

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

CANADA.  
Province of British Columbia,  
County of Kootenay,  
City of Fernie.

The Jurors for our Lord the King present that Ing Soo at Fort Steele in the County of Kootenay in the Province of British Columbia on the fourteenth day of March in the year of our Lord one thousand nine hundred and twelve, at and against one Harry Spencer a loaded firearm, to wit, a revolver loaded with divers leaden bullets, unlawfully did shoot with intent in so doing, him the said Harry Spencer to kill and murder, against the form of the Statute in such case made and provided and against the peace of our Lord the King His Crown and Dignity.

2. And the Jurors aforesaid do further present that the said Ing Soo afterwards to wit on the day and in the year and at the place last aforesaid at and against the said Harry Spencer a loaded firearm to wit a revolver loaded with divers leaden bullets unlawfully did shoot with intent, in so doing, to him the said Harry Spencer to do some greivous bodily harm, against the form of the Statute in such case made and provided and against the peace of our Lord the King His Crown and Dignity.

3. And the Jurors aforesaid do further present that the said Ing Soo afterwards to wit on the day and in the year and at the place last aforesaid unlawfully did carry an offensive weapon, to wit, a revolver loaded with divers leaden bullets for a purpose dangerous to the public peace, against the form of the Statute in such case made and provided and against the peace of our Lord the King His Crown and Dignity.

I hereby direct that Counsel acting for the Crown at the Fernie Spring Assizes, 1912, prefer the above Bill of Indictment to the Grand Jury.

Attorney-General.

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CANADA,  
Province of British Columbia,  
County of Kootenay,  
City of Fernie.

The jurors for our lord the King present that in the year of our lord the King the fourth in the County of Kootenay in the Province of British Columbia on the twentieth day of March in the year of our lord one thousand nine hundred and twelve, at and against one Harry Spencer a loaded firearm, to wit, a revolver loaded with divers loaded bullets, unlawfully did shoot with intent in so doing, him the said Harry Spencer to kill and murder, against the form of the Statute in such case made and provided and against the peace of our lord the King His Crown and Dignity.

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And the jurors aforesaid do further present that the said Harry Spencer afterwards to wit on the day and in the year and at the place last aforesaid unlawfully did carry an offensive weapon, to wit, a revolver loaded with divers loaded bullets for a purpose dangerous to the public peace, against the form of the Statute in such case made and provided and against the peace of our lord the King His Crown and Dignity.

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Attorney-General.

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4 INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

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

The information and complaint of Joseph Walsh of H  
Fort Steele taken this 15th day of March in the year of our  
Lord one thousand nine hundred and twelve before the undersigned  
one of His Majesty's Justices of the Peace in and for the said  
County of Kootenay, who saith that Ing Soo of the town of Fort  
Steele in the County of Kootenay, did attempt to commit murder  
by shooting at Harry Spencer, in the town of Fort Steele on  
the 14th day of March 1912.

(Sgd) Joseph Walsh.

SWORN before me the day and year first above mentioned, at  
Fort Steele,

(Sgd) Arthur B. Fenwick.

J. P.



STATEMENT OF THE ACCUSED.

C A N A D A,  
Province of British Columbia,                      I N G   S O O .  
County of Kootenay.

Ing Soo ~~Two~~ stands charged before the undersigned two of His Majesty's Justices of the Peace in and for the County aforesaid this 16th day of March in the year of our Lord one thousand nine hundred and twelve for that the said Ing Soo on March 14th at Fort Steele in the County of Kootenay did attempt to commit murder by shooting at Harry Spencer i n the town of Fort Steele.

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

e        "He had nothing to say."

(Sgd) Ing Soo.

TAKEN before us at Fort Steele the day and year first above mentioned.

(Sgd) Arthur B. Fenwick, J. P.

(Sgd) R. T. Galbraith, J. P.



R E X v a I N G S O O .

JOSEPH WALSH, sworn:

On Thursday 14th I was informed by phone by Mr Best in consequence of what he said I was informed that there was a Chinaman shooting at a white man. When I arrived at the back of the Imperial Hotel there was quite a number of people standing on top of the bank. I asked where the Chinaman was, I was told he was down the railroad track. There were quite a number at the north-east corner of the bridge. Spencer was standing there he was bleeding, blood running down his face, his clothes were all dirty at the time. I walked down the track and saw Murphy and White walking up the track towards the bridge with Ing Soo in the centre. I saw Ing Soo fire two shots. I heard the report and saw the kick up of his arm. The revolver as I saw it pointed was towards the bridge on the west port end. I saw him put the revolver in his pants, revolver produced. I took it out of his pant legs at the bottom, and then I got possession there were three loaded and three unloaded shells. I arrested him and brought him up to gaol. In searching him I found six cartridges in his vest pocket. The gun is in the same condition as when I got it, I warned him and he said Spencer had come in there and refused to pay him for a meal and then they had a fight, he said Spencer had called him a son of a bitch of a Chinaman and also had struck him so he got his gun and went to kill him, he also said Spencer had thrown a rock thro his window. There is a pane of glass in the window and a screen on the outside of the window broken.

