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Attorney General documents.

INFORMATION AND COMPLAINT.

Canada:  
Province of British Columbia;  
City of Vancouver.

The information and complaint of Ah Chin of Vancouver, British Columbia, taken the 11th day of August, A.D., 1905, before the undersigned A. Williams, Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that he has just cause to suspect and believe and does suspect and believe that Chow Mew, alias Ah Mew, of the said City of Vancouver, within the space of one month last past, to wit, on the 10th day of August, 1905, at No. 429 Carroll street, in the said City of Vancouver, did unlawfully sell lottery tickets as a means or device for disposing of money drawings by chance.

"Ah Chin".

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

'A. Williams', P.M.

Sworn before me this 24th day of August, 1905.

'A. Williams', P.M.



Police Court.

(Before A. Williams, Esquire, P.M.)

Vancouver B.C., Aug. 23rd, 1905.

W.M. McKay appeared for the prosecution.

Geo. E. Powell appeared for the defence.

Chow Mew (accused) elected to be tried by a Jury.

HOWARD MUNSON, called and sworn. Direct exam. by McKay.

- 1.Q. Where do you reside? A. Barnet.
- 2.Q. What are you doing? A. Working for the North Pacific Lumber Company.
- 3.Q. Do you know the accused Chow Mew? A. Yes.
- 4.Q. Can you point him out? A. Yes; the first Chinaman here.
- 5.Q. How long have you known him? A. I have known him by name for about two weeks.
- 6.Q. How long have you known him by sight? A. About 3 years.
- 7.Q. When did you first see him in connexion with this charge?  
A. On the 10th of August.
- 8.Q. Where? A. At his store on Carroll street.
- 9.Q. What number? A. 429, I believe.
- 10.Q. What did you go there for? A. I was passing along the street and he was standing in front, and I got into a conversation with him, and I asked him if he was running that place and he said "Yes", and he asked me if I wanted to play a lottery ticket and I said I didn't mind; so I marked one ticket myself and he marked one for me.
- 11.Q. Did you go inside? A. Yes.
- 12.Q. Had you ever been in there before? A. Yes.
- 13.Q. When? A. 9th of August.
- 14.Q. Had you played any ticket the day before? A. Yes.
- 15.Q. Who sold them to you? A. Some employees in there, I believe.



- 16.Q. It was on the 10th day of August that you came in contact with the accused, here? A. Yes.
- 17.Q. How many tickets did he sell you that day? A. Two, himself.
- 18.Q. What are these I produce now? A. Those are the lottery tickets that I bought from him and his employees.
- 19.Q. Can you produce out of that bunch the tickets which were sold to you by the accused? A. I think I can.
- 20.Q. August 10th, 1905, 2:p.m.? A. Yes, sir.
- 21.Q. These are the lottery tickets sold to you by the accused? A. Yes.
- 22.Q. Himself? A. Yes.

(Lottery tickets sold by accused to witness marked ex. "A.")

- 23.Q. How much did you pay for these? A. 10 cents apiece.
- 24.Q. Who did you pay the money to? A. The accused himself.
- 25.Q. How do you know these are lottery tickets? A. They are what they put out before me to mark as lottery tickets, and what he claimed himself to be lottery tickets.
- 26.Q. How many tickets did you play the day before? A. 3.
- 27.Q. On August 9th? A. Yes.
- 28.Q. You purchased them in the same store? A. Yes.
- 29.Q. What kind of a store is this? A. There seems to be a number of cases of canned salmon or something like it, on the south wall of the store; a few chairs around and a table.
- 30.Q. Did you play any other tickets there, about that time?  
A. On that day?
- 31.Q. On that day or any day since that? A. On the 11th of August I played.
- 32.Q. Have you got any tickets of the 11th here? A. That is one.

(Lottery tickets dated August 9th marked exhibit "B.")  
( " " " " 11th " " "C.")

- 33.Q. Will you explain the mode of playing this lottery?  
A. They give you a ticket to mark, and they take a copy of it in a book, and they stamp your ticket with a native stamp (this stamp is made of wood and is used the same as our rubber stamps) and they put writing on it. They keep one for their copy and give us the ticket. Then there is a drawing at some other place, and after that drawing you compare your ticket with the one they have and see how many spots you have marked off the same as they have.



- 34.Q. What sort of a game is this? A. A game of chance or skill?  
A. It is a large game of chance.
- 35.Q. How are the chances? A. I think about 80 chances to each one.
- 36.Q. These two tickets, exhibit "A.", that were sold to you by the accused, did he mark off any of these himself?  
A. He marked one and I marked the other.
- 37.Q. Can you tell me from looking at these tickets which one he marked? A. This is the one he marked.
- 38.Q. This is the one your marked? A. Yes.
- 39.Q. Did you win anything from either of those tickets? A. No.
- 40.Q. Who was with you, or was there any person with you at the time you went into this store and had this conversation you have mentioned with the accused? A. Herberts.
- 41.Q. What is his first name? A. William.
- 42.Q. Is he here? A. Yes.
- 43.Q. Was anybody else there at the time? A. Nobody but Chinamen.
- 44.Q. You had a conversation in the store as well as in the front of the store? A. Yes.
- 45.Q. What conversation occurred in the store? A. I asked him if he was running that place now.
- 46.Q. What place did you mean? A. That store of business there, that we were in at the present time. I asked him if he was running it for himself and he said he was.
- 47.Q. Did you mention the business? A. Yes; the lottery business.
- 48.Q. He said he was running it? A. Yes.
- 49.Q. Is that all? A. I think that is all the conversation that took place.
- 50.Q. Is there anything about the premises to designate what sort of a place it is? A. At that time there was a long table and on the table were these letters hooks.
- 51.Q. You seen the lottery books? A. Yes; the books that they keep a copy of the tickets in.
- 52.Q. Do you know of any prizes won in this lottery? A. I could not say any particular person; but I believe there is some of the tickets hanging on the wall, of those who have won, but I would not say for certain.
- 53.Q. Did you see them? A. I could not say for certain.
- 54.Q. Did you ever see anybody win any money from this lottery? A. I believe Herberts won 20 cents.
- 55.Q. The man that was in there with you won 20 cents?  
A. Yes.
- 56.Q. When do you get a prize? Can you explain? A. There are drawings at different hours. Suppose you come in before 2 o'clock and get a ticket, there is a drawing at 2 o'clock and if you come back about half an hour after, you can find out whether you win anything or not.



- 57.Q. What constitutes a prize? A. Five spots is lowest. You have to have five spots on your ticket in the same place as is on their drawing tickets.
- 58.Q. They have a duplicate ticket like that? A. Yes.
- 59.Q. Marked the same as that? A. Yes.
- 60.Q. Then they have the drawing ticket? A. Yes; they have a ticket that they draw on.
- 61.Q. If five spots on this ticket and on this duplicate ticket correspond with the drawing ticket, you get a prize? A. Yes.
- 62.Q. Were you there when Herberts got the prize? A. Yes.
- 63.Q. How much did he win? A. 20 cents, I believe.
- 64.Q. The lowest prize? A. I think it is.
- 65.Q. Is there anything to designate who was the owner of this establishment or about the establishment? A. Only this man. He gave me his name as Ah Mew; and he had a sign board lying on top of these boxes on the south side of the room, and I asked him if that was his name on the sign, and he said that was his name.
- 66.Q. Did he say anything else? A. No; except that he was proprietor of this.
- 67.Q. (Court) He told you his name was Ah Mew? A. He said that he was his name on the sign, and the name on the sign was Ah Mew. Chow Mew is the name he is known by amongst his own countrymen.

(Cross-examination reserved by Mr. Powell).



WILLIAM HERBERT called and sworn. Direct exam. by McKay.

- 68.Q. Where do you live? A. 1661, Fourth Avenue, Fairview.
- 69.Q. Are you living there now? A. No; I am at 212 Queen's Hotel on Water street.
- 70.Q. Where do you work? A At Barnet.
- 71.Q. What place? A. North Pacific Lumber Company.
- 72.Q. Do you know the accused~~x~~, Chow Mew? A. Yes.
- 73.Q. Can you point him out? A. That Chinaman there.
- 74.Q. Sitting there? A. Yes.
- 75.Q. How long have you known him? A. For quite a while, only to see him. I didn't know~~x~~ his name until lately.
- 76.Q. When did you know his name? A. The 10th, I think.
- 77.Q. Of what month? A. Of last month.
- 78.Q. Last month or this month? A. Tenth of this month.
- 79.Q. Tenth of August, 1908? A. Yes.
- 80.Q. When did you meet him? A. I met him outside of the store.
- 81.Q. What store? A. His store.
- 82.Q. Where? A. On Carroll street, I don't know the number.
- 83.Q. You don't know the number? A. I am not quite sure - 439 or something like that.
- 84.Q. You are not positive about that? A. No; I think it is it that.
- 85.Q. When you met him there, what transpired between you?  
A. I was talking to him and asked him where he had been; ~~x~~ and we went inside, and he asked me if I wanted to play a ticket and I said I didn't know, and I went in and I played a ticket.
- 86.Q. This was on the 10th? A. Yes; on the 10th I seen him there.
- 87.Q. Had you been in that store before? A. Yes; I have been in before.
- 88.Q. When? A. Lots of times.
- 89.Q. Immediately? A. On the 9th I was in.
- 90.Q. Did you meet this man on the 9th? A. No; he was not in there on the 9th.
- 91.Q. Did you play the lottery on the 9th? A. Yes.
- 92.Q. Who did you purchase tickets from on the 9th? A. I would think it was some of his helpers; I don't know who it was.



93.Q. On the 10th you went in there and played a ticket--how many tickets did you play on the 10th? A. I think it was three.

94.Q. Who did you purchase them from? A. This man here.

95.Q. The accused? A. Yes.

96.Q. Can you tell from looking at this bunch of tickets how many of them you purchased from him on the 10th?  
A. Three tickets.

97.Q. Can you identify those three? A. These are the three.

98.Q. Did you purchase all these tickets from this man on the 10th? A. Yes; I got those two from him, and I got the other one at night.

(Two lottery tickets, date Aug. 10th, 1905, 2:p.m., marked exhibit "D.")

99.Q. How much did you pay for those tickets? A. I am not sure whether they are ~~two~~ two 10 cent tickets or not; yes, they are two ten cent tickets.

100.Q. Out of that bunch of tickets how many did you buy on the 9th, the day previous? A. Five.

101.Q. On the 9th? A. Yes.

102.Q. Who did you purchase those from? A. From the same man that was in there before, one of the men that are working there.

103.Q. It was in this establishment? A. Yes.

104.Q. Did you play any other on the tenth? A. No; that is all I played on the tenth.

105.Q. What about that, did you play that on the 10th?  
A. Yes.

106.Q. You bought that from whom? A. From one of the fellows working there.

107.Q. Were you in there on the 11th? A. Yes, at 2 O'clock.

108.Q. Did you purchase a ticket there? A. Yes.

109.Q. From whom? A. One of the men working there.

110.Q. You only purchased two from the accused? A. Yes.

111.Q. At the time you purchased those two tickets, you paid ten cents to whom? A. This man.

112.Q. The accused? A. Yes.

113.Q. At the time you purchased these tickets, had you any conversation with the accused? A. I asked him where he had been, and I asked him if he was running this lottery in the store, and he said "Yes", and he said he run the store.

114.Q. Did he say anything else? A. No; he just showed me a sign and said that was his name on it. There was a sign lying there and I asked him if that was his name, and he said "Yes".





- 115.Q. What was the name? A. Ah Mew.
- 116.Q. Do you know what name he is charged under today?  
A. No; I don't think I do.
- 117.Q. He is charged as Chow Mew? A. That possibly may be the name, but I thought it was Ah Mew.
- 118.Q. Is there any doubt about the man? A. No; that is the man; that is the man that told me his name was Ah Mew.
- 119.Q. On any of these tickets that you purchased there, did you win a prize? A. I got five spots on one.
- 120.Q. What does that mean? A. You get 20 cents.
- 121.Q. Did you get 20 cents? A. I played two more tickets.
- 122.Q. You won the 20 cents and you played two more tickets back? A. Yes.
- 123.Q. You actually got this prize? A. Yes.
- 124.Q. Can you point to the ticket you won the prize? A. Yes.
- (5 lottery tickets, dated Aug 9th, 1905, marked exhibits "E.")  
( " " ticket that won a prize marked ex. "E-2")  
( " " dated Aug 10th, 1905, 11:30 p.m. marked ex. "F.")  
( " " " " 11th " 2:p.m. marked ex. ".G.")
- 125.Q. Can you tell the Court how you know these are lottery tickets? A. I have seen the game before, and I have seen them marked lots of times.
- 126.Q. Is there anything on these that would tell you they are lottery tickets? A. The winning ticket would tell you that.
- 127.Q. How do you play it? A. You go in and buy a ticket and mark off ten spots, and they have a drawing some place and have so many marked off and you compare your ticket with theirs.
- 128.Q. What kind of a game is it? Do you consider it a game of chance or skill? A. I would consider it a game of chance.
- 129.Q. What are the chances in favor of? A. The company.
- 130.Q. In favor of the company, the seller, the owner of the place? A. Yes.
- 131.Q. Explain this one that you won on? A. You take one of these tickets and mark ten spots off of it.  
the same
- 132.Q. Court: You have to get so many in yours, as is on theirs?  
A. Yes; their ticket is the same as this, and they mark off twenty and you mark ten. You mark off in black and the one they have, they mark it off in red.
- 133.Q. Supposing I get ~~xxxxxx~~ three here and three here the same as they have? A. I catch six spots and get so much.
- 134.Q. The six spots have to be the same? A. Yes.



- 135.Q. Do you get a prize if you get one pair? A. No; you have to get five the same before you get anything.
- 136.Q. Where is this drawing, did you see it? A. I didn't see it.
- 137.Q. You have to take their word for it? A. Yes.
- 138.Q. You didn't see the drawing? A. No.
- 139.Q. When do you go back? A. As a rule any time the next day or that night; any time after half an hour after the drawing takes place.
- 140.Q. Court: How many spots on a ticket altogether? A. 80.
- 141.Q. " You mark off ten and they mark twenty? A. Yes.
- 142.Q. When Chow Mew sold you these two tickets on the 10th, did you mark them off yourself? A. I marked one off and he marked one off.
- 143.Q. Which one did he mark off? A. This is one, exhibit "F."
- 144.Q. He marked that? A. Yes.
- 145.Q. That one is for a drawing at 11:30 p.m.? A. The one he marked was in the afternoon, this is it, exhibit "G."
  
- Mr. McKay: I wish to amend the information to read on the 10th of August instead of the 9th, as the evidence shows that it was the tenth that this man sold the tickets.
  
- 146.Q. Have you found the right one which he marked? A. This is one, dated August 10th, 2 p.m., exhibit "A."
- 147.Q. That is not Munson's but yours? A. Yes.
- 148.Q. Did he mark one for you and one for Munson? A. Yes; and it is hard to tell which is the one he marked for me.
- 149.Q. He marked this one dated Aug. 10th 2 p.m.? A. Yes; I am sure that is the one he marked for me.
- 150.Q. This is the one you think he marked? A. That is the one he marked.
- 151.Q. Now be sure - is that the one he marked? A. Yes, I think that is the one.
- 152.Q. These tickets - one was marked for you and one for Munson? A. Yes.

Mr. McKay: I would like the information amended to read the 10th of August instead of the 9th of August. (Granted).

Case adjourned until Aug. 24th at 10 a.m.



August 24th, 1905.

- Mr. Powell: I don't propose to offer any evidence.
- Mr. McKay: I would ask Your Worship to amend the information by adding "Ah Mew", as the evidence goes to show that he said his name was Ah Mew.
- Mr. Powell: I will object to any amendment being made at this stage.
- Court: I would allow any amendment like that, and I would allow an enlargement if you want to call further evidence. This will read "Chow Mew, alias Ah Mew" when the amendment is made.
- Mr. Powell: I submit there is no provision to allow any amendment at this stage, as the case has been closed and the evidence is all in, and the matter is only open now for argument.
- Mr. McKay: His Worship has power to amend it in any case.
- Mr. Powell: But the case has been closed.
- Court: I will take the responsibility.

(Information amended by adding "alias Ah Mew" and by changing the '9th of August' to the "10th of August". Amendments sworn to by the informant Ah Chin.)

- Court: If you have been prejudiced by this at all, I will grant you an enlargement.
- Powell: The reason that I object to this is, that yesterday my learned friend made application to amend the information by changing the 9th to the 10th; in other words from the ninth to the tenth, simply because the evidence did not disclose any offence committed on the 9th. My learned friend applied for the amendment, and the informant was called, but the amendment was not sworn to, as my learned friend got into a discussion, and it was overlooked. Now, my learned friend comes in and asks for another amendment after all the evidence is in for both sides - it amounts to that, as I have already notified you that we will not produce any evidence - and wants to change the name to Ah Mew. I notice that the 9th has been changed to the 10th, but that has never been sworn to.
- Court: He has just sworn to it, along with the other amendment.
- Powell: I take the objection.
- Court: I have a right to amend it in matters like this, if the evidence does not sustain it.
- Powell: Not after a case is all over. By amending the charge it means a fresh charge, that is all it can mean.
- Court: It is only a matter of time, and if you are prejudiced by this amendment, I will grant you a remand so that you can call evidence.



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Powell: My learned friend made application yesterday to have an amendment made, but did not have it sworn to; and now today he comes after all the evidence is in and the case is closed, and wants to make a change with regard to the name, so as to fortify the defects that existed. Now, I certainly say that it means nothing more than a fresh charge. No doubt Your Worship has a right to amend a charge in a preliminary investigation, but in a case of this kind after the case has been closed and the evidence all in, I say that you have no right. Your Worship cannot find any authority for such procedure. Do you say that you can bring a man here charged with an offence on a certain date, and then after all the evidence is in change it to some other date to suit the evidence.

Court: If you have been prejudiced, I will grant you an adjournment.

Powell: I certainly say that Your Worship has no power to do it, and I don't think that Your Worship can show me any authority; and at the same time I say I have been prejudiced, and if Your Worship still holds that you have the right, I want an adjournment to get the first two witnesses so that I can cross-examine them on their evidence.

Court: I will grant you any adjournment.

Powell: The evidence was all given in regard to the 10th, and the charge was for the 9th, that is why I did not cross-examine them.

Mr. McKay: Does Your Worship say he can bring evidence here, as well as cross-examine this man?

Court: Yes. When an information is amended and the defence is prejudiced in any way, they have a right to an adjournment.

Case remanded until August 25th at 10 a.m.

August 25th, 1905.

HOWARD MUNSON recalled.

Cross-examination by Geo. E. Powell.

- 153.Q. You have been working at the Barnet Mills? A. Yes.
- 154.Q. Are you still working there? A. Yes.
- 155.Q. When did you leave there? A. Monday was the last day I worked there.
- 156.Q. That would be the 21st of August? A. Yes.
- 157.Q. For two weeks previous you had not been working every day? A. No.
- 158.Q. When have you been working there regular? A. I started on the Friday before the 21st.
- 159.Q. The 18th of August? A. Yes.
- 160.Q. Is that the first day you went there to work? A. Yes.
- 161.Q. Where were you working before the 18th of August?  
A. I had not been working for a couple of weeks.
- 162.Q. Where were you working before that? A. Burrard Livery Stables.
- 163.Q. Do you remember going into this place on the 9th of August? A. Yes.
- 164.Q. Do you remember what day of the week that was? A. On a Tuesday, I think.
- 165.Q. It would be Wednesday? A. Tuesday or Wednesday.
- 166.Q. When was the last time before that, that you had been in that place? A. I could hardly remember that.
- 167.Q. You have been in there many times? A. A few times.
- 168.Q. Was you in that month before? A. It was all of two months.
- 169.Q. You played these lottery tickets on these previous occasions? A. Yes.
- 170.Q. Do you remember what time on the Wednesday, the 9th of August, that would be? A. About ten o'clock in the evening.
- 171.Q. On the 9th? A. Yes.
- 172.Q. Where had you been that evening before you went in?  
A. Around town.
- 173.Q. Doing anything? A. Just walking around.
- 174.Q. What did you go in that evening for? A. I went in to play a lottery ticket.



- 175.Q. Did you go in to look for the defendant? A. No.
- 176.Q. Did not have him in your mind at all? A. No.
- 177.Q. No intention of looking for him? A. No.
- 178.Q. After you played your ticket that night, do you remember where you went? Do you remember of going into any other Chinese places? A. I went into no more Chinese places at all.
- 179.Q. Didn't you meet a Chinaman on the street after you came out of the room? A. Yes; I met a lot of Chinamen.
- 180.Q. Do you know a Chinaman by the name of David Lew? A. Yes.
- 181.Q. Do you know him? A. Yes.
- 182.Q. Did you meet him, when you came out of there? A.No.
- 183.Q. Do you know a Chinaman by the name of S.G.Hosang, who works in Mr. Russell's office? A. Yes, I believe I do.
- 184.Q. Is that him in the corner? A. Yes; I am acquainted with him.
- 185.Q. Did you meet him that night of the 9th? A. No.
- 186.Q. You did not see him that night? A. No.
- 187.Q. And you did not see David Lew that night? A. No.
- 188.Q. Were you in there with Herberts on the 9th? A. No.
- 189.Q. You and Herberts do not sleep together? A. We have been rooming together.
- 190.Q. In the morning after you had your breakfast, you went straight to the same place? A. We strolled around town for awhile.
- 191.Q. At any rate, you went there? A. We went down there about half past one.
- 192.Q. Was that on Thursday morning? A. Yes.
- 193.Q. This was the occasion that you met Chow New? A. Yes.
- 194.Q. Are you sure it was as late as that? A. Yes.
- 195.Q. Was it not nine or ten o'clock? A. It was not until after 12.
- 196.Q. What did you happen to go to this place for? A. We were strolling around down there and passed by.
- 197.Q. When you went along there, had you any intention of going to this same place? A. I don't know as I had any particular intention of playing a lottery ticket.
- 198.Q. Had you anything in mind that was going to take you into that particular place? A. I don't know.
- 199.Q. As you remember, what was the fact? You turned some corner to go to this place--did you intend to go there?  
A. I believe I did intend to go in and play another ticket.
- 200.Q. At any rate, you knew you were on your way there before you met this man, that you had the conversation with?  
A. Yes.



- 201.Q. Where did you meet Chow Mew? A. In front of his store.
- 202.Q. Why didn't you go straight in? A. I don't know, I stopped and talked for him for a few minutes.
- 203.Q. Who commenced to talk? A. I believe I started the conversation.
- 204.Q. You had not seen him for some time? A. No.
- 205.Q. You were anxious to find out where he had been? A. Yes.
- 206.Q. You were particularly anxious to find out where he had been? A. No.
- 207.Q. You just said "Where have you been for some time?" ?  
A. Yes.
- 208.Q. During this talk, you were still going in to play your ticket? Before you actually talked to him, you were on your way to play a ticket in there? A. Yes.
- 209.Q. How is it he came in with you? A. He went in the store and opened the door and we followed him; and we got into a conversation, and he asked us if we were going to play.
- 210.Q. You were going to play a ticket, and didn't somebody ask him to mark a ticket? A. He asked us if we were going to play a ticket - -
- 211.Q. In the front office? A. Yes.
- 212.Q. Who was it asked him to come in and marked a ticket?  
A. I believe I said it.
- 213.Q. What was your object in doing that? A. I don't know if there was any particular object in it.
- 214.Q. He agreed to do it and went in behind with you? A. Yes.
- 215.Q. You have seen him in that front place before? A. Yes.
- 216.Q. What did you want to ask him if he kept that place for?  
A. I don't know. I didn't know he was proprietor of the place.
- 217.Q. You had seen him there many times before? A. I can't say that I seen him many times before.
- 218.Q. He was the alleged proprietor, and you wanted to find out whether it was so? You must have known he was running that place? I am talking now about the front part of the store? A. Yes.
- 219.Q. You told us the other day that you seen a sign there with "Ah Mew" on it? A. Yes.
- 220.Q. It was ~~nx~~ a portable sign? A. Yes; it was just lying up there on some cases.
- 221.Q. You had seen that sign before? A. I don't think I did.
- 222.Q. When you first went in there and was talking to him, you knew his name was Ah Mew? A. No.
- 223.Q. You had never heard the name before? A. No.
- 224.Q. When you seen the sign it aroused your curiosity to know, and you asked him if that was his name? A. Yes.



- 225.Q. Just out of curiosity? A. Yes.
- 226.Q. Then when you found that out, you seen that he was a dealer in goods and vegetables? You believe he is a dealer? A. I don't know whether he is or not.
- 227.Q. You don't know whether he is or not? A. No.
- 228.Q. You can't know him very well? A. He was on one team dealing in vegetables, when I first became acquainted with him, about three years ago.
- 229.Q. Did you never know his name? A. No.
- 230.Q. How did you come to know him? A. I was working at Tyson's store, and he used to deliver vegetables there every morning.
- 231.Q. At any rate, he went in with you, and you asked him to mark this ticket for you for luck? A. Yes.
- 232.Q. Going into this room, you had to go down a narrow hall into a room at the back of the building? A. I think we were lead right through a door into the room.
- 233.Q. Did'nt you go down a narrow passage and from that you were admitted into a room at the back of the building? Is not there a long hall to go through?  
A. No; it is the second room from the front.
- 234.Q. You walked right in there from the front? A. Yes.
- 235.Q. There is a sign on the window of the store? A. Yes.
- 236.Q. Sun Sun, groceries and so forth? A. I don't know, I did'nt take any particular notice.
- 237.Q. You were not interested? A. No.
- 238.Q. Why did'nt you ask him if that was his name, "Sun Sun", when you saw him outside? A. It never came into my head.
- 239.Q. Not until you saw the sign inside? A. Yes.
- 240.Q. At any rate, we will go into this little room. There is a long table, and there was a man behind there?  
A. Yes.
- 241.Q. You have evidently seen that man before? A. I have seen him a couple of times.
- 242.Q. Every time you have played tickets? A. I don't know whether it was the same man or not every time.
- 243.Q. You have done business with this man (Chow Mew) before?  
A. Yes.
- 244.Q. He had marked your tickets for you? A. I can't say that he was the man that marked the tickets, but I have played tickets with him.
- 245.Q. Court: What do you mean? A. He is the man that made the duplicate ticket and taken the money for them on different occasions.
- 246.Q. How long ago? A. Early last spring.
- 247.Q. At any rate, on this particular occasion in 1904 it was a year and a half ago? A. Yes.





