

Simpson: Oh no, most decidedly not.

(Dr. Archibald Hunter walks to the stand with a black medical bag. From it he produces a human skull for comparisons. C.W. Craig replaces Henderson.)

Craig: How do you account for the diffusion of blood between the scalp and the wound?

Hunter: That is the disturbing factor, now if powder marks were found; one would be inclined to say it was due to gasses from the revolver. It is hard to explain unless it was due to the tearing effect of a more-or-less glancing wound to the skull. (pause) It cannot be satisfactorily explained, but it can be produced by a revolver wound.

(Albert Hicks takes the witness stand. Henderson replaces Craig)

Henderson: Did you see the Chinaman looking for someone around noon?

Hicks: No, I saw him during the morning in the backyard.

(Inspector Forbes Cruickshank takes the witness stand)

Craig: You differ from Chief Simpson, who thinks it was a bullet?

Cruickshank: I do.

(Dr. G.F. Curtis takes the stand)

Craig: What have you to say as to the probability or possibility of the girl inflicting this wound upon herself?

Curtis: I would consider it highly improbable.

Craig: What are the reasons?

Curtis: I would expect to find more spicules of powder and perhaps some burning.

Craig: If a person intended to kill himself, would you expect him to hold the gun as far as possible from his body?

Craig: No, I would not. I would expect him to place it as closely as possible to the body.

(Hundred of people are outside the Vancouver court house. Cissie Jones is called to the stand.)

Craig: Did she speak of the Chinaman?

Cissie: Yes, she told me on Friday that she was afraid for three days to go into the kitchen where he was. Every day she complained of the way the Chinaman treated her.

Craig: Did she ever tell you...say anything to you about taking up revolver practice?

Cissie: It is ridiculous to think that she would ever have a revolver.

Craig: Does this suggest that she was afraid of the Chinaman?

Cissie: I know what she told me.

(The audience hoots and claps.)

Craig: This is an inquiry to get at the truth. I will not allow such outbursts (pause)...if she was so terribly afraid of the Chinaman would she not have put it in her dairy?

Cissie: Suppose she did not have time, if she had known she was going to die, she would have written more about the Chinaman. It is too bad that she did not write more.

(Wong Foon Sing walks through passage joining the two wings of the courthouse. In the presence of many reporters, Wong Foon Sing is handed a statement. The bailiff sets fire to paper and incense. Constable holds a chicken's head down on a chopping block. Wong cuts it off with knife.)

(Huge crowds are forming in front of courthouse. In the courtroom, C.W. Craig questions Wong Foon Sing while Foon Sien translates.)

Craig: Now what were your duties that day? What were you doing?

Wong Foon Sing: After they went, I cleared the table and washed the dishes. Then I cleared the verandah and cleaned up the brass work on the door, and then I attended to the flower pots and picked out all the spoiled flowers and threw them away. Then I washed the kitchen floor and then tidied up generally.

Craig: What time was it you washed the kitchen floor?

Wong Foon Sing: Between ten and eleven o'clock.

Craig: And what did you do after that- after ten and eleven?

Wong Foon Sing: I worked in the dining room and general tidying up.

Craig: What were you doing up to the time you heard the revolver shot?

Wong Foon Sing: I was peeling potatoes when I heard the shot.

Craig: Now where was Janet Smith at that time?

Wong Foon Sing: I didn't see her.

Craig: Do you know where she was?

Wong Foon Sing: About ten o'clock or there about. I saw her upstairs. I looked up the stairs.

Craig: Well, had she been downstairs at all before that time?

Wong Foon Sing: I didn't see her going down to the basement. She came downstairs for breakfast, then went upstairs again.

Craig: And how long was she upstairs?

Wong Foon Sing: I don't remember how long.

Craig: Well, did she come down again? What was she doing?

Wong Foon Sing: I don't remember whether she came down again or not.

Craig: And do you mean to say that you don't remember her going downstairs at any time that morning?

Wong Foon Sing: Whether she came down or not, I don't know. I didn't see.

Craig: Do you mean to say that until the time you heard the revolver shot you never knew of her coming downstairs?

Senkler: That is what he said. (J. H. Senkler interjects from the barrister's bench.)

Craig: I don't want to make any mistake about this. I will ask him again. From the time she went upstairs after breakfast, until you heard the revolver shot, do you know whether Janet Smith had come downstairs again or not?

Wong Foon Sing: About eleven o'clock she took some clothes down to the basement.

Craig: I asked you a moment ago if you had known of her being downstairs at any time during the morning, and you said you did not. How did you come to say that?

Wong Foon Sing: I saw her take the clothes downstairs.

Craig: Well, why did you say a few moments ago that you never knew whether she came downstairs at any time that morning after breakfast?

Wong Foon Sing: How do I know, sometimes I don't see her, then I don't know.

(Senkler whispers to Wong Foon Sing, then addresses the corner.)

Senkler: My Chinaman tells me that the dialect of the interpreter is not the same as his dialect. He has great trouble in understanding him.

Craig: As far as you know, she was in the basement from eleven o'clock until the time you heard the revolver shot?

Wong Foon Sing: I didn't look at the clock at that time, but it was twelve o'clock or a little later.

Craig: How can you fix the time?

Wong Foon Sing: I can't fix the time. I was peeling potatoes, and was about to put them on the boiler, at half- past twelve in lunch time.

Craig: What did you do?

Wong Foon Sing: I stood at the sink there, and looked around, and then I went straight down to the basement.

Craig: Looked around where?

Wong Foon Sing: Looked outside the window.

Craig: Did you see anybody?

Wong Foon Sing: No, I didn't see anybody.

Craig: If anybody had come out of the basement door leading from the laundry at that time, were you where you could have seen them?

Wong Foon Sing: No.

Craig: Did you smell the smoke of a revolver shot?

Wong Foon Sing: I don't remember.

Craig: Did you move her body at all?

Wong Foon Sing: No.

Craig: Are you sure of that?

Wong Foon Sing: Yes.

Craig: And you left the body just as it was before you touched it? You did not move any part of the body except the head?

Wong Foon Sing: No.

Craig: Do you remember on August 8th at about 4:45 in the afternoon that a Chinaman came up to see you at the Baker house?

Wong Foon Sing: Yes, he told me he belonged to the Wong Clan.

Craig: What did you tell him?

Wong Foon Sing: He asked me how the girl died. I told him I was upstairs working and then I went down to the basement and I lifted up her head.

Craig: Now on August 8th at a quarter to five, you tell the Chinaman that the boss was in the house when Janet was killed, and knew all about it.

Wong Foon Sing: He asked me to engage lawyers and I told him I need not engage a lawyer that my employer knew all about it.

Craig: Did Mr. Baker ever promise that he would look after you in case you got into any trouble over this matter?

Wong Foon Sing: No.

Craig: Now did you have an interview on August 8th, about half past four in the afternoon, with this young man whom I point out? (Craig points to the interpreter, Foon Sien.) Did you have a talk with him?

Wong Foon Sing: Yes.

Craig: Did you tell him that on the day of Janet Smith's death that Mrs. Baker left the house about 10:50 A.M. and went to General McCrea's? Did you tell the young man that? (Craig turns to Coroner Bryoone Jack.) I make the same remark again, gentlemen. I am not suggesting that it is true at all.

Wong Foon Sing: While I was talking to this man, the bell rang and I told him that it was Mrs. McCrae coming in. (Alex Henderson takes over the questioning.)

Henderson: What time did you make breakfast for the nurse on the morning of Saturday, July 26?

Wong Foon Sing: About 8 o'clock.

Henderson: How long did she take at breakfast?

Wong Foon Sing: About ten minutes.

Henderson: Did she have breakfast before or after Mrs. Baker?

Wong Foon Sing: At about the same time, but not in the same room.

Henderson: Did Mr. and Mrs. Baker go away just after breakfast?

Wong Foon Sing: Yes, about nine o'clock.