CROSS-EXAMINATION.

Any shots I saw were random shots.

The above evidence is taken in the presence and hearing of the accused.

(Sgd) Arthur B. Fenwick, J. P. (Sgd) R. T. F. Galbraith.

(Sgd) Joseph Walsh.



WALTER TAENHAUSER, sworn:

I remember March 14th and recognise Ing Soo, I was sitting in the office at the Imperial Hotel. There was an excitement there during which I heard one shot on going outside at the back of the hotel, I ran over the hill to see what it was. Just before I got to the bank Ing Soo passed in front of me about 10 feet holding something under his sweater as he went behind the butchers shop he took the revolver out from under his sweater at that time I saw Mr Spencer watching out from under the bridge by the river. The people all halloed for him to go back under the bridge. The next I saw was Ing Soo coming up the railroad track with J. White and W. Murphy following him up. I heard two more shots fired.

It would be about five minutes from the time I heard the first shot until I saw Spencer under the bridge.

CROSS-EXAMINED:

The two shots were fired down the track about 300 feet below the bridge. The shots were fired across the river and away from where Spencer was.

The above evidence taken in the presence and hearing of accused.

(Sgd) Arthur B. Fenwick, J. P.

(Sgd) W. G. Tannhauser.

(Sgd) R. L. T. Galbraith, J. P.



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AH TUCK, Sworn:

On Thursday I heard the fight I was in the store. My stuff had just come from Cranbrook. I was putting it in the window. I heard the fight and went in to see, <sup>but</sup> ~~what~~ children came to buy candy and I went into the store. I came back, the fight all over and white man came out of the front door. I heard Spencer tell Ing Soo come out come out, he ran around the back. Two minutes afterwards I heard the window broke. I go and look at it and see the big stone there under cook stove. I never saw Ing Soo.

The above evidence taken in the presence and hearing of the accused.

(Sgd) Arthur B. Fenwick, J. P.

(Sgd) R. L. T. Galbraith, J. P.

(Sgd) Ah Tuck.





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JAMES WHITE, sworn:

I was in the Imperial Hotel on March 14th. On hearing the shooting and running out to see where it was and going back to the Imperial Hotel I saw Ing Soo pass me with a six-shooter running to wards the Steele house and railroad track. Murphy and myself started after him to try and bring him back. When we were close enough to him I said Wing what are you trying to do, he said I am going to kill him. I said don't do that you will get pinched he said Don't give a shit and we talked to him a few minutes and he turned round to come back with us all the time while he had the six shooter in his hand and he fired two shots then putting his gun down in his pants we brought him along until we met Constable Walsh. The Constable took charge and I helped to accompany him to the gaol.

CROSS-EXAMINED;

I saw Spencer at the bridge as we met Constable Walsh. When the shots were fired I did not see anyone. I did not think when the two shots were fired anyone was in danger from the shots, they were fired up the gravel bar towards the bridge, the bridge was about 200 away, Ing Soo was traveling away from the town when we caught up to him. Ing Soo went down the trail on the track and we followed him.

At the time the two shots were fired on the railroad track I did not think anyone was in the slightest danger. The above evidence taken in the presence and hearing of accused.

(Sgd) James White.

(Sgd) Arthir B. Fenwick, J. P.

(Sgd) R. L. T. Galgraith, J. P.



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HENRY CARDINAL, sworn:

At 5 o'clock on Thursday the 14th I was in Joseph Taenhauser's place, I heard two shots out of a gun and I walked outside to see where the shooting was from. Shortly after there were three more shots, I walked to the bank back of Mr Wolfe's place and I looked around to see who was doing the shooting. I saw the man Spencer under the bridge looking up the beach. I looked round the other way and I saw Ing Soo coming out of his back yard but I did not know he was after any one, he came towards where we were. He was half running and ~~half~~ walking and he held both his hands on his stomach, just as he went by me he pulled out a revolver. I was about 20 feet from him then. I heard someone ask Ing Soo what he was going to do he replied The Son of a bitch broke my window, he was going towards the Steele house.

