



1932

52/32

Spring

Assizes.

Vancouver

REX

VS.

Tokichi Tanaka and Kanpei Osumi

*Offence Conspiracy to commit an
Indictable offence*

CROWN BRIEF.

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

250-1031-7219

REX versus TOKICHI TANAKA and KANPEI OSUMI.

I N D E X.

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INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE

CANADA
Province of British Columbia
City of Vancouver

The information and complaint of Lorne J. Sampson, of the City of Vancouver, in the Province of British Columbia, taken the 30th day of October, in the year of our Lord One Thousand Nine Hundred and thirty-one, before the undersigned, R. W. Hughes 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, 1931 and the 1st day of March, 1931, Tokichi Tanaka, and Kanpei Osumi did unlawfully conspire together and with Eikichi Maruoka, Matsujo Niga, Matsu Higa, and divers other persons unknown to comit an indictable offence, to Wit, to knowingly, wilfully and corruptly make untrue statements in solemn declarations required or permitted to be made by the Laws of the Province of British Columbia, for the purpose of verifying the matters, facts and things concerning the date, place and other circumstances of the births of Eikichi Maruoka, Noriyasu Higa and Jinsei Higa contrary to the form of the statute in such case made and provided.

L. J. Sampson.

SWORN BEFORE ME the day and year first above mentioned, at said City of Vancouver.

"R. W. Hughes"

Justice of the Peace for the
Province of British Columbia.

Nov. 26, 1931.
Accused committed to take his
trail at the next court of
competent criminal jurisdiction.

Vancouver
December 24, 1931
Registry.

"R.W.Hughes"

STATEMENT OF THE ACCUSED

CANADA)
)
Province of British Columbia)
)
County of Vancouver)

Tokichi Tanaka and Kanpei Osumi stands charged before the undersigned, W.M. McKay, Esq., Police Magistrate, in and for the said City of Vancouver, this 26th day of November in the year of our Lord one thousand nine hundred and thirty-one, for that the said Tokichi Tanaka and Kanpei Osumi, at the said City of Vancouver between the 1st day of January A.D. 1931 and the 1st day of March, 1931, at the City of Vancouver, did unlawfully conspire together and with Eikichi Maruoka, Matsujo Higa, Matsu Higa, and divers others persons unknown to commit an indictable offence, to wit: to knowingly wilfully and corruptly make untrue statements in solemn declarations required or permitted to be made by the laws of the Province of British Columbia, for the purpose of verifying the matters, facts and things concerning the date, place and other circumstances of the births of Eikichi Maruoka, Noriyasu Higa and Jinsei Higa. Contrary to the form of the Statute in such case made and provided.

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

Usual form.

Whereupon the said Tokichi Tanaka says as follows:-

(through his counsel) "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.

Vancouver
Dec. 24, 1931
Registry.

STATEMENT OF THE ACCUSED

CANADA

Province of British Columbia

County of Vancouver

Kanpei Osumi and Tokichi Tanaka stands charged before the undersigned, W. M. McKay, Esq., Police Magistrate, in and for the said City of Vancouver, this 26th day of November, in the year of our Lord one thousand nine hundred and thirty-one, for that the said Kanpei Osumi and Tokichi Tanaka, at the said City of Vancouver between the 1st day of January A.D. 1931 and the 1st day of March, 1931, at the City of Vancouver, did unlawfully conspire together and with Eikichi Maruoka, Matsujo Higa, Matsu Higa, and divers other persons unknown to commit an indictable offence, to wit; to knowingly wilfully and corruptly make untrue statements in solemn declarations required or permitted to be made by the laws of the Province of British Columbia, for the purpose of verifying the matters, facts and things concerning the date, place and other circumstances of the births of Eikichi Maruoka, Noriyasu Higa and Jinsei Higa. Contrary to the form of the Statute in such case made and provided. Contrary to the form of the Statute in such case made and provided.

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

Usual Form

Whereupon the said Kanpei Osumi says as follows:-

(through Interpreter) "Nothing to say"

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

"W.M. McKay".

Police Magistrate in and for the City of Vancouver.

Vancouver
Dec. 24th, 1931
Registry.

P O L I C E C O U R T
Before W.M. McKay, Esq., P.M.

Vancouver, B.C. Nov. 19th, 1931.

CANADA

Province of British Columbia

County of Vancouver

City of Vancouver

REX vs TOKICHI TANAKA and
KANPEI OSUMI.