Henderson: The first time you saw her was in the morning at breakfast, was it?

Wong Foon Sing: At breakfast.

Henderson: That was the second time you saw her when you were standing in the hall and you looked upstairs?

Wong Foon Sing: I do not know whether it was the second time or not.

Henderson: Well, you saw her hanging out the clothes.

Wong Foon Sing: Hanging out the baby's clothes.

Henderson: Where?

Wong Foon Sing: Outside the kitchen door.

Henderson: What were you doing then?

Wong Foon Sing: I went to the kitchen to get a broom.

Henderson: Yesterday you stated you saw her twice.

Wong Foon Sing: Yesterday I didn't understand or perhaps I forgot.

Henderson: Yesterday, did you not say you saw her at eleven? That those were the only occasions that you saw the nurse on that Saturday before she died?

Wong Foon Sing: Yesterday I said I saw her at breakfast and I saw her when I was looking up the hall. But I did not mention yesterday hanging out the clothes outside the kitchen.

Henderson: What were you doing when the nurse went to the basement with the clothes?

Did you know what she was doing in the basement when she took the clothes down?

Wong Foon Sing: I don't know if it was before or after?

Henderson: You aren't able to tell anything excepting guess work.

Wong Foon Sing: No.

Henderson: Did you hear the nurse singing that day?

Wong Foon Sing: I do not know.

Henderson: Did she sing every day?

Wong Foon Sing: Sometimes I heard her sing, but I don't know what she was singing.

Henderson: Was she accustomed to sing a great deal?

Wong Foon Sing: Sometimes she sang.

Henderson: Did your work on Saturday morning call you into the basement?

Wong Foon Sing: Yes, my bedroom is down there. I went down to the basement to get cool and have a smoke.

(Henderson finishes questioning Sing and Senkler approaches the stand.)

Senkler: This Chinaman, Foon Sien stated that you first tried to phone your uncle at my house. Did you tell him that?

Wong Foon Sing: No, I told him I phoned my employer and then I phoned my uncle.

Senkler: Is there anything is the suggestion that you and the nurse were fooling with the gun when it went off? Suppose somebody say you and the nurse play with gun, gun go off, nurse hurt. Is there any truth in that?

Wong Foon Sing: No.

Senkler: Tell us about the kidnapping.

Wong Foon Sing: I thought they were going to kill me there. I don't know English and I don't know whether what they wrote was right. I signed it unwillingly. They asked me to sign in both English and Chinese. They were always hitting me.

(Jury members led by James Wilson are in the courtroom- along with Corner Bryoone.) (Jack and Wilson are talking.)

Wilson: We have, we find that Janet K. Smith was on July 26, 1924 willfully murdered in the course of her employment in the laundry basement at 3851 Osler Avenue by being shot through the head by a revolver, but by whom it was fired we have no evidence to show.

(Roars of applause and hollers from the crowd)

Wilson: The want of any proper investigation when the tragedy was discovered was responsible for the protracted inquiry, causing great suffering to innocent persons and probably shielding guilt. We exonerate Chief Simpson and Constable Fish entirely.

(Wilson hands verdict to the Corner.)

Corner Bryoone Jack: So say all of you.

Wilson: So say all of us.

(Crowds are walking past the parliament buildings in Victoria. Inside the building, Commissioner, H. O. Mc Donald walks down a corridor where we see Attorney General A.M. Manson waiting. He is shown into Manson's office. The two men talk across a desk.)

Manson: I'll give you a message to take back to Vancouver. We will pay Robinson a reward. I'll leave it to you and Jackson as to what it will be. Keep it as low as possible. Now go back to Vancouver and forget that you ever saw me.

(H.O. McDonald gets out of a car parked in front of the Empire building on Hastings Street and makes his way to the Canadian Detective Bureau.) (Zoom in)

(We see a cramped room with McDonald and Jackson sitting in low light.)

Mc Donald: I have a message for you. Now I want you boys to go ahead and get the Chinaman. If you have to pay, go ahead, but don't get the government mixed up in it. I don't want that.

(Two men stand behind a tree at the edge of the road their silhouettes outlined by the light coming from the corner street lamp.)

(A group of men walk up the grassy lawn of the Baker home on a dark and wet Vancouver night. The figures enter the house and walk down a set of stairs leading to a basement door. An axe is used by one of the men to gouge and scrape at the lock plate. A large bang is heard as the door is forcibly opened. The three men rush into the laundry room and force Wong Fong Sing to the floor.)

Wong Fong Sing: Who are you?

Hooded man: Give me a gun to kill the bastard.

(Wong is blindfolded; his arms tied and he is forced to lie down on the floor in the backseat of a car. A foot is press down onto his back. Wong is then taken to a house and into a small room where the windows are covered in tar paper. His feet are shackled to a chair bolted to the floor. Wong lies down and rests on the small army cot placed in the middle of the room.)

(In a dark attic, men in white hoods and robes string a rope across a ceiling

beam. Wong Foon Sing is forced onto a stool. One of the men put the rope around his neck and tightens the noose.)

Hooded man: Tomorrow, a man will be over from Victoria and your employer will be here. You must tell us about the girl that was dead or you will be dead.

(A car comes to a stop and drops Wong Foon Sing off on Marine Drive, where he staggers along the road. Another car stops beside him and Sergeant Kirkham gets out of the car and puts Wong Fong Sing into it.)

(Wong Foon Sing awakens in a jail cell as Foon Sien waits outside his cell. Wong Foon Sing follows Sien and two policemen down to the basement courtroom where Magistrate T.F. Johnson is sitting behind a desk.)

Johnson: You are under arrest for the murder of Janet Kennedy Smith.

(A group of policemen walk past the municipal hall in Kerrisdale. Sergeant Kirkham escorts Wong Foon Sing to the prisoners dock.)

(J. H.Senkler rises and points to Foon Sien, the translator.)

Senkler: I refuse to have that man as an interpreter. He was mixed up in the first abduction. He was in the automobile in which the boy was carried away. I will not have him at all.

M. B. Jackson: I am surprised that my learned friend should enter an objection so early in the case. I know nothing of any abduction. I only want this man to interpret the charges against the prisoner.

(Malcolm Jackson questions Dr. Blackwood.)

Jackson: Is it not a fact known to medical men that a body cools at the rate of only one degree pre hour for the first twelve hours?

Blackwood: I very much doubt it.

Jackson: In the case of death through violent exercise, does not the temperature rise after death sometimes?

Blackwood: Yes.

(Former Constable James Green is called to the witness stand.)

Jackson: When, with reference to the time you were there, did you phone the office to send someone over?

Green: Probably ten minutes after I got there.

Jackson: Why did you telephone so soon, Mr. Green? You say that you looked around for about ten minutes.

Green: Before I phoned back to the office? Yes.

Jackson: Did you continue any investigation?

Green: I remained there. I did not do anything. I waited until Constable Fish came.

Jackson: You stopped operations until the other man arrived?

Green: I was not operating at that time. I was merely waiting until Fish came.

Jackson: How long did Constable Fish remain after he did arrive?

Green: He was probably there twenty minutes.

Jackson: Did Fish do any looking around?

Green: I don't think so, I don't think so.

Jackson: You made an investigation and made some notes?

Green: I have not made any investigation. I merely looked at what was to be seen there. That was all.

Jackson: We had it from the doctor that you occupied your time making a search there.

Green: I have no control over what he says.

Jackson: What note, Mr. Green, did you make? Can we have the benefit of the search that morning?

Green: I did make some notes. I commenced to make notes.

Jackson: What became of them? I expect I threw them into the wastepaper

basket when I came back. Is that what you say?

Green: I think I did. I know I looked for them afterwards, and I know I could not find them.

Jackson: Did you not give your notes to Mr. Fish?

Green: No, I don't know what notes he did make.

Jackson: What instructions did you give to the undertakers?

