

GR 4/5
Box 120 File 1307/71

1907.

Clinton fall Assigns.

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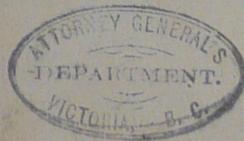
Rex v. Makani

1882-107 (Murder)
2705-107
2679-104
2205-107

Crown Brief

3rd Oct. 1907
before Cliff.
Lind all day - Macham
for Crown - Jos. Murphy
for defence - Verdict -
manslaughter - Sentenced -
Two years -

W.H.



In the Supreme Court of British Columbia,
Oyer and Terminer and General Gaol Delivery.

Canada:
Province of British Columbia,
County of Cariboo,
Town of Clinton.

The Jurors for our Lord the King present that
Marami, at Bullion, in the County of Cariboo, in the
Province of British Columbia, on the Seventh day of Ju-
ly, in the year of Our Lord one thousand nine hundred
and seven, one K.Kondo unlawfully did kill and murder,
against the peace of our Lord the King, his Crown and
dignity.

I hereby direct that the Counsel
acting for the Crown at the Clinton Fall
Assizes, 1907, prefer this Bill of In-
dictment to the Grand Jury.

Attorney-General.

J. Macpherson.



-2-
Depositions.

Kazimoto sworn saith:-

Employed at Bullion. Was working Sunday and quit work at 6 o'clock. Yes, I know the prisoner. I saw the prisoner. He lay down on his bed (marked A exhibit one) he was lying on the bed. Condo was there. He came and wanted to fight and he struck Mikami, he also put Mikami on the bed. Condo took a knife (exhibit 2) and scared Makami and tried to stab him. Makami then shot Condo twice. Condo then dropped the knife and when he reached for it Makami shot again with exhibit 3. Condo fell. Mikami stayed there. The doctor was first man at the scene. I saw Mr. Loveridge take Makami. Then I went outside.

(Sgd.) Kazimoto.

J. Shinbashi, sworn saith:-

4 boy 18
I was in the bunk house Sunday evening at about 7:45 p.m. I saw Mikami was laying on the bed marked A in exhibit 1. I saw Kondo; he was drunk and he was fighting Mikami with a small knife with a black handle. Mikami said to Kondo, you are drunk and I don't want to fight you, and he tried to push him away. Condo started to fight again with the knife. I got frightened and I went outside and I heard three shots. I went in again when the doctor came and I saw them lift Kondo into Mikami's bed. I could not see any more; too many men.

(Sgd.) J. Shinbashi.

Seteyama, sworn, saith:-

I work Bullion mine. Yes; I know the prisoner. I was in the bunk house Sunday evening 7th July. I saw Mikami there. He was laying on bed mark A ex. 1. Had blankets on him. I saw Condo. He was drunk, and he went to Mikami's bed and wanted to fight. He had a knife. I started to go upstairs when I heard two shots and I came back and saw Mikami shoot at Kondo once. Kondo fell across Mikami's bed. Mikami got out of his bed and stood looking at Kondo. I stayed there and saw the doctor come and they lifted Kondo into the bed. I saw the knife Kondo was using lying in Mikami's bed. I think knife Exhibit 2 is the one used by Kondo.

(Sgd.) Seteyama.

T. Yamabe sworn, saith:-

Lick

Work at Bullion mine, Was in bunk house Sunday evening 7th July. I know Mikami. Saw him in bunk house. Mikami was lying on the bed with blankets over him. I heard three shots. I saw Kondo fall down on the side of Mikami's bed. Mikami was standing by the side of the bed. I went back to sleep.

(Sgd.) T. Yamabe.



Cecil A. Boyd, sworn, saith:-

up. He then brought him up to Doctor at Bullion. I was called about 8 o'clock, evening of the 7th July by Mr. Loveridge, who told me a Jap had been shot in their bunk house. I ran down there, found a man on his knees on the floor at the foot of a bed marked H. exhibit 1, being attended by another Jap. I laid him on the bed. Found him very weak. Saw a bullet wound in the neck, one in the abdomen. I gave him stimulants, and he revived slightly. Endeavoured to find out how he was suffering. He talked incoherently, as if drunk. Strong smell of liquor in his ~~xxxx~~ breath. Told me he had drunk two or three bottles of port that evening. Shortly afterwards, relapse into semi-unconsciousness and died about 12:30 from the effects of the abdominal wound. I did not see any sign of a knife that evening. I handled the blankets several times and did not observe any cuts. The shots were fired very close, as the shot both on the neck and the abdomen was slightly burnt and powder stained where bullets had penetrated. I asked him if he wanted to make a statement and he could make no intelligible reply, but said he was not going to die this time. His speech was like of a drunken man when he did try to speak.

house, and when Mr. Loveridge (Sgd.) Cecil A. Boyd. I called up and made no resistance. He took him up to the office. It was closed. He then took him up to Mr. Loveridge's room.

