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*Spring* Assizes.

*Vancouver*

REX

VS.

*Kametaro Mochizuki*

Offence *Conspiracy*

**CROWN BRIEF.**

To be returned to  
ATTORNEY-GENERAL'S OFFICE,  
Victoria, B.C.

250-1031-7219



IN THE SUPREME COURT OF BRITISH COLUMBIA,  
OYER AND TERMINER AND GENERAL GAOL DELIVERY.

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

1. The Jurors for our Lord the King present that at the City of Vancouver, in the County and Province aforesaid, between the first day of January, in the year of our Lord one thousand nine hundred and twenty, and the thirtieth day of December, in the year of our Lord one thousand nine hundred and thirty, KAMETARO MOCHIZUKI unlawfully did conspire, confederate and agree with one Fred Yoshy of the City of Vancouver aforesaid and one Jinno of Japan and divers persons unknown unlawfully and fraudulently by divers false representations and misrepresentations to aid and assist immigrants of the Japanese Race who were not possessed of the status or qualifications required by law to enter Canada, unlawfully, by concealing from the Officials of the Canadian Immigration Department, being the Department of the Government of Canada charged with the duty of administering the laws of the Dominion of Canada respecting immigration, the fact that such immigrants were so disqualified, against the form of the Statute in such case made and provided, and against the peace of our Lord the King his Crown and Dignity.

2. And the Jurors aforesaid do further present that at the place last aforesaid, between the dates and in the years last aforesaid, the said KAMETARO MOCHIZUKI unlawfully did conspire, confederate and agree with one Fred Yoshy of the City of Vancouver aforesaid and one Jinno of Japan and divers persons unknown unlawfully and fraudulently by divers false representations and misrepresentations to aid and assist immigrants of the Japanese Race who were not possessed of the status or qualifications required by law to enter Canada, by supplying the said



immigrants with passports, birth certificates or naturalization certificates to which they were not entitled with intent that divers such persons of the Japanese Race who were not entitled by law to land in Canada should nevertheless be landed in Canada and enjoy the rights and privileges of Canadian domicile, and to represent themselves as being British subjects or persons possessed of the status or qualifications required by law to enter Canada, against the form of the Statute in such case made and provided, and against the peace of our Lord the King his Crown and Dignity.

3. And the Jurors aforesaid do further present that at the place last aforesaid, between the dates and in the years last aforesaid, the said KAMETARO MOCHIZUKI unlawfully did conspire, confederate and agree with one Fred Yoshy of the City of Vancouver aforesaid and one Jinno of Japan and divers persons unknown, to cause the said Fred Yoshy, an interpreter in the Department of Immigration at the Port of Vancouver, engaged and employed by the Department of Immigration for the Dominion of Canada, to interpret for the Department all matters in relation to the entry of Japanese immigrants into the Dominion of Canada, he being a Public Officer, to commit a breach of trust affecting the public by the said Fred Yoshy in the discharge of the duties of his office, being that of interpreter in the Department of Immigration of the Dominion of Canada, as hereinbefore mentioned, against the form of the Statute in such case made and provided, and against the peace of our Lord the King his Crown and Dignity.

I hereby direct that Counsel acting for the Crown at the Vancouver Spring Assizes, 1932, prefer the above Bill of Indictment to the Grand Jury.



REX versus KAMETARO MOCHIZUKI.

I N D E X.

Information and Complaint.

Statement of Accused.

ERAMATSO SUZUKI - examined ..... 1 - 7  
cross-examined ..... 7 - 13  
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D. HYDNMAN - - examined ..... 15 - 20  
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Affidavit of Stenographer.



INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

CANADA

PROVINCE OF BRITISH COLUMBIA

CITY OF VANCOUVER.

Statute in such case made and provided.

THE INFORMATION and complaint of Lorne J. Sampson, Detective Sergeant, Royal Canadian Mounted Police, of the City of Vancouver, in the Province of British Columbia, taken the 9th day of January in the year of our Lord one thousand nine hundred and thirty one, before the undersigned J. W. Prescott, Esquire, one of His Majesty's Justices of the Peace in and for the said Province of British Columbia, who says that at the said City of Vancouver, between the 1st day of January A.D. 1920 and the 30th day of December A.D. 1930, KAMETARO MOCHIZUKI unlawfully did conspire, confederate and agree with one Fred Yoshy of the City of Vancouver aforesaid and one Jinno of Japan and divers persons unknown unlawfully and fraudulently by divers false representations and misrepresentations to aid and assist immigrants of the Japanese Race who were not possessed of the Status or qualifications required by law to enter Canada unlawfully, by concealing from the officials of the Canadian Immigration Department, being the Department of the Government of Canada charged with the duty of administering the laws of the Dominion of Canada respecting immigration, the fact that such immigrants wereso disqualified, or by supplying the said immigrants with passports, birth certificates or naturalization certificates to which they were not entitled with intent that divers such persons of the Japanese race who were not entitled by law to land in Canada should nevertheless be landed in Canada and enjoy the rights and privileges of Canadian domicile, and to represent themselves as being British Subjects or persons possessed of the status or qualifications required by law to enter Canada, and did thereby unlawfully conspire, confederate and agree to cause the said Fred Yoshy, an interpreter in the Department of Immigration at the Port of Vancouver, engaged and employed by the Department of Immigration for the Dominion of Canada, to interpret for the Department all matters in relation to the entry of Japanese Immigrants into the Dominion of Canada, he being a Public Officer, to commit a breach of trust affecting the public by the said Fred Yoshy in the



discharge of the duties of his Office, being that of interpreter in the Department of Immigration of the Dominion of Canada, as hereinbefore mentioned contrary to the form of Statute in such case made and provided.

L. J. Sampson

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

J. W. Prescott

Justice of the Peace in and for the Province of British Columbia.

Accused committed to take his trial at the next Court of Criminal Jurisdiction.

W. M. McKAY

Police Magistrate.

W. M. McKay

Police Magistrate in and for the City of Vancouver.



STATEMENT OF THE ACCUSED.

CANADA  
PROVINCE OF BRITISH COLUMBIA.  
COUNTY OF VANCOUVER.

KAMETARO MICHIZUKI stands charged before the undersigned,  
W. M. McKay, Esq., Police Magistrate in and for the said City of  
one thousand  
Vancouver this 2nd day February in the year of our Lord/nine hundred  
and thirty-two, for that the said Kametaro Mochizuki at the said  
City of Vancouver between the 1st day of January A.D. 1920 and the  
30th day of December A.D. 1930, etc. etc.

