

193/ Fall Assizes. Vancouver, B.C. Tokichi Tanakat Seiroku Kojima Offence Conspinary to commit an CROWN BRIEF. Sept 25/31 your day supp trice starts at 10. 42 Sumbled 2.30 Crown funds 4. pm mount senson. It Mh. uddressed & 200 To 235 pm - Mr Mailland addressed C 235 parts Victoria, B.C. gining 3.24
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INFORMATION AND COMPLAINT.

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CANADA
Province of British Columbia
City of Vancouver.

THEORMATION AND COMPLAIN

STATEMENT OF THE ACCUSE

Deposition of R. BIAKE

Deposition of KENZO KOJ

Deposition of JOHN WILL

Deposition of MISS SHET

Deposition of ARTHUR E.

Deposition of DEPERTIVE

JOHN WILLIAM PRESCOTT Y

DET. STATE-SGT. J. PRIPPS

APPLIDAVIT OF STENOGRAPH

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The information and complaint of Det-Sgt. L.J. Sampson-R.C.M.P. on behalf of His Majesty the King of City of Vancouver taken the Fourteenth day of July, in the year of our Lord One Thousand Nine Hundred and thirty-one, before the undersigned, Earl E. Robinson Esq., one of His Majesty's Justices of the Peace in and for the said Province of British Columbia, who says that At the City of Vancouver between the 23rd day of January, and the 30th day of January, A.D. 1931, TOKICHI TANAKA and SEIROKU KOJIMA, unlawfully did conspire, confederate, combine and agree together and with another person unknown to commit an Indictable Offence, TO WIT, at the time of committing the Offence herein charged and heretofore there was in force in the Province of British Columbia an Act of the Legislature of the said Province entitled "The Vital Statistics Act", which provided amongst other things for the registration with the Registrar of Vital Statistics of all births occurring within the said Province of British Columbia and providing that the Registrar of Vital Statistics might issue a Certificate under his hand and seal certifying as to the place, and date of the birth and the parentage of the person named therein and such Certificate should be prima facie evidence in any Court of the facts therein stated; AND WHEREAS certain privileges and rights are available to persons who have the status of natural born British Subjects;

The said TOKICHI TANAKA and SEIROKU KOJIMA and such other person unknown heretofore mentioned well knowing the premises on the days and dates hereinbefore mentioned unlawfully did conspire, combine, confederate and agree together by divers false pretences and misrepresentations, TO WIT, under and by

IMPORMATION

ACIANA D Province of British Co Oity of Vancouver.

The iniormation a R.C.M.F. on behalf of taken the Four teenth d Thousand Mine Hundred Esrl E. Robinson Esq. in and for the said Pr At the City of Vancouv the 30th day of Januar KOJIMA, unlewfully did together and with anot Offence, TO WIT, at th energed and heretofore British Columbia an Ac entitled "The Vitel St things for the registr ties of all births occ Columbia and providing might issue a Certific edate base, and date person named therein a damos in suy Court bus segeliving nistage IBTUISM TO SUISIS ON

bise enT makun mosreq redto done menises on the days at did conspire, combine, false pretences and mi

reason of a certain Statutory Declaration made the 24th day of January, 1931, by KENZO KOJIMA and by the making of a certain Certificate dated the 24th day of January, 1931, both stating that the said SEIROKU KOJIMA was born in the Province of British Columbia, TO WIT, at Steveston, whereas in truth and in fact the \$ said SEIROKU KOJIMA was not born at Steveston or any place else in the Province of British Columbia or in the British Empire but he was at all times a person of Japanese Race and a Subject of the Emperor of Japan, in order that a Certificate of Birth, certifying that he was born in the Province of British Columbia should be issued to him by the Registrar of Vital Statistics and that he should thereby be able to represent that he was entitled to enjoy the rights and privileges of a natural born British Subject.

AND that in pursuance of and according to the said conspiracy, confederacy, combination and agreement amongst themselves and the said person unknown had as aforesaid did cause to be procured to be forwarded and placed before the Registrar of Vital Statistics the said Declaration, which Declaration and Certificate are in the words and figures following -

Province of British Columbia Form 9. "Vital Statistics Act" DRD #264.
(Section 19 (2)

STATUTORY DECLARATION.

Canada: th of a child born in Byltish Columbia must be Province of British Columbia If both parents are dead one of the following paragraphs

I, KENZO KOJIMA, do solemnly declare that:-

1. The birth of Seiroku Kojima born at Steveston, in the Province of British Columbia, on the 25th day of March, 1911, was not registered as required by the provisions of subsection (1) of Section 15 of the "Vital Statistics Act," chapter 268 of the R.S.B.C. 1924.

must be added to the foregoing declaration:-

am the older brother of the person whose birth is now desired to be registered.

reason of a certain Stanuary, 1931, by KENZ January, 1931, by KENZ Certificate dated the that the said SEIROKU COlumbia, TO WIT, at said SEIROKU KOJIMA where the was at all time but he was at all time of the Emperor of Japa certifying that he was should thereby that he should thereby the rights at Subject.

AND that
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themselves and the sa
cause to be procured
Registrar of Vital St
Declaration and Certi
following -

Canada:

Province of British (
TO W

I. KEWZ

1. The birth o

in the Province of B

March, 1911, was not

Visions of subsection

Statistics Act." cha

2. I am the ol

3. I have personal knowledge of the matters as set forth, in the Form 4, Certificate of Registration of Birth, accompanying this Declaration, and believe the same to be true in substance and in fact.

I am an older (half) brother, being fifteen years senior, and was in the house at the time of the birth and have a distinct recollection of the occurrence.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at Vancouver, in the Province of British Columbia this 24th day of January, 1931.

(seal)

"Kenzo Kojima"

"J.W. Prescott"

A Notary Public in and for the Province of British Columbia

Read the instructions before filling in Form 4 and making this statutory declaration.

READ THESE INSTRUCTIONS CAREFULLY:

The information required to register a birth, on Form 4, must be given as the circumstances were when the child was born - not as circumstances are now.

The birth of a child born in British Columbia must be registered by the father or the mother if either is living.

If both parents are dead one of the following paragraphs must be added to the foregoing declaration:-

- (a) I am the guardian of the said child.
- (b) I am the occupier of the house in which the child was born and was present in the house at the time of the birth.
- (c) I am the physician (or nurse) who attended at the birth.
- I am an older brother (or sister), being years senior, and was in the house at the time of the birth and have a distinct recollection of the occurrence.
- (e) I am an aunt (or uncle) and was present at the time of the birth.

S. I have persons in the Form 4, Certific this Declaration, and b in fact. I am an older (hal and was in the house at recollection of the occ oxion I but I make

Evidence Act." Declared before me at V in the Province of Brit

believing it to be true

and effect as if made u

Columbia this 24th day

1931.

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Read the instructions be this statutory declarat

READ THESE IN

The information require must be given as the ci was born - not as circu

The birth of a child box registered by the fathe

If both parents are dea must be added to the fo.

I am the g (3)

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I am the p

· dirtid I am an old (6) years seni

the birth ,

of the birt

This form if placed in an envelope, marked "Dominion Statistics - Free, penalty for improper use \$300," and properly addressed to the District Registrar, will pass through the Mail "Free"

Ed. Was this a promature birth? No. Government Agent's Office PROVINCE OF BRITISH COLUMBIA, Jan. 27, 1931 Registered No 2 - K - 31 For use of Registrar of Vancouver, B.C.

> at birth - Mrs. Yamamoto. CERTIFICATE OF REGISTRATION OF BIRTH.

Vital Statistics only.

(By parent or guardian)

1. Place of Birth. If in Municipality..... Steveston, B.C. GIVER under my hand at Varmou (name) is Bath day If in City, Town or Village - Street House No.

(If birth occurred in a hospital, give its name instead of Street & number) MAKAKE 2. Full name of Child Kojima, Seiroku

(Surname) (Given name) Sex of child 4. Single, Twin, Triplet or other Male by certify that the Single return was made to

5 3 5. Was the child born alive? 6. Are parents married? Yes
Answer Yes or No.
Answer yes or no.

Date of birth

March 25th, 1911.

Month, day, year.

FATHER

FATHER that in pursuance of and

8. Full name - Otomatsu Kojima
Residence - Steveston, B.C. (Usual place of abode) If non-resident, give place and Racial origin - Japanese)

Province)

Age last birthday - 40 years. ain set forth a certain Certificate of

Birth place - Hiroshima-ken, Japan. 12. (City or place, province or country)

13. Occupation:-

(a) Trade or profession - Fisher (b) Business in which employed.

MOTHER

Full maiden name - Hanayo Mudadoi

Residence - Steveston, B.C. 15. (Usual place of abode) If non-resident, give place and Province)

k, Gal Racial Origin - Japanese

Age Last Birthday - 35 years.

김 중 18. Birthplace - Hiroshima-ken, Japan (City or place, province or country) This form if placed Statistics - Free, p properly addressed t through the Mail "Fr

Government Agent's office Jan. 27, 1951 Vancouver, E.C.

CERTIFIC

Place of Bir If in Munic If in City, (If birth instead o

Full name of Sex of child Male

Was the chi Answer Yes

Date of bir March 25 Month, day,

FATHER

Full name -Residence -(Usual place

10. Recial origi id deal aga

.SI Birth place (City or pla

Occupation: (a) Trade of the continues (b) Busines

MOTHE

Full maiden Lb. Residence -(Usual place 16. Racial Orig

is test sya

Birthplace (City or pl

Harayan Breaten Brecht

Children of this mother (including this birth) 19. Number born alive 2. Number now living. 2 Number stillborn (born dead) -

Was this a premature birth? No. 20.

Name and Post Office Address of Informant - Kenzo 21. Kojima, 210 Keefer St. Vancouver, B.C.

Name of Doctor, Nurse or other person in attendance 22. at birth - Mrs. Yamamoto.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

GIVEN under my hand at Vancouver this 24th day of January, 1931.

(Seal) "Kenzo Kojima" Signature of Informant

I hereby certify that the above return was made to me at Vancouver, on the 27th day of January, 1931.

Bir tholes of Father "R. Blake" Maid on Mana Trans.

District Registration No.

Cocupation of Father - Fisherman

AND further that in pursuance of and according to the said conspiracy, confederation, combination and agreement they did procure to be delivered to SEIROKU KOJIMA under and by virtue of the said Declaration and Certificate herein set forth a certain Certificate of Birth in the words following, that is to say -

Marginal notations:-

GIVER under my hand at Victoria, B.C.

