



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

§ 117

CANADA
Province of British Columbia,
County of Vancouver,
City of Vancouver.

8
10/10

The Jurors for Our Lord the King present that
Lee Sing and Lee Lewie at the City of Vancouver in the
County of Vancouver in the Province of British Columbia
on the twenty-seventh day of June in the year of Our
Lord One thousand nine hundred and ten, while carrying
offensive weapons, to wit revolvers, were found with goods,
to wit four cans of opium. liable to seizure under the
laws relating to the customs, then well knowing such
goods to be ^{so} liable to seizure 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 Vancouver Fall Assizes
1910, prefer the above Bill
of Indictment to the Grand
Jury.

Attorney-General.



In the Supreme Court of British Columbia,
Over and against and General and Delivery.

CANADA
Province of British Columbia,
County of Vancouver,
City of Vancouver.

117

The Jurors for Our Lord the King present that

Lee Sing and Lee Loo at the City of Vancouver in the

County of Vancouver in the Province of British Columbia

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offensive weapons, to wit revolvers, were found with goods,

to wit four cases of opium, liable to seizure under the

laws relating to the customs, then well knowing such

goods to be liable to seizure against the form of the

Statute in such case made and provided and against the

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58
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I hereby direct that
Counsel acting for the Crown
at the Vancouver Fall Assizes
1910, prefer the above Bill
of indictment to the Grand
Jury.

Attorney-General.



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

CANADA
Province of British Columbia,
County of Vancouver,
City of Vancouver.

\$ 115

19/20

The Jurors for Our Lord the King present that Lee Lewie
at the City of Vancouver in the County of Vancouver in the
Province of British Columbia on the twenty-seventh day of
June in the year of Our Lord One thousand nine hundred
and ten, unlawfully had in his possession an offensive
weapon, to wit a revolver, 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.

Plea guilty.
Oct-11-1910

I hereby direct that
Counsel acting for the Crown
at the Vancouver Fall Assizes,
1910, prefer the above Bill
of Indictment to the Grand
Jury.

Attorney-General.



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

CANADA
Province of British Columbia,
County of Vancouver,
City of Vancouver.

§ 115

1910

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at the City of Vancouver in the County of Vancouver in
the Province of British Columbia on the twenty-seventh
day of June in the year of Our Lord One thousand nine
hundred and ten unlawfully had in his possession an
offensive weapon, to wit a revolver, 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.

*Also guilty
Oct-11-1910*

I hereby direct that
Counsel acting for the Crown
at the Vancouver Fall Assizes,
1910, prefer the above Bill
of Indictment to the Grand
Jury.

Attorney-General

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

CANADA
Province of British Columbia,
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Lee Sing and Lee Lewie at the City of Vancouver in the
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on the twenty-seventh day of June in the year of Our
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Oyer and Terminer and General Gaol Delivery.

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County of Vancouver,
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at the City of Vancouver in the County of Vancouver in the
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weapon, to wit a revolver, for a purpose dangerous to
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Counsel acting for the Crown
at the Vancouver Fall Assizes,
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Jury.

Attorney-General.



INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

CANADA,

Province of British Columbia,

City of Vancouver.

THE information and complaint of E.E. Robinson of the City of Vancouver taken this 6th day of July in the year of our Lord one thousand nine hundred and ten, before the undersigned, A.E. Bull Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that at the said City of Vancouver on the 27th day of June A.D. 1910, Lee Sing and Lee Lewie while carrying offensive weapons to wit: revolvers were unlawfully found with goods liable to seizure under the law relating to customs, to wit: 4 cans of opium.

Contrary to the form of the Statute in such case made and provided.

(Sgd) E.E. Robinson.

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

(Sgd) A. E. Bull.

Police Magistrate.

Both accused committed to take their trials at the next Court of Competent Jurisdiction.

(Sgd) A. E. Bull.

STATEMENT OF THE ACCUSED.

CANADA,
Province of British Columbia,
County of Vancouver,
City of Vancouver.

Lee Sing and Lee Lewie stand charged before the undersigned A. E. Bull, Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the County aforesaid, this 6th day of July in the year of our Lord one thousand nine hundred and ten for that the said Lee Sing and Lee Lewie on the 27th day of June 1910 at the City of Vancouver while carrying offensive weapons, to wit: revolvers were unlawfully with goods liable to seizure under the law relating to customs, to wit: 4 cans of opium. Contrary to the form of the statute in such case made and provided.

And the said charge being read to the said Lee Sing and Lee Lewie and the witnesses for the prosecution, being severely examined in his presence the said Lee Sing and Lee Lewie are 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.

"You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you at your trial, notwithstanding such promise or threat." Whereupon the said accused says as follows:-

"Nothing to say"

Taken before me at the City of Vancouver the day and year first above mentioned.

(Sgd) A. E. Bull.

P O L I C E C O U R T

(Before A. E. Bull, Esq)

Vancouver B. C. July 8th, 1910.

CANADA

Province of British Columbia
County of Vancouver,
City of Vancouver.

LEE SING AND LEE LEWIE, charged on the information of E.E. Robinson, of the City of Vancouver, on the 6th day of July, 1910 for that the said LEE SING and LEE LEWIE, while carrying offensive weapons, to wit: Revolvers were unlawfully found with goods liable to seizure under the law relating to customs, to-wit: Four cases of opium. Contrary to the form of the Statute in such case made and provided.

J. K. KENNEDY, Esq, Counsel for the Prosecution.

J.A. RUSSELL, Esq., Counsel for the Accused.

Harry LANGLEY, Sworn as stenographer.

W. A. CUMYOW, Sworn as interpreter.

THE COURT: You have the option to be tried before me without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary manner by the court having criminal jurisdiction.

MR RUSSEL: Preliminary hearing.

P. C. KINDNESS, called as a witness, being first sworn testified as follows, to wit;

-----DIRECT EXAMINATION

BY MR KENNEDY:

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

A Yes sir.



Q Do you know the two accused?

A I do.

Q I want you to relate to the Court what occurred on the 27th June in which the two accused figured.

A Well about 1.45 on the morning of the 28th June, there was a Chinaman came running along Powell Street East toward Dunlevy Avenue; I saw him coming around, and I stopped him and asked him what was wrong; he pointed for me to go down Dunlevy Avenue, North, and the witness here came up and said "there is something wrong."

MR RUSSELL: How does he know what the Chinaman said; did he speak English?

Q Did the Chinaman speak English?

A No sir; he pointed to come down. I went down there and I saw three Chinamen, about fifty yards south of the C.P.R. tracks coming up Dunlevy Street; them two was carrying a gun spiece they had a bag, and I questioned them what they had in the bags; they made no reply, then the two pulled revolvers; Lee Sing he pointed a revolver at me and he made a move to get something out of his pocket.

Q Pointed a revolver at whom?

A He put his hand in his pocket, and I took no chances with him; There was a revolver right in front of my stomach; I came down with my baton and his revolver dropped and he said something in Chinese to the other Chinaman and the other Chinaman threw his revolver in the bushes; we then got into a scrap.

Q Which revolver was it was pointed at you; whose was it:

A Lee Sing's.

Q Which is Lee Sing?

A The stout one.

Q He had a nickle plated revolver?

A Yes.

MR KENNEDY: I will ask to have this revolver marked as Exhibit "A" for identification.

(Revolver introduced into evidence and marked Exhibit "A" for identification)



Q And the other Chinaman had which revolver?