(Usual form)

Thereupon the said Kametaro Mochizuki says as follows:-

"Nothing to say"

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

W. M. McKay

Police Magistrate in and for the City of Vancouver.

the fact that such immigrants were so disqualified, or by supplying the  
said immigrants with passports, birth certificates or naturalization  
certificates to which they were not entitled with intent that divers  
such persons of the Japanese race who were not entitled by law to land  
in Canada should nevertheless be landed in Canada and enjoy the rights  
and privileges of Canadian domicile and to represent themselves as being  
British Subjects or persons possessed of the status or qualifications  
required by law to enter Canada, and did thereby unlawfully conspire,  
confederate and agree to cause the said Fred Yoshy, an interpreter in  
the Department of Immigration at the Port of Vancouver, engaged and  
employed by the Department of Immigration for the Dominion of Canada,  
to interpret for the Department all matters in relation to the entry



(POLICE COURT)

(BEFORE W. M. MCKAY, ESQ. P.M.)

Vancouver, B. C. Jan. 20th 1932.

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

REX vs. KAMETARO MOCHIZUKI.

KAMETARO MOCHIZUKI charged on the information of Lorne J. Sampson, Detective-Sergeant, Royal Canadian Mounted Police, of the City of Vancouver, in the Province of British Columbia, taken the 9th day of January A.D. 1932, who says that at the said City of Vancouver, between the 1st day of January A.D. 1920 and the 30th day of December A.D. 1930, unlawfully did conspire, confederate and agree with one Fred Yoshy of the City of Vancouver aforesaid and one Jinno of Japan and divers persons unknown unlawfully and fraudulently by divers false representations and misrepresentations to aid and assist immigrants of the Japanese Race who were not possessed of the status or qualifications required by law to enter Canada unlawfully by concealing from the officials of the Canadian Immigration Department, being the Department of the Government of Canada charged with the duty of administering the laws of the Dominion of Canada respecting immigration, the fact that such immigrants were so disqualified, or by supplying the said immigrants with passports, birth certificates or naturalization certificates to which they were not entitled with intent that divers such persons of the Japanese race who were not entitled by law to land in Canada should nevertheless be landed in Canada and enjoy the rights and privileges of Canadian domicile and to represent themselves as being British Subjects or persons possessed of the status or qualifications required by law to enter Canada, and did thereby unlawfully conspire, confederate and agree to cause the said Fred Yoshy, an interpreter in the Department of Immigration at the Port of Vancouver, engaged and employed by the Department of Immigration for the Dominion of Canada, to interpret for the Department all matters in relation to the entry



of Japanese immigrants into the Dominion of Canada, he being a Public Officer, to commit a breach of trust affecting the public by the said Fred Yoshy in the discharge of the duties of his office, being that of interpreter in the Department of Immigration of the Dominion of Canada, as hereinbefore mentioned contrary to the form of Statute in such case made and provided.

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

W. J. MURDOCK, Esq., Counsel for Defence.

T. Ide sworn as Japanese Interpreter.

L. H. Heaney sworn stenographer.

MR. ORR: In this case, your Worship, there is no election. It is one of those cases which must be tried by the Assize.

(Charge read by Interpreter).

MR. MAITLAND: Are you ready to go ahead?

MR MURDOCK: Yes. I would like to point out this man's name is Kametaro

MR ORR: That is the name in the charge.

MR MAITLAND: It is Kametaro.

MR ORR: Well on the charge it is right. What Mr Murdock is pointing out there will be another man mentioned, Kamiso Mochizuki.

MR MURDOCK: This covers a period from the 1st of January 1920 to the 30th of December 1930, over a period of ten years.

MR MAITLAND: Yes.

ERAMATSO SUZUKI, called as a witness, being first sworn, through Interpreter, testified as follows:

MR MURDOCK: I would ask Your Worship to exclude any witnesses that are going to give evidence of a similar nature to this witness. That is not the officers.

MR MAITLAND: No objection.

MR. ORR: There are no other ones except documents and records in this case.

QUESTIONS BY MR. MAITLAND:



- 1 Q What is your name? A: E. Suzuki.
- 2 Q And where do you live? A: Well I used to live at Merritt.
- 3 Q You are Eramatso Suzuki? A: Yes, Eramatso Suzuki.
- 4 Q And when did you first come to Canada? A: 1921, October the 3rd.
- 5 Q The 3rd of October 1921? A: Yes.
- 6 Q You came from where? A: I came from Yokohama.
- 7 Q That is in Japan? A: Yes in Japan.
- 8 Q And where were you born? A: I was born in Japan.
- 9 Q And are you a Japanese subject? A: Yes I am.
- 10 Q Now how did you get into Canada? A: With the false naturalization papers.
- 11 Q MR ORR: Forged or false? A: False.
- 12 Q False naturalization papers. Have you ever seen the accused man Suzuki before - not Suzuki Mochizuki? A: Yes I did.
- 13 Q And where did you see him first? A: I was him in Yokohama.
- 14 Q What is his name? A: His name is Kametaro Mochizuki.
- 15 Q When did you first see him in Japan? A: 19th of September 1921.
- 16 Q And what did you see him about on that occasion? A: I was introduced by Mr Sakurada in connection with coming to Canada.
- 17 Q Tell us what took place, what happened? A: I believe arrangements have been made already with Mogorati and Mr Sakurada, arrangements have been already made.

MR MURDOCK: I object to that.

MR MAITLAND: There is no statement of anything that was said. What did you have to do with the accused man himself; did you have any talk with him at that time?

MR MURDOCK: I object to that. The witness answered that some arrangement was made between a man named Sakurada and Mochizuki in Japan.

COURT: He has abandoned that question.

MR MURDOCK: If it is abandoned it is struck out. You ask him what arrangement did he have with the accused man.

A At that time Mr Sakurada made arrangements with him.



18 Q Were you there? A: I was present.

MR MURDOCK: Did he say he was or not? A: I was.

MR MAITLAND: That is admissible.

MR MURDOCK: Is this on September the 19th 1921?

MR MAITLAND: Yes 1921.

A And Sakurada delivered one hundred yen to Mr Mochizuki.

19 Q That is the accused? A: Yes that is the accused.

COURT: You say he gave one hundred yen to the accused?

Interpreter; Yes that is what he said.

20 Q Yes. And from Mr Mochizuki's pocket I received the naturalization paper.

21 Q And that naturalization paper do you remember whose name that was in? A: The name appeared on the paper Kazusayemen Sawada.

22 Q And did you bring that paper to Canada with you? A: I did.

23 Q Now when you got here did you have any discussion with the accused man as to what you were to do when you got over here?

A At first Mr Mochizuki told me "take this paper to the British Consul and get a visa from that office"; and I went to the office by his advice and I obtained a visa from the British Consulate.

24 Q Go ahead and tell us everything. A: I went to the C.P.R. ticket office with those documents and obtained a ticket.

25 Q Under what name did you obtain the ticket? A: Under the name of Kazusayemen Sawada.

26 Q Did anyone tell you to get a ticket under the name of Sawada?

A Mr Mochizuki advised me to buy the ticket under that name.

27 Q Now you have got your ticket now, and you have got your passport or certificate, I mean. A: 23rd October 1921 Empress of Asia is leaving Yokohama for Canada at 12 o'clock and before the boat sails I have promised to see him about 11 o'clock on the date, on the same date I met with him in the boat.

