
GR 419
Box 7123 File 1907/84

1907

Vancouver Fall Assizes.

Rex v. Cozis.

(Unlawful assembly.)
Riot.

Crown Brief.

No Bill

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

IN THE SUPREME COURT OF BRITISH COLUMBIA.

—:o:—

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 S. Cosio

together with divers other evil disposed persons, to the number of more than three, to the Jurors aforesaid unknown, on the day of September, in the year of our Lord one thousand nine hundred and seven, at the City of Vancouver, in the County of Vancouver, in the Province of British Columbia, unlawfully did assemble together, with intent to carry out a common purpose, to wit, to break the glass in the windows of the shops and dwellings of Chinese and Japanese residents in the quarter of said City in which are chiefly situate the shops and residences of the Chinese and Japanese residing in said City; and that the said

S. Cosio

and the said other evil disposed persons did assemble as aforesaid in such a manner, and did so conduct themselves when so assembled, as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the persons so assembled would disturb the peace tumultuously, against the form of the Statute in such case made and provided, and against the peace of our Lord the King, his Crown and dignity.

2. And the Jurors aforesaid do further present that, afterwards, to wit, on the day and in the year and at the place aforesaid, the said S. Cosio

together with divers other evil disposed persons, to the number of more than three, to the Jurors aforesaid unknown, unlawfully, riotously, and tumultuously, did assemble together, with intent to carry out a common purpose, to wit, to break the glass in the windows of the shops and dwellings of Chinese and Japanese residents in the quarter of the said City in which are chiefly situate the shops and residences of the Chinese and Japanese residing in said City, and, being then and there so unlawfully, riotously, and tumultuously assembled together as aforesaid, did then and there begin to disturb the peace tumultuously by unlawfully, and with force, breaking the glass in the windows of the shops and residences of the said Chinese and Japanese residing in said quarter of said City as aforesaid, against the form of the Statute in such case made and provided, and against the peace of our Lord the King, his Crown and dignity.

I hereby direct that the Counsel acting for the Crown at the Vancouver Fall Assizes, 1907, prefer this Bill of Indictment to the Grand Jury.

Attorney-General.

Information and complaint.

Canada.
Province of British Columbia,
City of Vancouver.

The information and complaint of G.A.Murray, of City of Vancouver, taken before the undersigned the 10th day of September, A.D., 1907, who saith that, at the said City of Vancouver, on the 8th day of September, A.D., 1907, S.Cosio took part, and was a member, in a riot, to wit, an unlawfuly assembly that had begun to disturb the peace tumultuously.

(Sgd.) G.Alvin Murray.

Sworn before me, etc.

(Sgd.) A. Williams,
P.M.

Depositions.

Detective Waddell on oath says:

Direct exam. by Mr. Kennedy:

1.Q. You are a detective herein this City? A. Yes sir.

2.Q. You were on duty on September 8th? A. Yes sir.

3.Q. Now, do you recognize the accused? A. I do.

4.Q. Will you tell the Court the circumstances under which you saw him, with whom, and where? A. I saw him on Carrall street, in this City. On the corner of Hastings street, with a riotous crowd, both on Saturday night and Sunday last, that is, the 7th and the 8th.

5.Q. What time on Saturday night, Mr. Waddell? A. He was there as late as 1 o'clock in the morning.

6.Q. What is the first time you saw him, during the night, Saturday night? A. About 12 o'clock.

7.Q. You say you saw him first about the corner of Hastings and Carrall? A. Yes.

8.Q. One of the crowd? A. Yes sir; there was a riotous crowd and he was one of them.

9.Q. Was he amongst them, did you say? A. He was.

10.Q. What was this crowd doing? A. That had been breaking windows, and he was acting in an awful manner.

11.Q. How did you come to notice him particularly, Mr. Waddell? A. On account of being ordered to disperse, they were ordered off this street. I seen several officers order him off, and I did it myself. And he would stand to one side and laugh at us, and when the crowd was shouting and cheering he would do it too. He was very aggressive.

