



ATTORNEY GENERAL'S OFFICE
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IN THE COUNTY OF

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THEFT CHARGE.

B R I E F

McCROSSAN & HARRIS

325 HASTINGS ST. VANCOUVER, B.C.

IN THE COUNTY COURT JUDGES CRIMINAL COURT
OF THE COUNTY OF VANCOUVER.

PROVINCE OF BRITISH COLUMBIA)
COUNTY OF VANCOUVER)

) THE KING
) a g a i n s t
) QUONG and WONG JOE
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The Fifth day of June, A.D.1909, at the City of Vancouver and the County of Vancouver before William Wallace Bruce McInnes, Esquire, Senior County Judge of the County of Vancouver, exercising criminal jurisdiction under the Provision of Part XVlll (18) of the Criminal Code relating to the speedy trial of indictable offences. Quong and Wong Joe were committed for trial to the common goal of the said County and stand charged this day before the Judge sitting in open Court, assembled for the trial of the said Quong and Wong Joe, as follows:-

For that they, the said Quong and Wong Joe, on or about the 26th day of May, in the year of our Lord, one thousand nine hundred and nine, at the City of Vancouver, in the County of Vancouver aforesaid, did unlawfully steal one bicycle the property of one Charles Goldberg, being over the value of Ten Dollars (\$10.00), 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.

"A.M.Harper",
Crown Prosecutor.



Wright

P O L I C E C O U R T .

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

Vancouver, B.C., June 2nd 1909.

QUONG and WONG JOE, charged, on the information of E.E. Robinson of the City of Vancouver, for that they the said Quong and Wong Jow, at the said City of Vancouver, on the 26th day of May, A.D. 1909, did unlawfully steal one bicycle, the property of Charles Goldberg, being over the value of ten dollars/ Contrary to the form of the Statute in such case made and provided.

MR. J. A. KENNEDY APPEARED FOR THE PROSECUTION:

MR. J. A. RUSSELL APPEARED FOR THE DEFENCE:

W. E. G. JOHNSON SWORN AS STENOGRAPHER:

ROBERT C. MAWHULL SWORN AS INTERPRETER:

COURT: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the next Court of Oyer & Terminer & General Goal Delivery, to be held at the said City of Vancouver, on or about the month day of October next, as the Lieutenant-Governor in Council may appoint?"

MR. RUSSELL: Preliminary hearing.

CHARLES GOLDBERG CALLED AND SWORN:

DIRECT EXAMINATION BY MR. KENNEDY:

- 1 Q: Your name is Charles Goldberg ? A: Yes.
- 2 Q: And you live where ? A: Dunlevy ~~xxxxxx~~ Apartments.
- 3 Q: That is where ? A: Dunlevy Avenue.
- 4 Q: Did you have a bicycle on the 26th of May ? A: Yes.
- 5 Q: Look at that bicycle behind you and state if it is the same one ? A: Yes, I had it for three years.
- 6 Q: On the 26th of May that is Wednesday, where did you have it?



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A: Down stairs hall at the Dunlevy Apartments.

7 Q: On the ground floor ? A: Yes.

8 Q: What time did you see it last ? A: I put it away about 10.30 or 11 o'clock that night.

9 Q: And the next morning when did you see it ? A: It was raining I did not think to take it to the shop, and when I came to dinner I was going to take the bicycle and. . .

10 Q: When did you first miss it ? A: When I went for dinner.

11 Q: What day ? A: The 27th.

12 Q: That would be about 12 o'clock ? A: Yes.

13 Q: And you found it was not there ? A: No:

CROSS EXAMINATION BY MR. RUSSELL:

14 Q: What day of the week would the 26th fall on ? A: It was the 27th I missed it.

MR. KENNEDY: Will you pardon me one moment, Mr. Russell?