TOKICHI TANAKA and KANPEI OSUMI charged on the information of Lorne J. Sampson, of the City of Vancouver, in the Province of British Columbia, of the 30th day of October, A.D. 1931, for that at the said City of Vancouver between the 1st day of January, 1931 and the 1st day of March, 1931, did unlawfully conspire together and with Eikichi Maruoka, Matsujo Higa, Matsu Higa and divers other persons unknown to commit an indictable offence, to wit, to knowingly, wilfully and corruptly make untrue statements in solemn declarations required or permitted to be made by the Laws of the Province of British Columbia, for the purpose of verifying the matters, facts and things concerning the date, place and other circumstances of the births of Eikichi Maruoka, Noriyasu Higa and Jinsei Higa contrary to the form of the Statute in such case made and provided.

R.L. MAITLAND, Esq., K.C. Counsel for Prosecution.

G.S. WISMER, Esq.,
and
D.W.F. MCDONALD, Esq.,
Counsel for Defence

T. Ide sworn as Japanese Interpreter

L.H. Heaney, sworn Stenographer.

(Charge read to Tanaka in English and translated
by Interpreter to Osumi).

COURT: There is an option here Mr. Maitland in this case?

MR MAITLAND: Yes.

COURT: All right, stand up. You have the option to be tried
forthwith before me without the intervention of a jury
1.

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. How will you be tried?

MR WISMER: I appear for Tanaka. Preliminary hearing, Your Worship.

MR McDONALD: I appear for Osumi. Preliminary hearing.

MR WISMER: I think perhaps that the witnesses ought to be excluded in this case.

MR MAITLAND: I have no objection.

COURT: All the witnesses in this case will be excluded and remain outside till you are called.

MR MAITLAND: I will call Corporal McGibbon first so that he can stay in.

DOUGLAS LORNE McGibbon, called as a witness, being first sworn, testified as follows:-

QUESTIONS by MR MAITLAND:

1 Q. You are a corporal in the Royal Canadian Mounted Police? A. I am yes.

2 Q. And as such did you execute a search warrant in this case? A. Yes.

3 Q. Have you got the search warrant? A. Yes. On July the 2nd 1931 I executed a search warrant on the premises of the accused Tanaka at 318 Boyne Avenue Kingsbury City of New Westminster.

4 Q. That is the residence of who? A. Of the accused Tanaka.

5 Q. And what did you find? A. Amongst other papers I found a diary, 1931 diary written in Japanese.

6 Q. Is this the diary? A. That is the diary yes. I initialed this diary for future identification. I kept it in my possession until the 24th day of October 1931 when I turned it over to Detective Sergeant Sampson.

MR MAITLAND: Now Mr Wismer if you don't mind, I have the translations. I will put them in and prove them later.

COURT: That will be Exhibit "A"

MR MAITLAND: Unless the warrant is put in as an Exhibit. I don't think it is necessary, is it?

COURT: Sometimes the Supreme Court judges want it. Better put it in as Exhibit "A" and diary will be Exhibit "B"

SEARCH WARRANT produced as Exhibit "A"
DIARY " " "B"

QUESTIONS by MR WISMER:

7 Q. I did not understand. When did you find this Mr. McGibbon? A. It was on the 2nd day of July.

8 Q. The 2nd day of July 1931? A. 1931, yes.

9 Q. And you have had it in your possession ever since?

A. Up to the 24th day of October when I handed it over.

10 Q. You have been here at the Vancouver office ever since?

A. Ever since. It was because I was going away for a few days that I turned it over to Sergeant Sampson.

COURT: Did I understand you, Mr Maitland, to put in the translation?

MR MAITLAND: Not yet; I left them in the diary so that I would know where they were, that is all. I think I will call Maruoka first, Eikichi Maruoka.

COURT: How does he swear? Is that binding on his conscience?

INTERPRETER: Yes Your Worship.

EIKICHI MARUOKA, called as a witness, being first sworn on the Bible through Interpreter testified as follows:-

QUESTIONS by MR MAITLAND:

11 Q. Do you know the accused man Osumi? A. I do.

12 Q. And do you know the accused man Tanaka? A. Yes I do.

13 Q. Now did you see either one of them in January last? A. I

did.

14 Q. Which one? A. I saw Mr. Osumi.

15 Q. About what time in January? A. I don't remember the date.

16 Q. And what did you see him about? A. Regarding the family record.

17 Q. What?

COURT: Family what? A. Record.

18 Q. That is what you call a family tree, is it? Ask him if he means a family tree? A. Yes family tree.

19 Q. You saw him about the family record, did you say?

A. Yes regarding the paper, birth certificate in this country.

20 Q. What is that? A. A birth certificate in this country.

21 Q. What about a birth certificate in this country? A. Well regarding the birth certificate in Canada. Once I was told to get the birth certificate, Canadian birth certificate.

22 Q. Well what did Osumi say to you about that? A. When I saw Mr. Osumi he said to me "Mr. Tanaka residing at Lulu Island might be able to obtain the paper which we are speaking of."

