





INFORMATION AND COMPLAINT.

CANADA: )  
PROVINCE OF BRITISH COLUMBIA, )  
COUNTY OF KOOTENAY, )

THE information and complaint of William John Devitt of the City of Trail, taken this nineteenth day of February, in the year of Our Lord one thousand nine hundred and three, before the undersigned one of His Majesty's Police Magistrates in and for the said City of Trail, who saith that D.C.Ray, Chinaman, murdered Lee Sing, Chinaman, at the laundry or wash-house of one Wing Wo, situate on Boundary Street, Trail, on the seventeenth day of February, instant, in the year of Our Lord one thousand nine hundred and three.

SWORN before me the day and year first above mentioned, at Trail.

(Sgd.) Noble Binns,  
Police Magistrate.





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DEPOSITIONS OF WITNESSES.

William Thomas Hoyes, sworn, saith:-

Q. What is your name ?

A. William Thomas Hoyes.

Q. Your occupation ?

A. Physician and Surgeon.

Q. You reside in the City of Trail.

A. In the City of Trail.

Q. When did you first see the deceased ?

A. On the 17th.-about midday of the 17th.

Q. When did you first see him and what was he suffering from?

A. After death or before ?

Q. Before death ?

A. I don't know when I first saw him, but professionally I presume about two months, more or less- it may have been two weeks more, or perhaps two weeks less.

Q. What did you find him suffering from ?

A. Physical examination at that time revealed to me that it was tubercular in character-that is a physical examination of the lungs-in other words, consumption;the starting stages or incipient stages of consumption/

Q. Would this cause death in a reasonable time ?

A. Yes,within a reasonable time.

Q. At that time how long would you give him to live; that is your medical opinion ?

A. I think at that time perhaps five or six months/ It depends upon the climate and so on; it is hardly a fair question. Perhaps in a regular climate he may live a year or more.

Q. When did you next see him ?

A. About midday of the 17th.

Q. Where was he ?

A. Over in the wash-house; I don't know the name of the wash-house.

Q. In a Chinese laundry ?





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A/ Yes; in a room upstairs, off from the head of the stairs.

Q. On what street ?

A. I can't tell you what ?

Q. What is it commonly known ?

A. The Bowery, I believe. I don't know the names of the street in town.

Q. Did you examine the body of the deceased ?

A. Yes.

Q. What did you find ?

A. Well, I made a casual examination and my suspicions were aroused. The throat, the thyroid cartilage was pushed upwards and forward; in other words there was a stiffness underneath the chin which ordinarily don't exist in health-in fact is incompatible with health.

Q. A closer examination revealed what ?

A. A dislocation between the thyroid and the hyoid bone; the hyoid and thyroid membrane.

Q. Any further marks or abrasions ?

A. There were four/

Q. External in character ?

A. External in character-superficial, through the skin.

Q. What would you think they had been made by, Doctor ?

A. It could have been made by a Tooth-pick.

(Mr. Gillan objects to the question, and asks that it be stricken out.)

Mr. Devitt:- I only want the doctor's opinion.

Witness:- It could have been caused by the finger-nails, a tooth-pick, or anything.

Q. You also performed an autopsy ?

A/ I did.

Q. When was this, Doctor ?

A. That would be the 18th., I think-yes 18th., the following day.

Q. At the request of whom.





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A. Dr. Coulthard, Coroner.

Q. Where was the autopsy held ?

A. Over at the morgue, Mr. Binn's office.

Q. At the autopsy what did you find ?

A. Might not I read the report ?

Mr. Gillan:- No; you can refresh your memory from it only  
as it is.

Witness:- In the meantime, this is written.

Mr. Gillan:- I must object to having it read at all.

Mr. Devitt:- Doctor, we will have to depend upon your  
memory.

Witness:- Well, my memory is good.

Mr. Gillan:- I must ask that he have no notes before him  
at all.

Q.(by Mr. Devitt) What did you find on your autopsy of the  
body of the deceased ?

A. What particular part of the body ?

Q. What was the condition of the trachea ?

A. I can give it almost verbatim, if that's what you want.

Q. yes.

A. well the general condition, somewhat emaciated.

Q.(By Mr. Gillan) That is the trachea ?

A. No; the general condition of the body was somewhat emaciat-  
ed.

Q.(By Mr. Devitt) Would the emaciated condition lead you to  
believe that sufficient nutrition had not been administered  
to the deceased during the term of his illness ?

A. Well, the bowels and stomach were somewhat empty, if not  
almost. But if you want this autopsy now, let me give it to  
you.

Q. Yes.

A/ Eyes protruding. Pupils widely dilated. Mucrotum, bluish.  
In fact that's about all there is in the report on the  
autopsy-the general condition. Now take the throat: the  
thyroid cartilage pushed upwards and outwards. Displacement





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lateral; that is, from side to side. It moved a little easier than what it should perhaps. Left horn of the thyroid cartilage broken and fractured.

Q. Is that membrane?

A. Well, it is known as bone-it is the oss-hyoidus, "oss" being the latin for bone.

Q/ Would it take much force to fracture this ?

A. Yes; and behind the thyroid on both sides right and left there is ecchymosus; that is blood, congealed blood.

Q. More marked on which side ?

A. More marked on the left side than the right. The tongue on the left side, about an inch from the tip, marks of scars.

Q. Were they fresh scars or wounds ?

A. Apparently fresh. From the nature of them, in so far as they were bleeding, and from the nature of these wounds I infer that they were acrimonial. Brain slightly anaemic, otherwise normal apparently. Lungs nodular in character and dark; not diminished to any marked extent in size. A pus cavity in the apex of the right lung contained approximately a drachm of pus-a teaspoonfull. Left lung no pus cavities, and in better physical condition than the right, as evidenced by it not being so dark and the absence of pus, and so on.

Q. The heart?

A. Yes, I think that's about all I can report about the lungs at the present time any way. The apex of either lung were more rounded and scarcely as sharp as in health. The heart; right heart slightly enlarged and engorged with blood-left flabby. The abdomen: stomach contained, well from four to six ounces of fluid. Bowels somewhat empty. Kidneys normal. Liver normal. I mean by normal that they are as good as could be expected considering the physical condition or consumptive condition of his lungs; I don't mean absolutely normal. Appendix normal.

Q. Pancreas normal ?





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A. Pancreas normal. In other words, all the abdominal viscera normal.

Q. Did you examine the person of the deceased, Doctor? His clothing and personal affairs?

A. Yes.

Q. Any faecal matter?

A. His underclothing contained faecal matter, otherwise the underclothing clean. I told you about the four scars across here (indicating) and the character, did I not?

Q. You did not.

A. There were four transverse scars—~~transverse~~ parallel scars across about the lower portion of the thyroid, from a quarter to three-eighths of an inch—perhaps a little more than three-eighths—varying from an eighth to three quarters of an inch in length; right in the median line. One was to the right.

Q. Which one was to the right?

A. The lower one was to the right; the other across the median line of the neck.

Q. Describe the median line?

A. A line drawn from centre of chin down to the straight line of the neck.

Q. What color or shade was the scrotum, Doctor?

A. Sort of bluish black.

Q. Is that a symptom? What is it a symptom of, particularly in medicine?

A. Well, you may get it from strangulation, and you may get it otherwise.

Q. Anybody else present when you made this post mortem, Doctor?

A. Yes, Mr. Frank Isley; and I might say Clark; it's all here in his handwriting. I think that covers it pretty near all. I may have left some of it out.

Q. Did you know the deceased before he died?

A. Well, no; they all look alike to me.





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Q. But you identified the body of the deceased with that of the man you visited ?

A. O yes.

Q. The man you visited and the man you held the autopsy on was the same man ?

A. Yes.

Q. Were you ever called upon to visit him except on the occasion you speak of ?

A. Well, not to my knowledge-they all look alike-but to my knowledge I saw him but twice, once professionally and the other time he was dead.

Q. Twice in the capacity of a physician ?

A. I may have seen him at other times; I can't say for certain.

Q. Were you asked to attend him at the instance of the China-men, or his master, guardian ?

A. Well, I believe I attended him at your request, Mr. Devitt.

Q. That's all.

Cross examination.

(By MR. Gillan.)

Q. You are the Medical Health Officer here ?

A. Yes.

Q. And as such it is your duty to attend all sick in town that have no money, when you are called on ?

A. Yes.

Q. How long since you saw this man first professionally ?

A. Since I saw him first professionally ?

Q. Yes?

A. Well, it was the time I made the diagnosis of consumption, approximately two months. As I say I may have seen him before professionally, but not that I recollect.

Q. But I mean when you visited him ?

A. Two months approximately, more or less.

Q. Where was he then ?





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A. He was then at the same place he was at the time of his death. He was downstairs when I saw him; when he died he was up.

Q. What condition was he in when you visited him first ?

A. I made an examination of the lungs; he was in that condition that so convinced me at the time that he was on the downhill road in the direction of consumption.

Q. He had consumption pretty bad, didn't he ? The lungs were pretty well gone at that time, when you examined him first?

A. No; I detected consumption; that's as far as I can go.

Q. Was it very well developed at that time ?

A. No.

Q. It was not ?

A. No.

Q. You say that you approximated the time he would live at six months ?

A. Six months, more or less.

Q. But approximately, six months was the time he would live ?

A. Yes.

Q. Did you ever go to see him since that time ?

A. No.

Q. Was he well nourished at that time .

A. Well, I don't think he was missed very much at that time .

Q. What physical condition was he in apart from consumption ?

A. Pretty fair physical condition.

Q. Was he not ~~pm~~ considerably emaciated at that time ?

A. Not to any extent. Apart from the condition of his lungs at the time I made the diagnosis I might have passed him on the street and not noticed he was sick.

