

Q. (Mr. Shildrick) What time did Moize try to pull you off the house?

A. About eleven o'clock.

Q. Where did this happen?

A. Between the Chinese store and Dave Lee's.

DAVID LEE.

Called and sworn.

Q. What is your full name?

A. David Lee.

Q. You are the proprietor of the New York Kitchen Cafe at Merritt,

B. C.?

A. Yes.

Q. Did you know Moize Swakum?

A. Yes.

Q. Did you see him last Saturday night, November 16th?

A. He come to my place about ten o'clock. He come with Peter James. I closed the front door. He come back door and say he want some pie and coffee. I say I closed front door, you want you come eat in kitchen. He eat pie and coffee, and then Matthew he come in the back door in kitchen and say "come on Moize". I heard him. I was counting my money. I come in kitchen and say "you finish pie before you go out". After he finish pie he give me thirty cents and then after he go out I know not what he doing. And then Jimmy come back to look for cap. I say you no get cap in there. Sunday morning I go outside to pack in wood. I found the cap in the woodpile. I put it in kitchen and on Sunday Peter Bob come tell me about Moize Swakum. I tell him I find cap outside. I give it to Peter Bob who took it away, sometime Sunday forenoon about eleven o'clock.

Q. Were there any blows struck in the cafe?

A. No, I see none.

Q. No fight inside?

A. No.

Q. Where did you find the cap?

Q. Outside in the pile.