

C A N A D A

PROVINCE OF BRITISH COLUMBIA.

COUNTY OF VANCOUVER.

CITY OF VANCOUVER.

REX

vs.

HARRY GRAM.

(Before:- H.S.WOOD ESQ. K.C.-POLICE MAGISTRATE).

Vancouver.B.C.

July 23rd, 1936.

PROCEEDINGS AT PRELIMINARY HEARING.

OSCAR ORR ESQ, appearing for the Prosecution,

P.D. MURPHY ESQ, " " " Accused.

CHAS.H.WHITFIELD. Official Court Stenographer.

MR MURPHY: I appear for the accused, your worship.

CHARGE READ TO THE ACCUSED AS FOLLOWS:

HAROLD GRAM, you are charged that at the City of  
Vancouver between the 1st day of May, 1936 and the  
11th day of June, 1936, you did unlawfully obtain  
by false pretences the sum of \$2,440.00 from John  
Celic, with intent to defraud.



JOHN F.C.B.VANCE:being first duly sworn  
as a witness for the Prosecution,  
testifies as follows:

DIRECT EXAMINATION BY MR ORR:

328 Q You are City Analyst and a duly qualified chemist  
and Provincial Assayer? A. Yes.

329 Q Did you make an assay of the contents of these two  
bags, Exhibits "A" and "B" or portions of them?

A Yes, I did, your worship.

330 Q What did you find? A. My number 7421 J.V. is the  
larger sack.

331 Q That is Exhibit "A" in this case? A. Yes. That  
contains, your worship, 99.7 per cent lead and  
decimal 3 per cent of gold. I have taken a  
portion out of the sack and this gold itself.....

THE COURT:.....332.Q.What? A. This supposed gold from the  
sack.

MR ORR: 333.Q. This is the sample you took from the sack?

A Yes, my number 7422.C.

SAMPLE FROM SACK MARKED EXHIBIT "F".

I took some of the metal and smelted it down and  
this is lead.

334 Q This is lead in the cellophane packet? A. Yes.  
LEAD BUTTON MARKED EXHIBIT "G".

THE WITNESS: 7422 D., that is the alloy and the gold.

There is a portion of the metal taken, it is all  
there together, you can see the lead quite  
distinctly.

THE COURT: 335.Q. You can't see much of the gold? A. No,  
the gold is very small. In the smaller sack, my  
number 7422.J.V. that assays 99.63 per cent lead  
and decimal 32 per cent gold. I took a portion

-99.68



from the sack; my number 7422.E.J.V. is the sample from the sack.

SAMPLE FROM SMALLER SACK MARKED EXHIBIT "H".

My number 7422 F. J.V. is the lead alloy itself, just a portion of the metal.

LEAD BUTTON MARKED EXHIBIT "I".

In the smaller sack, No. 7422 there were two small envelopes contained there.

MR ORR: They should be attached to Exhibit "B".

THE WITNESS: Yes, they were contained in that smaller sack.

TWO ENVELOPES FROM SMALLER SACK INCLUDED WITH EXHIBIT "B".

MR ORR: 336.Q. They, apparently, were sample packages taken over in Seattle? A. Apparently, yes.

337 Q Would you mind giving the specific gravity of lead and gold; do you know, off hand? A. The gravity of lead is 11.37 and the gravity of gold 19.25.

338 Q And the value of this is what then; this stuff here, is it nothing? A. Practically nil.

339 Q You have had considerable experience in the mining industry in this province, have you not, Mr Vance? A. Yes.

340 Q And this gold, the form that it is in, what would you say; what would you call it? A. It would be called coarse.

341 Q If it were gold what would it be, placer gold?  
A It would be placer gold.

342 Q If you were thoroughly experienced in mining could you be fooled with this stuff on account of the



sharp edges and so on? A. Placer gold is usually rounded on the edges due to the gravel.

343 Q This stuff is sharp? A. Some is sharp. I might say, your worship, that some of the fragments of the lead are not covered with gold; some are just ordinary lead, some are only partially covered.

344 Q If you made an examination with the glass? A. There would be no difficulty.

345 Q For you, but the average man? A. He would have difficulty, yes.

THE COURT: It looks very real to me.

THE WITNESS: It is very well done, unless you examined it very closely.

MR ORR: 346.Q. Have you anything to say; having seen these files, have you anything to say as to whether they could prepare these samples or not? A. A preliminary examination so far indicates lead on one of the coarser files but I haven't had time to finish the examination yet. There is, apparently, a yellowish metal on the larger file and lead adhering under the rasp on one of those. If I could have those returned?

347 Q Yes. But with regard to the product itself, as you see it now, could it be produced by filing by rasps and files? A. Yes, it could.

348 Q Do you know off hand the value of gold to-day?  
A No.

349 Q Approximately? A. I really don't know.

350 Q Making an acid test we often hear of Jewellers making; what would be the reaction to the



ordinary acid test? A. In using nitric acid, the acid which is used, if the portions they picked out were fully covered it would stand up to the test.

CROSS/EXAMINATION BY MR MURPHY:

351 Q It would require an expert with some fairly detailed skilled knowledge and some equipment to discover that this was not real gold? A. Well, if the person making a test had heated the acid it would have responded because a lot of the lead is improperly covered.

MR MURPHY: Would you read the question again?

(Q.351, read by stenographer).

THE WITNESS: The answer is the same; if he had heated the acid it would have responded.

MR MURPHY 352.Q. But, Mr. Vance, surely that is not the answer. I don't want to quarrel with you; I cannot possibly attack....

THE COURT:.....I don't think it is an answer either; I don't think you are answering the question.

THE WITNESS: Well, the question is what?

(Q.351 again read by stenographer).

THE WITNESS: I wouldn't say an expert; a man with probably some knowledge testing gold, not an expert.

THE COURT: 353.Q. You would have to have knowledge and some equipment? A. Something, yes.

354 Q Acid?? A. Surely.

MR MURPHY: 355.Q. That gold might fool even, casually, an expert who made a casual examination? A. It might, yes.

356 Q It is altogether probable it would? A. It is possible.



357 Q I want it a little stronger; there is a distinction between the two, "possible" and "probable". I suggest it probably would fool them? A. It depends upon the degree of examination, how thoroughly he examined that.

358 Q I am suggesting if he just looked at it he would very probably be fooled by it? A. I can't answer that. It depends upon what he used in the examination. Do you mean....?

359 Q ....If he only uses his eyes and the knowledge which he may have, just ordinary tests or anything of that nature, I say, just by looking at it and expert would probably consider that was gold?

A If he used his eyes and they were very keen and passed a spatula over the gold and shifted the gold over he would probably come across some particles uncovered with gold.

MR MURPHY: I might say I don't think I have got my answer yet.

THE COURT: 360.Q. I take it, what you mean,, that the man did not do more, although he was a jeweller, if he didn't do more than just take a casual look at it, he might be fooled? A. He might, yes.

THE COURT: That is what you are trying to find out?

MR MURPHY: Yes.

MR MURPHY: 361.Q. I think Mr Vance could go a little further than that; I think you will say that he very probably would be fooled? A. I couldn't say that.

362 Q From your knowledge of gold and your examination of this gold, your looking at it -- do you want to



look at it? A. I have examined it already. And in examining the gold I put it on a large paper, spread it out and examined it with the glass you can detect quite freely in places....

THE COURT: 363.Q....Without a glass? A. With the naked eye you can also get particles here and there of lead uncovered.

MR MURPHY: 364.Q. You would very probably be fooled?

A If If you just took a casual glance you would probably be, because it is very well done.

MR MURPHY: Thank you; that is what I want.

Witness aside.