- 248.Q. Then you knew that he was running the place--some sort of a place? A. I thought he was just an employee, I never questioned him about it or anything.
- 249.Q. When you got in there he marked your ticket for you, I presume? A. Yes.
- 250.Q. Now then what happened, what about Herberts? A. I believe he marked one for him.
- 251.Q. Did Herberts ask him? A. I believe he did.
- 252.Q. Did he? A. Yes.
- 253.Q. There is no use you saying you believe he did it, when you know he did? A. He did.
- 254.Q. He went in and marked a ticket for you because you asked him? A. Yes.
- 255.Q. How much were the tickets worth, that you played with him? A. Ten cent tickets were played with him?  
A. Yes.
- 256.Q. Twenty cents owing? A. Yes; we each played twenty cents.
- 257.Q. Who produced the money? A. We each produced our own.
- 258.Q. What did you produce? A. I think it was a dollar.
- 259.Q. Do you know if the dollar was changed by the man behind the wicket? A. No; I put it on the table, and the accused took it and changed it.
- 260.Q. Did'nt the man behind the wicket say he had no change for the dollar? A. Not that I remember.
- 261.Q. When you put down your dollar, did'nt the man behind the wicket say something about change? A. Not that I remember.
- 262.Q. You don't remember nothing at all about it? A. No.
- 263.Q. The accused did not change it right there? A. Yes.
- 264.Q. Did'nt he go into the front store and return with the change? A. No; he changed our money first, and then went to the front and came back.
- 265.Q. Do you know what he done that for? A. No.
- 266.Q. When you put the money down, he took it? A. Yes.
- 267.Q. And he put your change down on the table? A. No; I think he handed it to us right in our hands.
- 268.Q. What did you do with it then? A. I put it in my pocket.
- 269.Q. Did'nt you pay the man behind the wicket? A. No.
- 270.Q. Quite sure of that? A. Yes.
- 271.Q. At any rate, the idea in asking him to mark your tickets for you was, as you told us, a matter of curiosity or luck; you did'nt do it to try and catch him in any way? A. No.
- 272.Q. That is absolutely the truth? A. Yes.



- 273.Q. Did you ever get anybody else to mark your tickets for you, before? A. I believe I have.
- 274.Q. Don't believe about it, a man that plays like you -- A. I don't make a profession out of the game.
- 275.Q. You have played it a number of times, and I want to know if you ever had anybody else to mark a ticket for you before? A. Yes, I have.
- 276.Q. Now, after your ticket was played, and after the man behind the wicket had taken a duplicate of it, what time did you come back there again? A. In the afternoon after the drawing.
- 277.Q. Who told you that there was going to be a drawing? A. They told us that the drawing was going to be at two o'clock.
- 278.Q. Who told you that? A. I don't remember which one told us.
- 279.Q. You knew as far as you were concerned that there was going to be a drawing, and why did you ask? A. I didn't ask.
- 280.Q. These things all have signs? A. Yes.
- 281.Q. Where is the two tickets he sold you? A. These are the two.
- 282.Q. Did he mark both of these? A. No, he just marked one of them.
- 283.Q. You told us that he marked them both? A. He marked one for me and one for Herberts.
- 284.Q. I notice in going over your evidence, that you said that he marked one for you and you marked the other? A. Yes; he marked one, and I marked the other.
- 285.Q. That is incorrect then, you didn't mark any? A. No; I marked one.
- 286.Q. You just said that he marked one for you and one for Herberts? A. He marked one for each of us, and we both marked one ourselves.
- 287.Q. Where did you get the other two from, were they got at the same time? A. Yes.
- 288.Q. I understand that you only got two tickets? A. We each got two tickets and paid 20 cents apiece to the accused.
- 289.Q. Each one of you marked one ticket for yourselves, and the accused marked one for each of you? A. Yes.
- 290.Q. How much change did you get back? A. I got 80 cents in change out of a dollar.
- 291.Q. What did the other fellow get? A. I don't just remember what amount he handed.
- 292.Q. Didn't you pay for his tickets also? A. No, Sir; we each paid for our own.
- 293.Q. You could see by looking ~~xxxxxxx~~ on these tickets, that there was to be a drawing at two o'clock? A. Yes.



- 294.Q. You still think that somebody told you on that occasion that there would be a drawing at two o'clock?  
A. Yes.
- 295.Q. Now, you did not see any drawing take place? A. No.
- 296.Q. You got back at what time? A. Hardly say what time.
- 297.Q. You don't know that any drawing took place? A. I could not swear.
- 298.Q. You don't know anything about? A. Not about the drawing.
- 299.Q. You got back about what time? A. Sometime in the afternoon.
- 300.Q. Who did you see when you went in there in the afternoon? A. Employees.
- 301.Q. One of you won something? A. It was not either of those.
- 302.Q. You went back and somebody told you that you has not won anything? A. Yes.
- 303.Q. As far as Chow Mew is concerned, you did not talk the matter over with him, in regard to these tickets?  
A. No.
- 304.Q. Your transaction ended with him in the morning? A. Yes.
- 305.Q. You have nothing more to add; you know nothing about the drawing; and when you went back somebody told you that you had not won anything? A. Yes.
- 306.Q. Then on the other occasion after the 10th, you had no dealings with Chow Mew? A. I believe he was standing outside in the front, and we just spoke to him and went in.
- 307.Q. You went there a good deal these few days, the 9th, 10th, and 11th? A. We called there a couple of times on the 9th, a couple of times on the 10th, and once on the 11th.
- 308.Q. On the morning before you went there, did you see David Lew, on August 10th? A. No.
- 309.Q. Or Hosang? A. No.
- 310.Q. After you played that day, did you go into any Chinese place, on Thursday? A. I don't think so, no.
- 311.Q. Are you sure? A. Yes.
- 312.Q. Have you been in any Chinese stores in connexion with this man? A. No.
- 313.Q. How did you know about coming to Court the last day, on Tuesday? A. We got a telephone message at Barnett to come down.
- 314.Q. You didn't know who was talking to you? A. No.
- 315.Q. What was the message? A. To come down to town that we were wanted for Court.
- 316.Q. What for? A. It was supposed to be for this lottery.



- 317.Q. There was no trouble about any lottery? How did you know? A. We played the tickets.
- 318.Q. There are hundreds of others that play tickets?  
A. Yes.
- 319.Q. How did you know anything about this lottery case?  
A. On the morning of the 9th we met Ah Chin.
- 320.Q. That is the man that laid the information? A. Yes. He asked us if we had been playing any lottery tickets and we said we had - - -
- 321.Q. Were you not frightened about telling a stranger that - you might have got a summons yourself? A. Never thought of that at the time.
- 322.Q. You answered him truthfully? A. We told him that we had played some, and he asked us if we would not go over and play some for him; and he asked us where we had been playing, and we told him where we had ~~xxxx~~ played, and then he asked us if we would play for him.
- 323.Q. And you went there? A. We went there to buy tickets for him.
- 324.Q. So the gambling really was for others, not for yourselves? A. For Ah Chin. We did not know what he wanted the tickets for.
- 325.Q. You went there straight at the request of this man?  
A. No. We did'nt go straight.
- 326.Q. You went around a corner and you went there at this invitation? A. Yes.
- 327.Q. Where did that take place? A. On the street.
- 328.Q. When? A. On the 9th.
- 329.Q. When did you next see him? A. On the 10th.
- 330.Q. When- what time? A. I think it was in the morning.
- 331.Q. You hardly know whether it was in the morning or not - do you? A. It would be about noon.
- 332.Q. You saw him and had this talk to him, before you went in? A. Yes.
- 333.Q. What did he say to you in that talk? A. He just asked us if we would play some tickets for him.
- 334.Q. Did you say you had not played any tickets on the 9th? A. We went on the 9th and played for him.
- 335.Q. When did you report to him? A. On the 10th.
- 336.Q. You went and told him that you had no won anything?  
A. Yes.
337. Q. He still wished to invest more money on your connection? A. He asked us to go down and play some more for him.
- 338.Q. Did he say why he did'nt want to go? Where did he tell you to go? A. We had met him on the morning of the 9th on the corner of Carroll and Hastings streets,



and he asked us if we ever played any tickets, and we said we had, and we pointed to that store.

- 339.Q. You have played at other places? A. No.
- 340.Q. No other places in Vancouver? A. No.
- 341.Q. All your gambling has been confined to that particular place? A. Yes.
- 342.Q. Then he met you on the morning of the 10th, and he asked you to play a few more? A. Yes.
- 343.Q. Did he give you any money? A. Yes.
- 344.Q. How much? A. Each a couple of dollars, to play his tickets.
- 345.Q. How much did he give you the day before? A. That was on the 9th, that he gave us a couple of dollars.
- 346.Q. Did you play the two dollars worth? A. There might have been 10 or 15 cents left over that we did not play.
- 347.Q. You did what he told you to? A. Yes.
- 348.Q. At any rate, how much did he give you on Thursday morning? A. Nothing.
- 349.Q. Then this two dollars paid for the tickets you got on Thursday morning? A. Yes; the two dollars paid for all the tickets we got.
- 350.Q. All the time? A. Yes.
- 351.Q. I thought you said that was for Wednesday - it was not then? A. No.
- 352.Q. Get back to Thursday morning. You met AH Chin and reported to him and he asked you to play two more?  
A. He asked us to play some more.
- 353.Q. Why? A. I don't know.
- 354.Q. You must know - no good saying you don't know why he told you to go back? A. No.
- 355.Q. Has not it occurred to you since, that it was a peculiar thing? You know now that he has been making use of you? A. It looks like that now.
- 356.Q. On Thursday after you made your play, did you go back to see him? A. No; we did not see him until the evening before we went away.
- 357.Q. When was that? A. Friday morning.
- 358.Q. Where? A. At the Avenue Hotel.
- 359.Q. How did you know he was going to be there? A. He told us to go there and give him his ticket that we bought.
- 360.Q. The tickets are valueless after the drawing, if they don't win anything? A. Yes; but he was to meet us there as he would like to see the tickets to see what was marked.
- 361.Q. And get the tickets? A. I could not say.



- 362.Q. Did you give them to him? A. Yes.
- 363.Q. When you gave them to him, what did he say he was going to do with them? A. I don't think he said anything.
- 364.Q. You know that tickets that don't win anything are worth nothing? A. I do.
- 365.Q. Did you say to him that you had a talk with this fellow Chow Mew? A. I don't believe I told him that I had any conversation.
- 366.Q. Did you hear the other fellow? A. No.
- 367.Q. Was not Herberts there? A. Yes.
- 368.Q. This was in the Avenue Hotel? A. Yes.
- 369.Q. Where is this Avenue Hotel? A. On the corner of Columbia Avenue and Dupont street.
- 370.Q. Where did this conversation take place, in the bar or in some room? A. At the back of the bar.
- 371.Q. How long were you there? How many in there? A. Just three of us.
- 372.Q. Anybody else? A. No.
- 373.Q. Did not somebody come in and go out? A. No.
- 374.Q. Quite sure of that? A. Yes.
- 375.Q. Nobody in the room while you were there? A. Not that I remember.
- 376.Q. How long were you in there? A. We handed him the tickets and told him we had won nothing, and told him we were going to Barnet in the morning.
- 377.Q. Did he want you again? A. No.
- 378.Q. You must be impressed with the fact that you are telling the truth, when you say that you did not know what you went to play these tickets for? A. No.
- 379.Q. You didn't go there for the purpose of getting this man Chow Mew into a conversation? A. No.
- 380.Q. On Friday you went to Barnet? A. Yes.
- 381.Q. When did you come back? A. On Monday night.
- 382.Q. Did you see Ah Chin on Monday night? A. Yes.
- 383.Q. Where? A. I don't just remember.
- 384.Q. You came from Barnet, and coming from such a small place to a big place like this, surely you would remember what happened? A. I don't just remember where he met us.
- 385.Q. Who was with you? A. I don't remember whether he was by himself or with somebody.
- 386.Q. Did you see David Lew? A. No.
- 387.Q. Did you see Hosang? A. No.



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- 388.Q. Did'nt you go and have a talk with David Lew on Tuesday night? A. No.
- 389.Q. Nor any night last week? A. No.
- 390.Q. Nor this week? A. No.
- 391.Q. You did not? A. No.
- 392.Q. Have you not had any supper any night this week with this fellow David Lew or Hosang? A. No.
- 393.Q. Nor on last Monday or Tuesday night? A. No.
- 394.Q. How long did you stay with this fellow on Monday night?  
A. Just a few minutes.
- 395.Q. What did you say to him that night? What did you want to see him for? A. We did'nt want to see him; we happened to meet him and he made some remark about us coming back.
- 396.Q. What for? A. He made some remark about us coming back for Court.
- 397.Q. What case? A. This lottery case.
- 398.Q. You were pretty angry then? A. Yes.
- 399.Q. It would be rather expensive for you going up and down-- pay for it out of your own pocket? A. Yes.
- 400.Q. Did'nt you say that he would have to pay the rest of the expenses? A. I don't remember whether we made any remark or not.
- 401.Q. Did he make any remark? A. He made a remark about us coming in for Court.
- 402.Q. You complained about your expenses? A. No.
- 403.Q. You were not going to lie around and have to pay your own expenses? There is no person paying your expenses?  
A. Not so far.
- 404.Q. Do you know where the Maison French Restuarant is, on Granville street? A. Yes.
- 405.Q. Ever been in there? A. Yes; but not to dine.
- 406.Q. Have you been in within the last two weeks to eat anything? A. No.
- 407.Q. Have not been there last week? A. No.
- 408.Q. Any night this week? A. No.
- 409.Q. Quite sure? A. Yes.
- 410.Q. That is absolutely the truth? A. Yes.
- 411.Q. Do you know where David Lew works? A. I believe I do-- at Man On.
- 412.Q. How do you know? A. David Lew had a mare, and Herberts used to take it out for exercise, and I used to go down with Herberts sometimes.
- 413.Q. You never had any talk with David Lew? A. Yes.



- 414.Q. Did'nt you go in Man On's store yesterday, about 12 o'clock? A. No.
- 415.Q. Were you on the corner of Dupont street and Columbia Avenue between 12 and one yesterday? A. Yes.
- 416.Q. Did you see me on the corner? A. No.
- 417.Q. And you did not go into Man On? A. No.
- 418.Q. Between 12 and 1? A. No.
- 419.Q. That is the truth? A. Yes.
- 420.Q. What were you doing down there? A. Strolling around.
- 421.Q. Who? A. Herberts and I.
- 422.Q. You know the alley behind Man On's store? A. Yes.
- 423.Q. How do you know? A. There is a lane between Hastings and Dupont street.
- 424.Q. Did you go there yesterday? A. No, Sir.
- 425.Q. You were on that alley? A. Yes.
- 426.Q. Did'nt come out of Man On's back door between 12 and 1, yesterday? A. No.
- 427.Q. Did you get any telegrams up at Barnet? A. No; we got a telephone message.
- 428.Q. You don't know who it was from? A. No.
- 429.Q. Did you get any letters about this case? A. No.
- 430.Q. You went up to the lawyer's--Mr. McKay's--office? A. Yes.
- 431.Q. Who went with you? A. Herberts.
- 432.Q. Who else? A. Ah Chin.
- 433.Q. Anybody else? A. No.
- 434.Q. Was anybody else up there? A. No.
- 435.Q. How many times have you been there? A. Twice.
- 436.Q. Who went with you the second time? A. Herberts.
- 437.Q. Who else? A. Nobody.
- 438.Q. Did'nt meet any other person there? A. No.
- 439.Q. Quite sure? A. Yes.
- 440.Q. When you went up there with Ah Chin, what day was that? A. Tuesday morning.
- 441.Q. This last Tuesday? A. Yes.
- 442.Q. After you came in from Barnet? A. Yes.
- 443.Q. Who told you to meet him on Tuesday morning? A. Ah Chin told us to go up to Mr. McKay's office on Tuesday morning.





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- 444.Q. Did'nt you object, and say you did'nt want to be mixed up in this case? A. I don't remember as we did.
- 445.Q. If you had known you would not have had anything to do with this case unless you were subpoenaed for it?  
A. I don't know.
- 446.Q. That is perfectly legitimate to get your expenses paid-- was not there anything said about your expenses being paid? You did not expect to have to pay all your own expenses, did not you expect to get money? A. I don't know, I have got none yet.
- 447.Q. That is another chance you are taking? A. Yes.
- 448.Q. Did you see Ah Chin last night? A. No.
- 449.Q. Quite sure? A. Yes.
- 450.Q. Did you see David Lew? A. No.
- 451.Q. Last night? A. No.



WILLIAM HERBERTS recalled.

Cross-examination by Mr. Geo. Powell.

- 452.Q. You have been working at the mill at Barnet? A. Yes.
- 453.Q. When did you leave there? A. Monday night.
- 454.Q. Who telephoned you to come in? A. This other man, I expect.
- 455.Q. Who? A. I know the man if I see him.
- 456.Q. Is he a Chinaman? A. Yes.
- 457.Q. David Lew? A. No.
- 458.Q. Hosang? A. No.
- 459.Q. Have you seen him here in Court --is that him in the corner? A. Yes (Ah Chin is the man picked out).
- 460.Q. You know David Lew? A. Yes.
- 461.Q. It was not him that telephoned you? A. No.
- 462.Q. He is the man that laid the information? A. Who?
- 463.Q. Ah Chin? A. Yes.
- 464.Q. Who did he telephone to? A. I was at the phone.
- 465.Q. Was Munson beside you? A. We were both playing baseball, and I was called to the phone.
- 466.Q. You told him that Ah Chin telephoned you to come to Court? A. Yes.
- 467.Q. You told him that? A. Yes.
- 468.Q. What time did you get into Vancouver that night? A. About 9.
- 469.Q. Had you had your supper? A. Yes; before we left.
- 470.Q. Did you have supper in town that night? A. No.
- 471.Q. Quite sure? A. Yes.
- 472.Q. Who did you meet that night when you came to town? A. I met different people.
- 473.Q. Did you meet Ah Chin? A. No; I don't think we met him until the next morning.
- 474.Q. Didn't meet him that night? A. No.
- 475.Q. Who did you see Monday night in connexion with this case? A. Nobody.
- 476.Q. Do you remember what time you went to bed that night? A. About 12 o'clock.
- 477.Q. Didn't you meet any Chinamen and have a talk with them? A. No.



- 478.Q. Munson said he talked to a Chinaman and you were with him? Don't you think you talked to David Lew that night? A. Not that I remember.
- 479.Q. Or Tuesday night? A. No.
- 480.Q. You don't think you did? A. No.
- 481.Q. Have any talk with Hosang? A. No.
- 482.Q. You know him? A. Yes.
- 483.Q. Do you know Johnson that works in the Dominion Express Office? A. No; I don't think I do.
- 484.Q. Did'nt you have supper with David Lew and this other young fellow named Johnson, on Monday night? A. No.
- 485.Q. You know where the Maison French Restaurant is? A. Yes.
- 486.Q. Have you eat there this week? A. No.
- 487.Q. Or last week? A. No.
- 488.Q. Quite sure? A. Yes.
- 489.Q. On Tuesday morning you remember going to Mr. McKay's office (the lawyer)? A. Yes.
- 490.Q. Who went there with you? A. Munson.
- 491.Q. Whoelse? A. Munson and I.
- 492.Q. You did'nt go with any Chinaman? A. No.
- 493.Q. How did you know you had to go to Mr. McKay's office?  
A. Ah Chin told us.
- 494.Q. Ah Chin telephoned you to come down? A. He telephoned us to come down to town, and then when he seen us in town, he told us to go to Mr. McKay's office.
- 495.Q. When did you ~~xxx~~ meet him? Did'nt you see him on Monday night? A. I don't remember.
- 496.Q. You don't remember? A. I don't remember whether it was Monday night or Tuesday morning.
- 497.Q. Did you see David Lew between 12 and 2 yesterday?  
A. No.
- 498.Q. Did you go into Man On's store yesterday, with Munson, between 12 and 2? A. Not that I remember.
- 499.Q. You know whether you did or not? Did you go in there and have a talk with David Lew? A. No.
- 500.Q. Neither you nor Munson? A. No.
- 501.Q. On this Wednesday, August 9th, that you went to play these tickets, you went there yourselves? A. We met this fellow Chow Mew at the door.
- 502.Q. Before you got there--how is it you happened in this place. Do you ever play in any other Chinese lottery places? A. No.
- 503.Q. You have played in others? A. Not the last few months.



- 504.Q. Going by that morning you just dropped in, you didn't intend to go there? A. I don't know, we started walking and went in.
- 505.Q. You knew him before? A. Yes.
- 506.Q. How long have you known him? A. Quite a while by sight.
- 507.Q. Anyway, when you went in, Munson has told us that he or you asked this fellow to go in behind and play a ticket for luck, did you do it? A. Chow Mew asked us - - -
- 508.Q. Munson said he asked him to go in and mark a ticket? A. That is after. We asked him if he would mark a ticket for us.
- 509.Q. You didn't intend to go in? A. I don't know. We were walking down street and just happened to stop.
- 510.Q. You were just walking by? A. Yes.
- 511.Q. You went back again that afternoon? A. Yes.
- 512.Q. You went there again next morning? A. Yes.
- 513.Q. How did you happen to go next morning? A. We were going out and this Ah Chin met us, after we had played the tickets.
- 514.Q. What day was that? A. The 9th.
- 515.Q. What did he say? A. He asked us where we had been and he asked us to show him the tickets. We told him where we had been - -
- 516.Q. He had already seen you before and asked you to go there? A. No.
- 517.Q. Munson told us that you went there that morning, because he asked you to go. Don't you remember that he waited for you outside? A. Not that I know of.
- 518.Q. Don't you remember that before you went into Chow Mew's that you seen Ah Chin and he asked you to go in? A. No; I don't think that was before I went in.
- 519.Q. Didn't he give you money to play with that first time. A. No; not then.
- 520.Q. When? A. On the 9th after we came out from playing.
- 521.Q. How much did he give you? A. Two dollars apiece.
- 522.Q. What was that for? A. To play some tickets.
- 523.Q. You could buy a good many for that? A. Yes; and you could buy one for it, if you wanted to.
- 524.Q. Did you do so? A. No.
- 525.Q. You went back on the 10th? A. Yes; he told me to play some tickets for him.
- 526.Q. No mention of any reason why you should go in and give him back the winnings made by the tickets? A. No; only he said he wanted the tickets back.
- 527.Q. After you didn't win anything, the tickets were valueless?



~~528.Q.~~

A. I don't know, but he wanted to see the tickets.

528.Q. You told us he asked for the tickets? A. Yes.

529.Q. Did you bring the tickets back to him? A. Yes.

530.Q. You didn't think there was any job? A. I don't know anything about it.

531.Q. Never give it a thought? A. No.

532.Q. You see now that you have been fooled, that he used you? A. We went and got tickets for him.

533.Q. Did you think there was going to be any Police Court case about it? A. No.

534.Q. When you got these tickets, you gave them back to him? A. Yes.

535.Q. Where did you meet him? A. Avenue Hotel.

536.Q. Who else was in there? A. I don't remember anybody in there.

537.Q. While you were there, did you see anybody going in the room? A. There was just the three of us.

538.Q. Ah Shin didn't buy you a drink in there? A. No.

539.Q. How long did you stay in there? A. 10 or 15 minutes, I think.

540.Q. Didn't he compare those tickets with some others? A. I don't know.

541.Q. You want me to believe that? A. Yes.

542.Q. That is as true as all the rest of your evidence? A. Yes.

543.Q. You thought nothing more of it, and went away to Barnet? A. Yes.

544.Q. Didn't you think it peculiar that you had to come back on Monday, and be mixed up in a row in the Police Court? A. Yes.

545.Q. What did he want to get those tickets back for? A. I don't know.

546.Q. What about your expenses? A. We are paying our own expenses.

547.Q. How much are you getting at the mill? A. \$2. per day.

548.Q. Where did you get your money? A. What I have earned before at the mill.

549.Q. Did you spend the four dollars between you? A. I don't know just how much.

550.Q. You didn't spend more than a dollar and a half? A. No; about that.

551.Q. He could see that you had not spent all the money? A. He could see that I did not.

552.Q. Didn't you think that you should return the balance to



- him in value or money? A. I don't know.
- 553.Q. You think it is alright to keep the balance? A. Yes; we went and played the tickets and kept the money.
- 554.Q. When you got in there, who payed for the tickets? There were four tickets and you each had two?  
A. Yes.
- 555.Q. Chow Mew marked two and you each marked one yourselves?  
A. Yes.
- 556.Q. Who paid for them? A. Munson paid for them.
- 557.Q. All of them? A. Yes.
- 558.Q. What would it be? A. Forty cents.
- 559.Q. Do you remember what he put down? A. I think it was a fifty cent piece.
- 560.Q. You noticed the man behind the wicket? A. Yes.
- 561.Q. He could not make change, because he did not have any?  
A. No.
- 562.Q. He didn't have any change? A. He apparently did not have any change.
- 563.Q. The man behind the wicket did not have any change?  
A. I don't know whether he had or not, but he did not take the fifty cent piece and change it.
- 564.Q. You said a minute ago that he did not have any change, and that he could not change it? A. He gave it to the other man to change.
- 565.Q. How do you know he did not have change? A. I could not say. Munson put down the money on the table, and this man (Chow Mew) picked it up and changed it.
- 566.Q. Did'nt he hand it to the man behind the wicket?  
A. Munson put it down on the table, and this man took it up.
- 567.Q. Now then, when Munson put down the money, did not the man behind the wicket commence to look for change; and was not there something said about him not having any change? A. I could not understand him.
- 568.Q. Was not there any English talk? A. No; there was not.
- 569.Q. Did'nt Chow Mew take the money and go into the front office to get it changed. A. He said something about change.
- 570.Q. You were outside of the counter and the other man was in behind? A. Yes.
- 571.Q. And Chow Mew got this money from the other fellow?  
A. He put his hand in his pocket, and I think he changed it right there.
- 572.Q. He put down some change? A. Yes.
- 573.Q. Did he put down the whole change for the half dollar?  
A. Whatever it was, he just put down ten cents.
- 574.Q. Munson said he put down a dollar, do you remember whether it was or not? A. It occurred to me that it was a half a dollar.



575.Q. At any rate, the change that Chow Mew pulled out of his pocket was ten cents? A. As far as I know, I thought he put down ten cents.

576.Q. That is all you remember? A. Yes.

577.Q. There was no money went into the man behind the wicket? A. I did not see him get any money.

(Defence reserved.)

Committed for trial.

sgd. A. Williams.  
Police Magistrate.



STATEMENT OF THE ACCUSED.

Chow Mew says as follows:-

I have nothing to say now.

(Sgd. .) Ch Mew.

Taken before me at Vancouver the 24th day of August, 1905.

(Sgd.) A. Williams.

P.M.





1905.

*Vancouver Fall Assizes.*

*Copy of Depositions in re*

REX

VS.

*Chow Mew - (alias Ah Mew)*

*Offence selling lottery tickets.*

71  
05





INFORMATION AND COMPLAINT.