A This one here; blue steel ~~was~~ revolver.

MR KENNEDY: Ask to have this marked Exhibit "B".

(Introduced in evidence and marked
Exhibit "B")

Q Which revolver was thrown in the bushes?

A The black one. Exhibit "B".

Q You say one of them made a movement?

A Lee Sing he made the first movement. He pulled the revolver right out of the bag and pointed it at me.

Q Just illustrate how he pulled it out and how he did it?

A I cannot remember whether it was from a hip pocket or from a pocket on the side that. He had his gun right in front, and I brought my baton down on his arm. As his arm came up I brought my baton down and the revolver fell out of his hands.

Q Where did the revolver go to?

A It dropped to the ground.

Q Did you find anything on the person of the accused, or wîther of them?

A I didn't search them then. I got the two of them handcuffed and brought them to the police station, and brought the bags upthere.

Q Were they carrying anything at the time you approached them?

A These two were carrying a bag each.

Q Have you got the bags?

A Right here.

Q These are the two bags?

A Yes sir.

Q Who was carrying which?

A I could say that; there were three person all together; the fellow that ran away he wasn't carrying anything; these two were carrying the bags.

Q Do you know what was found in those bags after they were opened?

A They were brought to the Police Station and opened there was two tin boxes in one and one tin box in the other.



Q Do you know what was in those tin boxes?

A Suppose opium. Sergeant Leatherdale he took them, and searched the Chinamen.

Q Have you ever seen boxes similar to these?

A Yes sir.

MR KENNEDY: I will put in the two boxes as "C" and "D" with the contents as they stand now.

Q Did you open the revolvers?

A I opened the revolvers and brought them to the Station.

Q Anything in them?

A. Both loaded.

Q Have you got those shells here?

A Yes sir.

Q What calibre were the revolvers?

A Didn't pay any attention to that.

Q Were they shells similar to these?

A Yes sir.

Q What did you do with the cartridges you got out of the revolvers?

A Sergeant leatherdale took them.

----- CROSS EXAMINATION

BY MR RUSSEL:

Q Did you see anything of the Chinaman again ~~that~~ whom you first stopped ~~at~~ on Dunlevy Avenue?

A I did not.

Q Have you seen anything of him since?

A I would him again if I saw him?

Q He came running from the direction of Water Street?

A No, from Westminster Avenue.

Q Along what street?

A Powell Street.

Q Where did you meet him?

A Dunlevy Avenue and Powell Street; he was running all excited.

Q Who was with him?

A Another man by the name of O'Brien.



Q Is O'Brien a white man?

A Yes sir.

Q Did the white man give any explanation of why he was chasing these men?

A Yes. He said that the Chinaman had told him to come down as there was something wrong down at the wharf.

Q So you gathered from what you heard from this first Chinaman that he had been spying somebody else, and wanted these people to go down and see what he had been spying? And in consequence of this you went down towards Dunlevy Avenue.

A I did.

Q And you found the two accused there.

A. I found three there altogether.

Q And what became of the third person?

A He got away from me ----he got away in the pushes.

Q Now was there anyone handcuffed that morning?

A Yes, sir. These two accused were handcuffed together.

Q That was the first thing you did when you got hold of them?

A No; we got hold of the guns first.

Q Did you know they had guns?

A As soon as this Lee Sing Pulled his gun I came down with my baton on his arm.

Q Is it not a fact that you put the handcuffs on them before there was any sign of a gun?

A. No.

Q You handcuffed them, that is you put the one set of handcuffs on both men, leaving them one arm free?,

A Yes.

Q Had they started away from their grigs before these revolvers were produced?

A. No they were standing right beside the grips.

Q You were in uniform?

A. Yes.

Q When you came up with them did you have any conversation with them?

A No: I asked them to put their grips down hold their hands up.



Q Did you get any answer that you understood?

A No.

Q Then you proceeded to arrest them?

A I did not have a chance to arrest them. This man started to make a move to put his hands in his pockets I was not going to take chances with him. He had a gun in his hands, it was because he nhad the gun in his hands that I took my baton and struck him.

Q Was the other man standing alongside drawing his revolver at the same time?

A Yes.

Q And he promptly threw it in the bushes?

A Yes.

Q But had he pointed the revolver at you?

A Yes.

Q His idea was to get clear of the revolver: that was evidently his idea?

A Yes.

Q And when you consider the fact that he got clear of the revolver which they attempted to point at you isn't it possible that the other man had the same idea as you had?

A It is quite possible.

Q Did they make any struggly with you at all when you attempted to handcuff them?

A Certainly .

Q Both of them struggled?

A Yes. Kicked and pushed with their heads, and tried to get away.

Q Before you put the handcuffs on them?

A Yes.

Had you any assistance in putting the handcuffs on them?

A I had.

Q Is it not a fact that one of them got away a little from the other?

A Yes sir.

Q Which one was it?

A Lee Sing.



Q He got away?

A The white man went after him, and brought him back.

I was looking for the three men.

Q Who did you leave in charge?

A There were two other white men came.

Q Which of the white men was it that went through the Chinaman's pockets?

A I don't know?

Q You don't know anything about that?

A This is the first I have heard about it.

Q You don't know anything about a white man taking \$130 away from these men.

A I did not hear anything about that.

Q These men did not talk English to you?

A No.

Q And none of the white men reported to you that they had taken any money from either of these Chinamen?

A No.

PADDY RYAN, called as a witness being first sworn
testified as follows?

-----DIRECT EXAMINATION

BY MR KENNEDY:

Q What is your address Mr. Ryan?

A The Barnard Castle Hotel.

Q What is your occupation?

A I am working for the B. C. Boiler Maker.

Q Did you hear the evidence of the last witness?

A Yes.

Q What have you got to say to that evidence?

A His evidence is quite correct.

-----CROSS EXAMINATION

BY MR RUSSEL.

Q Did you see anything that took place?

A Yes.



Q Hear anything that was said?

A I did not hear everything: There was very much said.

Q What part did you take in the arrest of the^{two} accused.

A I took part in going after this Lee Sing and in recapturing him twice.

Q That is when Lee Sing got away you went after him, and brought him in?

A Yes.

Q Any person assist you in bringing him in?

A I brought him in by myself?

Q And while you were after Lee Sing, who was in charge of the other accused?

A A man by the name of Carson, and a man who was running a lunch counter.

Q Friends of yours?

A Yes, one of them.

Q Which one?

A John Carson.

What is his occupation?

A Laborer and Carpenter.

Q And the other man?

A He runs a lunch counter at the Imperial Hotel.

Q How long were you with this third man, that is the man who runs the lunch counter?

A He had just come down when the official blew his whistle.

Q Had you met him previously?

A Yes, I had met him that evening. I was in his company that evening, and was on my way home.

Q Did you see this revolver?

A Yes.

Q Did you see the one that was thrown in the bushes?

A Yes I saw the one that was thrown in the bushes.

What do you mean by the bushes he threw it down on the sidewalk. I grabbed these two and he grabbed the other man.



Q Was it Lee Sing that you grabbed?

A Yes. I had the little fellow in my right hand and Lee Sing in my left hand.

Q Who first produced a revolver?

A Lee Sing.

Q And how many seconds after he produced his revolver was it that the other fellow produced his?

A I could not say that, because he was right close beside me, and as soon as he fled I knew the other fellow dropped his gun.