15 Q: Do you know these two Chinamen ? A: I do not.

16 Q: Would they have permission to take your bicycle ? A: They did not.

17 Q: MR. RUSSELL: On what day of the week did you say the 26th of May happened to fall ? A: I can not say exactly.

18 Q: It was on the 26th that you missed the bicycle ? A: The next day I went to take the bicycle and it was not there.

19 Q: What day was the next day, was it Thursday or Friday, on what day of the week ? A: Tuesday I believe it was Tuesday night when I left the bicycle. I can not say for sure.

20 Q: This apartment house, how many roomers are there ? A: I can not say. I was only there about a month.



- 21 Q: Can you not form any idea from the fact that you were there a month, how many people roomed in that house ?
A: I do not pay any attention to that.
- 22 Q: Is it a big house ? A: Yes.
- 23 Q: About how many rooms ? A: I can not say for sure, I believe about 40rooms.
- 24 Q: Would there be about 40 people rooming there ? A: I could not say that.
- 25 Q: Do any Italians room there ? A: No, I think not. As the land-lady told me she would have no Chinamen, Japs or Italians rooming there and that is the reason I livethere.
- 26 Q: That is why you room there ? A: Yes.
- 27 Q: Do you know if there are any Chinese or Japanese servants there ? A: No. I never seen any.
- 28 Q: There may be Japanese servants ? A: I do not know.
- 29 Q: Are there any other bicycles about that apartment place ?
A: I do not know. I did not pay any attention to that.
- 30 Q: Have you ever seen any other bicycles there belonging to other roomers ? A: No.
- 31 Q: Yours is the only one ? A: I have never seen any other.
- 32 Q: Yours is the only one you have seen ? A: Yes.
- 33 Q: Did you ever loan your bicycle to anybody ? A: No.
- 34 Q: You say you left it in the hall way ? A: They can not see it from the street.
- 35 Q: But as soon as they enter the hall to go upstairs they could see it ? A: No, but if they goaround.
- 36 Q: That is if they were seeking for some person in the rear of the building, they could see the bicycle ? A: Yes, if they go through that hall way.
- 37 Q: You say you missed your bicycle the next day ? A: Yes at 12 o'clock I would have missed it in the morning but it was raining.



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38 Q: You found it the bicycle at the police station ? A: I did not. I spoke it the land lady and she sent for the Police and he said a Chinaman had taken a wheel he asked me if it was mine.

39 Q: And you found it at the police station ? A: Yes.

P. C. 54 FRASER CALLED AND SWORN:

DIRECT EXAMINATION BY MR. KENNEDY:

40 Q: You are a police officer in the City of Vancouver ? A: Yes.

41 Q: Do you recognize these two accused ? A: I do.

42 Q: Did you see them on the night of the 26th of May ? A: the night of the 25th or the morning of the 26th.

43 Q: What time ? A: Five minutes to 2 o'clock.

44 Q: Where were they at that time ? A: At the Corner of Dunlevy and Powell.

45 Q: How close to the Dunlevy Apartments ? A: It is on the North-West Corner and they were on the South West, just the width of the side walk.

46 Q: What were they doing there, when you saw them first ?
A: They were looking around the vicinity.

47 Q: Where were you ? A: I was standing in the shadow of the club house on Powell Street on the East side of the street.

48 Q: COURT: What time was this ? A: Five minutes to 2 in the morning.

49 Q: MR. KENNEDY: Were you along ? A: No, accompanied by P. C. Stewart

50 Q: What occurred ? A: They walked to the lane between Cordova and Powell and then to the land between Alexander and Powell, and in order to reach Alexander and Powell they had to pass this apartment house. They stopped and



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looked around for a while and then opened the door of this apartment house and the smaller fellow, Quong went in and his partner stepped down the lane. He appeared to me to be on the look out.