Canada:  
Province of British Columbia;  
City of Vancouver.

The information and complaint of Ah Chin of Vancouver, British Columbia, taken the 11th day of August, A.D., 1905, before the undersigned A. Williams, Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that he has just cause to suspect and believe and does suspect and believe that Chow Mew, alias Ah Mew, of the said City of Vancouver, within the space of one month last past, to wit, on the 10th day of August, 1905, at No. 429 Carroll street, in the said City of Vancouver, did unlawfully sell lottery tickets as a means or device for disposing of money drawings by chance.

"Ah Chin".

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

'A. Williams', P.M.

Sworn before me this 24th day of August, 1905.

'A. Williams', P.M.



Police Court.

(Before A. Williams, Esquire, P.M.)

Vancouver B.C., Aug. 23rd, 1905.

W.M. McKay appeared for the prosecution.

Geo. E. Powell appeared for the defence.

Chow Mew (accused) elected to be tried by a Jury.

HOWARD MUNSON, called and sworn. Direct exam. by McKay.

- 1.Q. Where do you reside? A. Barnet.
- 2.Q. What are you doing? A. Working for the North Pacific Lumber Company.
- 3.Q. Do you know the accused Chow Mew? A. Yes.
- 4.Q. Can you point him out? A. Yes; the first Chinaman here.
- 5.Q. How long have you known him? A. I have known him by name for about two weeks.
- 6.Q. How long have you known him by sight? A. About 3 years.
- 7.Q. When did you first see him in connexion with this charge?  
A. On the 10th of August.
- 8.Q. Where? A. At his store on Carroll street.
- 9.Q. What number? A. 429, I believe.
- 10.Q. What did you go there for? A. I was passing along the street and he was standing in front, and I got into a conversation with him, and I asked him if he was running that place and he said "Yes", and he asked me if I wanted to play a lottery ticket and I said I didn't mind; so I marked one ticket myself and he marked one for me.
- 11.Q. Did you go inside? A. Yes.
- 12.Q. Had you ever been in there before? A. Yes.
- 13.Q. When? A. 9th of August.
- 14.Q. Had you played any ticket the day before? A. Yes.
- 15.Q. Who sold them to you? A. Some employees in there, I believe.



- 16.Q. It was on the 10th day of August that you came in contact with the accused, here? A. Yes.
- 17.Q. How many tickets did he sell you that day? A. Two, himself.
- 18.Q. What are these I produce now? A. Those are the lottery tickets that I bought from him and his employees.
- 19.Q. Can you produce out of that bunch the tickets which ~~xx~~ were sold to you by the accused? A. I think I can.
- 20.Q. August 10th, 1905, 2:p.m.? A. Yes, sir.
- 21.Q. These are the lottery tickets sold to you by the accused? A. Yes.
- 22.Q. Himself? A. Yes.

(Lottery tickets sold by accused to witness marked ex. "A.")

- 23.Q. How much did you pay for these? A. 10 cents apiece.
- 24.Q. Who did you pay the money to? A. The accused himself.
- 25.Q. How do you know these are lottery tickets? A. They are what they put out before me to mark as lottery tickets, and what he claimed himself to be lottery tickets.
- 26.Q. How many tickets did you play the day before? A. 3.
- 27.Q. On August 9th? A. Yes.
- 28.Q. You purchased them in the same store? A. Yes.
- 29.Q. What kind of a store is this? A. There seems to be a number of cases of canned salmon or something like it, on the south wall of the store; a few chairs around and a table.
- 30.Q. Did you play any other tickets there, about that time? A. On that day?
- 31.Q. On that day or any day since that? A. On the 11th of August I played.
- 32.Q. Have you got any tickets of the 11th here? A. That is one.

(Lottery tickets dated August 9th marked exhibit "B.")  
( " " " " 11th " " "C.")

- 33.Q. Will you explain the mode of playing this lottery?  
A. They give you a ticket to mark, and they take a copy of it in a book, and they stamp your ticket with a native stamp (this stamp is made of wood and is used the same as our rubber stamps) and they put writing on it. They keep one for their copy and give us the ticket. Then there is a drawing at some other place, and after that drawing you compare your ticket with the one they have and see how many spots you have marked off the same as they have.



- 34.Q. What sort of a game is this? A. A game of chance or skill?  
A. It is a large game of chance.
- 35.Q. How are the chances? A. I think about 30 chances to each one.
- 36.Q. These two tickets, exhibit "A.", that were sold to you by the accused, did he mark off any of these himself?  
A. He marked one and I marked the other.
- 37.Q. Can you tell me from looking at these tickets which one he marked? A. This is the one he marked.
- 38.Q. This is the one your marked? A. Yes.
- 39.Q. Did you win anything from either of those tickets? A. No.
- 40.Q. Who was with you, or was there any person with you at the time you went into this store and had this conversation you have mentioned with the accused? A. Herberts.
- 41.Q. What is his first name? A. William.
- 42.Q. Is he here? A. Yes.
- 43.Q. Was anybody else there at the time? A. Nobody but Chinamen.
- 44.Q. You had a conversation in the store as well as in the front of the store? A. Yes.
- 45.Q. What conversation occurred in the store? A. I asked him if he was running that place now.
- 46.Q. What place did you mean? A. That store of business there, that we were in at the present time. I asked him if he was running it for himself and he said he was.
- 47.Q. Did you mention the business? A. Yes; the lottery business.
- 48.Q. He said he was running it? A. Yes.
- 49.Q. Is that all? A. I think that is all the conversation that took place.
- 50.Q. Is there anything about the premises to designate what sort of a place it is? A. At that time there was a long table and on the table were these letters books.
- 51.Q. You seen the lottery books? A. Yes; the books that they keep a copy of the tickets in.
- 52.Q. Do you know of any prizes won in this lotteries? A. I could not say any particular person; but I believe there is some of the tickets hanging on the wall, of those who have won, but I would not say for certain.
- 53.Q. Did you see them? A. I could not say for certain.
- 54.Q. Did you ever see anybody win any money from this lottery? A. I believe Herberts won 20 cents.
- 55.Q. The man that was in there with you won 20 cents?  
A. Yes.
- 56.Q. When do you get a prize? Can you explain? A. There are drawings at different hours. Suppose you come in before 2 o'clock and get a ticket, there is a drawing at 2 o'clock and if you come back about half an hour after, you can find out whether you win anything or not.



- 57.Q. What constitutes a prize? A. Five spots is lowest. You have to have five spots on your ticket in the same place as is on their drawing tickets.
- 58.Q. They have a duplicate ticket like that? A. Yes.
- 59.Q. Marked the same as that? A. Yes.
- 60.Q. Then they have the drawing ticket? A. Yes; they have a ticket that they draw on.
- 61.Q. If five spots on this ticket and on this duplicate ticket correspond with the drawing ticket, you get a prize? A. Yes.
- 62.Q. Were you there when Herberts got the prize? A. Yes.
- 63.Q. How much did he win? A. 20 cents, I believe.
- 64.Q. The lowest prize? A. I think it is.
- 65.Q. Is there anything to designate who was the owner of this establishment or about the establishment? A. Only this man. He gave me his name as Ah Mew; and he had a sign board lying on top of these boxes on the south side of the room, and I asked him if that was his name on the sign, and he said that was his name.
- 66.Q. Did he say anything else? A. No; except that he was proprietor of this.
- 67.Q. (Court) He told you his name was Ah Mew? A. He said that he was his name on the sign, and the name on the sign was Ah Mew. Chow Mew is the name he is known by amongst his own countrymen.

(Cross-examination reserved by Mr. Powell).



WILLIAM HERBERT called and sworn. Direct exam. by McKay.

- 68.Q. Where do you live? A. 1861, Fourth Avenue, Fairview.
- 69.Q. Are you living there now? A. No; I am at 212 Queen's Hotel on Water street.
- 70.Q. Where do you work? A. At Barnet.
- 71.Q. What place? A. North Pacific Lumber Company.
- 72.Q. Do you know the accused~~x~~, Chow Mew? A. Yes.
- 73.Q. Can you point him out? A. That Chinaman there.
- 74.Q. Sitting there? A. Yes.
- 75.Q. How long have you known him? A. For quite a while, only to see him. I didn't know~~x~~ his name until lately.
- 76.Q. When did you know his name? A. The 10th, I think.
- 77.Q. Of what month? A. Of last month.
- 78.Q. Last month or this month? A. Tenth of this month.
- 79.Q. Tenth of August, 1905? A. Yes.
- 80.Q. When did you meet him? A. I met him outside of the store.
- 81.Q. What store? A. His store.
- 82.Q. Where? A. On Carroll street, I don't know the number.
- 83.Q. You don't know the number? A. I am not quite sure - 439 or something like that.
- 84.Q. You are not positive about that? A. No; I think it is it that.
- 85.Q. When you met him there, what transpired between you?  
A. I was talking to him and asked him where he had been; ~~x~~ and we went inside, and he asked me if I wanted to play a ticket and I said I didn't know, and I went in and I played a ticket.
- 86.Q. This was on the 10th? A. Yes; on the 10th I seen him there.
- 87.Q. Had you been in that store before? A. Yes; I have been in before.
- 88.Q. When? A. Lots of times.
- 89.Q. Immediately? A. On the 9th I was in.
- 90.Q. Did you meet this man on the 9th? A. No; he was not in there on the 9th.
- 91.Q. Did you play the lottery on the 9th? A. Yes.
- 92.Q. Who did you purchase tickets from on the 9th? A. I would think it was some of his helpers; I don't know who it was.



- 93.Q. On the 10th you went in there and played a ticket--how many tickets did you play on the 10th? A. I think it was three.
- 94.Q. Who did you purchase them from? A. This man here.
- 95.Q. The accused? A. Yes.
- 96.Q. Can you tell from looking at this bunch of tickets how many of them you purchased from him on the 10th?  
A. Three tickets.
- 97.Q. Can you identify those three? A. These are the three.
- 98.Q. Did you purchase all these tickets from this man on the 10th? A. Yes; I got those two from him, and I got the other one at night.
- (Two lottery tickets, date Aug. 10th, 1905, 2:p.m., marked exhibit "D.")
- 99.Q. How much did you pay for those tickets? A. I am not sure whether they are ~~xxx~~ two 10 cent tickets or not; yes, they are two ten cent tickets.
- 100.Q. Out of that bunch of tickets how many did you buy on the 9th, the day previous? A. Five.
- 101.Q. On the 9th? A. Yes.
- 102.Q. Who did you purchase those from? A. From the same man that was in there before, one of the men that are working there.
- 103.Q. It was in this establishment? A. Yes.
- 104.Q. Did you play any other on the tenth? A. No; that is all I played on the tenth.
- 105.Q. What about that, did you play that on the 10th?  
A. Yes.
- 106.Q. You bought that from whom? A. From one of the fellows working there.
- 107.Q. Were you in there on the 11th? A. Yes, at 2 O'clock.
- 108.Q. Did you purchase a ticket there? A. Yes.
- 109.Q. From whom? A. One of the men working there.
- 110.Q. You only purchased two from the accused? A. Yes.
- 111.Q. At the time you purchased those two tickets, you paid ten cents to whom? A. This man.
- 112.Q. The accused? A. Yes.
- 113.Q. At the time you purchased these tickets, had you any conversation with the accused? A. I asked him where he had been, and I asked him if he was running this lottery in the store, and he said "Yes", and he said he run the store.
- 114.Q. Did he say anything else? A. No; he just showed me a sign and said that was his name on it. There was a sign lying there and I asked him if that was his name, and he said "Yes".





- 115.Q. What was the name? A. Ah Mew.
- 116.Q. Do you know what name he is charged under today?  
A. No; I don't think I do.
- 117.Q. He is charged as Chow Mew? A. That possibly may be the name, but I thought it was Ah Mew.
- 118.Q. Is there any doubt about the man? A. No; that is the man; that is the man that told me his name was Ah Mew.
- 119.Q. On any of these tickets that you purchased there, did you win a prize? A. I got five spots on one.
- 120.Q. What does that mean? A. You get 20 cents.
- 121.Q. Did you get 20 cents? A. I played two more tickets.
- 122.Q. You won the 20 cents and you played two more tickets back? A. Yes.
- 123.Q. You actually got this prize? A. Yes.
- 124.Q. Can you point to the ticket you won the prize? A. Yes.

(5 lottery tickets, dated Aug 9th, 1905, marked exhibits "E.")  
 ( " " ticket that won a prize marked ex. "E-2")  
 ( " " dated Aug 10th, 1905, 11:30 p.m. marked ex. "F.")  
 ( " " " " 11th " 2:p.m. marked ex. "G.")

- 125.Q. Can you tell the Court how you know these are lottery tickets? A. I have seen the game before, and I have seen them marked lots of times.
- 126.Q. Is there anything on these that would tell you they are lottery tickets? A. The winning ticket would tell you that.
- 127.Q. How do you play it? A. You go in and buy a ticket and mark off ten spots, and they have a drawing some place and have so many marked off and you compare your ticket with theirs.
- 128.Q. What kind of a game is it? Do you consider it a game of chance or skill? A. I would consider it a game of chance.
- 129.Q. What are the chances in favor of? A. The company.
- 130.Q. In favor of the company, the seller, the owner of the place? A. Yes.
- 131.Q. Explain this one that you won on? A. You take one of these tickets and mark ten spots off of it.
- 132.Q. Court: You have to get so many in yours as is on theirs?  
A. Yes; their ticket is the same as this, and they mark off twenty and you mark ten. You mark off in black and the one they have, they mark it off in red.
- 133.Q. Supposing I get ~~xxxxxx~~ three here and three here the same as they have? A. I catch six spots and get so much.
- 134.Q. The six spots have to be the same? A. Yes.



- 135.Q. Do you get a prize if you get one pair? A. No; you have to get five the same before you get anything.
- 136.Q. Where is this drawing, did you see it? A. I did'nt see it.
- 137.Q. You have to take their word for it? A. Yes.
- 138.Q. You did'nt see the drawing? A. No.
- 139.Q. When do you go back? A. As a rule any time the next day or that night; any time after half an hour after the drawing takes place.
- 140.Q. Court: How many spots on a ticket altogether? A. 80.
- 141.Q. " You mark off ten and they mark twenty? A. Yes.
- 142.Q. When Chow Mew sold you these two tickets on the 10th, did you mark them off yourself? A. I marked one off and he marked one off.
- 143.Q. Which one did he mark off? A. This is one, exhibit "F."
- 144.Q. He marked that? A. Yes.
- 145.Q. That one is for a drawing at 11:30 p.m.? A. The one he marked was in the afternoon, this is it, exhibit "G."

Mr. McKay: I wish to amend the information to read on the 10th of August instead of the 9th, as the evidence shows that it was the tenth that this man sold the tickets.

- 146.Q. Have you found the right one which he marked? A. This is one, dated August 10th, 2 p.m., exhibit "A."
- 147.Q. That is not Munson's but yours? A. Yes.
- 148.Q. Did he mark one for you and one for Munson? A. Yes; and it is hard to tell which is the one he marked for me.
- 149.Q. He marked this one dated Aug. 10th 2 p.m.? A. Yes; I am sure that is the one he marked for me.
- 150.Q. This is the one you think he marked? A. That is the one he marked.
- 151.Q. Now be sure - is that the one he marked? A. Yes, I think that is the one.
- 152.Q. These tickets - one was marked for you and one for Munson? A. Yes.

Mr. McKay: I would like the information amended to read the 10th of August instead of the 9th of August. (Granted).

Case adjourned until Aug. 24th at 10 a.m.



August 24th, 1905.

- Mr. Powell: I don't propose to offer any evidence.
- Mr. McKay: I would ask Your Worship to amend the information by adding "Ah Mew", as the evidence goes to show that he said his name was Ah Mew.
- Mr. Powell. I will object to any amendment being made at this stage.
- Court: I would allow any amendment like that, and I would allow an enlargement if you want to call further evidence. This will read "Chow Mew, "alias Ah Mew" when the amendment is made.
- Mr. Powell: I submit there is no provision to allow any amendment at this stage, as the case has been closed and the evidence is all in, and the matter is only open now for argument.
- Mr. McKay: His Worship has power to amend it in any case.
- Mr. Powell: But the case has been closed.
- Court: I will take the responsibility.

(Information amended by adding "alias Ah Mew" and by changing the '9th of August' to the "10th of August". Amendments sworn to by the informant Ah Chin.)

- Court: If you have been prejudiced by this at all, I will grant you an enlargement.
- Powell: The reason that I object to this is, that yesterday my learned friend made application to amend the information by changing the 9th to the 10th; in other words from the ninth to the tenth, simply because the evidence did not disclose any offence committed on the 9th. My learned friend applied for the amendment, and the informant was called, but the amendment was not sworn to, as my learned friend got into a discussion, and it was overlooked. Now, my learned friend comes in and asks for another amendment after all the evidence is in for both sides - it amounts to that, as I have already notified you that we will not produce any evidence - and wants to change the name to Ah Mew. I notice that the 9th has been changed to the 10th, but that has never been sworn to.
- Court: He has just sworn to it, along with the other amendment.
- Powell: I take the objection.
- Court: I have a right to amend it in matters like this, if the evidence does not sustain it.
- Powell: Not after a case is all over. By amending the charge it means a fresh charge, that is all it can mean.
- Court: It is only a matter of time, and if you are prejudiced by this amendment, I will grant you a remand so that you can call evidence.



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Powell: My learned friend made application yesterday to have an amendment made, but did not have it sworn to; and now today he comes after all the evidence is in and the case is closed, and wants to make a change with regard to the name, so as to fortify the defects that existed. Now, I certainly say that it means nothing more than a fresh charge. No doubt Your Worship has a right to amend a charge in a preliminary investigation, but in a case of this kind after the case has been closed and the evidence all in, I say that you have no right. Your Worship cannot find any authority for such procedure. Do you say that you can bring a man here charged with an offence on a certain date, and then after all the evidence is in change it to some other date to suit the evidence.

Court: If you have been prejudiced, I will grant you an adjournment.

Powell: I certainly say that Your Worship has no power to do it, and I don't think that Your Worship can show me any authority; and at the same time I say I have been prejudiced, and if Your Worship still holds that you have the right, I want an adjournment to get the first two witnesses so that I can cross-examine them on their evidence.

Court: I will grant you any adjournment.

Powell: The evidence was all given in regard to the 10th, and the charge was for the 9th, that is why I did not cross-examine them.

Mr. McKay: Does Your Worship say he can bring evidence here, as well as cross-examine this men?

Court: Yes. When an information is amended and the defence is prejudiced in any way, they have a right to an adjournment.

Case remanded until August 25th at 10 a.m.



August 25th, 1905.

HOWARD MUNSON recalled.

Cross-examination by Geo. E. Powell.

- 153.Q. You have been working at the Barnet Mills? A. Yes.
- 154.Q. Are you still working there? A. Yes.
- 155.Q. When did you leave there? A. Monday was the last day I worked there.
- 156.Q. That would be the 21st of August? A. Yes.
- 157.Q. For two weeks previous you had not been working every day? A. No.
- 158.Q. When have you been working there regular? A. I started on the Friday before the 21st.
- 159.Q. The 18th of August? A. Yes.
- 160.Q. Is that the first day you went there to work? A. Yes.
- 161.Q. Where were you working before the 18th of August?  
A. I had not been working for a couple of weeks.
- 162.Q. Where were you working before that? A. Burrard Livery Stables.
- 163.Q. Do you remember going into this place on the 9th of August? A. Yes.
- 164.Q. Do you remember what day of the week that was? A. On a Tuesday, I think.
- 165.Q. It would be Wednesday? A. Tuesday or Wednesday.
- 166.Q. When was the last time before that, that you had been in that place? A. I could hardly remember that.
- 167.Q. You have been in there many times? A. A few times.
- 168.Q. Was you in that month before? A. It was all of two months.
- 169.Q. You played these lottery tickets on these previous occasions? A. Yes.
- 170.Q. Do you remember what time on the Wednesday, the 9th of August, that would be? A. About ten o'clock in the evening.
- 171.Q. On the 9th? A. Yes.
- 172.Q. Where had you been that evening before you went in?  
A. Around town.
- 173.Q. Doing anything? A. Just walking around.
- 174.Q. What did you go in that evening for? A. I went in to play a lottery ticket.



- 175.Q. Did you go in to look for the defendant? A. No.
- 176.Q. Did not have him in your mind at all? A. No.
- 177.Q. No intention of looking for him? A. No.
- 178.Q. After you played your ticket that night, do you remember where you went? Do you remember of going into any other Chinese places? A. I went into no more Chinese places at all.
- 179.Q. Did'nt you meet a Chinaman on the street after you came out of the room? A. Yes; I met a lot of Chinamen.
- 180.Q. Do you know a Chinaman by the name of David Lew? A. Yes.
- 181.Q. Do you know him? A. Yes.
- 182.Q. Did you meet him, when you came out of there? A.No.
- 183.Q. Do you know a Chinaman by the name of S.G.Hosang, who works in Mr. Russell's office? A. Yes, I believe I do.
- 184.Q. Is that him in the corner? A. Yes; I am acquainted with him.
- 185.Q. Did you meet him that night of the 9th? A. No.
- 186.Q. You did not see him that night? A. No.
- 187.Q. And you did not see David Lew that night? A. No.
- 188.Q. Were you in there with Herberts on the 9th? A. No.
- 189.Q. You and Herberts do not sleep together? A. We have been rooming together.
- 190.Q. In the morning after you had your breakfast, you went straight to the same place? A. We strolled around town for awhile.
- 191.Q. At any rate, you went there? A. We went down there about half past one.
- 192.Q. Was that on Thursday morning? A. Yes.
- 193.Q. This was the occasion that you met Chow Mew? A. Yes.
- 194.Q. Are you sure it was as late as that? A. Yes.
- 195.Q. Was it not nine or ten o'clock? A. It was not until after 12.
- 196.Q. What did you happen to go to this place for? A. We were strolling around down there and passed by.
- 197.Q. When you went along there, had you any intention of going to this same place? A. I don't know as I had any particular intention of playing a lottery ticket.
- 198.Q. Had you anything in mind that was going to take you into that particular place? A. I don't know.
- 199.Q. As you remember, what was the fact? You turned some corner to go to this place--did you intend to go there?  
A. I believe I did intend to go in and play another ticket.
- 200.Q. At any rate, you knew you were on your way there before you met this man, that you had the conversation with?  
A. Yes.



- 201.Q. Where did you meet Chow Mew? A. In front of his store.
- 202.Q. Why didn't you go straight in? A. I don't know, I stopped and talked for him for a few minutes.
- 203.Q. Who commenced to talk? A. I believe I started the conversation.
- 204.Q. You had not seen him for some time? A. No.
- 205.Q. You were anxious to find out where he had been? A. Yes.
- 206.Q. You were particularly anxious to find out where he had been? A. No.
- 207.Q. You just said "Where have you been for some time?" ?  
A. Yes.
- 208.Q. During this talk, you were still going in to play your ticket? Before you actually talked to him, you were on your way to play a ticket in there? A. Yes.
- 209.Q. How is it he came in with you? A. He went in the store and opened the door and we followed him; and we got into a conversation, and he asked us if we were going to play.
- 210.Q. You were going to play a ticket, and didn't somebody ask him to mark a ticket? A. He asked us if we were going to play a ticket - -
- 211.Q. In the front office? A. Yes.
- 212.Q. Who was it asked him to come in and marked a ticket?  
A. I believe I said it.
- 213.Q. What was your object in doing that? A. I don't know if there was any particular object in it.
- 214.Q. He agreed to do it and went in behind with you? A. Yes.
- 215.Q. You have seen him in that front place before? A. Yes.
- 216.Q. What did you want to ask him if he kept that place for?  
A. I don't know. I didn't know he was proprietor of the place.
- 217.Q. You had seen him there many times before? A. I can't say that I seen him many times before.
- 218.Q. He was the alleged proprietor, and you wanted to find out whether it was so? You must have known he was running that place? I am talking now about the front part of the store? A. Yes.
- 219.Q. You told us the other day that you seen a sign there with "Ah Mew" on it? A. Yes.
- 220.Q. It was ~~xx~~ a portable sign? A. Yes; it was just lying up there on some cases.
- 221.Q. You had seen that sign before? A. I don't think I did.
- 222.Q. When you first went in there and was talking to him, you knew his name was Ah Mew? A. No.
- 223.Q. You had never heard the name before? A. No.
- 224.Q. When you seen the sign it aroused your curiosity to know, and you asked him if that was his name? A. Yes.



- 225.Q. Just out of curiosity? A. Yes.
- 226.Q. Then when you found that out, you seen that he was a dealer in goods and vegetables? You believe he is a dealer? A. I don't know whether he is or not.
- 227.Q. You don't know whether he is or not? A. No.
- 228.Q. You can't know him very well? A. He was on one team dealing in vegetables, when I first became acquainted with him, about three years ago.
- 229.Q. Did you never know his name? A. No.
- 230.Q. How did you come to know him? A. I was working at Tyson's store, and he used to deliver vegetables there every morning.
- 231.Q. At any rate, he went in with you, and you asked him to mark this ticket for you for luck? A. Yes.
- 232.Q. Going into this room, you had to go down a narrow hall into a room at the back of the building? A. I think we were lead right through a door into the room.
- 233.Q. Did'nt you go down a narrow passage and from that you were admitted into a room at the back of the building? Is not there a long hall to go through?  
A. No; it is the second room from the front.
- 234.Q. You walked right in there from the front? A. Yes.
- 235.Q. There is a sign on the window of the store? A. Yes.
- 236.Q. Sun Sun, groceries and so forth? A. I don't know, I did'nt take any particular notice.
- 237.Q. You were not interested? A. No.
- 238.Q. Why did'nt you ask him if that was his name, "Sun Sun", when you saw him outside? A. It never came into my head.
- 239.Q. Not until you saw the sign inside? A. Yes.
- 240.Q. At any rate, we will go into this little room. There is a long table, and there was a man behind there?  
A. Yes.
- 241.Q. You have evidently seen that man before? A. I have seen him a couple of times.
- 242.Q. Every time you have played tickets? A. I don't know whether it was the same man or not every time.
- 243.Q. You have done business with this man (Chow Mew) before?  
A. Yes.
- 244.Q. He had mrked your tickets for you? A. I can't say that he was the man that marked the tickets, but I have played tickets with him.
- 245.Q. Court: What do you mean? A. He is the man that made the duplicate ticket and taken the money for them on different occasions.
- 246.Q. How long ago? A. Early last spring.
- 247.Q. At any rate, on this particular occasion in 1904 it was a year and a half ago? A. Yes.