Q Both guns were produced about the same time?

A I couldn't identify Lee Sing's gun any more than the other.

Q They were produced about the same time?

A Yes sir.

Q And Lee Sing's gun was knocked out of his hand, and the other man dropped his about the same time?

A I believe that is so.

Q Did Lee Sing speak to the other man before he got hit with the baton?

A As soon as Lee Sing got hit he disappeared; he got away after he was hit.

Q Then did he speak to the other man?

A Yes.

COL. C. E. WORSROP, called as a witness being first sworn
testified as follows:-

-----DIRECT EXAMINATION

BY MR KENNEDY:

Q Your official Position, Colonel?

A Surveyor of Customs.

Q Did you have occasion to examine the contents of exhibits C and D.

A I did, sir.

Q What did they contain, that is, what did the large tin box contain?

A Contained a number of small cans of opium.

Q For instance, looking at it this way, I think you will recognize the cut on it.

A I DID.



Q And that contained opium?

A Prepared for smoking.

Q Have you in the exercise of your duty as officer of Customs seized the opium in this case?

A I have, sir.

Q By virtue of your Writ of Assistance?

A Yes.

Q That writ is merely your authority?

A Certainly.

MR KENNEDY. I want to put that in as an exhibit.

THE COURT: I suppose there is no objection to the Colonel taking it back again?

MR KENNEDY, Oh, no.

Q Those were seized as being liable to Customs?

A Being liable to Customs and seizure as being smuggled into Canada.

MR RUSSELL: This writ would appear to have been issued in September 1889.

A I believe so.

Q And it would also appear to be in pursuance of Chapter 32 Section 143 of the Revised Statutes of Canada?

A Yes.

Q You happen to know, of course, do you not, that that Act has been repealed, and a new Customs Act has been substituted; and under that new Act you have not obtained any new authority. You know, I presume that King Edward was King of Great Britain and Ireland in 1906?

A Yes.

Q And this was issued when our late and lamented Queen Victoria was on the throne?

A Yes sir.

Q And you failed to have that writ renewed, or a new one substituted when the new King took office?

A Certainly I did.

Q This quantity of opium you speak of here was seized, or located



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rather, by the Police in the City of Vancouver, was it not?

A I believe so? I was instructed by the police that such was the case.

Q You received your knowledge from what the Police told you?

A Correst.

Q So that so far as your knowledge goes, or information, these Chinamen, the accused, had this opium on Canadian soil, in the City of Vancouver?

A Yes.

Q Where it came from or how it came to be in their possession, you have no personal knowledge?

A No.

MR C. E. WORSROP: I would like to say that when I opened these tins and looked inside, the cans were all wet. The outside tins were very much stained, and had evidently been under water.

MR KENNEDY: You say this Opium was held for seizure, on account of having been smuggled.

MR RUSSELL: You need not suggest his answer, there is no necessity for it.

A I seized these goods and had reasonable grounds for suspicion that they were smuggled.

Q In defiance of what?

A In defiance of the Acts respecting Customs.

MR KENNEDY: Put these shells in as Exhibit "E"

MR RUSSELL: I move for a dismissal of the charge. The charge is laid under Section 117. We have no evidence in this case that the goods were smuggled into Canada at all. We have simply a suspicion, it is the suspicion of the Officer of Customs that they were so smuggled, and acting upon what he presumed was his authority, he complained and had these goods seized. The only information we have is what he says the Police told him. He did not claim that the Police told him anything more than the police have given in evidence, and that evidence is that they found these Chinamen in possession of the goods in the City of Vancouver.



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It may have been that the goods were smuggled, but there is not evidence of that. It may be that the accused are guilty of some offense in connection therewith, but there is no evidence that they have been guilty of smuggling the goods. And so as to bring this matter within the language of the section, there is no evidence that the accused knew the goods were smuggled nor can it be even suggested that they were smuggled. Supposing that some other person smuggled these goods, and had sold them to these Chinamen, the case would not come within Section 117, because there has got to be the actual knowledge that they were actually smuggled goods; and that evidence has not been produced here. I take it that the evidence is not strong enough to sustain a suggestion that the goods are liable to seizure. Just because Col. Worsrop thought the goods were liable to seizure is no proof at all. It has to be proved that the goods were actually smuggled, and he had actually seized them with definite knowledge that they were smuggled. I ask your Worship for a dismissal of the case.

THE COURT. I think there is enough evidence to commit for trial. A Jury could find on the evidence there. I commit you both for trial at the next Court of Competent Jurisdiction.

I hereby certify the foregoing to be a true and accurate copy of the said proceedings.

(Sgd) (Harry Langley.)

I hereby certify that the foregoing Statement of facts is a true and correct copy of the depositions taken before me at the hearing of the above case.

(Sgd). A. E. Bull.

Police Magistrate ~~XXXXXXXXXX~~
in and for the City of Vancouver
in the Province of British Columbia.



1960.

Vancouver Fall Assizes.

Copy of Depositions in re

REX

VS.

Lesling & Lee Lewis.

Offence

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INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

CANADA,

Province of British Columbia,

City of Vancouver.

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Contrary to the form of the Statute in such case made and provided.

(Sgd) E.E. Robinson.

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

(Sgd) A. E. Bull.

Police Magistrate.

Both accused committed to take their trials at the next Court of Competent Jurisdiction.

(Sgd) A. E. Bull.



STATEMENT OF THE ACCUSED.

CANADA,
Province of British Columbia,
County of Vancouver,
City of Vancouver.

Lee Sing and Lee Lewie stand charged before the undersigned A. E. Bull, Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the County aforesaid, this 6th day of July in the year of our Lord one thousand nine hundred and ten for that the said Lee Sing and Lee Lewie on the 27th day of June 1910 at the City of Vancouver while carrying offensive weapons, to wit: revolvers were unlawfully with goods liable to seizure under the law relating to customs, to wit: 4 cans of opium. Contrary to the form of the statute in such case made and provided.

And the said charge being read to the said Lee Sing and Lee Lewie and the witnesses for the prosecution, being severally examined in his presence the said Lee Sing and Lee Lewie are 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.

"You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you at your trial, notwithstanding such promise or threat." Whereupon the said accused says as follows:-

"Nothing to say"

Taken before me at the City of Vancouver the day and year first above mentioned.

(Sgd) A. E. Bull.



POLICE COURT
(Before A. E. Bull, Esq)

Vancouver B. C. July 8th, 1910.

CANADA

Province of British Columbia
County of Vancouver,
City of Vancouver.

LEE SING AND LEE LEWIE, charged on the information of E.E. Robinson, of the City of Vancouver, on the 6th day of July, 1910 for that the said LEE SING and LEE LEWIE, while carrying offensive weapons, to wit: Revolvers were unlawfully found with goods liable to seizure under the law relating to customs, to-wit: Four cases of opium. Contrary to the form of the Statute in such case made and provided.

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THE COURT: You have the option to be tried before me without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary manner by the court having criminal jurisdiction.

MR RUSSEL: Preliminary hearing.

P. C. KINDNESS,

called as a witness, being first sworn
testified as follows, to wit;

-----DIRECT EXAMINATION

BY MR KENNEDY:

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

A Yes sir.



Q Do you know the two accused?

A I do.

Q I want you to relate to the Court what occurred on the 27th June in which the two accused figured.