Fittel Statistics this 26th day of January, 1931.

"H.B. French"

Deputy Registrer, Births, Destha and Marriages

No. 20218.

19. Children of mind redmun miod) miod

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Name and Po

Pame of Doc - dirtid ts

I certify t

to the best of my ! GIVEN under

of January, 1931.

(Seal)

I hereby c

me at Vancouver, o

District Registrat

AND furthe

according to the s bination and agree SEIROKU KOJIMA und and Certificate ha

Birth in the words

Kojima, 210

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA VITAL STATISTICS ACT.

CERTIFICATE OF BIRTH

THIS IS TO CERTIFY that the following particulars of Birth are on record in the Office of the Registrar of Births, Deaths, and Marriages:-

Name of Child - Seiroku Kojima

Date of Birth - March 25th, 1901

Sex Male

Place of Birth- Steveston, B.C.

Name of Father- Otomatsu Kojima

Birthplace of Father - Hiroshima-ken, Japan

Maiden Name of Mother - Hanayo Mukadoi

Birthplace of Mother - Hiroshima-ken, Japan

Occupation of Father - Fisherman

Residence of Parents - Steveston, B.C

Doctor or Nurse in attendance at Birth - Mrs. Yamamoto.

Signature of Informant - "Kenzo Kojima"

triel at the next sourt of compatent

Registered at Victoria, B.C. this 26th day of January,

1931.

Deputy Police Magistrate.

Marginal notations:-

GIVEN under my hand at Victoria, B.C. (Seal) Vital Statistics this 26th day of January, 1931. Dept.

"H.B. French"

Province of British Columbia.

Deputy Registrar, Births, Deaths and Marriages

No. 20218.

THE GOVERNMENT OF

ADITITED.

THIS IS TO OM PARTIES OF BIRth ; Registrar of Births, I

Name of Child - Seirol
Date of Birth - March
Place of Birth- Steven
Wame of Father- Otomat
Birthplace of Father.

Birthplace of Mother -

Occupation of Father -

Residence of Perents -Doctor or Nurse in att

Signature of Informant

Registered at Vietoria

Marginal notations:-

(Seal)
Vital Statistics the

0.5000

No. 20218.

With intent that the said Seiroku Kojima should obtain possession of a Certificate of Birth which would enable him to represent himself as a natural born British Subject.

To the evil example of all others in like case offending in contempt of our Sovereign Lord the King and his laws to the injury, prejudice and disturbance of the liege Subjects of our said Lord the King and to the Public mischief of the said liege Subjects, against the peace of our Sovereign, Lord the King, his Crown and Dignity.

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

30th day of Manuary, "L.J. Sampson"

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

"Earl E. Robinson"

Both.

Both.

Justice of the Peace for the Province of British Columbia.

trial at the next court of competent criminal jurisdiction.

"J.A. Findlay"

Deputy Police Magistrate.

TORICHI TANAKA

Whereupon the said/says as follows:-

(through his counsel)

"Reserva Defence"

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

"J.A. PENDLAY"

Deputy Police Magistrate in and for City of Vanceuver

With intent that should obtain possession would enable him to repart tish Subject.

To the evil ex

case offending in contand his laws to the in the liege Subjects of Public mischief of the peace of our Sovereign Dignity.

Contrary to the form or provided.

Sworn before rate staid City

JUL 17 1931 Both.

Accused committed trial at the next courtrial at the next courtrial jurisdiction.

Deputy Police

STATEMENT OF THE ACCUSED.

REX V. TANAKA.

CANADA
Province of British Columbia
County of

TOKICHI TANAKA stands charged before the under-ORN FOIRE stands obsreed before the understaned. signed, J.A. Findlay, Esq., Deputy Police Magistrate, and J.A. Findley, Esc. Deputy Police o Magistrate, and one of His one of His Majesty's Justices of the Peace in and for the Majorty's Justices of the Isace in and for the County afore-County aforesaid, this 17th day July, in the year of our said, this little cay July, in the year of our lord one thou-Lord one thousand nine hundred and thirty-one, for that the eand wine bundred and thirty-one, for thet the said SHIROKU IN said TIKICHI TANAKA between the 23rd day of January and the KOJIHA between the 23rd day of January and the 30th day of 30th day of Manuary, A.D. 1931, unlawfully did conspire, January. A.D. 1991 unlewfully did o coapire, confederate. confederate, combine and agree together and with another combine and agree together and with another person unknown person unknown to commit an indictable offence: to commit am indichable offenosi

(See Information attached for charge)

And the said charge being read to the said TOKICHI TANAKA and the witnesses for the prosecution,

, being severally examined in presence, the said TOKICHI TANAKA is now addressed by me as follows:--

(Usual form)

TOKICHI TANAKA

Whereupon the said/says as follows:-

(through his counsel)

"Reserve Defence"

(through Interpreter)

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

"J.A. FINDLAY"

Deputy Police Magistrate in and for City of Vancouver.

Deputy Felice Leadistone in and for City of

REX V. TANA

CANADA Province of British Columb County of

TOKICHI TAWAKA

signed, J.A. Findlay,
one of His Majesty's J
County aforesaid, this
Lord one thousand nine
said TIKICHI TAWAKA be
30th day of January,
confederate, combine a
person unknown to comp

And the said charge be and the witnesses for bei

SSIG TOKICHI TANAKA I

TOKICHI
Whereupon the said/sa;
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"Rese

Taken before de day set ab

Deput

STATEMENT OF THE ACCUSED.

REX V. KOLJIMA

CANADA
Province of British Columbia
County of

SEIROKU KOJIMA stands charged before the undersigned,

J.A. Findlay, Esq., Deputy Police Magistrate, and one of His

Majesty's Justices of the Peace in and for the County aforesaid, this 17th day July, in the year of our Lord one thousand nine hundred and thirty-one, for that the said SEIROKU KK

KOJIMA between the 23rd day of January and the 30th day of

January, A.D. 1931 unlawfully did conspire, confederate,

combine and agree together and with another person unknown

to commit an indictable offence:

FORTGHE TENENT ONE SELECTION EONINE onorged at the City

Teno burgr, B.C. July 17th, 1981.

(See Information attached for charge)

And the said charge being read to the said SEIROKU KOJIMA

and the witnesses for the prosecution,

presence, the said SEIROKU KOJIMA is now addressed by me as follows:--

(Usual form)

Whereupon the said SEIROKU KOJIMA says as follows:-(through Interpreter)

"Reserve Defence"

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

GOURT: Interpret this: You have the option to be tried forth-

be tried in the ording.A. FINDLAY" deur baving com-

Deputy Police Magistrate in and for City of Vancouver.

POLICE COURT. (Before H.J.A. Findlay, Esq., D.P.M.)

Vancouver, B.C. July 17th, 1931.

CANADA
Province of British Columbia
County of Vancouver
City of Vancouver

REX VS. TOKUCHI TANAKA and SEIROKU KOJIMA

TOKICHI TANAKA and SEIROKU KOJIMA charged at the City XX of Vancouver on the 14th day of July, A.D. 1931, for that at the said City of Vancouver between the 23rd day of January and the 30th day of January, A.D. 1931, unlawfully did enspire, confederate, combine and agree together and with another person unknown to commit an indictable offence (See Information for charge)

R.L. MAITLAND, Esq., K.C., Counsel for Prosecution and OSCAR ORR, Esq.,

h certificate would give him certain rights as a

h dertificate; and then he followed

G.L. CASADY, Esq.,)
Counsel for Defence
W.J. MURDOCK, Esq.,)

L.H. Heaney sworn stenographer

T. Ide sworn as Japanese Interpreter.

MR. ORR: Now in this case my friend Mr. Casady is acting for Tanaka and my friend Mr. Murdock for Kojima, and I understand they both have read this indictment through and will waive the reading of it again.

to say that this conspiracy was besed on the issuing

MR. CASADY: As far as I am concerned.

MR. MURDOCK: That is alright.

MR. ORR: Then would Your Worship give them the election in this case.

COURT: Interpret this: You have 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.

STATEMENT OF T

REX V. KOLJI

CAMADA
Province of British Columby of

SEIROKU KOJIMA

J.A. Findlay, Esq., Dep Majesty's Justices of the said, this 17th day Justice and sand nine hundred and KOJIMA between the 23 January, A.D. 1931 unle combine and agree toge to commit an indictable (See Information of the See Information and See I

And the said charge be and the witnesses for

presence, the said SEI

--: swollof

Whereupon the

(through

"Reser"

Taken before

dsy and year first ab

Deputy P

(Before H.J.A. F

CAMADA
Province of British Col
County of Vancouver
City of Vancouver

TOKICHI TANAKA

of Vancouver on the late of the said City of Vanco the Soth day of Januar confederate, combine a person unknown to combine tion for charge)

R.I. MAITLAND and OSCAR

G.I. CASADY, W.J. MURDOCK,

I.H. Heaney s

T. Ide sworm

MR. OHR: Now in this

Tanaka and my

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MR. CASADY: AS IST

MR. MURDOCK: That i

MR. ORR: Then would

this case.

COURT: Interpret ti

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INTERPRETER: Preliminary hearing. Preliminary hearing,
Your Worship.

MR. ORR: In this case, Your Worship, the charge against the accused men is based on a conspiracy causing a department to issue a passport to a person who is not entitled to it. Now the Crown's case will rest on this proposition that the issuing of a passport, by being a document in use between countries and being issued on behalf of the sovereign asking the sovereign of another country, or the head of another country to lend assistance to the person bearing the passport. The Crown's case is based on the Statutes on public mischief, and these men are charged really with conspiracy to cause a public mischief by falsely representing that a certain person was entitled to a birth certificate when he was not entitled to that birth certificate, and he is alleged to have got the birth certificate on false declarations, false affidavits; and then, of course, a birth certificate would give him certain rights as a British subject which he would not be entitled to unless he had that birth certificate; and then he followed that up by using the birth certificate, by trying to obtain a passport, the actual passport was issued in COURT: He is siresdy this case and then afterwards cancelled. I started to say that this conspiracy was based on the issuing of a passport, which is really issued on the birth certificate, which in furtherance they use to get a passport issued. Q. For wist district? A. Vancouver restatration districts.

MR. CASADY: Before we proceed Your Worship, I understand that the other charges have been withdrawn, or are they being withdrawn now?

INTERPLEER: Preliminary

Your Worship.

MR. ORR: In this case,

accused men is b

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of a passport,

certificate, w

passport issue

MR. CASADY: Before WE

the other char

being withdray

MR. ORR: Against these two men?