Q. Did you make any other examination than the lungs ?

A. No.

Q. YOU could'nt tell, then, whether or not, apart from that, that he was in a healthy condition at that time ?

A. how is that ?





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- Q. Apart from the lung trouble, you could'nt tell whether he was in a healthy condition at the time you examined him ?
- A. Well, there is just this about it: a man is guided and governed by symptoms in a way. It's not every day that a man complains of his chest.
- Q. Did you examine his scrotum and his bowels ?
- A. Not at that time.
- Q. Well, is it not necessary, when one is in that advanced stage of consumption, for a physician to visit him once in a while ?
- A. Which ?
- Q. Only about six months of life-isn't it necessary for the physician to see to him ?
- A. Not always necessary- it was'nt in this case.
- Q. It was'nt in this case ?
- A. No. There's this about it: I left it discretionary with the boys; if they wanted me I was most delighted to have gone.
- Q. Doctors always are in such cases ?
- A. Yes.
- Q. Now the next time you saw him was when you were called to perform the autopsy on his body.
- A. Yes.
- Q. When did you see him then ?
- A. It was midday about twelve o'clock, perhaps a little before twelve, on the seventeenth.
- Q. Where did you see him then ?
- A. Saw him in bed.
- Q. In the house where he died .
- A. I presume he died there.
- Q. How did you come to go in there that day ?
- A. On request of His Worship, the Mayor. I met Mr. Schofield going up the street, and he said In your capacity as health officer, take a run over there and disinfect that





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house." At that time I didn't know there was a dead Chinaman at all.

Q. Then you went and examined the premises ?

A. I went in and examined the premises.

Q. What position was the body in then ?

A. Extended straight, lying broad of his back; hands in this position (Indicating/).

Q. Hands folded ?

A. Well, about like that (indicating) above the stomach.

Q. Which way was he lying ?

A. On his back.

Q. But I mean otherwise; what direction ?

A. His head was in that direction, and his feet this way (indicating). The streets are not altogether north and south here .

Q. He was lying parallel with Bowery street ?

A. Yes.

Q. (BY Mr/ Devitt) Supposing this is the entrance--

Mr. Gillan (Interrupting) The doctor has answered the question now.

Q. Now you examined him somewhat carefully then, did you ?

A. Yes; casual examination; I convinced myself, at least I felt fully imbued with the idea , that there was something wrong.

Q. How long had he been dead at that time ?

A. I could'nt say.

Q. About how long.?

A. Well, there's a certain state of conditions existing at certain times after death---

Q. (Interrupting) Some five or six hours ?

A.(Continuing) Sometimes it is modified by climate and so on, Mr. Gillan, and the condition, the physical condition in which a man was, the nature and character of his death, and so on.





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Q. Well could you give any idea as to how long the man had been dead ?

A. Well I could approximate it, although at the same time you can't always come within six or eight or ten hours sometimes

Q. Can't you tell within four hours ?

A. Well so far as four hours, evidence like that would'nt be much good every way.

Q. You can tell within six or eight hours, can't you ?

A. No; not always. Not unless you are an eye witness.

Q. There's no approximating then, the length of time he might have been dead before you saw him ?

A. His chest was warm; his arms and legs were somewhat stiff.

Q. Then mortification had set in in the arms and legs ?

A. They were stiff.

Q. How long, approximately, does it take before that sets in ?

A. Sometimes it never does; as a usual thing it does, tho.

Q. As a usual thing it does ?

A. Yes, as a usual thing.

Q. It is a most unusual case when it does not set in ?

A. It occurs in every case except poisoning.

Q. In every case except poisoning ?

A. Yes; we can go further than that; it does in the case of poisoning sometimes.

Q. There are exceptional cases of poisoning where it does ?

A. Yes.

Q. Now you speak of those marks on the neck- how many marks were on the neck .

A. Four.

Q. You think they were divided by cutting of the skin ?

A. How do you mean ?

Q. I mean as to the centre line down the neck-which side were they on ?

A. Assuming this is the median line, we will say; from there down there (indicating).





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- Q. There were four across the median line ?
- A. Yes.
- Q. Which one was the shortest ?
- A. The lowest one was the shortest. They were all in the main across this way parallel(indicating).
- Q. They~~x~~ ran directly across the neck this way (indicating) instead of up and down ?
- A. Exactly.
- Q. What size were those marks ?
- A. From quarter of an inch to say three eighths or half an inch, from an eighth of an inch we will say to perhaps three eighths. I think that's exact measurements I have down in my report.
- Q. You speak now of the abrasions of the skin ?
- A. Yes.
- Q. What size were the bruises under- were there any bruises in the skin, under the scars ?
- A. The bruises-well, there is something I ~~forgot~~ to put in that report. Under the trychea there was something injected bloody in character.
- Q. What size were those bruises under the abrasions of the skin ?
- A. What part of the neck do you refer to ?
- Q. In the neck where the abr~~ssions~~ ran straight across-under those scars which ran across the neck in this way(indicating) ?
- A. The seat of fracture was higher up. Suppose they ran across that way (indicating) under those four scars; the mucous membrane under the trychea was injected-engorged with blood
- Q. By that you mean that the bottom part of this, of the windpipe-what is known as the Adam's Apple-was forced up?
- A. That's what I mean.
- Q. Into the upper portion of the neck ?
- A. Yes; you'r getting him lower~~d~~ down, the trouble was higher

un





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Q. What part of the thyroid had been forced into there?

A. It had all been forced upwards and outwards.

Q. What do you mean by outwards ?

A. This way (indicating).

Q. In other words the pressure had apparently been brought from behind it.?

A. No; the pressure came from in front of it/

Q. Would it naturally not shove it back instead of forward if you push hard ?

A. If you push there hard enough you would be fully convinced; you push upward; if you press hard enough it's got to come out.

Q. In other words upwards and outwards.?

A. Yes.

Q. Now a man lying in the position you state the body was in, supposing, following up your theory, a man came up to throttle him, would'nt the marks be up and down the neck instead of straight across it ?

A. You would'nt reach up.

Q. But a man the way you've last showed us there-it's the way youx would naturally do it, is it not? On one side or the other of the neck instead of across it ?

A. Yes.

Q. So then in a case of that kind the scars would'nt be straight across the neck, they would be up and down on it, would they not ?

A. I don't know exactly what you mean, Mr. Gillan.

Q. Suppose a man reaches to choke; we'll presume that's the neck (indicating) he naturally would catch him that way ?

A. Sure.

Q. Then the marks would be up and down instead of straight across ?

A. They would be one above the other.





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Q. Instead of across this way ?

A. Instead of across this way. In choking, the marks that way (indicating) would be up and down instead of straight across--is that what you mean ?

Q. No, no; but these marks or scars, as we understood it, they were all in a straight line across the neck somewhat like that (indicating) ?

A. They were parallel, transversely I say in the median line, that is across here (indicating) four of them--about here.

Q. O, I misunderstood you. That is one direct above the other ?

A. Yes.

Q. On which side of the neck ? On the left side of the neck ?

A. No; the lower one was a little to the left side, just perhaps a trifle to the left of the median line. I don't mean from here (indicating), but just say a quarter of an inch on to the left. The others extending across to the right side on the median line.

Q. They were on the median line ?

A. Yes, yes; the lower one perhaps a little to the left.

Q. Slightly on the left side of the neck ?

A. Yes.

Q. From the median line ?

A. Yes.

Q. So when standing <sup>by</sup> ~~from~~ the bed there, following out the present theory as I understand ~~xxxxxxx~~ it, he would only have his thumb left for the left side of the neck, wouldn't he ? His thumb was all that could be on the left side of the neck--his fingers would naturally clutch for the other <sup>side</sup> ~~side~~, would they not ?

A. Well, the thumb would be on the left side of the neck.

Q. How would these marks get on the median line ?

A. Well, that depends on the man's position. He might be left-handed, <sup>or he might be right handed.</sup> He might approach the body this way, and so





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You could strangulate a man without a thumb; at least the doer of the deed could have no thumb.

Q. How did you come to notice these marks first ?

A. Well, I simply asked of some of the boys-I don't know just who they were, I could'nt even spot them now assuming that they were all here-because I paid more attention to the disinfection of the room, giving it an extra dose so far as all the clothing was concerned. I walked in and I saw--

Q. (interrupting) You noticed those marks at once ?

A. Exactly.

Q. They were from an eighth of an inch to half or three-quarters of an inch ?

A. Well, somewhat in that neighborhood.

Q. Was there much discoloration about it ?

A. About the throat ?

Q. Around the larynx on the outside, below the left horn, this horn here that was fractured ?

A. The left horn was broken.

Q. Which one of the horns, the upper or the lower ?

A. The upper.

Q. Ordinarily there are not any lower ones ?

A? Ordinarily there are not, no.

Q. Then there is only one pair ?

A. Yes, right and left.

Q. This wind-pipe-we'll call it by that name)is cartilage, is it not ? It's not very strong ?

A. Well, it bears the name of bone.

Q. It bears the name of bone, but it's really not ossified like the other bones of the body ?

A. It would'nt be as hard as some of the bones of the body.

Q. In other words it would take very slight pressure to break it ?

A. I would'nt like it performed on me. I would imagine it was severe.





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Q. You would think it heavy pressure ?

A. I think good-sized pressure.

Q. Was this broken ?

A. It was broken /

Q. I don't refer to the horn now but ~~xx~~ the cartilage.

A. The horn that was broken was on the left side; this is the right.

Q. Otherwise the man was in normal condition such as you would expect a consumptive to be ?

A. Well, the scrotum didn't altogether look normal.

Q. What would you say produced the abnormal condition there ?

A. What produced it ?

Q. Yes; do you think strangulation would cause it ?

A. I don't give that as a sign of strangulation; it occurs frequently in ~~max~~ strangulation; it is by no means proof every way.

