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Nanaimo B. C. Sept. 17th, 1913

REX V HARKEL

(Possession of Stolen)
Goods

PROCEEDINGS ON PRELIMINARY HEARING HEREIN.

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

GR-0518
Box 4
File 66

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

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PROVINCIAL POLICE OFFICE.

THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

GR-0518
Box 4
File 66

BRITISH COLUMBIA. COMMISSION ON CLAIMS ARISING OUT OF
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Proceedings.

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF NANAIMO;

The Depositions of

Tony Janasia, Maude White, James White, Wm Forbes, Alexander Elder and Robert J. Sandys,
taken before J. H. Simpson, Esquire, Stipendiary Magistrate
in and for the County of Nanaimo, ^{at Nanaimo,} /this 17th day of September
in the year of Our Lord one thousand nine hundred and thirteen
in the presence and hearing of John Harkel, who stands charged
for that he did between the 13th day of August and the 8th
day of September instant at Extension aforesaid unlawfully
have in his possession, knowing the same to have been stolen,
two pairs of rubber boots, one pair rubbers, one pair blue
striped trousers, one accordion, three flat irons, five pair
men's socks, one mattress of child's cot and one large trunk
containing a number of kitchen and dining utensils, also one
shirt and one lady's jacket, all the property of Dominic
Janasia and one tin boiler and one roll Japanese matting,
the property of Mr and Mrs J. White .

T. B. Shoebottom, Esquire appearing for
the Prosecution,

Arthur Leighton, Esquire appearing for
the Accused.

The Information is read to the accused.

2x8

TONY JANASIA

SWORN

EXAMINED BY MR SHOEBOTHAM;-

1 Q Where do you live? A. At Extension.

2 Q Where were you at the time of the trouble down at Extension
Did you stop at extension? A. Yes.

3 Q In whose house did you live there? A, With my brother
Dominic.

4 Q Did you brother Dominic lose anything? A. Sure, he lose
everything.

5 Q Have you found any of it since? A. I have got some-
thing over there.

MR SHOEBOTHAM;-just show him those trousers.

6 Q Whose trousers are those? A. Those are my brother
Dominic's.

TROUSERS MARKED EXHIBIT 1

7 Q And to whom does this belong? A. My brother; it is broke
there.

ACCORDEON MARKED EXHIBIT 2

8 Q When did your brother leave? A. When they started the
trouble.

9 Q About what date? A. When they started the trouble. I
was the last man there.

10 Q Do you know the day of the week your brother went away?
A Wednesday.

11 Q It was Wednesday the 13th as a matter of fact? A. Yes.

12 Q Your brother went away and has not come back since?
A When he go away he leave everything with me and
went to the states.

13 Q Did he leave that accordeon and those trousers with
you when he went away? A. Yes, everything.

MR LEIGHTON;- Ask him what he did leave.

14 Q (By Mr Shoebottom) What did he leave with you? A. He left the trunk and everything to cook with.

15 Q Have you seen that trunk since? A, Sure.

16 Q Will you just go and examine that trunk over there and see if that is the trunk? A. That is the trunk that my brother left with me.

TRUNK MARKED EXHIBIT 3

17 Q He left that with you? A. Yes, and everything to cook with inside.

18 Q Now anything else? A. A pair of boots.

19 Q Will you just go around and see if you can identify them?

MR LEIGHTON;- I think he should be asked to describe the boots before they are shown to him.

20 Q (By Mr Shoebottom) Are those the boots which your brother left? A. Yes. *Exhibit 7*

21 Q When your brother went away he left everything with you? A He left everything with me, in the house.

22 Q Now did you make any disposition of those; where did you next see those articles? A. There was something else too; a bed for a little girl.

23 Q Is that it, the mattress? and the springs over there? A Yes.

MATTRESS MARKED EXHIBIT 4

SPRINGS MARKED EXHIBIT 5

24 Q What did you do with those things? A. There are some more over there; those irons belonged to my brother and they have got a handle too.

25 Q Are those the handles? A. Yes.

MARKED EXHIBIT 6

26 Q Now did you sell or make any disposition of any of those goods, sell them or give them away? A. Sell them, No,

nothing at all.

27 Q Do you know what became of them, where did they come from now? You say you didn't do anything with them yourself?

A I don't understand much.

MR LEIGHTON;- I have no doubt he didn't dispose of them.