23 Q. What did you do then, what did you do after that?

A. I was staying in my home ever since.

24 Q. Well did you see Mr. Tanaka later? A. Yes I did.

25 Q. When? A. I do not remember exactly the date, but it is somewhere during the month of January.

26 Q. During the month of January, and where did you see Mr. Tanaka? A. I saw him in his own home.

27 Q. Where is that? A. His home is situated in Lulu Island.

28 Q. And who was with you when you saw him at his home? A. I went with Mr. Osumi. Mr. Osumi introduced me to Mr. Tanaka.

29 Q. Who else was present beside Mr. Tanaka and Mr. Osumi?

A. Mr. Kimura was present and my father, my father-in-law was present at the same time.

30 Q. And where was Mr. Tanaka when you got to the house, what room was he in? A. It is supposed the parlour in the home.

31 Q. What took place, what was said when you saw Mr. Tanaka?

A. I do not remember the conversation actually what took place, but somewhere regarding the birth certificate.

32 Q. What was said about the birth certificate? A. I asked Mr. Tanaka whether the certificate, birth certificate would be obtainable.

33 Q. And what did he say? A. Mr. Tanaka said it might be obtainable.

34 Q. Then what did you do then? A. I came to Vancouver immediately after.

35 Q. Now where were you born? A. Born in Japan.

MR WISMER: He cannot very well give that evidence. He wasn't old enough to know.

MR MAITLAND: He was there.

MR WISMER: He was pretty young.

36 Q. When did you come to Canada? A. I think it is about five years since I came to Canada. I don't know the exact date in the year.

37 Q. You said something about your family tree. Did you have your family tree that day? A. Yes I did.

38 Q. And what did you do with it? Interpreter: Do you mean when he was at Mr. Tanaka's place?

39 Q. Yes. A. I did,

40 Q. Give it to who? A. I left it on Mr. Tanaka's table.

41 Q. Is this your family tree? A. This is exactly so.

42 Q. Well you had better look at it. You look at it then I will read it in a minute. A. This is quite so.

MR MAITLAND: Well put that in as an Exhibit.

FAMILY TREE produced as Exhibit "C"

43 Q. Now does that show where you were born? A. Yes it does.

44 Q. Did you have any talk with Mr. Tanaka that day about where you were born? Interpreter; I cannot hear very well.

45 Q. Did you have any talk with Mr. Tanaka that day about where you were born? A. Showing the document I said to Mr. Tanaka "born in Japan."

46 Q. Born what?

COURT: Born in Japan.

47 Q. When were you born in Japan?

MR WISMER: He has got a good memory if he can remember that.

COURT: He said "showing the document"

A. 27th of December 19.. Just a few minutes Your Worship, I am just calculating the Japanese calendar. That is about 1912 I think.

MR WISMER: 1912?

Interpreter: Shall I read this?

MR MAITLAND: Yes, see what it says.

A. That is 1901. December the 27th 1901, Your Worship.

48 Q. Now do you recognize this document?

COURT: Mr. Maitland, the family tree is Exhibit "C" isn't it?

MR MAITLAND: Yes Your Worship.

A. Well I haven't seen this document at all.

49 Q. Did you give any other documents to Mr. Tanaka that day?

A. No I did not.

50 Q. Now what did Mr. Tanaka do with your family tree, did

he do anything? A. Well Mr. Tanaka took the items from the family tree into some other papers.

51 Q. What did you say? I did not hear that. A. Mr. Tanaka took the items from the original family tree into some other papers.

- 52 Q. And did anybody sign this other paper that you mention?
A. Well, I am not quite sure whether I did sign it or not, but I quite believe I did sign it.
- 53 Q. Well after you gave him this information and this document was made out what did you do then? A. I came out to Vancouver.
- 54 Q. Yes, and did you see Tanaka again? A. Yes I did.
- 55 Q. Where? A. Do you mean since I came to Vancouver, Mr. Maitland?
- 56 Q. No, that day, after that day? A. Well I came to Vancouver and I met with Mr. Tanaka in one of the Chinese restaurants.
- 57 Q. And who else was there? A. Mr. Kimura and Mr. Osumi and my father-in-law were present.
- 58 Q. And what happened? A. After we finished our lunch we left them, I left them.
- 59 Q. What? A. After we finished lunch I left them.
- 60 Q. Now did Mr. Tanaka make any charge, any fee charge in relation to his work? A. He did not make any charge against the services what he has done.
- 61 Q. I didn't get the last part? A. He did not make any charge for the services he has done.
- 62 Q. Well did you do anything about that yourself? A. I did.
- 63 Q. What? A. I gave him a box of cigars which cost six dollars.
- 64 Q. Anything else? A. I did not give him anything else at all.
- 65 Q. Did you hear anything from him later? A. I did not hear from him at all, and I did not give anything at all ever since.
- 66 Q. Now did you get your birth certificate? A. I did.