Q. Can you tell from viewing a corpse, from anything else, whether strangulation has occurred ?

A. Well it depends--

Q. (interrupting) Can you always tell a case of strangulation.

A. Well it depends on the case largely and the opportunity which I have.

Q. Is it always easy to tell a case of strangulation ?

A. It is not, unless you have a fracture of a thyroid body.

Q. Unless it is pushed up underneath the chin, or something like that, it is then infallible.

A. Yes.

Q. Strangulation could'nt take place in any other way ~~than~~ butshoving it up ?

A. Oh yes; shove it down.

Q. It must be either one way or the other.?

A. Well backwards. Three ways-any way but front ways.

Q. And the only way anyone can be strangled is by a fracture or shoving this thyroid around in some way.?





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- A. Well, you had better make it more plain-you can shut off the trachea, then you have strangulation.
- Q. Now in performing your autopsy, how was the man's flesh around the neck? What condition was it in?
- A. It was contused.
- Q. On which side of the median line was the most contused?
- A. On the left.
- Q. How many contusions there-one?
- A. Yes.
- Q. ONE?
- A. Yes.
- Q. How many on the right?
- A. One.
- Q. One on the right and one on the left?
- A. Yes.
- Q. On which side was it ~~more~~ more marked?
- A. More marked on the left than on the right.
- Q. In case of one using his whole hand then there would be more than one mark on the left side of the neck-or on the right side of the neck in case he used his left hand?
- A. I don't think so; that ~~don't~~ don't follow.
- Q. Speaking of the tongue, you said the tongue had been bitten
- A. I didn't say bitten. It was scarred an inch from the tip on the left side.
- Q. That you claim was done before death?
- A. I think so.
- Q. Was the tongue protruding from his mouth when you saw him?
- A. It was not.
- Q. How do you account for this scar on the tongue?
- A. Well, ordinarily scars would be inflicted on the tongue on the day of death.
- Q. What size was the scar.?
- A. Perhaps about that size (indicating). About half an inch or so.





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- Q. That extended lengthwise on the tongue, did it ?  
A? This way (indicating).  
Q. Upper or lower portion ?  
A. From the tip towards the bottom of the tongue.  
Q. On the side ?  
A. Well, yes.  
Q. As though ~~it~~ it had been cut that way ?  
A. It looked that way, I don't say ~~it~~ <sup>such</sup> is the case.  
Q. It looked more like dental contusion than anything else ?  
A. Yes; that's the idea; it looked that way.  
Q. What shape were those marks or contusions ?  
A. Which ones, now, Mr. Gillan ?  
Q. You speak of the contusions; you have already described the scars.  
A. You mean the condition of the tongue, or on the neck around the thyroid, do you mean ?  
Q. Yes.  
A. Well, it was most marked on the left side, behind the left horn of the thyroid.  
Q. Most marked behind on the left side ?  
A. Yes; and it covered quite an area, perhaps about an inch and a quarter or an inch and a half in diameter. Put it an inch and a quarter on the left side. On the right side it was not so marked.  
Q. There was not so much on the right as it was on the left ?  
A. No.  
Q. You've seen convulsions, have you ?  
A. Yes.  
Q. This man could'nt have died of convulsion ?  
A. You could hardly expect thyroid convulsion.  
Q. You think it would'nt have been done in any way by convulsion?  
A. No.  
Q. His marks on the tongue speak more strongly upon that, does it not ?





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A. No, I don't know as it does. You may have dozens of convulsions and not have--

Q. (Interrupting) They would leave no trace of them ?

A. No violence in any way.

Q. You might bite the tongue in convulsions ?

A. Possibly, yes.

Q. Now, in performing this autopsy, you say the thyroid was pushed upwards and outwards ?

A. Yes; that's one thing I might not have made clear in the report--it's a very good point--upwards and outwards, as you say.

Q. How long had that fracture taken place before death ?

A. Well it had taken place long enough to produce ecchymosis? There was blood around it.

Q. In other words it was broken before circulation had ceased, you can't tell how long ?

A. No; it would'nt be just for me to be too definite on that.

Q. That's all, Doctor.

Re-direct examination by Mr. Devitt.

Q. You are retained by fee, by the City of Trail, as Medical Health Officer ?

A. Yes.

Q. It was not your duty to visit him until instructed by the Board of Health ?

AQ No.

Q. Were there any discolorations, Doctor ?

A. Yes.

Q. External, I mean ?

A. No.

Q. There was no discoloration ?

A. I saw no discoloration--on the skin you mean ?

Q. Yes.

A. Now there's another thing/ In about the trychea--





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Q. (Interrupting) Was'nt there some mobility in the neck ?

X. Mr. Gillan objected as leading.

Witness:- That's not printed in my report. It's not in evidence.

A. You can take it this way (indicating) and get complete mobility. You can move it around from right to left, and left to right. Moreover, you can insert the finger through above the hyoid bone and make it go as far as your finger to the right.

Q. Could a fracture of the left hyoid bone be caused by falling out of bed ?

A. It would be very marvellous if it did.

Q. The chin would protect it ?

A. It would be awful hard to conceive of a man falling down and breaking the thyroid cartilage-that is, the left horn, off-- or the right, or any horn.

Q. What was the position in which you found the trachea, the whole Adam's Apple ?

A. It was in this position-sticking out about here (indicating) caused by pressure underneath. There was a transverse depression from below the thyroid in the neighborhood or adjacent to it.

Q. In your opinion, Doctor, could the deceased have inflicted this upon himself ?

A. No; he could not; that was impossible.

Q. That's all.





(20)

Frank Isley, sworn, saith:-

Question by Mr. Devitt: Your name for the Court ?

A. Frank Isley.

Q. You reside in the City of Trail ?

A? Yes, sir.

Q. What is your occupation ?

A. Clerk.

Q. Did you know the deceased ?

A. Well, I can't say that I did; I think I've seen him numerous times on the streets. It's very hard to distinguish them.

Q. Did you attend the post mortem ?

A. I did.

Q. That's the first time you saw him that you can remember distinctly ?

A. Positively, yes.

Q. What did you notice on the body of the deceased ?

A. In what way ?

Q. Did anything demand your attention, Externally, on the appearance of the deceased ?

A. Well, that's a very hard question for me to answer, not being a physician, but I noticed the scars on his neck.

Q. You noticed the scars on his neck ?

A. There were some scars, yes.

Q. What was the nature of the scars-across, transverse, or downwards ?

A. The way I would term it, it was downwards. I didn't notice that particular.

Q. You didn't notice that <sup>very</sup> particular ?

A. Not very particular.

Q. Were they up or down ?

A. I judge the distance something like that (indicating).

Q. Qs though he had been shaving ?

A. I suppose--





(21)

Mr. Gillan objected as leading.

Mr. Devitt:- I want to bring out how large the scars were.

Q. Were they large scars ?

A. As large say as an inch, about the size of a finger-nail.

Q. As large as a finger-nail ?

A. I should judge that from the distance I was, say four or five feet .

Q. Did you count them ?

A. No, I did'nt.

Q. Did you look at them very close at all ?

A. No, sir; not very close.

Q. Anything else about the deceased at the post mortem that claimed your attention, Mr. Isley ?

A. I can't say that there was .

Q. Did Dr. Hoyes call your attention to anything ?

Objected to by Mr. Gillan.

Q. Did you see anything ?

Mr. Gillan:- If this is not a professional man, he can't give evidence as to his internal condition.

Mr. Devitt:- Mr. Isley is quite competent--I'm not asking Mr. Isley for expert testimony.

Q. Did there appear to be a fracture of any bones ?

A. Yes, sir; there was.

Q. What bone was it, some bone in the neck ?

A. Well, I don't know the professional term for the bone, but the bone here on the neck (indicating), one side was broken off, say about an inch, or about three-quarters of an inch, broken off completely. It was hanging; the muscles were hanging.

Q. How large was the bone ?

A. It is hard to determine that. It's a small bone.

Q. Half an inch ?

A. No, no.

Q. Quarter of an inch ?





(22)

A. No, no; about the size of a pencil point, as near as I can tell; it's hard to know exactly.

Q. About quarter of an inch in diameter ?

A. No, hardly that large.

Q. Any black marks or discolorations in the neck ?

A. There was a great deal of clotted blood.

Q. That was internal, I suppose ?

A. Yes; inside .

Q. Did you notice his tongue ?

Mr. Gillan objects to all this as improper evidence, on the ground that the medical testimony was quite clear enough, and the Court upholds his objection.

Mr. Devitt excuses witness.

Lee Wing, Chinese Interpreter, sworn by breaking of saucer.

Joe, Chinaman, sworn, by breaking of saucer, says:-

Question by Mr. Devitt:- What is your name ?

A. Joe.

Q. Ask him where he lives.

A. In Trail.

Q. Who keeps the laundry where he lives ?

A. Wing Wo keeps the laundry.

Q. Where ? What street ?

A. In Trail.

Q. Ask him if he knows the deceased Sing, the man that died.

A. Yes, he know him.

Q. Where did Sing live ?

A. He live in the same house with Wing Wo.

Q. Was he working there ?

A. No; he not work.





(23)

Q. Why was'nt he working ?

A. He could'nt get any place to work.

Q. Was he strong ?

A. He not very strong.

Q. What was the matter with him ?

A. He was sick.

Q. How long was he sick ?

A. Quite a few months, long time.

Q. When did he goto bed with sickness-when Sing went to bed ?

A. He say he don't know/

Q. Ask him if he can venture an opinion how longg he thinks it was ?

A. He could'nt tell; could'nt say.

Q. Did he ever see him in bed ?

A. No he did'nt; he work most of the time .

Q. When does he work ?

A. Works at Mrs. Gibb's.

Q. When does he work ?

A? He go to work four o'clock in the morning.

Q. What time does he come off work?

A. Between eight o'clock in the evening .

Q. Where does he sleep ?

A. He sleeps in Wing Wo's.

Q. (Producing plan of rooms) Where is his room, supposing this to be the street and this the entrance; this the stairs leading up here/ Where would his room be ?

A. He in front room up stairs.

Q. How many doors from Sing's room was that ?

A. Two doors in one room.

Q. Well, here's one door, here's the other door (indicating), where is Sing's room ?

A. This Sing's room (indicating).

Q. Then there were two doors from his room. Sing's room was on what side of the house ?





(24)

A. On the left when you go up.

Q. It was opposite from him ?

A? No: on the same side, Joe's room and Sing.

Q. Sing's room would be opposite and Joe's two doors down ?

A. Yes.

Q. Did he keep his door locked-Sing's door locked-was Sing's door locked ?

A. Well, he could'nt say he locked. He closed up the door, so he could'nt see the lock.

Q. He did'nt see Sing asleep in bed ?

A. No: he did'nt see him.

Q. What's his habits-does he go to bed very early ?

A. Well, he just come out, have about half hour rest, then half past eight goes to bed.

Q. Always do this ?

A. Yes.

Q. Where was he on the night of the sixteenth-Monday night ?

A. He just come out half hour later. Came out of Bo Wing Ching's about half past eight.

Q. He stayed half an hour ?

A. He said half past eight.

Q. Where did he go ?

A. To bed, he say.

Q. Did he notice anything unusual in the house that night ?

A. He say he did'nt know anything. He say between about twelve o'clock that night ~~he~~ woke him up and wanted to get his stove and put in Sing's room.