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- 248.Q. Then you knew that he was running the place--some sort of a place? A. I thought he was just an employee, I never questioned him about it or anything.
- 249.Q. When you got in there he marked your ticket for you, I presume? A. Yes.
- 250.Q. Now then what happened, what about Herberts? A. I believe he marked one for him.
- 251.Q. Did Herberts ask him? A. I believe he did.
- 252.Q. Did he? A. Yes.
- 253.Q. There is no use you saying you believe he did it, when you know he did? A. He did.
- 254.Q. He went in and marked a ticket for you because you asked him? A. Yes.
- 255.Q. How much were the tickets worth, that you played with him? A. Ten cent tickets were played with him?  
A. Yes.
- 256.Q. Twenty cents owing? A. Yes; we each played twenty cents.
- 257.Q. Who produced the money? A. We each produced our own.
- 258.Q. What did you produce? A. I think it was a dollar.
- 259.Q. Do you know if the dollar was changed by the man behind the wicket? A. No; I put it on the table, and the accused took it and changed it.
- 260.Q. Did'nt the man behind the wicket say he had no change for the dollar? A. Not that I remember.
- 261.Q. When you put down your dollar, did'nt the man behind the wicket say something about change? A. Not that I remember.
- 262.Q. You don't remember nothing at all about it? A. No.
- 263.Q. The accused did not change it right there? A. Yes.
- 264.Q. Did'nt he go into the front store and return with the change? A. No; he changed our money first, and then went to the front and came back.
- 265.Q. Do you know what he done that for? A. No.
- 266.Q. When you put the money down, he took it? A. Yes.
- 267.Q. And he put your change down on the table? A. No; I think he handed it to us right in our hands.
- 268.Q. What did you do with it then? A. I put it in my pocket.
- 269.Q. Did'nt you pay the man behind the wicket? A. No.
- 270.Q. Quite sure of that? A. Yes.
- 271.Q. At any rate, the idea in asking him to mark your tickets for you was, as you told us, a matter of curiosity or luck; you did'nt do it to try and catch him in any way? A. No.
- 272.Q. That is absolutely the truth? A. Yes.



- 273.Q. Did you ever get anybody else to mark your tickets for you, before? A. I believe I have.
- 274.Q. Don't believe about it, a man that plays like you -- A. I don't make a profession out of the game.
- 275.Q. You have played it a number of times, and I want to know if you ever had anybody else to mark a ticket for you before? A. Yes, I have.
- 276.Q. Now, after your ticket was played, and after the man behind the wicket had taken a duplicate of it, what time did you come back there again? A. In the afternoon after the drawing.
- 277.Q. Who told you that there was going to be a drawing? A. They told us that the drawing was going to be at two o'clock.
- 278.Q. Who told you that? A. I don't remember which one told us.
- 279.Q. You knew as far as you were concerned that there was going to be a drawing, and why did you ask? A. I didn't ask.
- 280.Q. These things all have signs? A. Yes.
- 281.Q. Where is the two tickets he sold you? A. These are the two.
- 282.Q. Did he mark both of these? A. No, he just marked one of them.
- 283.Q. You told us that he marked them both? A. He marked one for me and one for Herberts.
- 284.Q. I notice in going over your evidence, that you said that he marked one for you and you marked the other? A. Yes; he marked one, and I marked the other.
- 285.Q. That is incorrect then, you didn't mark any? A. No; I marked one.
- 286.Q. You just said that he marked one for you and one for Herberts? A. He marked one for each of us, and we both marked one ourselves.
- 287.Q. Where did you get the other two from, were they got at the same time? A. Yes.
- 288.Q. I understand that you only got two tickets? A. We each got two tickets and paid 20 cents apiece to the accused.
- 289.Q. Each one of you marked one ticket for yourselves, and the accused marked one for each of you? A. Yes.
- 290.Q. How much change did you get back? A. I got 80 cents in change out of a dollar.
- 291.Q. What did the other fellow get? A. I don't just remember what amount he handed.
- 292.Q. Didn't you pay for his tickets also? A. No, Sir; we each paid for our own.
- 293.Q. You could see by looking ~~xxxxxxx~~ on these tickets, that there was to be a drawing at two o'clock? A. Yes.



- 294.Q. You still think that somebody told you on that occasion that there would be a drawing at two o'clock?  
A. Yes.
- 295.Q. Now, you did not see any drawing take place? A. No.
- 296.Q. You got back at what time? A. Hardly say what time.
- 297.Q. You don't know that any drawing took place? A. I could not swear.
- 298.Q. You don't know anything about? A. Not about the drawing.
- 299.Q. You got back about what time? A. Sometime in the afternoon.
- 300.Q. Who did you see when you went in there in the afternoon? A. Employees.
- 301.Q. One of you won something? A. It was not either of those.
- 302.Q. You went back and somebody told you that you has not won anything? A. Yes.
- 303.Q. As far as Chow Mew is concerned, you did not talk the matter over with him, in regard to these tickets?  
A. No.
- 304.Q. Your transaction ended with him in the morning? A. Yes.
- 305.Q. You have nothing more to add; you know nothing about the drawing; and when you went back somebody told you that you had not won anything? A. Yes.
- 306.Q. Then on the other occasion after the 10th, you had no dealings with Chow Mew? A. I believe he was standing outside in the front, and we just spoke to him and went in.
- 307.Q. You went there a good deal these few days, the 9th, 10th, and 11th? A. We called there a couple of times on the 9th, a couple of times on the 10th, and once on the 11th.
- 308.Q. On the morning before you went there, did you see David Lew, on August 10th? A. No.
- 309.Q. Or Hosang? A. No.
- 310.Q. After you played that day, did you go into any Chinese place, on Thursday? A. I don't think so, no.
- 311.Q. Are you sure? A. Yes.
- 312.Q. Have you been in any Chinese stores in connexion with this man? A. No.
- 313.Q. How did you know about coming to Court the last day, on Tuesday? A. We got a telephone message at Barnet to come down.
- 314.Q. You didn't know who was talking to you? A. No.
- 315.Q. What was the message? A. To come down to town that we were wanted for Court.
- 316.Q. What for? A. It was supposed to be for this lottery.



- 317.Q. There was no trouble about any lottery? How did you know? A. We played the tickets.
- 318.Q. There are hundreds of others that play tickets?  
A. Yes.
- 319.Q. How did you know anything about this lottery case?  
A. On the morning of the 9th we met Ah Chin.
- 320.Q. That is the man that laid the information? A. Yes. He asked us if we had been playing any lottery tickets and we said we had - - -
- 321.Q. Were you not frightened about telling a stranger that - you might have got a summons yourself? A. Never thought of that at the time.
- 322.Q. You answered him truthfully? A. We told him that we had played some, and he asked us if we would not go over and play some for him; and he asked us where we had been playing, and we told him where we had ~~xxxx~~ played, and then he asked us if we would play for him.
- 323.Q. And you went there? A. We went there to buy tickets for him.
- 324.Q. So the gambling really was for others, not for yourselves? A. For Ah Chin. We did not know what he wanted the tickets for.
- 325.Q. You went there straight at the request of this man?  
A. No. We didn't go straight.
- 326.Q. You went around a corner and you went there at this invitation? A. Yes.
- 327.Q. Where did that take place? A. On the street.
- 328.Q. When? A. On the 9th.
- 329.Q. When did you next see him? A. On the 10th.
- 330.Q. When- what time? A. I think it was in the morning.
- 331.Q. You hardly know whether it was in the morning or not - do you? A. It would be about noon.
- 332.Q. You saw him and had this talk to him, before you went in? A. Yes.
- 333.Q. What did he say to you in that talk? A. He just asked us if we would play some tickets for him.
- 334.Q. Did you say you had not played any tickets on the 9th? A. We went on the 9th and played for him.
- 335.Q. When did you report to him? A. On the 10th.
- 336.Q. You went and told him that you had no won anything?  
A. Yes.
337. Q. He still wished to invest more money on your connection? A. He asked us to go down and play some more for him.
- 338.Q. Did he say why he didn't want to go? Where did he tell you to go? A. We had met him on the morning of the 9th on the corner of Carroll and Hastings streets,



and he asked us if we ever played any tickets, and we said we had, and we pointed to that store.

- 339.Q. You have played at other places? A. No.
- 340.Q. No other places in Vancouver? A. No.
- 341.Q. All your gambling has been confined to that particular place? A. Yes.
- 342.Q. Then he met you on the morning of the 10th, and he asked you to play a few more? A. Yes.
- 343.Q. Did he give you any money? Q. Yes.
- 344.Q. How much? A. Each a couple of dollars, to play his tickets.
- 345.Q. How much did he give you the day before? A. That was on the 9th, that he gave us a couple of dollars.
- 346.Q. Did you play the two dollars worth? A. There might have been 10 or 15 cents left over that we did not play.
- 347.Q. You did what he told you to? A. Yes.
- 348.Q. At any rate, how much did he give you on Thursday morning? A. Nothing.
- 349.Q. Then this two dollars paid for the tickets you got on Thursday morning? A. Yes; the two dollars paid for all the tickets we got.
- 350.Q. All the time? A. Yes.
- 351.Q. I thought you said that was for Wednesday - it was not then? A. No.
- 352.Q. Get back to Thursday morning. You met AH Chin and reported to him and he asked you to play two more?  
A. He asked us to play some more.
- 353.Q. Why? A. I don't know.
- 354.Q. You must know - no good saying you don't know why he told you to go back? A. No.
- 355.Q. Has not it occurred to you since, that it was a peculiar thing? You know now that he has been making use of you? A. It looks like that now.
- 356.Q. On Thursday after you made your play, did you go back to see him? A. No; we did not see him until the evening before we went away.
- 357.Q. When was that? A. Friday morning.
- 358.Q. Where? A. At the Avenue Hotel.
- 359.Q. How did you know he was going to be there? A. He told us to go there and give him his ticket that we bought.
- 360.Q. The tickets are valueless after the drawing, if they don't win anything? A. Yes; but he was to meet us there as he would like to see the tickets to see what was marked.
- 361.Q. And get the tickets? A. I could not say.



- 362.Q. Did you give them to him? A. Yes.
- 363.Q. When you gave them to him, what did he say he was going to do with them? A. I don't think he said anything.
- 364.Q. You know that tickets that don't win anything are worth nothing? A. I do.
- 365.Q. Did you say to him that you had a talk with this fellow Chow Mew? A. I don't believe I told him that I had any conversation.
- 366.Q. Did you hear the other fellow? A. No.
- 367.Q. Was not Herberts there? A. Yes.
- 368.Q. This was in the Avenue Hotel? A. Yes.
- 369.Q. Where is this Avenue Hotel? A. On the corner of Columbia Avenue and Dupont street.
- 370.Q. Where did this conversation take place, in the bar or in some room? A. At the back of the bar.
- 371.Q. How long were you there? How many in there? A. Just three of us.
- 372.Q. Anybody else? A. No.
- 373.Q. Did not somebody come in and go out? A. No.
- 374.Q. Quite sure of that? A. Yes.
- 375.Q. Nobody in the room while you were there? A. Not that I remember.
- 376.Q. How long were you in there? A. We handed him the tickets and told him we had won nothing, and told him we were going to Barnet in the morning.
- 377.Q. Did he want you again? A. No.
- 378.Q. You must be impressed with the fact that you are telling the truth, when you say that you did not know what you went to play these tickets for? A. No.
- 379.Q. You didn't go there for the purpose of getting this man Chow Mew into a conversation? A. No.
- 380.Q. On Friday you went to Barnet? A. Yes.
- 381.Q. When did you come back? A. On Monday night.
- 382.Q. Did you see Ah Chin on Monday night? A. Yes.
- 383.Q. Where? A. I don't just remember.
- 384.Q. You came from Barnet, and coming from such a small place to a big place like this, surely you would remember what happened? A. I don't just remember where he met us.
- 385.Q. Who was with you? A. I don't remember whether he was by himself or with somebody.
- 386.Q. Did you see David Lew? A. No.
- 387.Q. Did you see Hosang? A. No.



- 388.Q. Did'nt you go and have a talk with David Lew on Tuesday night? A. No.
- 389.Q. Nor any night last week? A. No.
- 390.Q. Nor this week? A. No.
- 391.Q. You did not? A. No.
- 392.Q. Have you not had any supper any night this week with this fellow David Lew or Hosang? A. No.
- 393.Q. Nor on last Monday or Tuesday night? A. No.
- 394.Q. How long did you stay with this fellow on Monday night?  
A. Just a few minutes.
- 395.Q. What did you say to him that night? What did you want to see him for? A. We did'nt want to see him; we happened to meet him and he made some remark about us coming back.
- 396.Q. What for? A. He made some remark about us coming back for Court.
- 397.Q. What case? A. This lottery case.
- 398.Q. You were pretty angry then? A. Yes.
- 399.Q. It would be rather expensive for you going up and down-- pay for it out of your own pocket? A. Yes.
- 400.Q. Did'nt you say that he would have to pay the rest of the expenses? A. I don't remember whether we made any remark or not.
- 401.Q. Did he make any remark? A. He made a remark about us coming in for Court.
- 402.Q. You complained about your expenses? A. No.
- 403.Q. You were not going to lie around and have to pay your own expenses? There is no person paying your expenses?  
A. Not so far.
- 404.Q. Do you know where the Maison French Restuarant is, on Granville street? A. Yes.
- 405.Q. Ever been in there? A. Yes; but not to dine.
- 406.Q. Have you been in within the last two weeks to eat anything? A. No.
- 407.Q. Have not been there last week? A. No.
- 408.Q. Any night this week? A. No.
- 409.Q. Quite sure? A. Yes.
- 410.Q. That is absolutely the truth? A. Yes.
- 411.Q. Do you know where David Lew works? A. I believe I do-- at Man On.
- 412.Q. How do you know? A. David Lew had a mare, and Herberts used to take it out for exercise, and I used to go down with Herberts sometimes.
- 413.Q. You never had any talk with David Lew? A. Yes.



- 414.Q Did'nt you go in Man On's store yesterday, about 12 o'clock? A No.
- 415.Q Were you on the corner of Dupont street and Columbia Avenue between 12 and one yesterday? A Yes.
- 416.Q Did you see me on the corner? A No.
- 417.Q And you did not go into Man On? A No.
- 418.Q Between 12 and 1? A No.
- 419.Q That is the truth? A Yes.
- 420.Q What were you doing down there? A Strolling around.
- 421.Q Who? A Herberts and I.
- 422.Q You know the alley behind Man On's store? A Yes.
- 423.Q How do you know? A There is a lane between Hastings and Dupont street.
- 424.Q Did you go there yesterday? A No, Sir.
- 425.Q You were on that alley? A Yes.
- 426.Q Did'nt come out of Man On's back door between 12 and 1, yesterday? A No.
- 427.Q Did you get any telegrams up at Barnet? A No; we got a telephone message.
- 428.Q You don't know who it was from? A No.
- 429.Q Did you get any letters about this case? A No.
- 430.Q You went up to the lawyer's--Mr. McKay's--office? A Yes.
- 431.Q Who went with you? A Herberts.
- 432.Q Who else? A Ah Chin.
- 433.Q Anybody else? A No.
- 434.Q Was anybody else up there? A No.
- 435.Q How many times have you been there? A Twice.
- 436.Q Who went with you the second time? A Herberts.
- 437.Q Who else? A Nobody.
- 438.Q Did'nt meet any other person there? A No.
- 439.Q Quite sure? A Yes.
- 440.Q When you went up there with Ah Chin, what day was that? A Tuesday morning.
- 441.Q This last Tuesday? A Yes.
- 442.Q After you came in from Barnet? A Yes.
- 443.Q Who told you to meet him on Tuesday morning? A Ah Chin told us to go up to Mr. McKay's office on Tuesday morning.





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- 444.Q. Did'nt you object, and say you did'nt want to be mixed up in this case? A. I don't remember as we did.
- 445.Q. If you had known you would not have had anything to do with this case unless you were subpoenaed for it?  
A. I don't know.
- 446.Q. That is perfectly legitimate to get your expenses paid-- was not there anything said about your expenses being paid? You did not expect to have to pay all your own expenses, did not you expect to get money? A. I don't know, I have got none yet.
- 447.Q. That is another chance you are taking? A. Yes.
- 448.Q. Did you see Ah Chin last night? A. No.
- 449.Q. Quite sure? A. Yes.
- 450.Q. Did you see David Lew? A. No.
- 451.Q. Last night? A. No.



WILLIAM HERBERTS recalled.

Cross-examination by Mr. Geo. Powell.

- 452.Q. You have been working at the mill at Barnet? A. Yes.
- 453.Q. When did you leave there? A. Monday night.
- 454.Q. Who telephoned you to come in? A. This other man, I expect.
- 455.Q. Who? A. I know the man if I see him.
- 456.Q. Is he a Chinaman? A. Yes.
- 457.Q. David Lew? A. No.
- 458.Q. Hosang? A. No.
- 459.Q. Have you seen him here in Court --is that him in the corner? A. Yes (Ah Chin is the man picked out).
- 460.Q. You know David Lew? A. Yes.
- 461.Q. It was not him that telephoned you? A. No.
- 462.Q. He is the man that laid the information? A. Who?
- 463.Q. Ah Chin? A. Yes.
- 464.Q. Who did he telephone to? A. I was at the phone.
- 465.Q. Was Munson beside you? A. We were both playing baseball, and I was called to the phone.
- 466.Q. You told him that Ah Chin telephoned you to come to Court? A. Yes.
- 467.Q. You told him that? A. Yes.
- 468.Q. What time did you get into Vancouver that night? A. About 9.
- 469.Q. Had you had your supper? A. Yes; before we left.
- 470.Q. Did you have supper in town that night? A. No.
- 471.Q. Quite sure? A. Yes.
- 472.Q. Who did you mett that night when you came to town? A. I met different people.
- 473.Q. Did you meet Ah Chin? A. No; I don't think we met him until the next morning.
- 474.Q. Did'nt meet him that night? A. No.
- 475.Q. Who did you see Monday night in connexion wi th this case? A. Nobody.
- 476.Q. Do you remember what time you went to bed that night? A. About 12 o'clock.
- 477.Q. Did'nt you meet any Chinamen and have a talk with them? A. No.



- 478.Q. Munson said he talked to a Chinaman and you were with him? Don't you think you talked to David Lew that night? A. Not that I remember.
- 479.Q. Or Tuesday night? A. No.
- 480.Q. You don't think you did? A. No.
- 481.Q. Have any talk with Hosang? A. No.
- 482.Q. You know him? A. Yes.
- 483.Q. Do you know Johnson that works in the Dominion Express Office? A. No; I don't think I do.
- 484.Q. Did'nt you have supper with David Lew and this other young fellow named Johnson, on Monday night? A. No.
- 485.Q. You know where the Maison French Restaurant is? A. Yes.
- 486.Q. Have you eat there this week? A. No.
- 487.Q. Or last week? A. No.
- 488.Q. Quite sure? A. Yes.
- 489.Q. On Tuesday morning you remember going to Mr. McKay's office (the lawyer)? A. Yes.
- 490.Q. Who went there with you? A. Munson.
- 491.Q. Whoelse? A. Munson and I.
- 492.Q. You didn't go with any Chinaman? A. No.
- 493.Q. How did you know you had to go to Mr. McKay's office? A. Ah Chin told us.
- 494.Q. Ah Chin telephoned you to come down? A. He telephoned us to come down to town, and then when he seen us in town, he told us to go to Mr. McKay's office.
- 495.Q. When did you ~~xxx~~ meet him? Did'nt you see him on Monday night? A. I don't remember.
- 496.Q. You don't remember? A. I don't remember whether it was Monday night or Tuesday morning.
- 497.Q. Did you see David Lew between 12 and 2 yesterday? A. No.
- 498.Q. Did you go into Man On's store yesterday, with Munson, between 12 and 2? A. Not that I remember.
- 499.Q. You know whether you did or not? Did you go in there and have a talk with David Lew? A. No.
- 500.Q. Neither you nor Munson? A. No.
- 501.Q. On this Wednesday, August 9th, that you went to play these tickets, you went there yourselves? A. We met this fellow Chow Mew at the door.
- 502.Q. Before you got there--how is it you happened in this place. Do you ever play in any other Chinese lottery places? A. No.
- 503.Q. You have played in others? A. Not the last few months.



- 504.Q. Going by that morning you just dropped in, you didn't intend to go there? A. I don't know, we started walking and went in.
- 505.Q. You knew him before? A. Yes.
- 506.Q. How long have you known him? A. Quite a while by sight.
- 507.Q. Anyway, when you went in, Munson has told us that he or you asked this fellow to go in behind and play a ticket for luck, did you do it? A. Chow Mew asked us - - -
- 508.Q. Munson said he asked him to go in and mark a ticket? A. That is after. We asked him if he would mark a ticket for us.
- 509.Q. You didn't intend to go in? A. I don't know. We were walking down street and just happened to stop.
- 510.Q. You were just walking by? A. Yes.
- 511.Q. You went back again that afternoon? A. Yes.
- 512.Q. You went there again next morning? A. Yes.
- 513.Q. How did you happen to go next morning? A. We were going out and this Ah Chin met us, after we had played the tickets.
- 514.Q. What day was that? A. The 9th.
- 515.Q. What did he say? A. He asked us where we had been and he asked us to show him the tickets. We told him where we had been - -
- 516.Q. He had already seen you before and asked you to go there? A. No.
- 517.Q. Munson told us that you went there that morning, because he asked you to go. Don't you remember that he waited for you outside? A. Not that I know of.
- 518.Q. Don't you remember that before you went into Chow Mew's that you seen Ah Chin and he asked you to go in? A. No; I don't think that was before I went in.
- 519.Q. Didn't he give you money to play with that first time. A. No; not then.
- 520.Q. When? A. On the 9th after we came out from playing.
- 521.Q. How much did he give you? A. Two dollars apiece.
- 522.Q. What was that for? A. To play some tickets.
- 523.Q. You could buy a good many for that? A. Yes; and you could buy one for it, if you wanted to.
- 524.Q. Did you do so? A. No.
- 525.Q. You went back on the 10th? A. Yes; he told me to play some tickets for him.
- 526.Q. No mention of any reason why you should go in and give him back the winnings made by the tickets? A. No; only he said he wanted the tickets back.
- 527.Q. After you didn't win anything, the tickets were valueless?



- ~~528.Q.~~  
A. I don't know, but he wanted to see the tickets.
- 528.Q. You told us he asked for the tickets? A. Yes.
- 529.Q. Did you bring the tickets back to him? a Yes.
- 530.Q. You didn't think there was any job? A. I don't know anything about it.
- 531.Q. Never give it a thought? A. No.
- 532.Q. You see now that you have been fooled, that he used you? A. We went and got tickets for him.
- 533.Q. Did you think there was going to be any Police Court case about it? A. No.
- 534.Q. When you got these tickets, you gave them back to him? A. Yes.
- 535.Q. Where did you meet him? A. Avenue Hotel.
- 536.Q. Who else was in there? A. I don't remember anybody in there.
- 537.Q. While you were there, did you see anybody going in the room? A. There was just the three of us.
- 538.Q. Ah Chin didn't buy you a drink in there? A. No.
- 539.Q. How long did you stay in there? A. 10 or 15 minutes, I think.
- 540.Q. Didn't he compare those tickets with some others?  
A. I don't know.
- 541.Q. You want me to believe that? A. Yes.
- 542.Q. That is as true as all the rest of your evidence?  
A. Yes.
- 543.Q. You thought nothing more of it, and went away to Barnet? Yes.
- 544.Q. Didn't you think it peculiar that you had to come back on Monday, and be mixed up in a row in the Police Court? A. Yes.
- 545.Q. What did he want to get those tickets back for?  
A. I don't know.
- 546.Q. What about your expenses? A. We are paying our own expenses.
- 547.Q. How much are you getting at the mill? A. \$2. per day.
- 548.Q. Where did you get your money? A. What I have earnt before at the mill.
- 549.Q. Did you spend the four dollars between you? A. I don't know just how much.
- 550.Q. You didn't spend more than a dollar and a half? A. No; about that.
- 551.Q. He could see that you had not spent all the money?  
A. He could see that I did not.
- 552.Q. Didn't you think that you should return the balance to



- him in value or money? A. I don't know.
- 553.Q. You think it is alright to keep the balance? A. Yes; we went and played the tickets and kept the money.
- 554.Q. When you got in there, who payed for the tickets?  
There were four tickets and you each had two?  
A. Yes.
- 555.Q. Chow Mew marked two and you each marked one yourselves?  
A. Yes.
- 556.Q. Who paid for them? A. Munson paid for them.
- 557.Q. All of them? A. Yes.
- 558.Q. What would it be? A. Forty cents.
- 559.Q. Do you remember what he put down? A. I think it was a fifty cent piece.
- 560.Q. You noticed the man behind the wicket? A. Yes.
- 561.Q. He could not make change, because he did not have any?  
A. No.
- 562.Q. He didn't have any change? A. He apparently did not have any change.
- 563.Q. The man behind the wicket did not have any change?  
A. I don't know whether he had or not, but he did not take the fifty cent piece and change it.
- 564.Q. You said a minute ago that he did not have any change, and that he could not change it? A. He gave it to the other man to change.
- 565.Q. How do you know he did not have change,? A. I could not say. Munson put down the money on the table, and this man (Chow Mew) picked it up and changed it.
- 566.Q. Didn't he hand it to the man behind the wicket?  
A. Munson put it down on the table, and this man took it up.
- 567.Q. Now then, when Munson put down the money, did not the man behind the wicket commence to look for change; and was not there something said about him not having any change? A. I could not understand him.
- 568.Q. Was not there any English talk? A. No; there was not.
- 569.Q. Didn't Chow Mew take the money and go into the front office to get it changed. A. He said something about change.
- 570.Q. You were outside of the counter and the other man was in behind? A. Yes.
- 571.Q. And Chow Mew got this money from the other fellow?  
A. He put his hand in his pocket, and I think he changed it right there.
- 572.Q. He put down some change? A. Yes.
- 573.Q. Did he put down the whole change for the half dollar?  
A. Whatever it was, he just put down ten cents.
- 574.Q. Munson said he put down a dollar, do you remember whether it was or not? A. It occurred to me that it was a half a dollar.



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575.Q. At any rate, the change that Chow Mew pulled out of his pocket was ten cents? A. As far as I know, I thought he put down ten cents.

576.Q. That is all you remember? A. Yes.

577.Q. There was no money went into the man behind the wicket?  
A. I did not see him get any money.

(Defence reserved.)

Committed for trial.

sgd. A. Williams.  
Police Magistrate.



STATEMENT OF THE ACCUSED.

Chow Mew says as follows:-

I have nothing to say now.

(Sgd..) Ch Mew.

Taken before me at Vancouver the 24th day of August, 1905.

(Sgd.) A. Williams.

P.M.





1905.

*Vancouver Fall Assizes.*

*Copy of Depositions in re*

REX

VS.

*Chow Mew - (alias Ah Mew).*

*Offence selling lottery tickets.*

71  
05





INFORMATION AND COMPLAINT.

