

Colony of Vancouver Island
and its Dependences }
to wit:

The examination of Jimmy a
Thompson River Indian taken
the twelfth day of December,
of Harry Wilmer, Jimmy a
Thompson River Indian, Joseph
Dennis, Alexander M. Batty,
and George a Fort Yale Indian,
taken on oath the twenty seventh
day of December of Sing Lee
taken on oath the twenty eighth
day of December and of James
Dumble taken on oath the
twenty ninth day of December,
in the Year of our Lord One
thousand eight hundred and
sixty five before the undersigned
one of Her Majesty's Justices of
the Peace in and for the Colony
of Vancouver Island and its
Dependences in the presence
and hearing of Jim a Thompson
River Indian and George a
Fort Yale Indian, the said
Jim who is charged this
day before me for that he
the said Jim on the seventh
day of December in the Year
of our Lord One thousand eight
hundred and sixty five at
Victoria in the Colony aforesaid
feloniously did cut one Jimmy
with

with intent in so doing then
and thereby feloniously, wilfully,
and of his malice aforethought,
to kill and murder the said
Simmy contrary to the form of
the Statute in such case made
and provided; and the
said George who is charged
this day before me for that
he the said George, on the
day and year and at the place
last aforesaid, feloniously and
wilfully did aid, abet counsel
and procure the said Simmy
to do and commit the said
felony, contrary to the form
of the Statute in such case
made and provided.

A. P. [Signature]

S. M.

INFORMATION.

COLONY OF VANCOUVER ISLAND }
And its Dependencies,
To Wit:

The Information and Complaint of

Harry Wilmer

of

Victoria

in the Colony aforesaid, taken this

Twenty seventh day of December in the year of our

Lord one thousand eight hundred and sixty

five

before me

Augustus

Peruberton Esq^{re}

one of Her Majesty's Justices of

the Peace for the said Colony of Vancouver Island and its Dependencies, who being sworn upon his

Oath, saith

on the eighth day of December instant,

Brought the prisoner Jim a Thompson River Indian to gaol as a necessary witness touching the death of Charley a Thompson River Indian whilst being searched I noticed what I believe to be stains of blood on his coat and shirt which the prisoner accounted for by pointing to a small puncture in his neck. I produce in court the coat and shirt which he the prisoner had on at the time.

I received the white shirt which I also produce in court and the pair of trousers from a man named Mounk, I afterwards cautioned the prisoner very carefully, that he need not answer my questions, and that whatever he said would be used in evidence against him, I asked him what trousers he had worn on the previous night the eighteenth instant, he replied ^{that I changed out and that} he had another pair, but they were so torn he could not wear them, I then asked about his white shirt at first he denied that he had one and afterwards said that on the previous day the seventh instant he had given it to a Chinaman to wash because it was dirty and he several times repeated that there was no blood on it, the warden Robert McMillan was present when this conversation took place between myself and the prisoner Jim I charge the prisoner Jim with assaulting Jimmy with intent to murder the said Jimmy on or about the seventh day of December

instant at Victoria
I believe Jimmy to be
Thompson River Indian

Harry Wilmer

Sworn before me the
day and date first
before written.

A. H. [unclear]
[unclear]

along Vancouver Island
and its dependencies

Victoria

12th December 1865.

The deposition of Jimmy
a Thompson River Indian, taken
through Harry Wilmer, who is duly
sworn to interpret truly.

I was walking in the town
with the deceased Charley a Thompson
River Indian, during the night.

First saw the prisoner George
a Fort Yale Indian, we then met
the prisoner Jim a Fort Thompson
Indian this happened in Victoria.

George gave a man half a dollar
for a bottle of whiskey, the man
got a bottle and we drank the
contents; I was not very drunk.

after one bottle was finished we
got another: the deceased Indian
Charley told me not to drink
much as I was a little boy.

We then went down some steps
to a house where there had been
a fire: I laid down there
with the deceased Charley.

I do not know who killed Charley.
Shortly George came to me and
told me to get up as the house
was a very bad one.

I asked George where my hat
was

was, George then struck a match and found it.

Deceased was there but I did not see that he was dead.

George took me to another little house that had been burnt; he told me to sleep there on the floor; he told me to remain there a short time and he would return.