Q. They borrowed stove from him-Sing did'nt have stove ?

A. No.

Q. Although he was sick ?

A. He did'nt have stove.

Q. But this man did ?

A. This man did.

Q. Who borrowed the stove?





(25)

A. Wo and Ray.

Q. The two defendants came and borrowed the stove and took it away?

A. Yes.

Q. What did they do with the stove ?

A. Sing said it was cold .

Q. Ray and Wo borrowed the stove from him-Joe. What called their attention to the fact that--how did they know-did they sit up to---

Mr. Gillan (Interrupting) Well, I object-that's entirely out of the way.

Mr. Devitt:-to Interpreter:Ask the witness why they came up there and what they said. Give the conversation; what did they say when they came into the room ?

A. That's all he know-just two of the boys borrowed stove from him. He said it was very cold.

Q. Did he object to it ?

A. He did'nt object. He say he was sleepy and tired.

Q. Did he hear any more noise that night ?

A. No.

Q. Does he still stop there at this man's house ?

A. Yes, he stay there yet, but he was to move out last night. He could not ~~say~~<sup>stay</sup>. He go back tonight, he say. There's sulphur; he could not stay.

Q. Does he want to go back there ?

Mr. Gillan objects.

Q. Did he ever hear any more noise in this room ?

A. He says no, he did not hear anything at all.

Q. Just knew about the stove ?

A. That's all.

Q. Did he ever see Sing afterwards?

A. No/ he did not see Sing afterwards.

Q. Never went into his room ?





(26)

A. No.

Q. Is he related to Sing-a cousin?

A. No; just friend; just knowed him.

Q. Did he ever say to any person that he was afraid of his life in that house ?

Mr. Gillan objects.

Q. Ask him if he was ever threatened ?

A. He say no.

Q. Who else stays in this house ?

A. He said two men up stairs sleep there.

Q. Who are they ?

A. Tom, he say people call him Tom.

Q. Who was the other one ?

A. Him.

Q. Himself-just the two sleep up stairs ?

A. Yes.

Q. Ask him where the rest of the boys sleep ?

A. Downstairs.

Q. Where does Ray sleep ?

A. Downstairs.

Q. Just he and Tom sleep upstairs ?

A. Yes.

Q. How many are staying in the house altogether ?

A. He says he could not say how many in the house; he's working; could not say how many.

Q. How many did he ordinarily see there ?

A. He say about four or five down stairs and two up stairs.

Q. Two Up stairs-that would be seven would it ?

A? Four or five he could not say how many.

Q. He just guessed at four or five--there's these two men here (pointing to prisoners), and who else?

A. Tom and Joe.

Q. Tom and Joe, and who else ?

A. Pon and Hung Wong .





(27)

Q. Hung Won, and who else ?

A. One fellow named Ling Gay.

Q. Who else ?

A. That's all.

Q. Ask him whose duty it is to look after Sing when he is sick

A. He said the most time Wo attend to him-look after him.

Q. Wo, and who else ?

A. Ray, old man.

Q. These two men, the prisoners ?

A. Yes.

Q. They attended him constantly ?

A. Yes.

Q. How does he know that ?

A. He just see them bring him something up there. He just come, they bring him tea to drink.

Q. He never saw him in bed ?

A. No.

Q. Just saw them upstairs sometime when he came back at night ? How many times did he see them do this ?

A. He could not say how many-three or four times.

Q. How long was he in the house ?

A. Long time.

Q. Five or six months ?

A. He just move in about two months, nearly two months.

Q. That's all.

Witness excused by Mr. Gillan.





(28)

Hung Won, sworn, saith:-

Question by Mr. Devitt: He's a partner of Wo, with the prison-  
Wo ?

A. Yes.

Q. In the laundry business in Trail ?

A. Yes.

Q. And he lives on the Bowery-he lives in the laundry, does he ?

A. Yes/

Ask him if he knows the man who died-Sing ?

A. He does not.

Q. Ask him if he ever saw him ?

A. Yes; he see Sing downstairs at time you and doctor went  
down there.

Q. He see Sing downstairs when I and the doctor went there ?

A. Yes.

Q. Ask him if he knows him-tell him what that means, to know a  
man, to have an acquaintance with him; you know what that is  
Ask him if he knows Sing.

A. Yes, he know Sing.

Q. He knows Sing-he lives in the laundry ?

A. Yes; he lives in the laundry.

Q. And was Sing there ?

A. Yes.

Q. Was he strong ?

A. He said he just been sick and weak long time.

Q. And he just saw him when I was in there witht the doctor ?

A. That's what he told me.

Q. Did he never see him again ?

A? No, he did not. He was busy working, never saw him after-  
wards.

Q. He lives there-this man lives there ?

A. Yes.

Q. He's a partner of Wo ?

A. Yes.





(29)

Q. And Sing, where does he stop ?

A. Living upstairs; sleeping downstairs.

Q. How does he know he was sick ?

A. Well, he came down stairs that time .

Q. How does he know he was sick ?

A. He said he just come down; he look sick and weak and sat down; and he had consumption; he saw some blood.

Q. Where was the blood ? Ask the witness.

A. He saw him downstairs, saw the blood <sup>down</sup> ~~up~~ stairs.

Q. When he came down that day ?

A. Yes.

Q. He had a hemorrhage that day ? Where was the blood-ask him where it was ?

A. Down to the laundry.

Q. Well was it on the floor or on his person ?

Mr. Gillan objects to all this evidence as not concerning the case and says he will not submit to any cross-examination. Mr. Dewitt says says it is not cross-examination.

Q. Ask the witness if he saw Sing after that time ?

A. No, he did not.

Q. Ask him if he knew he died?

A. He say he did not know he died; he was working.

Q. He did'nt know he died ? I don't mean immediately, but did 'nt he appear at the funeral ?

A. He went to the funeral.

Q. Well then, he knew he died. Ask him if he hired Sing, why he stayed there ?

A. Did not hire him.

Q. Did'nt he send to China for him ?

A. Well, he say when he brought Laundry Sing was there before he ~~brought~~ bought the laundry---

Q. (Interrupting) Did he buy Sing ?

A. (Continuing) From the other boy.

Q. He bought the laundry from the other boys ?





(30)

A. Yes.

Q. What did he pay for the laundry ?

A. Hundred dollars.

Q. Did he buy Sing ?

A. No; he bought laundry from other boy; Sing stayed there.

Q. What did he pay, whatx did Sing pay for his board ?

A. Sing board himself.

Q. Was he working ?

A. Well he did'nt know he was working while he knew him.

Q. He knew him for how long ?

A. He say about between nine or ten months, time he bought the laundry.

Q. He bought the laundry nine or ten months ago ?

A. About nine or ten months ago.

Q. And Sing was there then ?

A. Yes; that's what he said.

Q. He did'nt know Sing was dead ?

A. He said he know Sing was dead when there was a funeral, not in the meantime.

Q. Did the doctor ever attend him while he was sick ?

A. He said just only once, when you went down there.

Q. He was a friend of Sing's ?

A. Yes; he was a friend.

Q. You saw the blood and never got a doctor ?

A. Well, the doctor come that time.

Q. How long was it since that ? Ask him how long.

A. He say he could notsay how long. He just know he was there.

Q. How much he pay to keep him-how much he expend in medicine, he owns the laundry and had to buy grub-how much cost him t to keep Sing ?

A. He said he did'nt know-he buy his own food.

Q. Sing bought his own food ?

A. Yes.

Q. Who did he buy it from, does he know ?





(31)

A. He did'nt ask him-did'nt know nothing about it . I know he got some rice---

Q. (Interrupting) Did the witness say that ?

A. (Continuing) At the time of the funeral I saw the rice upstairs myself.

Q. That will do.

No cross-examination.

Tom Wing, sworn, saith:-

Question by Mr Devitt: Your name ?

A. Lee.

Q. Lee what ?

A. (Wit) Tom Wing.

Q. Where do you live ?

A. (Wit) Live in laundry.

Q. (Int) With Bo Wing Chung.

Q. Ask him if he knows Sing ?

A. (Wit) No I did not know him.

Q. Ask him if he has ever seen him ?

A. (Int) No; he never saw him.

Q. I refer to the dead man.

A. (Int) Well, him and I come down from Rossland.

Q. This man is a stranger in Trail ?

A. Not stopping here.

Q. That's all.

No cross-examination.

No Statement of Accused.





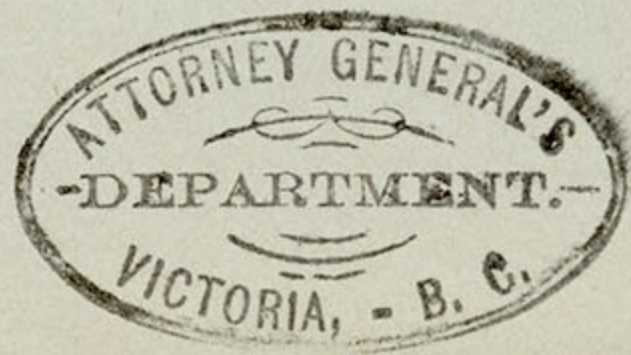
1903.

Nelson Spring Resizes.

18  
/ 03

Rex v. D. C. Ray (Chinaman)  
and Wing Wo (Chinaman)  
Murder.

Copy of Depositions.







IN THE COURT OF OYER AND TERMINER AND GENERAL GAOL DELIVERY.

|                               |   |                            |
|-------------------------------|---|----------------------------|
| CANADA,                       | ) |                            |
| Province of British Columbia, | ) | The jurors for our         |
| County of Kootenay,           | ) |                            |
| City of Nelson.               | ) | Lord the King present that |

Wing Wo and D. C. Ray, at the

at the City of Trail, in the County of Kootenay in the Province of British Columbia, on or about the seventeenth day of February in the year of our Lord one thousand nine hundred and three, one Lee Sing unlawfully did kill and murder, against the peace of our said Lord the King, his Crown and dignity:

I hereby direct that the counsel for the Crown at the Nelson spring assizes, 1903, prefer this bill of Indictment to the Grand Jury.