MR. CASADY: Against my man.

MR. ORR: This is the only charge now against these two men that will be proceeded with, this particular one. I was going to say Your Worship in the course of this enquiry whatever transpires in connection with this charge we may ask you to commit, or they may be indicted on anything that comes out.

MR. CASADY: We know that.

MR. MURDOCK: What you are referring to is the charges of the 29th of June are they dropped?

MR. ORR: The 3rd of January and the 30th of January

MR. CASADY: I have here copies of two informations of the 29th of June against my friend's client, Tanaka. I understand they are withdrawn

MR. ORR: The present indictment, the present charge of conspiracy is the only one we are going to proceed with at the present time.

MR. R. BLAKE, called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MAITLAND:

MR. MAITLAND: Do you need an interpreter in this case?

MR. CASADY: No. Would like to put that in certified by the

COURT: He is already sworn.

MR. MURDOCK: We need an interpreter as far as my client is con-

1. Q. What is your occupation, Mr. Blake? You are deputy registrar of? A. Vital statistics.

2. Q. For what district? A. Vancouver registration district.

3. Q. And do you cover the City of Vancouver? A. Vancouver city, yes sir.

issued from the original.

ORR: Against these two man.

CASADY: Against my man.

ORR: This is the only c
will be proceeded with,
to say Your Worship in
transpires in connectic
to commit, or they may
out.

R. CASADY: We know that.

R. MURDOCK: What you are
29th of June are they
R. ORR: The 3rd of Januar
R. CASADY: I have here co
of June against my fri
they are withdrawn
R. ORR: The present indicates acy is the only one we
present time.

MR. R. BLAKE,

UESTIONS BY MR. MAITLAND:

R. MAITLAND: Do you need

R. CASADY: No.

10URT: He is already swor

WHIDOOK: We need an i

cerned.

Q. What is your occup
registrar of? A. Vi
Q. For what district
Q. And do you cover
city, yes sir.

- 4. Q. And you cover Steveston? A. Steveston and Lulu Island, yes.
- 5. Q. Do you recognize that certified copy of an application, is that a copy of your signature to that document? A.I do.
- 6. Q. And is that your signature? A. That is.
- 7. Q. Now I do not suppose you remember taking this, do you Mr. Blake? A. No.
- 8. Q. The 24th of January 1931? A. No.
- 9. Q. This is the name of the child, is it, Seiroku Kojima, male, single; the father Otomatsu Kojima, residence Steveston, B.C. race Japanese, age 40 years, birth place Hiroshima, -ken, Japan. Maiden name of mother Hanago Mukadoe, residence Steveston, B.C. Race Japanese, age thirty-five, birth place Hiroshima-ken, Japan. Where is the date of birth on here? A. The date of birth on the right hand side.
- 10. Q. March the 25th, 1911? A. Yes.
- 11. Q. Now what do you call that, a district registration?

 A. That is a district registration.
- 12. Q. That goes back twenty years, doesn't it? A. That goes back twenty years
- MR. MAITLAND: I would like to put that in, certified by the Deputy Registrar, births, deaths and marriages, Mr.
- 13/ Grench, as a copy of registration of a birth certificate.

 COPY OF DOCUMENT produced as Exhibit "A"
- 13. Q. By the way, you don't know anything about the birth certificate that would issue following that, do you?
 - A. Issued from Victoria, no, I would not.
 - MR. MAITLAND: That is all Mr. Blake.
 - 14. Q. Have you got your records here? A. No, our office merely asked me to swear to my signature. You see this being issued from the original.

And you cover Steves

ves.

Q. Do you recognize the is that a copy of your Q. And is that your sign. Now I do not suppose Mr. Blake? A. No. Q. The 24th of January Q. This is the name of Q. This is the name of

male, single; the fath steveston, E.C. race J. Hiroshima, -ken, Japan.

Mukadoe, residence Ste thirty-five, birthM pl

the date of birth on h

el 10. Q. March the 25th, 19
11. Q. Now what do you ca

A. That is a district

18. Q. That goes back twe back twe back twe back twenty years

R. MAITLAND: I would like Deputy Registrar, birt

We ench, as a copy of recommendation of the copy of the copy of pocume

estificate that would certificate that would state and from Victoria, A. Issued from Victoria, MAITLAND: That is all wour daked me to swear to a

issued from the origin

- 15 Q In the case of a district registration you have to have some information, have you? A. It is all submitted to Victoria.
- 16 Q Now is that a copy of a affidavit that was in support of this? A. That would presumably be so.
- 17 Q And that is certified also by Mr. Trench: "Certified a true photostat of the original record on file in the office of the Registrar of Births, Deaths and Marriages at Victoria, B.C. H.B. French, Deputy Registrar, Births, Deaths and Marriages. I will put this in as an Exhibit.

COPY OF DOCUMENT produced as EXHIBIT "B"

- MR. MAITLAND: It is an affidavit alleged to be by one Kenzo

 Kojima in which he says that the birth of Seiroku Kojima

 born at Steveston in the Province of British Columbia,

 on the 25th day of March, 1911 was not registered as required by the provisions of sub-section 1 of section 15

 of the Vital Statistics Act, chapter 268 of the R.S.B.C.
- 19 1924. I am the older brother of the person whose birth is now desired to be registered. I have personal knowledge of the matters as set forth in the Form 4 certificate of Registration of birth accompanying this declaration, a and believe the same to be true in substance and in fact.

 I am an older (half) brother, being fifteen years senior and was in the house at the time of the birth and have a distinct recollection of the occurrence. Now is that the kind of information you require when considering an application for district registration? A. Where the parents are dead then an older brother or sister can, we will accept their testimony.

MR. MAITLAND: Alright, Mr. Blake. Do you want to cross-examine? QUESTIONS BY MR. MURDOCK:

28 Q You do not know the accused here, do you? A. No.

15 c In the case of a di some information, i toria.

16 & Now is that a copy
of this? A. That
17 Q And that is certiff
true photostat of
office of the Regin

Deaths and Marriese COPY OF DOOL

MR. MAITIAMD: It is an an Kojima in which he born at Steveston on the 25th day of quired by the provor the Vital Statistics of the Vital Statistics of

ledge of the matte of the meter the same and believe the same and older (hall and was in the hor

is now desired to

a distinct recoll the kind of infor

are dead then an

MR. MAITIAND: Alright,

QUESTIONS BY MR. MURDOCK

is wome for ob not know th

- 19 Q Do you know the man Kanzo Kojima here? A. No.
- 20 Q Do you know sho accepted this policy, registration here, Addavit?

MR. MAITLAND: His name is on there.

- 21 Q Who interviewed these people? A. That would be imposs-
- 22 Q Isn't there anything to indicate who in the government office examined them? A. I examined the documents
 to certify to their correctness. It might be any
 clerk took it in over the counter. Nobody could tell
 now who took it in over the counter.
- 23 Q Whose writing? That is your signature at the bottom Present there? A. That is my signature.
- 24 Q As deputy district registrar? A. Yes.
- 25 Q Is there any other writing in there that is in your writing? A. No.
- 26 Q Is there any in this declaration in connection with the same matter? A. No.
- 27 Q The address of Kanzo Kojima, that appears on this document 210 Keefer Street is correct? A. That is the address he gave us as the informant, yes.

MR. MAITLAND: Is that all? to came to Vancouver about seven days

MR. MURDOCK: That is all nection with this metter.

COURT: Mr. Casady? days ago do you mean? A. Yes just about seven

MR. CASADY: No thank you

KENZO KOJIMA: being first sworn, through Interpreter, testified as follows:

your signsture? A. No I don't know anything about this

QUESTIONS BY MR. MAITLAND:

28 Q What is your name? A. Kanzo Kojima

29 Q And where do you live? A. Work at Fanny Bay

30 Q And do you know Seiroku Kojima? A. He is my brother.

31 & And your name is Kanzo then? A. Kenzo Kojima.

Q Do you know the man Kan Do you know sho accept here, Addsvit?

MAITLAND: His name is or

Q Who interviewed these ible to say new

nent office examined
to certify to their co
clerk took it in over
now who took it in over

C Whose writing? That is m there? A. That is m Q As deputy district re

writing? A. No.

Q Is there any in this
the same matter? A.

Q The address of Kanzo document 210 Keefer S

address he gave us as MAITLAND: Is that all?
MURDOCK: That is all.

URT: Mr. Casady?

KENZO KOJIMA:

STIONS BY MR. MAITIAND:

What is your name? A

And where do you live

And do you know Seiro

And your name is kenz

32 Q Now, where was Seiroku Kojima born? A. Born in Japan

33 Q That is the accused man here in court, is it? A. Yes he is.

34 Q Where were you born? A. I also born in Japan.

35 Q When was he born there?

COURT: Do you mean the brother?

36 Q Yes the brother. I am talking about the brother. Sur

A On or about 1901 Mr. Maitland. That is Seiroku was born in Japan on or about 1901.

37 R Now on the 24th of January 1931 did you make an affidavit before Mr. Prescott -- would you stand up Mr. Prescott please -- before Mr. Prescott on behalf of Seiroku?

Interpreter: January of what year?

38 Q On the 24th of January 1931.

court: This man being a foreigner possibly he does not understand. Is there likely any reason why he should require
protection?

MR. MAITLAND: No, he is as innocent as I am in this case. He was never there at all.

A Since the 1st of January 1930 I was always away from

Vancouver and I just came to Vancouver about seven days

previously in connection with this matter.

39 Q About seven days ago do you mean? A. Yes just about seven days ago.

COURT: Did he say January 1930 or 1931?

A Mr. Sampson came and brought him down to Vancouver.

40 Q Did you ever make any affidavit before Mr. Prescott at all? A. I never did. I don't know him at all.

excuse me just a moment, that is Exhibit "A", is that
your signature? A. No I don't know anything about this

+ Y Sie of

SS Q Now, where was Seiro

54 C Where were you born?
55 C when was he born the

Q Yes the brother. I
A On or about 1991 Mr.
born in Japan on or

Quvit before Mr. Pre please -- before Mr.

interpreter: January of who we will be the continue of the Sath of Janua 1000 of this man being a for

stand. Is there like protection?

M. MAITLAND: No, he is as
was never there at a
A Since the lat of Jan
Vancouver and I just
previously in connec

09 Q About seven days ago.
days ago.

OURT: Did he say January
A Mr. Sampson came and
O C Did you ever make an

all? A. I never di
Q Now do you see this
excuse me just a mon
your signature? A.

document. It is not my handwriting at all

- 42 Q Alright. Is that your signature there, is that your handwriting on Exhibit "B"? A. No, it is not right.
- 43 Q Do you know Tanaka at all, the other accused, Tanaka?