12.Q. What was this crowd doing? A. Breaking windows in Chinatown.

13.Q. This was on Sunday night? A. Yes; the crowd he was assembled with came from Chinese quarters down there.

14.Q. Where had they been breaking the windows? A. On Shanghai Alley all down in Chinatown.

15.Q. Whose windows and what kind of houses were these windows in? A. All Chinese merchants.

16.Q. Any others? A. No; all Chinese.

17.Q. Well, are there any Japanese quarters around there? A. No; Chinese.

18.Q. Well, did you see him subsequently? A. Yes; between Saturday night and Sunday morning,-- between 12 and 10.

19.Q. Where? A. On the corner of Carrall and Hastings streets.

20.Q. That is the first time: did you see him again? A. Well, Sunday night again, about 10 o'clock he was arrested.

21.Q. Just describe to the Court where he was found, and what he was doing? A. Well, he was on Carrall in this crowd.

22.Q. What was this crowd doing? A. They were the crowd that were causing the trouble and breaking the windows on Shanghi Alley.

23.Q. What kind of windows were they smashing again on Sunday night? A. In Chinese stores.

24.Q. And you saw him again; did you see him again in China-town? Where did you see him again? A. After this time they had been down there, where did you see him? Well, how was he behaving? A. He was shouting too. For instance, if vehicles would go past, they would all shout and make a noise.

25.Q. What would they say? A. Everything coming along, they would shout and yell in a very disorderly manner.

26.Q. What do you call a disorderly manner,-- what have you got to say about disturbing the peace? A. He certainly was.

27.Q. What did he say? A. Swearing.

28.Q. And you think they were disturbing the peace? A. Yes, sir; very much so.

29.Q. Did you arrest this man yourself? A. No; I gave him in charge to a police officer.

30.Q. Was he as talkative as he is now? A. Not after being arrested he did not say much.

Detective Scott on oath says:-

Direct exam. by Mr. Kennedy:

31.Q. Now, Mr. Scott, you were on duty as a police officer on the 8th inst.? A. Yes sir.

32 Q. Do you recognize the accused? A. Yes; I recognize him.

33.Q. Where did you see him? A. On the corner of Carrall and Hastings streets.

34.Q. About what time would this be? A. I saw him with the mob about between 7 and 8 around with the crowd.

35.Q. That is Sunday and Saturday nights? A. Yes sir; with the riotous crowd.

36.Q. Will you describe what this crowd was doing? A. Smashing property and windows in the Chinese property, in that end of the town, and also the Japanese section of the town.

37.Q. Any others but the Chinese and the Japanese? A. No; no others.

38.Q. You recognize this man yourself? A. Yes; as being a member of this crowd.

39.Q. What have you got to say as to this prisoner? A. He was very disorderly.

40.Q. In what way? A. By shouting and shoving around through the crowd, pushing up and down to get through the lines of the police.

41.Q. Pushing up and down to get through the lines of the police, what do you mean by that? A. They had a line, a rope stretched to keep them back out of Chinatown.

42.Q. And how were they behaving in regard to this rope? A. Well, they were trying to push through the rope. And they did so too several times.

43.Q. And he was in this crowd? A. Yes.

Cross-exam. by Mr. Hay.

44.Q. Did your last evidence refer to both 7th and the 8th?

A. Yes; I saw him both nights in the crowd.

45.Q. Was he pushing through the line of the police both on the 7th and on the 8th? A. This was on the morning of the 8th. It was the night of the 7th that they started, and it was not finished on the morning of the 8th.

46.Q. Well, it was between the night and the morning? A. Yes, sir.

47.Q. And you did not see him on the 8th? A. Well, I did see him in the crowd.

48.Q. Just shouting and yelling? A. Yes; shouting and yelling, and everything.

49.Q. Did you hear what he was saying? A. No; I could not swear.

50.Q. And he was in the crowd on Sunday night? A. Yes; from 11 to about a little after 12 o'clock.

51.Q. Probably about 1 o'clock Sunday night? A. Yes.