51 Q: Who is his partner ? A: Wong Joe.

52 Q: You saw the smaller fellow Quong open the door and what then. A: He went in and this fellow waited for him to come out and as he came to the door and before I saw the bicycle Wong Joe held the door open as Quong brought the bicycle out. When they got it on the street they put it up on the rear wheel and pushed it along towards the corner of Dunlevy and Powell, and Stewart and I stepped out from the shadow of this building and asked them where they were going with the bicycle and Quong said me go back with it, and I said no you had better not go back with it. What are you taking it for if you want to go back. He said my friend's bicycle. I took it to learn on. I said I am going to arrest you for stealing this bicycle so be careful what you say. He did not say much more. I took hold of him and ran my hand down his side and I left this and took it out.

53 Q: What is that ? A: It is what we call a jimmy.

54 Q: This bunch of keys were they on him ? A: Yes, he said he lived at 530 Shanghai Alley and they were the keys of his place.

55 Q: This was after you warned him ? A: I told him he did not need to answer these questions at all. He said this in the presence of Sergeant.

56 Q: Could he speak English ? A: Wong Joe could. Quong said he had a tin shop and Wong Joe worked with him. He said his friend a Jap boy lived there and owned this bicycle



and said he could have this bicycle to learn on if he wanted it and he went up there after he closed his shop and got it out to learn to ride on . We searched Wong Jow and found this pair of scissors and he said he used it for cutting tin. It is like a small pair of shears.

57 Q: Do you know what it is used for outside of cutting tin ? A: Cuts lots of things, mosquito netting.

CROSS EXAMINATION BY MR. RUSSELL:

58 Q: Did either of these two men attempt to mount the machine ? A: No they did not attempt to get on.

59 Q: Why did they stand it up on the rear wheel ? A: When the accused brought it out it caught on the first railing and he tipped it up.

60 Q: They took the wheel some distance, what distance did they take it ? A: I do not know.

61 Q: Which one took it ? A: The small fellow, Quong.

62 Q: He took it along, did the other fellow stand there while he went along a little bit ? A: He might have while he took a step or two.

63 Q: He took a step or two and the other man went along with the bicycle, how far did he get when you stopped him ? A: About 50 feet.

64 Q: There was no chance to ride the bicycle in the meantime ? A: No, not unless he rode on the side-walk.

65 Q: So he was taking the bicycle where he could mount it and before he got it there you stopped him ? A: He could have got to the street if he wanted to.

66 Q: At the time you stopped him the other Chinaman was not near him ? A: He was standing alongside of him when I first stopped him.



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- 67 Q: Are there any Japs residing in the locality of that apartment hojse ? A: Yes, that is Jap town.
- 68 Q: And he told you he was looking for a Jap friend of his ? A: He told me the Jap friend of his woned the wheel, and told him he could have a loan of it when he wished.
- 69 Q: Was anything more said about this Jap having been at his place that afternoon ? A: He spoke about the Jap eating across the table at the same restaurant and coming to his place quite often.
- 70 Q: Did he say anything about the Jap trying to sell his bicycle ? A: No.
- 71 Q: They were not hurrying off with this bicycle ? A: They did not seem to be hurrying.
- 72 Q: And they did not try to drop into any lane ? A: No.
- 73 Q: And there were lanes there they might have dropped into if they had been attempting to sneak this bicycle?
A: Yes.
- 74 Q: And there was a big electric light at this corner where they were ? A: Yes.
- 75 Q: What did you find on Quong ? A: This Jimmy, bunch of keys and this purse with some money.
- 76 Q: What about the nippers ? A: They belong to Wong Joe.
- 77 Q: So what you found on Quong is represented by these three articles ? A: Yes.
- 78 Q: Did you inquire from him what these keys were used for.
A: He told us without asking, they were keys for his business.
- 79 Q: He told you he was a tin smith ? A: Yes.
- 80 Q: Is there any one key among those keys that is in any sense uncommon key ? A: I did not say there was.
- 81 Q: Is there any key there you would call a skeleton key?



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A: No.

82 Q: I suppose you know that tin smiths use some tin ?

A: Yes.

83 Q: And you know that tin comes to them in boxes ? A: I could not say how it comes.

84 Q: You know it comes in small square plates boxed up ?

A: I could not say that.

85 Q: Have you ever seen tin boxed up in the way I suggest ?

A: No.