 A No I don't know him at all.
- 44 Q Have you ever seen him before? A. Never met him before.
- 45 Q Did you ever have any discussion with your brother snout Tanaka? Did you ever have any discussion with your brother about Tanaka? A. No I did not.

MR. MAITLAND: Alright Mr. Casady?

MR. CASADY: No questions, thanks.

46 Q MR. MUTDOCK: Just one question. Have you ever resided at 210 Keefer Street? A. No I was not.

MR. MAITLAND: Alright. Mr. Prescott.

JOHN WILLIAM PRESCOTT: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MAITLAND:

- 47 Q Mr. Prescott you are a notary public holding office and practising or performing the exercises and duties of a notary public in the city of Vancouver and also in the Province of British Columbia? A. Yes.
- 48 Q And you have been a notary public for how long? A. 1906 I think.
- 49 Q Now do you recognize the accused man Tanaka? A. Yes I know him very well.
- 50 Q You know him very well, and do you recognize the accused man Seiroku? A. Seiroku Kojima?

51 Q Yes. A. Yes. Kojima A. The man purporting to be

- 52 Q He is the one with the glasses, is he? A. Yes
- 53 Q And did you see them this year? .I did.
- 54 Q When? A. January the 24th 1931.

document. It is not

Alright. Is that yo

Alright. Is that yo

Alright. Is that yo

handwriting on Exhib

Als C Do you know Tanaka a

A No I don't know him

A C Have you ever seen h

A C Did you ever inve an

snout Tanaka? Did y
brother about Tanaka
MR. MAITLAMD: Alright Mr.

MR. CASADY: No questions,

eette steer Street

MR. MAITIAMD: Alright. Ma

QUESTIONS BY MR. MAITLAND:

JOHN WHOL

47 Q Mr. Prescott you are
practising or perfor
notary public in the
Province of British

48 Q And you have been a think.

Q Now do you recognized know him very well.

men Seiroku? A. S.

dilw eno eni al en 9 50 sed deni ese then see then you when? A. January

55 Q In connection with what Mr. Prescott? A. The application for a birth certificate

56 Q Application would be made to whom? A. Well that would be to the Provincial Government.

57 Q And before that application was made what would you have to do or what would you ask both to do? A. Well a statutory declaration regarding the delayed application for a birth certificate.

58 Q Now, do you recognize that photostat copy, Exhibit

"B" a copy of a statutory declaration that was taken

before you? A. Yes.

59 Q And that is signed by Kenzo Kojima? A. Yes.

60 Q Who was it signed that, do you know? A. Well the man was supposed to be Kanzo Kojima.

61 Q Well you heard Kenzo Kojima in the box say that he never signed it. Do you agree with that? That the man who gave evidence here - this man never signed it? A. Yes I do.

62 Q And who was this man Kenzo Kojima with when he signed it? A. With the two accused.

Gas And the statement is made he e allegedly by him

"I am an older half brother being fifteen years senior

and was in the house at the time of the birth and have a

distinct recollection of the occurrence." You wrote that

in there, didn't you? A. Yes.

64 Q Who gave you that information to write into that statutary declaration? A. The man that signed that.

65 Q That would be Kenzo Kojima? A. The man purporting to be Kenzo Kojima.

66 Q Did he speak English? A. Well he must have done.

67 Q Not necessarily? A. Not necessarily. Of course the other

The Market

In connection with w for a birth certific a Application would be to the Provincial Gov Q And before that apply have to do or what wo statutory declaration for a birth certifica Q Now, do you recognize "B" a copy of a statu before you? A. Yes. gd And that is signed by Q Who was it signed that supposed to be Kanzo I Q Well you heard Kenzo E never signed it. Do y who gave evidence here

And who was this man I two it? A. with the two as And the statement is multiple and the helf branch and was in the house a

.05 I

distinct recollection
in there, didn't you?

Who gave you that info.

tary declaration? A.

That would be kenzo ko Kenzo ko Kenzo Konzo Kojima.

o Did he speak English?

Not necessarily? A.

two did, and I think he did too if I recall.

- 68 Q And was anything said by either of the accused men in relation to this half brother being born in Steveston, either Tanaka or the accused? A. I don't recall. I presumed he was.
- 69 Q Well did you make any notes, have you got a note?
 - A Not on that point.
- 70 Q I want you to just search your memory, Mr. Prescott, and tell me whether either of these men made any reference? A. To their own birth?
- 71 Q No to the birth of this man Seiroku? A. Oh yes, supposed to be born in Steveston, sure. I thought you were asking about Kanzo
- 72 Q No the birth of Seiroku? A. They said yes he was born in Steveston.
- 73 Q Who said that? A. Kanzo Kojima
- 74 Q Now did Tanaka what did Tanaka say? A. He acquiesced
- 75 Q Did he give you any particulars as to whether he had known him at all familiarly? A. Oh yes, he said he knew these two brothers.
- 76 Q And what about their birth? A. Well he was there when this statement was taken down, so he acquiesced in it.
- 77 Q Did he make any statement, I mean, about it? Did he say anything to you on that occasion? A. Well he must have done
- 78 Q Well, can you remember? A. I do not recall just what he did say, but he must have acquiesced.
- 79 Q Well in any event you say that he did tell you he knew these tow brothers? A. Oh yes.
- 80 Q That would be Seiroku and Kanzo? A. Yes.
- 81 Q And you took that declaration, did you, Mr. Prescott?
- Yes. any event one of the acqueed men, Selroku, you know

Call Kerry from

Koj una jedhon franchischen. presom. two did, and I think he And was anything said by in relation to this hal either Tanaka or the achies he had be was.

Q Well did you make any n A Wot on that point.

and tell me whether eit
ence? A. To their own

C. No to the birth of this
to be born in Stevestor

Q No the birth of Seiroka Steveston.

about Kanzo

Q Now did Tanaka - what can be called the give you any parknown him at all famil

Q Who said that? A. Kar

these two brothers.

Q And what about their b

this statement was tak

Q Did he make any statem
anything to you on the

Q Well, can you remember did say, but he must h

Q Well in any event you

these tow brothers? A That would be Seiroku

A Yes.

82 Q You took that declaration? A. Yes, it is signed by me

Prescott, you would send that to who? A. Send that to Victoria.

84 Q To Victoria or Vancouver here? A. No to Victoria.

85 Q To Victoria? A. Yes.

86 Q And did you do that with it? A. Yes sme day

87 Q Oh yes, Received in Victoria, I see, January 24th.

You must have sent it pretty early. And did you get any
thing back? A. On January the 27th, certificate of birth
was received at my office.

98 Q Is that the certificate of birth that was received at your office? A. Yes. BIRTH CERTIFICATE produced as EXHIBIT "C"

89 Q And was that as the result of these documents which you forwarded? A. Exactly.

90 Q And the affidavits you took from these people? A. Yes.

91 Q Did they tell you what they wanted the certificate of birth for? A. No not at the time.

92 Q Later; did you see them later? A. Later, yes.

93 Q What happened later?

MR. CASADY: Were they both there?

92 Q Who was there on that occasion? A. Seiroku Kojima made an application for a passport on February the 2nd

95 Q To you? A. Yes.

96 Q Who was with him? A. Oh, he would have Tanaka with him.

97 Q MR. MURDOCK: Who did he have?

98 Q Was Tanaka there? A. Well, I have no note.

99 Q Just try to use your memory? A. I don't think he would come alone.

100 Q In any event one of the accused men, Seiroku, you know was there? A. Who Seiroku Kojima, yes.

128 C Dated February 7th 1931. That was sent bear to you?

112 O For the passport fee? A. For the passport fee.

woll han

Q You took that declarate And then after you too

toria.

Q To Victoria or Vancous

Q To Victoria? A. Yes.
Q And did you do that w

You must have sent it thing back? A. On J was received at my of

Q Is that the certifica your office? A. Yes

And was that as the reformanded? A. Exact

And the affidavits you whe

Did they tell you whe

Q Later; did you see the What happened later?
CASADY: Were they both

Who was there on the made an application

Q To you? A. Yes.
Q Who was with him? A
Q MR. MURIOCK: Who di
Q Was Tanaka there? A
Q Just try to use your

come alone.

00 Q In any event one of who

- 101 Q And he made an application, you say for a passport?

 A For a passport.
- 102 Q And what was necessary in order for him to get a passport, Mr. Prescott, to satisfy you of what? A. I would need a birth certificate.
- 103 Q Why? A. To show that he was a British born subject.
- 104 Q And you would require that? A. Oh yes.
- 105 Q That is before you would give your certificate? A. Yes.
- MR. MURDOCK: Isn't this outside of the charge?
- 106 Q And did he produce this birth certificate on that occasion?

 A Yes.
- 107 Q Who produced it? A. Seiroku Kojima
- 108 Q And did you take the application for the passport? A. Yes
- MR. CASADY: As I understand it it is not included in the information.
- MR. MAITLAND: It is carrying out the alleged conspiracy. We allege the conspiracy is getting this false birth certificate and now we are showing they got it for a purpose and the purpose is a passport.
- MR. MURDOCK: They don't say that in the charge. There is no reference in the passport.
- MR. ORR: We say it entails certain rights of British citizenship, and we are just showing whether he asserted those rights, that is all.
- 109 Q Did you make the application, Mr. Prescott, for the passport forthwith? A. Application was made the same day, February the 2nd I think it was sent to Ottawa.
- 110 Q And did you get it back later? A. The passport came back left Ottawa on the 9th of February
- 111 Q And what did you do with it. First that is the receipt, is it? A. For the fee to the government.
- 112 Q For the passport fee? A. For the passport fee.
- 113 Q Dated February 7th 1931. That was sent back to you?

ilggs as essm en bma o . FOT a passport.

assessed what was necesses port, Mr. Prescott, t need a birth certific

Q Why? A. To show th Q And you would requir o That is before you w

MURD OCK: Isn't this out and did he produce

A Yes.

A ?ti beondorg onW 9 8 Q And did you take th a CASADY: As I understan

ation.

MAITLAND: It is carryi the conspiracy is ga and now we are showi the purpose is a pas

MURDOCK: They don't se

reference in the pas ORR: We say it entails

ship, and we are jus rights, that is all.

Q Did you make the a passport forthwith?

day, February the 2

And did you get it left Ottawa on the

and what did you do

is it? A. Por the Q For the passport fe

The second secon A Yes.