After a time George returned and struck some matches, looked at me, but did not speak.

A short time afterwards the prisoner Sim came with a large knife, and cut me about the head and on the arm; I caught hold of the knife and it nearly severed my fingers.

Sim had on at the time a white shirt and a black coat. at first I thought the prisoner George had done it but now I am certain the prisoner Sim did it.

The morning after this occurred; I came to the house in which I am now.

During the night I remained at the place where I was hurt.

The reason I at first thought George had injured me was because I was not in my right senses as my head was

was hurt. I am now sure
it was Jim because I have
recovered my senses.

I know it was Jim from
the clothes he had on: it
was not very dark at the
time. I am quite sure
it was the prisoner Jim
who injured me.

After Jim had assaulted
me George did not return.

I do not remember how many
days ago this happened.

Re-examined. It is not a long time ago.
By the prisoner. — Are you sure it was me?

Witness Yes

Are you sure that I ^{came} returned,
and what kind of knife was
it you were struck with, was
it a large one or a small one?

Witness I am sure you ^{came} returned.
I do not know if it was a
large ^{knife} ~~one~~ or a small one.

What did I say to you?

Witness You said nothing, but I said
"Jim what do you want to kill me for."

Was I a long time there?

Witness You were not long there, after
you struck me, you left, thinking I was
dead

Jim only came once not
twice

his
Jimmy & a Thompson ^{river} ^{Indian}
Mark

Witness Harvey Kilmer

Interpreter

Taken before me at Victoria
the day and date above
written in the presence of the prisoners

J. P. [unclear]

Magistrate

Police Court
27th Decr. 1865.

Quinn a Thompson River Indian
deposeth and saith, through Harry
Wilmer who is duly sworn to interpret
truly.

I have heard my deposition
read it is true.

his
Quinn X a Thompson River Indian
mark

Witness Harry Wilmer
Recalled. I identify the prisoner
Linn as the Indian who
assaulted me; I also
identify the prisoner George
as the Indian who was
drinking with us on the
night in question.

his
Quinn X a Thompson River Indian
mark
Witness
Harry Wilmer

Quinn recalled.

By the prisoner Did I fight with the deceased
Charley?
Witness You did not.

By the Bench I did not see the prisoner
Linn take off his coat

Witness
Harry Wilmer
his
Quinn X a Thompson River Indian
mark

Police Court
27th Decr 1868

Joseph Dennis being duly sworn
on oath deponeth and saith:

I reside with William
Mouck's in a house situated
near the "Pacific Telegraph"
Saloon in Victoria;
about three or four weeks
ago, the prisoner Jim
came to the house his
shirt was covered with
blood, I asked him
how it came covered with
blood he replied "I do
not know", he the prisoner
then took off the shirt
and said he should take
it to the Chinaman to be
washed he then went out.

the prisoner usually
slept at the house, he
slept there the night before
but not on the night the
murder was committed.

I was present when
the Chinaman returned
the shirt at Mouck's house;

the night before the
murder was committed
the trousers were in a good
condition: the trousers

and shirt produced in
Court are the same the
prisoner wore

his
Joseph + Lewis
mark

Walters
Attestation

A. Pemberton
Sh

Police Court
27th Dec. 1865.

Alexander M. Catty being duly sworn
on oath deponeth and saith:

I live in a house in
Government alley, off
Government street in
Victoria.

The Indian boy Jimmy
came down from ^{the ship} ~~Hillock~~
with me some time since
and he has since lived
in my house.

About three or four weeks
ago, he Jimmy came home
about half past six o'clock
in the morning, he was
covered with blood, and
was severely injured.

Jimmy had received
some money, a portion of
his wages, ^{at the Westmain wharf} he was to
receive the remainder on
his ^{arrival in Victoria} return to ^{which was five dollars} the
steamer left.

His wages were ten dollars
a month he was employed
on board the steamer
"Hillock".

He received five dollars
when he arrived here.

Alexander
M. Catty

Alexander M. Catty

Police Court
27th Dec. 1865.

George a Fort Gale Indian who deposeseth and saith through Harry Wilmer who is duly sworn to interpret truly.

