PABC

GR 49

Box 187 File 1914/88

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1914

Vancouver Spring Assizes.

Rex vs.

S. Y. Ikeda

Offence: Forgery

Crown Brief.

Jun Reid

Trial June 18

Adjourned to accom

June 19 Trial continued

Verdict Guilty

A. D. Taylor

ATTORNEY-GENERAL'S DEPARTMENT VICTORIA, B.C.

IN THE SUPREME COURT OF BRITISH COLUMBIA,
Oyer and Terminer and General Gaol Delivery.

CANADA.
Province of British Columbia,
County of Vancouver,
City of Vancouver.

The jurors for our Lord the King present that S. Y. Ikeda on or about the ninth day of July in the year of our Lord one thousand nine hundred and twelve at the City of Vancouver in the County of Vancouver unlawfully and knowingly did forge a certain document, to wit a deed of land dated the ninth day of July A.D. 1912 between one Sadakichi Oye as Grantor and Joseph Samon Epstein and Jacob Izen as Grantees, the said forged document purporting to convey the land and premises described as follows, to wit:

"All and singular that certain parcel or tract
"of land and premises situate lying and being in
"the Municipality of South Vancouver in the Pro-
"vince of British Columbia, and being more particu-
"larly known and described as Lot nineteen in Block
"one in the subdivision of the North half of Block
"Five in the subdivision of District Lots Nos.
"Three hundred and ninety one and three hundred and
"ninety two, Group one, New Westminster District,
"according to the registered map or plan of the said
"subdivision deposited in the Land Registry Office
"at the City of Vancouver and numbered 2451"

and the said forged document being intended by the said S. Y. Ikeda to be used as genuine, against the form of the Statute in such case made and provided and against the peace of our Lord the King His Crown and dignity.

2. And the jurors aforesaid do further present that the said S. Y. Ikeda afterwards to wit on or about the day and in the year and at the place last aforesaid, well knowing the document mentioned in the first count hereof to be forged, did unlawfully utter the said forged document as if it were genuine, against the form of the Statute in such case made and provided and against the peace of our Lord the King His Crown and dignity.

3. And the jurors do further present that the said S. Y. Ikeda afterwards to wit on or about the day and in the year and at the place last aforesaid unlawfully and knowingly did forge a certain document, to wit, an authority purporting to be genuine and to be signed by one Y. Kajiji for the delivery by the District Registrar of Titles at the City of Vancouver to one C. S. Arnold of a certain valuable security, which said forged authority is in the words and figures following, to wit:

"July 9th 1912

"Registrar of Titles
"City
"Dear Sir:
"Please deliver to C. S. Arnold Certifi-
"cate of Title No. 70872 E for Lot 19, in Block
"1, in the subdivision of the North half of
"Block 5, District Lots 391 & 392, Municipality
"of South Vancr, and oblige
"Yours truly
"Y. Kajiji"

-case-

against the form of the Statute in such/made and provided and against the peace of our Lord the King His Crown and dignity.

4. And the jurors aforesaid do further present that the said S. Y. Ikeda afterwards to wit on or about the day and in the year and at the place last aforesaid, well knowing the document set out in the third count hereof to be forged, did unlawfully utter the said forged document as if it were genuine, against the form of the statute in such case made and provided and against the peace of our Lord the King His Crown and dignity.

I hereby direct that Counsel acting for the Crown at the Vancouver Spring Assizes, 1914, prefer the above Bill of Indictment to the Grand Jury.

Attorney-General.

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

C A N A D A:
Province of British Columbia,
County of Vancouver.