86 Q: Did you ask him what this was ? A: I asked him why he had it.

87 Q: Did he give you an account why he had it ? A: Yes.

88 Q: Did he tell you he had been doing some repairing for a butcher ? A: No. He told me he had been followed by some man, he suspected for his money and he took that to defend himself.

89 Q: That is the story he gave you, no story about his using it for repairing ? A: No.

90 Q: No burglars tools in this purse ? A: No.

91 Q: That nippers would that be a common instrument in a tin smith's shop ? A: I do not know I could not tell you.

P. C. 61 STEWART CALLED AND SWORN:

DIRECT EXAMINATION BY MR. KENNEDY:

92 Q: You are a Police Officer in the City of Vancouver ?

A: Yes.

93 Q: You heard the evidence of the last witness ? A: Yes.

94 Q: Were you with him at the time he has told us about ?

A: Yes. I was with him all night.

95Q: What have you to say about the evidence he has told us ?

A: It is correct.

96 Q: Have you anything to add to it ? A: No.



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CROSS EXAMINATION BY MR. RUSSELL:

- 97 Q: What time did you start out that night ? A: 7 o'clock.
- 98 Q: And kept accurate account of what you did at all times?
Could you tell me where you were at 12.30 ? A: I do
not think I could.
- 99 Q: Did you have a watch with you ? A: Yes.
- 100 Q: Could you tell me what you did at 10'clock ? A: No
not exactly.
- 101 Q: Then you could not claim to be very accurate as to
what time this occurred. How do you fix this time ?
A: That was about five minutes to 2.
- 102 Q: How do you fix that five minutes to 2, might it not
have been 1.30 ? A: No.
- 103 Q: Why ? A: I looked at my watch at the time.
- 104 Q: How long had the accused been loitering in that
locality before you looked at your watch ? How long
had they been in your view ? A: After we arrested
them I looked at my watch.
- 105 Q: How long prior to that had they been in your view ?
A: Long enough to get the bicycle.
- 106 Q: Is that all. The other officer spoke about them
loitering from place to place ? A: It took about
fifteen or twenty minutes.
- 107 Q: It would be about 1.30 when you first saw them in that
vicinity ? A: About that.
- 108 Q: Do you know anything more about a tin smith's tools ?
A: No.
- 109 Q: COURT: Were any other persons on the street at that
locality at that time ? A: No, we were the only ones
on the street at the time.
- 110 Q: Other than the prisoners ? A: Yes, that is all.





IN THE COUNTY COURT JUDGES CRIMINAL COURT
OF THE COUNTY OF VANCOUVER.

R E X

V S

Q U O N G and W O N G J O E.

9/16/09

INSTRUMENTS OF HOUSE-BREAKING CHARGE

B R I E F.

MCCROSSAN & HARPER.

325 HASTINGS ST. VANCOUVER, B.C.



IN THE COUNTY COURT JUDGES CRIMINAL COURT
OF THE COUNTY OF VANCOUVER.

PROVINCE OF BRITISH COLUMBIA)	
)	
COUNTY OF VANCOUVER)	THE KING
)	a g a i n s t
)	QUONG and WONG JOE
)	
)	

The Fifth day of June, A.D.1909, at the City of Vancouver and the County of Vancouver before William Wallace Bruce McInnes, Esquire, Senior County Judge of the County of Vancouver, exercising criminal jurisdiction under the Provision of Part XVIII (18) of the Criminal Code relating to the speedy trial of indictable offences. Quong and Wong Joe were committed for trial to the common goal of the said County and stand charged this day before the Judge sitting in open Court, assembled for the trial of the said Quong and Wong Joe, as follows:-

For that they, the said Quong and Wong Joe, at the City of Vancouver, in the County of Vancouver aforesaid, on or about the 25th day of May, in the year of our Lord, one thousand nine hundred and nine, were found by night, unlawfully having in their possession without lawful excuse, certain instruments of house-breaking, that is to say:- certain skeleton keys, a jimie or chisel and a pair of scissors or shears 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.