28 Q You met with who? A: I met with Mochizuki on the boat.



29 Q That is the accused? A: Yes and Mr Sakurada.

COURT: What boat was this?

INTERPRETER: Empress of Asia; and Mr Sakurada was present at that time.

30 Q And what happened? A: Mr Mochizuki said to me "Upon arrival in Canada then Mr Yoshi interpreting for the Immigration Department, and see him".

31 Q And if the interpreter in the Immigration Department asks me the question, if the interpreter in the Immigration Department asks me the question when I returned to Japan, and I was told to answer the question I returned to Japan 1917.

COURT: You were told.

MR MAITLAND: To say that I returned to Japan in 1917.

A If the question was asked where I was working at I was told to reply to that question, working at Edmonton.

COURT: Working where?

INTERPRETER: At Edmonton.

32 Q Who told you all this? A: It was all told by Mr Mochizuki.

33 Q Well then do you know a man called Fred Yoshi? A: Yes I do

34 Q Did you have any discussion with the accused about Yoshi

A I did not.

35 Q Now who were you to see when you came over here?

INTERPRETER: Came over to Canada do you mean?

36 Q Who were you to see when you came to Canada, what official?

A I went to Mr Yoshi, I was told to see him first.

37 Q Who told you to see him first? A: Mr Yoshi came to me first.

38 Q You said you were told to see Yoshi when you got here, who told you? A: Mr Mochizuki told me that.

39 Q That is what I want to get at. What did Mr Mochizuki

tell you about Yoshi? A: First of all I was told by Mr Mochizuki was this, if Mr Yoshi asks me the question when

I returned to Japan, then I have to answer to the question "1917"; and if the question came to me where I am going to then I have to reply to that "I am going to Edmonton".



- 40 Q Did you see Yoshi when you got here? A: I did.
- 41 Q Did you pay him anything? A: I paid him fifty.
- 42 Q Who told you to pay him fifty dollars? A: Mr Mochizuki told me to pay him fifty dollars.
- 43 Q And what happened to the certificate, that is Sawada's naturalization certificate, who took that? A: Well, Yoshi took it off.
- 44 Q Mr Yoshi took it from you? A: Yes.
- 45 Q And where did you go to stay when you got here?
- AA I stayed over one of the Japanese rooming houses in Powell Street.
- 46 Q Who took you there? A: Mr Yoshi took me down.
- 47 Q You are a British subject, are you? A: I am not.
- 48 Q And you have ~~was~~ never been naturalized in Canada?
- A I did not.
- 49 Q Did you ever see Yoshi again after that? A: Three or four days after I arrived at Vancouver I saw him again.
- 50 Q Did you see him again later? A: No I did not see him later than that.
- 51 Q Now is this man Sawada any relative of yours at all?
- A No he is not.
- 52 Q Do you know him at all? A: I do not know him at all.
- 53 Q And the certificate that you used when you came over that Mr Yoshi took, was that the Sawada certificate was it, Sawada naturalization certificate? A: Yes that was his.
- 54 Q Was Sakurada a relative of yours? A: I am the brother, he is a brother.
- 55 Q And he came to Canada too, didn't he? A: He came to Canada
- 56 Q Now what has your post office address been out here up to now? A: Merritt.
- 57 Q And did you have another brother with you there at Merritt?
- A Yes he is.
- 58 Q What is his name? A: His name is Katsuji Sakurada.



59 Q Now you landed at the port of Vancouver here, did you, in Canada? A: Yes I did.

60 Q And was it in Vancouver that you paid this fifty dollars to Yoshi? A: I did.

61 Q And was it in the City of Vancouver that you gave Yoshi your certificate? A: Yes it was in Vancouver.

62 Q And it was at the City of Vancouver that you entered Canada? A: Yes.

63 Q Did you have any post office box at Merritt? A: Yes I do.

64 Q What is the number, do you remember? A: 43.

QUESTIONS BY MR. MURDOCK:

65 Q Mr K. Suzuki is your brother isn't he? A: Yes.

66 Q And he came out to Canada in 1920? A: Yes he did.

67 Q And he went to Merritt? A: I don't know where he was gone to since his arrival in Canada.

68 Q When you came to Canada in 1921 you went to Merritt?

A I didn't go to Merritt, I went to Enderby.

69 Q And where was your brother at that time? A: My brother was at Enderby at that time.

70 Q And you were to come in 1921, you and your brother were to come at the end of 1921 here in Canada? A: Yes I was to come for a short time.

71 Q Did your brother tell you how he got out to Canada?

A No he did not.

72 Q He never told you? A: He never mentioned it.

73 Q Never talked about it? A: I did not.

74 Q Now you know you are supposed to tell the truth here, aren't you? A: Yes I do.

75 Q And you are telling the truth today? A: I am telling the truth here.

76 Q Now do you remember giving evidence in the other court sometime ago against a man named Fred Yoshi? A: I did.

77 Q And did you tell the truth there? A: I did.



- 78 Q Now how old were you when you came out to Canada actually?  
A I was actually 17 years old.
- 79 Q Actually 17? A: I was actually 17 years <sup>my</sup> of age.
- 80 Q And where were you living in Japan? A: I was living at Shizuka Prefecture.
- 81 Q You didn't live in Yokohama? A: No I did not live at Yokohama. I went to Yokohama at the end of 1921.
- 82 Q The end of 1921? A: I went to Yokohama the 19th of September 1921.
- 83 Q Is that the first day you went to Yokohama? A: Yes.
- 84 Q How do you remember that date? A: I do remember it.
- 85 Q Why do you remember it? A: Well that is a very memorial day for me, so I did not forget at all.
- 86 Q That is 11 years ago, isn't it? A: Yes that was about 11 years ago.
- 87 Q And you were 17 years of age at that time? A: Yes, I was 17 at that time.
- 88 Q And you say you saw Mr Mochizuki on that date? A: Yes I did.
- 89 Q At his office? A: I saw him in the park at Yokohama.
- 90 Q In the park? A: Yes.
- 91 Q How many times did you see Mr Mochizuki altogether before you left Japan? A: I met him twice.
- 92 Q When was the next time? A: I saw him next time at the boat
- 93 Q Did you see him in the park on the 19th of September, and when did the boat leave what day? A: It left at 10 noon 23rd September of 1921.
- 94 Q The 23rd of September? A: Yes.
- 95 Q Now you talked over with somebody about coming to Canada didn't you? A: Yes I did.
- 96 Q That is with Mr Sakurada? A: Yes that is Mr Sakurada.
- COURT: Is Sakurada the man that was hanged the other aday?
- MR MAITLAND: Yes, but I am not saying anything about it.
- 97 Q Now do you remember being asked some questions in Mr. Yoshi's case? A: What sort of questions?



98 Q You were asked if your brother went to see Mr Mochizuki?

A Yes, my brother went to see Mr Mochizuki.