28 Q (By Mr Shoebottom) You didn't sell any of those goods or give them to anybody? A. No.

29 Q You didn't give them away? A. No.

30 Q Did they disappear? A. Sure, lose everything; my brother had maybe \$300.00 of stuff.

31 Q And you have no doubt that is all your brother's stuff?

A No doubt.

CROSS EXAMINATION

BY MR LEIGHTON;-

32 Q Tell us what those trousers were like, describe them, those trousers that your brother lost. What sort of trousers or pants were they? A. A pair of pants.

33 Q What did the pants look like? A. I can't see.

34 Q I don't want you to see. What did they look like? A. Look like, I can't see the pants.

35 Q Tell me what those pants were like that he lost? A. I can't see those pants.

MR SHOEBOTHAM;- I will identify them by Mrs White, who washed them.

36 Q (By Mr Leighton) Just describe the pants that your brother lost?

MR SHOEBOTHAM;- I will identify them by other evidence.

MR LEIGHTON;- I want to cross examine this witness without interruption.

MR SHOEBOTHAM;- I don't suppose he understands the question.

You tell him what kind of pants they were? You saw a pair of pants this morning and he wants you to tell him the color, whether blue, gray green or yellow? A. He got green blue black.

37 Q (By Mr Leighton) How do you know those pants you saw just now were your brother's. Lots of people have pants like that, A. Yes, different kinds.

38 Q Is there any particular way you can tell that those were your brother's pants? A. If I see the pants.

39 Q Is there anything special about the boots? They are ordinary miner's boots are they not? A. They are Number 7.

40 Q There are lots of Number 7 Miner's boots? A. Yes.

41 Q How do you know they are not Wargos' boots or Harkel's boots? A. I don't know. I can't talk much. I want an interpreter here.

MR LEIGHTON;- Is there an interpreter around?

MR SHOEBOTHAM;- We have another means of identifying those trousers besides him.

MR LEIGHTON;- So far we are only dealing with him; I want to know how far he is prepared to go.

42 Q Is there any way you can tell that those pants were your brother's? A. You got a brother and you can tell the pants he got; they were washed two times.

43 Q Do you know where he bought them? A. No, in the States. He bring them here six or seven months ago.

44 Q How long has your brother had the accordeon? A. Long ago. He had it in the States before he came here, two years I believe.

45 Q You lived with him? A. Sure.

46 Q Do you play the accordeon? A. No, just hear him play it.

47 Q Is there anything else besides that broken mark that you would know it by? A. No, he buy it in Centralia, Illinois.

48 Q Has your brother got any children? A. Sure. One 7 years, and one just came one week before trouble,

49 Q Is that bed the little seven year old girl's bed? A. Yes.

(Witness aside)

MAUDE WHITE

SWORN

EXAMINED BY MR SHOEBOTHAM;-

MR LEIGHTON;- Just ask Mrs White to describe the pants before she sees them.

MR SHOEBOTHAM;- No, I am going to do it my own way.

MR LEIGHTON;- Your Worship, I think it ought to be done that way.

THE COURT;- No.

MR SHOEBOTHAM;-

50 Q Where do you live? A. Extension.

51 Q Do you remember the troubles last month at Extension? A. Yes.

52 Q Did you lose anything during those troubles? A. I did.

53 Q What became of them? A. I lost some straw matting.

54 Q Is that it? A. Yes, Marked Exhibit 9. and a tin boiler.

55 Q Is that it? A. Yes, Marked Exhibit 8.

56 Q What became of them, did you make any disposition of them yourself? A. No, I left them in the house.

57 Q When you came back where were they? A. They were gone.

58 Q Have you seen any of those things since? A. Yes.

59 Q And you say you recognize that boiler? A. Yes, I put that patch on the side there myself, and there was some matting and oil cloth which was stripped off the walls.

60 Q Is that the oil cloth? A. Yes, ~~marked~~

MARKED EXHIBIT 10

61 Q Did you notice the walls after you got back? A. Yes.

62 Q Anything missing? A. The oil cloth.

63 Q And you say this is it? A. Yes.

64 Q Now did you wash any articles for a man named Janasia, an Italian down there? A. I washed for so many I don't

know their names.

65 Q The man whose wife had a little child? A. Yes.

70 Q You did washing for him? A. Yes.

71 Q What did you wash for him? A. I washed a pair of pants.

72 Q Would you be able to recognize them if you saw them again?
A Yes.

73 Q Will you look at those and see if you recognize those as
his trousers? A. Yes. They look like those I washed,
yes, those are, I washed them on Saturday before the riot.