Green: I rang them up and told them that there was a body there and that the corner had ordered it to be removed to the undertaking parlor and to be held until the inquest.

Jackson: What did you think had happened?

Green: Well, in my own mind, I didn't go as far as others.

(John Edwards is called to the witness box.)

Jackson: Who gave you instructions for the embalming of the body?

Edwards: Corner Bryoone Jack.

Jackson: Were you instructed by Officer Green to do any embalming?

Edwards: No sir, I asked Bryoone Jack what he wanted to do with the body. I asked him if he had been notified. We always notify the corner in cases like that. He said to take care of the body and to have it back at the city morgue for the inquest on Monday.

Jackson: Were you then, at the time, to embalm it?

Edwards: I don't know whether the word "embalm" was mentioned, itself. We were told to take care of the body for temporary preservation. That is all.

Jackson: Referring to the second inquest, you stated on that occasion you were told to embalm the body by the officer at the house.

Edwards: I don't remember saying anything about that.

Jackson: You know, I suppose, that Wright, your man, says that you came into the embalming room when he was working. What do you say to that?

Edwards: I know I was not down there.

Jackson: Are you sure you did not go, Mr. Edwards?

Edwards: Well, I know I did not go up until six o'clock. I might have gone down afterwards.

(Dr. Archibald Hunter takes the witness box.)

Jackson: From your description at the inquest, practically the whole right side of the skull was shattered?

Hunter: That is what I have been trying to tell you.

Jackson: Can you reconcile the position of the girl on the floor - with the top part of the dress extended and composed in a natural position?

Hunter: It doesn't seem to be the position one would expect. It would be more likely to have the arm or leg flexed away from the body. However, nothing is impossible.

Jackson: If this girl was shot from in front, and was leaning forward at the time, would you expect to find blood marks on the back of the dress from the point of exit on the head?

Hunter: I would expect to find blood both on the front and on the back.

Jackson: Examine the dress and see if there aren't any blood marks present.

Hunter: There are none.

Jackson: What is the effect of opium or its derivatives, or cocaine on people?

Hunter: Cocaine sometimes has sudden fatal effects upon those to whom it is administered. It has even caused the death of those to whom it is given as a local anesthetic.

(Senkler cross-examines the witness.)

Senkler: At the first inquest, you thought the bruises might have been caused by other than the shot?

Hunter: That has been a contentious matter in my mind. I can't answer otherwise than I have.

(Jackson questions the next witness, Frederick L. Baker.)

Jackson: Was there any stiffening?

Baker: It was fairly relaxed.

Jackson: Was it a slip then when you said at the inquest that it seemed to be stiffening?

Baker: I think when I came downstairs, I thought her head had straightened out a little.

Jackson: How can you tell it was bleeding?

Baker: I could see the blood welling out of the wound.

Jackson: Did you turn the body over?

Baker: No.

Jackson: Then you did not see the wound at the back of the head?

Baker: No.

Jackson: Well, we have some medical evidence that there was no blood from the frontal wound.

J. H. Senkler: (interjects) You have no such evidence.

Jackson: Do you know as fact that Sing did the washing and ironing for Janet Smith?

Baker: I think he washed her own clothes for her, but he did the washing and ironing for Janet Smith.

Baker: What has this got to do with my Chinaman? Neither the Chinaman nor Janet Smith had anything to do with that.

Jackson: Was your firm engaged in the dope traffic?

Baker: We handled general chemicals.

Jackson: Heroin, cocaine and morphine.

Baker: Yes

Jackson: Did you not perfect certain contracts along the line? I have mentioned a contract with the Chin Sei Mei Company of Osaka, Japan, for £40,000 of drugs?

Baker: I remember signing the contract as witness.

Baker: Was Janet Smith there?

Baker: No, she knew absolutely nothing about it.

Jackson: Did you have a contract with the Humphrey Firm, signed while you were in France with Janet Smith?

Baker: She was not with us on that trip.

Jackson: Did you know that transactions ever came to her knowledge?

Baker: I have no reason to think so.

Jackson: Have you ever had dope in your house?

Baker: No.

Jackson: Did you know if he (points to Wong Foon Sing) ever had dope there?

Baker: I don't know.

Jackson: Do you have any knowledge of familiarity taken with Janet Smith? I do not refer to yourself.

Baker: I know of nothing.

Jackson: Have you heard of flirtations with this girl in your house-never mind with whom? Have you ever heard that the accused saw someone attempting to or actually kissing Janet Smith?

Baker: I never heard of such a thing.

(Henry Senkler takes over.)

Senkler: Let us clear up this extraordinary suggestion of dope, did you see Wong

Sing smoke or use opium of any kind?

Baker: No, I never did.

Senkler: Did you ever discuss your business in any way with the accused or Janet Smith?

Baker: Absolutely not.

Jackson: Do you know of any flirtation with Janet Smith by anyone?

Baker: Well, she had some admirers who used to phone her frequently.

Senkler: Did you ever hear of anything improper in relation to this suggestion of my learned friend?

Baker: No.

Senkler: I submit to your worship that the story of the crown is that there was no murder. If there had been a murder, this Chinaman had nothing whatever to do with it. The story as to what happened is the story of an innocent person. What are the facts? He called his boss, called his uncle...he showed them the blood on his apron. He never attempted to hide anything and he stayed in the house all afternoon. Not only had the crown failed to present any evidence of Wong's guilt, said Senkler, but there had been no suggestion as to why he might have wanted to kill Janet Smith or how he had managed to take such elaborate steps to conceal the murder, not only was Mr. Jackson guilty of "cajoling, bullying and coaxing" the witness, but he had selected the evidence to serve his own purpose. How about the fairness of the crown in not calling two interesting witnesses, workmen from across the road, whose evidence was given at the inquest and who said that the girl was there all morning? I submit that there is no evidence to go to the jury. This man should be dismissed.

(Robert Smith continues.)

I wish to state in court that this is an unfair prosecution. That is my opinion of it and it is being taken down by the stenographer and it shall not be said in the future that I did not object to it. It is not a prosecution, but a persecution. There is not on bit of evidence to send this unfortunate Chinese up for trial...we have slanders and the rumors, and that is all there is in this case.

Senkler: At eight o'clock in the evening, he was taken to the courthouse, given the third degree and put on the street at five-thirty in the morning. He was beaten up in the meantime. There was a subsequent kidnapping and he was kept for six weeks. I don't know much about that yet. I may someday.

(Wong Foon Sing takes a "Fire Oath." Donald Elphinstone, the interpreter sets fire to a parchment outlining Wong's upcoming testimony.)

Joe Oliver: I won't take the word of any Chinaman.

Senkler: Tell us what happened.

Wong Foon Sing: Two men took me out through the door, down the steps and through some grass, not very far, and they lifted me into a motor car. I was in the back seat with someone on each side of me, and there was a driver in front. This was at night. They drove the car for about an hour and then said, "We are now in Canada, before we were in Washington." Then they drove for another hour. One man took me out of the automobile and put me among trees. One man stood there holding me and the car went away.

(Verity Norton returns to the stand to be questioned by Joseph Oliver for the defense.)

Oliver: Was anything said about immunity?

Norton: Yes, he had been promised there would be no prosecution. He told me the government approved the abduction and had promised immunity.

Oliver: Was there any secret made of your having abducted the Chinaman?

Norton: Not from Point Grey and, I understand, the government.

Oliver: Do you know about Robinson being promised money by the Point Grey police commissioner and not getting it?

Norton: He told me this was the reason I wasn't paid. I believe it, as he always played fair and square and told me the truth.

(Henderson takes over questioning.)

Henderson: Why, then, do you give evidence?

Norton: Because I feel I have been treated badly.

Henderson: By whom?

Norton: The authorities.

Henderson: But you had no communication with them, or promises from them.

Norton: Not directly.

Henderson: Was it only for money that you did this, or was there any higher motive?

Norton: I wanted to help solve this mystery.