Canada:  
Province of British Columbia;  
City of Vancouver.

The information and complaint of Ah Chin of Vancouver, British Columbia, taken the 11th day of August, A.D., 1905, before the undersigned A. Williams, Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that he has just cause to suspect and believe and does suspect and believe that Chow Mew, alias Ah Mew, of the said City of Vancouver, within the space of one month last past, to wit, on the 10th day of August, 1905, at No. 429 Carroll street, in the said City of Vancouver, did unlawfully sell lottery tickets as a means or device for disposing of money drawings by chance.

"Ah Chin".

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

'A. Williams', P.M.

Sworn before me this 24th day of August, 1905.

'A. Williams', P.M.



Police Court.

(Before A. Williams, Esquire, P.M.)

Vancouver B.C., Aug. 23rd, 1905.

W.M. McKay appeared for the prosecution.

Geo. E. Powell appeared for the defence.

Chow Mew (accused) elected to be tried by a Jury.

HOWARD MUNSON, called and sworn. Direct exam. by McKay.

- 1.Q. Where do you reside? A. Barnet.
- 2.Q. What are you doing? A. Working for the North Pacific Lumber Company.
- 3.Q. Do you know the accused Chow Mew? A. Yes.
- 4.Q. Can you point him out? A. Yes; the first Chinaman here.
- 5.Q. How long have you known him? A. I have known him by name for about two weeks.
- 6.Q. How long have you known him by sight? A. About 3 years.
- 7.Q. When did you first see him in connexion with this charge?  
A. On the 10th of August.
- 8.Q. Where? A. At his store on Carroll street.
- 9.Q. What number? A. 429, I believe.
- 10.Q. What did you go there for? A. I was passing along the street and he was standing in front, and I got into a conversation with him, and I asked him if he was running that place and he said "Yes", and he asked me if I wanted to play a lottery ticket and I said I did'nt mind; so I marked one ticket myself and he marked one for me.
- 11.Q. Did you go inside? A. Yes.
- 12.Q. Had you ever been in there before ? A. Yes.
- 13.Q. When? A. 9th of August.
- 14.Q. Had you played any ticket the day before? A. Yes.
- 15.Q. Who sold them to you? A. Some employees in there, I believe.



- 16.Q. It was on the 10th day of August that you came in contact with the accused, here? A. Yes.
- 17.Q. How many tickets did he sell you that day? A. Two, himself.
- 18.Q. What are these I produce now? A. Those are the lottery tickets that I bought from him and his employees.
- 19.Q. Can you produce out of that bunch the tickets which were sold to you by the accused? A. I think I can.
- 20.Q. August 10th, 1905, 2:p.m.? A. Yes, sir.
- 21.Q. These are the lottery tickets sold to you by the accused? A. Yes.
- 22.Q. Himself? A. Yes.

(Lottery tickets sold by accused to witness marked ex. "A.")

- 23.Q. How much did you pay for these? A. 10 cents apiece.
- 24.Q. Who did you pay the money to? A. The accused himself.
- 25.Q. How do you know these are lottery tickets? A. They are what they put out before me to mark as lottery tickets, and what he claimed himself to be lottery tickets.
- 26.Q. How many tickets did you play the day before? A. 3.
- 27.Q. On August 9th? A. Yes.
- 28.Q. You purchased them in the same store? A. Yes.
- 29.Q. What kind of a store is this? A. There seems to be a number of cases of canned salmon or something like it, on the south wall of the store; a few chairs around and a table.
- 30.Q. Did you play any other tickets there, about that time? A. On that day?
- 31.Q. On that day or any day since that? A. On the 11th of August I played.
- 32.Q. Have you got any tickets of the 11th here? A. That is one.

(Lottery tickets dated August 9th marked exhibit "B.")  
( " " " " 11th " " "C.")

- 33.Q. Will you explain the mode of playing this lottery?  
A. They give you a ticket to mark, and they take a copy of it in a book, and they stamp your ticket with a native stamp (this stamp is made of wood and is used the same as our rubber stamps) and they put writing on it. They keep one for their copy and give us the ticket. Then there is a drawing at some other place, and after that drawing you compare your ticket with the one they have and see how many spots you have marked off the same as they have.



- 34.Q. What sort of a game is this? A. A game of chance or skill.  
A. It is a large game of chance.
- 35.Q. How are the chances? A. I think about 80 chances to each one.
- 36.Q. These two tickets, exhibit "A.", that were sold to you by the accused, did he mark off any of these himself?  
A. He marked one and I marked the other.
- 37.Q. Can you tell me from looking at these tickets which one he marked? A. This is the one he marked.
- 38.Q. This is the one your marked? A. Yes.
- 39.Q. Did you win anything from either of these tickets? A. No.
- 40.Q. Who was with you, or was there any person with you at the time you went into this store and had this conversation you have mentioned with the accused? A. Herberts.
- 41.Q. What is his first name? A. William.
- 42.Q. Is he here? A. Yes.
- 43.Q. Was anybody else there at the time? A. Nobody but Chinamen.
- 44.Q. You had a conversation in the store as well as in the front of the store? A. Yes.
- 45.Q. What conversation occurred in the store? A. I asked him if he was running that place now.
- 46.Q. What place did you mean? A. That store of business there, that we were in at the present time. I asked him if he was running it for himself and he said he was.
- 47.Q. Did you mention the business? A. Yes; the lottery business.
- 48.Q. He said he was running it? A. Yes.
- 49.Q. Is that all? A. I think that is all the conversation that took place.
- 50.Q. Is there anything about the premises to designate what sort of a place it is? A. At that time there was a long table and on the table were these lottery books.
- 51.Q. You seen the lottery books? A. Yes; the books that they keep a copy of the tickets in.
- 52.Q. Do you know of any prizes won in this lottery? A. I could not say any particular person; but I believe there is some of the tickets hanging on the wall, of those who have won, but I would not say for certain.
- 53.Q. Did you see them? A. I could not say for certain.
- 54.Q. Did you ever see anybody win any money from this lottery? A. I believe Herberts won 20 cents.
- 55.Q. The man that was in there with you won 20 cents?  
A. Yes.
- 56.Q. When do you get a prize? Can you explain? A. There are drawings at different hours. Suppose you come in before 2 o'clock and get a ticket, there is a drawing at 2 o'clock and if you come back about half an hour after, you can find out whether you win anything or not.



- 57.Q. What constitutes a prize? A. Five spots is lowest. You have to have five spots on your ticket in the same place as is on their drawing tickets.
- 58.Q. They have a duplicate ticket like that? A. Yes.
- 59.Q. Marked the same as that? A. Yes.
- 60.Q. Then they have the drawing ticket? A. Yes; they have a ticket that they draw on.
- 61.Q. If five spots on this ticket and on this duplicate ticket correspond with the drawing ticket, you get a prize? A. Yes.
- 62.Q. Were you there when Herberts got the prize? A. Yes.
- 63.Q. How much did he win? A. 20 cents, I believe.
- 64.Q. The lowest prize? A. I think it is.
- 65.Q. Is there anything to designate who was the owner of this establishment or about the establishment? A. Only this man. He gave me his name as Ah Mew; and he had a sign board lying on top of these boxes on the south side of the room, and I asked him if that was his name on the sign, and he said that was his name.
- 66.Q. Did he say anything else? A. No; except that he was proprietor of this.
- 67.Q. (Court) He told you his name was Ah Mew? A. He said that he was his name on the sign, and the name on the sign was Ah Mew. Chow Mew is the name he is known by amongst his own countrymen.

(Cross-examination reserved by Mr. Powell).



WILLIAM HERBERT called and sworn. Direct exam. by McKay.

- 68.Q. Where do you live? A. 1861, Fourth Avenue, Fairview.
- 69.Q. Are you living there now? A. No; I am at 212 Queen's Hotel on Water street.
- 70.Q. Where do you work? A. At Barnet.
- 71.Q. What place? A. North Pacific Lumber Company.
- 72.Q. Do you know the accused, Chow Mew? A. Yes.
- 73.Q. Can you point him out? A. That Chinaman there.
- 74.Q. Sitting there? A. Yes.
- 75.Q. How long have you known him? A. For quite a while, only to see him. I didn't know his name until lately.
- 76.Q. When did you know his name? A. The 10th, I think.
- 77.Q. Of what month? A. Of last month.
- 78.Q. Last month or this month? A. Tenth of this month.
- 79.Q. Tenth of August, 1905? A. Yes.
- 80.Q. When did you meet him? A. I met him outside of the store.
- 81.Q. What store? A. His store.
- 82.Q. Where? A. On Carroll street, I don't know the number.
- 83.Q. You don't know the number? A. I am not quite sure - 439 or something like that.
- 84.Q. You are not positive about that? A. No; I think it is that.
- 85.Q. When you met him there, what transpired between you?  
A. I was talking to him and asked him where he had been; and we went inside, and he asked me if I wanted to play a ticket and I said I didn't know, and I went in and I played a ticket.
- 86.Q. This was on the 10th? A. Yes; on the 10th I seen him there.
- 87.Q. Had you been in that store before? A. Yes; I have been in before.
- 88.Q. When? A. Lots of times.
- 89.Q. Immediately? A. On the 9th I was in.
- 90.Q. Did you meet this man on the 9th? A. No; he was not in there on the 9th.
- 91.Q. Did you play the lottery on the 9th? A. Yes.
- 92.Q. Who did you purchase tickets from on the 9th? A. I would think it was some of his helpers; I don't know who it was.



- 93.Q. On the 10th you went in there and played a ticket--how many tickets did you play on the 10th? A. I think it was three.
- 94.Q. Who did you purchase them from? A. This man here.
- 95.Q. The accused? A. Yes.
- 96.Q. Can you tell from looking at this bunch of tickets how many of them you purchased from him on the 10th?  
A. Three tickets.
- 97.Q. Can you identify those three? A. These are the three.
- 98.Q. Did you purchase all these tickets from this man on the 10th? A. Yes; I got those two from him, and I got the other one at night.

(Two lottery tickets, date Aug. 10th, 1905, 2:p.m., marked exhibit "D.")

- 99.Q. How much did you pay for those tickets? A. I am not sure whether they are ~~xxx~~ two 10 cent tickets or not; yes, they are two ten cent tickets.
- 100.Q. Out of that bunch of tickets how many did you buy on the 9th, the day previous? A. Five.
- 101.Q. On the 9th? A. Yes.
- 102.Q. Who did you purchase those from? A. From the same man that was in there before, one of the men that are working there.
- 103.Q. It was in this establishment? A. Yes.
- 104.Q. Did you play any other on the tenth? A. No; that is all I played on the tenth.
- 105.Q. What about that, did you play that on the 10th?  
A. Yes.
- 106.Q. You bought that from whom? A. From one of the fellows working there.
- 107.Q. Were you in there on the 11th? A. Yes, at 2 O'clock.
- 108.Q. Did you purchase a ticket there? A. Yes.
- 109.Q. From whom? A. One of the men working there.
- 110.Q. You only purchased two from the accused? A. Yes.
- 111.Q. At the time you purchased those two tickets, you paid ten cents to whom? A. This man.
- 112.Q. The accused? A. Yes.
- 113.Q. At the time you purchased these tickets, had you any conversation with the accused? A. I asked him where he had been, and I asked him if he was running this lottery in the store, and he said "Yes", and he said he run the store.
- 114.Q. Did he say anything else? A. No; he just showed me a sign and said that was his name on it. There was a sign lying there and I asked him if that was his name, and he said "Yes".





- 115.Q. What was the name? A. Ah Mew.
- 116.Q. Do you know what name he is charged under today?  
A. No; I don't think I do.
- 117.Q. He is charged as Chow Mew? A. That possibly may be the name, but I thought it was Ah Mew.
- 118.Q. Is there any doubt about the man? A. No; that is the man; that is the man that told me his name was Ah Mew.
- 119.Q. On any of these tickets that you purchased there, did you win a prize? A. I got five spots on one.
- 120.Q. What does that mean? A. You get 20 cents.
- 121.Q. Did you get 20 cents? A. I played two more tickets.
- 122.Q. You won the 20 cents and you played two more tickets back? A. Yes.
- 123.Q. You actually got this prize? A. Yes.
- 124.Q. Can you point to the ticket you won the prize? A. Yes.

(5 lottery tickets, dated Aug 9th, 1905, marked exhibits "E.")  
 ( " " ticket that won a prize marked ex. "E-2")  
 ( " " dated Aug 10th, 1905, 11:30 p.m. marked ex. "F.")  
 ( " " " " 11th " 2:p.m. marked ex. "G.")

- 125.Q. Can you tell the Court how you know these are lottery tickets? A. I have seen the game before, and I have seen them marked lots of times.
- 126.Q. Is there anything on these that would tell you they are lottery tickets? A. The winning ticket would tell you that.
- 127.Q. How do you play it? A. You go in and buy a ticket and mark off ten spots, and they have a drawing some place and have so many marked off and you compare your ticket with theirs.
- 128.Q. What kind of a game is it? Do you consider it a game of chance or skill? A. I would consider it a game of chance.
- 129.Q. What are the chances in favor of? A. The company.
- 130.Q. In favor of the company, the seller, the owner of the place? A. Yes.
- 131.Q. Explain this one that you won on? A. You take one of these tickets and mark ten spots off of it.  
the same
- 132.Q. Court: You have to get so many in yours as is on theirs?  
A. Yes; their ticket is the same as this, and they mark off twenty and you mark ten. You mark off in black and the one they have, they mark it off in red.
- 133.Q. Supposing I get ~~XXXXXX~~ three here and three here the same as they have? A. I catch six spots and get so much.
- 134.Q. The six spots have to be the same? A. Yes.



- 135.Q. Do you get a prize if you get one pair? A. No; you have to get five the same before you get anything.
- 136.Q. Where is this drawing, did you see it? A. I did'nt see it.
- 137.Q. You have to take their word for it? A. Yes.
- 138.Q. You did'nt see the drawing? A. No.
- 139.Q. When do you go back? A. As a rule any time the next day or that night; any time after half an hour after the drawing takes place.
- 140.Q. Court: How many spots on a ticket altogether? A. 80.
- 141.Q. " You mark off ten and they mark twenty? A. Yes.
- 142.Q. When Chow Mew sold you these two tickets on the 10th, did you mark them off yourself? A. I marked one off and he marked one off.
- 143.Q. Which one did he mark off? A. This is one, exhibit "F."
- 144.Q. He marked that? A. Yes.
- 145.Q. That one is for a drawing at 11:30 p.m.? A. The one he marked was in the afternoon, this is it, exhibit "G."

Mr. McKay: I wish to amend the information to read on the 10th of August instead of the 9th, as the evidence shows that it was the tenth that this man sold the tickets.

- 146.Q. Have you found the right one which he marked? A. This is one, dated August 10th, 2 p.m. , exhibit "A."
- 147.Q. That is not Munson's but yours? A. Yes.
- 148.Q. Did he mark one for you and one for Munson? A. Yes; and it is hard to tell which is the one he marked for me.
- 149.Q. He marked this one dated Aug. 10th 2 p.m.? A. Yes; I am sure that is the one he marked for me.
- 150.Q. This is the one you think he marked? A. That is the one he marked.
- 151.Q. Now be sure - is that the one he marked? A. Yes, I think that is the one.
- 152.Q. These tickets - one was marked for you and one for Munson? A. Yes.

Mr. McKay: I would like the information amended to read the 10th of August instead of the 9th of August. (Granted).

Case adjourned until Aug. 24th at 10 a.m.



August 24th, 1905.

- Mr. Powell: I don't propose to offer any evidence.
- Mr. McKay: I would ask Your Worship to amend the information by adding "Ah Mew", as the evidence goes to show that he said his name was Ah Mew.
- Mr. Powell. I will object to any amendment being made at this stage.
- Court: I would allow any amendment like that, and I would allow an enlargement if you want to call further evidence. This will read "Chow Mew, "alias Ah Mew" when the amendment is made.
- Mr. Powell: I submit there is no provision to allow any amendment at this stage, as the case has been closed and the evidence is all in, and the matter is only open now for argument.
- Mr. McKay: His Worship has power to amend it in any case.
- Mr. Powell: But the case has been closed.
- Court: I will take the responsibility.
- (Information amended by adding "alias Ah Mew" and by changing the '9th of August' to the "10th of August". Amendments sworn to by the informant Ah Chin.)
- Court: If you have been prejudiced by this at all, I will grant you an enlargement.
- Powell: The reason that I object to this is, that yesterday my learned friend made application to amend the information by changing the 9th to the 10th; in other words from the ninth to the tenth, simply because the evidence did not disclose any offence committed on the 9th. My learned friend applied for the amendment, and the informant was called, but the amendment was not sworn to, as my learned friend got into a discussion, and it was overlooked. Now, my learned friend comes in and asks for another amendment after all the evidence is in for both sides - it amounts to that, as I have already notified you that we will not produce any evidence - and wants to change the name to Ah Mew. I notice that the 9th has been changed to the 10th, but that has never been sworn to.
- Court: He has just sworn to it, along with the other amendment.
- Powell: I take the objection.
- Court: I have a right to amend it in matters like this, if the evidence does not sustain it.
- Powell: Not after a case is all over. By amending the charge it means a fresh charge, that is all it can mean.
- Court: It is only a matter of time, and if you are prejudiced by this amendment, I will grant you a remand so that you can call evidence.



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Powell: My learned friend made application yesterday to have an amendment made, but did not have it sworn to; and now today he comes after all the evidence is in and the case is closed, and wants to make a change with regard to the name, so as to fortify the defects that existed. Now, I certainly say that it means nothing more than a fresh charge. No doubt Your Worship has a right to amend a charge in a preliminary investigation, but in a case of this kind after the case has been closed and the evidence all in, I say that you have no right. Your Worship cannot find any authority for such procedure. Do you say that you can bring a man here charged with an offence on a certain date, and then after all the evidence is in change it to some other date to suit the evidence.

Court: If you have been prejudiced, I will grant you an adjournment.

Powell: I certainly say that Your Worship has no power to do it, and I don't think that Your Worship can show me any authority; and at the same time I say I have been prejudiced, and if Your Worship still holds that you have the right, I want an adjournment to get the first two witnesses so that I can cross-examine them on their evidence.

Court: I will grant you any adjournment.

Powell: The evidence was all given in regard to the 10th, and the charge was for the 9th, that is why I did not cross-examine them.

Mr. McKay: Does Your Worship say he can bring evidence here, as well as cross-examine this man?

Court: Yes. When an information is amended and the defence is prejudiced in any way, they have a right to an adjournment.

Case remanded until August 25th at 10 a.m.



August 25th, 1905.

HOWARD MUNSON recalled.

Cross-examination by Geo. E. Powell.

- 153.Q. You have been working at the Barnet Mills? A. Yes.
- 154.Q. Are you still working there? A. Yes.
- 155.Q. When did you leave there? A. Monday was the last day I worked there.
- 156.Q. That would be the 21st of August? A. Yes.
- 157.Q. For two weeks previous you had not been working every day? A. No.
- 158.Q. When have you been working there regular? A. I started on the Friday before the 21st.
- 159.Q. The 18th of August? A. Yes.
- 160.Q. Is that the first day you went there to work? A. Yes.
- 161.Q. Where were you working before the 18th of August?  
A. I had not been working for a couple of weeks.
- 162.Q. Where were you working before that? A. Burrard Livery Stables.
- 163.Q. Do you remember going into this place on the 9th of August? A. Yes.
- 164.Q. Do you remember what day of the week that was? A. On a Tuesday, I think.
- 165.Q. It would be Wednesday? A. Tuesday or Wednesday.
- 166.Q. When was the last time before that, that you had been in that place? A. I could hardly remember that.
- 167.Q. You have been in there many times? A. A few times.
- 168.Q. Was you in that month before? A. It was all of two months.
- 169.Q. You played these lottery tickets on these previous occasions? A. Yes.
- 170.Q. Do you remember what time on the Wednesday, the 9th of August, that would be? A. About ten o'clock in the evening.
- 171.Q. On the 9th? A. Yes.
- 172.Q. Where had you been that evening before you went in?  
A. Around town.
- 173.Q. Doing anything? A. Just walking around.
- 174.Q. What did you go in that evening for? A. I went in to play a lottery ticket.



- 175.Q. Did you go in to look for the defendant? A. No.
- 176.Q. Did not have him in your mind at all? A. No.
- 177.Q. No intention of looking for him? A. No.
- 178.Q. After you played your ticket that night, do you remember where you went? Do you remember of going into any other Chinese places? A. I went into no more Chinese places at all.
- 179.Q. Didn't you meet a Chinaman on the street after you came out of the room? A. Yes; I met a lot of Chinamen.
- 180.Q. Do you know a Chinaman by the name of David Lew? A. Yes.
- 181.Q. Do you know him? A. Yes.
- 182.Q. Did you meet him, when you came out of there? A.No.
- 183.Q. Do you know a Chinaman by the name of S.G.Hosang, who works in Mr. Russell's office? A. Yes, I believe I do.
- 184.Q. Is that him in the corner? A. Yes; I am acquainted with him.
- 185.Q. Did you meet him that night of the 9th? A. No.
- 186.Q. You did not see him that night? A. No.
- 187.Q. And you did not see David Lew that night? A. No.
- 188.Q. Were you in there with Herberts on the 9th? A. No.
- 189.Q. You and Herberts do not sleep together? A. We have been rooming together.
- 190.Q. In the morning after you had your breakfast, you went straight to the same place? A. We strolled around town for awhile.
- 191.Q. At any rate, you went there? A. We went down there about half past one.
- 192.Q. Was that on Thursday morning? A. Yes.
- 193.Q. This was the occasion that you met Chow Mew? A. Yes.
- 194.Q. Are you sure it was as late as that? A. Yes.
- 195.Q. Was it not nine or ten o'clock? A. It was not until after 12.
- 196.Q. What did you happen to go to this place for? A. We were strolling around down there and passed by.
- 197.Q. When you went along there, had you any intention of going to this same place? A. I don't know as I had any particular intention of playing a lottery ticket.
- 198.Q. Had you anything in mind that was going to take you into that particular place? A. I don't know.
- 199.Q. As you remember, what was the fact? You turned some corner to go to this place--did you intend to go there?  
A. I believe I did intend to go in and play another ticket.
- 200.Q. At any rate, you knew you were on your way there before you met this man, that you had the conversation with?  
A. Yes.



- 201.Q. Where did you meet Chow Mew? A. In front of his store.
- 202.Q. Why didn't you go straight in? A. I don't know, I stopped and talked for him for a few minutes.
- 203.Q. Who commenced to talk? A. I believe I started the conversation.
- 204.Q. You had not seen him for some time? A. No.
- 205.Q. You were anxious to find out where he had been? A. Yes.
- 206.Q. You were particularly anxious to find out where he had been? A. No.
- 207.Q. You just said "Where have you been for some time?" ?  
A. Yes.
- 208.Q. During this talk, you were still going in to play your ticket? Before you actually talked to him, you were on your way to play a ticket in there? A. Yes.
- 209.Q. How is it he came in with you? A. He went in the store and opened the door and we followed him; and we got into a conversation, and he asked us if we were going to play.
- 210.Q. You were going to play a ticket, and didn't somebody ask him to mark a ticket? A. He asked us if we were going to play a ticket - -
- 211.Q. In the front office? A. Yes.
- 212.Q. Who was it asked him to come in and marked a ticket?  
A. I believe I said it.
- 213.Q. What was your object in doing that? A. I don't know if there was any particular object in it.
- 214.Q. He agreed to do it and went in behind with you? A. Yes.
- 215.Q. You have seen him in that front place before? A. Yes.
- 216.Q. What did you want to ask him if he kept that place for?  
A. I don't know. I didn't know he was proprietor of the place.
- 217.Q. You had seen him there many times before? A. I can't say that I seen him many times before.
- 218.Q. He was the alleged proprietor, and you wanted to find out whether it was so? You must have known he was running that place? I am talking now about the front part of the store? A. Yes.
- 219.Q. You told us the other day that you seen a sign there with "Ah Mew" on it? A. Yes.
- 220.Q. It was ~~xx~~ a portable sign? A. Yes; it was just lying up there on some cases.
- 221.Q. You had seen that sign before? A. I don't think I did.
- 222.Q. When you first went in there and was talking to him, you knew his name was Ah Mew? A. No.
- 223.Q. You had never heard the name before? A. No.
- 224.Q. When you seen the sign it aroused your curiosity to know, and you asked him if that was his name? A. Yes.



- 225.Q. Just out of curiosity? A. Yes.
- 226.Q. Then when you found that out, you seen that he was a dealer in goods and vegetables? You believe he is a dealer? A. I don't know whether he is or not.
- 227.Q. You don't know whether he is or not? A. No.
- 228.Q. You can't know him very well? A. He was on one team dealing in vegetables, when I first became acquainted with him, about three years ago.
- 229.Q. Did you never know his name? A. No.
- 230.Q. How did you come to know him? A. I was working at Tyson's store, and he used to deliver vegetables there every morning.
- 231.Q. At any rate, he went in with you, and you asked him to mark this ticket for you for luck? A. Yes.
- 232.Q. Going into this room, you had to go down a narrow hall into a room at the back of the building? A. I think we were lead right through a door into the room.
- 233.Q. Didn't you go down a narrow passage and from that you were admitted into a room at the back of the building? Is not there a long hall to go through?  
A. No; it is the second room from the front.
- 234.Q. You walked right in there from the front? A. Yes.
- 235.Q. There is a sign on the window of the store? A. Yes.
- 236.Q. Sun Sun, groceries and so forth? A. I don't know, I didn't take any particular notice.
- 237.Q. You were not interested? A. No.
- 238.Q. Why didn't you ask him if that was his name, "Sun Sun", when you saw him outside? A. It never came into my head.
- 239.Q. Not until you saw the sign inside? A. Yes.
- 240.Q. At any rate, we will go into this little room. There is a long table, and there was a man behind there?  
A. Yes.
- 241.Q. You have evidently seen that man before? A. I have seen him a couple of times.
- 242.Q. Every time you have played tickets? A. I don't know whether it was the same man or not every time.
- 243.Q. You have done business with this man (Chow Mew) before?  
A. Yes.
- 244.Q. He had marked your tickets for you? A. I can't say that he was the man that marked the tickets, but I have played tickets with him.
- 245.Q. Court: What do you mean? A. He is the man that made the duplicate ticket and taken the money for them on different occasions.
- 246.Q. How long ago? A. Early last spring.
- 247.Q. At any rate, on this particular occasion in 1904 it was a year and a half ago? A. Yes.





