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BECK'S COVE.**Chinese Murder Trial.****The King vs. Wo Fen Game.**

(Yesterday afternoon.)

At the hearing yesterday forenoon, towards recess hour, counsel for the defence, Mr. L. E. Emerson, intimated that he would oppose putting in a statement made by Wo Fen Game at the hospital, before Mr. Justice McCarthy and the Inspector General. Both these gave their evidence in the forenoon. The hearing in the afternoon began shortly after 2.30 o'clock.

Inspector General Hutchings recalled stated that both he and Mr. McCarthy were in civilian clothes when they visited the Hospital to take the prisoners statement.

The next witness called was Kim Lee. Examined by Mr. Winter, he gave his age as 43 and said he came here 24 or 25 years ago. He came from China to Canada where he stayed a few months. He was born at the village of Tong Wo but was never at the Su Tang village.

Prosecutor—"Did you know the men that did live at the Murray Street laundry?"

Witness—"Yes, I knew them well. We were not related and only friends. I visited them frequently, but not much this past two years. I saw the prisoner down town and knew him to speak to him."

Prosecutor—"Did you know where Wo Fen Game's room was at the Murray Street laundry?"

Witness—"No."

Prosecutor—"Did you know of any trouble between the prisoner and the others at the laundry?"

Witness—"No."

Prosecutor—"Did he ever say anything to you about wages?"

Witness—"No, except last Christmas when we met at a shop on New St."

Prosecutor—"What did he say?"

Witness—"A dozen of the men were all talking about Wo Fen Game leaving Murray St. laundry."

Prosecutor—"Did you say anything to Wo Fen Game?"

Witness—"Yes, I told him it was a poor time to leave, as he would not get another job. I also told Hong Kim you got him here and have to get him back to get your money."

Prosecutor—"Had Wo Fen Game any set hours at work?"

Witness—"No."

Prosecutor—"Where were you on the night of May 2nd?"

Witness—"I was at the nickel and then to my shop, where a police officer came and called me to go to Murray Street. When I got there, there was a lot of people present. I saw the bodies of Hong Leon, Hong Kim Hi and So Ho Kl. Hong Mun

was there and I interpreted for him."

Prosecutor—"Do other Chinamen come to you much for advice?"

Witness—"Yes, sometimes for a talk, that's all."

Prosecutor—"Do you remember going to Hospital after the shooting, with anybody?"

Witness—"Yes, we went and saw Wo Fen Game, he was in bed sleeping, so I think."

Prosecutor—"Did you speak to Wo Fen Game when you went in?"

Witness—"Not before the screen was put up. The other men told me what to say."

Prosecutor—"What did they say to you?"

Witness—"Mr. Hutchings told me to ask Wo Fen Game if he killed the men up in Murray Street last night."

Prosecutor—"After you were sworn, do you remember what McCarthy told you to say?"

Witness—"He told me to ask Wo Fen Game if he killed the men up in Murray Street."

Prosecutor—"Was Wo Fen Game sick?"

Witness—"Yes, he appeared to look sick."

Prosecutor—"Did he say anything to you about his condition?"

Witness—"No, I don't remember."

Prosecutor—"Did Wo Fen Game speak to you in Chinese?"

Witness—"Yes."

Prosecutor—"What did he say to you?"

Mr. Emerson here objected to the question and Mr. Winter submitted that as witness was not quite clear he should be examined, as the other Chinese witnesses were through the court interpreter. The court did not grant permission and the examination in English continued.

Prosecutor—"Did you see Mr. McCarthy write?"

Witness—"Yes."

Prosecutor—"When it was finished, what did he do?"

Witness—"Wo Fen Game signed his name after it was read over to me and I interpreted to Wo Fen Game."

Cross-examined by Mr. Emerson witness said there were over 30 of the Hong family here and about 70 or 80 Chinamen altogether in town.

Mr. Emerson—"Last Christmas you say Wo Fen Game left his work and you advised him to go back. Did Hong Kim Hi take him back willingly?"

Witness—"Yes, I only had to say a few words."

Mr. Emerson—"How long has Char-

les Dean been here? What is his name?"

Witness—"He is here two years, his name is I think Hong Fen. I don't know if he is leader of Hong family here."

Mr. Emerson—"Did you have conversation with Charles Dean the night of the shooting?"

Witness—"No."

Mr. Emerson—"When you went to Hospital did you tell Wo Fen Game that the two men with you were policemen?"

Witness—"Yes."

Mr. Emerson—"Did you get the statement by asking Wo Fen Game questions?"

Witness—"Yes, I asked him questions. I made him understand what the officers said."

Mr. Emerson—"Did you interpret what Wo Fen Game said to the court, or was it as near as you could get?"

Witness—"In so far as I understood English I translated."

Mr. Justice Johnson—"Was it a statement by Wo Fen Game or an examination by Mr. Hutchings or Mr. McCarthy?"

Witness—"Did the beginning come from Mr. Hutchings or Mr. McCarthy?"

Witness—"They told me to ask a question to Wo Fen Game."

Mr. Justice Johnson—"Did you ask Wo Fen Game questions?"

Witness—"Yes."

Mr. Justice Johnson—"Was Wo Fen Game's statement all answers to questions?"

Witness—"Yes."

Mr. Justice Johnson—"Was what Wo Fen Game said, of his own choice?"

Witness—"When I asked a question he answered every word."