74 Q And did you return them to his house? A. Yes, the little
girl came and I gave them to her Sunday morning.

75 Q Did you lose anything besides these articles you have seen;
did you lose any apparel of your own? A. I lost a coat.

76 Q Would you be able to recognize it? A. Yes.

77 Q Is that it? A. Yes, that is it, but it doesn't look
much like it, when I left it, it was in better condition.

MARKED EXHIBIT 11

78 Q Was there anything else lost? A. I guess that is about
all that was found. I don't know just what they did take
out of the house.

79 Q The articles you have identified, you have no doubt about?
A No, we lost some bedding that never was found.

CROSS EXAMINATION;

BY MR LEIGHTON;-

80 Q You know nothing about how these things arrived here or
where they have been since you saw them last in the house?

A I just saw them last in the house. I saw them picked out
of the wood pile at John Harkel's.

81 Q Just describe that wood pile? A. It was in his back yard.

82 Q Is the yard fenced? A. Yes, a picket fence that he made

himself.

83 Q Is it fenced all round? A. Pretty near.

84 Q What do you mean by that, are the four sides fenced? A. Yes.

85 Q Did you see those things in the wood pile? A. I was standing there when they took them out.

86 Q How near the house? A. Well it was just at the back door.

87 Q Were they covered with wood? A. Yes.

88 Q Was the accused around there at the time? A. No.

89 Q Do you know Mr Harkel at all? A. Yes.

90 Q Do you know where he was on the 13th and 14th and 15th?

A I guess he was in Extension.

91 Q You didn't see him? A. Yes, I saw him on the 13th and the 15th.

(Witness aside)

JAMES WHITE

SWORN

EXAMINED BY MR SHOEBOTHAM;-

92 Q Where do you reside? A. Extension.

93 Q Do you remember the troublous times last month? A. Yes.

94 Q And as a result of those troubles were you a loser in any way?
A. Yes, I lost almost everything I had out of the house.

95 Q In what way did you lose it, did you dispose of it in any way?
A No sir, I suppose somebody took it; they were taken away
from the house.

96 Q Have you been able to recover any of it? A. A few articles
have been.

97 Q Have you seen them? A. Yes.

98 Q Would you be able to identify those articles again if you
saw them? A. Yes.

MR SHOEBOTHAM;- You might just produce Mr White's articles.

A. That boiler belongs to me and that matting is mine and the
oil cloth is mine. It is just exactly the same kind of
stuff that we had. We had a room finished with this.

99 Q Was it taken off the walls? A. Yes.

100 Q Would you recognize any garment of your wife's? A. That coat
is hers;

101 Q Would you be able to recognize any articles belonging to
Janasia? A. Well, there are lots of things I think I would,
some things perhaps that I have seen there.

102 Q By the way, were you present when these things were discovered?
A Yes.

103 Q When was it that they were discovered; do you remember the
day on which you saw the articles, when they were
discovered? A. I don't believe I do remember the day
they were discovered, the exact day.

- 104 Q (By the Court) Were you present? A. Yes, I found some of them myself, I was in the search party.
- 105 Q (By Mr Shoebottom) Where were they found? A. The boiler I found myself at a stump very close to Mr Harkel's house, about two yards, and some other things. I was there when the straw matting was found under his wood pile in the wood house.
- 106 Q How far from his wood house to his house? A. It would not be more than ten feet between them.
- 107 Q Will you just describe the wood pile? A. Well, Mr Harkel has quite a wood pile in his wood house and he has got it around three sides, built up four or five feet in height. One tier of stove wood, 14 or 16 inches long and inside of the vacant space just something like this witness box, this stuff was laid on the ground and the wood piled in on top of it.
- 108 Q Was there any other stuff? A. Yes. I found the accordion ~~xxxxxx~~ and a blue pair of pants.
- 109 Q Anything else? A. Flat irons and boots were found in his hen house; there is two or three feet between that and the wood house. I found the spring and child's cot and a lot of stuff which looked as if it was hid at the corner of the wood house.
- 110 Q Was there anything else found under the wood pile, up on Mr Harkel's premises? A. I think that is about the lot under the wood pile. We found quite a lot of stuff around the garden and fence, a big trunk and a lot of cooking utensils.
- 111 Q Would you recognize that trunk if you saw it? A. Yes.
- 112 Q Just take a look at that trunk over there? A. The trunk has one leather handle torn off it; that is the trunk we found.