67 Q. From whom? A. My father-in-law went to Mr. Tanaka's place and bring the paper down to em.

68 Q. Were you there? A. My father-in-law alone went to Mr. Tanaka's place.

69 Q. You didn't get it you say? A. No I didn't get it directly; my father-in-law took the paper and delivered to me.

COURT: Mr. Interpreter, who is the third man he said was there. He said Kimura, his father-in-law and somebody else.

Interpreter Osumi.

MR MAITLAND: The other accused.

70 Q. Is that the certificate? A. Yes this is so.

MR MAITLAND: I put this in as an Exhibit.

COURT: Exhibit "D"

CERTIFICATE Produced as Exhibit "D"

71 Q. When did you get your family tree back? A. From whom, Mr. Maitland?

72 Q. When I say when? Interpreter: From whom, the question he is asking from whom?

73 Q. From Tanaka? A. The same date.

74 Q. Now where was it you saw Osumi first about this birth certificate, where did that happen? A. I saw Mr. Osumi regarding this matter for the first time in my house.

75 Q. Do you recognize this document? A. I do.

76 Q. What is it? A. Well this is the house number of Mr. Osumi.

77 Q. Who wrote that on there? A. It was written by Mr. Osumi

78 Q. And what is on the other side of it? A. It was written probably by Mr. Kimura.

79 Q. Who gave it to you? A. I went to Mr. Kimura's place myself and asked me to write it down for me.

80 Q. Kimura you say wrote that? A. Yes Mr. Kimura wrote it

down.

MR MAITLAND: My mistake. I won't put it in Your Worship,
because I have been misinformed.

QUESTIONS by MR WISMER:

81 Q. You have lived in Vancouver for five years? A. Well I
don't...

82 Q. well about five years? A. About five years I have lived
in Vancouver.

83 Q. And how long has your mother and father lived here?

A. You mean my father-in-law?

84 Q. His father-in-law, yes. Are his father and mother here?

A. My present father is in Japan.

85 Q. But your father-in-law, the man that went with you --
what is his name by the way? A. Matsujo Higa, he is the
father-in-law.

86 Q. How long has Mr. Higa lived here? A. I think living in
Canada about twelve or thirteen years.

87 Q. And has he any small children? A. He has two daughters.

88 Q. Small children I mean? A. There are no small children
at all.

89 Q. Do you know any families here that have small children
Japanese families? A. Yes I know quite many.

90 Q. You know they all get birth certificates at the time of
their birth, don't you? A. Yes I do.

91 Q. Same kind of a birth certificate you would get in this
case? A. I don't know what sort of paper it would be;
but I do know when the children were born the birth
certificate would be granted.

92 Q. You know of that happening here in Vancouver? A. Not in
Vancouver.

93 Q. You don't know of any such cases in Vancouver before?
A. I don't know in Vancouver.

94 Q. But you knew what a birth certificate was before you
ever saw Mr. Osuni, didn't you? A. I don't know.

95. Q. You did not know? A. No.

96 Q. Now did you ever hear of Mr. Tanaka before, did you know what his business was? A. I don't know what sort of...

97 Q. Did you hear he was a school teacher? A. Well when I saw him for the first time I find out he is a teacher.

98 Q. That is the day you got these papers? A. The same day.

99 Q. Now you don't remember much about what happened over

100 Q. You presume, but he didn't do that while you were there? A. Well

A. Yes while I was present Mr Tanaka separated the paper no, I cannot positively swear what took place, what sort of conversation took place.

101 Q. Now who did you give - who had this family tree you talk about, this Exhibit "C", who had this family tree on that day? A. I bring the family tree to Mr. Tanaka myself.

102 Q. Are you sure you did not give it to your father-in-law Mr. Higa? A. No I did not deliver it to my father-in-law at all.

103 Q. Well what did you do with it? A. As I said before here, as I said here before, I handed it over to Mr. Tanaka.

104 Q. You didn't say that here before, you said you left it on Mr. Tanaka's table, which is correct? A. Well, it is exactly the same thing. I showed the family tree to Mr. Tanaka and Mr. Tanaka saw it.

105 Q. How long did he take to look at this paper? A. I don't remember how long it lasted.

106 Q. Mr. Tanaka is supposed to look into the birth certificate. Well an hour or so? A. No less than an hour.

107 Q. Less than an hour; and how much less? A. I don't know.

108 Q. You say "supposed to"; but he didn't look into the family tree while you were there, did he? A. Well I was there Mr. Tanaka took the paper and looked into the date, the birth date of my family record.