"A. M. Harper",
Crown Prosecutor.



P O L I C E C O U R T .
(Before A.Williams, Esquire, P.M.)

Vancouver, B.C., June 2nd, 1909.

QUONG and WONG JOE, charged, on the information of E.E. Robinson, of the City of Vancouver for that they, the said Quong and Wong Joe at the said City of Vancouver, on the 25th day of May, A.D.1909, did unlawfully have in their possession by night, without lawful excuse, instruments of house-breaking, Contrary to the form of the Statute in such case made and provided.

MR. J. K. KENNEDY APPEARED FOR THE PROSECUTION:

MR. J. A. RUSSELL APPEARED FOR THE DEFENCE:

W. E. G. JOHNSON SWORN AS STENOGRAPHER:

MR. ROBERT C. MAWHULL SWORN AS INTERPRETER:

COURT: "Do you consent that the charge against you shall be tried by me or do you desire that it shall be sent for trial by a Jury at the next Court of Oyer & Terminer & General Goal Delivery, to be held at the said City of Vancouver, on or about the month of October next, as the Lieutenant-Governor-in-Council may appoint?"

MR. RUSSELL: Preliminary hearing.

P. C. 54 FRASER CALLED AND SWORN:

DIRECT EXAMINATION BY MR. KENNEDY:

MR. KENNEDY: I would suggest that the evidence of the last case against these men as to where they were at this time be taken as evidence in this case.

MR. RUSSELL: I consent that the entire evidence of the



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previous case be taken as evidence in this case.

MR. KENNEDY: With supplementary questions.

1 Q: You have told us you found the two accused on Dunlevy Avenue at the Dunlevy Apartment House at about 2 o'clock and you arrested them, will you state to the court if at that time or afterwards, you found anything on the accused? A: Yes. On Wong Joe I found a pair of clippers or shears.

Shears put in as Exhibit "A".

I found a bunch of keys.

2 Q: Is that the bunch of keys you found? A: Yes.

3 Q: What about that key? A: That is called a skeleton key.

4 Q: What is peculiar about the skeleton key? A: It is straight and there is nothing on it to catch.

5 Q: What is it used for? A: To open any lock.

6 Q: That is a pretty broad statement? A: Any ordinary lock.

7 Q: Any other key on that ring of that character? A: That is all I know of.

Bunch of keys put in and marked Exhibit "B".

On the other fellow, Quong I found this Jimmy, piece of iron

Jimmy put in and marked Exhibit "C".

8 Q: And what else? A: Bunch of keys and a purse, that is all that was on Quong.

9 Q: What is this Exhibit "C"? A: It is what the police call a Jimmy.

10 Q: What is it used for? A: For raising windows.

CROSS EXAMINATION BY MR. RUSSELL:

11 Q: This key you spoke of as being on ring Exhibit "B", as being a skeleton key is also known as a pass key, is it not? A: I have never heard of it.



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- 12 Q: You have never seen it in the possession of house keeper or any person keeping rooms ? A: No.
- 13 Q: Or in the possession of Chinamen ? A: No.
- 14 Q: It is only a key that is used by burglars ? A: No, I would not say that.
- 15 Q: It is a common key you would find it on a great many rings in the City ? A: You find them on other than Chinamen.
- 16 Q: And if it was only a matter of that key you would not have any charge against the Chinamen for having burglars tools ? You do not consider that alone a burglars tool ? You do not consider the clippers a burglars tool ? A: No.
- 17 Q: And if it had not been for the bicycle you would have considered these two Chinamen had burglars tools ? A: If they had not taken the bicycle, I would not have known anything about it.
- 18 Q: But after having the bicycle you searched them and what you did find there in their possession would not be sufficient to arrest them and hold them for having burglars tools ? A: I would.
- 19 Q: Why ? That instrument here, the jimmy, that came from the possession of the other man ? A: Yes.
- 20 Q: Why do you charge Wong Joe with having burglars tools ? He simply had the key and the clippers and you said that neither of those are burglars instruments ? Did you ever hear of burglars using a set of tools like that before . Did any person ever say it was burglars tools ? A: The two together had burglars tools.
- 21 Q: The pair of shears like that would you say those clippers alone were burglars tools ? A: I do not consider that a burglars tool.