A Well about 1.45 on the morning of the 28th June, there was a Chinaman came running along Powell Street East toward Dunlevy Avenue; I saw him coming around, and I stopped him and asked him what was wrong; he pointed for me to go down Dunlevy Avenue, North, and the witness here came up and said "there is something wrong."

MR RUSSELL: How does he know what the Chinaman said; did he speak English?

Q Did the Chinaman speak English?

A No sir; he pointed to come down. I went down there and I saw three Chinamen, about fifty yards south of the C.P.R. tracks coming up Dunlevy Street; them two was carrying a gun apiece they had a bag, and I questioned them what they had in the bags ; they made no reply, then the two pulled revolvers; Lee Sing he pointed a revolver at me and he made a move to get something out of his pocket.

Q Pointed a revolver at whom?

A He put his hand in his pocket, and I took no chances with him; There was a revolver right in front of my stomach; I came down with my baton and his revolver dropped and he said something in Chinese to the other Chinaman and the other Chinaman threw his revolver in the bushes; we then got into a scrap.

Q Which revolver was it was pointed at you; whose was it:

A Lee Sing's.

Q Which is Lee Sing ?

A The stout one.

Q He had a nickle plated revolver?

A Yes.

MR KENNEDY: I will ask to have this revolver marked as Exhibit "A" for identification.

(Revolver introduced into evidence and marked Exhibit "A" for identification)



Q And the other Chinaman had which revolver?

A This one here; blue steel ~~one~~ revolver.

MR KENNEDY: Ask to have this marked Exhibit "B".

(Introduced in evidence and marked
Exhibit "B")

Q Which revolver was thrown in the bushes?

A The black one. Exhibit "B".

Q You say one of them made a movement?

A Lee Sing he made the first movement. He pulled the revolver right out of the bag and pointed it at me.

Q Just illustrate how he pulled it out and how he did it?

A I cannot remember whether it was from a hip pocket or from a pocket on the side that. He had his gun right in front, and I brought my baton down on his arm. As his arm came up I brought my baton down and the revolver fell out of his hands.

Q Where did the revolver go to?

A It dropped to the ground.

Q Did you find anything on the person of the accused, or either of them?

A I didn't search them then. I got the two of them handcuffed and brought them to the police station, and brought the bags up there.

Q Were they carrying anything at the time you approached them?

A These two were carrying a bag each.

Q Have you got the bags?

A Right here.

Q These are the two bags?

A Yes sir.

Q Who was carrying which?

A I could say that; there were three person all together; the fellow that ran away he wasn't carrying anything; these two were carrying the bags.

Q Do you know what was found in those bags after they were opened?

A They were brought to the Police Station and opened there was two tin boxes in one and one tin box in the other.



Q Do you know what was in these tin boxes?

A Suppose opium. Sergeant Leatherdale he took them, and searched the Chinamen.

Q Have you ever seen boxes similar to these?

A Yes sir.

MR KENNEDY: I will put in the two boxes as "C" and "D" with the contents as they stand now.

Q Did you open the revolvers?

A I opened the revolvers and brought them to the Station.

Q Anything in them?

A. Both loaded.

Q Have you got those shells here?

A Yes sir.

Q What calibre were the revolvers?

A Didn't pay any attention to that.

Q Were they shells similar to these?

A Yes sir.

Q What did you do with the cartridges you got out of the revolvers?

A Sergeant leatherdale took them.

----- CROSS EXAMINATION

BY MR RUSSEL:

Q Did you see anything of the Chinaman again ~~xxxx~~ whom you first stopped ~~xx~~ on Dunlevy Avenue?

A I did not.

Q Have you seen anything of him since?

A I would him again if I saw him?

Q He came running from the direction of Water Street?

A No, from Westminster Avenue.

Q Along what street?

A Powell Street.

Q Where did you meet him?

A Dunlevy Avenue and Powell Street; he was running all excited.

Q Who was with him?

A Another man by the name of O'Brien.



Q Is O'Brien a white man?

A Yes sir.

Q Did the white man give any explanation of why he was chasing these men?

A Yes. He said that the Chinaman had told him to come down as there was something wrong down at the wharf.

Q So you gathered from what you heard from this first Chinaman that he had been spying somebody else, and wanted these people to go down and see what he had been spying? And in consequence of this you went down towards Dunlevy Avenue.

A I did.

Q And you found the two accused there.

A. I found three there altogether.

Q And what became of the third person?

A He got away from me ----he got away in the pushes.

Q Now was there anyone handcuffed that morning?

A Yes sir. These two accused were handcuffed together.

Q That was the first thing you did when you got hold of them?

A No; we got hold of the guns first.

Q Did you know they had guns?

A As soon as this Lee Sing Pulled his gun I came down with my baton on his arm.

Q Is it not a fact that you put the handcuffs on them before there was any sign of a gun?

A. No.

Q You handcuffed them, that is you put the one set of handcuffs on both men, leaving them one arm free?,

A Yes.

Q Had they started away from their grips before these revolvers were produced?

A. No they were standing right beside the grips.

Q You were in uniform?

A. Yes.

Q When you came up with them did you have any conversation with them?

A No: I asked them to put their grips down hold their hands up.



Q Did you get any answer that you understood?

A No.

Q Then you proceeded to arrest them?

A I did not have a chance to arrest them. This man started to make a move to put his hands in his pockets I was not going to take chances with him. He had a gun in his hands, it was because he had the gun in his hands that I took my baton and struck him.

Q Was the other man standing alongside drawing his revolver at the same time?

A Yes.

Q And he promptly threw it in the bushes?

A Yes.

Q But had he pointed the revolver at you?

A Yes.

Q His idea was to get clear of the revolver: that was evidently his idea?

A Yes.

Q And when you consider the fact that he got clear of the revolver which they attempted to point at you isn't it possible that the other man had the same idea as you had?

A It is quite possible.

Q Did they make any struggle with you at all when you attempted to handcuff them?

A Certainly .

Q Both of them struggled?

A Yes. Kicked and pushed with their heads, and tried to get away.

Q Before you put the handcuffs on them?

A Yes.

Had you any assistance in putting the handcuffs on them?

A I had.

Q Is it not a fact that one of them got away a little from the other?

A Yes sir.

Q Which one was it?

A Lee Sing.



Q He got away?

A The white man went after him, and brought him back.

I was looking for the three men.

Q Who did you leave in charge?

A There were two other white men came.

Q Which of the white men was it that went through the Chinaman's pockets?

A I don't know?

Q You don't know anything about that?

A This is the first I have heard about it.

Q You don't know anything about a white man taking \$130 away from these men.

A I did not hear anything about that.

Q These men did not talk English to you?

A No.

Q And none of the white men reported to you that they had taken any money from either of these Chinamen?

A No.

PADDY RYAN, called as a witness being first sworn testified as follows?

-----DIRECT EXAMINATION

BY MR KENNEDY:

Q What is your address Mr. Ryan?

A The Barnard Castle Hotel.

Q What is your occupation?

A I am working for the B. C. Boiler Maker.

Q Did you hear the evidence of the last witness?

A Yes.

Q What have you got to say to that evidence?

A His evidence is quite correct.

-----CROSS EXAMINATION

BY MR RUSSEL.

Q Did you see anything that took place?

A Yes.



Q Hear anything that was said?

A I did not hear everything: There was very much said.

Q What part did you take in the arrest of the^{two} accused.

A I took part in going after this Lee Sing and in recapturing him twice.