Attorney-General.





INFORMATION AND COMPLAINT.

CANADA:  
PROVINCE OF BRITISH COLUMBIA, }  
COUNTY OF KOOTENAY, }

THE information and complaint of William John Devitt of the City of Trail, taken this nineteenth day of February, in the year of Our Lord one thousand nine hundred and three, before the undersigned one of His Majesty's Police Magistrates in and for the said City of Trail, who saith that D.C.Ray, Chinaman, murdered Lee Sing, Chinaman, at the laundry or wash-house of one Wing Wo, situate on Boundary Street, Trail, on the seventeenth day of February, instant, in the year of Our Lord one thousand nine hundred and three.

SWORN before me the day and year first above mentioned, at Trail.

(Sgd.) Noble Binns,  
Police Magistrate.





INFORMATION AND COMPLAINT.

CANADA:  
PROVINCE OF BRITISH COLUMBIA, }  
COUNTY OF KOOTENAY. }

THE information and complaint of William John Devitt of the City of Trail, taken this nineteenth day of February, in the year of Our Lord, one thousand nine hundred and three, before the undersigned one of His Majesty's Police Magistrates in and for the said City of Trail, who saith that Wing Wo, Chinaman, did murder Lee Sing, Chinaman, at the laundry occupied by the said Wing Wo on Bowery Street in the City of Trail, on the seventeenth day of February, in the year of Our Lord one thousand nine hundred and three.

SWORN before me the day and year first above mentioned, at Trail, B.C.

(Sgd.) Noble Binns,  
Police Magistrate.



DEPOSITIONS OF WITNESSES.

William Thomas Hoyes, sworn, saith:-

Q. What is your name ?

A. William Thomas Hoyes.

Q. Your occupation ?

A. Physician and Surgeon.

Q. You reside in the City of Trail.

A. In the City of Trail.

Q. When~~x~~ did you first see the deceased ?

A. On the 17th.-about midday of the 17th.

Q. When did you first see him and what was he suffering from?

A. After death or before ?

Q. Before death ?

A. I don't know when I first saw him, but professionally I presume about two months, more or less- it may have been two weeks more, or perhaps two weeks less.

Q. What did you find him suffering from ?

A. Physical examination at that time revealed to me that it was tubercular in character-that is a physical examination of the lungs-in other words, consumption;the starting stages or incipient stages of consumption/

Q. Would~~d~~ this cause death in a reasonable time ?

A. Yes,within a reasonable time.

Q. At that time how long would you give him to live; that is your medical opinion ?

A. I think at that time perhaps five or six months/ It depends upon the climate and so on; it is hardly a fair question. Perhaps in a regular climate he may live a year or more.

Q. When did you next see him ?

A. About midday of the 17th.

Q. Where was he ?

A. Over in the wash-house; I don't know the name of the wash-house.

Q. In a Chinese laundry ?





(2)

- A/ Yes; in a room upstairs, off from the head of the stairs.
- Q. On what street ?
- A. I can't tell you what ?
- Q. What is it commonly known ?
- A. The Bowery, I believe. I don't know the names of the street in town.
- Q. Did you examine the body of the deceased ?
- A. Yes.
- Q. What did you find ?
- A. Well, I made a casual examination and my suspicions were aroused. The throat, the thyroid cartilage was pushed upwards and forward; in other words there was a stiffness underneath the chin which ordinarily don 't exist in health- in fact is incompatible with health.
- Q. A closer examination revealed what ?
- A. A dislocation between the thyroid and the hyoid bone; the hyoid and thyroid membrane.
- Q. Any further marks or abrasions ?
- A. There were four/
- Q. External in character ?
- A. External in character-superficial, through the skin.
- Q. What would you think they had been made by, Doctor ?
- A. It could have been made by a Tooth-pick.
- (Mr. Gillan objects to the question, and asks that it be stricken out.)
- Mr. Devitt:- I only want the doctor's opinion.
- Witness:- It could have been caused by the finger-nails, a tooth-pick, or anything.
- Q. You also performed an autopsy ?
- A/ I did.
- Q. When was this, Doctor ?
- A. That would be the 18th., I think-yes 18th., the following day.
- Q. At the request of whom.





(3)

A. Dr. Coulthard, Coroner.

Q. Where was the autopsy held ?

A. Over at the morgue, Mr. Binn's office.

Q. At the autopsy what did you find ?

A. Might not I read the report ?

Mr. Gillan:- No; you can refresh your memory from it only  
as it is.

Witness:- In the meantime, this is written.

Mr. Gillan:- I must object to having it read at all.

Mr. Devitt:- Doctor, we will have to depend upon your  
memory.

Witness:- Well, my memory is good.

Mr. Gillan:- I must ask that he have no notes before him  
at all.

Q.(by Mr. Devitt) What did you find on your autopsy of the  
body of the deceased ?

A. What particular part of the body ?

Q. What was the condition of the trachea ?

A. I can give it almost verbatim, if that's what you want.

Q. yes.

A. well the general condition, somewhat emaciated.

Q.(By Mr. Gillan) That is the trachea ?

A. No; the general condition of the body was somewhat emaciated.

Q.(By Mr. Devitt) Would the emaciated condition lead you to  
believe that sufficient nutrition had not been administered  
to the deceased during the term of his illness ?

A. Well, the bowels and stomach were somewhat empty, if not  
almost. But if you want this autopsy now, let me give it to  
you.

Q. Yes.

A/ Eyes protruding. Pupils widely dilated. Scrotum, bluish.  
In fact that's about all there is in the report on the  
autopsy-the general condition. Now take the throat: the  
thyroid cartilage pushed upwards and outwards. Displacement





(4)

lateral; that is, from side to side. It moved a little easier than what it should perhaps. Left horn of the thyroid cartilage broken and fractured.

Q. Is that membrane?

A. Well, it is known as bone-it is the oss-hyoidus, "oss" being the latin for bone.

Q/ Would it take much force to fracture this ?

A. Yes; and behind the thyroid on both sides right and left there is ecchymosus; that is blood, congealed blood.

Q. More marked on which side ?

A. More marked on the left side than the right. The tongue on the left side, about an inch from the tip, marks of scars.

Q. Were they fresh scars or wounds ?

A. Apparently fresh. From the nature of them, in so far as they were bleeding, and from the nature of these wounds I infer that they were acrimonial. Brain slightly anaemic, otherwise normal apparently. Lungs nodular in character and dark; not diminished to any marked extent in size. A pus cavity in the apex of the right lung contained approximately a drachm of pus-a teaspoonfull. Left lung no pus cavities, and in better physical condition than the right, as evidenced by it not being so dark and the absence of pus, and so on.

Q. The heart?

A. Yes, I think that's about all I can report about the lungs at the present time any way. The apex of either lung were more rounded and scarcely as sharp as in health. The heart; right heart slightly enlarged and engorged with blood-left flabby. The abdomen: stomach contained, well from four to six ounces of fluid. Bowels somewhat empty. Kidneys normal. Liver normal. I mean by normal that they are as good as could be expected considering the physical condition or consumptive condition of his lungs; I don't mean absolutely normal. Appendix normal.

Q. Pancreas normal ?





(5)

A. Pancreas normal. In other words, all the abdominal viscera normal.

Q. Did you examine the person of the deceased, Doctor? His clothing and personal affairs?

A. Yes.

Q. Any faecal matter?

A. His underclothing contained faecal matter, otherwise the underclothing clean. I told you about the four scars across here (indicating) and the character, did I not?

Q. You did not.

A. There were four transverse scars-~~transverse~~ parallel scars across about the lower portion of the thyroid, from a quarter to three-eighths of an inch-perhaps a little more than three-eighths-varying from an eighth to three quarters of an inch in length; right in the median line. One was to the right.

Q. Which one was to the right?

A. The lower one was to the right; the other across the median line of the neck.

Q. Describe the median line?

A. A line drawn from centre of chin down to the straight line of the neck.

Q. What color or shade was the scrotum, Doctor?

A. Sort of bluish black.

Q. Is that a symptom? What is it a symptom of, particularly in medicine?

A. Well, you may get it from strangulation, and you may get it otherwise.

Q. Anybody else present when you made this post mortem, Doctor?

A. Yes, Mr. Frank Isley; and I might say Clark; it's all here in his handwriting. I think that covers it pretty near all. I may have left some of it out.

Q. Did you know the deceased before he died?

A. Well, no; they all look alike to me.





(6)

Q. But you identified the body of the deceased with that of the man you visited ?

A. O yes.

Q. The man you visited and the man you held the autopsy on was the same man ?

A. Yes.

Q. Were you ever called upon to visit him except on the occasion you speak of ?

A. Well, not to my knowledge-they all look alike-but to my knowledge I saw him but twice, once professionally and the other time he was dead.

Q. Twice in the capacity of a physician ?

A. I may have seen him at other times; I can't say for certain

Q. Were you asked to attend him at the instance of the China-men, or his master, guardian ?

A. Well, I believe I attended him at your request, Mr. Devitt.

Q. That's all.

Cross examination.

(By MR. Gillan.)

Q. You are the Medical Health Officer here ?

A. Yes.

Q. And as such it is your duty to attend all sick in town that have no money, when you are called on ?

A. Yes.

Q. How long since you saw this man first professionally ?

A. Since I saw him first professionally ?

Q. Yes?

A. Well, it was the time I made the diagnosis of consumption, approximately two months. As I say I may have seen him before professionally, but not that I recollect.