52.Q. Who laid the charge, did you do it? A. Yes sir.

53.Q. Sunday night; is that when you picked him up; where did you say you picked him up? A. On the corner of Carrall and Hastings streets.

54.Q. Mr. K. But the first occasion is about after 12 o'clock in the morning, Sunday morning ? A. Yes sir.

Examination by Court:

55.Q. That is the only part he was taking? Breaking the orders of the police? A. Yes; he was breaking the orders of the police.

56.Q. Did he not take any other part? A. Well, shoving around through the crowd, is the only thing I could see. He was shoving up against the line. I recognized him at that time. He was arrested just the way he is now, and he had a little hat on. He was yelling and making a noise like the rest of them.

57.Q. Exciting the crowd? A. Yes; there was quite a number of them. And he seemed to be always edging up.

58.Q. Probably for the purpose of protecting you? A. No; I

do not think so. If anybody tried to assist the officers, they could do it better by getting out of the way.

Re-cross exam. by Mr. Hay:

59.Q. That is your opinion of it? A. Yes; that is what any respectable citizen would do, they would keep out of the way and not help the mob to get along.

60.Q. Well, were some citizens that you would call respectable? A. Yes; some of them assisted the police in getting through.

61.Q. Did you ask this fellow to help you? A. No.

62.Q. You just judge from his looks that he is not a respectable citizen? A. No. I do not think he is, though, or he would have gone away when they were told.

63.Q. Mr. K. You say that you saw this man interfering with the duties of the police? A. Yes.

64.Q. Mr. K. In what way? A. He was surging in with the crowd.

Inspector of Police Mulhern on oath says:

Direct exam. by Mr. Kennedy:

65.Q. Now, Inspector Mulhern, you were on duty on the night of the 7th and the morning of the 8th? A. Yes sir.
66.Q. Do you recognize the accused? A. Yes sir.
67.Q. Where did you see him on the evening of the 7th and the morning of the 8th, that is Sunday? A. Sunday evening, the 8th, I saw him in the police station. Well, on Saturday night, or early Sunday morning I saw him in the crowd of people on Carrall street at the corner of Hastings street and I saw him at Columbia Avenue.
68.Q. On the first occasion when you saw him, he was with the crowd? A. Yes sir.
69.Q. What was this crowd doing? A: They were a riotous crowd.
70.Q. Was that the time when they had the rope stretched across the street? A.Yes sir.
71.Q. How did you happen to recognize this man especially? A. Well, he was the closest to the rope. He was not very far from the rope. He was not quite up against the rope; he was in the crowd a short distance. I remember him by his dress.
72.Q. Did you ask the crowd to move back? A. Oh, they had been asked a great many times to go home, to disperse and go to their homes.
73.Q. Were they doing it? A. No. On the second occasion I seen him that night, there was another crowd at the corner of Columbia Avenue and Hastings street.
74.Q. What was this crowd doing? A. An arrest had been made there, and the crowd were following the arresting officer; some windows had been broken.
75.Q. Was he in this crowd? A. Yes; he was in the crowd at the time; I do not say that he broke any windows though, for I do not know.
76.Q. Was that crowd doing any talking or yelling? A. Yes sir.

77.Q. What were they shouting? A. I heard the words "Mob the police". I heard that two or three times, and "Rush the police". "He is a white man".

78.Q. Who were they referring to then? A. To the prisoner, who was being arrested.

79.Q. Now; were you walking down with the crowd then? .A. At that time I had gone along Columbi Avenue. I went from the police station down along Columbia Avenue, and I met him with this crowd . And I followed up the arresting o fficer, for I was afraid there was going to be a rescue made.

Cross-exam. by Mr. Hay:

80.Q. What time of the night was this second occasion? Was it before 1 o'clock or near 1 o'clock, or when? A. Well, I could not say.

81.Q. And this smashing was going on all this time? A. Yes sir, I would not be positive of the exact time, I guess it would be about 1 o'clock.

ACCUSED HAS NO STATEMENT TO MAKE.