MR. MAITLAND: I put that in as an Exhibit

RECEIPT produced as Exhibit "D"

MR. MAITLAND: And then February the 9th dated Ottawa February 9th 1931 "I enclose herewith a passport for Seiroku Kojima" A. Signed by J.J. Connelly passport officer.

114 Q And you gave that? A. And I gave it to Seiroku Kojima who signed himself on Fibruary the 17th, 1931.

115 Q Was anybody with him when he signed that? A. There may not have been I do not recall that.

Q You don't remember? A. No.

Q We will put that in. That is the signature of the 117 accused man Seiruko Kojima who signed that? A. Yes sure. Those are copies of letters which you don't require. ho was born at

LETTER produced as Exhibit "E".

Q Oh Mr. Prescott you mentioned that this man Tanaka told you that he knew these boys in Steveston. Do you remember that? -. Yes.

119 Q Now did he tell you how long he had known them? A. I don't know on that point. THE REAL PROPERTY OF THE RESIDENCE OF THE PARTY OF THE PA

MR. MAITLAND: Alright.

QUESTIONS BY MR. CASADY:

120 Q You have no records to show who called at any particular date, Mr. Prescott, I suppose? A. Well I have a copy of the correspondence.

THE PART OF THE PART OF THE PARTY OF THE PAR

Q Where is it. Have you anything to say who called at 121 your office on the 24th of June, January last? A. I have got the copy of my letter to the passport officer at Ottawa.

Does that help us as to who attended your office on 122 that date in connection with the matter? A. Sure it does. ~ 15 4

A Yes.

of Jedy Jun I : CMAITIAM . But that in

ON THEORET PRO

del ment bna : CMAITIAM . Reb

9th 1931 "I enclose

Kojime" A. Digned b

114 C And you gave that?
who signed nimeelf

is Q Was anybody with hi

may not have been I

He & You don't remember?

117 Q We will put that in

accused man beiruko

Those are copies of

LETTER pr

118 Q Oh Mr. Prescott you

you that he knew th

ber that? -. Yes.

119 Q Wow did he tell you

don't know on that

MAITIAND: Alright.

Q You have no records

lar date, Mr. Prese

the correspondence.

Q Where is it. nave

your office on the

got the copy of my

Ottawa.

Q Does that help us

that date in connec

Q Will you tell me how? A. Well "I enclose the application of Seiroku Kojima a British born subject for a passport to enable him to travel to the United States, Japan and Europe" and "also I enclose his certificate of birth, two photographs and fee of five dollars. Kindly send passport to this office together with the birth certificate.

124. Q What is the date of that letter? A. February the 2nd.

25 Q I am speaking of the 24th of January. Have you anything to show who were at your office on that date in connection with this matter? A. Yes I have.

Births, Deaths and Marriages, Victoria B.C. dated January 24th, 1931. "I enclose the delayed application to register the birth of Seuroku Kojima who was born at Steveston British Columbia on March the 25th 1911, and also enclose statutory declaration of Menzo Kojima, older half brother, as both parents are dead. Please forward certificate of birth to this office as soon as possible and oblige."

at who was in your office on that date? A. That would indicate to your mind that I attended to the business on that date

Or any other document that you have there who called at your office on the 24th of January? If you do not remember Mr. Prescott I think you ought to say so. A. Of course I do remember. This would not have been attended to in that manner if these men had not called.

29 Q What men? What men? That is the point, what men called?

o Will you tell me how? of Seiroku Kojims a B to enable him to trav Europe" and "also I e two photographs and ? passport to this offi

cate. the date of the date of the o I am apealding of the to show who were at yo With this matter? A. Alright. A. Letter to Births, Desths and Mar 24th, 1931. "I enclos register the birth of Steveston British Cold also enclose statutor, half brother, as both

and oblige." Will you indicate to m the was in your of indicate to your mind

certificate of birth

edsb

Will you tell me how J or any other document your office on the 24t Mr. Frescott I think y do remember. This w that manner if these "

What men? What men?

A. Seuroku Kojima.

- And who else? A. Tanaka.
- Q You know both of them? A. I know them well.
- Q Stand up? A. They don't need to stand up
- Well, we will just do it my way if you don't mind. Those are the two accused? A. Yes.
- 134 Q And you are satisfied that both called at your office on the 24th of Ja nuary? A. Exactly.
- 135 Q Why do you say so? A. Because on that date I made application for a birth certificate for Seutoku Kojima.
- 136 Q Did Seuroku Kojima sign anything in your office? A. Well no Kanzo Kojima.
- Was there any necessity for his being there? A. No there was not.
- 138 Q Well how do you know he was there? A. I don't suppose we would have put this through without him being there.
- 139 Q That is the question How do you know he was there?
- A Well I know that from memory, of course, I know he was there.
- 140 Q You know Seuroku Kojima was in your office on the 24th of January with Tanaka? A. Yes.
- 141 Q And who else? A. A man said to be Kenzo Kojima.
- 142 Q So there were three Japanese present? A. Three, yes.
- Was Matsui there? A. No.
- 144 Q Well I want to be fair with you now. I think you should reconsider that answer for a moment. A. There were only three there.
- No, but assuming there were only three, I suggest to 145 you that Matsui was one of them. I quite appreciate that you might make a mistake in the identity of the Japanese, but I ask you if you can say? A. If Matsui was there he posed as Kenzo.

Longes .A A coale onw boxA .c t 20 nitod womi nov o ent . A squ busta o dest film ew . Liew o owt sat ers esont Talias ers nov bud o st to sath of Ja Why do you say so? dation for a birth Q Did Seuroku Kojima no Kanzo Lojima. Q Was there any nece was not. Q Well how do you km would have put this a That is the questic A Well I know that fr .oredt 40 Q You know Seuroku Ko of January with Tar Q And who sise? A. Q So there were thre Q Was Matsui there? Q Well I want to be reconsider that and three there. Q No, but assuming th you that Matsul was

that you might make

Japaness, but I ask

there he posed as 1

Well. You do not seriously suggest that Matsui could pose to you as another Japanese? A. No I don't think so. It is hard to tell, of course.

I would not say he wasn't there. There were three there as far as I remember.

148 Q You would not say he was not there? A. No, there were three there as far as I remember.

149 Q I will show you Exhibit "B" the Statutory declaration,
the body of the document is in your handwriting, isn't it?

A Yes that is all my writing.

150 Q And the information contained in the body of that declaration was given to you by who? A. Kenzo Kojima.

151 Q Now apparently later on Mr. Kojima made application for a passport? A. Yes.

Now I am suggesting to you Mr. Prescott that Tanaka

was not present when that work was undertaken, and that

if anybody accompanied Seuroki Kojima on that occasion

it was Matsui? A. Well I am not agreeing with your suggestion Mr. Casady.

153 Q I don't mind whether you agree with it. Will you say
definitely whether Tanaka was with Seuroki Kojima when he
called to get this passport? A. I did not write down
that particular instance, but I am quite satisfied that
Tanaka usually came in.

154 Q Whether he usually came in or not? A. Invariably came in.

155 Q Invariably came in with whom? A. Whoever he was acting for as agent.

156 Q We are not getting very far surely. Will you say definitely "yes" or "no", that Tanaka was with Seutoki Kod saog f'mbluco ell o
well. You do not
ons as not of esser
is hard to tell, o

O Will you deny that
I would not say he

des rar as I remember you would not say i

of I will show you fixi

ym IIs si that seY A

Q And the information of the contraction was given

Q Now apparently late

a passport? A. Ye snitsesting

was not present whe

if anybody accompan

it was Matsui? A. estion Mr. Casady.

Q I don't mind whethe

definitely whether

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Tanaka usually came

Q Whether he usually

Q Invertably came in

for as agent.

We are not getting "
finitely "yes" or "

jima when he came in to make application for the passport? A. I would say yes he was.

- 157 Q You would say "yes" why, because of your memory only?
- 158 Q Now will you tell me whether Matsui was with him at the same time he was with Seuroki? A. I would not say on that.
- 159 Q What? A. I would not say as to Matsui.
- 160 Q Would you say that he was not? A. Well I won't say either way as to Matsui.
- 161 Q And why is your memory so clear as regards Tanaka and so indefinite with regard to Matsui? A. I knew Tanaka better.

COURT: And was ever Seuroki Kojima in your office when Tanaka
was not there? A. He might have called for the certificate
MR. CASADY: Alright.

MR. MAITLAND: Thank you Mr. Prescott.

MISS SHEILA FEDDEN, called as a witness, being first sworn testified as follows:

QUESTIONS BY MR. MAITLAND:

- 162 Q What is your name please? A. Sheila Fedden.
- 163 Q Do you remember the 24th of January last? A. Yes.
- 164 Q And did you see the accused or either of the accused on that day? A. Yes.
- 165 Q Which one did you see? A. Both of them.
- 166 Q Where? A. In Mr. Prescott's office.
- 167 Q I am sorry. I couldn't hear a word. A. In Mr. Prescott's office.
- 168 Q In Mr. Prescott's office. You are employed in Mr. Prescott's office, are you? A. Yes.
- 169 Q What did they come in for on that day? A. To make an application for a birth certificate.

gima when he came DIDOW I .A . STROUT You would say "yes" Yes. Now will you tell n tine same time he wa time t. biwow I .A StadW O Q Would you say that way as to Matsui. Q And why is your mem so indefinite with . netter. L. CASADY: Alright. MAITLAMID: Thank you Mr. MISS SHEILA STIONS BY MR. MAITLAND: Q What is your name p e Do you remember the end did you see the on that day? A. Ye Which one did you se Where? A. In Mr. I am sorry. I could office. In Mr. Prescott's of Scott's office, are What did they come i application for a bi

- Q Did you have anything to do with it? A. No I just examined the documents afterwards.
- Now do you know either of these men, had you seen
- them before? A. I had seen Mr. Tanaka before. And did you see the man, the other accused, Seuroki again after that? A. He came in to make an application
- for a passport. 173 Q Now what happened on the first day do you remember, on the first day they came in do you remember what took place? A. Well there was another man with him and he made a declaration.
- 174 Q The other man made a declaration. Did you have anything to do with them? A. No.
- dorned reve asw both : Tal 175 Q Did you hear any conversation that took place between .A ?erent for asw them? A. Well he was supposed to be the half brother of the accused.
 - 176 Q That is the man who made the declaration? A. Yes.
 - 177 Q Now did either of the accused say anything about that? whether he was the half brother? That is he was supposed to be a half brother of Seuroki? A. Yes.
 - 178 Q Now did you hear Seuroki say anything about that? A. No.
 - 179 Q Did you hear Tanaka say anything? A. Well there was some discussion as to whether he was a half brother, a step brother, and between them they defined it as a half brother. Would they know when these things were ready
 - 180 Q I beg pardon? A. Between them they decided he was a half brother. I We was usually would phone up to see if they
 - I would like you if you could to try to remember anything that either one of the accused said though; do you remember exactly what Seuroki himself said, that is the accused here with glasses. Do you remember what he said?

ed the documents at the Mow do you know eith them before? A. I them before? A. I again after that:

again after that:
for a passport.