Q. But I mean when you visited him ?

A. Two months approximately, more or less.

Q. Where was he then ?





(7)

- A. He was then at the same place he was at the time of his death. He was downstairs when I saw him; when he died he was up.
- Q. What condition was he in when you visited him first ?
- A. I made an examination of the lungs; he was in that condition that so convinced me at the time that he was on the downhill road in the direction of consumption.
- Q. He had consumption pretty bad, didn't he ? The lungs were pretty well gone at that time, when you examined him first?
- A. No; I detected consumption; that's as far as I can go.
- Q. Was it very well developed at that time ?
- A. No.
- Q. It was not ?
- A. No.
- Q. You say that you approximated the time he would live at six months ?
- A. Six months, more or less.
- Q. But approximately, six months was the time he would live ?
- A. Yes.
- Q. Did you ever go to see him since that time ?
- A. No.
- Q. Was he well nourished at that time .
- A. Well, I don't think he was missed very much at that time .
- Q. What physical condition was he in apart from consumption ?
- A. Pretty fair physical condition.
- Q. Was he not ~~pk~~ considerably emaciated at that time ?
- A. Not to any extent. Apart from the condition of his lungs at the time I made the diagnosis I might have passed him on the street and not noticed he was sick.
- Q. Did you make any other examination than the lungs ?
- A. No.
- Q. YOU could'nt tell, then, whether or not, apart from that, that he was in a healthy condition at that time ?
- A. how is that ?





(8)

- Q. Apart from the lung trouble, you could'nt tell whether he was in a healthy condition at the time you examined him ?
- A. Well, there is just this about it: a man is guided and governed by symptoms in a way. It's not every day that a man complains of his chest.
- Q. Did you examine his scrotum and his bowels ?
- A. Not at that time.
- Q. Well, is it not necessary, when one is in that advanced stage of consumption, for a physician to visit him once in a while ?
- A. Which ?
- Q. Only about six months of life-isn't it necessary for the physician to see to him ?
- A. Not always necessary- it was'nt in this case.
- Q. It was'nt in this case ?
- A. No. There's this about it: I left it discretionary with the boys; if they wanted me I was most delighted to have gone.
- Q. Doctors always are in such cases ?
- A. Yes.
- Q. Now the next time you saw him was when you were called to perform the autopsy on his body.
- A. Yes.
- Q. When did you see him then ?
- A. It was midday about twelve o'clock, perhaps a little before twelve, on the seventeenth.
- Q. Where did you see him then ?
- A. Saw him in bed.
- Q. In the house where he died .
- A. I presume he died there.
- Q. How did you come to go in there that day ?
- A. On request of His Worship, the Mayor. I met Mr. Schofield going up the street, and he said "In your capacity as health officer, take a run over there and disinfect that





(9)

house." At that time I didn't know there was a dead Chinaman at all.

Q. Then you went and examined the premises ?

A. I went in and examined the premises.

Q. What position was the body in then ?

A. Extended straight, lying broad of his back; hands in this position (Indicating/).

Q. Hands folded ?

A. Well, about like that (indicating) above the stomach.

Q. Which way was he lying ?

A. On his back.

Q. But I mean otherwise; what direction ?

A. His head was in that direction, and his feet this way (indicating). The streets are not altogether north and south here .

Q. He was lying parallel with Bowery street ?

A. Yes.

Q. (BY Mr/ Devitt) Supposing this is the entrance--

Mr. Gillan (Interrupting) The doctor has answered the question now.

Q. Now you examined him somewhat carefully then, did you ?

A. Yes; casual examination; I convinced myself, at least I felt fully imbued with the idea , that there was something wrong.

Q. How long had he been dead at that time ?

A. I could'nt say.

Q. About how long.?

A. Well, there's a certain state of conditions existing at certain times after death---

Q. (Interrupting) Some five or six hours ?

A.(Continuing) Sometimes it is modified by climate and so on, Mr. Gillan, and the condition, the physical condition in which a man was, the nature and character of his death, and so on.





(10)

Q. Well could you give any idea as to how long the man had been dead ?

A. Well I could approximate it, although at the same time you can't always come within six or eight or ten hours sometimes

Q. Can't you tell within four hours ?

A. Well so far as four hours, evidence like that would'nt be much good every way.

Q. You can tell within six or eight hours, can't you ?

A. No; not always. Not unless you are an eye witness.

Q. There's no approximating then, the length of time he might have been dead before you saw him ?

A. His chest was warm; his arms and legs were somewhat stiff.

Q. Then mortification had set in in the arms and legs ?

A. They were stiff.

Q. How long, approximately, does it take before that sets in ?

A. Sometimes it never does; as a usual thing it does, tho.

Q. As a usual thing it does ?

A. Yes, as a usual thing.

Q. It is a most unusual case when it does not set in ?

A. It occurs in every case except poisoning.

Q. In every case except poisoning ?

A. Yes; we can go further than that; it does in the case of poisoning sometimes.

Q. There are exceptional cases of poisoning where it does ?

A. Yes.

Q. Now you speak of those marks on the neck- how many marks were on the neck .

A. Four.

Q. You think they were divided by cutting of the skin ?

A. How do you mean ?

Q. I mean as to the centre line down the neck-which side were they on ?

A. Assuming this is the median line, we will say; from there down there (indicating).





(11)

Q. There were four across the median line ?

A. Yes.

Q. Which one was the shortest ?

A. The lowest one was the shortest. They were all in the main across this way parallel(indicating).

Q. Theyx ran directly across the neck this way (indicating) instead of up and down ?

A. Exactly.

Q. What size were those marks ?

A. From quarter of an inch to say three eighths or half an inch, from an eighth of an inch we will say to perhaps three eighths. I think that's exact measurements I have down in my report.

Q. You speak now of the abrasions of the skin ?

A. Yes.

Q. What size were the bruises under- were there any bruises in the skin, under the scars ?

A. The bruises-well, there is something I forgot to put in that report. Under the trychea there was something injected bloody in character.

Q. What size were those bruises under the abrasions of the skin ?

A. What part of the neck do you refer to ?

Q. In the neck where the abrassions ran straight across-under those scars which ran across the neck in this way(indicating) ?

A. The seat of fracture was higher up. Suppose they ran across that way (indicating) under those four scars; the mucous membrane under the trychea was injected-engorged with blood

Q. By that you mean that the bottom part of this, of the windpipe-what is known as the Adam's Apple-was forced up?

A. That's what I mean.

Q. Into the upper portion of the neck ?

A. Yes; you'r getting him lowed down, the trouble was higher up.





(12)

Q. What part of the thyroid had been forced into there?

A. It had all been forced upwards and outwards.

Q. What do you mean by outwards ?

A. This way (indicating).

Q. In other words the pressure had apparently been brought ~~from~~ from behind it.?

A. No; the pressure came from in front of it/

Q. Would it naturally not shove it back instead of forward if you push hard ?

A. If you push there hard enough you would be fully convinced; you push upward; if you press hard enough it's got to come out.

Q. In other words upwards and outwards.?

A. Yes.

Q. Now a man lying in the position you state the body was in, supposing, following up your theory, a man came up to throttle him, would'nt the marks be up and down the neck instead of straight across it ?

A. You would'nt reach up.

Q. But a man the way you've last showed us there-it's the way youx would naturally do it, is it not? On one side or the other of the neck instead of across it ?

A. Yes.

Q. So then in a case of that kind the scars would'nt be straight across the neck, they would be up and down on it, would they not ?

A. I don't know exactly what you mean, Mr. Gillan.

Q. Suppose a man reaches to choke; we'll presume that's the neck (indicating) he naturally would catch him that way ?

A. Sure.

Q. Then the marks would be up and down instead of straight across ?

A. They would be one above the other.





(13)

Q. Instead of across this way ?

A. Instead of across this way. In choking, the marks that way(indicating) would be up and down instead of straight across--is that what you mean ?

Q. No, no; but these marks or scars, as we understood it, they were all in a straight line across the neck somewhat like that (indicating) ?

A. They were parallel, transversley I say in the median line, that is across here (indicating) four of them-about here.

Q. O, I misunderstood you. That is one direct above the other ?

A. Yes.

Q. On which side of the neck ? On the left side of the neck ?

A. No; the lower one was a little to the left side, just perhaps a trifle to the left of the median line. I don't mean from here (indicating), but just say a quarter of an inch on to the left. The others extending across to the right side on the median line.

Q. They were on the median line ?

A. Yes, yes; the lower one perhaps a little to the left.

Q. Slightly on the left side of the neck ?

A. Yes.

Q. From the median line ?

A. Yes.

Q. So when standing <sup>by</sup> ~~from~~ the bed there, following out the present theory as I understand ~~xxxxxxx~~ it, he would only have his thumb left for the left side of the neck, would'nt he ? His thumb was all that could be on the left side of the neck- his fingers would naturally clutch for the other <sup>side</sup> ~~side~~, would they not ?

A. Well, the thumb would be on the left side of the neck.

Q. How would these marks get on the median line ?

A. Well, that depends on the man's position. He might be left-handed, <sup>or he might be right handed.</sup> He might approach the body this way, and so





(14)

You could strangulate a man without a thumb; at least the doer of the deed could have no thumb.

Q. How did you come to notice these marks first ?

A. Well, I simply asked of some of the boys-I don't know just who they were, I could'nt even spot them now assuming that they were all here-because I paid more attention to the disinfection of the room, giving it an extra dose so far as all the clothing was concerned. I walked in and I saw--

Q. (interrupting) You noticed those marks at once ?

A. Exactly.

Q. They were from an eighth of an inch to half or three-quarters of an inch ?

A. Well, somewhat in that neighborhood.

Q. Was there much discoloration about it ?

A. About the throat ?

Q. Around the larynx on the outside, below the left horn, this horn here that was fractured ?

A. The left horn was broken.

Q. Which one of the horns, the upper or the lower ?

A. The upper.

Q. Ordinarily there are not any lower ones ?

A? Ordinarily there are not, no.

Q. Then there is only one pair ?

A. Yes, right and left.

Q. This wind-pipe-we'll call it by that name)is cartilage, is it not ? It's not very strong ?

A. Well, it bears the name of bone.

Q. It bears the name of bone, but it's really not ossified like the other bones of the body ?

A. It would'nt be as hard as some of the bones of the body.

Q. In other words it would take very slight pressure to break it ?

A. I would'nt like it performed on me. I would imagine it was severe.





(15)

Q. You would think it heavy pressure ?

A. I think good-sized pressure.

Q. Was this broken ?

A. It was broken /

Q. I don't refer to the horn now but ~~xx~~ the cartilage.

A. The horn that was broken was on the left side; this is the right.

Q. Otherwise the man was in normal condition such as you would expect a consumptive to be ?

A. Well, the scrotum did'nt altogether look normal.

Q. What would you say produced the abnormal condition there ?

A. What produced it ?

Q. Yes; do you think strangulation would cause it ?

A. I don't give that as a sign of strangulation; it occurs frequently in ~~xxx~~ strangulation; it is by no means proof every way.