M.W. Loveridge sworn saith:-

Mining Engineer at Bullion. I was called at about 8 p.m. July 7th, '07, by the old Jap foreman. He said No. 43 (Mikami) had shot No 27 Kondo. I started out to see Mr. Bissett, General Foreman, and saw Dr. Boyd, and I called him to go to the bunk house, a man had been shot. Mr. Bissett did not want to go to the bunk house, so I went to the dining room and informed Messrs Hobson and Warner. Warner told me to go down to the bunk house and get the Jap who had done the shooting and gave me a pair of handcuffs. I called Austin Crossley and we went down. I asked for Mikami, and he stood

up. We then brought him up to the office. Finding office closed, I took him to my own room. I asked him for his gun, and he said it was in his pocket. He said I shoot three times and there is two loads in the gun yet. He offered to tell what happened. I told him to keep still until he got a lawyer when in Court. We held him until Constable from Quesnel Forks arrived. He offered no resistance when taken into custody.

Cross-examined says:-

I recognised Ex. 3, revolver taken from Mikami. When I arrested him I did not see any marks of violence upon him.

(Sgd.) M.W. Loveridge.

Austin Crosby, sworn, saith:-

Miner. I was standing at the office Sunday, 7th July, 1907, about 8 p.m.. Mr. Loveridge came along and asked me if I would go with him to Jap bunk house to get Mikami. I went with him.. We went into bunk house, and when Mr. Loveridge asked for Mikami, Mikami stood up and made no resistance. We took him up to the office. It was closed. We then took him up to Mr. Loveridge's room. He wanted to tell us how it happened and Mr. Loveridge told him he had better keep still.

(Sgd.) Austin Crosby. J.P.

Statement of the Accused.

Do not wish to say anything at present, but would like to show the mark on my body and clothes.

Taken before me at Quesnelle Forks, the 11th day of July, '07.

(Sgd.) W. Stephenson.

J.P.



(C 71)

[CORONER.]



INQUISITION.

An Inquisition indented taken at Bullion

British Columbia, the _____ day of _____, in
the _____ year of the Reign of our Sovereign Lord the King, before
me, W. Stephenson, gentleman, one of the Coroners for
our Lord the King, for the Inquisition aforesaid, upon the view of the body
of a Japanese named K. Kondo, then and there and within the jurisdiction
of the said Coroner, lying dead, upon the oaths of

P. Gester.
C. The Hoy.
J. A. Crozier.
H. R. Luce.
Oscar Landry.
and J. G. White.

good and lawful men of Bullion aforesaid, in the said County of
Cariboo, who being now here sworn and charged to enquire, on the part of
our said Lord the King, when, where, how, and after what manner, the said K. Kondo

came to his death, do say upon their oath, that

We, the Coroner's jury in within case
are of the opinion from the evidence
obtained that K. Kondo came to his death
by a pistol shot or shots fired by
Mikami.

IN WITNESS whereof, as well the aforesaid Coroner as the Jurors aforesaid, have to this Inquisition
put their seals, on the day and year and at the place first above mentioned.

(Sgt.) J. White. Foreman.
" P. Dexter.
" Charles Mac Shoy.
" J. R. Luce.
" J. H. Crozier.
" Geo. Landry.

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(Sgt.) W. Stephenson
Coroner.

Depositions.

E. Satoyama, being duly sworn, deposed as follows, that he was going up the stairs when he heard a noise and turned back and saw Mikami shoot Condo once.

(Sgd.) E. Satoyama.