Q That is when Lee Sing got away you went after him, and brought him in?

A Yes.

Q Any person assist you in bringing him in?

A I brought him in by myself?

Q And while you were after Lee Sing, who was in charge of the other accused?

A A man by the name of Carson, and a man who was running a lunch counter.

Q Friends of yours?

A Yes, one of them.

Q Which one?

A John Carson.

What is his occupation?

A Laborer and Carpenter.

Q And the other man?

A He runs a lunch counter at the Imperial Hotel.

Q How long were you with this third man, that is the man who runs the lunch counter?

A He had just come down when the official blew his whistle.

Q Had you met him previously?

A Yes, I had met him that evening. I was in his company that evening, and was on my way home.

Q Did you see this revolver?

A Yes.

Q Did you see the one that was thrown in the bushes?

A Yes I saw the one that was thrown in the bushes.

What do you mean by the bushes he threw it down on the sidewalk.

I grabbed these two and he grabbed the other man.



Q Was it Lee Sing that you grabbed?

A Yes. I had the little fellow in my right hand and Lee Sing in my left hand.

Q Who first produced a revolver?

A Lee Sing.

Q And how many seconds after he produced his revolver was it that the other fellow produced his?

A I could not say that, because he was right close beside me, and as soon as he fled I knew the other fellow dropped his gun.

Q Both guns were produced about the same time?

A I couldn't identify Lee Sing's gun any more than the other.

Q They were produced about the same time?

A Yes sir.

Q And Lee Sing's gun was knocked out of his hand, and the other man dropped his about the same time?

A I believe that is so.

Q Did Lee Sing speak to the other man before he got hit with the baton?

A As soon as Lee Sing got hit he disappeared; he got away after he was hit.

Q Then did he speak to the other man?

A Yes.

COL. C. E. WORSROP, called as a witness being first sworn
testified as follows:-

-----DIRECT EXAMINATION

BY MR KENNEDY:

Q Your official Position, Colonel?

A Surveyor of Customs.

Q Did you have occasion to examine the contents of exhibits C and D.

A I did, sir.

Q What did they contain, that is, what did the large tin box contain

A Contained a number of small cans of opium.

Q For instance, looking at it this way, I think you will recognize the cut on it.

A I DID.

Q And that contained opium?

A Prepared for smoking.

Q Have you in the exercise of your duty as officer of Customs seized the opium in this case?

A I have, sir.

Q By virtue of your Writ of Assistance?

A Yes.

Q That writ is merely your authority?

A Certainly.

MR KENNEDY. I want to put that in as an exhibit.

THE COURT: I suppose there is no objection to the Colonel taking it back again?

MR KENNEDY, Oh, no.

Q Those were seized as being liable to Customs?

A Being liable to Customs and seizure as being smuggled into Canada.

MR RUSSELL: This writ would appear to have been issued in September 1889.

A I believe so.

Q And it would also appear to be in pursuance of Chapter 32 Section 143 of the Revised Statutes of Canada?

A Yes.

Q You happen to know, of course, do you not, that that Act has been repealed, and a new Customs Act has been substituted; and under that new Act you have not obtained any new authority. You know, I presume that King Edward was King of Great Britain and Ireland in 1906?

A Yes.

Q And this was issued when our late and lamented Queen Victoria was on the throne?

A Yes sir.

Q And you failed to have that writ renewed, or a new one substituted when the new King took office?

A Certainly I did.

Q This quantity of opium you speak of here was seized, or located



rather, by the Police in the City of Vancouver, was it not?

A I believe so? I was instructed by the police that such was the case.

Q You received your knowledge from what the Police told you?

A Correst.

Q So that so far as your knowledge goes, or information, these Chinamen, the accused, had this opium on Canadian soil, in the City of Vancouver?

A Yes.

Q Where it came from or how it came to be in their possession, you have no personal knowledge?

A No.

MR C. E. WORSROP: I would like to say that when I opened these tins and looked inside, the cans were all wet. The outside tins were very much stained, and had evidently been under water.

MR KENNEDY: You say this Opium was held for seizure, on account of having been smuggled.

MR RUSSELL: You need not suggest his answer, there is no necessity for it.

A I seized these goods and had reasonable grounds for suspicion that they were smuggled.

Q In defiance of what?

A In defiance of the Acts respecting Customs.

MR KENNEDY: Put these shells in as Exhibit "E"

MR RUSSELL: I move for a dismissal of the charge. The charge is laid under Section 117. We have no evidence in this case that the goods were smuggled into Canada at all. We have simply a suspicion, it is the suspicion of the Officer of Customs that they were so smuggled, and acting upon what he presumed was his authority, he complained and had these goods seized. The only information we have is what he says the Police told him. He did not claim that the Police told him anything more than the police have given in evidence, and that evidence is that they found these Chinamen in possession of the goods in the City of Vancouver.



It may have been that the goods were smuggled, but there is not evidence of that. It may be that the accused are guilty of some offense in connection therewith, but there is no evidence that they have been guilty of smuggling the goods. And so as to bring this matter within the language of the section, there is no evidence that the accused knew the goods were smuggled nor can it be even suggested that they were smuggled. Supposing that some other person smuggled these goods, and had sold them to these Chinamen, the case would not come within Section 117, because there has got to be the actual knowledge that they were actually smuggled goods; and that evidence has not been produced here. I take it that the evidence is not strong enough to sustain a suggestion that the goods are liable to seizure. Just because Col. Worsrop thought the goods were liable to seizure is no proof at all. It has to be proved that the goods were actually smuggled, and he had actually seized them with definite knowledge that they were smuggled. I ask your Worship for a dismissal of the case.

THE COURT. I think there is enough evidence to commit for trial. A Jury could find on the evidence there. I commit you both for trial at the next Court of Competent Jurisdiction.

I hereby certify the foregoing to be a true and accurate copy of the said proceedings.

(Sgd) (Harry Langley.

I hereby certify that the foregoing Statement of facts is a true and correct copy of the depositions taken before me at the hearing of the above case.

(Sgd). A. E. Bull.

Police Magistrate ~~XXXXXXXXXX~~ His
in and for the City of Vancouver
in the Province of British Columbia.



1900

Vancouver Fall Assizes.