Henderson: Did the witness really believe that the government had guaranteed him immunity from prosecution?

Norton: I believe it yet.

Henderson: Did you use violence with this Chinaman?

Norton: Not physically.

Henderson: Did you use mental pressure?

Norton: Yes, he was threatened and there would be a certain amount of fear. It was all exaggerated as reported, no statement that Wong would die was made and no reference was made to digging a hole and putting him in the ground. I noticed that Wong was deaf in his right ear when we took him and he said he had been that way for a long time.

Henderson: But it was his left ear that was affected.

Norton: Then he must be deaf all around

Henderson: Did you hang him?

Norton: No, but we threatened to hang him, and we used a rope.

(Gordon Wismer questions F.L. Baker.)

Wismer: Has Jack Nichol ever been in your house?

Baker: Yes, he has.

Wismer: On many occasions?

Baker: Yes, he has.

Wisner: Do you know where Jack Nichol was on Friday night and Saturday morning?

Baker: He left Friday night for Calgary.

Wisner: At what time?

Baker: I understand on the night train, the eight-thirty train. I don't know that from my own knowledge, just from hearsay.

(J. E. Bird of the Defense takes over questioning.)

Bird: Did you ever discuss with Robinson the abduction of Wong Sing?

Cruickshank: No, only once when I said to him that the police would have nothing to do with it. I had no knowledge myself of who abducted the boy, nor did the police under me...so far as I know.

(Craig takes over questioning.)

Craig: How was the first abduction engineered?

Cruickshank: I don't consider it abduction, it was an interview.

(Craig is questioning Robinson when the judge, Justice McDonald interrupts.)

Judge McDonald: But you never did it.

Robinson: No, I never did it.

Craig: Did you honestly think that the Attorney-General could authorize you to do that legally?

Robinson: I honestly thought that the attorney-General could grant me immunity.

Craig: Do you think that the Attorney-General could empower you to commit a murder?

Robinson: No, I would do it again, though.

Craig: Does it make any difference whether the prosecution is private or otherwise?

Robinson: Yes it does.

Mr. Justice McDonald: Do you intend to do all you can to see the prosecutions are carried out?

Baker: Yes, I do, I feel that Jackson is the man responsible for the troubles of us all.

(J. Edward Bird questions Manson.)

Bird: Mr. McDonald came to see you voluntarily, did he not?

Manson: With regard to that, I can't say, Mr. Bird, all I can say is that I judged from his first few words that he was going to discuss the matter and I considered it fair to warn him that he could not talk to me in confidence.

Bird: Did he ask for this matter to be kept in confidence?

Manson: I don't think he did.

Bird: Then don't you think it was your duty, as Chief of the Justice Department of this province to apprehend him if he was a party to Wong's abduction, and call a policeman?

Manson: Had that information come to me, well and good.

Bird: Yes?

Mason: But that information...

Bird: But you stopped the flow of information towards you voluntarily.

Manson: I did and did it quite deliberately and have no apology to make for having done it. I considered it the fair thing to do. A man might come to me-and I believe he did come to me thinking that he could talk to me in confidence-and I certainly disabused his mind at once.

Bird: Now you do not agree with Mr. Senkler in his recollection as to what took place, can you tell us again in what respect you disagree with him?

Mason: I think the only serious difference between Mr. Senkler and myself is where he would attempt to convey the impression that I did not want to know about the abduction. There was nothing I said to Mr. Senkler at anytime that warranted him arriving at any such conclusion and no one knows it better than Mr. J. H. Senkler.

Bird: Just show us what efforts you made to find out the abductors, give us the personal applications by yourself and the letters in response to that clamor that was universal in British Columbia that those people should be brought to justice.

Mason: Well, Mr. Bird, I thought I had made that sufficiently clear. I did it through my superintendent of police. I don't go out and instruct each one individually, but I do it through my superintendent of police and through Mr. Jackson and in that we get our results.

Bird: Yes, you get results, this trial and this exposure.

Bird: Now you suggest that you were fully cognizant that the suggestion should be sent to Sing, certified by the Chinese consul, and his best friends, that he would be offered protection and immunity if he were to own up to certain things. Is that right?

Manson: I was fully cognizant, as I have already explained, of the endeavor to get this man released by offering protection to him in return for a frank statement with regard to the whole matter, providing he himself were not the perpetrator of the crime.

Bird: And you knew at the time, he was in confinement?

Manson: I certainly had every reason to believe so.

Bird: And you thought he was guilty of murder.

Manson: No, I would not say that.

Bird: Wasn't the suggestion made to you that you had obtained enough evidence to put him on charge for murder?

Manson: Yes to put him on trial, but putting him on trial and convicting him is a different thing, because that is a matter that would have to be left to a petty jury or a grand jury to determine whether he is guilty or not. That is a different thing altogether.

Bird: Do you think it was right, or do you think it was reasonable under these conditions, where a man was being held illegally by you, to suggest getting any kind of statement from him?

Manson: I do not know, Mr. Bird, if you meant the phrase, "illegally by me."

Bird: You knew that he had been kidnapped by somebody?

Manson: If you make any suggestion of that kind, then I frankly say I have not the respect for you that one would expect to have towards another member of the bar. You knew perfectly well I had no knowledge of that Chinaman being kidnapped.

Bird: I withdraw that statement.

Manson: It is a rather contemptuous one, you know.

Bird: Now you spoke about the attitude of the public and that you were going slowly by reason of the fact that there was a great deal of excitement that you wanted cooled down?

Manson: No, I did not say I was going slowly. What I said was that when I appointed Mr. Jackson, I had the hope that the news and notoriety would die down and we would be able to get something. As long as we had the public mind excited, as it was, unfortunately, in the Janet Smith case, there was very little hope of catching anybody off guard or their making a statement. Persons interested in this thing, or who had taken part, would be absolutely on the alert.

Bird: Mr. McDonald left you that day...after you warned him it would not be a fair thing to do. He left you distinctly indicating to you that Wong would be returned is that right?

Manson: No, he did not, because I told McDonald that we were determined to recover Wong at all costs. I gathered generally that Mr. McDonald had some knowledge, whether it was a guilty knowledge or not, I don't know and he didn't say.

Judge McDonald: I tell you this defense has nothing to offer that constitutes a defense.

(Beveridge rises to give the verdict.)

Beveridge: Guilty, but with a strong recommendation for mercy.

(Crowds walk up the stairs. While C.W. Craig cross examines Chief Murdoch.)

Craig: When you found out that Robinson was confining Wong, why didn't you arrest him?

Murdoch: I was guided by the police commission.

Craig: You believed Robinson when he told you he had the Chinese, did you not?

Murdoch: Yes

Craig: You knew then that Robinson was a criminal.

Judge Morrison: You must give poor Robinson a chance.

Murdoch: He had not told us that he had abducted the Chinese. He gave us to understand that he had received him from someone.

Judge Morrison: Do your duty, and try to forget the Attorney-General, Jackson, and that mess we have gotten into. I wish to assert on my own behalf and that of my brother judges that no ulterior influence is allowed to interfere with our proper discharge of the sacred trust reposed in us, the discharge of which we have signalized by a most solemn oath of office.

Jury: Not guilty.

(Applause and shouts from the audience, rush of crowd cheers defendants. The defendants: Percy Kirkham, Chief Murdock and Commissioner McDonald. Outside, several hundred people gather around the defendants.)

(Vancouver Assize Courtroom: Mr. Justice D.A. McDonald speaks to O.B. Robinson.

Judge McDonald: The more consideration I have given the case, the more merciful I feel. Having taken into consideration the jury's recommendation and knowing that the jury knew the maximum punishment is twenty-five years, I have been able to satisfy my conscience by giving you one year's imprisonment, which will take into consideration the time you have already served. Less than that, I could not do.

Robinson: Thank you my lord.

(Crowds continue to walk past the Vancouver Court House.)
Trials of Wong Foon Sing

Simpson: Oh no, most decidedly not.