Q. Can you tell from viewing a corpse, from anything else, whether strangulation has occurred ?

A. Well it depends--

Q. (interrupting) Can you always tell a case of strangulation.

A. Well it depends on the case largely and the opportunity which I have.

Q. Is it always easy to tell a case of strangulation ?

A. It is not, unless you have a fracture of a thyroid body.

Q. Unless it is pushed up underneath the chin, or something like that, it is then infallible.

A. Yes.

Q. Strangulation could'nt take place in any other way ~~thaxxhx~~ but shoving it up ?

A. Oh yes; shove it down.

Q. It must be either one way or the other.?

A. Well backwards. Three ways-any way but front ways.

Q. And the only way anyone can be strangled is by a fracture or shoving this thyroid around in some way.?





(16)

A. Well, you had better make it more plain-you can shut off the trychea, then you have strangulation.

Q. Now in performing your autopsy, how was the man's flesh around the neck ? What condition was it in ?

A. It was contused.

Q. On which side of the median line was the most contused ?

A. On the left .

Q. How many contusions there-one ?

A. Yes.

Q. ONE ?

A. Yes.

Q. How many on the right ?

A. One.

Q. One on the right and one on the left ?

A. Yes.

Q. On which side was it ~~more~~ marked ?

A. More marked on the left than on the right.

Q. In case of one using his whole hand then there would be more than one mark on the left side of the neck-or on the right side of the neck in case he used his left hand ?

A. I don't think so; tha don't follow.

Q. Speaking of the tongue, you said the tongue had been bitten

A. I did'nt say bitten. It was scarred an inch from the tip on the left side.

Q. That you claim was done before death ?

A. I think so.

Q. Was the tongue protruding from his mouth when you saw him?

A. It was not.

Q. How do you account for this scar on the tongue ?

A. Well, ordinarily scars would be inflicted on the tongue on the day of death.

Q. What size was the scar.?

A. Perhaps about that size (indicating).About half an inch or so.





(17)

Q. That extended lengthwise on the tongue, did it ?

A? This way (indicating).

Q. Upper or lower portion ?

A. From the tip towards the bottom of the tongue.

Q. On the side ?

A. Well, yes.

Q. As though ~~it~~ it had been cut that way ?

A. It looked that way, I don't say ~~it~~ <sup>such</sup> is the case.

Q. It looked more like dental contusion than anything else ?

A. Yes; that's the idea; it looked that way.

Q. What shape were those marks or contusions ?

A. Which ones, now, Mr. Gillan ?

Q. You speak of the contusions; you have already described the scars.

A. You mean the condition of the tongue, or on the neck around the thyroid, do you mean ?

Q. Yes.

A. Well, it was most marked on the left side, behind the left horn of the thyroid.

Q. Most marked behind on the left side ?

A. Yes; and it covered quite an area, perhaps about an inch and a quarter or an inch and a half in diameter. Put it an inch and a quarter on the left side. On the right side it was not so marked.

Q. There was not so much on the right as it was on the left ?

A. No.

Q. You've seen convulsions, have you ?

A. Yes.

Q. This man could'nt have died of convulsion ?

A. You could hardly expect thyroid convulsion.

Q. NYou think it would'nt have been done in any way by convulsion? *im?*

A. No.

Q. His marks on the tongue speak more strongly upon that, does it not ?





(18)

- A. No, I don't know as it does. You may have dozens of convulsions and not have--
- Q. (Interrupting) They would leave no trace of them ?
- A. No violence in any way.
- Q. You might bite the tongue in convulsions ?
- A. Possibly, yes.
- Q. Now, in performing this autopsy, you say the thyroid was pushed upwards and outwards ?
- A. Yes; that's one thing I might not have made clear in the report-it's a very good point-upwards and outwards, as you say.
- Q. How long had that fracture taken place before death ?
- A. Well it had taken place long enough to produce ecchymosis? There was blood around it.
- Q. In other words it was broken before circulation had ceased, you can't tell how long ?
- A. No; It would'nt be just for me to be too definite on that.
- Q. That's all, Doctor.
- Re-direct examination by Mr. Devitt.
- Q. You are retained by fee, by the City of Trail, as Medical Health Officer ?
- A. Yes.
- Q. It was not your duty to visit him until instructed by the Board of Health ?
- AQ No.
- Q. Were there any discolorations, Doctor ?
- A. Yes.
- Q. External, I mean ?
- A. No.
- Q. There was no discoloration ?
- A. I saw no discoloration--on the skin you mean ?
- Q. Yes.
- A. Now there's another thing/ In about the trychea--





(19)

Q. (Interrupting) Was'nt there some mobility in the neck ?

X. Mr. Gillan objected as leading.

Witness:- That's not printed in my report. It's not in evidence.

A. You can take it this way (indicating) and get complete mobility. You can move it around from right to left, and left to right. Moreover, you can insert the finger through above the hyoid bone and make it go as far as your finger to the right.

Q. Could a fracture of the left hyoid bone be caused by falling out of bed ?

A. It would be very marvellous if it did.

Q. The chin would protect it ?

A. It would be awful hard to conceive of a man falling down and breaking the thyroid cartilage-that is, the left horn, off-- or the right, or any horn.

Q. What was the position in which you found the trachea, the whole Adam's Apple ?

A. It was in this position-sticking out about here (indicating) caused by pressure underneath. There was a transverse depression from below the thyroid in the neighborhood or adjacent to it.

Q. In your opinion, Doctor, could the deceased have inflicted this upon himself ?

A. No; he could not; that was impossible.

Q. That's all.





(20)

Frank Isley, sworn, saith:-

Question by Mr. Devitt: Your name for the Court ?

A. Frank Isley.

Q. You reside in the City of Trail ?

A? Yes, sir.

Q. What is your occupation ?

A. Clerk.

Q. Did you know the deceased ?

A. Well, I can't say that I did; I think I've seen him numerous times on the streets. It's very hard to distinguish them.

Q. Did you attend the post mortem ?

A. I did.

Q. That's the first time you saw him that you can remember distinctly a?

A. positively, yes.

Q. What did you notice on the body of the deceased ?

A. In what way ?

Q. Did anything demand your attention, Externally, on the appearance of the deceased ?

A. Well, that's a very hard question for me to answer, not being a physician, but I noticed the scars on his neck.

Q. You noticed the scars on his neck ?

A. There were some scars, yes.

Q. What was the nature of the scars-across, transverse, or downwards ?

A. The way I would term it, it was downwards. I didn't notice that particular.

Q. You didn't notice that <sup>very</sup> particular ?

A. Not very particular.

Q. Were they up or down ?

A. I judge the distance something like that (indicating).

Q. As though he had been shaving ?

A. I suppose--





(21)

Mr. Gillan objected as leading.

Mr. Devitt:- I want to bring out how large the scars were.

Q. Were they large scars ?

A. As large say as an inch, about the size of a finger-nail.

Q. As large as a finger-nail ?

A. I should judge that from the distance I was, say four or five feet .

Q. Did you count them ?

A. No, I did'nt.

Q. Did you look at them very close at all ?

A. No, sir; not very close.

Q. Anything else about the deceased at the post mortem that claimed your attention, Mr. Isley ?

A. I can't say that there was .

Q. Did Dr. Hoyes call your attention to anything ?

Objected to by Mr. Gillan.

Q. Did you see anything ?

Mr. Gillan:- If this is not a professional man, he can't give evidence as to his internal condition.

Mr. Devitt:- Mr. Isley is quite competent--I'm not asking Mr. Isley for expert testimony.

Q. Did there appear to be a fracture of any bones ?

A. Yes, sir; there was.

Q. What bone was it, some bone in the neck ?

A. Well, I don't know the professional term for the bone, but the bone here on the neck (indicating), one side was broken off, say about an inch, or about three-quarters of an inch, broken off completely. It was hanging; the muscles were hanging.

Q. How large was the bone ?

A. It is hard to determine that. It's a small bone.

Q. Half an inch ?

A. No, no.

Q. Quarter of an inch ?





(22)

A. No, no; about the size of a pencil point, as near as I can tell; it's hard to know exactly.

Q. About quarter of an inch in diameter ?

A. No, hardly that large.

Q. Any black marks or discolorations in the neck ?

A. There was a great deal of clotted blood.

Q. That was internal, I suppose ?

A. Yes; inside .

Q. Did you notice his tongue ?

Mr. Gillan objects to all this as improper evidence, on the ground that the medical testimony was quite clear enough, and the Court upholds his objection.

Mr. Devitt excuses witness.

Lee Wing, Chinese Interpreter, sworn by breaking of saucer.

Joe, Chinaman, sworn, by breaking of saucer, says:-

Question by Mr. Devitt:- What is your name ?

A. Joe.

Q. Ask him where he lives.

A. In Trail.

Q. Who keeps the laundry where he lives ?

A. Wing Wo keeps the laundry.

Q. Where ? What street ?

A. In Trail.

Q. Ask him if he knows the deceased Sing, the man that died.

A. Yes, he know him.

Q. Where did Sing live ?

A. He live in the same house with Wing Wo.

Q. Was he working there ?

A. No; he not work.





(23)

- Q. Why was'nt he working ?
- A. He could'nt get any place to work.
- Q. Was he strong ?
- A. He not very strong.
- Q. What was the matter with him ?
- A. He was sick.
- Q. How long was he sick ?
- A. Quite a few months, long time.
- Q. When did he goto bed with sickness-when Sing went to bed ?
- A. He say he don't know/
- Q. Ask him if he can venture an opinion how long~~gg~~ he thinks it was ?
- A. He could'nt tell; could'nt say.
- Q. Did he ever see him in bed ?
- A. No he did'nt; he work most of the time .
- Q. When does he work ?
- A. Works at Mrs. Gibb's.
- Q. When does he work ?
- A? He go to work four o'clock in the morning.
- Q. What time does he come off work?
- A. Between eight o'clock in the evening .
- Q. Where does he sleep ?
- A. He sleeps in Wing Wo's.
- Q. (Producing plan of rooms) Where is his room, supposing this to be the street and this the entrance; this the stairs leading up here/ Where would his room be ?
- A. He in front room up stairs.
- Q. How many doors from Sing's room was that ?
- A. Two doors in one room.
- Q. Well, here's one door, here's the other door (indicating), where is Sing's room ?
- A. This Sing's room (indicating).
- Q. Then there were two doors from his room. Sing's room was on what side of the house ?