The information and complaint of James Ellsworth Green, Prov. Constable, of the City of Vancouver, taken this thirteenth day of March, in the year of our Lord one thousand nine hundred and thirteen before the undersigned one of His Majesty's Stipendiary Magistrates in and for the said County of Vancouver, who saith that at the City of Vancouver in the Province of British Columbia, on orabout the Ninth day of July, A.D. 1912, S. Y. Ikeda knowingly did forge a certain document, to wit, A Deed of Land dated the Ninth day of July A.D. 1912 between Sadakichi Oye of the said City of Vancouver as Grantor, and Jacob Samon Epstein and Jacob Izen, both of the aforeaid City, as Grantees, purporting to convey the land and premises described as follows:

"ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Municipality of South Vancouver, in the Province of British Columbia, and being more particularly known and described as Lot Nineteen (19) in Block One (1), in the subdivision of the North Half of Block Five (5), in the subdivision of District Lots Nos. Three Hundred & Ninety-one and Three Hundred and Ninety-two (391 & 392), Group 1 (1), New Westminster District, according to the registered map or plan of the said subdivision deposited in the Land Registry Office at the City of Vancouver in the said Province and numbered 2451."

Contrary to the form of the Statute in such case made and provided and against the peace of our Lord the King, His Crown and Dignity.

(sgd) J. E. Green.

SWORN before me the day and year first above mentioned, at the City of Vancouver.

(sgd) H. O. Alexander.
Stipendiary Magistrate in and
for the County of Vancouver.

POLICE COURT.
(Before H.C.Shaw, Esq., P.M.)

Vancouver, B.C., February 13,1914

C A N A D A:
Province of British Columbia
County of Vancouver
City of Vancouver

REX vs. S.Y. IKEDA.

S. Y. Ikeda charged on the information of James Ellsworth Green of the City of Vancouver on the 13th day of March,1913, for that at the said City of Vancouver on or about the 9th day of July, A.D. 1912, he knowingly did forge a certain document, to wit: A Deed of Land dated the 9th day of July, A.D. 1912, between Sadakichi Oye of the said City of Vancouve: as Grantor, and Jacob Samon Epstein and Jacob Izen, both of the aforesaid City, as Grantees, purporting to convey the land and premises described as follows:

> "ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Municipality of South Vancouver, in the Province of British Columbia, and being more particulary known and described as Lot nineteen (19) in Block One (1) in the subdivison of the North Half of Block Five (5) in the subdivision of District Lots Nos. Three Hundred and Ninety-one and Three Hundred and Ninety-two (391 and 392), Group One (1) New Westminster District, according to the registered map or plan of the said subdivision deposited in the Land Registry Office at the City of Vancouver in the said Province and numbered 2451."

Contrary to the form of the Statute in such case made and provided and against the peace of Our Lord the King, His Crown and Dignity.

W.M.McKAY, ESQ., Counsel for Prosecution.
I.RUBINOWITZ, Counsel for Defence.
L. H. HEANEY, sworn as stenographer.
GORO KABURAGI, sworn as interpreter.

MR. RUBINOWITZ: I appear for the accused, Your Worship.

MR. MCKAY: I appear for the Prosecution.

MR. RUBINOWITZ: I am electing for preliminary hearing, Your Worship.

MR. MCKAY: I suppose in order to shorten the proceedings, Your Worship, it is understood that the evidence already taken in the former case against Ikeda on January 20th shall apply to this case as far as it affects it.

MR. RUBINOWITZ: Oh, yes, Your Worship, I agree to that.

(

(Proceedings taken at the preliminary hearing of the case of Ikeda on the charge of uttering a forged order on the Registrar of Titles heard at the Police Court on January 20th admitted as evidence in this case as far as it applies)

SADAKICHI OYE, called as a witness, being first sworn, testified as follows; through Interpreter:

QUESTIONS BY MR. McKAY:

1. Q. Where are you living now?

   A. Townsend.

2. Q. Where is that, up the Coast?

   A. Along the Great Northern Railway.

3. Q. You formerly lived in Vancouver?

   A. Yes, I did.

4. Q. Were you owner of Lot 19 in block one in the subdivision of the North Half of block five in the subdivision of District Lots Nos. 391 and 392, group one, New Westminster District?