109 Q. You say he looked at that while you were there? A. Yes he looked at the date.

- 107 Q. How did he do it, did he have it in his own hands?
A. Well when I left the document on the table he took it, and without touching the hand he can look at it.
- 108 Q. I see, he just left it lying on the table and looked at it from there? A. I do not remember exactly what happened but I gave Mr. Tanaka the family tree like this, and left it on the table, and I presume Mr. Tanaka spread it out and looked at it.
- 109 Q. You presume, but he didn't do that while you were there?
A. Yes while I was present Mr Tanaka separated the paper and looked at it.
- 110 Q. I thought you told me a minute ago you didn't know whether he put a hand on it or just looked at it from where he was standing? A. Well I left the paper on the table, Mr Tanaka's table and Mr Tanaka naturally took the paper and spread it out and looked at it.
- 111 Q. Did he spread it out while you were there? A. Yes while I was there.
- 112 Q. And he took it up in his hands while you were there?
A. Yes he did.
- 113 Q. And where were you at the time he took it up in his hands? A. I was sitting down at the side of the table.
- 114 Q. And where was he, how far away from you was he? A. It maybe about three or four feet.
- 115 Q. How long did he take to look at this paper? A. I don't remember how long it lasted.
- 116 Q. Well an hour or so? A. No less than an hour.
- 117 Q. Less than an hour; and how much less? He doesn't know. Is that it? A. It is only a very short time.
- 118 Q. Does he know how much less than an hour it was it took him to read it? A. He looked at it about ten minutes I think.
- 119 Q. About ten minutes? A. Yes.

120 Q. Now did he read it himself?

MR MAITLAND: Does he mean ten minutes to read it, or ten minutes short of an hour. You might clear that up.

121 Q. Do you mean ten minutes to read it or was it ten minutes short of an hour? A. Ten minutes means while he was looking at it.

122 Q. Now while he was looking at the document you were sitting down in a chair, were you? A. I was sitting on the chair.

123 Q. Now which of your stories is true? One story is that he folded the document up and he put it on the table and you presume he looked at it. That is one. The other is that you showed him the place where you were born on the document, and the other is that he took the document and read it for ten minutes. A. Mr. Tanaka when I left the document on the table he took it himself and looked at the paper himself, that is the truth.

124 Q. Now when did you first meet Mr. Sampson of the Mounted Police? A. The 3rd of October.

125 Q. And when were you in trouble over this birth certificate? A. Mr. Sampson, Sergeant Sampson came to me and asked me for the birth certificate.

126 Q. Who was with him? A. Mr. Nagao.

127 Q. Mr Nagao the Japanese interpreter? A. Yes.

128 Q. And where was this? A. My birth certificate was kept by my father-in-law.

129 Q. Now I said where was it that Mr. Nagao and Mr. Sampson went to see you? A. While I was working on the farm.

130 Q. Out at his home he means. Where is his farm? A. My ranch.

131 Q. Out on his ranch. And were you arrested. A. They demanded me to come down to Vancouver.

- 132 Q. And you were taken down to the Immigration sheds, were you? A. Yes I was.
- 133 Q. And you had to put up five hundred dollars bail? A. I did.
- 134 Q. And you were afraid you had to go back to Japan, weren't you? A. I was just wondering why I was arrested.
- 135 Q. And you knew you would have to go back to Japan if this thing was not cleared up, didn't you? A. I did not worry about it.
- 136 Q. You didn't worry about it, but you wanted to get some papers from Ottawa about this matter, didn't you? A. when
- 137 Q. Well he knows when; I don't know when. Isn't that so? A. You mean to say when I got the birth certificate?
- 138 Q. No, any time? You mean to say outside that birth certificate?
- 139 Q. Well does he know anything about some papers from Ottawa? He can answer that? A. No I did not expect any paper from Ottawa.
- 140 Q. Now did you give a statement to Mr. Sampson through Mr. Nagao the interpreter? A. Yes I did.
- 141 Q. Now isn't the reason you were not worrying about having to go back to Japan, that you had already made arrangements with Mr Nagao to get certain papers for you from Ottawa? A. No I did not.
- 142 Q. Did you ever talk to Mr Nagao about getting some papers for you, citizen papers? A. I did.
- 143 Q. When did you talk to Mr Nagao about that? A. It was on or about the 9th of January 1931.
- 144 Q. The 9th of January 1931. Now how much was Mr Nagao going to charge you for getting these papers? A. I paid him \$25 and he took it.
- 145 Q. You paid him \$25 and he took it? A. Yes.
- 146 Q. And how much more were you to pay him for getting these citizen papers? A. Yes there was an arrangement.