CROSS-EXAMINED:

I heard 5 shots in all the first two were quick then then in a minute or two there were ~~three~~ in rapid succession. I walked back to the bank and Spencer was under the bridge. After that I saw the Chinaman come out of his back yard.. I heard two shots when I was in the house, I went out on the sidewalk I heard three more then I walked to the Bank and Spencer was then under the bridge, and Ing Soo came out of his back yard, ~~I heard two shots when I was in the house~~ and passed me

(Sgd) H. Cardinal.

(Sgd) Arthur B. Fenwick, J. P.

(Sgd) R. L. T. Galbraith, J.P.



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WILLIAM S. MURPHY, Sworn:

Recognizes accused, remembers 14th March. The first thing I knew W. Taenhauser said there was a Chinaman trying to shoot a whiteman so I went out and this Chinaman Ing Soo ran by me with a revolver in his hand. J. White said we had better go and get that fellow or he will kill somebody so J. White and myself went after him, I caught up to the Chinaman and asked him what he was going to do and he said he was going to kill this fellow. I did not know at the time who he meant. I told him he did not want to shoot anyone he would probably get 5 or 6 years for running around with a gun like that he said he did not give a shit he would kill him anyway as he broke his window. He started back with us and took two shots at something on the gravel bar I did not know what it was. We brought the Chinaman back from down on the track by the station. We delivered him to Constable Walsh on the railroad track back of the Imperial Hotel.

CROSS-EXAMINED:

Ing Soo was running back of the Imperial Hotel when I first saw him about 5 o'clock in the afternoon, I did not see Spencer. Ing Soo was close to the edge of the bank, he was running, he was running from his restaurant. I saw two shots fired, I only heard shots fired after I went out. There may have been shots fired before I went out. He fired two shots when I was with him. He fired straight and I did not see what he was firing at. I have been here two years, I am a steam shovel man by trade.

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~~W. S. MURPHY~~, sworn:

I saw Spencer about 10 or 15 minutes after the shooting down at the bridge. I did not speak to Spencer or go near him. I do not know Ing Soo, I don't think he was excited. White and I brought him back. Ing Soo said Spencer broke his window and he was going to kill him. I knew he was after some one but did not know who it was, there were lots of people on the bank. He shot towards the gravel bar but did not see any one on the gravel bar. I was not alarmed about anyone being shot. I walked out to the bank with White from the front of the Imperial Hotel. I think we ran, the Chinaman was running fast when he passed me and we followed about  $\frac{1}{2}$  a mile and brought him back. Spencer was not in sight at any time until after White and myself brought Ing Soo back. The above evidence taken in the presence and hearing of accused.

(Sgd) W. S. Murphy,

(Sgd) Arthur B. Fenwick, J. P.

(Sgd) R.L. T. Galbraith, J. P.



ROBERT McGUIGAN, Sworn:

I know the Chinaman, accused, I was just in front of the Mountain house Restaurant on Thursday afternoon coming along the sidewalk and I saw Ing Soo shooting at Spencer out back of restaurant. I was standing between restaurant and barber shop building, Spencer was right at the back of the restaurant in the yard. Ing Soo was chasing Spencer up firing at him, Spencer was running towards the bank to get out of the way. Ing Soo and Spencer were two yards away when the first shot was fired. I saw no more I walked into the Hotel.

CROSS-EXAMINED

I was standing on the sidewalk and was the length of the building away from him. Ing Soo has the gun pointed right at Spencer. Ing Soo shot three shots at Spencer as quick as he could pump them and about two or three yards distance as near as he could hold it on him. I have been in this Chinaman's house often. I do not know Spencer at all.

I had been having a few drinks but was sober, but the only time I was real sober was in the morning when I got up, and that's the way it always is in town.

Spencer was running away as fast as he could run and Ing Soo was chasing him. Ing Soo had the gun pointed at Spencer when I came in sight, Spencer might have been drunk as far as I know.. I did not call the Police or call anyone. I was called to give evidence last night. The Chinaman is a pretty bad shot. I did not see anything more after that. The last I saw of Spencer was still running with the Chinaman following him. I came into town on Monday last.

The above evidence taken in the presence and hearing of accused

(Sgd) Robert McGuigan.

(Sgd) Arthur B. Fenwick, J. P.  
(Sgd) R.L. T. Galbraith, J. P.