   A. Yes.

5. Q. You purchased that from George Hay?

   A. I don't know his name.

6. Q. Do you remember that Deed, George Hay to Sadakichi Oye?

   A. I don't remember it.

MR. McKAY: As a matter of fact that is a chain of title. I think that is already in, in the other case. I would like to put that in as Exhibit "A"

(DEED between Geo. Hay and Sadakichi Oye produced as Exhibit "A")

7. Q. Did you ever sell that property to Jacob Samon Epstein and Jacob Izen?

   A. I never sold it.

8. Q. Did you ever sell it at all?

   A. I never sold it.

MR. McKAY: I produce Exhibit "G" in the preliminary hearing taken the other day. Perhaps I had better put this in. This will be Exhibit "B".

(DEED between Sadakichi Oye and Epstein and Izen produced as Exhibit "B")

9. Q. Is that your signature?

   A. It is not mine.

10. Q. Do you know a man named Ikeda, the accused?

A. I don't know him.

11. Q. I produce another signature here to an affidavit. Is that your signature made before Mr. Kappele?

MR. RUBINOWITZ: Just a moment. I have not seen that before.

A. That is my signature.

(Argument between Counsel for Defence and for Prosecution as to the admissability of affidavit)

COURT: Just make anote, stenographer, that the signature to a declaration dated January 29th,1913, is put in as Exhibit "C", such signature being admitted by the witness to be his signature.

(SIGNATURE to Declaration dated January 29th,1913 produced as Exhibit "C")

12. Q. July 9th. This Deed that I showed you before which you say is not your signature?

A. That is not my signature.

13. Q. The date is the 9th of July,1912.

A. I wasn't here at that time.

14. Q. That is you were not in the City of Vancouver at that time?

A. I wasn't.

15. Q. Where were you?

A. I was at Naden Harbour, Queen Charlotte Island.

16. Q. How long were you at Naden Harbour?

A. I left here the 7th of February and came back here the 20th of October.

17. Q. In 1912?

A. Yes, sir.

MR. RUBINOWITZ: No questions.

Mr. McKay: I call Mr. Arnold just for the purpose of showing in this particular case there was a fraud.

C. S. ARNOLD, called as a witness, being first sworn, testified as follows:-

Questions by Mr. McKay:

18. Q. You are a Practising Solicitor in the City of Vancouver?

A. I am.

19. Q. Do you know the accused, Ikeda?

A. Yes, I do.

20. Q. Do you know anything about a Deed from one Sadakichi Oye Exhibit "B" in this case - and Epstein and Izen?

A. Yes, was present when this Deed was signed.

21. Q. Wher e was it signed?

A. It was signed in my Office, 615 Pender Street West in the City of Vancouver on the 9th of July, 1912.

22. Q. Who were present beside youdrself, Mr. Arnold?

A. Ikeda.

23. Q. That is the accused?

A. Yes, the accused, and the party who signed the Deed whom at that time I thought was Sadakichi Oye.

24. Q. Who witnessed the signature of Oye?

A. Ikeda, the accused.

25. Q. I note that there is a witness, did Ikeda take that before you?

A. He did.

26. Q. "Having been duly swron by me did prove to me that Sadakichi Oye being of the full age of twenty-one years, did execute the same in his presence voluntarily" is that right?

A. That is correct.

27. Q. How did you meet the man Oye that signed that; the supposed man Oye that signed this Deed?

A. Ikeda and Oye, the supposed Oye, and I believe another Jap, I am not sure of that, came to my office on the 8th.

28. Q. That is the day before this Deed?

A. Yes, the 8th of July; and I believe Epstein came with them at the time, and I received certain instructions; and then they came back on the next day and executed the Deed.

29. Q. Did you have any conversation with the accused at that time?

A. I did. For certainreasons I asked him how long he had known Oye. He told me had known him I think it was for six years.

30. Q. That is the supposed Oye?

A. Yes, the man who signed this Deed; and then after the Deed was executed I asked Ikeda to witness it. He witnessed it and then I took the acknowledgment both from Oye and the witness.