(Dr. Archibald Hunter walks to the stand with a black medical bag. From it he

produces a human skull for comparisons. C.W. Craig replaces Henderson.)

Craig: How do you account for the diffusion of blood between the scalp and the wound?

Hunter: That is the disturbing factor, now if powder marks were found; one would be inclined to say it was due to gasses from the revolver. It is hard to explain unless it was due to the tearing effect of a more-or-less glancing wound to the skull. (pause) It cannot be satisfactorily explained, but it can be produced by a revolver wound.

(Albert Hicks takes the witness stand. Henderson replaces Craig)

Henderson: Did you see the Chinaman looking for someone around noon?

Hicks: No, I saw him during the morning in the backyard.

(Inspector Forbes Cruickshank takes the witness stand)

Craig: You differ from Chief Simpson, who thinks it was a bullet?

Cruickshank: I do.

(Dr. G.F. Curtis takes the stand)

Craig: What have you to say as to the probability or possibility of the girl inflicting this wound upon herself?

Curtis: I would consider it highly improbable.

Craig: What are the reasons?

Curtis: I would expect to find more spicules of powder and perhaps some burning.

Craig: If a person intended to kill himself, would you expect him to hold the gun as far as possible from his body?

Craig: No, I would not. I would expect him to place it as closely as possible to the body.

(Hundred of people are outside the Vancouver court house. Cissie Jones is called to the stand.)

Craig: Did she speak of the Chinaman?

Cissie: Yes, she told me on Friday that she was afraid for three days to go into the kitchen where he was. Every day she complained of the way the Chinaman treated her.

Craig: Did she ever tell you...say anything to you about taking up revolver practice?

Cissie: It is ridiculous to think that she would ever have a revolver.

Craig: Does this suggest that she was afraid of the Chinaman?

Cissie: I know what she told me.

(The audience hoots and claps.)

Craig: This is an inquiry to get at the truth. I will not allow such outbursts (pause)...if she was so terribly afraid of the Chinaman would she not have put it in her dairy?

Cissie: Suppose she did not have time, if she had known she was going to die, she would have written more about the Chinaman. It is too bad that she did not write more.

(Wong Foon Sing walks through passage joining the two wings of the courthouse. In the presence of many reporters, Wong Foon Sing is handed a statement. The bailiff sets fire to paper and incense. Constable holds a chicken's head down on a chopping block. Wong cuts it off with knife.)

(Huge crowds are forming in front of courthouse. In the courtroom, C.W. Craig questions Wong Foon Sing while Foon Sien translates.)

Craig: Now what were your duties that day? What were you doing?

Wong Foon Sing: After they went, I cleared the table and washed the dishes. Then I cleared the verandah and cleaned up the brass work on the door, and then I attended to the flower pots and picked out all the spoiled flowers and threw them away. Then I washed the kitchen floor and then tidied up generally.

Craig: What time was it you washed the kitchen floor?

Wong Foon Sing: Between ten and eleven o'clock.

Craig: And what did you do after that- after ten and eleven?

Wong Foon Sing: I worked in the dining room and general tidying up.

Craig: What were you doing up to the time you heard the revolver shot?

Wong Foon Sing: I was peeling potatoes when I heard the shot.

Craig: Now where was Janet Smith at that time?

Wong Foon Sing: I didn't see her.

Craig: Do you know where she was?

Wong Foon Sing: About ten o'clock or there about. I saw her upstairs. I looked up the stairs.

Craig: Well, had she been downstairs at all before that time?

Wong Foon Sing: I didn't see her going down to the basement. She came downstairs for breakfast, then went upstairs again.

Craig: And how long was she upstairs?

Wong Foon Sing: I don't remember how long.

Craig: Well, did she come down again? What was she doing?

Wong Foon Sing: I don't remember whether she came down again or not.

Craig: And do you mean to say that you don't remember her going downstairs at any time that morning?

Wong Foon Sing: Whether she came down or not, I don't know. I didn't see.

Craig: Do you mean to say that until the time you heard the revolver shot you never knew of her coming downstairs?

Senkler: That is what he said. (J. H. Senkler interjects from the barrister's bench.)

Craig: I don't want to make any mistake about this. I will ask him again. From the time she went upstairs after breakfast, until you heard the revolver shot, do you know whether Janet Smith had come downstairs again or not?

Wong Foon Sing: About eleven o'clock she took some clothes down to the basement.

Craig: I asked you a moment ago if you had known of her being downstairs at any time during the morning, and you said you did not. How did you come to say that?

Wong Foon Sing: I saw her take the clothes downstairs.

Craig: Well, why did you say a few moments ago that you never knew whether she came downstairs at any time that morning after breakfast?

Wong Foon Sing: How do I know, sometimes I don't see her, then I don't know.

(Senkler whispers to Wong Foon Sing, then addresses the corner.)

Senkler: My Chinaman tells me that the dialect of the interpreter is not the same as his dialect. He has great trouble in understanding him.

Craig: As far as you know, she was in the basement from eleven o'clock until the time you heard the revolver shot?

Wong Foon Sing: I didn't look at the clock at that time, but it was twelve o'clock or a little later.

Craig: How can you fix the time?

Wong Foon Sing: I can't fix the time. I was peeling potatoes, and was about to put them on the boiler, at half- past twelve in lunch time.

Craig: What did you do?

Wong Foon Sing: I stood at the sink there, and looked around, and then I went straight down to the basement.

Craig: Looked around where?

Wong Foon Sing: Looked outside the window.

Craig: Did you see anybody?

Wong Foon Sing: No, I didn't see anybody.

Craig: If anybody had come out of the basement door leading from the laundry at that time, were you where you could have seen them?

Wong Foon Sing: No.

Craig: Did you smell the smoke of a revolver shot?

Wong Foon Sing: I don't remember.

Craig: Did you move her body at all?

Wong Foon Sing: No.

Craig: Are you sure of that?

Wong Foon Sing: Yes.

Craig: And you left the body just as it was before you touched it? You did not move any part of the body except the head?

Wong Foon Sing: No.

Craig: Do you remember on August 8th at about 4:45 in the afternoon that a Chinaman came up to see you at the Baker house?

Wong Foon Sing: Yes, he told me he belonged to the Wong Clan.

Craig: What did you tell him?

Wong Foon Sing: He asked me how the girl died. I told him I was upstairs working and then I went down to the basement and I lifted up her head.

Craig: Now on August 8th at a quarter to five, you tell the Chinaman that the boss was in the house when Janet was killed, and knew all about it.

Wong Foon Sing: He asked me to engage lawyers and I told him I need not engage a lawyer that my employer knew all about it.

Craig: Did Mr. Baker ever promise that he would look after you in case you got into any trouble over this matter?

Wong Foon Sing: No.

Craig: Now did you have an interview on August 8th, about half past four in the

afternoon, with this young man whom I point out? (Craig points to the interpreter, Foon Sien.) Did you have a talk with him?

Wong Foon Sing: Yes.

Craig: Did you tell him that on the day of Janet Smith's death that Mrs. Baker left the house about 10:50 A.M. and went to General McCrea's? Did you tell the young man that? (Craig turns to Coroner Bryoone Jack.) I make the same remark again, gentlemen. I am not suggesting that it is true at all.

Wong Foon Sing: While I was talking to this man, the bell rang and I told him that it was Mrs. McCrae coming in. (Alex Henderson takes over the questioning.)

Henderson: What time did you make breakfast for the nurse on the morning of Saturday, July 26?

Wong Foon Sing: About 8 o'clock.

Henderson: How long did she take at breakfast?

Wong Foon Sing: About ten minutes.

Henderson: Did she have breakfast before or after Mrs. Baker?

Wong Foon Sing: At about the same time, but not in the same room.

Henderson: Did Mr. and Mrs. Baker go away just after breakfast?