Copy of Depositions in re

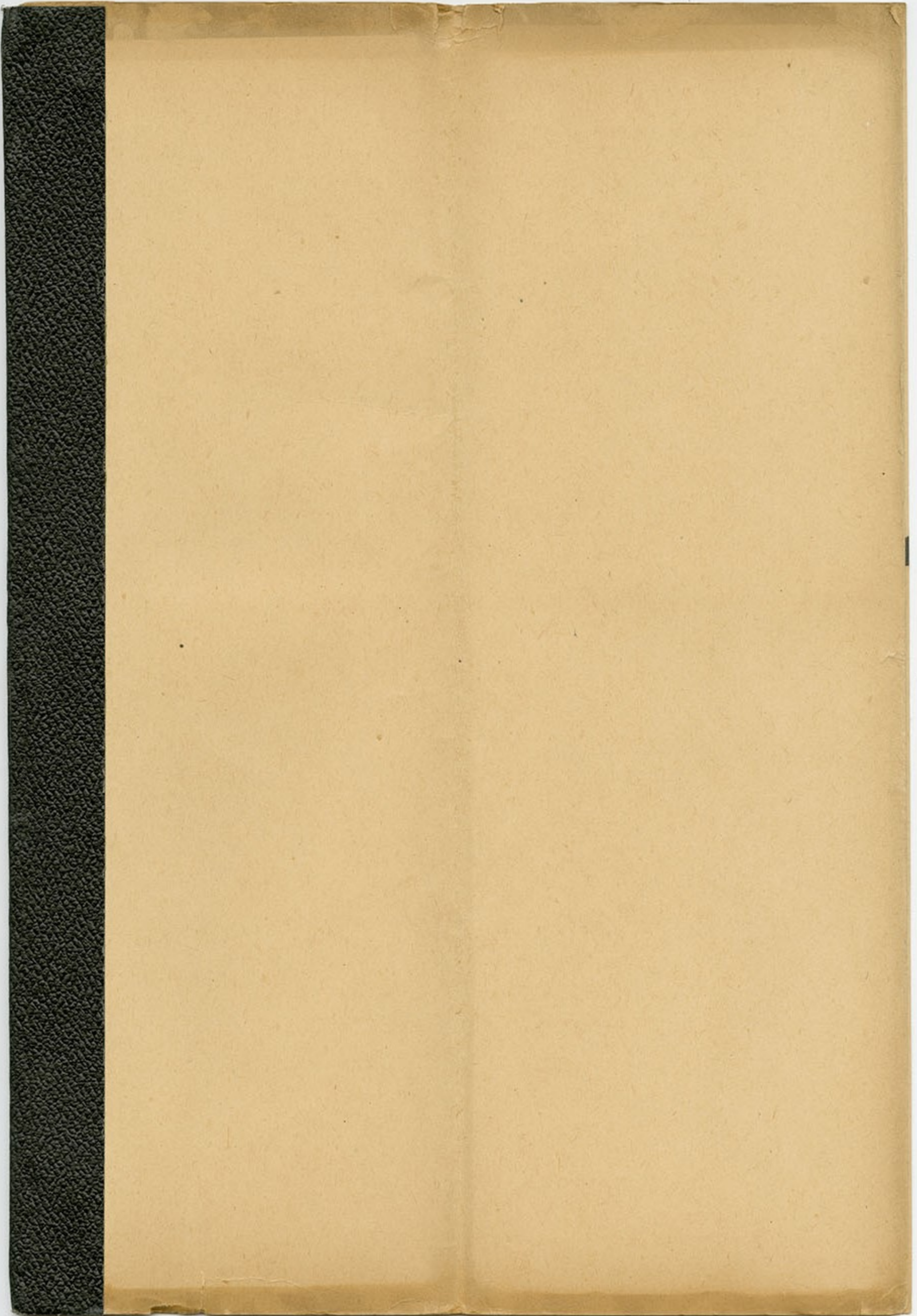
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VS.

Lesling & Lee Lewis.

Offence

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BC Archives GR-0419
Box 143 File 1910/58

BRITISH COLUMBIA. ATTORNEY GENERAL.
Attorney General documents.



definition of dangerous weapon p 7

Revised
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INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

CANADA,

CANADA,

Province of British Columbia,

City of Vancouver.

THE information and complaint of E.E. Robinson of the City of Vancouver taken this 6th day of July in the year of our Lord one thousand nine hundred and ten, before the undersigned, A.E. Bull Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that at the said City of Vancouver on the 27th day of June A.D. 1910, Lee Sing and Lee Lewie while carrying offensive weapons to wit: revolvers were unlawfully found with goods liable to seizure under the law relating to customs, to wit: 4 cans of opium.

Contrary to the form of the Statute in such case made and provided.

(Sgd) E.E. Robinson.

And the said charge being read to the said Lee Lewie and the witnesses for the prosecution, being severally examined in his presence the said Lee Sing and Lee Lewie are addressed by me as follows:-

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

(Sgd) A. E. Bull.

Police Magistrate.

Both accused committed to take their trials at the next Court of Competent Jurisdiction.

(Sgd) A. E. Bull.

may be given in evidence against you at your trial, notwithstanding such premises or that the said accused says as follows:-
"Nothing to say"

Taken before me at the City of Vancouver the day and year first above mentioned.

(Sgd) A. E. Bull.

STATEMENT OF THE ACCUSED.

CANADA,

Province of British Columbia,

County of Vancouver,

City of Vancouver.

Lee Sing and Lee Lewie stand charged before the undersigned A.E. Bull, Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the County aforesaid, this 6th day of July in the year of our Lord one thousand nine hundred and ten for that the said Lee Sing and Lee Lewie on the 27th day of June 1910 at the City of Vancouver while carrying offensive weapons, to wit: revolvers were unlawfully with goods liable to seizure under the law relating to customs, to wit: 4 cans of opium. Contrary to the form of the statute in such case made and provided.

And the said charge being read to the said Lee Sing and Lee Lewie and the witnesses for the prosecution, being severely examined in his presence the said Lee Sing and Lee Lewie are 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.

"You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of your guilt, but what ever you now say may be given in evidence against you at your trial, notwithstanding such promise or threat." Whereupon the said accused says as follows:-

"Nothing to say"

Taken before me at the City of Vancouver the day and year first above mentioned.

(Sgd) A. E. Bull.



P O L I C E C O U R T

(Before A. E. Bull, Esq)

Vancouver B. C. July 8th, 1910.

CANADA

Province of British Columbia

County of Vancouver,

City of Vancouver.

LEE SING AND LEE LEWIE, charged on the information of E.E. Robinson, of the City of Vancouver, on the 6th day of July, 1910 for that the said LEE SING and LEE LEWIE, while carrying offensive weapons, to wit: Revolvers were unlawfully found with goods liable to seizure under the law relating to customs, to-wit: Four cases of opium. Contrary to the form of the Statute in such case made and provided.

J. K. KENNEDY, Esq, Counsel for the Prosecution.

J.A. RUSSELL, Esq., Counsel for the Accused.

Harry LANGLEY, Sworn as stenographer.

W. A. CUMYOW, Sworn as interpreter.

THE COURT: You have the option to be tried before me without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary manner by the court having criminal jurisdiction.

MR RUSSEL: Preliminary hearing.

P. C. KINDNESS, called as a witness, being first sworn testified as follows, to wit;

-----DIRECT EXAMINATION

BY MR KENNEDY: will ask to have this revolver marked as Exhibit "A"

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

A Yes sir.

(Revolver introduced into evidence and marked Exhibit "A" for identification)



Q Do you know the two accused?

A I do. one here; blue steel was revolver.

Q I want you to relate to the Court what occurred on the 27th June in which the two accused figured.

A Well about 1.45 on the morning of the 28th June, there was a Chinaman came running along Powell Street East toward Dunlevy Avenue; I saw him coming around, and I stopped him and asked him what was wrong; he pointed for me to go down Dunlevy Avenue, North, and the witness here came up and said "there is something wrong."

MR RUSSELL: How does he know what the Chinaman said; did he speak English?

Q Did the Chinaman speak English?

A No sir; he pointed to come down. I went down there and I saw three Chinamen, about fifty yards south of the C.P.R. tracks coming up Dunlevy Street; them two was carrying a gun apiece they had a bag, and I questioned them what they had in the bags; they made no reply, then the two pulled revolvers; Lee Sing he pointed a revolver at me and he made a move to get something out of his pocket.

Q Pointed a revolver at whom?