xxxx

11

- 113 Q What else was found in Mr Harkel's garden? A. Yes, in the corner of the garden under some brush, and a lot of granite ware in it. I looked in the trunk when I found it.
- 114 Q Just look at it now? A. Yes, that is the same stuff. The trunk was under a little tree and was covered up with little trees cut and shoved over.
- 115 Q Was it visible at a casual glance? A. Yes, you could see it if you walked close past.
- 116 Q But from the street could you see it? A. No sir.
- 117 Q Who accompanied you at that time? A. Some special policemen and Frank Beban and my wife and Mrs Cosier.
- 118 Q Did you ever see that small mattress? A. I didn't see that before it was found.
- 119 Q Did you see it after it was found? A. Yes, but I didn't see that until after it was found.
- 120 Q I don't care whether before or after, where was it? A. I seen it in the place where the Police stop at Extension.
- 121 Q You didn't see it on Harkel's premises? A. No, not that mattress, but the springs I did, when Mr Beban found it in the chicken house along with two policemen.
- 122 Q Do you know the remises to be those of Mr Harkel? A. I know it is where Mr Harkel lives. I live next door to him myself.
- 123 Q Outside of the articles that have been identified did you lose any other articles? A. Yes, a great number of others.
- 124 Q Yours was one of the premises fired and looted? A. Yes, we lost all we had of any value.

CROSS EXAMINATION

BY MR LEIGHTON;-

125 Q Do you say that these articles which you have identified as being found on Harkel's premises were your property?

A Yes, those things I looked at first.

126 Q The things Mrs White identified? A. Yes.

127 Q And these other articles that you have referred to, were found where you described? A. Yes.

128 Q You say the trunk was found in the corner of the fence?
A Very close to the corner.

129 Q Near the house? A. There is a little garden; it is no distance from the house, a few yards.

130 Q Is the whole lot fenced? A. No sir, the garden is fenced separate by itself and a walk between it and the house.

131 Q The garden is fenced off from the house? A. Yes, the fence doesn't go around the house.

132 Q Where were these things found, inside the garden fence?
A Not inside the garden fence, the garden fence runs past where they were found, a few feet steps from the house.

133 Q In that case, they were not inside the fence of his property? A. No, not the trunk.

134 Q How near is his house to the next house to it? A. Oh, perhaps 35 or 40 yards; Jenasia's house on one side and my house on the other side.

135 Q Jenasia's house from where some of things were said to have been stolen, was just on one side of the accused's house? A. Yes.

136 Q Did you see any of the destruction or looting going on at all at Extension? A. Yes, a lot of it.

- 137 Q At that time things were scattered all over the place, thrown out of the houses, were they not? A. I seen stuff thrown out; that was out of Passerini's store; there was lots of stuff taken out of houses; I saw lots of stuff taken out of houses myself but I didn't know the parties who was taking it. I saw a great del of stuff taken out of Mr Fontana's house.
- 138 Q Do you know Harkel? A. Yes.
- 139 Q How long have you known him? A. More than 12 months.
- 140 Q Have you been good neighbors, a friendly feeling between you? A. Yes, never had any trouble or words between us.
- 141 Q Did you see stuff taken out or thrown out of Janasia's house? A No.
- 142 Q You didn't see any destruction going on there? A. No.
- 143 Q Or looting? A. No, I didn't see anything going on at that house. I seen a big mob around it the day of the riot.
- 144 Q Did you see Harkel at that time? A. Not at that house.
- 145 Q Did you see him at that time at all? A. Yes.
- 146 Q Was he near his own house? A. No, he was at Fontana's house the day of the riot, the evening.
- 147 Q I mean at the time when the crowd was around Janasia's house? A. He was then at Fontana's place. I saw him going to Wargo's.

RE-EXAMINATION:

BY MR SHOEBOTHAM;-

- 148 Q You say you saw him at Fontana's house? A. Yes.
- 149 Q And was stuff being carried away from Fontana's house? A Yes, on the 14th.
- 150 Q You say there was a crowd around Janasia's house? A. Yes.

151 Q Was that before or after it was looted? A. It would be before; it was on the 13th, the night of the riot when so many people was in Extensiaon.

152 Q You don't know exactly when Janacia's house was looted?
A No.

153 Q You also saw him at Fontana's house? A. On the 13th.

154 Q When did you next see him? A. On the 14th. I saw him around with the crowd on the 14th.

155 Q Did you ever see him in his wood shed; about that time?

A No, I didn't see him in his wood shed then; I saw him at his wood shed, I don't remember what day it was but it was the day before we did the searching; he was splitting wood in his wood shed and piling it in his wood shed; some of the wood that we pulled out to get these things.