Wong Foon Sing: Yes, about nine o'clock.

Henderson: The first time you saw her was in the morning at breakfast, was it?

Wong Foon Sing: At breakfast.

Henderson: That was the second time you saw her when you were standing in the hall and you looked upstairs?

Wong Foon Sing: I do not know whether it was the second time or not.

Henderson: Well, you saw her hanging out the clothes.

Wong Foon Sing: Hanging out the baby's clothes.

Henderson: Where?

Wong Foon Sing: Outside the kitchen door.

Henderson: What were you doing then?

Wong Foon Sing: I went to the kitchen to get a broom.

Henderson: Yesterday you stated you saw her twice.

Wong Foon Sing: Yesterday I didn't understand or perhaps I forgot.

Henderson: Yesterday, did you not say you saw her at eleven? That those were the only occasions that you saw the nurse on that Saturday before she died?

Wong Foon Sing: Yesterday I said I saw her at breakfast and I saw her when I was looking up the hall. But I did not mention yesterday hanging out the clothes outside the kitchen.

Henderson: What were you doing when the nurse went to the basement with the clothes?

Did you know what she was doing in the basement when she took the clothes down?

Wong Foon Sing: I don't know if it was before or after?

Henderson: You aren't able to tell anything excepting guess work.

Wong Foon Sing: No.

Henderson: Did you hear the nurse singing that day?

Wong Foon Sing: I do not know.

Henderson: Did she sing every day?

Wong Foon Sing: Sometimes I heard her sing, but I don't know what she was singing.

Henderson: Was she accustomed to sing a great deal?

Wong Foon Sing: Sometimes she sang.

Henderson: Did your work on Saturday morning call you into the basement?

Wong Foon Sing: Yes, my bedroom is down there. I went down to the basement to get cool and have a smoke.

(Henderson finishes questioning Sing and Senkler approaches the stand.)

Senkler: This Chinaman, Foon Sien stated that you first tried to phone your uncle at my house. Did you tell him that?

Wong Foon Sing: No, I told him I phoned my employer and then I phoned my uncle.

Senkler: Is there anything is the suggestion that you and the nurse were fooling with the gun when it went off? Suppose somebody say you and the nurse play with gun, gun go off, nurse hurt. Is there any truth in that?

Wong Foon Sing: No.

Senkler: Tell us about the kidnapping.

Wong Foon Sing: I thought they were going to kill me there. I don't know English and I don't know whether what they wrote was right. I signed it unwillingly. They asked me to sign in both English and Chinese. They were always hitting me.

(Jury members led by James Wilson are in the courtroom- along with Corner Byroone.) (Jack and Wilson are talking.)

Wilson: We have, we find that Janet K. Smith was on July 26, 1924 willfully murdered in the course of her employment in the laundry basement at 3851 Osler Avenue by being shot through the head by a revolver, but by whom it was fired we have no evidence to show.

(Roars of applause and hollers from the crowd)

Wilson: The want of any proper investigation when the tragedy was discovered was responsible for the protracted inquiry, causing great suffering to innocent persons and probably shielding guilt. We exonerate Chief Simpson and Constable Fish entirely.

(Wilson hands verdict to the Corner.)

Corner Bryoone Jack: So say all of you.

Wilson: So say all of us.

(Crowds are walking past the parliament buildings in Victoria. Inside the building, Commissioner, H. O. Mc Donald walks down a corridor where we see Attorney General A.M. Manson waiting. He is shown into Manson's office. The two men talk across a desk.)

Manson: I'll give you a message to take back to Vancouver. We will pay Robinson a reward. I'll leave it to you and Jackson as to what it will be. Keep it as low as possible. Now go back to Vancouver and forget that you ever saw me.

(H.O. McDonald gets out of a car parked in front of the Empire building on Hastings Street and makes his way to the Canadian Detective Bureau.) (Zoom in)

(We see a cramped room with McDonald and Jackson sitting in low light.)

Mc Donald: I have a message for you. Now I want you boys to go ahead and get the Chinaman. If you have to pay, go ahead, but don't get the government mixed up in it. I don't want that.

(Two men stand behind a tree at the edge of the road their silhouettes outlined by the light coming from the corner street lamp.)

(A group of men walk up the grassy lawn of the Baker home on a dark and wet Vancouver night. The figures enter the house and walk down a set of stairs leading to a basement door. An axe is used by one of the men to gouge and scrape at the lock plate. A large bang is heard as the door is forcibly opened. The three men rush into the laundry room and force Wong Fong Sing to the floor.)

Wong Fong Sing: Who are you?

Hooded man: Give me a gun to kill the bastard.

(Wong is blindfolded; his arms tied and he is forced to lie down on the floor in the backseat of a car. A foot is press down onto his back. Wong is then taken to a house and into a small room where the windows are covered in tar paper. His feet are shackled to a chair bolted to the floor. Wong lies down and rests on the small army cot placed in the middle of the room.)

(In a dark attic, men in white hoods and robes string a rope across a ceiling beam. Wong Foon Sing is forced onto a stool. One of the men put the rope around his neck and tightens the noose.)

Hooded man: Tomorrow, a man will be over from Victoria and your employer will be here. You must tell us about the girl that was dead or you will be dead.

(A car comes to a stop and drops Wong Foon Sing off on Marine Drive, where he staggers along the road. Another car stops beside him and Sergeant Kirkham gets out of the car and puts Wong Fong Sing into it.)

(Wong Foon Sing awakens in a jail cell as Foon Sien waits outside his cell. Wong Foon Sing follows Sien and two policemen down to the basement courtroom where Magistrate T.F. Johnson is sitting behind a desk.)

Johnson: You are under arrest for the murder of Janet Kennedy Smith.

(A group of policemen walk past the municipal hall in Kerrisdale. Sergeant Kirkham escorts Wong Foon Sing to the prisoners dock.)

(J. H.Senkler rises and points to Foon Sien, the translator.)

Senkler: I refuse to have that man as an interpreter. He was mixed up in the first abduction. He was in the automobile in which the boy was carried away. I will not have him at all.

M. B. Jackson: I am surprised that my learned friend should enter an objection so early in the case. I know nothing of any abduction. I only want this man to interpret the charges against the prisoner.

(Malcolm Jackson questions Dr. Blackwood.)

Jackson: Is it not a fact known to medical men that a body cools at the rate of only one degree pre hour for the first twelve hours?

Blackwood: I very much doubt it.

Jackson: In the case of death through violent exercise, does not the temperature rise after death sometimes?

Blackwood: Yes.

(Former Constable James Green is called to the witness stand.)

Jackson: When, with reference to the time you were there, did you phone the office to send someone over?

Green: Probably ten minutes after I got there.

Jackson: Why did you telephone so soon, Mr. Green? You say that you looked around for about ten minutes.

Green: Before I phoned back to the office? Yes.

Jackson: Did you continue any investigation?

Green: I remained there. I did not do anything. I waited until Constable Fish came.

Jackson: You stopped operations until the other man arrived?

Green: I was not operating at that time. I was merely waiting until Fish came.

Jackson: How long did Constable Fish remain after he did arrive?

Green: He was probably there twenty minutes.

Jackson: Did Fish do any looking around?

Green: I don't think so, I don't think so.

Jackson: You made an investigation and made some notes?

Green: I have not made any investigation. I merely looked at what was to be seen there. That was all.

Jackson: We had it from the doctor that you occupied your time making a search there.

Green: I have no control over what he says.

Jackson: What note, Mr. Green, did you make? Can we have the benefit of the search that morning?

Green: I did make some notes. I commenced to make notes.

Jackson: What became of them? I expect I threw them into the wastepaper basket when I came back. Is that what you say?

Green: I think I did. I know I looked for them afterwards, and I know I could not

find them.

Jackson: Did you not give your notes to Mr. Fish?

Green: No, I don't know what notes he did make.

Jackson: What instructions did you give to the undertakers?

