PABC
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IMFORMATION AND COMPLAINT FOR AN INDICTABBE OFFENCE.

CANADA:

Province of British Columbia

City of Vancouver.

The information and complaint of J. W. DeB. Farris of City of Vancouver, taken the eighteenth day of August, in the year of Our Lord one Thousand Nine Hundred and four, before the undersigned, A. Williams Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that Chas. O'Conners on the 17th day of August, A. D. 1904 at the City of Vancouver, did steal unlawfully one boat belinging to the Vancouver Cannery, such boat being over the value of ten dollars.

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

"J. W. De B. Farris"

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

"A. Williams"

Police Magistrate.

Remanded Aug. 13.

Committed for trial.

"A. Williams". P. M.

Depositions of Witnesses.

Police Court.

Before A. Williams, Esq., P. M.

Vancouver, B. C. August 23rd, 1904.

CHARLES O'CONNERS, charged on the information of J. W. BeB Farris, for that he the said Chas. O'Conners on the 17th day of August A. D. 1904 at the City of Vancouver, did unlawfully steal one boat, belonging to the Vancouver Cannery, such boat being over the value of ten dollars($10.00).

W. J. Bowser for the Defence.

OTTO MAKUSUI, Called and sworn.

Exam. by J. W. BeB. Farris.

1. Q: What do you know about this?

A: I came around from the Cannery and I brought my boat to Cook's Slip and tied up there, and the next day Monday night about quarter to one or two my boat disappeared and on Tuesday morning I went down to Cook's Slip and one white man told me that there was three---- (Court) Never mind what they said.
men took my boat and tied up to the steamer and went away. Then I hunted for my boat, and after I came to the Police Station and notified them, and the Officer told me to go to Mr. Campbell and tell him, and I went to Mr. Campbell, and Mr. Campbell telephoned to the Vancouver Cannery----------
(Farris) Never mind that, just tell us when you lost it, and when and when you found it.
My boat was lost on Monday evening about quarter to one o'clock and then I found it on Wednesday morning at Railroad Bridge on False Creek about eleven o'clock.

2. Q: Who was in the boat?

A: This man.

3. Q: What further took place?, what cinversation took place?

A: The first time I did not say anything, I just went and telephoned for a Policeman, and after he came we went to Granville Street Bridge and we got into a small boat with another fellow, and he took us over to where my boat was, and as soon as we got close he said to me, that I had tried to sell the boat and that the Netman had told him to take the boat back to the Cannery.

4. Q: To what Cannery?

A: Vancouver Cannery.

5. Q: Was this man taken to the Gaol then?

A: Yes.

6. Q: What was he doing in the boat at the time you saw him?

A: He had cut my sail and was wrapping my rice and tea-pot, and was wrapping my oarlocksxxxxx up also.

7. Q: Did he make any attempt to conceal himself when he saw you coming?

A: He took off the oarlocks and was wrapping them up.

8. Q: Did he make any attempt to conceal himself from you?

A: He was wrapping the oarlocks up for the purpose of concealing them. The boat was coming away out by English Bay and I saw it sailing and I thought it was mine, and it came in and anchored by the Canadian Pacific Railway Bridge, and I went and telephoned to the Police, and a Policeman came about twelve o' clock, and the policeman, another man and myself went into a small boat, and when we got up, he said: "Is this your boat", and he said "It is not it belongs to the Cannery", and he said the Cannery Netman told him to bring the boat to the Vancouver Cannery. He had cut a hole in my sail and was wrapping my oarlocks up and my

rice and teapot and some butter and sugar, and I had ~~xhe~~ about six feet of canvas and he had it done up in this ~~c~~ canvas in a little bundle.

9. Q: What was he going to do with it?

A: I donIt know, I believe he might have been going to take it ~~w~~way, and then the Policeman took him to the Police Station.

10. Q: OFFICER PERRY, called and sworn.
On Wednesday about twelve o'clock I answered a telephone call and went to the north end of the Granville Street Bridge, and he showed me where this man had his boat on the west side of Railway Bridge, and we got a boat and three of us went over, and we found this man in it, and the first thing he told the Jap, was that he had tried to sell it.