99 Q And it was your brother who went to Mr Mochizuki and got the citizen paper and brought it to you? A: I received the paper from Mr Mochizuki; I myself received the paper from Mr. Mochizuki.

100 Q Do you remember being asked in Mr Yoshi's case that your brother went to Mr. Mochizuki and got the citizen paper and brought it to you?

MR MAITLAND: Is that on the preliminary hearing?

MR MURDOCK: The preliminary hearing.

A As far as my memory is concerned my memory is correct, I received the paper from Mr Mochizuki.

101 Q Is your memory any good at all as to what you said in the court next door? A: I thought I am telling the truth; I thought I am telling the correct story.

MR MAITLAND: What are you reading?

A I am reading the preliminary hearing against Fred Yoshy from question 189 on. This is Erimatzu Suzuki.

MR MAITLAND: Question 132. "Did you get anything from this man Mochizuki? I did. I gave him one hundred yen.

MR MURDOCK: Just continue right on to question 189.

MR MAITLAND: "What did you get from him? I got citizen papers".

MR MURDOCK: I am reading 189.

MR MAITLAND: I think my friend should point out now he has had both answers.

MR MURDOCK: I am just showing that this witness previously gave evidence different to the evidence he is ~~giving~~ giving here.

102 Q Do you remember being asked question 193: "So that you never paid Mr Mochizuki any money at all yourself, it was your brother? Interpreter: Just let me see.

MR MURDOCK: Just recall to him question 193. Dont read his answer.

A Yes, that is correct because I handed over the money to Mr Sakurada, and Sakurada gave the money to Mr Mochizuki.

103 Q Then at question 194: "So that really all you know about it



is that your brother -- you had a conversation with your brother and he told you that he had paid some money to Mr Mochizuki and your brother gave you a citizen paper;

Is that correct? A: At that time we three.....

104 Q Just ask him if he remembers that question and what his answer was? A: I received the paper from him.

105 Q Is that answer correct or not correct that you gave in the Yoshi case? A: What I said in Mr Yoshi's case is correct.

106 Q Now question 195: "So that you never talked to Mr Mochizuki at all, it was your brother who talked to him on all these occasions?" A: That is correct.

107 Q And 197: You didn't see your brother get the citizens paper, did you? He came back and gave it to you? Answer: "Yes after he came back he gave it to me." A: I think that is my mistake; I got the paper myself.

108 Q Were you mistaken in the Yoshi case? A: Well I don't know whether I did or not.

109 Q 198: "So that you never spoke to Mr Mochizuki and you were not present at any of the conversations between Mochizuki and your brother, were you?" A: I was present at the meeting of the 19th; I was not next time.

COURT: He was present on the meeting of the 19th.

110 Q He was present at the meeting of the 19th is that right?

A Sure.

111 Q Well, when wasn't he present? A: I was present at the first meeting but I was not at the second time at all. I made a mistake, I saw him the second time on the boat.

112 Q You say you were not present at some meeting, what meeting was that? A: I don't know whether any meeting took place between my brother and Mr Mochizuki.

MR MAITLAND: Which brother does he mean? A: I mean Mr Sakurada

113 Q I want you to read question 198: "So that you never spoke to Mr Mochizuki and you were not present at any of the conversations between Mochizuki and your brother, were you?" I was not; I wasn't present at all." I want you to



read that and the answer to 198.

MR MAITLAND: You see the trouble; there are two brothers.

MR MURDOCK: We are only talking about one.

MR MAITLAND: You are not; the other one is the one that gave evidence in the last case. That Suraki was not even in Japan at this time. He left in 1920.

MR ORR: Yes, but there were two Mochizuki's as well, two Suzuki's two brothers.

MR MURDOCK: Yes, and I will try to show before I have finished that this man was the other Mochizuki.

A I am quite sure I was present.

114 Q So that this question that has just been read to you and that answer is not correct? A: It may be mistaken.

115 Q Well, is it right or is it wrong? A: What I said just now is correct.

116 Q Is this evidence which you gave in the Yoshi case at question 198, right or wrong? A: Today is the first day

MR MAITLAND: I think he has answered that.

COURT: Yes I don't see that I am getting any benefit out of it.

MR MURDOCK: It may not seem very important now, but it was all important at that time.

COURT: I am not trying whether this man is lying or not.

MR MAITLAND: I want to point out in fairness my friend should have read question 202 as well.

MR MURDOCK: I am going right through it.

MR MAITLAND: And 199 the very next question: "Did you ever see Mochizuki? Yes I did. Who was with you when you saw Mochizuki? I went myself."

117 Q Now when you saw Mochizuki on the 19th of September was there anybody with you? A: Yes I went with Mr Sakurada who introduced me to him.

118 Q And this happened in the park? A: Yes that happened in the park.

119 Q And that is the first day you came to Yokohama? A: Yes that



was the first day I came to Yokohama.

120 Q Now when did you find out that the person that you saw in Yokohama, that his name was Mochizuki? A: Mr Sakurada told me he is Mr Mochizuki.

121 Q Mr Sakurada told you that his name was Mochizuki? A Yes he said that.

122 Q When did you find out that his name was Kametaro? A

Well, Mr Sakurada said to me at the same time it is Kametaro Mochizuki.

123 Q Who told you that? A: Mr Sakurada said to me his name is Kametaro Mochizuki.

124 Q And you haven't been back to Japan since 1921 have you? A I never did.

125 Q And have you seen this man here since the 23rd of September 1921? A: I haven't seen him since that date.

126 Q Today is the first time that you have seen the accused since the 23rd of September 1921? A: Today is the first day I saw him since 1921.

MR ORR: Today is?

A Today is the first day I saw him since 1921.

127 Q Have you seen any pictures of him in the meantime? A

I never did.

128 Q Have you had any conversation with the Mounted Police about this matter? A: I did not tell anything to the officers.

MR MAITLAND: What? A: I did not tell anything to the officers

129 Q How did you know, or did you know that the Mounted Police had this man arrested? A: I didn't know till the last.

It was upon the telephone call at Merritt I came down. I didn't know who was arrested.

130 Q When did you come to Vancouver? A: I came down on the 11th to Vancouver.

131 Q And did you report to the Mounted Police? A: I did not report to the officers upon my arrival at Vancouver.

132 Q You did not? A: The Mounted Police came to see me. I did



not report but the officer came to see me.

133 Q When? A: About 9.30 in the evening of the 11th.

134 Q Did they tell you they had Mr Mochizuki arrested?

A I did not hear anything said regarding to his arrest.

135 Q Well when did you find out that Mochizuki was arrested?

MR MAITLAND: Tell him to hurry up.

A I think it was about the 12th I know he was arrested.

136 Q Who told you? A: The Mounted Police told me Mr Mochizuki has been arrested.

137 Q And did you tell them that was the right man or make any statement to the police? A: I did not.

138 Q Did you ever meet another Mr Mochizuki in Japan?

A No I never did.