Green: I rang them up and told them that there was a body there and that the corner had ordered it to be removed to the undertaking parlor and to be held until the inquest.

Jackson: What did you think had happened?

Green: Well, in my own mind, I didn't go as far as others.

(John Edwards is called to the witness box.)

Jackson: Who gave you instructions for the embalming of the body?

Edwards: Corner Bryoone Jack.

Jackson: Were you instructed by Officer Green to do any embalming?

Edwards: No sir, I asked Bryoone Jack what he wanted to do with the body. I asked him if he had been notified. We always notify the corner in cases like that. He said to take care of the body and to have it back at the city morgue for the inquest on Monday.

Jackson: Were you then, at the time, to embalm it?

Edwards: I don't know whether the word "embalm" was mentioned, itself. We were told to take care of the body for temporary preservation. That is all.

Jackson: Referring to the second inquest, you stated on that occasion you were told to embalm the body by the officer at the house.

Edwards: I don't remember saying anything about that.

Jackson: You know, I suppose, that Wright, your man, says that you came into the embalming room when he was working. What do you say to that?

Edwards: I know I was not down there.

Jackson: Are you sure you did not go, Mr. Edwards?

Edwards: Well, I know I did not go up until six o'clock. I might have gone down afterwards.

(Dr. Archibald Hunter takes the witness box.)

Jackson: From your description at the inquest, practically the whole right side of the skull was shattered?

Hunter: That is what I have been trying to tell you.

Jackson: Can you reconcile the position of the girl on the floor - with the top part of the dress extended and composed in a natural position?

Hunter: It doesn't seem to be the position one would expect. It would be more likely to have the arm or leg flexed away from the body. However, nothing is impossible.

Jackson: If this girl was shot from in front, and was leaning forward at the time, would you expect to find blood marks on the back of the dress from the point of exit on the head?

Hunter: I would expect to find blood both on the front and on the back.

Jackson: Examine the dress and see if there aren't any blood marks present.

Hunter: There are none.

Jackson: What is the effect of opium or its derivatives, or cocaine on people?

Hunter: Cocaine sometimes has sudden fatal effects upon those to whom it is administered. It has even caused the death of those to whom it is given as a local anesthetic.

(Senkler cross-examines the witness.)

Senkler: At the first inquest, you thought the bruises might have been caused by other than the shot?

Hunter: That has been a contentious matter in my mind. I can't answer otherwise than I have.

(Jackson questions the next witness, Frederick L. Baker.)

Jackson: Was there any stiffening?

Baker: It was fairly relaxed.

Jackson: Was it a slip then when you said at the inquest that it seemed to be stiffening?

Baker: I think when I came downstairs, I thought her head had straightened out a little.

Jackson: How can you tell it was bleeding?

Baker: I could see the blood welling out of the wound.

Jackson: Did you turn the body over?

Baker: No.

Jackson: Then you did not see the wound at the back of the head?

Baker: No.

Jackson: Well, we have some medical evidence that there was no blood from the frontal wound.

J. H. Senkler: (interjects) You have no such evidence.

Jackson: Do you know as fact that Sing did the washing and ironing for Janet Smith?

Baker: I think he washed her own clothes for her, but he did the washing and ironing for Janet Smith.

Baker: What has this got to do with my Chinaman? Neither the Chinaman nor Janet Smith had anything to do with that.

Jackson: Was your firm engaged in the dope traffic?

Baker: We handled general chemicals.

Jackson: Heroin, cocaine and morphine.

Baker: Yes

Jackson: Did you not perfect certain contracts along the line? I have mentioned a contract with the Chin Sei Mei Company of Osaka, Japan, for £40,000 of drugs?

Baker: I remember signing the contract as witness.

Baker: Was Janet Smith there?

Baker: No, she knew absolutely nothing about it.

Jackson: Did you have a contract with the Humphrey Firm, signed while you were in France with Janet Smith?

Baker: She was not with us on that trip.

Jackson: Did you know that transactions ever came to her knowledge?

Baker: I have no reason to think so.

Jackson: Have you ever had dope in your house?

Baker: No.

Jackson: Did you know if he (points to Wong Foon Sing) ever had dope there?

Baker: I don't know.

Jackson: Do you have any knowledge of familiarity taken with Janet Smith? I do not refer to yourself.

Baker: I know of nothing.

Jackson: Have you heard of flirtations with this girl in your house-never mind with whom? Have you ever heard that the accused saw someone attempting to or actually kissing Janet Smith?

Baker: I never heard of such a thing.

(Henry Senkler takes over.)

Senkler: Let us clear up this extraordinary suggestion of dope, did you see Wong Sing smoke or use opium of any kind?

Baker: No, I never did.

Senkler: Did you ever discuss your business in any way with the accused or Janet Smith?

Baker: Absolutely not.

Jackson: Do you know of any flirtation with Janet Smith by anyone?

Baker: Well, she had some admirers who used to phone her frequently.

Senkler: Did you ever hear of anything improper in relation to this suggestion of my learned friend?

Baker: No.

Senkler: I submit to your worship that the story of the crown is that there was no murder. If there had been a murder, this Chinaman had nothing whatever to do with it. The story as to what happened is the story of an innocent person. What are the facts? He called his boss, called his uncle...he showed them the blood on his apron. He never attempted to hide anything and he stayed in the house all afternoon. Not only had the crown failed to present any evidence of Wong's guilt, said Senkler, but there had been no suggestion as to why he might have wanted to kill Janet Smith or how he had managed to take such elaborate steps to conceal the murder, not only was Mr. Jackson guilty of "cajoling, bullying and coaxing" the witness, but he had selected the evidence to serve his own purpose. How about the fairness of the crown in not calling two interesting witnesses, workmen from across the road, whose evidence was given at the inquest and who said that the girl was there all morning? I submit that there is no evidence to go to the jury. This man should be dismissed.

(Robert Smith continues.)

I wish to state in court that this is an unfair prosecution. That is my opinion of it and it is being taken down by the stenographer and it shall not be said in the future that I did not object to it. It is not a prosecution, but a persecution. There is not on bit of evidence to send this unfortunate Chinese up for trial...we have slanders and the rumors, and that is all there is in this case.

Senkler: At eight o'clock in the evening, he was taken to the courthouse, given the third degree and put on the street at five-thirty in the morning. He was beaten up in the meantime. There was a subsequent kidnapping and he was kept for six weeks. I don't know much about that yet. I may someday.

(Wong Foon Sing takes a "Fire Oath." Donald Elphinstone, the interpreter sets fire to a parchment outlining Wong's upcoming testimony.)

Joe Oliver: I won't take the word of any Chinaman.

Senkler: Tell us what happened.

Wong Foon Sing: Two men took me out through the door, down the steps and through some grass, not very far, and they lifted me into a motor car. I was in the back seat with someone on each side of me, and there was a driver in front. This was at night. They drove the car for about an hour and then said, "We are now in Canada, before we were in Washington." Then they drove for another hour. One man took me out of the automobile and put me among trees. One man stood there holding me and the car went away.

(Verity Norton returns to the stand to be questioned by Joseph Oliver for the defense.)

Oliver: Was anything said about immunity?

Norton: Yes, he had been promised there would be no prosecution. He told me the government approved the abduction and had promised immunity.

Oliver: Was there any secret made of your having abducted the Chinaman?

Norton: Not from Point Grey and, I understand, the government.

Oliver: Do you know about Robinson being promised money by the Point Grey police commissioner and not getting it?

Norton: He told me this was the reason I wasn't paid. I believe it, as he always played fair and square and told me the truth.

(Henderson takes over questioning.)

Henderson: Why, then, do you give evidence?

Norton: Because I feel I have been treated badly.

Henderson: By whom?

Norton: The authorities.

Henderson: But you had no communication with them, or promises from them.

Norton: Not directly.

Henderson: Was it only for money that you did this, or was there any higher motive?

Norton: I wanted to help solve this mystery.