Mr. Justice Johnson—"Did the statement come by question and answer?"

Witness—"Yes."

Mr. Justice Johnson—"Then the statement was not a free and spontaneous statement from Wo Fen Game?"

Mr. Emerson again objected to the statement being put in. His objections were based on the following grounds:—(First) That the statement was taken as a dying declaration and the declarant did not die; (second) The interpreter was not sufficiently familiar with the English language to correctly interpret, and (third) The declarant was not cautioned that it could be used in evidence against him.

At some length Mr. Winter, for the Crown, pointed out the various reasons why the statement should not be objected to.

STATEMENT RULED FROM EVIDENCE

The judges retired to consider the matter, and after a half hour's deliberation returned to court and announced that in the circumstances under which the statement was obtained, it could not be received as evidence.

Const. John Bishop, (sworn and examined by Mr. H. Winter).—I am a street constable. I know the prisoner Wo Fen Game. I was on guard over Wo Fen Game at the General Hospital on May 5th last. On that morning the prisoner asked me if I would take a message to the King Cafe. He said, "What time you come back here again to-day?" Witness replied, "I'll be back sometime to-day, I'm not sure when." Wo Fen Game then said, "Will you take message for me to King Cafe?" "I will," Wo Fen Game said, "Give me paper and pencil. Witness asked prisoner three times to repeat what he had said. Wo Fen Game spoke in broken English. Witness could understand all he said. He gave Wo Fen Game the note book and pencil he used on duty, and the prisoner wrote on it in Chinese, passed the note book back, and to show he understood witness wrote "King Cafe" on top of his letter. Witness asked if he would take the letter to the boss of the Cafe. Wo Fen Game said "yes." Constable Bishop said he brought the note book immediately to Supt. O'Neill, who tore out the two pages written on, in witness's presence. He, witness, told the Superintendent how he had received it.

Cross-Examined by Mr. L. E. Emerson.—Witness was not present when Wo Fen Game was arrested. He had only been on guard a few hours. I do not know which constable was on guard at the time. I relieved Const. Pike who had been up all night, at 6 o'clock that morning. I was there from 6 to 10 o'clock. The letter was written about quarter to ten. Witness took it to Supt. O'Neill between 12 and 1.30 p.m. Yes, I told the prisoner I would take it to the King Cafe. The prisoner wrote the letter, believing it would be delivered. Witness did not tell him that he would have to show it to his superior officers. Prisoner just told the witness to take it to the boss of the cafe and did not say he was writing to his cousin.

Mr. Emerson objected to letter being put in because there was no caution given to the accused. He was led to believe that all he wrote could be done confidentially. The letter was obtained by a trick.

Mr. Winter denied the letter was obtained in such a manner, the prisoner may have been misled as to the constable's intentions. The question for the court to consider was whether the letter was written voluntarily. The prisoner wished to write the letter and was acting on his own desire. "What does this letter testify?" he said. "This is a statement written by the prisoner, under absolutely no circumstances which appear an inducement or threat of any sort, and he sub-

mitted it must be received in evidence." The court over-ruled the objection and the letter was put in. The court then adjourned until 10.30 this morning. The witnesses for the prosecution will probably finish this afternoon. (Continued on 12th page.)

Berlin Students Cannot Find Lodgings.

BERLIN.—Hundreds of students attending the University of Berlin, are without lodgings, according to the report of the institution, who has issued an appeal to citizens of Berlin to take in the homeless young men who have gathered here to attend the fall term. The enrollment at universities in Germany this year has reached a total of 90,000, the highest since shortly after the armistice. Forty thousand students last summer engaged in manual labor to meet their living expenses, fifteen thousand of them finding employment as miners.

The Golden Rule.

BRANTFORD, ONT.—(Canadian Press).—The "chapel" of the Daily Express recently presented T. H. Preston, proprietor and editor, and a former journeyman printer, with a gold setting rule, suitably engraved, as a token of their esteem and appreciation of the "golden rule" policy followed by him in meeting the situations between employee and employer as they arose. Mr. Preston is Vice-President of the Canadian Daily Newspapers Association and it is a director of the Canadian Press Limited.

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Cold Weather Damages Mexican Crops.

MEXICO CITY.—A recent cold wave which swept over virtually the entire republic did great crop damage, especially to corn and beans, the nation's staples, according to reports received by the Department of Agriculture. Crop losses are variously estimated at from ten to thirty per cent.

Study of Esperanto Compulsory.

VIENNA.—The Esperanto language has been made a compulsory study in the Technical High School and the State Commercial Academy, and four schools have been established in the police department for the instruction of members. In all there are now 73 Esperanto schools in this city.

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Fads and Fashions.

A recent theater opening brought out colors such as emerald and cool gray greens.

American broadtail is used a great deal for the sport jackets which are so smart.

Many new models show a handkerchief girdle, also wristlets in Paisley designs.

Large evening hats of braided gold or silver cloth have crown tips of brown maline.

Most coats being shown maintain slenderness in silhouette, especially around the hips.

Facings and bows of baby lamb lend smartness to large, wide-sided hats of black satin.

From Cape Race.

Special to Evening Telegram. CAPE RACE, to-day. Wind west, blowing strong; weather dull and showery. Nothing sighted to-day. Bar. 28.90; Ther. 43.

Schr. Review, Symonds, master, arrived at Bonne Bay yesterday with salt cargo for A. B. Harding.

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