139 Q Do you know Kamiso Mochizuki? A: I don't know him.

140 Q Has your brother ever mentioned Maiso Mochizuki to you?

A No they did not mention.

141 Q Is your brother here today?

COURT: Which brother? A: No he is not.

142 Q Did he come down from Merritt with you? A: Yes he did come down with me.

143 Q Is he here this morning? A: No he is not here this morning.

144 Q Did you hear your brother give evidence in the Yoshi

case? A: I do know, but I did not hear the evidence.

145 Q Were you in court when he gave evidence? A: I was not in the room at that time.

146 Q You were not in the room.

FURTHER QUESTIONS BY MR MAITLAND:

147 Q Did you ever hear of this Kamiso Mochizuki? A: No I/heard never anything about him.

148 Q Now were you in court here last Wednesday when this case was up last? A: I did.

149 Q Did you see the accused here that day? A: Yes I took a look at him.

150 Q You just took a look at him? A: Yes.



151 Q Is that the only time you saw him before today since 1921?

A Yes that is the first time I saw him to take a look at.

152 Q You have another brother Katsuzi, haven't you at Merritt

A Yes.

153 Q Did he come to Canada before or after you? A: He came to Canada before me.

154 Q And do you know who he made arrangements with to come to Canada? A: I heard Kamiso Mochizuki had made arrangements about the brother coming to Canada.

155 Q That is the other Suzuki.

COURT: How many brothers had this man?

MR MAITLAND: Well the accused has two and this man has three.

They get mixed up with this.

156 Q You said something about Kamiso Mochizuki a moment ago.

A I heard arrangements had been made.

157 Q You heard that? A: Yes I heard.

FURTHER QUESTIONS BY MR. MURDOCK:

158 Q This man is prepared apparently to say anything. I asked you a few moments ago if you had heard or knew how your brother came out to Canada in 1920.

COURT: Which brother were you referring to?

MR MURDOCK: The thing is not so confused as my friend would put it.

There are two Suzukis, this man and his brother, and

Sakurada was a brother by adoption; and there is two

Mochizukis, there is this man and another man in Japan.

COURT: According to Mr Maitland there is still one other brother of this man.

MR ORR: No the two who are named Suzuki and one of the name of Sakurada. Now the other Suzuki lives in Merritt now.

159 Q I asked you if you had heard or knew how your brother came out to Canada in 1920? A: Yes I know.

160 Q Now did you find out about that? A: Because I was living together in the same house in Japan.



161 Q With your brother K. Suzuki? A: Yes, with my brother,  
K. Suzuki.

162 Q And did he tell you what arrangements he had made to come  
to Canada? A: No K. Suzuki my brother did not tell me the  
arrangements which have been made between him and some  
person, did not mention at all to me.

163 Q When did you first find out about Kamiso Mochizuki?  
A I did not hear anything at all about Mr Kamiso Mochizuki.

164 Q Who was making the arrangements for your brother to come  
out to Canada? A: I do not know who was making arrangements  
about my brother coming to Canada.

165 Q When did you first hear about Kamiso Mochizuki? A: I did  
not hear anything said about Mr Kamiso Mochizuki.

166 Q COURT: You never heard about it? A: Never heard.

MR MAITLAND: Never heard of who?

MR MURDOCK: Kamiso Mochizuki.

COURT: All right, next witness.

D. HYNDMAN, called as a witness, being first sworn, testified as  
follows:

QUESTIONS BY MR MAITLAND:

167 Q Your occupation is what? A: Immigration Inspector.

168 Q In the Canada Immigration service? A: Yes.

169 Q And I presume you keep the official records? A: Yes.

170 Q For the Dominion Government in that service? A: Yes.

171 Q Can you tell us whether or not one Sawada was permitted  
to enter Canada in 1921? A : Yes.

172 Q What? A: Yes.

173 Q Well what is that you have there, is that one of your  
official documents? A: That is one of the official documents.  
It is a declaration of passengers into Canada, Kazusayemen  
Sawada, 27 male.



174 Q Now he entered on what date according to that? A: May the 7th 1923.

175 Q How many Sawadas are there?

SERGEANT SAMPSON: There are a lot of Sawadas.

176 Q I give you the date I wanted My Hyndman, that was the 3rd of October 1921.

MR MAITLAND: On the same certificate. What was suggest is that MR MAITLAND: This was quite a useful certificate we will show.

MR ORR: Used five times.

177 Q What boat? A: The Empress of Asia.

178 Q Arriving here? A: Arriving here the 3rd of October 1921.

179 Q Now did Sawada come in then? A: He did.

180 Q What was his name? A: Sawada Kazusayemon.

181 Q And he had been here before according to that? A: Yes.

182 Q Where? A: Edmonton.

MR MAITLAND: We had better put that record in. Is that a copy of your records? A: A certified copy of the record.

IMMIGRATION RECORD produced as Exhibit "A".

183 Q Have you any other record of this man Sawada coming in again? A: Age 28.

MR MURDOCK: I don't see where that question is concerned, unless they can show that this man had something to do with these Sawadas coming in.

MR MAITLAND: We had a naturalization certificate which the last witness mentions was given to him by the accused and given back to Mr Yoshi. Now surely it is part of the conspiracy to show that this same certificate was used several times.

MR MURDOCK: Where is the certificate?

MR MAITLAND: We have not got the certificate.

MR MURDOCK: How do we know it is the same certificate?

MR MAITLAND: We have the records here.

COURT: It would be simply evidence of corroboration of this fellow's story that he came in on that date. I think I will allow it in.

On May the 18th 1925 the same name, same man arrived age 30; been in Canada from 1914 to 1924; going to Edmonton.



MR MAITLAND: Going to Edmonton again, I put this in.

IMMIGRATION RECORD produced as Exhibit "B".

184 Q Now have you got it again?

COURT: You don't mean to suggest that this was the name used for quite a number of people?

MR MAITLAND: Oh yes the same certificate. What was suggested is that this man would arrive, hand it to Mr Yoshi and he would send it back to the accused in Japan and another man would travel on it. A sort of transferable pass.

A On February the 13th 1928, the same man arrived, age 38; 1912 to 1917, Edmonton.

COURT: 38? A: Yes.

MR ORR: He has got to keep going according to the age of the certificate.

A Going to Edmonton.

185 Q What date was that 1928? A: 13th of February 1928.

MR MAITLAND: Well, he is older than you see.

COURT: But he is a little older than appears.

MR MAITLAND: Yes they bumped him up a couple of years there.

I will put this in as an Exhibit.

IMMIGRATION RECORD produced as Exhibit "C".

186 Q Next. A: In March the 2nd 1929 man and wife age 40, Canada from 1906 to 1928. Vancouver this time.

MR MAITLAND: Next Exhibit.

IMMIGRATION RECORD produced as Exhibit "D".

