either of these men to offer you a bribe, where you could prove it was done, you could expose them and stamp bribery out--- that was your idea? A: Partly.

23. Q: That was your idea really? A: Yes.

24. Q: Ah Yee, when he came over and came to your office, did not hesitate at all about offering you the money? He did not even



ask you, as I understand from your evidence, whether you would accept it, he just handed it to you and said he was your very good friend? A: He did not hand it to me at once. He first told me that was his house down there and he did not wish to be interfered with down there; afterwards he came to handing the money.

125. Q: But he never asked you if you would take it? A: I can't recollect whether he did or not.

126. Q: You gave your story? A: Yes, but hold on--- I don't think he asked me whether I would take it or not.

127. Q: When he promised you a further sum of \$15. a month--?

A: Yes.

128. Q: What did he say about that? A: He said that if he would not come to pay it himself his friend, Hee Chung would pay it.

129. Q: That is right, that is what he said? A: That is what he said.

~~Exxxx~~: J. H. Watson, called and sworn. Exam. by
Mr. McQuarrie.

130. Q: What is your name? A: J. H. Watson.

31. Q: You are Chief of the Fire Department here I believe?

A: Yes sir.

32. Q: Do you remember the evening of the 3rd of March last?

A: Yes sir.

33. Q: And do you know the accused here, Ah Yee? A: Yes sir.

34. Q: You might just tell us what occurred, what you know of anything that occurred between Ah Yee and the Chief of Police?

A: On March the 3rd, shortly before 9 ~~o'clock~~ o'clock in the evening, by request of Chief McIntosh I went into the police station and about nine or a few minutes after Ah Yee came in and started to talk to the Chief about his gambling house and had a little conversation and then the Chief got him to draw a plan on the desk there, where it was situated, and after they had got it



located he gave the Chief \$15. for letting him run gambling in the house.

135. Q: Where were you? A: I was in the adjoining room, off the office.

36. Q: What is that room like? A: It is used for the Gaoler's bed-room.

37. Q: And waht are the facilities for seeing and hearing what occurred in the other room? A: Oh I was not but a few feet, from I should judge about 6 feet probably or thereabouts.

38. Q: So that you would have no trouble--? A: No, at times I did not hear all that was going on--- whispering sometimes, but I heard distinctly what I said.

Cross-Exam? by Mr. Livingston.

39. Q: How do you know it was \$15.? A: I seen him take it out, count it, counted it and put it on the desk.

40. Q: You could see the money? A: I could see the money.

41. Q: Could you see the denomination? A: No sir, I saw it was \$5. bills.

42. Q: That is the denomination. You could see it was \$5. bills?
A: Yes; I don't know what Bank, but I could see it was \$5. bills.

43. Q: And the light was out in your room? A: Yes.

44. Q: And burning in the Chief's? A: Yes sir.

45. Q: How did they speak? A: Oh sometimes whispered, other times a little louder.

46. Q: B ut there is no doubt that you heard all you say you heard? A: Yes, I heard it all.

47. Q: Have you discussed this with Chief McIntosh since?
A: No sir.

48. Q: As to what to say? A: No sir.

49. Q: Never gone over it at all? A: No sir.



15.

150. Q: So what you did say was purely from your recollection?

A: Yes; there was other talk that I didn't hear.

51. Q: But you heard that part of it? A: Yes.

Mr. McQuarrie: That is our case Your Worship.

(Mr. Livingston states that he is not offering any evidence and submits that no case has been made out)

(The accused having been duly cautioned states through his Counsel that he has nothing to say. Committed for trial at the next Court of competent jurisdiction).

Concluded.

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

"F. Evans"

Official Stenographer.

STATEMENT OF THE ACCUSED.

I have nothing to say.

Ah Yee.

Taken before me at New Westminster, the day and year first above mentioned.

"Gordon E. Corbould".

Police Magistrate.



1905.

New Westminster
Spring Assize.

24
/05

Ree v. Ah Yee.
(Burbury).

Copy of depositions.