31. Q. Was any money given in consideration of this Deed?

A. Yes, I think it was next day. The cheque you have it there Mr. McKay.

MR. McKAY: Yes $476.80.

A. The reason this wasn't paid on the 9th was because I required an order for the Certificate of Title which was in the Land Registry Office by the order of a Japanese of the name of Kajiki. The order was drawn up by me and given to Ikeda and taken by him for the purpose of having it signed by Kajiki.

32. Q. That is the order that you speak of, Exhibit "D" in the former case?

A. Yes.

Mr. McKay: I put this in as Exhibit "D" in this case too.

(ORDER dated July 9th,1912, to the Registrar of Titles produced as Exhibit "D")

A. The Order was brought back to my office on the 10th.

33. Q. Signed?

A. Yes, signed, and this cheque number 79 of July 10th, 1912 for $476.80 was given by me to Oye.

34. Q. Was the accused Ikeda there at the time?

A. Yes he was present at the time.

I at that time or sometime that day identified his signature on the back of the cheque to enable him to get the money.

MR. MCKAY: I put that cheque in as Exhibit "E"

(CHEQUE dated July 10th, 1912 for $476.80 produced as Exhibit "E")

MR. RUBINOWITZ: I understand your Worship that the evidence given in the other preliminary enquiry forms part of the enquiry here this morning?

COURT: Yes.

MR. RUBINOWITZ: That being so I won't cross-examine.

FURTHER QUESTIONS BY MR. McKAY:

35. Q. You saw the last witness give evidence here, Oye?

A. Yes.

36. Q. Did you ever see that man before?

A. The first time I saw him to have him pointed out to me was yesterday morning.

37. Q. But in connection with this particular transaction on July 9th,1912, did you ever see him before?

A. I couldn't swear to that, but I was under the impression that the Oye that signed the Deed was a little short stout fellow with stooped shoulders, but I couldn't swear positively about this not being the man. I am not in a position to do that.

38. Q. But that is your impression of the man?

A. Yes, that is my impression.

MR. McKAY: I think that is sufficient evidence with the other. Of course, Mr. Sprott is here but I have an arrangment with my Learned Friend to give him a statement of what he said, and I have also given Mr. Rubinowitz photographic copies of a certain exhibit that is going to be used at the trial. We couldn't get it from the Registry Office, it is in a tremendous big book. So I have given it to Mr. Rubinowitz. I would ask Your Worship to commit him on the matter of uttering as well. It simplifies matters up in the other Court too.

MR. RUBINOWITZ: If I may waive that I am quite prepared to do so.

COURT: I think you may. Then what is your answer?

MR. RUBINOWITZ: I reserve my defence.

COURT: I commit the accused for trial at the next Court of Competent Criminal Jurisdiction onthe two charges of Forgery and Uttering a Foregery.

I hereby certify the foregoing to be a true and accurate copy of the said proceedings.

(sgd) L. H. Heaney,
STENOGRAPHER.

CERTIFIED by me as being a true and correct copy of the proceedings taken at the hearing of the said case.

(sgd) H. C. Shaw,
POLICE MAGISTRATE.

(STENOGRAPHER'S AFFIDAVIT HEREWITH)

C O N C L U D E D

STATEMENT OF THE ACCUSED.

C A N A D A:
Province of British Columbia,
County of Vancouver
City of Vancouver

(The usual form herewith)

Whereupon the said S.Y. Ikeda says as follows:

"I reserve my defence".

(sgd) H. C. Shaw
Police Magistrate in and for
the City of Vancouver.

F.T. Bainstone 1

Thos. D. Dickson S.C.

W.H. Young 2

Hugh Stewart 3

A.J. Cassel 4

A. Elborn 5

D.B. Cook 6

A. Begg S.C.

Fedrick 7

H.A. Sedon S.C.

C.F. Ebbett S.C.

Sheriff 8

H.W. Bell 9

J.H. Burstead

R. Adams 10

F. Desjardins 11

A.P. Luney S.C.

S.A. Fairfield 12

J.P. Jenkins S.C.