A He put his hand in his pocket, and I took no chances with him; There was a revolver right in front of my stomach; I came down with my baton and his revolver dropped and he said something in Chinese to the other Chinaman and the other Chinaman threw his revolver in the bushes; we then got into a scrap.

Q Which revolver was it was pointed at you; whose was it:

A Lee Sing's.

Q Which is Lee Sing?

A The stout one.

Q He had a nickle plated revolver?

A Yes.

MR KENNEDY: I will ask to have this revolver marked as Exhibit "A" for identification.

(Revolver introduced into evidence and marked Exhibit "A" for identification)



Q And the other Chinaman had which revolver?

A This one here; blue steel ~~one~~ revolver.

MR KENNEDY: Ask to have this marked Exhibit "B".

(Introduced in evidence and marked

Exhibit "B")

Q Which revolver was thrown in the bushes?

A The black one. Exhibit "B".

Q You say one of them made a movement?

A Lee Sing he made the first movement. He pulled the revolver right out of the bag and pointed it at me.

Q Just illustrate how he pulled it out and how he did it?

A I cannot remember whether it was from a hip pocket or from a pocket on the side that. He had his gun right in front, and I brought my baton down on his arm. As his arm came up I brought my baton down and the revolver fell out of his hands.

Q Where did the revolver go to?

A It dropped to the ground.

Q Did you find anything on the person of the accused, or either of them?

CROSS EXAMINATION

A I didn't search them then. I got the two of them handcuffed and brought them to the police station, and brought the bags up there.

Q Were they carrying anything at the time you approached them?

A These two were carrying a bag each.

Q Have you got the bags?

A Right here.

Q These are the two bags?

A Yes sir.

Q Who was carrying which?

A I could say that; there were three person all together; the fellow that ran away he wasn't carrying anything; these two were carrying the bags.

Q Do you know what was found in those bags after they were opened?

A They were brought to the Police Station and opened there was two tin boxes in one and one tin box in the other.



Q Do you know what was in those tin boxes?

A Suppose opium. Sergeant Leatherdale he took them, and searched

the Chinamen. Can you give any explanation of why he was chasing these

Q Have you ever seen boxes similar to these?

A Yes sir. He said that the Chinamen had told him to come down as there

MR KENNEDY: I will put in the two boxes as "C" and "D" with the

contents as they stand now. You heard from this first Chinaman

Q Did you open the revolvers?

A I opened the revolvers and brought them to the Station.

Q Anything in them?

A. Both loaded.

Q Have you got those shells here?

A Yes sir. Three there altogether.

Q What calibre were the revolvers?

A Didn't pay any attention to that.

Q Were they shells similar to these?

A Yes sir. These two accused were handcuffed together.

Q What did you do with the cartridges you got out of the revolvers?

A Sergeant leatherdale took them.

CROSS EXAMINATION

BY MR RUSSEL: this Lee Sing pulled his gun I came down with my baton

Q Did you see anything of the Chinaman again ~~that~~ whom you first

stopped ~~at~~ on Dunlevy Avenue?

A I did not.

Q Have you seen anything of him since?

A I would him again if I saw him?

Q He came running from the direction of Water Street?

A No, from Westminster Avenue.

Q Along what street?

A Powell Street.

Q Where did you meet him?

A Dunlevy Avenue and Powell Street; he was running all excited.

Q Who was with him?

A Another man by the name of O'Brien.

I asked them to put their grips down hold their hands up.



Q Is O'Brien a white man? what you understood?

A Yes sir.

Q Did the white man give any explanation of why he was chasing these men? not have a chance to arrest them. This man started to make

A Yes. He said that the Chinaman had told him to come down as there was something wrong down at the wharf. hands, it was because he

Q So you gathered from what you heard from this first Chinaman that he had been spying somebody else, and wanted these people to go down and see what he had been spying? And in consequence of this you went down towards Dunlevy Avenue.

A I did. promptly threw it in the bushes?

Q And you found the two accused there.

A. I found three there altogether. at you?

Q And what became of the third person?

A He got away from me ----he got away in the bushes. as evidently

Q Now was there anyone handcuffed that morning?

A Yes sir. These two accused were handcuffed together.

Q That was the first thing you did when you got hold of them?olver

A No; we got hold of the guns first. you isn't it possible that the

Q Did you know they had guns? as you had?

A As soon as this Lee Sing Pulled his gun I came down with my baton on his arm. he any struggle with you at all when you attempted

Q Is it not a fact that you put the handcuffs on them before there was any sign of a gun?

A. No. of them struggled?

Q You handcuffed them, that is you put the one set of handcuffs on both men, leaving them one arm free?,

A Yes.

Q Had they started away from their grigs before these revolvers were produced?

A. No they were standing right beside the grips. little from the other?

Q You were in uniform?

A. Yes. one was it?

Q When you came up with them did you have any conversation with them

A No: I asked them to put their grips down hold their hands up.



Q Did you get any answer that you understood?

A No. white man went after him, and brought him back.

Q Then you proceeded to arrest them?

A I did not have a chance to arrest them. This man started to make a move to put his hands in his pockets I was not going to take chances with him. He had a gun in his hands, it was because he had the gun in his hands that I took my baton and struck him.

Q Was the other man standing alongside drawing his revolver at the same time?

A Yes. is the first I have heard about it.

Q And he promptly threw it in the bushes?

A Yes.

Q But had he pointed the revolver at you?

A Yes. man did not talk English to you?

Q His idea was to get clear of the revolver: that was evidently his idea?

A Yes. money from either of those Chinamen?

Q And when you consider the fact that he got clear of the revolver which they attempted to point at you isn't it possible that the other man had the same idea as you had?

A It is quite possible. DIRECT EXAMINATION

Q Did they make any struggle with you at all when you attempted to handcuff them?

A Certainly. Castle Hotel;

Q Both of them struggled?

A Yes. Kicked and pushed with their heads, and tried to get away.

Q Before you put the handcuffs on them?

A Yes.

Had you any assistance in putting the handcuffs on them?

A I had. idence is quite correct.

Q Is it not a fact that one of them got away a little from the other?

A Yes sir.

Q Which one was it?

A Lee Sing.



Q He got away? that was said?

A The white man went after him, and brought him back.

Q I was looking for the three men, rest of the/accused.

Q Who did you leave in charge? Lee Sing and in recapturing him

A There were two other white men came.

Q Which of the white men was it that went through the Chinaman's
in pockets?

A I don't know?

Q You don't know anything about that?

A This is the first I have heard about it.

Q You don't know anything about a white man taking \$130 away from
these men.

A I did not hear anything about that.

Q These men did not talk English to you?

A No.

Q And none of the white men reported to you that they had taken
any money from either of these Chinamen?

A No.

PADDY RYAN, occupation? called as a witness being first sworn

A Laborer and Carpenter testified as follows?

-----DIRECT EXAMINATION

BY MR KENNEDY: lunch counter at the Imperial Hotel.

Q What is your address Mr. Ryan?

A The Barnard Castle Hotel.

Q What is your occupation?

A I am working for the B. C. Boiler Maker.

Q Did you hear the evidence of the last witness?

A Yes.

Q What have you got to say to that evidence?

A His evidence is quite correct.

-----CROSS EXAMINATION

BY MR RUSSEL.

Q Did you see anything that took place?

A Yes.



Q Hear anything that was said?

A I did not hear everything: There was very much said.

Q What part did you take in the arrest of the/accused.

A I took part in going after this Lee Sing and in recapturing him twice.