C Now what happened on the first day they c the first day they c a declaration.

a declaration.

C The other man made a

them? A. Well he was accused.

Q That is the man who whether he was the he whether he was the he to be a half brother Q Now did you hear Sea discussion as to whe brother, and between brother.

Q I bee pardon? A. B.

thing to do with the

Q Did you hear any con

brother.

I would like you if thing that sither on you remember exactly the accused here with said?

MR. MURDOCK: Well, did he say anything?

MR. MAITLAND: Well she said between them they said something?

A I don't remember anything in particular.

182 Q Now do you remember anything in particular that Tanaka said about that? A. Nol

Sworn, did you have anything to do with it? A. Yes I sent them with Mr. Prescott's letter to Victoria.

184 Q And then did you get a reply to the letter? A. Yes.

185 Q Enclosing what? A. A birth certificate. for Seuroki Kojima

186 Q Now who got this birth certificate, who did you give that to? A. I couldn't be sure.

187 Q Well, who came in for it? A. I don't remember.

188 Q Did you take a receipt or anything of that kind? A. Not for the birth certificate.

189 Q Then later on did you see any of them in relation to anything else? A. Seuroki Kojima came in to make application for a passport.

190 Q Who was with him? A. Well I believe it is Tanaka, but I wouldn't be sure.

191 Q And did that passport come? A. It came back to the office

192 Q And who was it delivered to? A. Kojima.

193 Q Was anyone with him when he got it? A. I don't think so.

194 Q Now how would they know when these things were ready
there; would anybody from your office tell them to
come in? A. No, they usually would 'phone up to see if they
would come in.

195 Q Who would 'phone? A. Tanaka usually 'phoned.

196 Q You say Tanaka usually 'phoned? A. Yes if he had been dealing with this, with that particular passport.

The Man Man

THE SEA STATE OF THE SEA ed alse one fiew : durithing Hityns redmemer d'nob I A The redmemer now on wolf o gett about that? A. H Milw snot asw Jank Bona o

gma avan now bib , merows them with Mr. Prescott' s tog now bib ment bma. S Q Enclosing what? A. A

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nitid at J Jos oniw woll o moluoo I .A ?ot t adt Q Well, who came in for Q Did you take a receipt

for the birth certific Then later on did you thing else? A. Seurol for a passport.

Q Who was with him? A. wouldn't be sure. And did that passport And who was it deliver Was anyone with him wh

there; would anybody for come in? A. No, they would come in.

Now how would they know

E Who would 'phone? H. Q You say Tanaka usually dealing with this, wit

Did Seuroki speak English at all? A. Yes.

Q Did you say "yes"? A. Yes. QUESTIONS BY MR. CASADY:

199 Q Miss Fedden, do you know Matsui? A. Yes.

200 Q He has been in your office frequently? A. Several times.

In connection with matters such as this? A. Yes.

And do you remember that he was with Tanaka the day the declaration was signed, Exhibit "B"? A. The declaration in regard to the birth certificate?

203 Q Yes. A. No Matsui wasn't present.

COURT: Pardon? A. Matsui wasn't present.

Are you sure Miss Fedden? A. Yes I am sure.

That would be shortly after the lett of Jestery, wouldn't 205 Q Why are you so fixed, sure? A. Well Matsui did not come in very often with Tanaka, and on that occasion there were just three men in the office.

Q And before the application for the passport. In above Who were they? A. There was Mr. Tanaka, Mr. Seuroki Kojima en application form for a pass-port and another gentleman.

ORR; Not for a passport. This efteraces we will brick the Q. And another one whose name you do not know? A. No.

208 Q What did this other man have to do with the business? 225 0 Heve you got a memo there of the date that the appli-

A He was supposed to be Kanzo Kojima.

And you say that Matsui wasn't there? A. Matsui wasn't Mint date wes that? A. February the find, 1981. there.

Wint date was this certificate banded over by you? A. I When was he there immediately preceding the 24th of 210 haven't any recerd of the date, but I was received as January, how long before the 24th of January? A. I don't the office on January the 27th from Victoria and was deremember.

How long after the 24th of January? A. Well I don't It must have been delivered within a few days becomes you VERN PASSPORT EXPLICATION ON the Red of February? A. Yes remember.

You don't remember? A. No.

Seuroki came in later to see about his passport? A. Yes. It would be in a day or two. Would you swear positively

And you are fair enough to state that you would not definitely state that Tanaka was with him? A. No I wouldn't say Milana Meeds thornes bid o Did you sey "yes"? A. ESTIONS BY MR. CASADY: C. Miss Fedden, do you kno

1900 mi need san eH o of QUESTIONS BY MR. MURDOCK: o In connection with mett Q And do you remember the

the declaration was sign tion in regard to the b Q Yes. A. No Mateul was

MURT: Pardon? A. Matsui was O Are you sure Miss Fedde e Why are you so fixed, a

in very often with Tana were just three men in Q Who were they? A. The

and another gentleman. Q. And amother one whose Q What did this other mar

A He was supposed to be i Q And you say that Mataui

there. Q When was he there immed January, how long befor

remember. Q How long after the 24th

remember. Q You don't remember? A. Reuroki came in later t

dauone rish ers nov bua Initely state that Tana

Were you there when the declaration was being made out, 215 Q when Mr. Prescott filled out the body of the declaration?

The birth certificate?

Yes. A. Yes. 216 Q

217 Q The birth certificate would come back to your office, wouldn't it? A. Yes.

218 Q And would it remain in your office until the application was made for the passport? A. No.

What happened to it? A. It was delivered to someone.

Well, who delivered it? A. I beg pardon?

Who delivered it? A. Well I believe I did.

222 Q That would be shortly after the 24th of January, wouldn't it? A. Yes.

223 Q It would be shortly after the 24th of January? A. Yes.

224 Q And before the application for the passport. Is there an application form for a pass-port

MR. ORR: Not for a passport. This afternoon we will bring the passport.

225 Q Have you got a memo there of the date that the application was made for the passport? A. Yes.

What date was that? A. February the 2nd, 1931. 226

What date was this certificate handed over by you? A. I 227 haven't any record of the date, but i was received at the office on January the 27th from Victoria and was delivered within a few days.

It must have been delivered within a few days because you 822 made your passport application on the 2nd of February? A. Yes that is right.

It would be in a day or two. Would you swear positively 229 that you handed this certificate to anybody? A. Yes I would. were you there when t when Mr. Prescott 211 etsoifitaee at rid ear

Q Yes. A. Yes. THE STIONS BY MR. MURDOCK:

The birth certificate wouldn't it? A. Yes

e And would it remain i was made for the pass

What happened to 1t? Well, who delivered i Who delivered it? A.

Q That would be shortly it? A. Yes.

It would be shortly And before the applic

an application form ORR: Not for a passport.

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Q Have you got a memo cation was made for Q What date was that? Rhat date was this c haven't any record of the office on Januar

livered within a few It must have been del made your passport a

that is right. It would be in a day that you handed this

Because it was back in your office on the 2nd of February, wasn't it? A. Yes that is right.

You could not say to whom you gave the certificate?

I have no record so I couldn't definitely say. Is it possible you gave it to the much discussed Matsui? A No I don't think so.

Q Well, is it possible? A. No I don't think it is possible.

234 Q Well, is it possible that you gave it to Tanaka? A. It is very probable.

235 Q Is it possible that you gave it to Kojima? A. It is possible, yes. the port of Vancouver? A. That includes

Q And is it possible that you gave it to the person who called himself Kenzo Kojima? A. I don't think so. I don't remember seeing him again.

237 Q Can you recall anything that was said by Seuroki Kojima on the 24th of January when he was in your office?

A Nothing in particular.

Q Anything in general, anything at all? A. No I don't know 238 that I can. that document you have there? A. That is a

239 Q Do you recall this document being read over to Kenzo Kojima? A. Yes.

240 Q Who read it over to him? A. Mr. Prescott.

241 Q Mr. Prescott read it over to him? A. Yes.

242 Q In English? A. Yes.

MR. MURDOCK: That is the first time that has been brought out.

MR. MAITLAND: What?

MR. MURDOCK: That is the first time that has been mentioned.

243 Q You say it was read over to Kojima in English? A. No. Mr. Prescott read it in English.

COURT: Alright. Well there is no use calling any other witness now. We will have to adjourn. tos Q and entered Capada when? A. Entered Capada Ex. Arizona Hara

Respond the rest, recent

Liosd saw di sammong February, wasn't it? of was don bluop boy OE DIOSET ON SVEN I Is it possible you g No I don't think so. Well, is it possible eldissoq ti si "IIsW o is very probable. Is it possible that possible, yes. d eldissog ti si bnA 9 called himself Kenzo remember seeing nim Q Can you recall anyth on the 24th of Janua A Nothing in particula & Anything in general, that I can. is Q Do you recell this d Kojima? A. Yes. Who read it over to Mr. Prescott read it In English? A. Yes ". MURDOCK: That is the fir " MAITIAM: What? " MURDOCK: That is the fir o Pou say it was read Mr. Prescott read it Alright. Well there ness now. We will no

MR. MAITLAND: Half past two? To Two-thirty.

Adjourned to 2.30 p.m.