(Witness aside)

WILLIAM FORBES

SWORN

EXAMINED BY MR SHOEBOTHAM;

156 Q You are a special constable? A. Yes.

157 Q I believe you had a search warrant entrusted to you or some member of the special police? A. Yes.

158 Q ~~Was~~ To search the premises of John Harkel? A. Yes.

159 Q Did you make a search? A. Yes.

160 Q Who accompanied you on that search? A. Special Constable Elder, James White and a few others who didn't take part inside the premises.

161 Q You made your search? A. Yes.

162 Q Did you discover anything in your search? A. Yes.

163 Q Where did you discover it? A. Behind the door as you go into the room.

164 Q How many places did you search there? A. Two in particular.

165 Q You say you found something behind the door? A. Yes.

166 Q What was it? A. bundle of socks.

167 Q They have not been identified. We make no claim on those socks. Did you search any other place than behind the door?

MR LEIGHTON;- I object.

168 Q Did you search any other place? A. Other premises?

169 Q Are you sure that it was Mr Harkel's premises that you searched; I am asking in connection with a search made of Mr Harkel's premises? A. In regard to the names, I should like to have the location of the house explained.

170 Q Did you make a search in the wood shed? A. No.

171 Q You didn't search Mr Harkel's premises at all? A. Possibly I didn't. The first premises that were searched, I

was told to go further on over the hill, I think to Mr
Wazgos.

THE COURT;- Where is your search warrant?

A. I didn't have the search warrant.

MR SHOEBOTHAM;- Here it is. It was not given to him.
That will do.

(Witness aside)

ALEXANDER ELDER

SWORN

EXAMINED BY MR SHOEBOTHAM;-

- 172 Q What is your occupation? A. Special constable.
- 173 Q Have you done any duty in or about Extension at all? A. Yes.
- 174 Q Did you assist in executing any search warrant down there?
A. Yes; Harkel's and Wargoe's.
- 175 Q In searching Harkel's premises what did you discover, did you discover any goods? A. Yes, I discovered a box.
- 176 Q What do you mean by box? A. Traveling trunk.
- 177 Q Did you examine it at the time? A. Yes.
- 178 Q Do you think you could tell it again? A. Yes.
- 179 Q You might go and examine that trunk there? A. Yes, that is the trunk (Exhibit 3)
- 180 Q Did you open it at the time? A. Yes. When we brought it in to the back door we opened it.
- 181 Q What did it contain? A. A lot of kitchen utensils.
- 182 Q And did you make any further search there? A. No, I was put out on the hill after that to watch other houses that we were going to search so that they would not get a chance to throw stuff outside.
- 183 Q That trunk was discovered outside the house? A. Yes. Like a back garden I would call it, about three good yards from his back - it was covered up with fir bush that had been newly cut down.
- 184 Q How far from his kitchen door? A. Taking it from a direction through the wood shed, not more than five yards.
- 185 Q Did you see where the bush was cut, did you see the stumps? A. Yes. I went back to examine it after we hauled the box in, to make sure.

186 Q Now the way that box was placed, would it be visible to a casual observer walking up and down the street? A. No.

187 Q That is the only article that you personally were instrumental in finding on those premises? A. Yes.

188 Q Was Mr Markel there? A. I don't know, I don't think so.

189 Q Do you know Mr James White? A. Yes.

190 Q Was he along? A. Yes, he was taken along to identify the property found.

CROSS EXAMINATION

BY MR LEIGHTON;-

191 Q Was this box found inside or outside the fence? A. I don't really know whether the fence runs around the place or not. They don't use many fences in Extension; there are outbuildings there; probably they call that the fence.

192 Q Was that place where the box was found enclosed at all?

A No, it was not enclosed.

193 Q You know nothing of any of the other property? A. No sir.

194 Q (By Mr Shoeborn) Did you leave any persons behind there, when you left? A. Constable Sany, Mr White, and Mr Beban were still there.

(Witness aside)

ROBERT J. SANDYS

SWORN

EXAMINED BY MR SHOEBOTHAM;-

195 Q What is your occupation? A. Social police.

196 Q At Extension? A. Yes.

197 Q Do you know the names of the places where search warrants were executed? A. I know some of them, I can't recollect all of them.