Q That is when Lee Sing got away you went after him, and brought him in?

A Yes.

Q Any person assist you in bringing him in?

A I brought him in by myself?

Q And while you were after Lee Sing, who was in charge of the

other accused?

A A man by the name of Carson, and a man who was running a lunch counter.

Q Friends of yours?

A Yes, one of them.

Q Which one?

A John Carson.

What is his occupation?

A Laborer and Carpenter.

Q And the other man?

A He runs a lunch counter at the Imperial Hotel.

Q How long were you with this third man, that is the man who runs the lunch counter?

A He had just come down when the official blew his whistle.

Q Had you met him previously?

A Yes, I had met him that evening. I was in his company that evening, and was on my way home.

Q Did you see this revolver?

A Yes.

Q Did you see the one that was thrown in the bushes?

A Yes I saw the one that was thrown in the bushes.

Q What do you mean by the bushes he threw it down on the sidewalk.

A For instance, looking at it this way, I think you will

I grabbed these two and he grabbed the other man.

A I DID.



Q Was it Lee Sing that you grabbed?

A Yes. and had the little fellow in my right hand and Lee Sing in my left hand.

Q Who first produced a revolver?

A Lee Sing.

Q And how many seconds after he produced his revolver was it that the other fellow produced his?

A I could not say that, because he was right close beside me, and as soon as he fled I knew the other fellow dropped his gun.

Q Both guns were produced about the same time?

A I couldn't identify Lee Sing's gun any more than the other.

Q They were produced about the same time?

A Yes sir.

Q And Lee Sing's gun was knocked out of his hand, and the other man dropped his about the same time?

A I believe that is so.

Q Did Lee Sing speak to the other man before he got hit with the baton?

A As soon as Lee Sing got hit he disappeared; he got away after he was hit.

Q Then did he speak to the other man?

A Yes.

Q You happen to know, of course, do you not, that that Act has

COL. C. E. WORSROP, called as a witness being first sworn testified as follows:-

and under that new Act you have not obtained any new charge in authority. You know, I presume that King Edward was King of Great Britain and Ireland in 1902?

Q Your official Position, Colonel?

A Surveyor of Customs.

Q Did you have occasion to examine the contents of exhibits C and D. I did, sir.

Q What did they contain, that is, what did the large tin box contain? And you failed to have that writ renewed, or a new one substituted when the new King took office?

A Certainly I did. For instance, looking at it this way, I think you will recognize the cut on it.

Q This quantity of opium you speak of here was seized, or located?

A I DID.



Q And that contained opium? the City of Vancouver, was it not?

A Prepared for smoking, instructed by the police that such was the

Q Have you in the exercise of your duty as officer of Customs

Q seized the opium in this case? on what the Police told you?

A I have, sir.

Q By virtue of your Writ of Assistance?, or information, these

A Yes, men, the accused, had this opium on Canadian soil, in the

Q That writ is merely your authority?

A Certainly.

MR KENNEDY: I want to put that in as an exhibit, their possession,

THE COURT: I suppose there is no objection to the Colonel

A taking it back again?

MR KENNEDY, Oh, no. I would like to say that when I opened these

Q Those were seized as being liable to Customs?. The outside

A Being liable to Customs and seizure as being smuggled into water,

MR Canada: You say this Opium was held for seizure, on account of

MR RUSSELL: This writ would appear to have been issued in Sept-

MR ember 1889. You need not suggest his answer, there is no necessity

A I believe so.

Q And it would also appear to be in pursuance of Chapter 32 on
Section 143 of the Revised Statutes of Canada?

A Yes, defiance of what?

Q You happen to know, of course, do you not, that that Act has
been repealed, and a new Customs Act has been substituted;

MR and under that new Act you have not obtained any new charge is
authority. You know, I presume that King Edward was King of

Q Great Britain and Ireland in 1906? Canada at all. We have simply a sus

A Yes, it is the suspicion of the Officer of Customs that they

Q And this was issued when our late and lamented Queen Victoria
was on the throne?

A Yes sir. explanation we have is what he says the Police told him. He

Q And you failed to have that writ renewed, or a new one substituted
when the new King took office?, and that evidence is that they fou

A Certainly I did.

Q This quantity of opium you speak of here was seized, or located
of Vancouver.



It rather, by the Police in the City of Vancouver, was it not?

A I believe so? I was instructed by the police that such was the case. in connection therewith, but there is no evidence that

Q You received your knowledge from what the Police told you?

A Correst. a matter within the language of the section, there

Q So that so far as your knowledge goes, or information, these Chinamen, the accused, had this opium on Canadian soil, in the City of Vancouver?

A Yes. Chinaman, the case would not come within Section 117,

Q Where it came from or how it came to be in their possession, are you have no personal knowledge? t evidence has not been produced

A No. I take it that the evidence is not strong enough to

MR C. E. WORSROP: I would like to say that when I opened these tins and looked inside, the cans were all wet. The outside tins were very much stained, and had evidently been under water.

MR KENNEDY: You say this Opium was held for seizure, on account of having been smuggled. t they were smuggled, I ask your Worship

MR RUSSELL: You need not suggest his answer, there is no necessity for it.

A I seized these goods and had reasonable grounds for suspicion that they were smuggled.

Q In defiance of what?

A In defiance of the Acts respecting Customs.

MR KENNEDY: Put these shells in as Exhibit "E"

MR RUSSELL: I move for a dismissal of the charge. The charge is laid under Section 117. We have no evidence in this case that the goods were smuggled into Canada at all. We have simply a suspicion, it is the suspicion of the Officer of Customs that they were so smuggled, and acting upon what he presumed was his authority, he complained and had these goods seized. The only information we have is what he says the Police told him. He did not claim that the Police told him anything more than the police have given in evidence, and that evidence is that they found these Chinamen in possession of the goods in the City of Vancouver.



It may have been that the goods were smuggled, but there is no evidence of that. It may be that the accused are guilty of some offence in connection therewith, but there is no evidence that they have been guilty of smuggling the goods. And so as to bring this matter within the language of the section, there is no evidence that the accused knew the goods were smuggled nor can it be even suggested that they were smuggled. Supposing that some other person smuggled these goods, and had sold them to these Chinamen, the case would not come within Section 117, because there has got to be the actual knowledge that they were actually smuggled goods; and that evidence has not been produced here. I take it that the evidence is not strong enough to sustain a suggestion that the goods are liable to seizure. Just because Col. Worsrop thought the goods were liable to seizure is no proof at all. It has to be proved that the goods were actually smuggled, and he had actually seized them with definite knowledge that they were smuggled, I ask your Worship for a dismissal of the case.

THE COURT. I think there is enough evidence to commit for trial. A Jury could find on the evidence there. I commit you both for trial at the next Court of Competent Jurisdiction.

I hereby certify the foregoing to be a true and accurate copy of the said proceedings.

(Sgd) (Harry Langley.

I hereby certify that the foregoing Statement of facts is a true and correct copy of the depositions taken before me at the hearing of the above case.

(Sgd). A. E. Bull.

Police Magistrate ~~and~~ ~~of~~ ~~His~~
in and for the City of Vancouver
in the Province of British Columbia.



1910

Vanouma Fall Assizes

Rex

v

Lee Sing & Lee Lewis

Crown Brief

Oct 11 1910

plea guilty on
indictment for having
dangerous weapons
they entered on charge
of having weapons with
them while in company
A 11/10/10



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