ARTHUR E. SKINNER: called as a witness, being first sworn, testified as follows:

- What is your occupation Mr. Skinner? A. Devisional commissioner of Immigration and colonization and control of Chinese immigration
- For what district? A. For the Pacific Division
- 246 Q Does that include the port of Vancouver? A. That includes the port of Vancouver.
- Suppose these cours are what are compiled by your And you keep books and records there, do you? A. Yes sir.
- 248 Q Now I would like you to procure your books and records showing when Seuruki Kojima came to Canada?
- MR. MAITLAND: I cannot put this book in. My friends can see it at any time, but it is part of our departmental record. If Your Worship will let us refer to it Your staff de them, see the people themselvest A. My
- Now what is that document you have there? A. That is a 249 Q ship's manifest. The Japanese? A. Every one, every passenger irrespective
- 250 Q And that is a record? A. A Canadian government return
- In that book form? A. Yes. You just have his name and place of birth? A. We have the
- And you have them bound? A. Every year or two years as 252 Q the case may be.
- 253 Q And keep those as part of the record of your department? Q Does that particular sucry you have read off depart
- refer to this man sitting hors? A. I presume so. Now what does that show in relation to the entry of this man into Canada? A. This shows the entrance of one Kojima Seuruki, age 25, single, and place of birth Kirchitamura Shugan Hiroshima and Ken, Japan. Nationality Japan, race of people Japanese.

And entered Canada when? A. Entered Canada Ex. Arizona Maru

March the 24th, 1926.

Sout task TIBH : CHAITIAN TO TWO - this ty. S of Denzoot.DA

RETIONS BY MR. MAITLAND: noitsqueso root si tsall o ioner of Immigration an Chinese immigration A ?foitfelb fsdw ToT 0 ent ebuloni tant the o the port of Vancouver. ons allood geed you keep books and Q Now I would like you t showing when Seuruki K MAITIAND: I cannot put th at any time, but it is If Your worship will 1

ship's manifest. C And that is a record? Q In that book form? A. Q And you have them bour the case may be. d And keep those as part

Q Now what is that docum

A Yes. Wow what does that sho man into Ganada? A. Seuruki, age 25, sing. Shugan Hiroshims and of people Japaness.

And entered Canada win

- Now what other record have you got. What is in this book? What is this second book? A. That is a Canadian government return
- Q Canadian Immigration certificates. Has that got anything on it? A. That is a record, that is the re-entry of this man having visited Japan.
- 258 Q Coming in when? A. Ex Empress of Japan, arriving here May the 19th, 1929, 1930.

QUESTIONS BY MR. CASADY:

- 259 Q When did you say he re-entered? A. Re-entered in May, 10th 1930, Ex Empress of Canada.
- 260 Q I suppose these books are what are compiled by your staff? A. These are kept by certain members of the staff and bound periodically.
- 261 Q In pursuance of information that is given to them by some other party? A. These are taken up from every vessel enter ing Canada.
- Q Your staff do them, see the people themselves? A. My staff see everyone of these people.
- 63 Q The Japanese? A. Every one, every passenger irrespective of nationality.
- You just have his name and place of birth? A. We have the name of every passenger on the boat. QUESTIONS BY MR. MURDOCK:

- 265 Q Does that particular entry you have read off, does that refer to this man sitting here? A. I presume so.
- 266 Q You presume so, but do you know? A. I did not examine the man personally when he entered. Did you ever see the man as far as you know? A. No.
- You have no way of telling that that entry you have read 267
- off refers to the accused sitting here? A. Not personally. 892

\$ Archer rento Janiw Wolf oos aidt si tadu execo government return Canadian Immigration of tant .A Sti no Baint bediely anivad nam aind o Coming in when? A. E May tine 19th, 1929, 19; MESTIONS BY MR. CASADY: a When did you say he re-

staff? A. These are and bound periodically of the pursuance of inform other party? A. Thes ing Canada.

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is Q Your stair do them, se Staff see everyone of W Q The Japanese? L. Ly

of nationality. Tou just have his nam name of every passens

Q Does that particular refer to this man sit

STIONS BY MR. MURIOCK:

You presume so, but d

man personally when h Q Did you ever see the

Q You mave no way of te

off refers to the acc

And turning back to that entry, how did the person re-269 ferred to, Kojima, Seuriki Kojima, enter the country, in

what status? A. How he entered the country recently? Yes. A. What status?

Q Yes. A. I think as a student.

I beg pardon? A. I think as a student

273 Q Settler farmer? A. As a laborer. He entered as a laborer.

274 Q He was legally entered, in any event? A. Legally entered.

DETECTIVE STAFF-SERGEANT J. FRIPPS: called as a Witness, being first sworn, testified as 157 2 What do you antfollows: Took official position? A. They

QUESTIONS BY MR. MAITLAND:

275 Q You are a staff-sergeant in the Royal Canadian Mounted Police? A. Yes sir.

Stationed in the City of Vancouver? A. Yes sir. 276 Q

Did you arrest the accused, or either of them? A. I arrest ed Tanaka on July the 1st, 1931 out at Lulu Island at his residence. To I asked the service of the service of

278 Q Do you know Tanaka? A. Well I know him now. I did not know him previously.

279 Q You don't know anything about him personally? A. No.

280 Q And who arrested Kojima? A. Well he was at our C.I.B. office, brought there by Sergeant Grenan.

By the way, speaking of Tanaka, what kind of English 281 does he speak? A. He speaks very good English. I had a conversation with him and placed him under arrest, and we talked in English.

Do you know what he does? A. He told me he was a school teacher. The had got it, but he knew that Kedina had got 282 Q Did he tell you where? A. Right there. I was right at the

school house. He lives right underneath the school, in 283 Q W. MAITLAND; I went to recall Mr. Prescott for a mement. the rear.

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William Smodusq aso I o ors C Settler Parmer? A. A

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WESTIONS BY ME. MAITIAMD:

series-fists a station of dra Police? A. Yes sir. wild end in the Oity

MY & Did you arrest the acc ed Tanaka on July the

residence.

We C Do you know Tanaka? L know him previously.

mitol Detestrs only bnA Q 085 office, brought there

191 C By the way, specifing o. does he speak? A. He

conversation with him a

talked in English. Do you know what he doe

teacher.

seriem whe tell you where? school house. He lives

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QUESTIONS BY MR. CASADY:

284 Q Sergeant are you the officer who took his typewriter away? A. No I didn't take his typewriter away.

285 Q Why was it taken, do you know? A. No I don't.

Were there any papers taken from his residence? A. I 286 didn't take any. I just took him away on July 1st. The premises were searched later on. I don't know it as a fact but through my official position ...

287 Q What do you know through your official position? A. They were taken away.

288 Q Do you know what they were? A. No I have not seen them.

289 Q You don't know anything about them? A. No, I have not seen and o them the true ted by the secure legited that he salied of

290 Q You spoke to him at the time of the arrest? A. Oh yes.

291 Q You asked him if he knew anything about a passport for Kojima? A. No I asked him about Kojima's birth certificate.

292 Q You brought up the question of the passport too, didn't you? A. No I did not mention the passport.

minityns word t'mob noy 9 en 293 Q Didn't you ask him about it, and he says "no I don't know anything about a passport" and you went on about the birth certificate affair? A. No I never mentioned passport. It was the birth certificate.

What did he say about the birth certificate? A. Well 294 he said he knew Kojima and he had got a birth certificate but he thought Kojima was born at Steveston, Lulu Island

And that Matsui was interested in it? A. Well he didn't mention who had got it, but he knew that Kojima had got 295 a birth certificate.

Didn't he mention Matsui's name? A. No he didn't mention any other name. 298 MR. MAITLAND: I want to recall Mr. Prescott for a moment.

TESTIONS BY MR. CASADY: to ent not ere theegree of tipolo I ou .4 fysws o, why was it taken, do yo G Were there any papers at I . was exist t'abib premises were segrened but through my official Q What do you know throw were taken away. 1888 C Do you know what they 1889 Q. You don't know anythin them 1990 Q You spoke to him at th 1891 Q You asked him if he kn Kojima La No I aske 1892 Q You brought up the que you? to No I did not ods mid ies vou ask him abc know anything about a bir th certificate aff It was the birth cert Q What did he say about ine said he knew hojim but he thought Kojims Q And that Matsul was i mention who had got i a birth certificate. dell noitusm en t'udia 9

any other name.

" MAITLAND: I Want to rece

QUESTIONS BY MR. MAITLAND:

297 Q Mr. Prescott I forgot to ask you, the details you gave this morning of your dealing with these two accused persons were all in your

sons were all in your office, were they? A. Oh yes.

298 Q And that is in the City of Vancouver? A. Yes.

QUESTIONS BY MR. MURDOCK:

299 Q Just while you are there Mr. Prescott: you stated in evidence that you know Matsui quite well, is that correct?

A I said I knew Tanaka quite well.

300 Q Well, do you know Matsui quite well? A. Not so well.

301 Q Did you know/him in January of this year? A. I couldn't say

Jour office some time about the middle of January this year with Matsui. Do you recall that visit? A. I don't recall it, but it may be correct for that matter because they come in occasionally.

MR. MAITLAND: That is the case.

MR. CASADY: Your Worship, on behalf of the accused Tanaka I wish to make an application for dismissal. Now I quite appreciate that the prosecution at this juncture is only obliged to make out what is termed a prima facie case.

A prima facie case must be something more than a shadow, there must be some body, some substance to it, and I submit with respect that the evidence tendered today by the prosecution does not fulfil the requirements of a prima facie case. (Counsel argues for dismissal)

COURT: I think there is a prima facie case made out. I am not entitled to weigh the evidence at all. My recollection of the evidence is that Mr. Prescott said that your client the evidence is that brother, and though Mr. Prescott knew this man and his brother, and though Mr. Prescott

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JUSTIONS BY MR. MAITIANT:

OF Mr. TERCOTT I FORCOT

this morning of your

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SOME THE WHITE YOU ERE THE

300 Q Well, do you know Ha (see?)
301 Q Did you know/him in say

same wend I biss I A

2 Q I am instructed by to your office some time year with Matsui. I recall it, but it mathred the come in occasion they come in occasion. MAITLAND: That is the content of the content occasion.

entitled to weigh th

the evidence is that

knew this man and bi

was not sure as to all the dates they were there together, when I asked him if one was there without the other at any time he said that possibly he came and got his birth certificate. That is as far as he would go. Of course, I am not weighing the evidence, but I think there is a prima facie case made out

MR. CASADY: Your Worship having intimated you propose to commit would you defer committal to a time so that we might arrange bail.

COURT: What bail are they out on?

MR. ORR: Five thousand dollars each. The only difficulty in one of these cases, one of these gentlemen has already expressed his intention of going to Japan, Kojima in this case

MR. MURDOCK: Kojima wanted to go to the United States but that did not come out in evidence. Mr. Prescott put that in the passport, but the evidence is he wanted to go to the United States.

States; but about Tanaka I don't know anything about
him. But that is one of the features. One of these cases
where they were applying for passports, that is the intention they were going to leave the country.

COURT: Well, I had better have this statement read to them by the Interpreter.