- 248.Q. Then you knew that he was running the place--some sort of a place? A. I thought he was just an employee, I never questioned him about it or anything.
- 249.Q. When you got in there he marked your ticket for you, I presume? A. Yes.
- 250.Q. Now then what happened, what about Herberts? A. I believe he marked one for him.
- 251.Q. Did Herberts ask him? A. I believe he did.
- 252.Q. Did he? A. Yes.
- 253.Q. There is no use you saying you believe he did it, when you know he did? A. He did.
- 254.Q. He went in and marked a ticket for you because you asked him? A. Yes.
- 255.Q. How much were the tickets worth, that you played with him? A. Ten cent tickets were played with him?  
A. Yes.
- 256.Q. Twenty cents owing? A. Yes; we each played twenty cents.
- 257.Q. Who produced the money? A. We each produced our own.
- 258.Q. What did you produce? A. I think it was a dollar.
- 259.Q. Do you know if the dollar was changed by the man behind the wicket? A. No; I put it on the table, and the accused took it and changed it.
- 260.Q. Did'nt the man behind the wicket say he had no change for the dollar? A. Not that I remember.
- 261.Q. When you put down your dollar, did'nt the man behind the wicket say something about change? A. Not that I remember.
- 262.Q. You don't remember nothing at all about it? A. No.
- 263.Q. The accused did not change it right there? A. Yes.
- 264.Q. Did'nt he go into the front store and return with the change? A. No; he changed our money first, and then went to the front and came back.
- 265.Q. Do you know what he done that for? A. No.
- 266.Q. When you put the money down, he took it? A. Yes.
- 267.Q. And he put your change down on the table? A. No; I think he handed it to us right in our hands.
- 268.Q. What did you do with it then? A. I put it in my pocket.
- 269.Q. Did'nt you pay the man behind the wicket? A. No.
- 270.Q. Quite sure of that? A. Yes.
- 271.Q. At any rate, the idea in asking him to mark your tickets for you was, as you told us, a matter of curiosity or luck; you did'nt do it to try and catch him in any way? A. No.
- 272.Q. That is absolutely the truth? A. Yes.



- 273.Q. Did you ever get anybody else to mark your tickets for you, before? A. I believe I have.
- 274.Q. Don't believe about it, a man that plays like you -- A. I don't make a profession out of the game.
- 275.Q. You have played it a number of times, and I want to know if you ever had anybody else to mark a ticket for you before? A. Yes, I have.
- 276.Q. Now, after your ticket was played, and after the man behind the wicket had taken a duplicate of it, what time did you come back there again? A. In the afternoon after the drawing.
- 277.Q. Who told you that there was going to be a drawing?  
A. They told us that the drawing was going to be at two o'clock.
- 278.Q. Who told you that? A. I don't remember which one told us.
- 279.Q. You knew as far as you were concerned that there was going to be a drawing, and why did you ask? A. I didn't ask.
- 280.Q. These things all have signs? A. Yes.
- 281.Q. Where is the two tickets he sold you? A. These are the two.
- 282.Q. Did he mark both of these? A. No, he just marked one of them.
- 283.Q. You told us that he marked them both? A. He marked one for me and one for Herberts.
- 284.Q. I notice in going over your evidence, that you said that he marked one for you and you marked the other?  
A. Yes; he marked one, and I marked the other.
- 285.Q. That is incorrect then, you didn't mark any? A. No; I marked one.
- 286.Q. You just said that he marked one for you and one for Herberts? A. He marked one for each of us, and we both marked one ourselves.
- 287.Q. Where did you get the other two from, were they got at the same time? A. Yes.
- 288.Q. I understand that you only got two tickets? A. We each got two tickets and paid 20 cents apiece to the accused.
- 289.Q. Each one of you marked one ticket for yourselves, and the accused marked one for each of you? A. Yes.
- 290.Q. How much change did you get back? A. I got 80 cents in change out of a dollar.
- 291.Q. What did the other fellow get? A. I don't just remember what amount he handed.
- 292.Q. Didn't you pay for his tickets also? A. No, Sir; we each paid for our own.
- 293.Q. You could see by looking ~~xxxxxxx~~ on these tickets, that there was to be a drawing at two o'clock? A. Yes.



- 294.Q. You still think that somebody told you on that occasion that there would be a drawing at two o'clock?  
A. Yes.
- 295.Q. Now, you did not see any drawing take place? A. No.
- 296.Q. You got back at what time? A. Hardly say what time.
- 297.Q. You don't know that any drawing took place? A. I could not swear.
- 298.Q. You don't know anything about? A. Not about the drawing.
- 299.Q. You got back about what time? A. Sometime in the afternoon.
- 300.Q. Who did you see when you went in there in the afternoon? A. Employees.
- 301.Q. One of you won something? A. It was not either of those.
- 302.Q. You went back and somebody told you that you has not won anything? A. Yes.
- 303.Q. As far as Chow Mew is concerned, you did not talk the matter over with him, in regard to these tickets?  
A. No.
- 304.Q. Your transaction ended with him in the morning? A. Yes.
- 305.Q. You have nothing more to add; you know nothing about the drawing; and when you went back somebody told you that you had not won anything? A. Yes.
- 306.Q. Then on the other occasion after the 10th, you had no dealings with Chow Mew? A. I believe he was standing outside in the front, and we just spoke to him and went in.
- 307.Q. You went there a good deal these few days, the 9th, 10th, and 11th? A. We called there a couple of times on the 9th, a couple of times on the 10th, and once on the 11th.
- 308.Q. On the morning before you went there, did you see David Lew, on August 10th? A. No.
- 309.Q. Or Hosang? A. No.
- 310.Q. After you played that day, did you go into any Chinese place, on Thursday? A. I don't think so, no.
- 311.Q. Are you sure? A. Yes.
- 312.Q. Have you been in any Chinese stores in connexion with this man? A. No.
- 313.Q. How did you know about coming to Court the last day, on Tuesday? A. We got a telephone message at Barnet to come down.
- 314.Q. You didn't know who was talking to you? A. No.
- 315.Q. What was the message? A. To come down to town that we were wanted for Court.
- 316.Q. What for? A. It was supposed to be for this lottery.



- 317.Q. There was no trouble about any lottery? How did you know? A. We played the tickets.
- 318.Q. There are hundreds of others that play tickets?  
A. Yes.
- 319.Q. How did you know anything about this lottery case?  
A. On the morning of the 9th we met Ah Chin.
- 320.Q. That is the man that laid the information? A. Yes. He asked us if we had been playing any lottery tickets and we said we had - - -
- 321.Q. Were you not frightened about telling a stranger that - you might have got a summons yourself? A. Never thought of that at the time.
- 322.Q. You answered him truthfully? A. We told him that we had played some, and he asked us if we would not go over and play some for him; and he asked us where we had been playing, and we told him where we had ~~XXXX~~ played, and then he asked us if we would play for him.
- 323.Q. And you went there? A. We went there to buy tickets for him.
- 324.Q. So the gambling really was for others, not for yourselves? A. For Ah Chin. We did not know what he wanted the tickets for.
- 325.Q. You went there straight at the request of this man?  
A. No. We did not go straight.
- 326.Q. You went around a corner and you went there at this invitation? A. Yes.
- 327.Q. Where did that take place? A. On the street.
- 328.Q. When? A. On the 9th.
- 329.Q. When did you next see him? A. On the 10th.
- 330.Q. When- what time? A. I think it was in the morning.
- 331.Q. You hardly know whether it was in the morning or not - do you? A. It would be about noon.
- 332.Q. You saw him and had this talk to him, before you went in? A. Yes.
- 333.Q. What did he say to you in that talk? A. He just asked us if we would play some tickets for him.
- 334.Q. Did you say you had not played any tickets on the 9th? A. We went on the 9th and played for him.
- 335.Q. When did you report to him? A. On the 10th.
- 336.Q. You went and told him that you had no won anything?  
A. Yes.
337. Q. He still wished to invest more money on your connection? A. He asked us to go down and play some more for him.
- 338.Q. Did he say why he did not want to go? Where did he tell you to go? A. We had met him on the morning of the 9th on the corner of Carroll and Hastings streets,



and he asked us if we ever played any tickets, and we said we had, and we pointed to that store.

- 339.Q. You have played at other places? A. No.
- 340.Q. No other places in Vancouver? A. No.
- 341.Q. All your gambling has been confined to that particular place? A. Yes.
- 342.Q. Then he met you on the morning of the 10th, and he asked you to play a few more? A. Yes.
- 343.Q. Did he give you any money? Q. Yes.
- 344.Q. How much? A. Each a couple of dollars, to play his tickets.
- 345.Q. How much did he give you the day before? A. That was on the 9th, that he gave us a couple of dollars.
- 346.Q. Did you play the two dollars worth? A. There might have been 10 or 15 cents left over that we did not play.
- 347.Q. You did what he told you to? A. Yes.
- 348.Q. At any rate, how much did he give you on Thursday morning? A. Nothing.
- 349.Q. Then this two dollars paid for the tickets you got on Thursday morning? A. Yes; the two dollars paid for all the tickets we got.
- 350.Q. All the time? A. Yes.
- 351.Q. I thought you said that was for Wednesday - it was not then? A. No.
- 352.Q. Get back to Thursday morning. You met AH Chin and reported to him and he asked you to play two more?  
A. He asked us to play some more.
- 353.Q. Why? A. I don't know.
- 354.Q. You must know - no good saying you don't know why he told you to go back? A. No.
- 355.Q. Has not it occurred to you since, that it was a peculiar thing? You know now that he has been making use of you? A. It looks like that now.
- 356.Q. On Thursday after you made your play, did you go back to see him? A. No; we did not see him until the evening before we went away.
- 357.Q. When was that? A. Friday morning.
- 358.Q. Where? A. At the Avenue Hotel.
- 359.Q. How did you know he was going to be there? A. He told us to go there and give him his ticket that we bought.
- 360.Q. The tickets are valueless after the drawing, if they don't win anything? A. Yes; but he was to meet us there as he would like to see the tickets to see what was marked.
- 361.Q. And get the tickets? A. I could not say.



- 362.Q. Did you give them to him? A. Yes.
- 363.Q. When you gave them to him, what did he say he was going to do with them? A. I don't think he said anything.
- 364.Q. You know that tickets that don't win anything are worth nothing? A. I do.
- 365.Q. Did you say to him that you had a talk with this fellow Chow New? A. I don't believe I told him that I had any conversation.
- 366.Q. Did you hear the other fellow? A. No.
- 367.Q. Was not Herberts there? A. Yes.
- 368.Q. This was in the Avenue Hotel? A. Yes.
- 369.Q. Where is this Avenue Hotel? A. On the corner of Columbia Avenue and Dupont street.
- 370.Q. Where did this conversation take place, in the bar or in some room? A. At the back of the bar.
- 371.Q. How long were you there? How many in there? A. Just three of us.
- 372.Q. Anybody else? A. No.
- 373.Q. Did not somebody come in and go out? A. No.
- 374.Q. Quite sure of that? A. Yes.
- 375.Q. Nobody in the room while you were there? A. Not that I remember.
- 376.Q. How long were you in there? A. We handed him the tickets and told him we had won nothing, and told him we were going to Barnet in the morning.
- 377.Q. Did he want you again? A. No.
- 378.Q. You must be impressed with the fact that you are telling the truth, when you say that you did not know what you went to play these tickets for? A. No.
- 379.Q. You didn't go there for the purpose of getting this man Chow Mew into a conversation? A. No.
- 380.Q. On Friday you went to Barnet? A. Yes.
- 381.Q. When did you come back? A. On Monday night.
- 382.Q. Did you see Ah Chin on Monday night? A. Yes.
- 383.Q. Where? A. I don't just remember.
- 384.Q. You came from Barnet, and coming from such a small place to a big place like this, surely you would remember what happened? A. I don't just remember where he met us.
- 385.Q. Who was with you? A. I don't remember whether he was by himself or with somebody.
- 386.Q. Did you see David Lew? A. No.
- 387.Q. Did you see Hosang? A. No.



- 388.Q. Did'nt you go and have a talk with David Lew on Tuesday night? A. No.
- 389.Q. Nor any night last week? A. No.
- 390.Q. Nor this week? A. No.
- 391.Q. You did not? A. No.
- 392.Q. Have you not had any supper any night this week with this fellow David Lew or Hosang? A. No.
- 393.Q. Nor on last Monday or Tuesday night? A. No.
- 394.Q. How long did you stay with this fellow on Monday night?  
A. Just a few minutes.
- 395.Q. What did you say to him that night? What did you want to see him for? A. We did'nt want to see him; we happened to meet him and he made some remark about us coming back.
- 396.Q. What for? A. He made some remark about us coming back for Court.
- 397.Q. What case? A. This lottery case.
- 398.Q. You were pretty angry then? A. Yes.
- 399.Q. It would be rather expensive for you going up and down-- pay for it out of your own pocket? A. Yes.
- 400.Q. Did'nt you say that he would have to pay the rest of the expenses? A. I don't remember whether we made any remark or not.
- 401.Q. Did he make any remark? A. He made a remark about us coming in for Court.
- 402.Q. You complained about your expenses? A. No.
- 403.Q. You were not going to lie around and have to pay your own expenses? There is no person paying your expenses?  
A. Not so far.
- 404.Q. Do you know where the Maison French Restuarant is, on Granville street? A. Yes.
- 405.Q. Ever been in there? A. Yes; but not to dine.
- 406.Q. Have you been in within the last two weeks to eat anything? A. No.
- 407.Q. Have not been there last week? A. No.
- 408.Q. Any night this week? A. No.
- 409.Q. Quite sure? A. Yes.
- 410.Q. That is absolutely the truth? A. Yes.
- 411.Q. Do you know where David Lew works? A. I believe I do-- at Man On.
- 412.Q. How do you know? A. David Lew had a mare, and Herberts used to take it out for exercise, and I used to go down with Herberts sometimes.
- 413.Q. You never had any talk with David Lew? A. Yes.



- 414.Q. Did'nt you go in Man On's store yesterday, about 12 o'clock? A. No.
- 415.Q. Were you on the corner of Dupont street and Columbia Avenue between 12 and one yesterday? A. Yes.
- 416.Q. Did you see me on the corner? A. No.
- 417.Q. And you did not go into Man On? A. No.
- 418.Q. Between 12 and 1? A. No.
- 419.Q. That is the truth? A. Yes.
- 420.Q. What were you doing down there? A. Strolling around.
- 421.Q. Who? A. Herberts and I.
- 422.Q. You know the alley behind Man On's store? A. Yes.
- 423.Q. How do you know? A. There is a lane between Hastings and Dupont street.
- 424.Q. Did you go there yesterday? A. No, Sir.
- 425.Q. You were on that alley? A. Yes.
- 426.Q. Did'nt come out of Man On's back door between 12 and 1, yesterday? A. No.
- 427.Q. Did you get any telegrams up at Barnet? A. No; we got a telephone message.
- 428.Q. You don't know who it was from? A. No.
- 429.Q. Did you get any letters about this case? A. No.
- 430.Q. You went up to the lawyer's--Mr. McKay's--office? A. Yes.
- 431.Q. Who went with you? A. Herberts.
- 432.Q. Who else? A. Ah Chin.
- 433.Q. Anybody else? A. No.
- 434.Q. Was anybody else up there? A. No.
- 435.Q. How many times have you been there? A. Twice.
- 436.Q. Who went with you the second time? A. Herberts.
- 437.Q. Who else? A. Nobody.
- 438.Q. Did'nt meet any other person there? A. No.
- 439.Q. Quite sure? A. Yes.
- 440.Q. When you went up there with Ah Chin, what day was that? A. Tuesday morning.
- 441.Q. This last Tuesday? A. Yes.
- 442.Q. After you came in from Barnet? A. Yes.
- 443.Q. Who told you to meet him on Tuesday morning? A. Ah Chin told us to go up to Mr. McKay's office on Tuesday morning.





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- 444.Q. Did'nt you object, and say you did'nt want to be mixed up in this case? A. I don't remember as we did.
- 445.Q. If you had known you would not have had anything to do with this case unless you were subpoenaed for it?  
A. I don't know.
- 446.Q. That is perfectly legitmate to get your expenses paid-- was not there anyt ing said about your expenses being paid? You did not expect to have to pay all your own expenses, did not you expect to get money? A. I don't know, I have got none yet.
- 447.Q. That is another chance you are taking? A. Yes.
- 448.Q. Did you see Ah Chin last night? A. No.
- 449.Q. Quite sure? A. Yes.
- 450.Q. Did you see David Lew? A. No.
- 451.Q. Last night? A. No.



WILLIAM HERBERTS recalled.

Cross-examination by Mr. Geo. Powell.

- 452.Q. You have been working at the mill at Barnet? A. Yes.
- 453.Q. When did you leave there? A. Monday night.
- 454.Q. Who telephoned you to come in? A. This other man, I expect.
- 455.Q. Who? A. I know the man if I see him.
- 456.Q. Is he a Chinaman? A. Yes.
- 457.Q. David Lew? A. No.
- 458.Q. Hosang? A. No.
- 459.Q. Have you seen him here in Court -- is that him in the corner? A. Yes (Ah Chin is the man picked out).
- 460.Q. You know David Lew? A. Yes.
- 461.Q. It was not him that telephoned you? A. No.
- 462.Q. He is the man that laid the information? A. Who?
- 463.Q. Ah Chin? A. Yes.
- 464.Q. Who did he telephone to? A. I was at the phone.
- 465.Q. Was Munson beside you? A. We were both playing baseball, and I was called to the phone.
- 466.Q. You told him that Ah Chin telephoned you to come to Court? A. Yes.
- 467.Q. You told him that? A. Yes.
- 468.Q. What time did you get into Vancouver that night? A. About 9.
- 469.Q. Had you had your supper? A. Yes; before we left.
- 470.Q. Did you have supper in town that night? A. No.
- 471.Q. Quite sure? A. Yes.
- 472.Q. Who did you meet that night when you came to town? A. I met different people.
- 473.Q. Did you meet Ah Chin? A. No; I don't think we met him until the next morning.
- 474.Q. Did'nt meet him that night? A. No.
- 475.Q. Who did you see Monday night in connexion with this case? A. Nobody.
- 476.Q. Do you remember what time you went to bed that night? A. About 12 o'clock.
- 477.Q. Did'nt you meet any Chinamen and have a talk with them? A. No.



- 478.Q. Munson said he talked to a Chinaman and you were with him? Don't you think you talked to David Lew that night? A. Not that I remember.
- 479.Q. Or Tuesday night? A. No.
- 480.Q. You don't think you did? A. No.
- 481.Q. Have any talk with Hosang? A. No.
- 482.Q. You know him? A. Yes.
- 483.Q. Do you know Johnson that works in the Dominion Express Office? A. No; I don't think I do.
- 484.Q. Did'nt you have supper with David Lew and this other young fellow named Johnson, on Monday night? A. No.
- 485.Q. You know where the Maison French Restaurant is? A. Yes.
- 486.Q. Have you eat there this week? A. No.
- 487.Q. Or last week? A. No.
- 488.Q. Quite sure? A. Yes.
- 489.Q. On Tuesday morning you remember going to Mr. McKay's office (the lawyer)? A. Yes.
- 490.Q. Who went there with you? A. Munson.
- 491.Q. Whoelse? A. Munson and I.
- 492.Q. You did'nt go with any Chinaman? A. No.
- 493.Q. How did you know you had to go to Mr. McKay's office? A. Ah Chin told us.
- 494.Q. Ah Chin telephoned you to come down? A. He telephoned us to come down to town, and then when he seen us in town, he told us to go to Mr. McKay's office.
- 495.Q. When did you ~~met~~ meet him? Did'nt you see him on Monday night? A. I don't remember.
- 496.Q. You don't remember? A. I don't remember whether it was Monday night or Tuesday morning.
- 497.Q. Did you see David Lew between 12 and 2 yesterday? A. No.
- 498.Q. Did you go into Man On's store yesterday, with Munson, between 12 and 2? A. Not that I remember.
- 499.Q. You know whether you did or not? Did you go in there and have a talk with David Lew? A. No.
- 500.Q. Neither you nor Munson? A. No.
- 501.Q. On this Wednesday, August 9th, that you went to play these tickets, you went there yourselves? A. We met this fellow Chow Mew at the door.
- 502.Q. Before you got there--how is it you happened in this place. Do you ever play in any other Chinese lottery places? A. No.
- 503.Q. You have played in others? A. Not the last few months.



- 504.Q. Going by that morning you just dropped in, you didn't intend to go there? A. I don't know, we started walking and went in.
- 505.Q. You knew him before? A. Yes.
- 506.Q. How long have you known him? A. Quite a while by sight.
- 507.Q. Anyway, when you went in, Munson has told us that he or you asked this fellow to go in behind and play a ticket for luck, did you do it? A. Chow Mew asked us - - -
- 508.Q. Munson said he asked him to go in and mark a ticket? A. That is after. We asked him if he would mark a ticket for us.
- 509.Q. You didn't intend to go in? A. I don't know. We were walking down street and just happened to stop.
- 510.Q. You were just walking by? A. Yes.
- 511.Q. You went back again that afternoon? A. Yes.
- 512.Q. You went there again next morning? A. Yes.
- 513.Q. How did you happen to go next morning? A. We were going out and this Ah Chin met us, after we had played the tickets.
- 514.Q. What day was that? A. The 9th.
- 515.Q. What did he say? A. He asked us where we had been and he asked us to show him the tickets. We told him where we had been. - -
- 516.Q. He had already seen you before and asked you to go there? A. No.
- 517.Q. Munson told us that you went there that morning, because he asked you to go. Don't you remember that he waited for you outside? A. Not that I know of.
- 518.Q. Don't you remember that before you went into Chow Mew's that you seen Ah Chin and he asked you to go in? A. No; I don't think that was before I went in.
- 519.Q. Didn't he give you money to play with that first time. A. No; not then.
- 520.Q. When? A. On the 9th after we came out from playing.
- 521.Q. How much did he give you? A. Two dollars apiece.
- 522.Q. What was that for? A. To play some tickets.
- 523.Q. You could buy a good many for that? A. Yes; and you could buy one for it, if you wanted to.
- 524.Q. Did you do so? A. No.
- 525.Q. You went back on the 10th? A. Yes; he told me to play some tickets for him.
- 526.Q. No mention of any reason why you should go in and give him back the winnings made by the tickets? A. No; only he said he wanted the tickets back.
- 527.Q. After you didn't win anything, the tickets were valueless?



~~528.Q.~~

A. I don't know, but he wanted to see the tickets.

528.Q. You told us he asked for the tickets? A. Yes.

529.Q. Did you bring the tickets back to him? A. Yes.

530.Q. You didn't think there was any job? A. I don't know anything about it.

531.Q. Never give it a thought? A. No.

532.Q. You see now that you have been fooled, that he used you? A. We went and got tickets for him.

533.Q. Did you think there was going to be any Police Court case about it? A. No.

534.Q. When you got these tickets, you gave them back to him? A. Yes.

535.Q. Where did you meet him? A. Avenue Hotel.

536.Q. Who else was in there? A. I don't remember anybody in there.

537.Q. While you were there, did you see anybody going in the room? A. There was just the three of us.

538.Q. Ah Chin didn't buy you a drink in there? A. No.

539.Q. How long did you stay in there? A. 10 or 15 minutes, I think.

540.Q. Didn't he compare those tickets with some others? A. I don't know.

541.Q. You want me to believe that? A. Yes.

542.Q. That is as true as all the rest of your evidence? A. Yes.

543.Q. You thought nothing more of it, and went away to Barnet? A. Yes.

544.Q. Didn't you think it peculiar that you had to come back on Monday, and be mixed up in a row in the Police Court? A. Yes.

545.Q. What did he want to get those tickets back for? A. I don't know.

546.Q. What about your expenses? A. We are paying our own expenses.

547.Q. How much are you getting at the mill? A. \$2. per day.

548.Q. Where did you get your money? A. What I have earned before at the mill.

549.Q. Did you spend the four dollars between you? A. I don't know just how much.

550.Q. You didn't spend more than a dollar and a half? A. No; about that.

551.Q. He could see that you had not spent all the money? A. He could see that I did not.

552.Q. Didn't you think that you should return the balance to



- him in value or money? A. I don't know.
- 553.Q. You think it is alright to keep the balance? A. Yes; we went and played the tickets and kept the money.
- 554.Q. When you got in there, who payed for the tickets? There were four tickets and you each had two?  
A. Yes.
- 555.Q. Chow Mew marked two and you each marked one yourselves?  
A. Yes.
- 556.Q. Who paid for them? A. Munson paid for them.
- 557.Q. All of them? A. Yes.
- 558.Q. What would it be? A. Forty cents.
- 559.Q. Do you remember what he put down? A. I think it was a fifty cent piece.
- 560.Q. You noticed the man behind the wicket? A. Yes.
- 561.Q. He could not make change, because he did not have any?  
A. No.
- 562.Q. He didn't have any change? A. He apparently did not have any change.
- 563.Q. The man behind the wicket did not have any change?  
A. I don't know whether he had or not, but he did not take the fifty cent piece and change it.
- 564.Q. You said a minute ago that he did not have any change, and that he could not change it? A. He gave it to the other man to change.
- 565.Q. How do you know he did not have change? A. I could not say. Munson put down the money on the table, and this man (Chow Mew) picked it up and changed it.
- 566.Q. Didn't he hand it to the man behind the wicket?  
A. Munson put it down on the table, and this man took it up.
- 567.Q. Now then, when Munson put down the money, did not the man behind the wicket commence to look for change; and was not there something said about him not having any change? A. I could not understand him.
- 568.Q. Was not there any English talk? A. No; there was not.
- 569.Q. Didn't Chow Mew take the money and go into the front office to get it changed. A. He said something about change.
- 570.Q. You were outside of the counter and the other man was in behind? A. Yes.
- 571.Q. And Chow Mew got this money from the other fellow?  
A. He put his hand in his pocket, and I think he changed it right there.
- 572.Q. He put down some change? A. Yes.
- 573.Q. Did he put down the whole change for the half dollar?  
A. Whatever it was, he just put down ten cents.
- 574.Q. Munson said he put down a dollar, do you remember whether it was or not? A. It occurred to me that it was a half a dollar.



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575.Q. At any rate, the change that Chow Mew pulled out of his pocket was ten cents? A. As far as I know, I thought he put down ten cents.

576.Q. That is all you remember? A. Yes.

577.Q. There was no money went into the man behind the wicket?  
A. I did not see him get any money.

(Defence reserved.)

Committed for trial.

Sgd. A. Williams.  
Police Magistrate.



STATEMENT OF THE ACCUSED.

Chow Mew says as follows:-

I have nothing to say now.

(Sgd..) Ch Mew.

Taken before me at Vancouver the 24th day of August, 1905.

(Sgd.) A. Williams.

P.M.





1905.

*Vancouver Fall Assizes.*

*Copy of Depositions in re*

REX

VS.

*Chow Mew - (alias Ah Mew).*

*Offence Selling lottery tickets*

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05





INFORMATION AND COMPLAINT.