(24)

A. On the left when you go up.

Q. It was opposite from him ?

A? No: on the same side, Joe's room and Sing.

Q. Sing's room would be opposite and Joe's two doors down ?

A. Yes.

Q. Did he keep his door locked-Sing's door locked-was Sing's door locked ?

A. Well, he could'nt say he locked. He closed up the door, so he could'nt see the lock.

Q. He did'nt see Sing asleep in bed ?

A. No: he did'nt see him.

Q. What's his habits-does he go to bed very early ?

A. Well, he just come out, have about half hour rest, then half past eight goes to bed.

Q. Always do this ?

A. Yes.

Q. Where was he on the night of the sixteenth-Monday night ?

A. He just come out half hour later. Came out of Bo Wing Ching's about half past eight.

Q. He stayed half an hour ?

A. He said half past eight.

Q. Where did he go ?

A. To bed, he say.

Q. Did he notice anything unusual in the house that night ?

A. He say he did'nt know anything. He say between about twelve o'clock that night ~~xx~~ woke him up and wanted to get his stove and put in Sing's room.

Q. They borrowed stove from him-Sing did'nt have stove ?

A. No.

Q. Although he was sick ?

A. He did'nt have stove.

Q. But this man did ?

A. This man did.

Q. Who borrowed the stove?





(25)

A. Wo and Ray.

Q. The two defendants came and borrowed the stove and took it away?

A. Yes.

Q. What did they do with the stove ?

A. Sing said it was cold .

Q. Ray and Wo borrowed the stove from him-Joe. What called their attention to the fact that--how did they know-did they sit up to---

Mr. Gillan (Interrupting) Well, I object-that's entirely out of the way.

Mr. Devitt:-to Interpreter:Ask the witness why they came up there and what they said. Give the conversation; what did they say when they came into the room ?

A. That's all he know-just two of the boys borrowed stove from him. He said it was very cold.

Q. Did he object to it ?

A. He did'nt object. He say he was sleepy and tired.

Q. Did he hear any more noise that night ?

A. No.

Q. Does he still stop there at this man's house ?

A. Yes, he stay there yet, but he was to move out last night. He could not ~~say~~ <sup>stay</sup> He go back tonight, he say. There's sulphur; he could not stay.

Q. Does he want to go back there ?

Mr. Gillan objects.

Q. Did he ever hear any more noise in this room ?

A. He says no, he did not hear amything at all.

Q. Just knew about the stove ?

A. That's all.

Q. Did he ever see Sing afterwards?

A. No/ he did not see Sing afterwards.

Q. Never went into his room ?





(26)

A. No.

Q. Is he related to Sing-a cousin?

A. No; just friend; just knowed him.

Q. Did he ever say to any person that he was afraid of his life in that house ?

Mr. Gillan objects.

Q. Ask him if he was ever threatened ?

A. He say no.

Q. Who else stays in this house ?

A. He said two men up stairs sleep there.

Q. Who are they ?

A. Tom, he say people call him Tom.

Q. Who was the other one ?

A. Him.

Q. Himself-just the two sleep up stairs ?

A. Yes.

Q. Ask him where the rest of the boys sleep ?

A. Downstairs.

Q. Where does Ray sleep ?

A. Downstairs.

Q. Just he and Tom sleep upstairs ?

A. Yes.

Q. How many are staying in the house altogether ?

A. He says he could not say how many in the house; he's working; could not say how many.

Q. How many did he ordinarily see there ?

A. He say about four or five down stairs and two up stairs.

Q. Two Up stairs-that would be seven would it ?

A? Four or five he could not say how many.

Q. He just guessed at four or five--there's these two men here (pointing to prisoners), and who else?

A. Tom and Joe.

Q. Tom and Joe, and who else ?

A. Pon and Hung Wong .





(27)

Q. Hung Won, and who else ?

A. One fellow named Ling Gay.

Q. Who else ?

A. That's all.

Q. Ask him whose duty it is to look after Sing when he is sick

A. He said the most time Wo attend to him-lookafter him.

Q. Wo, and who else ?

A. Ray, old man.

Q. These two men, the prisoners ?

A. Yes.

Q. They attended him constantly ?

A. Yes.

Q. How does he know that ?

A. He just see them bring him something up there. He just come, they bring him tea to drink.

Q. He never saw him in bed ?

A. No.

Q. Just saw them upstairs sometime when he came back at night ? How many times did he see them do this ?

A. He could not say how many-three or four times.

Q. How long was he in the house ?

A. Long time.

Q. Five or six months ?

A. He just move in about two months, nearly two months.

Q. That's all.

Witness excused by Mr. Gillan.





(28)

Hung Won, sworn, saith:-

Question by Mr. Devitt: He's a partner of Wo, with the prison-  
Wo ?

A. Yes.

Q. In the laundry business in Trail ?

A. Yes.

Q. And he lives on the Bowery-he lives in the laundry, does he?

A. Yes/

Ask him if he knows the man who died-Sing ?

A. He does not.

Q. Ask him if he ever saw him ?

A. Yes; he see Sing downstairs at time you and doctor went  
down there.

Q. He see Sing downstairs when I and the doctor went there ?

A. Yes.

Q. Ask him if he knows him-tell him what that means, to know a  
man, to have an acquaintance with him; you know what that is  
Ask him if he knows Sing.

A. Yes, he know Sing.

Q. He knows Sing-he lives in the laundry ?

A. Yes; he lives in the laundry.

Q. And was Sing there ?

A. Yes.

Q. Was he strong ?

A. He said he just been sick and weak long time.

Q. And he just saw him when I was in there witht the doctor ?

A. That's what he told me.

Q. Did he never see him again ?

A? No, he did not. He was busy working, never saw him after-  
wards.

Q. He lives there-this man lives there ?

A. Yes.

Q. He's a partner of Wo ?

A. Yes.





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Q. And Sing, where does he stop ?

A. Living upstairs; sleeping downstairs.

Q. How does he know he was sick ?

A. Well, he came down stairs that time .

Q. How does he know he was sick ?

A. He said he just come down; he look sick and weak and sat down; and he had consumption; he saw some blood.

Q. Where was the blood ? Ask the witness.

A. He saw him downstairs, saw the blood ~~up~~<sup>down</sup>stairs.

Q. When he came down that day ?

A. Yes.

Q. He had a hemorrhage that day ? Where was the blood-ask him where it was ?

A. Down to the laundry.

Q. Well was it on the floor or on his person ?

Mr. Gillan objects to all this evidence as not concerning the case and says he will not submit to any cross-examination. Mr. DeWitt says says it is not cross-examination.

Q. Ask the witness if he saw Sing after that time ?

A. No, he did not.

Q. Ask him if he knew he died?

A. He say he did not know he died; he was working.

Q. He did'nt know he died ? I don't mean immediately, but did 'nt he appear at the funeral ?

A. He went to the funeral.

Q. Well then, he knew he died. Ask him if he hired Sing, why he stayed there ?

A. Did not hire him.

Q. Did'nt he send to China for him ?

A. Well, he say when he brought Laundry Sing was there before he ~~brought~~ bought the laundry---

Q. (Interrupting) Did he buy Sing ?

A. (Continuing) From the other boy.

Q. He bought the laundry from the other boys ?





(30)

A. Yes.

Q. What did he pay for the laundry ?

A. Hundred dollars.

Q. Did he buy Sing ?

A. No; he bought laundry from other boy; Sing stayed there.

Q. What did he pay, whatx did Sing pay for his board ?

A. Sing board himself.

Q. Was he working ?

A. Well he did'nt know he was working while he knew him.

Q. He knew him for how long ?

A. He say about between nine or ten months, time he bought the laundry.

Q. He bought the laundry nine or ten months ago ?

A. About nine or ten months ago.

Q. And Sing was there then ?

A. Yes; that's what he said.

Q. He did'nt know Sing was dead ?

A. He said he know Sing was dead when there was a funeral, not in the meantime.

Q. Did the doctor ever attend him while he was sick ?

A. He said just only once, when you went down there.

Q. He was a friend of Sing's ?

A. Yes; he was a friend.

Q. You saw the blood and never got a doctor ?

A. Well, the doctor come that time.

Q. How long was ~~it~~ since that ? Ask him how long.

A. He say he could notsay how long. He just know he was there.

Q. How much he pay to keep him-how much he expend in medicine, he owns the laundry and had to buy grub-how much cost him t to keep Sing ?

A. He said he did'nt know-he buy his own food.

Q. Sing bought his own food ?

A. Yes.

Q. Who did he buy it from, does he know ?





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A. He did'nt ask him-did'nt know nothing about it . I know he got some rice---

Q. (Interrupting) Did the witness say that ?

A. (Continuing) At the time of the funeral I saw the rice upstairs myself.

Q. That will do.

No cross-examination.

Tom Wi ng, sworn, saith:-

Question by Mr Devitt: Your name ?

A. Lee.

Q. Lee what ?

A. (Wit) Tom Wing.

Q. Where do you live ?

A. (Wit) Live in laundry.

Q. (Int) With Bo Wing Chung.

Q. Ask him if he knows Sing ?

A. (Wit) No I did not know him.

Q. Ask him if he has ever seen him ?

A. (Int) No; he never saw him.

Q. I refer to the dead man.

A. (Int) Well, him and I come down from Rossland.

Q. This man is a stranger in Trail ?

A. Not stopping here.

Q. That's all.

No cross-examination.

No Statement of Accused.





1903.

Nelson Spring leases.

18  
03

Rex v. S. C. Ray (Chinaman)  
and Wing Wo (Chinaman)  
Murder.



Brief for Crown.

