

PASC

GR 419

D 226



12/31

REX versus KIYOKATA KUSAKA.

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

I N D E X.

CANADA

Information and Complaint.

CITY OF VANCOUVER.

Statement of Accused.

✓ Detective H. H. Duggan complainant of Det. H. H. Duggan, of City  
Examined ..... 1 - 2

of Vancouver taken the 19th day of April in the year of our Lord

✓ Detective C. W. Spence and thirty one, before the undersigned,  
Examined ..... 3

Det. C. W. Spence, one of His Majesty's Justices of the Peace

Affidavit of Stenographer. of British Columbia, who says that

at the said City of Vancouver on the 19th day of April A.D. 1931,

KIYOKATA KUSAKA did voluntarily move in his possession, drugs, to

wit: Cocaine and Morphine, contrary to the Opium and Narcotic Drug

Act, 1928.

Contrary to the form of the Statute in such case made and provided.

Witness my hand and the seal of the said Province of British Columbia

at Vancouver this 19th day of April 1931.

H. H. Duggan J/Pet.

Deems before me the day and year first above mentioned, at said

City of Vancouver.

Det. C. W. Spence

Justice of the Peace for the Province of British  
Columbia.

Accused admitted to take his trial at the Court House of Vancouver  
criminal jurisdiction.

Det. C. W. Spence J/Pet.



POLICE COURT  
STATEMENT OF THE ACCUSED.

CANADA

VANCOUVER, B. C. April 20th 1931.

PROVINCE OF BRITISH COLUMBIA.

COUNTY OF  
PROVINCE OF BRITISH COLUMBIA  
CITY OF VANCOUVER  
CITY OF VANCOUVER

KIYOKATA KUSAKA stands charged before the undersigned H. C. Shaw, Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the County aforesaid, this 4th day May in the year of our Lord one thousand nine hundred and thirty-one, for that the said Kiyokata Kusaka on the 12th day of April A.D. 1931, at the City of Vancouver did unlawfully have in his possession drugs, to wit: Cocaine and Morphine. Contrary to the Opium and Narcotic Drug Act 1929.

And the said charge being read to the said Kiyokata Kusaka and the witnesses for the prosecution being severally examined in his presence, the said Kiyokata Kusaka is now addressed by me as follows:

(Usual form)

Whereupon the said Kiyokata Kusaka says as follows:

(through Interpreter)

I reserve defence.

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

H. C. Shaw

Police Magistrate in and for City of Vancouver.

1. Is the said Kiyokata Kusaka a Japanese? A: Yes.  
2. Is he charged with having drugs in possession? A: Yes.  
3. To wit: Cocaine and Morphine? A: Yes.



POLICE COURT  
(BEFORE H. C. SHAW, ESQ., P.M.)  
12th of April.

Q. Of this month? A: Yes sir.

Q. And where was it? A: VANCOUVER, B. C. April 29th 1931.

Q. In the City of Vancouver here? A: Yes sir.

CANADA )  
PROVINCE OF BRITISH COLUMBIA ) A: REX vs. KIYOKATA KUSAKA  
COUNTY OF VANCOUVER )  
CITY OF VANCOUVER )

Q. Not a qualified physician? A: No sir.

Q. KIYOKATA KUSAKA charged on the information of Detective H. H. Duggan, of the City of Vancouver on the 13th day of April A.D. 1931, for that at the said city of Vancouver on the 12th day of April A.D. 1931, did unlawfully have in his possession, drugs, to wit: Cocaine and Morphine, contrary to the Opium and Narcotic Drug Act 1929.

Contrary to the form of the Statute in such case made and provided.

W. M. McKay, Esq., Counsel for Prosecution. A: Yes sir.

J. A. SUTHERLAND, Esq., Counsel for Defence. A: Exhibit.

L. H. Heaney sworn stenographer.

T. Ide sworn Japanese Interpreter.

EXHIBIT PRODUCTION AS EVIDENCE "A".

MR SUTHERLAND: I am appearing for Kusaka.

(Charge read through Interpreter).

COURT: Now tell him Mr. Ide that he has the option to be tried forthwith before me without the intervention of a jury or to remain in custody or under bail as the court decides to be tried in the ordinary way by the court having competent criminal jurisdiction. And ask him how he will be tried?

INTERPRETER: Preliminary hearing Your Worship. I will put

this in as Exhibit "B".

DETECTIVE H. H. DUGGAN, called as a witness, being first sworn,

Q. These drugs were testified as follows: A: Yes sir.

QUESTIONS BY MR MCKAY: A: Yes sir.