147 Q. I want to know what it was? A. If the citizen paper was granted from Ottawa additional fifty dollars shall be paid to him.

148 Q. Now you got a receipt from Mr Nagao for that money, didn't you? A. Yes I did.

149 Q. And what did you do with the receipt? A. I have no recollection here in my possession at the present time here.

150 Q. You have no recollection here. You tell me now what you did with that receipt? A. Someone asked me to get it, so I did.

151 Q. When did you hand it over? A. It was on or about the 23rd of October.

152 Q. The 23rd of October. Now you can remember every detail of what happened in Mr Tanaka's house in January last, and yet you tell me you don't know who you handed this paper to at the end of October?

A. I know.

153 Q. You do know who you gave it to? A. I do know who I gave it to.

154 Q. Well why didn't you say so. Who was it? A. I handed it over to Mr Sampson.

155 Q. And you think if you give your evidence right in this case Mr Sampson is going to prevent you from going back to Japan, don't you? A. There is no such a promise

156 Q. As a matter of fact when you got this receipt from Mr. Sampson -- did you get a receipt from Mr Sampson? A. I did.

157 Q. And at that time you asked Mr Sampson when you were going to get your papers from Ottawa, didn't you? A. I did not. I did not ask any questions.

158 Q. Did you ask Mr Nagao when you were going to get your papers back from Ottawa? A. I did.

- 159 Q. When did you ask him that? A. I think it was about May.
- 160 Q. And didn't you ask him in October when you saw him come out here with Mr. Sampson in regard to this case? A. No. I did not ask any questions.
- 161 Q. You did not ask any questions at all; you never mentioned the \$25 at all? A. To whom? To Sergeant Sampson.
- 162 Q. To sergeant Sampson or to Nagao? A. I spoke to Sergeant Sampson about the money.
- 163 Q. And didn't Mr Sampson tell you that the papers were likely to be back soon from Ottawa? A. No, no he did not mention that.
- 164 Q. Did he tell you he would try to arrange it so that you would not have to go back to Japan? A. No, he did not say such particulars at all; but he said "you are safe."
- 165 Q. "You are safe"; and that is why you are not worrying? A. No, no.
- 166 Q. He isn't worrying at all now? Interpreter No, he denies that.
- 167 Q. Did you get your \$500 back yet? Interpreter: You mean the bail money?
- 168 Q. Yes. A. No.
- 169 Q. When are you going to get that back? A. I don't know the date.
- 170 Q. Do you expect it soon? A. No idea at all.
- 171 Q. Now as a matter of fact after this matter was over you went over to Mr Tanaka's house with an envelope with some money in it, didn't you? A. What do you mean, after this case is over?
- 172 Q. He said he went over to see him about it and he charged nothing, and he gave him a box of cigars that time. I mean at the time he gave a box of cigars? A. I did not give him anything at all, except a box of cigars.

173 Q. I didn't ask him that: I asked him if he did not offer him some money in a letter? A. No I did not.

Interpreter: He denies that.

174 Q. In any event Mr Tanaka told you there was no charge,

he was making no charge, and you went out and bought him a box of cigars. That is the situation

isn't it? A. That is all.

175 Q. Now did you go to Mr. Prescott's office? A. When?

176 Q. Well any time, about this birth certificate? A. Yes, once I went to some office which I don't know.

177 Q. With Mr Tanaka? A. Not with Mr Tanaka. I went with Mr. Kan, another Japanese of the name of Kan.

178 Q. And when did you first meet Mr Sampson with Nagao?

A. I think it was the 3rd of October.

179 Q. Didn't you meet him back last January? A. With whom?

180 Q. With Mr. Nagao? A. Yes I think it was about the 9th of January I saw Mr Nagao.

181 Q. You saw Mr Nagao and you also saw Mr Sampson, didn't you? A. Yes, when I saw Mr Nagao there was one white man was present whom I don't know the name at all.

182 Q. I am asking you, did you see Mr Sampson, Sergeant Sampson in January of 1931, this year? A. I don't know who is Mr Sampson.

183 Q. You don't know who Mr. Sampson is, is that what you say? A. Well, once I saw a white man whose name I don't know at that time.

184 Q. You know who Sergeant Sampson is, don't you? A. Yes I do now.

185 Q. Did you see him in January last. A. I quite doubt the person I saw was Mr Sampson or not.

186 Q. Do you know whether it was or not? A. I know now Mr. Sampson. If he was a Japanese I could distinctly remember but sometimes...

