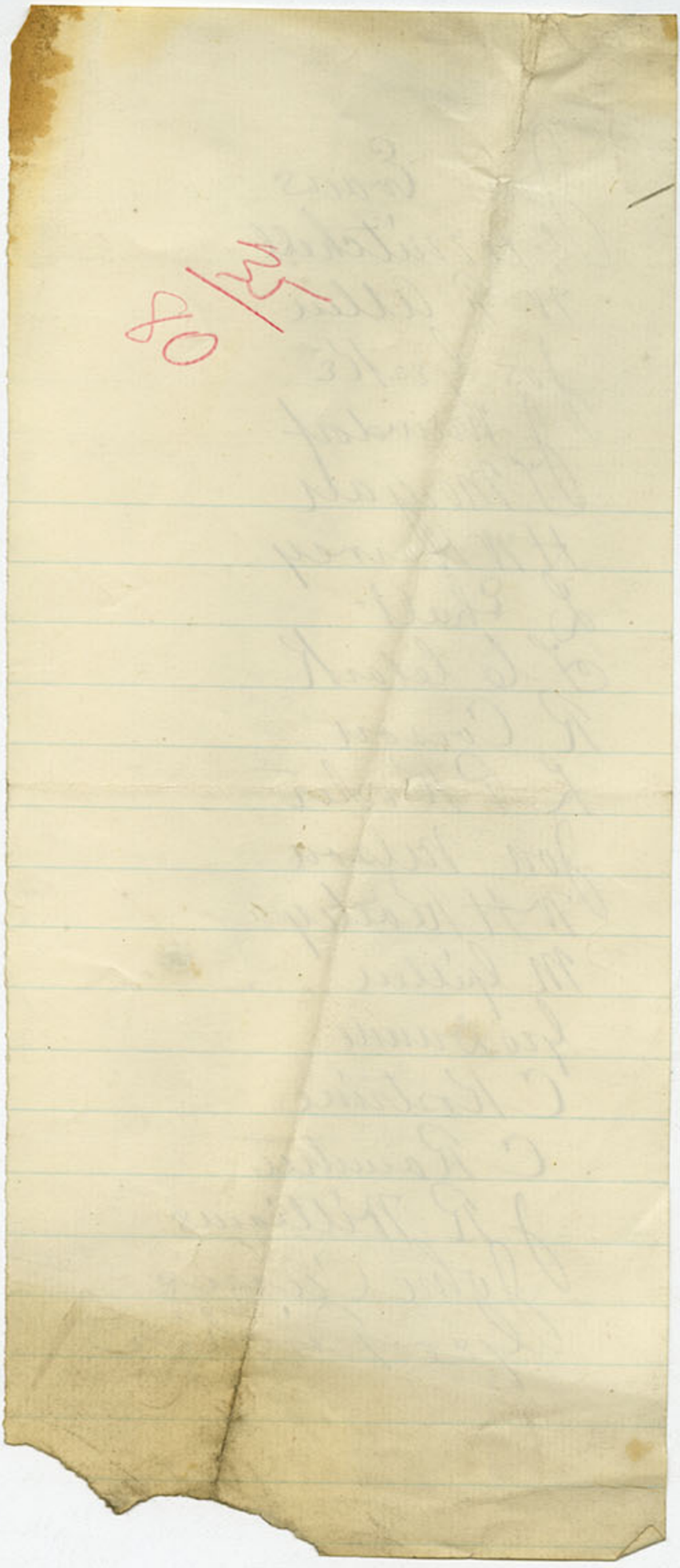
Jno Evans
Ly H Mitchell
W F Allen
Jos Gyske
J Mundorf
T Moryan
H W Harvey
L Ehalt
T C Clark
R Corson
L P Koster
Jon Nelson
W H Keirley
M Gillen
Geo Dunne
C Kostrine
C Ramsher
J R Williams
John Curnie
Geo Finker



Regina vs Hong Gui. Clinton 8th October 1880

Before H. Foster and J. Laird Justices of the Peace

Hong Gui being duly cautioned pleaded guilty, said I was found in the store of Nelson & Wolff by Gustelchurt & that I had previously taken seven dollars from their till

Augustus Schubert duly sworn says, last night between Six and Seven o'clock, I went to Supper, before I went I told the prisoner to go out of the store – he went out – I heard from Ferguson that Hong Gui had made an attempt to rob his till. I remembered I left my back window open & I went over to the store, & hearing a noise in my bed room I went there and found Hong Gui. I asked him what he was doing there, he said he was playing with the boys and hiding. I then took him to Ferguson and then to the Constable. Prisoner acknowledged in the presence of Lait, Ferguson & myself of having taken seven dollars three weeks before from the store till of Nelson & Wolff – About that time Money was missed from the till and about that amount.

Signed Augustus Schubert

Adam Ferguson duly sworn states, I showed Gus Schubert when he came to Supper the ring that was wrenched off the till drawer. I mentioned Hong Gui's name as the suspected party. a gentleman caught him running out of the house in a suspicious manner & he told me he was certain the till was robbed. I was in the stable yard at the time.