10. Q: (Court) Who had tried to sell it?

A: That the Jap had tried to sell it. He was standing up in the boat and he had this parcel in the front end of the boat, and I asked him what was in it and he said he was just going to lock intoit, and I examined it and the witness identified it as the stuff he left in the boat and then I brought him to the Station.

11. Q: (Farris) Is that all the conversation that took place before this man?

A: Yes. I asked him what he had been doing and where he was staying in town, and he said he had been stopping at the Regina, and that he had beenaround with a nother man drinking but did not know his name.

12. Q: (Farris) Did he make any attempt to conceal himself?

A: No I don't think so.

NORMAN REYNOLDS, called and sworn.
OR
Exam by Farris.

13. Q: What is your occupation?

A: Netman at the Vancouver Fraser River Cannery.

14. Q: Do you know the prisoner?

A: No, I never saw him before.

15. Q: Did you give him any permission to take ~~him~~ any boat belonging to your Cannery?

A: No.

/16/ A: Robt. T. Burkwell, called and sworn.

Exam. by Farris.

19. Q: On or about Wednesday the 17th August I was down on

A: the City Slip fixing my Gasolene Launch and I saw Office

20. Q: Perry and that Jap who claims the boat, and they got into the boat and we went over to the South side of the

A: Creek near the Railroad Bridge and he said it was his boat---------

(Bowser) I object.

as soon as we got near the boat I asked the Jap what was the Number of his boat and he gave me the right number.

16. Q: Was that in the presence of the prisoner?

A: Yes, and I drew out my License book and found that the number he gave corresponded with the number I had.

17. Q: That was before he had seen the number on the boat?

Yes, and when the Jap ~~had~~ said it was his boat, he said " It is not your boat it is a Cannery boat, and you were trying to sell it for $75.00 and you were offered $65.00, and then the Japanese denied it, and then the Policeman brought him ashore.

18. Q: Was that all the conversation that took place?

A: I asked him how he came to be in possession of the boat and he said he was down on the Water front on Tuesday afternoon about four o'clock and a man came up to him and tokd him a Jap had been trying to sell the boat,

and that if he would take the boat around to the Vancouver Cannery that he would supply him with a net for fall fishing. We landed at Cate's Slip and I telephoned to ascertain if anyone had authorized him to take the boat, and in the course of further conversation the prisoner amended his statement about it being four o'clock in the afternoon to the time when the Band was playing on board the St. George which was going out on an excursion.

19. Q: That is the time the man had spoken to him?

A: Yes.

20. Q: How long afterwards was it when he amended his statement?

A: When we were at Cate's Slip waiting to get a reply from the Cannery. I should ascertain that the time the Band wasplaying was about eight o'clock.

21. Q: What else happened?

A: I asked what was the name of the Netman and he said he thought it was Billy Fraser.

22. Q: You said he amended hisstatement?

A: He said it was about the time the Band was playing for that Excursion that was going on the Steamer St. George.

23. Q: You know as a matter of fact what time that excursion went out?

A: About eight o'clock, I think.

24: Q: What kind of a place is this on the South side of the Creek?

A: It is an Indian Reserve.

25. Q: Would nobody passing be liable to see any person in there?

A: People passing in a boat generally keeps in the Channel, and over there it is very shallow and there is booms in the way to prevent you from going right along. There is a public landing place where nearly all the fisherman

land to get their food and provisions at Cate's wharf.

26 . Q: Was this a secluded place?

A: Yes.

27. Q: How about the fog then?

A: It was foggy outside.

28. Q: Was it too thick for a boat to go out?

A: Most fishermen follow along the shore to Point Grey.

29. Q: Was that a day that would prevent a fisherman goingout fishing if he wanted to fish.

A: No.

30. Q: It would have been no trouble for this man to have gone through?

A: It would have been the night before, and I wish to state that the prisoner had no food in the boat to go out with.

31. Q: The boat was in no way prepared to go fishing?

A: None whatever. There was a bundle of canvas that contained some rice and a small teapot, and he had the bridle off the boom and had cut the main sail, and the blocks were takenoff and done up and it was laid on the forward part of the boat, and I asked him what was in it, and he said, he had just found it in the boat and that he was just going to see what was in it.

32. Q: Is that the bundle that the other witnesses spoke about?

A: Yes.