1 Q You are an acting Detective on the Vancouver police force? A: I am.

2 Q This man is charged with having drugs in possession? A: Yes sir.

3 Q To wit cocaine and morphine? A: Yes.



4 Q What day did this happen? A: That was on the Sunday, the 12th of April.

5 Q Of this month? A: Yes sir.

6 Q And where was it? A: 368 Cordova Street East.

7 Q In the City of Vancouver here? A: Yes sir.

8 Q What does this man do? A: Apparently he is operating these premises as a hospital for outdoor patients.

9 Q Not a qualified physician? A: No sir.

10 Q What did you find? A: I found, in regard to drugs, do you mean?

11 Q Yes. A: Two boxes containing morphine tablets and one containing cocaine.

12 Q These were found in this hospital that he is operating?

A: Yes sir.

13 Q Have you got the certificate there? A: Yes sir.

MR MCKAY: I will put all these drugs in as one Exhibit.

COURT: All right.

MR MCKAY: Exhibit "A".

DRUGS PRODUCED AS EXHIBIT "A".

14 Q This is the certificate of John F. C. B. Vance, City and Provincial Analyst? A: Yes sir.

MR MCKAY: To Detective Duggan. Received on the 13th of April certain drugs. Number 2032 contains cocaine, 2033 contains morphine, 2034 contains morphine. All of the above meet the requirements of the Opium and Narcotic Drug Act; and then the different articles are number from 2035 to 2040, that is the containers; John F. C. N. Vance, City and Provincial Analyst. I will put this in as Exhibit "B".

CERTIFICATE PRODUCED AS EXHIBIT "B".

15 Q Those drugs were taken to the analyst by you? A: Yes sir.

16 Q In the same condition as you received them? A: Yes sir.

MR SUTHERLAND: No questions.

I hereby certify the foregoing to be a true and accurate transcript

of the within proceedings.

L. E. Hickey, Court Stenographer.



DETECTIVE C. W. SPENCE, called as a witness, being first sworn,  
testified as follows:

QUESTIONS BY MR MCKAY:

17 Q You are an acting detective on the Vancouver police force?

A: I am.

18 Q You were in company with Detective Duggan?

A: I was.

19 Q You have heard his evidence? ~~the~~ A: I have.

20 Q Is what he says true? A: It is.

21 Q Have you got anything to add to that? A: Nothing.

MR SUTHERLAND: No questions.

MR MCKAY: That is the case.

COURT: Well it is a case for committal, Mr. Sutherland.

MR SUTHERLAND: I was going to ask Your Worship if you would postpone  
the committal until next week so that I can get my bonds ready  
for the higher court.

MR MCKAY: That is all right.

COURT: No objection Mr McKay?

MR MCKAY: No objection at all.

COURT: Will Monday be all right?

MR SUTHERLAND: Yes Your Worship.

COURT: Remanded to the 4th of May for committal.

Adjourned to May 4th.

MR MCKAY: Kusaka for committal.

COURT: Just read those two paragraphs Mr Ide. (Interpreter reads  
warning to the accused).

INTERPRETER: He reserves defence, Your Worship.

COURT: Then I commit him for trial at the first court of competent  
criminal jurisdiction.

H. C. Shaw

Police Magistrate in and for the City of Vancouver  
in the Province of British Columbia.

I hereby certify the foregoing to be a true and accurate transcript  
of the within proceedings.

L. H. Heaney, Court Stenographer.



AFFIDAVIT OF STENOGRAPHER.

CANADA )  
PROVINCE OF BRITISH COLUMBIA )  
COUNTY OF VANCOUVER )  
CITY OF VANCOUVER. )

In the matter of the King in the information of H. H. Duggan  
against Kiyokata Kusaka.

I, L. H. Heaney of the City of Vancouver, in the Province of  
British Columbia, stenographer, do make oath and say:

First: That I am the stenographer appointed by H. C. Shaw, Esq.,  
police magistrate in and for the City of Vancouver, to report evidence  
in this case.

Second: That the evidence hereto attached is a true and correct  
copy of the proceedings taken at the hearing of the said case.

L. H. Heaney

Stenographer.

Sworn before me this 7th day of May A.D. 1931.

H. C. Shaw

Police Magistrate.



1931

Vancouver Jail Assizes

COPY OF DEPOSITIONS IN re

REX

vs.

Kiyokata Kusaka

Offence Unlawful possession  
of Drugs