Schubert then went back to the store, saying he suspected him and had not fastened his window and he would go and see if it was all right. In a few minutes he returned leading Hong Gui by the collar, stating he had caught him in the house. The prisoner stated he got some money from an old man on the river, some from his father and some was his own. We said you had better acknowledge to what you have taken, and I understood him to say he had taken

Seven

seven dollars about three weeks since
I held out the inducement to him by saying if he told
the truth he ~~[illegible]~~ might not be exposed

Signed A. B. Ferguson

William Livingstone being duly sworn says, about
seven o'clock Schubert gave Hong Gui into my charge
I then took him before the Justice of the Peace to have
information to be made out. I heard him admit
there he gained admission to the house through the
window, and on a previous occasion through the back
door which had been left unlocked

Signed W. Livingstone

Remanded for trial to the Supreme Court held
next at Clinton

signed } F. W. Foster J.P.
John Saul J.P.

Indictable Offences.

(N) *See* s. 31.

Statement of the Accused.

CANADA,
PROVINCE OF BRITISH COLUMBIA, }
District or County of Lillooet

Hong Qui stands charged before the undersigned, Two of Her Majesty's Justices of the Peace, in and for the District or County aforesaid, this Eighth day of October in the year of Our Lord One Thousand Eight Hundred and Eighty, for that the said Hong Qui, on the seventh day of October at Clinton did feloniously enter the Store of Nelson and Wolff

And the said charge being read to the said Hong Qui and the witnesses for the prosecution, Augustus Schubert and Adam Ferguson, being severally examined in his presence, the said Hong Qui is now addressed by me as follows:

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

Whereupon the said Hong Qui saith as follows:

He was found in the Store of Nelson & Wolff by Gus. Schubert & that he had previously taken seven dollars from the till

TAKEN before me at Clinton, the [illegible] and year first above mentioned.

G. W. Foster J.P.

Wednesday 3 weeks ago

Mr Schubert Belmont & Wolffs Clerk shortly before dinner i.e. Rodel looked in the till & noticed the money in it. He went to dinner leaving the back door shut but not locked. It would be necessary to turn the knob of the door to get in. Returned about 1 o'ck ie after dinner. Shortly afterwards $2.50 worth of goods to Bullard who paid him. Went to till to put the money in. As soon as he opened drawer saw that ~~between~~ from $6 to $8.00 in silver half dollars. There were 2 bowls in the drawer for holding money one bowl used for putting in halves the other for quarters & bits. The money was missed from the ~~1st~~ bowl. Didn't miss anything out of the other drawer. Hong Lin well acquainted with the premises. No money missed ~~from till~~ by Schubert who ~~Bell~~ Bell has ~~been~~ charge of drawer ~~for~~ except on that occasion

Prisoners admitted have been taken
#7 from Nov 1st till 3 weeks
prior 8th October (to Forster
& Livingstone)

Hong Lui's case

Shop breaking indict under sec 56 Larceny Act

Definition of Shop must be a shop for the sale of goods Parker 78 Reg v Sanders

Must prove (1) Shop
Ownership of do –
Where situate
(2) breaking
(3) Entry
(4) intent

"Breaking" > where Deft pulled down sash of a window wh: had no fastening but only kept in place by pully weight
Arch 423

So where deft raised a sash window wh: was shut down close but not fastened tho' it had a hasp by wh: it might have been fastened
Arch 423

Lifting up the flap of a cellar door usually kept down by its own weight suff: breaking
Arch 423

> (1) no need of manual violence
Opening casement &c Parch 1498

" Entry "
Arch 424

" Intent (2) Intention not capable of positive proof can only be inferred from overt acts &c may be proved from other acts of Deft
e.g. former attempts &c Arch 187

Same Evidence as to diff^t crimes

Crimes & the proof of them are distinguishable

Testimony to one offence proves anor & when it does it may be used on

Defendants trials for both

No objection to evidence of the offence alleged that it also tends of one not alleged

Reg v Gray Bp 1. 1120
" v Salisbury " 1123
1124

Admissible to shew intent 1126

can be received to contradict it
Taylor sec 813. 814
& also 816

As to 3rd objection Statute requires the whole statement to be taken & makes the whole statement Evidence.

Also admissible as shewing intent Arch 187
Bishop 1126

4 If 3rd confession ruled out

Call Hoster to shew
Extrajudicial confession made before witnesses examined
vide sec 33 - Can Act
& refer to Taylor 783 & 796 (sec 813)

Duty to take any statement prisoner wishes to make

Definition of voluntary confession 1223

Hong Gin case (larceny)

3 Confessions

Use. 2nd elicited by questions

Objection as to inducement held out does not apply

" Inducement held out to a prisoner with refce to one charge will not exclude consequent confess.n relating to another

Taylor 785

and also as to questions p.e 804

Statement made at any time admissible

Tarch 2 - 298 -

Use 3rd also i.e. Statement made before witnesses examined

Ans inducement Taylor 785 -

& Statement Tarch 2 - 298

Ah Sing Lui (Larceny)

Prove loss of money by Schubert

Statement to Foster in Lowing's store/Posco

Statement of Ah Sing Lui in Police Court before Drew[n]