187 Q. Where did you see Mr Nagao in January? A. At Mr Nagao's place.

188 Q. And who was present? A. Mrs. Nagao and my wife was present.

189 Q. I thought you said some white man was present? A. No, not that time.

190 Q. Well then did you go with Mr Nagao some place the next day, on the 10th of January, did you go some place with Mr Nagao? A. Yes Mr Nagao took me, saying he is taking me down to his own office.

191 Q. Where did he actually take you? A. The same office as is Mr Sampson is occupying at the present.

192 Q. The same office that Mr Sampson occupied at the present time. You have been in there since, haven't you? A.

Yes I was down there several times.

193 Q. And who did you see at that office with Mr Tanaka on January the 10th? A. There was one white man there.

194 Q. Now who was it? You know who it was. Tell us who it was? A. I don't know. I don't remember who he was.

COURT: Mr. McDonald?

MR McDONALD: No questions.

A. I am sorry I forget.

MR WISMER: Who is this, the father-in-law?

MR MAITLAND: Yes this is the father-in-law.

208 Q. Then, who did you see after that? A. Receiving the

MATSUJO HIGA, Called as a witness, being first sworn through Interpreter on the Bible, testified as follows:-

QUESTIONS BY MR MAITLAND:

195 Q. Do you know Eikichi Maruoka? A. Well I do.

196 Q. He is sitting down here? A. Yes he is.

197 Q. And he was the last witness in this case? A. Yes.

198 Q. Now do you remember January last? A. Yes.

199 Q. Do you know the accused man Tanaka? A. Oh yes I do.

200 Q. And you know the accused man Osumi? A. I do.

201 Q. Now did you have anything to do with him, with either of them in relation to a birth certificate for Eikichi? A. Yes I did.

202 Q. Tell us what you know about it, will you? A. Mr. Osumi one day came to Whiterock visiting to his friend Kamura.

203 Q. I did not hear you, Mr. Ide? A. One day Mr Osumi came to Whiterock visiting to his friend Mr Kamura.

204 Q. And what happened? A. I went to Mr Kamura's place about the same time. and I was requested to sign on

205 Q. Yes. A. In the occasion I had a conversation with Mr. Osumi asking whether these things could be done.

206 Q. What could be done? A. About the birth certificate.

207 Q. Well, what about the birth certificate? What did you want? and I wrote it down very similar to that.

MR WISMER: He shouldn't say what he wants; he should say what the conversation was. A. I understood while we were living in Canada....birth certificate for

MR WISMER: I object.

MR MAITLAND: Never mind. what was said about birth certificates between you and Osumi? A. I asked Mr. Osumi if the birth certificate will be obtainable, and Mr Osumi said it could be done.

208 Q. Then, who did you see after that? A. Receiving the letter asking to come down to New Westminster I went to the place mentioned in the letter.

209 Q. Where was that? A. I went to Mr Osumi's place a Lulu Island. A. I don't know the name.

210 Q. And then where did you go? A. In company with Mr. Osumi I went together to Mr Tanaka's place.

211 Q. And what took place at Mr Tanaka's place? A. I went to Mr Tanaka's place with three men.

212 Q. Well now you say you went to somebody's office? A. I did

212 Q. Who were the three men? A. I, Mr Maruoka, Mr Kamura
three went together.

213 Q. And what happened when you got to Mr Tanaka's place?

A. I asked Mr Tanaka whether or not the birth certificate
will be obtainable.

214 Q. And what did he say? A. Mr Tanaka answered it might
be possible.

215 Q. And then what did you do? A. Then I said to him "well
if you think it can be possibly arranged I wish you
would"; and I came to Vancouver.

216 Q. And what happened next? A. I went up to a certain
office with Mr Tanaka and I was requested to sign on
the paper, but unfortunately I cannot write it down
and also I do not know what sort of paper it was;
and Mr. Tanaka showed me the sample.

217 Q. A sample of the writing? A. A sample of the writing;
and I wrote it down very similar to that.

218 Q. But before you got to that stage did you discuss with
Mr Tanaka who you wanted to get birth certificates
for? A. For Mr Maruoka. A birth certificate for
Maruoka.

219 Q. Now do you recognize this document? Do you mean
Eikichi Maruoka? A. Yes the birth certificate for
Eikichi Maruoka.

220 Q. Well give us that last exhibit then. Did you see this
before?

COURT: What exhibit is that?

MR MATILAND: Exhibit "C" That is the family tree.

A. Yes I have seen it before.

221 Q. Whose is it? A, I don't know the name.

222 Q. Where did you see it before? A. While Mr Maruoka is
holding this paper I saw it.

223 Q. Where? A. He was in possession in my home at White-
rock.

224 Q. Well now you say you went to somebody's office? A. I did

225 Q. And Tanaka took you there? A. Yes Mr Tanaka took me down to the office.

226 Q. And he wrote out how to sign your name? A. Yes in the small papers Mr Tanaka showed me the samples, how to write it.