MR. MURDOCK: Well they are charged jointly. I haven't said anything about Kojima; not that what I say may mean anything,
thing about Kojima; not that what I say may mean anything,
but I will say it anyway. (Argues for dismissal of Kojima)
but I will say it anyway. (Argues for dismissal of Kojima)
(Refers to statement made by Kojima to the Police)

MR. ORR: We have no objection to putting it in. It is not evidence against Tanaka.

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Is of as erus ton asw o it min belies I menw test bies sa emit vas el dent estilitates e and gaingiew dom mis facie case made out R. CASADY: Your Worship hav would you defer commi

arrange bail. Minat bail are they ou ng. ORR: Five thousand dolla one of these cases, o expressed his intenti 9880

IR. MURDOCK: Kojima wanted t did not come out in e the passport, but the Uni ted States. M. ORR: To get a passport t

States; but about Tan him. But that is one where they were apply tention they were go Well, I had better ha the Interpreter.

MURDOCK: Well they are c thing about Mojima; r but I will say it any (Refers to statement ORR: We have no objection dence against Tanaka.

MR. MURDOCK: If there was evidence I should imagine it would have been put in too. It might, be some help to me. MR. MAITLAND: Alright.

MR. ORR: I will put it in with the consent of my learned friend. As I say, it is only evidence against Kojima. Tanaka is mentioned, of course, but it is not in furtherance of the conspiracy.

STATEMENT produced as EXHIBIT "F"

MR. MAITLAND: I had better call Mr. Fripps now if I may.

DET.STAFF-SGT.J.FRIPPS, recalled; already sworn:

QUESTIONS BY MR. MAITLAND:

- 303 Q Staff-sergeant Fripps, do you recognize that statement that has just been put in? A. Yes.
- 304 Q Is that a statement of the answers made by the accused 14 193 Kojima? A. Kojima, yes.
- 305 Q After he was warned? A. After he was warned and through an interpreter.
- And through an interpreter? A. Yes.
- 307 Q And did you have him sign it? A. I had him sign it, yes. He speaks a little English himself.
- 308 Q Was there any objection raised particularly? A. No drawn up voluntarily. He was quite frank about it.
- COURT: I think the interpreter had better read this statement to the accused. Interpreter you had better have him stand up and read this statement to him. Having heard the evidence, do you wish to say anything in answer to the charge? You are not bound to say anything, but whatever you say will be taken down in writing, and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise or favour and nothing to fear from any threat which may have been held out to you to induce you to make

any much or fromise

Dire saw erent if : Moodsong th tract very mesa MAITIAMI: Alrient. ORR: I will put it in with re vino si ti vsa I sa mentioned, of comme, b the conspiracy. DOTE THEMSTATE LES TELLEND: I had better cal

DET. STAFF-SOT. THE TIONS BY MR. MAITIAND:

105 C Staff-sergeant Fripps, ting thas just been put 104 Q Is that a statement of Kojima? A. Kojima, y 105 Q After he was warmed?

an interpreter. 106 Q And through an interpre Q And did you have him si

He speaks a little ingl up voluntarily. He wa

ORT: I think the interprete to the accused. Inter stand up and read this the evidence, do you w the charge? You are n

ever you say will be t given in evidence agai clearly understand tin Promise or favour and which may have been he

any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat.

MR. CASADY: Your Worship... In the case of Kojima, as I court: Do you reserve defence?

MR. CASADY: If I may... and not done no. Still the bail

COURT: You are not through yet? MR. CASADY: There is something arising out of this statement.

COURT: You did not object against it MR. CASADY: It is not against us, but I suppose. "When did you get this birth certificate? I got that some time in February this year. How did you get this birth certificate? I got this birth certificate because I wanted to to into the States to see a friend (He recognizes the birth certificate shown him No. 2021A) What did you do with it after you got it? I went to a lawyer on Hastings Street; I went with another Japanese, an interpreter. Who was he? A. I went with a man called Nakamura." Is that to do with the obtaining of the birth certificate?

coitostdo una stent asw 9 80 MR. ORR: Yes.

MR. CASADY: There is a new man altogether injected into the proceedings, Nakamura

MR. MAITLAND: Finish that statement now Mr. Casady.

MR. CASADY: Well, I had better read it carefully

MR. MAITLAND: I think you had better read it very carefully

COURT: What is the answer?

MR. CASADY: We reserve our defence, Your Worship. (Interpreter interprets warning to Kojima)

INTERPRETER: We reserve defence.

COURT: Now what about committal? MR. CASADY: May I ask now that formal committal be deferred un-

leasings to no incimbs you SELVE ALVER BUYER TE SVIDE lesg dere anthustantiwton CERTAE: Your Horship...

Do you ressive defence? CASADY: If I may ... You are not through yet? CASADY: There is something

You did not object again o CASADY: It is not against u get this birth certifica February this year. How

date? I got this birth to into the States to s bir th certificate shown with it arter you got i Street; I went with ano Who was he? A. I went that to do with the obt

L. OHR: Yes.

M. CASADY: There is a new man ceedings. Nakamura

". MAITIAND: Finish that sta ". CASADY: Well, I had better on walthand: I think you ind

W. CASADY: We reserve our de

(Interpreter interpret TEREPRETER: We reserve defen "TRT: Now what about committ

" CASADY: May I ask now the

til the depositions are available. In that case an application can be made.

WR. ORR: I can only advise Your Worship what I think. It is not a question of consent or not. In the case of Kojima, as I say, he has indicated his intention of going to Japan. The other man, Tanaka, has not done so. Still the bail now is five thousand dollars in both cases. The ships are going to Japan very frequently

court: They would have some job getting aboard, wouldn't they? MR. CASADY: Your Worship, may I say on behalf of the man Tanaka he is not a man moving from here to there. He has been established for many years, and I think I may say that the police have ways and means to see that there is no miscarriage of justice, and probably if the five thousand dollars is sufficient I see no reason why it should not continue

MR. ORR: Your Worship knows what happened already in these cases. We have lost one man; we had to send an airplane for the others, and another man has gone. We have not got any guarantee they will be here at all. Our position is we do not think it is advisable

MR. MURDOCK: Surely we would be entitled to apply to the county court and get bail? The men haven't committed murder or anything; and the bail here is good, and it should be substantial. No doubt my friend looked into it

Trawens and al dedw : The MR. ORR: No there are some other charges being investigated at the present time against this man Tanaka for one, and there is no great rush

COURT: You can apply to a judge in the City MR. ORR: There is no great rush to have these other charges ers snoit taoget ent Liv .engn ed ngo moltas TOOM SEVISE YOUR to duesnos to noitaseup s In beaselbai and east all The other man, Tanaka, h now is five thousand dol visa medar of suros eas They would have some job OASADY: Your Worship, may I ne is not a man moving f established for many yea tine police nave ways and miscarriage of justice. and dollars is sufficien not continue

We have lost one man; of hers, and another man guarantee they will be do not think it is advious MURDOCK: Surely we would be court and get bail? The anything; and the bail substantial. No doubt the present time against the present time against there is no great rush there is no great rush ORR: You can apply to a jude ORR: There is no great rush ORR: There is no great rush

. ORR: Your Worship knows who

MR. CASADY: Do I take it my friend is objecting to committal being deferred at all?

MR. ORR: Yes I think that would be...

COURT: No, but I understand he is objecting to letting them out on bail.

MR. CASADY: If that is the case, how much does he want now?

COURT: I think I had better commit them now and you can get

your bail within a very short time.

MR. ORR: Either that, or I would not object if the bail were increased right now. Make it ten thousand dollars now.

MR. MAITLAND: We want to facilitate as much as we can.

COURT: Well if you are going to ask to increase the bail I might as well commit them and let them get their order for bail

MR. ORR: Then why not commit them and they will get a judge and get the bail.

COURT: I think that is the easier way.

MR. ORR: Now Your Worship, on the question of committal, I think there is more than one conspiracy made out here. I just wanted to draw it to the attention of the powers that be that draw these indictments. I suggest they be committed on this indictment as laid as well as on a conspiracy to commit that form of perjury, taking a declaration

COURT: If they are committed on this charge the Attorney General has that power.

MR. ORR: I mean, so as to draw it to the attention of whoever has charge of these matters. I think they should be committed on both those counts. There is that statutory mitted on both those counts was sworn there, as well as the common declaration that was sworn there, as well as the common law conspiracy that was laid against them.

MR. MURDOCK: Surely it is all part of the same res geste, same offence, general charge of conspiracy.

A. CASADY: Do I take it my for the constant that I that work that work I wanderstand for batil.

CASADY: If the I understand for the constant in the constant

2. CASADY: If that is the conform: I think I had better your bail within a very ORR: Either that, or I within a very R. ORR:

increased right now.

R. MAITLAND: We want to fee

NOURT: Well if you are going

might as well commit

for bail

R. ORR: Then why not commit and get the bail.

OURT: I think that is the ear.

R. ORR: Now Your Worship, othere is more than on wanted to draw it to that to that these indicates that the se indicates the committee that the se indicates the committee that the se indicates the committee that the com

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R. ORR: I mean, so as to do

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ORR: I mean, so as to dr
has charge of these n
mitted on both those
declaration that was
law conspiracy that w

NURDOCK: Surely it is al

COURT: I think if I commit them on this charge it is sufficient
I commit them both on the charge of conspiracy to stand
their trial at the next court of competent criminal jurisdiction.

"J.A. FINDLEY"

Deputy 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.

TORING PARALA and RELEGIO ROLLINA.

Sempson, R.G. W. S. Con Select of Fig. Selecty the Ellect against

of British Columbia, stenegrapher, do make eath and say:

THOTA That I am the standgrapher appointed by J.A. Finaley.

Enquire, Deputy Magistrete in and for the City of Vargouver.

to report systeman in this case.

opy of the evidence hereto attached is a true and correct

orn before me this less any of America A.D. 1921.

THE POLICE PRESENTED

one: I think if I commit the commit the sound the self the next court on die tion.

Deputy Pol

I hereby certify the foregoing accurate transcript of the

AFFIDAVIT OF STENOGRAPHER.

CANADA

Province of British Columbia

County of Vancouver

City of Vancouver.

IN THE MATTER OF THE KING on the information of Det-Sgt L.J. Sampson, R.C.M.P (On behalf of His Majesty the King) against TOKICHI TANAKA and SEIROKU KOJIMA.

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 J.A. Findlay,

Esquire, Deputy 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 18th day of August A.D. 1931.

"J.A. FINDLAY"
Deputy Police Magistrate.

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