187 Q Next? A: That is all.

188 Q Did you give us this one? A: That was the first one.

189 Q That is May 1923. A: That was May 1923. Vancouver and he was going to that time.

190 Q And what is his age, that is what I want to know?

A 27.

MR MAITLAND: Next Exhibit.

DECLARATION OF PASSENGER produced as Exhibit "E".

191 Q Now what are these two things you have here? A: These are two copies they gave to me in the office.



192 Q Are they already in? A: No they are a different name.

A Those are different. You see they are both different.

MR ORR: That is the Mochizuki out account.

193 Q Now I want you to refer to Kametaro Mochizuki. You will note this record - what would you say for that? A: This is the outward record of this man leaving Canada.

MR MURDOCK: Just a moment. You mean the accused man? A: Well I don't know.

MR MAITLAND: There is the name.

MR MURDOCK: There is the name, yes.

A Age 54, residing in Edmonton, and leaving Canada on the Empress of Asia sailing from Vancouver on the 10th of February 1921.

194 Q And when did he return? A: You refer to the file.

195 Q There is nothing there to show that? A: No, this is when he was leaving Canada.

196 Q He left Canada on the Empress of Asia? A: On the 10th of February 1921.

197 Q That would get him over there when? A: The 10th. I think it is round eight to ten days.

MR MAITLAND: Next Exhibit.

IMMIGRATION RECORD produced as Exhibit "F". document

198 Q Now here is another, same name again.

COURT: What Exhibit is that? That is in already?

A No, it is not in. This is one I missed, I guess.

MR MAITLAND: No, that is showing when this man came back.

A This is the time he entered Canada.

COURT: What date have you got there? A: 28th of November 1921.

199 Q What does that show? A: That a man 53 years of age and his son....

200 Q That is Mochizuki there you are dealing with; you are not dealing with Sawada? A: No not with Sawada.

201 Q Give the name? A: Mochizuki Kametaro.

202 Q And his son, what is his name? A: Kew or Kow, I don't

know just which, it is kind of blurred. Seven years of age.



203 Q It shows those two came into Canada on what date?

A 28th of November 1921.

204 Q The 28th of November 1921; and the one man having gone out is mentioned in the last Exhibit.

MR ORR: February.

MR MAITLAND: Now, we have another record. We will put this last one in as an Exhibit.

IMMIGRATION RECORD produced as Exhibit "G".

205 Q We have another record here now, dated what? A: Dated the 15th of June 1925.

206 Q And arriving on what ship? A: Empress of Russia.

207 Q Look at this down here for a moment now, you have there what does that show? A: Mochizuki Fujie, born in Calgary, Canadian, 1912 to 1924, student, going to his father in Calgary, K. Mochizuki, uncle in Japan.

208 Q Just a minute. Yes uncle in Japan K. Mochizuki.

A They are both K's.

209 Q It shows two Mochizukis. You mention another Mochizuki, he is referred to in this report as an uncle and this one here as the father.

MR MURDOCK That is merely supposition, I suppose.

MR MAITLAND: No you go by the Canada Evidence Act, an official document is prima facie evidence of what it contains.

MR MURDOCK: That contains the name of K. Mochizuki. Is a Kametaro Mochizuki mentioned in that document?

MR MAITLAND: No.

IMMIGRATION RECORD produced as Exhibit "H".

210 Q In 1921 what position did this man Fred Yoshi hold?

A Interpreter.

211 Q And did he hold that position between the 1st of January 1920 and the 30th of December 1930? A: Yes.

212 Q Was he an official interpreter in the employ of your department? A: Yes.

213 Q Working for the Dominion of Canada as a public officer?

A Yes.



214 Q And his duties were what? A: Interpreter in cases of Japanese.

215 Q Coming here from where? A: From Japan or any other country.

216 Q And would it be his duty to examine these people coming in? A: Through the interpreter.

217 Q Through the inspector, and to report any irregularities that he was aware of, would that be part of his duty?

A Yes.

218 Q Have you any other information as to immigration dealings with this man Mochizuki, Kametaro Mochizuki? A: In one file we have....

219 Q A: Yes. A: From the information....

MR MURDOCK: Pardon me, Your Worship, has it got anything to do with this charge?

MR MAITLAND: It has to do with relation to this man going and coming.

MR MURDOCK: If it is even within the years 1920 and 1930.

220 Q Is that between the years 1920 and 1930? A: No.

MR MAITLAND: All right, I won't press that.

QUESTIONS BY MR MURDOCK:

221 Q In the matter of Mr Yoshi's duties as interpreter if one of the Inspectors boarded one of the incoming boats and is interrogating an immigrant returning....A: Yes.

222 Q And his passport appears to be in order and all documents appear to be in order is there any necessity of using Mr Yoshi? A: No use to use any interpreter if they can talk English and answer the questions.

223 Q There is a necessity of them <sup>talking</sup> English in some cases? A Yes.

224 Q If a man presents papers to you and by your examination of the papers you are satisfied, you do not call Yoshi at all? A No.

225 Q And you don't know in any of these instances referred to whether Yoshi was used or not? A: Well he would be on the



boat or meet the boat, but whether he was used officially I cannot say.

226 Q You cannot say he was on the boat can you? A: In some of the boats he was not up to 1924 I think it was, he only met the boats at Vancouver.

227 Q And furthermore between that period 1920 and 1925 Yoshi went back to Japan? A: Yes he made one trip to Japan.

228 Q It is also a Dominion requirement in these immigration matters that Japanese and Chinese going back to China and Japan are allowed a period of a year to return? A: Under the Chinese Act they have two years, and since 1929, 1928, the latter part of 1928 Japanese under the new agreement which gives them one year.

229 Q In 1925 how long did the Japanese have to remain out of Canada? A: Under the Act it was the same as anybody else; it depended on what circumstances they left Canada and when they returned.

230 Q What was the ordinary rule? A: One year.

231 Q What records you did have would indicate that this man Kametaro Mochizuki left February 1921 and came back in November 1921? A: Yes.

MR MURDOCK: Was away about eight months. All right thank you.

LORNE JAMES SAMPSON, called as a witness, being first sworn,

testified as follows:

QUESTIONS BY MR. MAITLAND:

232 Q You are a sergeant? A: Detective Sergeant Royal Canadian Mounted Police stationed at the City of Vancouver?

223 Q What do you call this division? A: E. Division.

234 Q And as such I think you had charge of the investigation by the Royal Canadian Mounted Police of the various Japanese entries into this Province? A: I have, yes.

235 Q Did you make a search of the premises of either the accused man or the other man mentioned in the information, Yoshi? A: About 9 p.m. on July the 3rd last I executed a search



warrant on the office of Fred Yoshy situated at room 605 Pacific Coast Fire Insurance Building, 325 Howe Street in the City of Vancouver.

236 Q Is that the man mentioned by the last witness as an interpreter in the employ of the Dominion Government? A: He is the same man; and seized a great number of documents, papers, diaries and books etcetera and telegrams. These were taken possession of by myself and constable Bordeaux who was assisting me. Later I turned the documents over to Bourdeaux who was present during the time they were being translated.