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SERGEANT-DETECTIVE JACKSON CALLED AND SWORN:

DIRECT EXAMINATION BY MR. KENNEDY:

- 22 Q: You are a detective in the City of Vancouver ? A: Yes.
- 23 Q: Had any experience with burglars tools ? A: I have.
- 24 Q: How many years have you been a detective ? A: Nearly ten years.
- 25 Q: I want you to look at this pair of shears which are produced as Exhibit "A" and state what in your estimation they are ? A: They would be used for cutting fine wire, screen doors or screen windows or anything that kind. If a fellow wanted to get in a butcher shop at night it would be a handy article to cut the door, or a house where a screen window was.
- 26 Q: What do you consider this article ? A: A burglars tool that is when you find it on a person in the small hours of the night.
- 27 Q: Look at this bunch of keys and say what you have to state about those keys ? A: The majority are ordinary keys with the exception of this key. You could pick almost any door with it except a Yale lock.
- 28 Q: What is it called ? A: I have always called it a skeleton key.
- 29 Q: Look at Exhibit "C" what have you to say to that ? A: That is a tool that is used by burglars in entering houses, stores and so forth.
- 30 Q: What is it called ? A: A Jimmy.

CROSS EXAMINATION BY MR. RUSSELL:

- 31 Q: Of course it is not called by any other name ? A: Among burglars and the police I think it is commonly known as a Jimmy.



- 32 Q: Is it known by any other name ? A: A chisel.
- 33 Q: Is it not quite a common implement in warehouses and stores ? A: Yes.
- 34 Q: Is there a store in town where goods are imported in boxes where they have not got just such an instrument as that ?
A: They nearly all have.
- 35 Q: And is an innocent tool in the hands of work men or store keepers who require such a tool ? A: It could be.
- 36 Q: Now this other instrument Exhibit "A" which you suggest could be used for cutting screen wire windows, I suppose it could be used for perfectly legitimate purposes ? A: It could.
- 37 Q: And in ordinary conditions you would consider that a tool of a man's trade ? A: It could be that.
- 38 Q: It is only the particular circumstances of the arrest of these men that give Exhibit "A" the character of burglars tool ? A: Yes.
- 40 Q: COURT: What other tools would you say are burglars tools. I mean that would bear that name and nothing else, that a burglar would have and nobody else ? A: I have arrested men numbers of times with these tools in their possession. We have fitted these jimmys, they generally use a 3/4 inch jimmy and we have fitted them in the
- 41 Q: COURT: I mean is there any other tools that belong especially to a burglar ? Do you know of any other that are made beside a skeleton key and a jimmy that are made for a burglar ? A: No.
- 42 Q: MR. RUSSELL: Do you mean to say you have never heard of of a burglars kit of from 20 to 25 different articles that are sometimes produced in the English Courts ? A: That is the only thing I have ever heard of. The best burglar



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that ever came into this country had a jimmy and no other. And as far as this skeleton key is concerned I have one here that I took off a fellow that you sent to the penitentiary yourself, Mr. Russell.

MR. KENNEDY: That is the case Your Worship.

COURT:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat, which may have been held out to you to induce you to make any admission or confession or guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat."

MR. RUSSELL: I would like to suggest that no case has been made out under the Code.

COURT: Do you wish to give any evidence? A. MR. RUSSELL: No.

COURT: Under the circumstances I think there is evidence to go before a Jury. I order them to be committed for trial.

COPY of depositions in previous case attached hereto.

CERTIFIED by me as being a true copy of the depositions taken before me at the hearing of the above case.

POLICE MAGISTRATE
in and for the City of Vancouver,
in the Province of British Columbia.