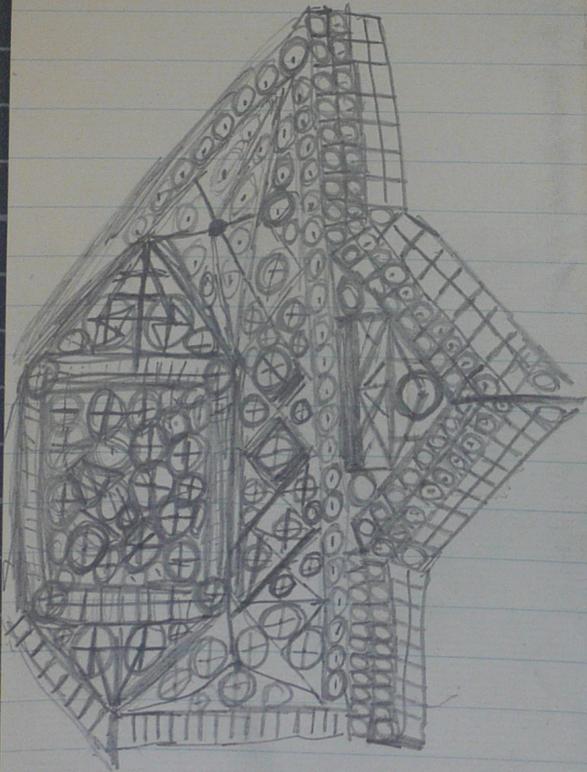
M.W. Loveridge ^{duly swears that,} July 7th, at about 8 p.m., while I was ^{making} ~~walking~~ up the ^{time} yesterday evening Joe Kamota came and told me that No. 43 Makami had shot No. 27 Condo three times, and I came and told Hobson and Warner, and Mr. Warner told me to go and get him and gave me a pair of handcuffs. I called Austin Crossby, and we both went down to the Jap's camp. Makami made no resistance. We took him to my room, and asked him for his gun. I took it out of ~~xxx~~ his overcoat pocket, and I now recognise the one exhibited, and he said, I shot three times and there is 2 cartridges left. I then told him not to talk. We held him until Mr. G. Stephenson came to arrest him.

(Sgd.) M.W. Loveridge.

Cecil A. Boyd, saith :-

Under Mr. Stephenson's direction I made a post mortem examination on the body of K. Kondo to ascertain the cause of death. Externally he showed three bullet wounds, one on the abdomen about midway between the navel and crest of the left hip bone; one on the right buttock, and one on the left side of the neck. There was also a slight abrasion on the left wrist. On opening the abdomen I found the bullet had perforated the intestines in at least four places and had also severed the external iliac artery as well as several smaller arteries in the vicinity of the intestines; it then penetrated the right innominate bone and lodged in the muscles of the sutral region of the thigh. There was evidence of very extensive hemorrhage into the cavity of the abdomen from the ruptured arteries above mentioned, which, in my opinion, was sufficient in itself to cause death. One bullet which entered at the right buttock perforated the thigh bone and was lodged in the muscles on the front of the thigh. I did not think it necessary to explore further the bullet wound in the neck having already found sufficient evidence in the abdominal wound as to the cause of death.

(Sgd.) Cecil A. Boyd, M.D.



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Knife fell in blankets - This is
the knife Ex 3

Seleyma

K came and struck
Mike's legs & told him to get up.
I think it was a joke they
were good friends - I saw
nothing in his hand -
Then he sat down when I have
headache - Then K sat there
not - you see at work
after he sat up in his bed -
Then K sat ~~before~~ drink -
but I don't ^{want to} drink now
I have headache - Then he
got his hand & pushed his
back - Then K stepped backwards
& knocked against window -
Then K asked me are you going
to challenge me to fight -

K. 20 if you want to fight
for my country

If you want to quarrel
some other time.

Then K drew a knife
I then went out

I was coming up back
steps heard pistol report
— I got to landing & heard
a report — then I opened
door & heard 3rd shot —
I saw 3rd shot fired —

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Kazimoto



Rooms upstairs

They were both standing
when I

Mikami said if you are going
to fight - I will fight too

Kondo - said then come -

Mikami drew pistol from under
blankets - then he

advanced then he fired
the pistol at his abdomen.

- then Mikami moved pistol
from one side to the other
then shot me - shot me -

(+)

Mikami put muzzle muzzle of
his gun right at his forehead
& muzzle came to his head

Mikami fired - rifles in ^{my} hands
Kondo then dropped knife
Kondo tried perhaps to run

for knife & slipped out

then Mikami fired 3 -

Shinjuku

as if to ["]wreckle

Kondo reached out his
hand. Come, Come

but - no use - pushed
him away

Kondo slipped when
pushed

He I don't know when he

got it he had a bloody

thing in his hat =

I noticed Kondo had had legs

Kondo's foot not dark

could not speak clearly

~~I heard what S~~

As I started to go up stairs

I heard report of pistol -

then right after I heard 2 ^{and} reports

not very much time between - I report

after the other -

I started to go back - then
I heard 3rd report a little
lapse of time between 2nd and
3rd -