Canada:  
Province of British Columbia;  
City of Vancouver.

The information and complaint of Ah Chin of Vancouver, British Columbia, taken the 11th day of August, A.D., 1905, before the undersigned A. Williams, Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that he has just cause to suspect and believe and does suspect and believe that Chow Mew, alias Ah Mew, of the said City of Vancouver, within the space of one month last past, to wit, on the 10th day of August, 1905, at No. 429 Carroll street, in the said City of Vancouver, did unlawfully sell lottery tickets as a means or device for disposing of money drawings by chance.

"Ah Chin".

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

'A. Williams', P.M.

Sworn before me this 24th day of August, 1905.

'A. Williams', P.M.



Police Court.

(Before A. Williams, Esquire, P.M.)

Vancouver B.C., Aug. 23rd, 1905.

W.M. McKay appeared for the prosecution.

Geo. E. Powell appeared for the defence.

Chow Mew (accused) elected to be tried by a Jury.

HOWARD MUNSON, called and sworn. Direct exam. by McKay.

- 1.Q. Where do you reside? A. Barnet.
- 2.Q. What are you doing? A. Working for the North Pacific Lumber Company.
- 3.Q. Do you know the accused Chow Mew? A. Yes.
- 4.Q. Can you point him out? A. Yes; the first Chinaman here.
- 5.Q. How long have you known him? A. I have known him by name for about two weeks.
- 6.Q. How long have you known him by sight? A. About 3 years.
- 7.Q. When did you first see him in connexion with this charge? A. On the 10th of August.
- 8.Q. Where? A. At his store on Carroll street.
- 9.Q. What number? A. 429, I believe.
- 10.Q. What did you go there for? A. I was passing along the street and he was standing in front, and I got into a conversation with him, and I asked him if he was running that place and he said "Yes", and he asked me if I wanted to play a lottery ticket and I said I didn't mind; so I marked one ticket myself and he marked one for me.
- 11.Q. Did you go inside? A. Yes.
- 12.Q. Had you ever been in there before? A. Yes.
- 13.Q. When? A. 9th of August.
- 14.Q. Had you played any ticket the day before? A. Yes.
- 15.Q. Who sold them to you? A. Some employees in there, I believe.



- 16.Q. It was on the 10th day of August that you came in contact with the accused, here? A. Yes.
- 17.Q. How many tickets did he sell you that day? A. Two, himself.
- 18.Q. What are these I produce now? A. Those are the lottery tickets that I bought from him and his employees.
- 19.Q. Can you produce out of that bunch the tickets which ~~xx~~ were sold to you by the accused? A. I think I can.
- 20.Q. August 10th, 1905, 2:p.m.? A. Yes, sir.
- 21.Q. These are the lottery tickets sold to you by the accused? A. Yes.
- 22.Q. Himself? A. Yes.

(Lottery tickets sold by accused to witness marked ex. "A.")

- 23.Q. How much did you pay for these? A. 10 cents apiece.
- 24.Q. Who did you pay the money to? A. The accused himself.
- 25.Q. How do you know these are lottery tickets? A. They are what they put out before me to mark as lottery tickets, and what he claimed himself to be lottery tickets.
- 26.Q. How many tickets did you play the day before? A. 3.
- 27.Q. On August 9th? A. Yes.
- 28.Q. You purchased them in the same store? A. Yes.
- 29.Q. What kind of a store is this? A. There seems to be a number of cases of canned salmon or something like it, on the south wall of the store; a few chairs around and a table.
- 30.Q. Did you play any other tickets there, about that time? A. On that day?
- 31.Q. On that day or any day since that? A. On the 11th of August I played.
- 32.Q. Have you got any tickets of the 11th here? A. That is one.

(Lottery tickets dated August 9th marked exhibit "B.")  
( " " " " 11th " " " " "C.")

- 33.Q. Will you explain the mode of playing this lottery?  
A. They give you a ticket to mark, and they take a copy of it in a book, and they stamp your ticket with a native stamp (this stamp is made of wood and is used the same as our rubber stamps) and they put writing on it. They keep one for their copy and give us the ticket. Then there is a drawing at some other place, and after that drawing you compare your ticket with the one they have and see how many spots you have marked off the same as they have.



- 34.Q. What sort of a game is this? A. A game of chance or skill?  
A. It is a large game of chance.
- 35.Q. How are the chances? A. I think about 80 chances to each one.
- 36.Q. These two tickets, exhibit "A.", that were sold to you by the accused, did he mark off any of these himself?  
A. He marked one and I marked the other.
- 37.Q. Can you tell me from looking at these tickets which one he marked? A. This is the one he marked.
- 38.Q. This is the one your marked? A. Yes.
- 39.Q. Did you win anything from either of those tickets? A. No.
- 40.Q. Who was with you, or was there any person with you at the time you went into this store and had this conversation you have mentioned with the accused? A. Herberts.
- 41.Q. What is his first name? A. William.
- 42.Q. Is he here? A. Yes.
- 43.Q. Was anybody else there at the time? A. Nobody but Chinamen.
- 44.Q. You had a conversation in the store as well as in the front of the store? A. Yes.
- 45.Q. What conversation occurred in the store? A. I asked him if he was running that place now.
- 46.Q. What place did you mean? A. That store of business there, that we were in at the present time. I asked him if he was running it for himself, and he said he was.
- 47.Q. Did you mention the business? A. Yes; the lottery business.
- 48.Q. He said he was running it? A. Yes.
- 49.Q. Is that all? A. I think that is all the conversation that took place.
- 50.Q. Is there anything about the premises to designate what sort of a place it is? A. At that time there was a long table and on the table were these letters books.
- 51.Q. You seen the lottery books? A. Yes; the books that they keep a copy of the tickets in.
- 52.Q. Do you know of any prizes won in this letters? A. I could not say any particular person; but I believe there is some of the tickets hanging on the wall, of those who have won, but I would not say for certain.
- 53.Q. Did you see them? A. I could not say for certain.
- 54.Q. Did you ever see anybody win any money from this lottery? A. I believe Herberts won 20 cents.
- 55.Q. The man that was in there with you won 20 cents?  
A. Yes.
- 56.Q. When do you get a prize? Can you explain? A. There are drawings at different hours. Suppose you come in before 2 o'clock and get a ticket, there is a drawing at 2 o'clock and if you come back about half an hour after, you can find out whether you win anything or not.



- 57.Q. What constitutes a prize? A. Five spots is lowest. You have to have five spots on your ticket in the same place as is on their drawing tickets.
- 58.Q. They have a duplicate ticket like that? A. Yes.
- 59.Q. Marked the same as that? A. Yes.
- 60.Q. Then they have the drawing ticket? A. Yes; they have a ticket that they draw on.
- 61.Q. If five spots on this ticket and on this duplicate ticket correspond with the drawing ticket, you get a prize? A. Yes.
- 62.Q. Were you there when Herberts got the prize? A. Yes.
- 63.Q. How much did he win? A. 20 cents, I believe.
- 64.Q. The lowest prize? A. I think it is.
- 65.Q. Is there anything to designate who was the owner of this establishment or about the establishment? A. Only this man. He gave me his name as Ah Mew; and he had a sign board lying on top of these boxes on the south side of the room, and I asked him if that was his name on the sign, and he said that was his name.
- 66.Q. Did he say anything else? A. No; except that he was proprietor of this.
- 67.Q. (Court) He told you his name was Ah Mew? A. He said that he was his name on the sign, and the name on the sign was Ah Mew. Chow Mew is the name he is known by amongst his own countrymen.

(Cross-examination reserved by Mr. Powell).



WILLIAM HERBERT called and sworn. Direct exam. by McKay.

- 68.Q. Where do you live? A. 1861, Fourth Avenue, Fairview.
- 69.Q. Are you living there now? A. No; I am at 212 Queen's Hotel on Water street.
- 70.Q. Where do you work? A At Barnet.
- 71.Q. What place? A. North Pacific Lumber Company.
- 72.Q. Do you know the accused~~x~~, Chow Mew? A. Yes.
- 73.Q. Can you point him out? A. That Chinaman there.
- 74.Q. Sitting there? A. Yes.
- 75.Q. How long have you known him? A. For quite a while, only to see him. I didn't know~~x~~ his name until lately.
- 76.Q. When did you know his name? A. The 10th, I think.
- 77.Q. Of what month? A. Of last month.
- 78.Q. Last month or this month? A. Tenth of this month.
- 79.Q. Tenth of August, 1905? A. Yes.
- 80.Q. When did you meet him? A. I met him outside of the store.
- 81.Q. What store? A. His store.
- 82.Q. Where? A. On Carroll street, I don't know the number.
- 83.Q. You don't know the number? A. I am not quite sure - 439 or something like that.
- 84.Q. You are not positive about that? A. No; I think it it that.
- 85.Q. When you met him there, what transpired between you?  
A. I was talking to him and asked him where he had been; ~~x~~ and we went inside, and he asked me if I wanted to play a ticket and I said I didn't know, and I went in and I played a ticket.
- 86.Q. This was on the 10th? A. Yes; on the 10th I seen him there.
- 87.Q. Had you been in that store before? A. Yes; I have been in before.
- 88.Q. When? A. Lots of times.
- 89.Q. Immediately? A. On the 9th I was in.
- 90.Q. Did you meet this man on the 9th? A. No; he was not in there on the 9th.
- 91.Q. Did you play the lottery on the 9th? A. Yes.
- 92.Q. Who did you purchase tickets from on the 9th? A. I would think it was some of his helpers; I don't know who it was.



- 93.Q. On the 10th you went in there and played a ticket--how many tickets did you play on the 10th? A. I think it was three.
- 94.Q. Who did you purchase them from? A. This man here,
- 95.Q. The accused? A. Yes.
- 96.Q. Can you tell from looking at this bunch of tickets how many of them you purchased from him on the 10th? A. Three tickets.
- 97.Q. Can you identify those three? A. These are the three.
- 98.Q. Did you purchase all these tickets from this man on the 10th? A. Yes; I got those two from him, and I got the other one at night.

(Two lottery tickets, date Aug. 10th, 1905, 2:p.m., marked exhibit "D.")

- 99.Q. How much did you pay for those tickets? A. I am not sure whether they are ~~two~~ two 10 cent tickets or not; yes, they are two ten cent tickets.
- 100.Q. Out of that bunch of tickets how many did you buy on the 9th, the day previous? A. Five.
- 101.Q. On the 9th? A. Yes.
- 102.Q. Who did you purchase those from? A. From the same man that was in there before, one of the men that are working there.
- 103.Q. It was in this establishment? A. Yes.
- 104.Q. Did you play any other on the tenth? A. No; that is all I played on the tenth.
- 105.Q. What about that, did you play that on the 10th? A. Yes.
- 106.Q. You bought that from whom? A. From one of the fellows working there.
- 107.Q. Were you in there on the 11th? A. Yes, at 2 O'clock.
- 108.Q. Did you purchase a ticket there? A. Yes.
- 109.Q. From whom? A. One of the men working there.
- 110.Q. You only purchased two from the accused? A. Yes.
- 111.Q. At the time you purchased those two tickets, you paid ten cents to whom? A. This man.
- 112.Q. The accused? A. Yes.
- 113.Q. At the time you purchased these tickets, had you any conversation with the accused? A. I asked him where he had been, and I asked him if he was running this lottery in the store, and he said "Yes", and he said he run the store.
- 114.Q. Did he say anything else? A. No; he just showed me a sign and said that was his name on it. There was a sign lying there and I asked him if that was his name, and he said "Yes".





- 115.Q. What was the name? A. Ah Mew.
- 116.Q. Do you know what name he is charged under today?  
A. No; I don't think I do.
- 117.Q. He is charged as Chow Mew? A. That possibly may be the name, but I thought it was Ah Mew.
- 118.Q. Is there any doubt about the man? A. No; that is the man; that is the man that told me his name was Ah Mew.
- 119.Q. On any of these tickets that you purchased there, did you win a prize? A. I got five spots on one.
- 120.Q. What does that mean? A. You get 20 cents.
- 121.Q. Did you get 20 cents? A. I played two more tickets.
- 122.Q. You won the 20 cents and you played two more tickets back? A. Yes.
- 123.Q. You actually got this prize? A. Yes.
- 124.Q. Can you point to the ticket you won the prize? A. Yes.

(5 lottery tickets, dated Aug 9th, 1905, marked exhibits "E.")  
 ( " " ticket that won a prize marked ex. "E-2")  
 ( " " dated Aug 10th, 1905, 11:30 p.m. marked ex. "F.")  
 ( " " " " 11th " 2:p.m. marked ex. "G.")

- 125.Q. Can you tell the Court how you know these are lottery tickets? A. I have seen the game before, and I have seen them marked lots of times.
- 126.Q. Is there anything on these that would tell you they are lottery tickets? A. The winning ticket would tell you that.
- 127.Q. How do you play it? A. You go in and buy a ticket and mark off ten spots, and they have a drawing some place and have so many marked off and you compare your ticket with theirs.
- 128.Q. What kind of a game is it? Do you consider it a game of chance or skill? A. I would consider it a game of chance.
- 129.Q. What are the chances in favor of? A. The company.
- 130.Q. In favor of the company, the seller, the owner of the place? A. Yes.
- 131.Q. Explain this one that you won on? A. You take one of these tickets and mark ten spots off of it.
- 132.Q. Court: You have to get so many in yours as is on theirs?  
A. Yes; <sup>the same</sup> their ticket is the same as this, and they mark off twenty and you mark ten. You mark off in black and the one they have, they mark it off in red.
- 133.Q. Supposing I get ~~xxxxxx~~ three here and three here the ~~xx~~ same as they have? A. I catch six spots and get so much.
- 134.Q. The six spots have to be the same? A. Yes.



- 135.Q. Do you get a prize if you get one pair? A. No; you have to get five the same before you get anything.
- 136.Q. Where is this drawing, did you see it? A. I didn't see it.
- 137.Q. You have to take their word for it? A. Yes.
- 138.Q. You didn't see the drawing? A. No.
- 139.Q. When do you go back? A. As a rule any time the next day or that night; any time after half an hour after the drawing takes place.
- 140.Q. Court: How many spots on a ticket altogether? A. 80.
- 141.Q. " You mark off ten and they mark twenty? A. Yes.
- 142.Q. When Chow Mew sold you these two tickets on the 10th, did you mark them off yourself? A. I marked one off and he marked one off.
- 143.Q. Which one did he mark off? A. This is one, exhibit "F."
- 144.Q. He marked that? A. Yes.
- 145.Q. That one is for a drawing at 11:30 p.m.? A. The one he marked was in the afternoon, this is it, exhibit "G."

Mr. McKay: I wish to amend the information to read on the 10th of August instead of the 9th, as the evidence shows that it was the tenth that this man sold the tickets.

- 146.Q. Have you found the right one which he marked? A. This is one, dated August 10th, 2 p.m., exhibit "A."
- 147.Q. That is not Munson's but yours? A. Yes.
- 148.Q. Did he mark one for you and one for Munson? A. Yes; and it is hard to tell which is the one he marked for me.
- 149.Q. He marked this one dated Aug. 10th 2 p.m.? A. Yes; I am sure that is the one he marked for me.
- 150.Q. This is the one you think he marked? A. That is the one he marked.
- 151.Q. Now be sure - is that the one he marked? A. Yes, I think that is the one.
- 152.Q. These tickets - one was marked for you and one for Munson? A. Yes.

Mr. McKay: I would like the information amended to read the 10th of August instead of the 9th of August. (Granted).

Case adjourned until Aug. 24th at 10 a.m.



August 24th, 1905.

Mr. Powell: I don't propose to offer any evidence.

Mr. McKay: I would ask Your Worship to amend the information by adding "Ah Mew", as the evidence goes to show that he said his name was Ah Mew.

Mr. Powell. I will object to any amendment being made at this stage.

Court: I would allow any amendment like that, and I would allow an enlargement if you want to call further evidence. This will read "Chow Mew, "alias Ah Mew" when the amendment is made.

Mr. Powell: I submit there is no provision to allow any amendment at this stage, as the case has been closed and the evidence is all in, and the matter is only open now for argument.

Mr. McKay: His Worship has power to amend it in any case.

Mr. Powell: But the case has been closed.

Court: I will take the responsibility.

(Information amended by adding "alias Ah Mew" and by changing the '9th of August' to the "10th of August". Amendments sworn to by the informant Ah Chin.)

Court: If you have been prejudiced by this at all, I will grant you an enlargement.

Powell: The reason that I object to this is, that yesterday my learned friend made application to amend the information by changing the 9th to the 10th; in other words from the ninth to the tenth, simply because the evidence did not disclose any offence committed on the 9th. My learned friend applied for the amendment, and the informant was called, but the amendment was not sworn to, as my learned friend got into a discussion, and it was overlooked. Now, my learned friend comes in and asks for another amendment after all the evidence is in for both sides - it amounts to that, as I have already notified you that we will not produce any evidence - and wants to change the name to Ah Mew. I notice that the 9th has been changed to the 10th, but that has never been sworn to.

Court: He has just sworn to it, along with the other amendment.

Powell: I take the objection.

Court: I have a right to amend it in matters like this, if the evidence does not sustain it.

Powell: Not after a case is all over. By amending the charge it means a fresh charge, that is all it can mean.

Court: It is only a matter of time, and if you are prejudiced by this amendment, I will grant you a remand so that you can call evidence.



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Powell: My learned friend made application yesterday to have an amendment made, but did not have it sworn to; and now today he comes after all the evidence is in and the case is closed, and wants to make a change with regard to the name, so as to fortify the defects that existed. Now, I certainly say that it means nothing more than a fresh charge. No doubt Your Worship has a right to amend a charge in a preliminary investigation, but in a case of this kind after the case has been closed and the evidence all in, I say that you have no right. Your Worship cannot find any authority for such procedure. Do you say that you can bring a man here charged with an offence on a certain date, and then after all the evidence is in change it to some other date to suit the evidence.

Court: If you have been prejudiced, I will grant you an adjournment.

Powell: I certainly say that Your Worship has no power to do it, and I don't think that Your Worship can show me any authority; and at the same time I say I have been prejudiced, and if Your Worship still holds that you have the right, I want an adjournment to get the first two witnesses so that I can cross-examine them on their evidence.

Court: I will grant you any adjournment.

Powell: The evidence was all given in regard to the 10th, and the charge was for the 9th, that is why I did not cross-examine them.

Mr. McKay: Does Your Worship say he can bring evidence here, as well as cross-examine this men?

Court: Yes. When an information is amended and the defence is prejudiced in any way, they have a right to an adjournment.

Case remanded until August 25th at 10 a.m.



August 25th, 1905.

HOWARD MUNSON recalled.

Cross-examination by Geo. E. Powell.

- 153.Q. You have been working at the Barnet Mills? A. Yes.
- 154.Q. Are you still working there? A. Yes.
- 155.Q. When did you leave there? A. Monday was the last day I worked there.
- 156.Q. That would be the 21st of August? A. Yes.
- 157.Q. For two weeks previous you had not been working every day? A. No.
- 158.Q. When have you been working there regular? A. I started on the Friday before the 21st.
- 159.Q. The 18th of August? A. Yes.
- 160.Q. Is that the first day you went there to work? A. Yes.
- 161.Q. Where were you working before the 18th of August?  
A. I had not been working for a couple of weeks.
- 162.Q. Where were you working before that? A. Burrard Livery Stables.
- 163.Q. Do you remember going into this place on the 9th of August? A. Yes.
- 164.Q. Do you remember what day of the week that was? A. On a Tuesday, I think.
- 165.Q. It would be Wednesday? A. Tuesday or Wednesday.
- 166.Q. When was the last time before that, that you had been in that place? A. I could hardly remember that.
- 167.Q. You have been in there many times? A. A few times.
- 168.Q. Was you in that month before? A. It was all of two months.
- 169.Q. You played these lottery tickets on these previous occasions? A. Yes.
- 170.Q. Do you remember what time on the Wednesday, the 9th of August, that would be? A. About ten o'clock in the evening.
- 171.Q. On the 9th? A. Yes.
- 172.Q. Where had you been that evening before you went in?  
A. Around town.
- 173.Q. Doing anything? A. Just walking around.
- 174.Q. What did you go in that evening for? A. I went in to play a lottery ticket.



- 175.Q. Did you go in to look for the defendant? A. No.
- 176.Q. Did not have him in your mind at all? A. No.
- 177.Q. No intention of looking for him? A. No.
- 178.Q. After you played your ticket that night, do you remember where you went? Do you remember of going into any other Chinese places? A. I went into no more Chinese places at all.
- 179.Q. Did'nt you meet a Chinaman on the street after you came out of the room? A. Yes; I met a lot of Chinamen.
- 180.Q. Do you know a Chinaman by the name of David Lew? A. Yes.
- 181.Q. Do you know him? A. Yes.
- 182.Q. Did you meet him, when you came out of there? A.No.
- 183.Q. Do you know a Chinaman by the name of S.G.Hosang, who works in Mr. Russell's office? A. Yes, I believe I do.
- 184.Q. Is that him in the corner? A. Yes; I am acquainted with him.
- 185.Q. Did you meet him that night of the 9th? A. No.
- 186.Q. You did not see him that night? A. No.
- 187.Q. And you did not see David Lew that night? A. No.
- 188.Q. Were you in there with Herberts on the 9th? A. No.
- 189.Q. You and Herberts do not sleep together? A. We have been rooming together.
- 190.Q. In the morning after you had your breakfast, you went straight to the same place? A. We strolled around town for awhile.
- 191.Q. At any rate, you went there? A. We went down there about half past one.
- 192.Q. Was that on Thursday morning? A. Yes.
- 193.Q. This was the occasion that you met Chow Mew? A. Yes.
- 194.Q. Are you sure it was as late as that? A. Yes.
- 195.Q. Was it not nine or ten o'clock? A. It was not until after 12.
- 196.Q. What did you happen to go to this place for? A. We were strolling around down there and passed by.
- 197.Q. When you went along there, had you any intention of going to this same place? A. I don't know as I had any particular intention of playing a lottery ticket.
- 198.Q. Had you anything in mind that was going to take you into that particular place? A. I don't know.
- 199.Q. As you remember, what was the fact? You turned some corner to go to this place--did you intend to go there?  
A. I believe I did intend to go in and play another ticket.
- 200.Q. At any rate, you knew you were on your way there before you met this man, that you had the conversation with?  
A. Yes.



- 201.Q. Where did you meet Chow Mew? A. In front of his store.
- 202.Q. Why didn't you go straight in? A. I don't know, I stopped and talked for him for a few minutes.
- 203.Q. Who commenced to talk? A. I believe I started the conversation.
- 204.Q. You had not seen him for some time? A. No.
- 205.Q. You were anxious to find out where he had been? A. Yes.
- 206.Q. You were particularly anxious to find out where he had been? A. No.
- 207.Q. You just said "Where have you been for some time?" ?  
A. Yes.
- 208.Q. During this talk, you were still going in to play your ticket? Before you actually talked to him, you were on your way to play a ticket in there? A. Yes.
- 209.Q. How is it he came in with you? A. He went in the store and opened the door and we followed him; and we got into a conversation, and he asked us if we were going to play.
- 210.Q. You were going to play a ticket, and didn't somebody ask him to mark a ticket? A. He asked us if we were going to play a ticket - -
- 211.Q. In the front office? A. Yes.
- 212.Q. Who was it asked him to come in and marked a ticket?  
A. I believe I said it.
- 213.Q. What was your object in doing that? A. I don't know if there was any particular object in it.
- 214.Q. He agreed to do it and went in behind with you? A. Yes.
- 215.Q. You have seen him in that front place before? A. Yes.
- 216.Q. What did you want to ask him if he kept that place for?  
A. I don't know. I didn't know he was proprietor of the place.
- 217.Q. You had seen him there many times before? A. I can't say that I seen him many times before.
- 218.Q. He was the alleged proprietor, and you wanted to find out whether it was so? You must have known he was running that place? I am talking now about the front part of the store? A. Yes.
- 219.Q. You told us the other day that you seen a sign there with "Ah Mew" on it? A. Yes.
- 220.Q. It was ~~ex~~ a portable sign? A. Yes; it was just lying up there on some cases.
- 221.Q. You had seen that sign before? A. I don't think I did.
- 222.Q. When you first went in there and was talking to him, you knew his name was Ah Mew? A. No.
- 223.Q. You had never heard the name before? A. No.
- 224.Q. When you seen the sign it aroused your curiosity to know, and you asked him if that was his name? A. Yes.



- 225.Q. Just out of curiosity? A. Yes.
- 226.Q. Then when you found that out, you seen that he was a dealer in goods and vegetables? You believe he is a dealer? A. I don't know whether he is or not.
- 227.Q. You don't know whether he is or not? A. No.
- 228.Q. You can't know him very well? A. He was on one team dealing in vegetables, when I first became acquainted with him, about three years ago.
- 229.Q. Did you never know his name? A. No.
- 230.Q. How did you come to know him? A. I was working at Tyson's store, and he used to deliver vegetables there every morning.
- 231.Q. At any rate, he went in with you, and you asked him to mark this ticket for you for luck? A. Yes.
- 232.Q. Going into this room, you had to go down a narrow hall into a room at the back of the building? A. I think we were lead right through a door into the room.
- 233.Q. Did'nt you go down a narrow passage and from that you were admitted into a room at the back of the building? Is not there a long hall to go through?  
A. No; it is the second room from the front.
- 234.Q. You walked right in there from the front? A. Yes.
- 235.Q. There is a sign on the window of the store? A. Yes.
- 236.Q. Sun Sun, groceries and so forth? A. I don't know, I did'nt take any particular notice.
- 237.Q. You were not interested? A. No.
- 238.Q. Why did'nt you ask him if that was his name, "Sun Sun", when you saw him outside? A. It never came into my head.
- 239.Q. Not until you saw the sign inside? A. Yes.
- 240.Q. At any rate, we will go into this little room. There is a long table, and there was a man behind there?  
A. Yes.
- 241.Q. You have evidently seen that man before? A. I have seen him a couple of times.
- 242.Q. Every time you have played tickets? A. I don't know whether it was the same man or not every time.
- 243.Q. You have done business with this man (Chow Mew) before?  
A. Yes.
- 244.Q. He had mrked your tickets for you? A. I can't say that he was the man that marked the tickets, but I have played tickets with him.
- 245.Q. Court: What do you mean? A. He is the man that made the duplicate ticket and taken the money for them on different occasions.
- 246.Q. How long ago? A. Early last spring.
- 247.Q. At any rate, on this particular occasion in 1904 it was a year and a half ago? A. Yes.