237 Q Do you recognize that document? A: I recognize the original document. That is one of the documents I seized.

238 Q That is an interpreted copy attached to it?

A Translated copy.

MR. MAITLAND: Mr Murdock, I got these out of the Supreme Court used in the last trial. Do you want any evidence proving these interpretations here?

MR MURDOCK: No I dont.

MR MAITLAND: I would like it on the notes that my learned friend is agreeing that he dispense with proving the interpretation of these various documents.

MR MURDOCK: Yes; I do not admit for a moment that is evidence against my client.

MR MAITLAND: It is dated Canadian Pacific Steamship Company, 14 Strand Yokohama, April 3rd 1923. "Mr. Yoshi, Dear Sir: Enclosed herewith please find draft through Yokohama specie Bank for the freight of cargo insurance on Ex. S.S. Empress of Russia. The cargo owners L. Takasaki, K. Sawada and Y. Morison of Mori for the above three. \$398.00 in U.S. funds. I hope that you are satisfied with the small remuneration for Mori Junior. I wish you to know that the two cargoes of Takasaki and Sawada used two papers Mr. Kitagawa left with me. As one of those cargo owners had one for himself I kept the other one. As to cargo owner Omura I



understand that Mr Maruyama will send you the insurance for the above cargo. The cargo owner T. Inone and M. Une belong to Maru and brothers who are residing in your country and will pay you the insurance money. The consignees are Eimatsu Suki and Katsuzo Suzuki P.O. DXN Merritt, B.C. Canada. I shipped the cargoes that you requested of me on EX SS Empress of Canada. Please handle them with care and oblige. Yours truly Jin. Next Exhibit.

ORIGINAL DOCUMENT and translation produced as Exhibit "I".

MR MAITLAND: I wonder if you want me to read all of these?

MR MURDOCK: I will dispense with the first letter. What does my friend submit that shows?

MR MAITLAND: I submit it shows the name on the naturalization certificate to begin with and it ties these two men.

MR MURDOCK: It certainly ties them up, there is no question about that.

MR MAITLAND: In a conspiracy case you have to join the one overt act as we have done here; we are not putting in these documents in furtherance of the conspiracy we say was being carried on.

A This document was seized at the same time.

COURT: It is difficult to keep any of the evidence out in a conspiracy case.

MR MURDOCK: These documents were not found in the possession of the accused. His names is not mentioned in the documents.

MR MAITLAND: The next documents November 18th 1921. It is a rather approximate date, and I will point out without reading the letter it reads "Mochi collect". Kawamoto and Nishimoto cargoes belong to Mochi. So collect from him. Then there is a mochi mention, and a Mochi mentioned. It is for a jury to say whether that Mochi refers to that man we have here.

ORIGINAL AND TRANSLATION produced as Exhibit J.

MR ORR continues examination.

MR ORR: I produce a letter July 25th.



239 Q Do you recognize the original Japanese copy with your initials on "L.J.S." A: I do. 28th. 1941. Now this is

MR ORR: I put this in as Exhibit "K".

ORIGINAL AND TRANSLATION produced as Exhibit "K".

MR ORR: This is a letter addressed to Maruyama found in Yoshi's possession. In this letter at the end of this letter the last sentence of this letter it says "Also you should always be on the alert about a certain Mr Kunizo Mochizuki". Now this is a letter from Yoshi to Maruyama whom we will show as a C.P.R. ticket agent in Japan at that time. He does not mention Mochizuki in this letter apart from that. Next Exhibit "K".

ORIGINAL AND TRANSLATION produced as Exhibit "K".

MR ORR: Now I produce to you another letter in Japanese with your initials on "L.J.S."

A Yes that was seized at the same time.

MR ORR: I will put the letter and the envelope in as Exhibit "L"

in this case. The envelope is addressed in English "Mr. F. Yoshi, Vancouver, B. C. Box 83, Canada"; and this is

undated, and it is from a man by the name of Kawachi; and in this letter he speaks of a conversation with "M", "M" being in brackets. "According to a conversation with "M"

it would be" - they are speaking of getting people into Canada - "It would be \$350 for each person, just as you told me previously." Then in the next paragraph he speaks again as to the matter of "M" I will agree to act as you desire me to do. Send me all details about it at the same time. If you happen to have a naturalization certificate in your possession I would like to get one for which I would make a may pay you the sum of \$50 as you charged on a previous occasion. But if you have not, it cannot be helped.

ORIGINAL AND TRANSLATION PRODUCED as Exhibit "L".

MR ORR: Then I produce as Exhibit M another letter in Japanese which bears your initial "L.J.S." A: Yes.

Was that also seized on the premises of Yoshi? A: Yes,

240 Q



at the same time.

MR ORR: This is a letter dated September the 25th. 1921. Now this is just the time that this man was making his negotiations. This is a letter addressed to Mr Yoshi, signed by a man named Jinno, being one of the other parties alleged in the conspiracy: "I would like to know how your family are getting along" and so on. "Two of Mochi's and one of mine were packed and shipped out on the SS Empress of Asia, so I ask you to take care of them as arranged. Mochi's cargo at the rate of \$200 in Canadian currency and mine \$200 in Canadian. Please remember that I deducted the amount I accommodated you out of Mochi's account and the balance amounting to \$200 will be sent to you directly from Mochi. As to my cargo I will send one hundred dollars by draft being one-half of the fee, and I wish you to return the paper used by my one cargo" which we suggest is the naturalization certificate, "because I borrowed it, and oblige. Exhibit "M".

ORIGINAL AND TRANSLATION produced as Exhibit "M".

MR ORR: Exhibit "N" I will produce a letter here dated June the 5th, and the year is in blank, and has your initial "L.J.S."?

A It was seized at the same time, and that is the translation of a newspaper clipping.

MR ORR: This is a letter enclosing a newspaper clipping, and we are also producing a copy of the newspaper clipping. The newspaper clipping is dealing generally, I don't want to read it in full, it deals with several people in Japan who got into trouble over there for some fraud in connection with Immigration matters; and this letter is sent to Mr Yoshi by a man named Hashimoto Iwataro in Japan, sent to him here. He says he is sending this news clipping so that you may read it. I intend to ship on July 27 next but the difficulty is the age of the cargo is younger than what is on the paper. However young as he may be, if he makes fixed answers to questions would he be O.K.'d? If so, after the necessary time in preparation please wire O.K."



MR. ORR: The next and last letter we are producing is dated 22nd of June 1923. And it bears your initial "L.J." on the separate pages? A: It does it was seized at the same time, at the same office.