33. Q: What is necessary in the way of provisions for a man to go fishing?

A: A man generally takes enough to last a couple of days, in case the weather gets bad and he is carried up the Coast, but nearly every one takes enough provisions to last a couple of days.

34. Q: Did this boat have a net?

A: No, it only had the sails and the oars.

35. Q: Do I understand it had no net at all?

A: No net at all.

36. Q: There was no porvision for a man going fishing?

A: Not in the boat except what the Jap claimed was his rice and teapot and in the forward end some lard.

Committed for trial.

"A. Williams"

P. M.

I hereby certify that the foregoing is a true ~~copy~~ and accurate copy of the proceedings in the said case.

"E. E. Robinson"

Stenographer.

STATEMENT OF THE ACCUSED.

Has nothing to say.

"Charles O'Connors.

TAKEN before me, at Vancouver, the day and year first above mentioned.

"A. Williams". P. M.

1904.

Vancouver Fall
Assizes.

79
04

Rex v.

Chas. O'Connors.
(Theft)

Copy of depositions.

ATTORNEY GENERAL'S
DEPARTMENT.
VICTORIA, - B. C.

1904

Vancouver Fall

Assizes. 79/04

Rex v.

Chas. O'Connors.

(Theft)

Trial began 27th Oct
finished 28th Oct
Verdict - Guilty
Bowser K.C. for prisoner.
20 months -

Brief for Crown

ATTORNEY GENERAL'S
DEPARTMENT
VICTORIA, - B. C.

J. Hanaguchi

Constable Perry,

Norman Reynolds,

Robert T. Burkwell,

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.

The Jurors for our Lord the King present that Charles O'Connors, at the City of Vancouver, in the County of Vancouver, in the Province of British Columbia, on or about the sixteenth day of August, in the year of our Lord one thousand nine hundred and four, one boat, of the goods and chattels of the Canadian Canning Company, Limited, unlawfully did steal, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his Crown and dignity:

2. And the Jurors aforesaid do further present that the said Charles O'Connors, at the place aforesaid, on the seventeenth day of the said month of August, the said boat, of the goods and chattels of the said the Canadian Canning Company, Limited, before then unlawfully stolen, unlawfully did retain in his possession, he the said Charles O'Connors, when he so retained the said boat, then well knowing the sameto have been stolen, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

I hereby direct that the counsel acting for the Crown at the Vancouver fall assizes, 1904, prefer this Bill of Indictment to the Grand Jury.

Attorney-General.

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

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W. J. Bowser for the Defence.

OTTO HAKUSUI, Called and sworn.

Exam. by J. W. BeB. Farris.

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(Farris) Never mind that, just tell us when you lost it, and where and when you found it.

My boat was lost on Monday evening about quarter to one o'clock and then I found it on Wednesday morning at Railroad Bridge on False Creek about eleven o'clock.

2. Q: Who was in the boat?

A: This man.

3. Q: What further took place?, what cinversation took place?

A: The first time I did not say anything, I just went and telephoned for a Policeman, and after he came we went to Granville Street Bridge and we got into a small boat with another fellow, and he took us over to where my boat was, and as soon as we got close he said to me, that I had tried to sell the boat and that the Netman had told him to take the boat back to the Cannery.

4. Q: To what Cannery?

A: Vancouver Cannery.

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A: Yes.

6. Q: What was he doing in the boat at the time you saw him?

A: He had cut my sail and was wrapping my rice and tea-pot, and was wrapping my oarlocksxxxxxx up also.

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A: No I don't think so.

NORMAN REYNOLDS, called and sworn.

OR Exam by Farris.

Norman Reynolds

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A: Not in the boat except what the Jap claimed was his rice and teapot and in the forward end some lard.

Committed for trial.

"A. Williams"

P. M.

I hereby certify that the foregoing is a true ~~copy~~ and accurate copy of the proceedings in the said case.

"E. E. Robinson"

Stenographer.

STATEMENT OF THE ACCUSED.

Whereupon the said Charles O'Conners says as follows:-

Has nothing to say.

"Charles O'Connors."

TAKEN before me, at Vancouver, the day and year first above mentioned.

"A. Williams".

P. M.