- 248.Q. Then you knew that he was running the place--some sort of a place? A. I thought he was just an employee, I never questioned him about it or anything.
- 249.Q. When you got in there he marked your ticket for you, I presume? A. Yes.
- 250.Q. Now then what happened, what about Herberts? A. I believe he marked one for him.
- 251.Q. Did Herberts ask him? A. I believe he did.
- 252.Q. Did he? A. Yes.
- 253.Q. There is no use you saying you believe he did it, when you know he did? A. He did.
- 254.Q. He went in and marked a ticket for you because you asked him? A. Yes.
- 255.Q. How much were the tickets worth, that you played with him? A. Ten cent tickets were played with him?  
A. Yes.
- 256.Q. Twenty cents owing? A. Yes; we each played twenty cents.
- 257.Q. Who produced the money? A. We each produced our own.
- 258.Q. What did you produce? A. I think it was a dollar.
- 259.Q. Do you know if the dollar was changed by the man behind the wicket? A. No; I put it on the table, and the accused took it and changed it.
- 260.Q. Did'nt the man behind the wicket say he had no change for the dollar? A. Not that I remember.
- 261.Q. When you put down your dollar, did'nt the man behind the wicket say something about change? A. Not that I remember.
- 262.Q. You don't remember nothing at all about it? A. No.
- 263.Q. The accused did not change it right there? A. Yes.
- 264.Q. Did'nt he go into the front store and return with the change? A. No; he changed our money first, and then went to the front and came back.
- 265.Q. Do you know what he done that for? A. No.
- 266.Q. When you put the money down, he took it? A. Yes.
- 267.Q. And he put your change down on the table? A. No; I think he handed it to us right in our hands.
- 268.Q. What did you do with it then? A. I put it in my pocket.
- 269.Q. Did'nt you pay the man behind the wicket? A. No.
- 270.Q. Quite sure of that? A. Yes.
- 271.Q. At any rate, the idea in asking him to mark your tickets for you was, as you told us, a matter of curiosity or luck; you did'nt do it to try and catch him in any way? A. No.
- 272.Q. That is absolutely the truth? A. Yes.



- 273.Q. Did you ever get anybody else to mark your tickets for you, before? A. I believe I have.
- 274.Q. Don't believe about it, a man that plays like you -- A. I don't make a profession out of the game.
- 275.Q. You have played it a number of times, and I want to know if you ever had anybody else to mark a ticket for you before? A. Yes, I have.
- 276.Q. Now, after your ticket was played, and after the man behind the wicket had taken a duplicate of it, what time did you come back there again? A. In the afternoon after the drawing.
- 277.Q. Who told you that there was going to be a drawing? A. They told us that the drawing was going to be at two o'clock.
- 278.Q. Who told you that? A. I don't remember which one told us.
- 279.Q. You knew as far as you were concerned that there was going to be a drawing, and why did you ask? A. I didn't ask.
- 280.Q. These things all have signs? A. Yes.
- 281.Q. Where is the two tickets he sold you? A. These are the two.
- 282.Q. Did he mark both of these? A. No, he just marked one of them.
- 283.Q. You told us that he marked them both? A. He marked one for me and one for Herberts.
- 284.Q. I notice in going over your evidence, that you said that he marked one for you and you marked the other? A. Yes; he marked one, and I marked the other.
- 285.Q. That is incorrect then, you didn't mark any? A. No; I marked one.
- 286.Q. You just said that he marked one for you and one for Herberts? A. He marked one for each of us, and we both marked one ourselves.
- 287.Q. Where did you get the other two from, were they got at the same time? A. Yes.
- 288.Q. I understand that you only got two tickets? A. We each got two tickets and paid 20 cents apiece to the accused.
- 289.Q. Each one of you marked one ticket for yourselves, and the accused marked one for each of you? A. Yes.
- 290.Q. How much change did you get back? A. I got 80 cents in change out of a dollar.
- 291.Q. What did the other fellow get? A. I don't just remember what amount he handed.
- 292.Q. Didn't you pay for his tickets also? A. No, Sir; we each paid for our own.
- 293.Q. You could see by looking ~~xxxxxxxx~~ on these tickets, that there was to be a drawing at two o'clock? A. Yes.



- 294.Q. You still think that somebody told you on that occasion that there would be a drawing at two o'clock?  
A. Yes.
- 295.Q. Now, you did not see any drawing take place? A. No.
- 296.Q. You got back at what time? A. Hardly say what time.
- 297.Q. You don't know that any drawing took place? A. I could not swear.
- 298.Q. You don't know anything about? A. Not about the drawing.
- 299.Q. You got back about what time? A. Sometime in the afternoon.
- 300.Q. Who did you see when you went in there in the afternoon? A. Employees.
- 301.Q. One of you won something? A. It was not either of those.
- 302.Q. You went back and somebody told you that you has not won anything? A. Yes.
- 303.Q. As far as Chow Mew is concerned, you did not talk the matter over with him, in regard to these tickets?  
A. No.
- 304.Q. Your transaction ended with him in the morning? A. Yes.
- 305.Q. You have nothing more to add; you know nothing about the drawing; and when you went back somebody told you that you had not won anything? A. Yes.
- 306.Q. Then on the other occasion after the 10th, you had no dealings with Chow Mew? A. I believe he was standing outside in the front, and we just spoke to him and went in.
- 307.Q. You went there a good deal these few days, the 9th, 10th, and 11th? A. We called there a couple of times on the 9th, a couple of times on the 10th, and once on the 11th.
- 308.Q. On the morning before you went there, did you see David Lew, on August 10th? A. No.
- 309.Q. Or Hosang? A. No.
- 310.Q. After you played that day, did you go into any Chinese place, on Thursday? A. I don't think so, no.
- 311.Q. Are you sure? A. Yes.
- 312.Q. Have you been in any Chinese stores in connexion with this man? A. No.
- 313.Q. How did you know about coming to Court the last day, on Tuesday? A. We got a telephone message at Barnett to come down.
- 314.Q. You didn't know who was talking to you? A. No.
- 315.Q. What was the message? A. To come down to town that we were wanted for Court.
- 316.Q. What for? A. It was supposed to be for this lottery.



- 317.Q. There was no trouble about any lottery? How did you know? A. We played the tickets.
- 318.Q. There are hundreds of others that play tickets?  
A. Yes.
- 319.Q. How did you know anything about this lottery case?  
A. On the morning of the 9th we met Ah Chin.
- 320.Q. That is the man that laid the information? A. Yes. He asked us if we had been playing any lottery tickets and we said we had - - -
- 321.Q. Were you not frightened about telling a stranger that - you might have got a summons yourself? A. Never thought of that at the time.
- 322.Q. You answered him truthfully? A. We told him that we had played some, and he asked us if we would not go over and play some for him; and he asked us where we had been playing, and we told him where we had ~~xxxx~~ played, and then he asked us if we would play for him.
- 323.Q. And you went there? A. We went there to buy tickets for him.
- 324.Q. So the gambling really was for others, not for yourselves? A. For Ah Chin. We did not know what he wanted the tickets for.
- 325.Q. You went there straight at the request of this man?  
A. No. We didn't go straight.
- 326.Q. You went around a corner and you went there at this invitation? A. Yes.
- 327.Q. Where did that take place? A. On the street.
- 328.Q. When? A. On the 9th.
- 329.Q. When did you next see him? A. On the 10th.
- 330.Q. When- what time? A. I think it was in the morning.
- 331.Q. You hardly know whether it was in the morning or not - do you? A. It would be about noon.
- 332.Q. You saw him and had this talk to him, before you went in? A. Yes.
- 333.Q. What did he say to you in that talk? A. He just asked us if we would play some tickets for him.
- 334.Q. Did you say you had not played any tickets on the 9th? A. We went on the 9th and played for him.
- 335.Q. When did you report to him? A. On the 10th.
- 336.Q. You went and told him that you had no won anything?  
A. Yes.
337. Q. He still wished to invest more money on your connection? A. He asked us to go down and play some more for him.
- 338.Q. Did he say why he didn't want to go? Where did he tell you to go? A. We had met him on the morning of the 9th on the corner of Carroll and Hastings streets,



and he asked us if we ever played any tickets, and we said we had, and we pointed to that store.

- 339.Q. You have played at other places? A. No.
- 340.Q. No other places in Vancouver? A. No.
- 341.Q. All your gambling has been confined to that particular place? A. Yes.
- 342.Q. Then he met you on the morning of the 10th, and he asked you to play a few more? A. Yes.
- 343.Q. Did he give you any money? A. Yes.
- 344.Q. How much? A. Each a couple of dollars, to play his tickets.
- 345.Q. How much did he give you the day before? A. That was on the 9th, that he gave us a couple of dollars.
- 346.Q. Did you play the two dollars worth? A. There might have been 10 or 15 cents left over that we did not play.
- 347.Q. You did what he told you to? A. Yes.
- 348.Q. At any rate, how much did he give you on Thursday morning? A. Nothing.
- 349.Q. Then this two dollars paid for the tickets you got on Thursday morning? A. Yes; the two dollars paid for all the tickets we got.
- 350.Q. All the time? A. Yes.
- 351.Q. I thought you said that was for Wednesday - it was not then? A. No.
- 352.Q. Get back to Thursday morning. You met Ah Chin and reported to him and he asked you to play two more?  
A. He asked us to play some more.
- 353.Q. Why? A. I don't know.
- 354.Q. You must know - no good saying you don't know why he told you to go back? A. No.
- 355.Q. Has not it occurred to you since, that it was a peculiar thing? You know now that he has been making use of you? A. It looks like that now.
- 356.Q. On Thursday after you made your play, did you go back to see him? A. No; we did not see him until the evening before we went away.
- 357.Q. When was that? A. Friday morning.
- 358.Q. Where? A. At the Avenue Hotel.
- 359.Q. How did you know he was going to be there? A. He told us to go there and give him his ticket that we bought.
- 360.Q. The tickets are valueless after the drawing, if they don't win anything? A. Yes; but he was to meet us there as he would like to see the tickets to see what was marked.
- 361.Q. And get the tickets? A. I could not say.



- 362.Q. Did you give them to him? A. Yes.
- 363.Q. When you gave them to him, what did he say he was going to do with them? A. I don't think he said anything.
- 364.Q. You know that tickets that don't win anything are worth nothing? A. I do.
- 365.Q. Did you say to him that you had a talk with this fellow Chow Mew? A. I don't believe I told him that I had any conversation.
- 366.Q. Did you hear the other fellow? A. No.
- 367.Q. Was not Herberts there? A. Yes.
- 368.Q. This was in the Avenue Hotel? A. Yes.
- 369.Q. Where is this Avenue Hotel? A. On the corner of Columbia Avenue and Dupont street.
- 370.Q. Where did this conversation take place, in the bar or in some room? A. At the back of the bar.
- 371.Q. How long were you there? How many in there? A. Just three of us.
- 372.Q. Anybody else? A. No.
- 373.Q. Did not somebody come in and go out? A. No.
- 374.Q. Quite sure of that? A. Yes.
- 375.Q. Nobody in the room while you were there? A. Not that I remember.
- 376.Q. How long were you in there? A. We handed him the tickets and told him we had won nothing, and told him we were going to Barnet in the morning.
- 377.Q. Did he want you again? A. No.
- 378.Q. You must be impressed with the fact that you are telling the truth, when you say that you did not know what you went to play these tickets for? A. No.
- 379.Q. You didn't go there for the purpose of getting this man Chow Mew into a conversation? A. No.
- 380.Q. On Friday you went to Barnet? A. Yes.
- 381.Q. When did you come back? A. On Monday night.
- 382.Q. Did you see Ah Chin on Monday night? A. Yes.
- 383.Q. Where? A. I don't just remember.
- 384.Q. You came from Barnet, and coming from such a small place to a big place like this, surely you would remember what happened? A. I don't just remember where he met us.
- 385.Q. Who was with you? A. I don't remember whether he was by himself or with somebody.
- 386.Q. Did you see David Lew? A. No.
- 387.Q. Did you see Hosang? A. No.



- 388.Q. Did'nt you go and have a talk with David Lew on Tuesday night? A. No.
- 389.Q. Nor any night last week? A. No.
- 390.Q. Nor this week? A. No.
- 391.Q. You did not? A. No.
- 392.Q. Have you not had any supper any night this week with this fellow David Lew or Hosang? A. No.
- 393.Q. Nor on last Monday or Tuesday night? A. No.
- 394.Q. How long did you stay with this fellow on Monday night?  
A. Just a few minutes.
- 395.Q. What did you say to him that night? What did you want to see him for? A. We did'nt want to see him; we happened to meet him and he made some remark about us coming back.
- 396.Q. What for? A. He made some remark about us coming back for Court.
- 397.Q. What case? A. This lottery case.
- 398.Q. You were pretty angry then? A. Yes.
- 399.Q. It would be rather expensive for you going up and down-- pay for it out of your own pocket? A. Yes.
- 400.Q. Did'nt you say that he would have to pay the rest of the expenses? A. I don't remember whether we made any remark or not.
- 401.Q. Did he make any remark? A. He made a remark about us coming in for Court.
- 402.Q. You complained about your expenses? A. No.
- 403.Q. You were not going to lie around and have to pay your own expenses? There is no person paying your expenses?  
A. Not so far.
- 404.Q. Do you know where the Maison French Restuarant is, on Granville street? A. Yes.
- 405.Q. Ever been in there? A. Yes; but not to dine.
- 406.Q. Have you been in within the last two weeks to eat anything? A. No.
- 407.Q. Have not been there last week? A. No.
- 408.Q. Any night this week? A. No.
- 409.Q. Quite sure? A. Yes.
- 410.Q. That is absolutely the truth? A. Yes.
- 411.Q. Do you know where David Lew works? A. I believe I do-- at Man On.
- 412.Q. How do you know? A. David Lew had a mare, and Herberts used to take it out for exercise, and I used to go down with Herberts sometimes.
- 413.Q. You never had any talk with David Lew? A. Yes.



- 414.Q Did'nt you go in Man On's store yesterday, about 12 o'clock? A. No.
- 415.Q Were you on the corner of Dupont street and Columbia Avenue between 12 and one yesterday? A. Yes.
- 416.Q Did you see me on the corner? A. No.
- 417.Q And you did not go into Man On? A. No.
- 418.Q Between 12 and 1? A. No.
- 419.Q That is the truth? A. Yes.
- 420.Q What were you doing down there? A. Strolling around.
- 421.Q Who? A. Herberts and I.
- 422.Q You know the alley behind Man On's store? A. Yes.
- 423.Q How do you know? A. There is a lane between Hastings and Dupont street.
- 424.Q Did you go there yesterday? A. No, Sir.
- 425.Q You were on that alley? A. Yes.
- 426.Q Did'nt come out of Man On's back door between 12 and 1, yesterday? A. No.
- 427.Q Did you get any telegrams up at Barnet? A. No; we got a telephone message.
- 428.Q You don't know who it was from? A. No.
- 429.Q Did you get any letters about this case? A. No.
- 430.Q You went up to the lawyer's--Mr. McKay's--office? A. Yes.
- 431.Q Who went with you? A. Herberts.
- 432.Q Who else? A. Ah Chin.
- 433.Q Anybody else? A. No.
- 434.Q Was anybody else up there? A. No.
- 435.Q How many times have you been there? A. Twice.
- 436.Q Who went with you the second time? A. Herberts.
- 437.Q Who else? A. Nobody.
- 438.Q Did'nt meet any other person there? A. No.
- 439.Q Quite sure? A. Yes.
- 440.Q When you went up there with Ah Chin, what day was that? A. Tuesday morning.
- 441.Q This last Tuesday? A. Yes.
- 442.Q After you came in from Barnet? A. Yes.
- 443.Q Who told you to meet him on Tuesday morning? A. Ah Chin told us to go up to Mr. McKay's office on Tuesday morning.





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- 444.Q. Did'nt you object, and say you did'nt want to be mixed up in this case? A. I don't remember as we did.
- 445.Q. If you had known you would not have had anything to do with this case unless you were subpoenaed for it?  
A. I don't know.
- 446.Q. Tha t is perfectly legitmate to get your expenses paid-- was not there anyt ing said about your expenses being paid? You did not expect to have to pay all your own expenses, did not you expect to get money? A. I don't know, I have got none yet.
- 447.Q. That is another chance you are taking? A. Yes.
- 448.Q. Did you see Ah Chin last night? A. No.
- 449.Q. Quite sure? A. Yes.
- 450.Q. Did you see David Lew? A. No.
- 451.Q. Last night? A. No.



WILLIAM HERBERTS recalled.

Cross-examination by Mr. Geo. Powell.

- 452.Q. You have been working at the mill at Barnet? A. Yes.
- 453.Q. When did you leave there? A. Monday night.
- 454.Q. Who telephoned you to come in? A. This other man, I expect.
- 455.Q. Who? A. I know the man if I see him.
- 456.Q. Is he a Chinaman? A. Yes.
- 457.Q. David Lew? A. No.
- 458.Q. Hosang? A. No.
- 459.Q. Have you seen him here in Court --is that him in the corner? A. Yes (Ah Chin is the man picked out).
- 460.Q. You know David Lew? A. Yes.
- 461.Q. It was not him that telephoned you? A. No.
- 462.Q. He is the man that laid the information? A. Who?
- 463.Q. Ah Chin? A. Yes.
- 464.Q. Who did he telephone to? A. I was at the phone.
- 465.Q. Was Munson beside you? A. We were both playing baseball, and I was called to the phone.
- 466.Q. You told him that Ah Chin telephoned you to come to Court? A. Yes.
- 467.Q. You told him that? A. Yes.
- 468.Q. What time did you get into Vancouver that night? A. About 9.
- 469.Q. Had you had your supper? A. Yes; before we left.
- 470.Q. Did you have supper in town that night? A. No.
- 471.Q. Quite sure? A. Yes.
- 472.Q. Who did you meet that night when you came to town? A. I met different people.
- 473.Q. Did you meet Ah Chin? A. No; I don't think we met him until the next morning.
- 474.Q. Didn't meet him that night? A. No.
- 475.Q. Who did you see Monday night in connexion with this case? A. Nobody.
- 476.Q. Do you remember what time you went to bed that night? A. About 12 o'clock.
- 477.Q. Didn't you meet any Chinamen and have a talk with them? A. No.



- 478.Q. Munson said he talked to a Chinaman and you were with him? Don't you think you talked to David Lew that night? A. Not that I remember.
- 479.Q. Or Tuesday night? A. No.
- 480.Q. You don't think you did? A. No.
- 481.Q. Have any talk with Hosang? A. No.
- 482.Q. You know him? A. Yes.
- 483.Q. Do you know Johnson that works in the Dominion Express Office? A. No; I don't think I do.
- 484.Q. Didn't you have supper with David Lew and this other young fellow named Johnson, on Monday night? A. No.
- 485.Q. You know where the Maison French Restaurant is? A. Yes.
- 486.Q. Have you eat there this week? A. No.
- 487.Q. Or last week? A. No.
- 488.Q. Quite sure? A. Yes.
- 489.Q. On Tuesday morning you remember going to Mr. McKay's office (the lawyer)? A. Yes.
- 490.Q. Who went there with you? A. Munson.
- 491.Q. Who else? A. Munson and I.
- 492.Q. You didn't go with any Chinaman? A. No.
- 493.Q. How did you know you had to go to Mr. McKay's office? A. Ah Chin told us.
- 494.Q. Ah Chin telephoned you to come down? A. He telephoned us to come down to town, and then when he seen us in town, he told us to go to Mr. McKay's office.
- 495.Q. When did you ~~xxxx~~ meet him? Didn't you see him on Monday night? A. I don't remember.
- 496.Q. You don't remember? A. I don't remember whether it was Monday night or Tuesday morning.
- 497.Q. Did you see David Lew between 12 and 2 yesterday? A. No.
- 498.Q. Did you go into Man On's store yesterday, with Munson, between 12 and 2? A. Not that I remember.
- 499.Q. You know whether you did or not? Did you go in there and have a talk with David Lew? A. No.
- 500.Q. Neither you nor Munson? A. No.
- 501.Q. On this Wednesday, August 9th, that you went to play these tickets, you went there yourselves? A. We met this fellow Chow Mew at the door.
- 502.Q. Before you got there--how is it you happened in this place. Do you ever play in any other Chinese lottery places? A. No.
- 503.Q. You have played in others? A. Not the last few months.



- 504.Q. Going by that morning you just dropped in, you didn't intend to go there? A. I don't know, we started walking and went in.
- 505.Q. You knew him before? A. Yes.
- 506.Q. How long have you known him? A. Quite a while by sight.
- 507.Q. Anyway, when you went in, Munson has told us that he or you asked this fellow to go in behind and play a ticket for luck, did you do it? A. Chow Mew asked us - - -
- 508.Q. Munson said he asked him to go in and mark a ticket?  
A. That is after. We asked him if he would mark a ticket for us.
- 509.Q. You didn't intend to go in? A. I don't know. We were walking down street and just happened to stop.
- 510.Q. You were just walking by? A. Yes.
- 511.Q. You went back again that afternoon? A. Yes.
- 512.Q. You went there again next morning? A. Yes.
- 513.Q. How did you happen to go next morning? A. We were going out and this Ah Chin met us, after we had played the tickets.
- 514.Q. What day was that? A. The 9th.
- 515.Q. What did he say? A. He asked us where we had been and he asked us to show him the tickets. We told him where we had been - -
- 516.Q. He had already seen you before and asked you to go there?  
A. No.
- 517.Q. Munson told us that you went there that morning, because he asked you to go. Don't you remember that he waited for you outside? A. Not that I know of.
- 518.Q. Don't you remember that before you went into Chow Mew's that you seen Ah Chin and he asked you to go in? A. No; I don't think that was before I went in.
- 519.Q. Didn't he give you money to play with that first time.  
A. No; not then.
- 520.Q. When? A. On the 9th after we came out from playing.
- 521.Q. How much did he give you? A. Two dollars apiece.
- 522.Q. What was that for? A. To play some tickets.
- 523.Q. You could buy a good many for that? A. Yes; and you could buy one for it, if you wanted to.
- 524.Q. Did you do so? A. No.
- 525.Q. You went back on the 10th? A. Yes; he told me to play some tickets for him.
- 526.Q. No mention of any reason why you should go in and give him back the winnings made by the tickets? A. No; only he said he wanted the tickets back.
- 527.Q. After you didn't win anything, the tickets were valueless?



~~528.Q.~~

A. I don't know, but he wanted to see the tickets.

528.Q. You told us he asked for the tickets? A. Yes.

529.Q. Did you bring the tickets back to him? A. Yes.

530.Q. You didn't think there was any job? A. I don't know anything about it.

531.Q. Never give it a thought? A. No.

532.Q. You see now that you have been fooled, that he used you? A. We went and got tickets for him.

533.Q. Did you think there was going to be any Police Court case about it? A. No.

534.Q. When you got these tickets, you gave them back to him? A. Yes.

535.Q. Where did you meet him? A. Avenue Hotel.

536.Q. Who else was in there? A. I don't remember anybody in there.

537.Q. While you were there, did you see anybody going in the room? A. There was just the three of us.

538.Q. Ah Chin didn't buy you a drink in there? A. No.

539.Q. How long did you stay in there? A. 10 or 15 minutes, I think.

540.Q. Didn't he compare those tickets with some others? A. I don't know.

541.Q. You want me to believe that? A. Yes.

542.Q. That is as true as all the rest of your evidence? A. Yes.

543.Q. You thought nothing more of it, and went away to Barnet? A. Yes.

544.Q. Didn't you think it peculiar that you had to come back on Monday, and be mixed up in a row in the Police Court? A. Yes.

545.Q. What did he want to get those tickets back for? A. I don't know.

546.Q. What about your expenses? A. We are paying our own expenses.

547.Q. How much are you getting at the mill? A. \$2. per day.

548.Q. Where did you get your money? A. What I have earned before at the mill.

549.Q. Did you spend the four dollars between you? A. I don't know just how much.

550.Q. You didn't spend more than a dollar and a half? A. No; about that.

551.Q. He could see that you had not spent all the money? A. He could see that I did not.

552.Q. Didn't you think that you should return the balance to



- him in value or money? A. I don't know.
- 553.Q. You think it is alright to keep the balance? A. Yes; we went and played the tickets and kept the money.
- 554.Q. When you got in there, who payed for the tickets? There were four tickets and you each had two?  
A. Yes.
- 555.Q. Chow Mew marked two and you each marked one yourselves?  
A. Yes.
- 556.Q. Who paid for them? A. Munson paid for them.
- 557.Q. All of them? A. Yes.
- 558.Q. What would it be? A. Forty cents.
- 559.Q. Do you remember what he put down? A. I think it was a fifty cent piece.
- 560.Q. You noticed the man behind the wicket? A. Yes.
- 561.Q. He could not make change, because he did not have any?  
A. No.
- 562.Q. He didn't have any change? A. He apparently did not have any change.
- 563.Q. The man behind the wicket did not have any change?  
A. I don't know whether he had or not, but he did not take the fifty cent piece and change it.
- 564.Q. You said a minute ago that he did not have any change, and that he could not change it? A. He gave it to the other man to change.
- 565.Q. How do you know he did not have change,? A. I could not say. Munson put down the money on the table, and this man (Chow Mew) picked it up and changed it.
- 566.Q. Did'nt he haad it to the man behind the wicket?  
A. Munson put it down on the table, and this man took it up.
- 567.Q. Now then, when Munson put down the money, did not the man behind the wicket commence to look for change; and was not there something said about him not having any change? A. I could not understand him.
- 568.Q. Was not there any English talk? A. No; there was not.
- 569.Q. Did'nt Chow Mew take the money and go into the front office to get it changed. A. He said something about change.
- 570.Q. You were outside of the counter and the other man was in behind? A. Yes.
- 571.Q. And Chow Mew got this money from the other fellow?  
A. He put his hand in his pocket, and I think he changed it right there.
- 572.Q. He put down some change? A. Yes.
- 573.Q. Did he put down the whole change for the half dollar?  
A. Whatever it was, he just put down ten cents.
- 574.Q. Munson said he put down a dollar, do you remember whether it was or not? A. It occurred to me that it was a half a dollar.



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575.Q. At any rate, the change that Chew Mew pulled out of his pocket was ten cents? A. As far as I know, I thought he put down ten cents.

576.Q. That is all you remember? A. Yes.

577.Q. There was no money went into the man behind the wicket?  
A. I did not see him get any money.

(Defence reserved.)

Committed for trial.

sgd. A. Williams.  
Police Magistrate.



STATEMENT OF THE ACCUSED.

Chow Mew says as follows:-

I have nothing to say now.

(Sgd..) Ch Mew.

Taken before me at Vancouver the 24th day of August, 1905.

(Sgd.) A. Williams.

P.M.





1905.

Vancouver Fall Assizes.

11

Ref. r. Chow Mes  
(alias Ah Mes)

Selling lottery tickets.

Crown Brief.

accused debt  
to be tried spadily

R. H. M.