About seventeen days ago, I met the witness Jimmy in the town about six o'clock in the evening; I then met the deceased Charley; at seven o'clock we all met the prisoner Jim; we then drank a bottle of old Tom; ~~& then~~ we went down some steps to a house which had been burnt; after we had drunk the contents of the bottle; we came up into the street and got another bottle.

The prisoner Jim became angry with the deceased Charley; I do not know the reason; he the prisoner took hold of the deceased by the throat; the prisoner and the deceased took off their coats to fight. I took hold of them and prevented them from fighting and returned

them their coats.

The deceased Charley secreted himself somewhere in the house and did not come up a short time afterwards the prisoner Sim also concealed himself.

I then told the witness Jimmy to get up, I then went upstairs with him.

I stood at the top of the stairs some time waiting for the prisoner Sim to come up.

The prisoner Sim came up from the house in another direction, and he appeared to notice us and, ~~turned away~~ ^{secreted himself} in another direction.

I went with Jimmy to ~~the~~ ^{my} house twice, but we could not get in. We then went to a small house which had been on fire: the prisoner Sim all the time was following us: it is a house in Victoria where there had been a fire.

I told Jimmy to remain there and I would shortly return to him.

I went away to see
a friend.

I then returned to the house
and I saw Jimmy asleep.
I struck a match and
looked at him but I did
not speak.

I could not get into my
own house so I returned
to Jimmy. When I returned
Jimmy was not where I
left him.

A short distance from
a fence I saw Jimmy.
he was covered with blood
and his head was injured
very much; Jimmy said
he thought it was some
Sourish Indians who had
assaulted him; and
asked me to take care
of him, we then slept
together in the said house.

About half past five o'clock
Jimmy got up and went
away. I got up about
six o'clock.

I afterwards saw the prisoner
Jim, I told him Charley
was dead, he did not
say anything. I asked
the prisoner where his
coat and shirt were,
he said they were very
dirty and that his shirt
had blood on it, and

therefore he could not
go and see Charley.
I told the prisoner to
come with me and inform
the police.

I asked the prisoner
Linn how his shirt came
covered with blood, he
said it came from a
small wound in his
neck.

When I told the prisoner
Linn that Charley was
dead, I also mentioned
that Linn was nearly
dead; the prisoner said
rotting but "perhaps".

When I told Linn to
get up I told him that
some other Indians might
hurt us, and that it was
a bad house for us to
remain in.

Examined
By the prisoner

Did you see me that night?

Witness Yes

Were we not all three
together drinking?

Witness When three of us were together
we did not drink; but
when four of us were together
we had something to drink.

Is it true I was angry
with the deceased Charley
when we were in the house?

Witness It is true and you,
were the first to commence
the quarrel.

Did you come to the place
where I was working, in
the morning?

Witness Yes I went to you about
eight o'clock

Witness ^{his}
George X a Fort Gale Indian
Mark
Harry Milmer

Apprentice
S. M.

Polic Court
28th Decr. 1865.

Luig Lee being duly sworn
deposes and saith: through
Sh Duong who is duly sworn
to interpret truly.

I know the prisoner
I hear him call himself
Lui.

The prisoner works in
a Bakery.

About half past six
o'clock in the morning
~~on the~~ about two weeks ago.
the prisoner Lui came
to my house and threw
a shirt into the shop
it had some blood upon
it. I did not wash it
immediately as I thought
it had blood on it.
it was rolled up in
a clean shirt. about
three o'clock the same
day I took the shirt
back to the Bakery
where the prisoner
was employed.

I gave it to the Baker
for whom the prisoner
worked.

At the time I took the
shirt back I did not
see the prisoner

The shirt produced in
Court is the same.

I washed for the prisoner
for two or three months,
and I know the shirt
produced belongs to the
prisoner in

his
Lui 海清 see
mark

Witness
at the stand

A. P. ...
S. H.

Moxy of Vancouver Island
and its dependencies
to wit:

Jim a Thompson River Indian
stands charged before the undersigned
one of Her Majesty's Justices of the Peace
in and for the said Colony of
Vancouver Island and its dependencies
this twenty eighth day of December in
the year of our Lord One thousand
eight hundred and sixty five
for that he the said Jim on the
seventh day of December in the
year of our Lord One thousand
eight hundred and sixty five
at Victoria in the Colony aforesaid
feloniously did cut one Jimmy a
Thompson River Indian with intent in
so doing then and thereby feloniously
wilfully and of his malice aforethought, to
kill and murder the said Jimmy contrary
to the form of the Statute in such case made
and provided and the said charge being
read to the said Jim and the witnesses
Harry Wilmer, Jimmy, Joseph Dennis,
Alexander H. Bathy, Sing Lee and James
Dumble for the prosecution being severally
examined in his presence the said
Jim is now addressed by me as follows:
Having heard the evidence do you wish
to say anything in answer to the charge?
You are not obliged to say anything unless
you desire to do so; but whatever you
say will be taken down in writing and
may

Police Court
28th Decr. 1895.

may be given in evidence against you
upon your trial; whereupon the said
Jim Saith as follows:

About six o'clock in the
evening I finished my
work and took a walk
in the town; at seven o'clock
I met George, Charley,
and Jimmy; George
then got a bottle of whiskey
and we drank the contents.

We walked round and
George then purchased another
bottle; we half drank
the contents of the second
bottle and we then went
down some steps to a house
where there had been a fire
and finished it.

I and George wanted
to get rid of the deceased
Charley and Jimmy;
and I came upstairs with
George; Charley and
Jimmy remained below.
When we got upstairs we
ran away as we did not
wish Charley and Jimmy
to see which way we went.
There were several men
in the street and they

might have seen us:
~~we ran~~ I fell down
and tore my trousers.
we then went ^{to the floor} to the play-
house down some steps.

We then walked round
the town shortly afterwards
George left me: I do
not know where he went.

I went to look for
George but could not
find him. I was
half drunk, and three
Indians struck me on
the shoulder; I believe
they assaulted me with
a knife on the shoulder
and on the neck blood
came from the wounds.

I think it was a knife
because my coat was cut.
they knocked me down
and two of them kicked
me the third did not,
but stood by and looked
on. My clothes were then
dirty. I got up and could
not find my hat.

I went away some distance
I saw that the Indians
who had assaulted me
were ^{not} following me.

I was afraid to come back
to town to look for George.
I walked until I found

myself near a church
which is situated near
the place where the deceased
Charley worked.

I waited there as I thought
Charley might come there
to go to his work; when
I got to Charley's house
I saw that the neck of
my shirt was covered with
blood, I slept there.

I got up the next morning
when the whistle blew
and went to my master's
expecting to find Charley
there, but I did not see
him and I thought he had
been locked up for being
drunk.

A white man who worked
with me asked me how
the blood came on my shirt
I said I did not know
but supposed it was
from a knife

his
J. J. Thompson's Hair
mark

Witness.

Harry Wilmer

Taken before me at Victoria
the day and date first above
written.

A. P. Pemberton
J. M.

Police Court.
29th Decr 1865.

James Trimble being duly sworn
on oath deposes and saith:

I am a Doctor of Medicine.
I saw the prisoner Lim
on the night he was arrested.
I saw a wound on his
neck it was a fresh wound.
I am of opinion that
the blood on the shirt
produced in court may
have flowed from the
wound on the prisoner's
neck. The cut on the
shirt appears to have
been done by a small knife
and corresponds with the
wound on the prisoner's neck.
The blood on the shirt I believe
to be venous blood and
most likely to have been
the prisoner's blood.

I have now seen the shirt
put on the prisoner the
cut in the shirt corresponds
with the cicatrix on the prisoner's
neck, and I am of opinion
the blood came from the
prisoner's neck.

Attest
S.M.

La. Trimble M.D.

Colony of Vancouver Island
and its Dependencies.
to wit:

The depositions of Jimmy
a Thompson River Indian
taken on the twelfth of December,
of Harry Wilmer, Jimmy a
Thompson River Indian, Joseph
Dennis, Alexander Mc-Bath,
and George a Fort Gale Indian,
taken on the twenty seventh
day of December of Sing
Lee taken on the twenty eighth
day of December and of
James Trumble taken on the
twenty ninth day of December
were sworn before me at
Victoria in the said Colony
on the days above mentioned
in the Year of our Lord one
thousand eight hundred
and sixty five.

Wm. Hunter
J. H.

Regina

Jim a Thompson River Indian
and

George a Fort Yale Indian

Assault with intent to murder

~~7th Jan^y 1866.~~

24th Dec^r 1865