MR. ORR: This is a letter to Mr Yoshi signed by Jinno. "I beg to apologize for neglecting to write to you for such a long time, but I hope that you are enjoying good health and beg to thank you for warning given to me in your favours. I beg to inform you that I understand the matter of Kawada and also beg you to know that I will not ship any cargo on the Russia as long as interpreter Asami is serving on board the ship, because I find him to be of an objectionable character. I will see M's cargo and let you know the result and also see the cargoes themselves as (Hash) notified me of the fact that he would make his shipment from Yokohama during the latter part of this month". The rest is on the same lines, but that is the only reference to "M" in there. Next Exhibit.

MR ORR: There are two diaries, and here I will just produce them.  
1926. Exhibit "P" and 1927 as Exhibit "Q". Did you find  
both these in the premises of the man Fred Yoshy? A: Yes  
both these diaries were seized by me at the same time,  
at the same place.

1926 DIARY PRODUCED as EXHIBIT "P".  
1927 DIARY " " " "Q"



QUESTIONS BY MR MURDOCK:

241 Q In the Yoshi case -- I will put it this way...?

MR MAITLAND: Mr Murdock, just one question.

242 Q MR MAITLAND: Did you say what date you made this search?

A July the 3rd 1931.

QUESTIONS BY MR MURDOCK:

243 Q In this information Fred Yoshi is one of the defendants?

A Yes.

244 Q And in the charge against Fred Yoshi Mochizuki, that is Kunizo Mochizuki was a defendant, was he not? A: I would not be certain of that unless I saw the charge.

245 Q Dont you recall the charge? A: I recall the charge roughly what the charge is, but I would not be certain.

246 Q You are not prepared to say that Yoshi charged with Maruyama, Kunizo Mochizuki and Jinno? A: Those names are familiar but I would not be certain whether he was charged with them or not.

247 Q You are not prepared to admit that? A: No sir.

248 Q Now in all these documents that have been put in you see the letter "M" occasionally, and that might refer to Mochizuki, it might mean Mochizuki? A: It might mean, yes it might mean Kametaro Mochizuki or Kunizo Mochizuki.

249 Q The letter "M" might mean one of these Mochizuki's, certainly.

250 Q It might mean Maruyama? A: Most entries are "Maru".

251 Q It might mean Matsui? A: Yes, it might mean Matsui.

252 Q Now in all these documents that you have here or anywhere else, in all the diaries you have taken over a period of ten years can you produce to the court one single document that has got the name on it, outside of these manifests, the name of Kametaro Mochizuki, can you name one single document, show one document or one entry anywhere with the name of Kametaro Mochizuki? A: The only name with the name in full is what is down in his own naturalization certificate.



253 Q All right, we will admit that. Now is there anything else --  
what was the date of that naturalization certificate?

A The certificate is right there.

MR MAITLAND: It doesn't help us much, that.

MR MURDOCK: That is this man's name Kametaro Mochizuki on a certificate  
dated the 30th day of May 1916.

MR MAITLAND: Showing that he was naturalized before 1914, that is all  
that certificate shows. That was not the date of his natur-  
alization.

MR. MURDOCK: No I don't think it was.

MR ORR: Do you want to put it in as an Exhibit?

MR MURDOCK: Yes.

NATURALIZATION CERTIFICATE produced as Exhibit "R".

254 Q Now outside of that document which has nothing to do with  
this case, can you show me one single document or diary  
where his name appears? A: No I cannot.

MR MAITLAND: We have got one in anyway.

255 Q But you can show me the document with the name Kunizo Moch-  
izuki? A: Yes, that was mentioned in one of the letters.

256 Q This letter of July the 1st that refers to Kunizo Mochizuki,  
doesn't it? A: Yes.

257 Q And Kunizo Mochizuki was in Japan in 1920, 1921, 1922 and  
1923, wasn't he? A: I don't know, I never met him.

258 Q Have you any other information which would indicate that  
he was? A: Well the letters that you refer to, that is  
the only indication I have.

MR MAITLAND: Bordeaux. This is just formal evidence of Bordeaux,

JOSEPH ALFRED BORDEAUX, called as a witness, being first sworn,  
testified as follows:

QUESTIONS BY MR. MAITLAND:

259 Q You are a constable on the Royal Canadian Mounted Police??  
Stationed at Vancouver B. C., yes sir.

A

260 Q And I understand you had charge of these various documents  
which have been put in as an Exhibit this morning? A: I had.



261 Q And they were translated while in your possession?  
A Yes sir.

262 Q Did they ever get out of your possession? A: They did not.

263 Q And you delivered them to whom? A: I delivered them to the court eventually.

264 Q Till the order was made for the release the other day?  
A Yes.

MR MAITLAND: I understand that Mr Murdock is consenting to the translation.

MR MURDOCK: I do not question their translations.

MR MAITLAND: Could we have an adjournment for a week?

COURT: For a week?

MR MAITLAND: We want to consider whether we will call another witness we have in mind.

COURT: Have you any particular objection Mr Murdock?

MR MURDOCK: No as long as the bail is continued I haven't.

COURT: Well I will certainly continue the bail in the meantime.

That will be the 27th Mr Maitland.

MR MAITLAND: Yes your Worship.

Adjourned to Jan. 27th.

MR ORR: In this case we are not going to call any more evidence in your Worship.

MR MURDOCK: Yes that is the reason that the matter was adjourned last week, your Worship.

COURT: Yes I remember.

MR MURDOCK: As to whether or not the crown would call any further evidence.

COURT: I remember. I have made up my mind in this case.

MR MURDOCK: I don't think there is any question of this witness, besides that there are certain documents found which might strengthen, confirm the evidence given by this witness, even though on your cross-examination it would contradict itself, this evidence might confirm, a jury might think it confirm, so I will have to commit him for trial. I will read the statement to him and then if you like I will give you



as long as you like, a few days anyway, to get your bail.

Mr Ide, this man doesn't understand English, does he? 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 of favour and nothing to fear from any threat which may have been held out to induce you to make 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 MURDOCK: Nothing to say Your Worship. If Your Worship would stand this matter till tomorrow morning, that is the formal committall. I will have my order then.

MR ORR: Tomorrow morning is satisfactory your Worship.

Adjourned to Jan. 28th.

MR ORR: Would you call Mochizuki please. You are not ready, are you?

MR MURDOCK: No I am not. In this matter Your Worship, I thought the bail might be considerably reduced. Yesterday it was reduced from \$7500 to \$5000, but I still have difficulty in raising satisfactory bail to that amount. I would like the matter to stand until Tuesday if Your Worship pleases.

COURT: Tuesday the 2nd of February.

ADJOURNED to 2nd of February.

MR ORR: This case I understand is just for committal. My friend is ready.

COURT: Are you ready?

MR MURDOCK: Yes I am, your Worship.

COURT: Now I have already read the warning to him?

MR ORR: Yes.

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

W. M. McKay

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 on the information of Lorne J. Sampson against Kametaro Mochizuki.

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 W. M. McKay Esquire, 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 6th day of February A.D. 1932.

W. M. McKay

Police Magistrate.

Vancouver  
Feb 9-1932.  
Registry.