THOMAS LAYKIN, Sworn:

I recognize Ing Soo. I had just finished eating a meal in the restaurant when the trouble began. Myself, Ing Soo and Spencer were in the restaurant. I had just got and paid for my meal, Spencer had the meal in front of him at the end of the table and he was half asleep over it and Ing Soo went up to him and shook him by the shoulder that led to words and Ing Soo made straight and picked up a chair and he struck at him with a chair and Spencer pitched up another chair. The next thing Spencer was lying on the floor. Ing Soo ran back into the kitchen and picked up a small coal hammer which is under the stove and he went back to Spencer and struck at him two or three times with the coal hammer. In the commotion Spencer got up and ran to the back ~~front~~ door I was going out to the front door and I heard a window smash. I saw no more until the Chinaman was away down the bank walking on the railroad track away from the wagon bridge. The next thing Constable Walsh arrested him. I did not see him with any gun but heard ~~an~~ three or four shots the first two or three were quick one after the other.

CROSS-EXAMINED:

This happened Thursday 14th, Afternoon.

I did not hear any mention of pay between Ing Soo and Spencer. The trouble in the restaurant lasted very quickly. There were some words when Ing Soo shook Spencer. The Chinaman picked up the chair first. I heard the window smash but cannot say I heard the stone fall. Ing Soo followed Spencer out to the back. I had had a few drinks but knew quite well what I was doing, my memory is quite clear to what I saw in the restaurant. When I heard the shots I was on the street front, and then went over to the top of the Bank. The shots were fired after the window was broken. I did not see Spencer when the first shot was fired. I was in front of the restaurant.



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The re was no fight at all until Ing Soo picked up the chair. I heard no demand for pay by Ing Soo. I did not hear Spencer call Ing Soo a son of a bitch but will not swear that he didn't.

There was no blow struck before the Chinaman picked up the chair, I did not interfere.

The above evidence was taken in the presence and hearing of the accused.

(Sgd) Thomas Lakin.

(Sgd) Arthur B. Fenwick, J. P.

(Sgd) R. L.T. Galbraith, J. P.

HARRY SPENCER, sworn:

Recognizes accused. I was in the Mountain house restaurant. I do not know how the trouble started. Ing Soo hit me over the head with a chair twice, I ran out as quick as I could behind the restaurant and he shot at me two or three times and I fell down over the bank and got under the wagon road bridge. I was badly frightened and got out of the way as fast as possible. I do not know why I entered the restaurant I had been drinking that day.

CROSS EXAMINED by A.B. McDonald.

I was drunk. I think I went in to get something to eat. I do not know whether I had anything to eat or not, I do not remember Ing Soo asking me to pay for a meal, I do not know whether I paid him or not. I got sobered up considerably after being being hit on the head, I do not remember hitting Ing Soo and I will not swear I didn't and I do not remember kicking Ing Soo but will not swear I didn't. I remember being hit over the head and it brought me to. I do not now know whether I had any money or not. I had money when I went into the restaurant. When he hit me with the chair I got out as quick as I could and ran down over the bank. I remember most of what occurred after leaving the restaurant. I remember to a certain extent what Ing Soo and myself did after leaving the restaurant, I could not remember how many times Ing Soo shot at me. When I heard the first shot I was running away and I looked around and I saw Ing Soo with a gun in his hand, but could not swear he was pointing it at me. I could not swear he was pointing it at me at any time. I do not know what time it happened on Thursday. I was in gaol on Thursday night. I was down at Mrs Dilse's restaurant on Friday night, I do not know why I was in gaol <sup>on Thursday</sup> ~~Friday~~ night. I do not think I was ever in this Chinaman's place before. I have not been near the place since. I did not throw that stone through the





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window I could remember it if I had, I did not see the window  
pr screen broken.

I was in Weroms Hotel before I went in the  
restaurant. I will positively swear I did not throw the rock  
thro  
/n the window. I got away and stayed away until I was put in  
the lock up. I have been here about 5 years and never had a  
row with anyone.

I went over the bank to get out of the way of the gun:  
I was running away all the time he was shooting. I, looked a  
around just before the second shot and the gun was pointing  
in my direction, I was between the Mountain House and the Bank  
I could not say how long it was between the first and second  
shot. Ing Soo was still standing near the restaurant.

Before any shot was fired I was going towards the  
bank or before any gun was seen I was no where near the bank  
when the first shot was fired. I could not tell the exact shot  
I was when the first shot was fired.

(Sgd) Harry Heward Spencer.

(Sgd) R. L.T. Galbraith, J. P.

(Sgd) Arthur B. Fenwick, J. P.

This evidence taken in the presence and hearing of the accused.



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1912  
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*Kerrie Spring Assizes.*

*Copy of Depositions in re*

REX

VS.

*Dugloo*

*Offence Attempted murder.*