Henderson: Did the witness really believe that the government had guaranteed him immunity from prosecution?

Norton: I believe it yet.

Henderson: Did you use violence with this Chinaman?

Norton: Not physically.

Henderson: Did you use mental pressure?

Norton: Yes, he was threatened and there would be a certain amount of fear. It was all exaggerated as reported, no statement that Wong would die was made and no reference was made to digging a hole and putting him in the ground. I noticed that Wong was deaf in his right ear when we took him and he said he had been that way for a long time.

Henderson: But it was his left ear that was affected.

Norton: Then he must be deaf all around

Henderson: Did you hang him?

Norton: No, but we threatened to hang him, and we used a rope.

(Gordon Wismer questions F.L. Baker.)

Wismer: Has Jack Nichol ever been in your house?

Baker: Yes, he has.

Wismer: On many occasions?

Baker: Yes, he has.

Wismer: Do you know where Jack Nichol was on Friday night and Saturday morning?

Baker: He left Friday night for Calgary.

Wisner: At what time?

Baker: I understand on the night train, the eight-thirty train. I don't know that from my own knowledge, just from hearsay.

(J. E. Bird of the Defense takes over questioning.)

Bird: Did you ever discuss with Robinson the abduction of Wong Sing?

Cruickshank: No, only once when I said to him that the police would have nothing to do with it. I had no knowledge myself of who abducted the boy, nor did the police under me...so far as I know.

(Craig takes over questioning.)

Craig: How was the first abduction engineered?

Cruickshank: I don't consider it abduction, it was an interview.

(Craig is questioning Robinson when the judge, Justice McDonald interrupts.)

Judge McDonald: But you never did it.

Robinson: No, I never did it.

Craig: Did you honestly think that the Attorney-General could authorize you to do that legally?

Robinson: I honestly thought that the attorney-General could grant me immunity.

Craig: Do you think that the Attorney-General could empower you to commit a murder?

Robinson: No, I would do it again, though.

Craig: Does it make any difference whether the prosecution is private or otherwise?

Robinson: Yes it does.

Mr. Justice McDonald: Do you intend to do all you can to see the prosecutions are carried out?

Baker: Yes, I do, I feel that Jackson is the man responsible for the troubles of us all.

(J. Edward Bird questions Manson.)

Bird: Mr. McDonald came to see you voluntarily, did he not?

Manson: With regard to that, I can't say, Mr. Bird, all I can say is that I judged from his first few words that he was going to discuss the matter and I considered it fair to warn him that he could not talk to me in confidence.

Bird: Did he ask for this matter to be kept in confidence?

Manson: I don't think he did.

Bird: Then don't you think it was your duty, as Chief of the Justice Department of this province to apprehend him if he was a party to Wong's abduction, and call a policeman?

Manson: Had that information come to me, well and good.

Bird: Yes?

Mason: But that information...

Bird: But you stopped the flow of information towards you voluntarily.

Manson: I did and did it quite deliberately and have no apology to make for having done it. I considered it the fair thing to do. A man might come to me-and I believe he did come to me thinking that he could talk to me in confidence-and I certainly disabused his mind at once.

Bird: Now you do not agree with Mr. Senkler in his recollection as to what took place, can you tell us again in what respect you disagree with him?

Mason: I think the only serious difference between Mr. Senkler and myself is where he would attempt to convey the impression that I did not want to know about the abduction. There was nothing I said to Mr. Senkler at anytime that warranted him arriving at any such conclusion and no one knows it better than Mr. J. H. Senkler.

Bird: Just show us what efforts you made to find out the abductors, give us the personal

applications by yourself and the letters in response to that clamor that was universal in British Columbia that those people should be brought to justice.

Mason: Well, Mr. Bird, I thought I had made that sufficiently clear. I did it through my superintendent of police. I don't go out and instruct each one individually, but I do it through my superintendent of police and through Mr. Jackson and in that we get our results.

Bird: Yes, you get results, this trial and this exposure.

Bird: Now you suggest that you were fully cognizant that the suggestion should be sent to Sing, certified by the Chinese consul, and his best friends, that he would be offered protection and immunity if he were to own up to certain things. Is that right?

Manson: I was fully cognizant, as I have already explained, of the endeavor to get this man released by offering protection to him in return for a frank statement with regard to the whole matter, providing he himself were not the perpetrator of the crime.

Bird: And you knew at the time, he was in confinement?

Manson: I certainly had every reason to believe so.

Bird: And you thought he was guilty of murder.

Manson: No, I would not say that.

Bird: Wasn't the suggestion made to you that you had obtained enough evidence to put him on charge for murder?

Manson: Yes to put him on trial, but putting him on trial and convicting him is a different thing, because that is a matter that would have to be left to a petty jury or a grand jury to determine whether he is guilty or not. That is a different thing altogether.

Bird: Do you think it was right, or do you think it was reasonable under these conditions, where a man was being held illegally by you, to suggest getting any kind of statement from him?

Manson: I do not know, Mr. Bird, if you meant the phrase, "illegally by me."

Bird: You knew that he had been kidnapped by somebody?

Manson: If you make any suggestion of that kind, then I frankly say I have not the respect for you that one would expect to have towards another member of the bar. You knew perfectly well I had no knowledge of that Chinaman being kidnapped.

Bird: I withdraw that statement.

Manson: It is a rather contemptuous one, you know.

Bird: Now you spoke about the attitude of the public and that you were going slowly by reason of the fact that there was a great deal of excitement that you wanted cooled down?

Manson: No, I did not say I was going slowly. What I said was that when I appointed Mr. Jackson, I had the hope that the news and notoriety would die down and we would be able to get something. As long as we had the public mind excited, as it was, unfortunately, in the Janet Smith case, there was very little hope of catching anybody off guard or their making a statement. Persons interested in this thing, or who had taken part, would be absolutely on the alert.

Bird: Mr. McDonald left you that day...after you warned him it would not be a fair thing to do. He left you distinctly indicating to you that Wong would be returned is that right?

Manson: No, he did not, because I told McDonald that we were determined to recover Wong at all costs. I gathered generally that Mr. McDonald had some knowledge, whether it was a guilty knowledge or not, I don't know and he didn't say.

Judge McDonald: I tell you this defense has nothing to offer that constitutes a defense.

(Beveridge rises to give the verdict.)

Beveridge: Guilty, but with a strong recommendation for mercy.

(Crowds walk up the stairs. While C.W. Craig cross examines Chief Murdoch.)

Craig: When you found out that Robinson was confining Wong, why didn't you arrest him?

Murdoch: I was guided by the police commission.

Craig: You believed Robinson when he told you he had the Chinese, did you

not?

Murdoch: Yes

Craig: You knew then that Robinson was a criminal.

Judge Morrison: You must give poor Robinson a chance.

Murdoch: He had not told us that he had abducted the Chinese. He gave us to understand that he had received him from someone.

Judge Morrison: Do your duty, and try to forget the Attorney-General, Jackson, and that mess we have gotten into. I wish to assert on my own behalf and that of my brother judges that no ulterior influence is allowed to interfere with our proper discharge of the sacred trust reposed in us, the discharge of which we have signaled by a most solemn oath of office.

Jury: Not guilty.

(Applause and shouts from the audience, rush of crowd cheers defendants. The defendants: Percy Kirkham, Chief Murdock and Commissioner McDonald. Outside, several hundred people gather around the defendants.)

(Vancouver Assize Courtroom: Mr. Justice D.A. McDonald speaks to O.B. Robinson.

Judge McDonald: The more consideration I have given the case, the more merciful I feel. Having taken into consideration the jury's recommendation and knowing that the jury knew the maximum punishment is twenty-five years, I have been able to satisfy my conscience by giving you one year's imprisonment, which will take into consideration the time you have already served. Less than that, I could not do.

Robinson: Thank you my lord.

(Crowds continue to walk past the Vancouver Court House.)

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