198 Q Do you remember Mr Harkel's? A. Yes.

199 Q Were you present at the time his premises were searched?
A. Yes.

200 Q Were you present when any goods were discovered? A. Yes.

201 Q Would you be able to tell me the place on his premises where they were discovered? A. Yes, ~~xxxxxxx~~ Under a heap of newly cut firewood.

202 Q Where was this fire wood? A. In the shed.

203 Q How far was the shed from the back door of the house? A. I should say about 12 or 14 feet, rough guess.

204 Q Was there much wood in the shed? A. Yes, a great quantity of newly cut wood.

205 Q Just give me a general description of the articles found there? A. There was an accordeon, wrapped up in a blue pair of pants and a pair of boots, a pair of gum boots and two pair of other boots and stockings and mattress underneath the flooring of the shed.

206 Q Did you examine the mattress? A. Yes.

207 Q Would you be able to recognize it? A. Yes.

208 Q Just go and see? A. That is it (Exhibit 3)

209 Q Did you see a trunk? A. Yes, the trunk was brought from the bush adjoining, about five yards from the house.

- 210 Q Did you examine the trunk? A. Yes, and the contents.
- 211 Q Just see if that is the trunk? A. Yes (Exhibit 3)
A lot of kitchen utensils inside.
- 212 Q Now from where that trunk was found, what distance was it to the nearest other residence on that side of the house? A.
Some considerable distance, I should say at least 30 yards or more to my recollection.
- 213 Q Now about how much wood would be on the top of those things? Did you find any other articles besides what you have described? A. Not on the immediate premises; the things I saw myself found, the mattress, accordion, pair of blue trousers and stockings and boots.
- 214 Q You say you found that mattress? A. I saw it pulled out from under an adjoining outhouse belonging to Mr Harkel's premises.
- 215 Q Outside of those articles do you know of any others that were found? A. That is all I can recollect, some sad irons, 4 irons. and -
- 216 Q These articles that you have described, that were found under the wood, you have told us what they were? A. Yes.
- 217 Q Did you examine the accordion closely? A. Yes, I could tell it.
- 218 Q Just see if you have ever seen this before? A. Yes, this is the accordion and those are the trousers. Those were at the back, not exactly underneath but wood planked up against it.
- 219 Q Was it visible to the naked eye? A. No.
- 220 Q Who was present when you unearthed the spoil from underneath the wood pile? A. The other constable was present and Frank Beban and Mr White.

CROSS EXAMINATION

BY MR LEIGHTON;-

221 Q This shed you speak, of, what sort of shed is it?

A An ordinary wood out-house, open in front, no doors on it.

222 Q Did you search the house? A. Yes.

223 Q And you found nothing in the house? A. No.

224 Q These goods you found just scattered around in any place where they could be thrown? A. They were hidden.

225 Q Did you find any other stuff near there, besides these things? A. I didn't find them but they were found there. I saw them brought in from around the bush close by.

226 Q What other things? A. A trunk containing a lot of culinary utensils and roll of matting and a coat and a chair.

227 Q Was there anything found in the bush in the vicinity. I understand that Janasia lost a lot of stuff; was any other of his stuff found in the vicinity? A. I don't know of anything else.

228 Q Was any stuff found around Janasia's thrown out? A. I was not there.

229 Q He is the next door house? A. I didn't go there.

230 Q You didn't notice whether there was stuff thrown out around his house? A. No, I was only searching Harkel's premises then.

231 Q Near many houses that were destroyed, the stuff was thrown out, scattered about, was it not, after the looting?

A Not in this vicinity, I didn't see any.

232 Q You didn't see the place until about the 19th? A. I was there before that.

233 Q Were you around there previous to that? A. No, after.

234 Q How long after? A. On the 19th and afterwards.

MR SHOEDOTHAM;- What is the case Your Worship.

MR LEIGHTON;- No defence to call now.

THE COURT; (To the Accused)

Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence against you at your trial.

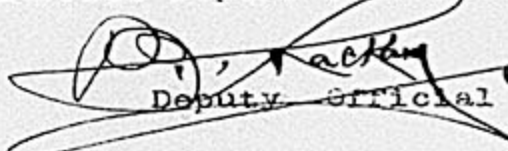
You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat, which may have been held out to you to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat.

MR LEIGHTON;- Nothing to say.

THE COURT;- There is sufficient evidence to go to a jury.

I will commit you to the common gaol of Nanaimo to await your trial at the first Court of Competent Jurisdiction.

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


Deputy Official Stenographer.

115 18 0066 27 11



PROVINCIAL POLICE OFFICE,

THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

GR-0518
Box 4
File 66

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