227 Q. And did you write it then? A. Yes, seeing the sample which was produced I wrote it down similar to that.

228 Q. Now who is Jutaro Maruoka? A. I don't know who Mr Jutaro Maruoka.

229 Q. Well look at that photostat copy of a document, at the signature and see if you wrote that? A. I think that is my writing, Yes I think it is my writing.

230 Q. And this other document? A. Yes that is also.

231 Q. And where did you sign those documents? A. Interpreter He said he signed his own writing on white paper not black like this.

232 Q. I know, but where? A. In the office.

MR MAITLAND: Is Mr Prescott here. Better bring him in, will you.

233 Q. Well it was white, but it is black when you take a picture of it, you see. were these the papers you signed in this office to get the birth certificate? A. The color is different, but I possibly signed that name.

MR MAITLAND: I am putting these in Your Worship, It is a Statutory declaration accompanying a certificate of the Registrars. Declaration being made in reference to Eikichi Maruoka, a photostat copy being certified by Mr French Deputy Registrar.

COURT: Any objection?

MR WISMER: No Your Worship.

PHOTOSTAT COPY OF STATUTORY DECLARATION AND
CERTIFICATE produced as Exhibit "E"

234 Q. Is this the man whose office you were in? A. well, it is only fifteen minutes. It is quite difficult for
20.

me to remember the face of the white man.

MR MAITLAND: Do you mind Mr Prescott staying in a minute or two?

MR WISMER: Not a bit if he enjoys it.

235 Q. Well now, did you have anything to do, do you know Jinsei Higa? A. Yes I do. He was born in Japan since I came to Canada he was born in Japan, so I do not know the face.

236 Q. Eh? A. Since I came to Canada he was born in Japan so I do not know the face at all. I have not seen it.

237 Q. Did you have anything to do about his birth certificate

A. Yes.

238 Q. What? Interpreter: Mr Maitland, regarding the Higa's birth certificate I went first place to Mr Osumi's place and next I went to Mr Tanaka's place and did the same process.

239 Q. What did you see Mr Osumi and Mr Tanaka about? Higa?

Is that two boys or just one? A. It is a grandson.

240 Q. Whose grandson? A. A grandson of my own.

241 Q. One or two? A. One grandson.

242 Q. And what is his name again? A. Noriyasu.

243 Q. Noriyasu Higa is your grandson, isn't he? A. Yes.

244 Q. Who is Jinsei Higa? A. He is a grandson also.

245 Q. Then you have two grandsons called Higa? A. More than two, he said.

246 Q. Noriyasu and Jinsei are both your grandsons, are they? A. They are grandsons.

247 Q. And where were they born? A. They were all born in Japan.

248 Q. Now did you talk to Mr Osumi about them? A. I did.

249 Q. And what did you say about them? A. I said "these two grandsons born in Japan; even so could you get any birth certificate?"

- 250 Q. And what did he say? A. Mr Osumi replied to me "it might be arranged to get it."
- 251 Q. And then what happened? A. And then I went to Mr. Tanaka's place.
- 252 Q. And what did he say? A. And I said the same question "these two grandsons born in Japan, but even so could I get any birth certificate"; and Mr Tanaka replied "it might possibly be arranged to get it."
- 253 Q. And then what was done? A. And then I came down to Vancouver.
- 254 Q. Did you have their family tree? A. Not on the occasion.
- 255 Q. You mean not on this occasion? A. No.
- 256 Q. You did go to Vancouver, did you, with Mr Tanaka? A. Oh yes I came down to Vancouver with Mr Tanaka.
- 257 Q. And where did you go? A. Mr Tanaka and Mr Hagi, Matsu went to the white man's office while I was waiting in the car parked in front of the place.
- 258 Q. Now who made out the application for the Hagi boys?
Interpreter: Which is the first name?
- 259 Q. The first one is Jinsei? A. Well I have not seen the application at all, but however I presume Mr Tanaka made it.
- 260 Q. Well where did Mr Tanaka find out all about their family tree and where they were born? A. I do not know where Mr Tanaka looked into the family tree.
- 261 Q. Did you get the certificates later, birth certificates.
A. I did; I have received the birth certificate.
- 262 Q. Who from? A. I did not go down there but Mr Maruoka and Hagi Matsu went together and bring it.

QUESTIONS by MR WISMER:

- 263 Q. Now this document here, Exhibit number "C", you say you saw this out at your home, you saw it in Maruoka's

263 Q. possession at your home? A. Yes this document in
the possession of Mr Maruoka in my house,

264 Q. And that is the only time you ever saw this document?

A. That was the first time I seen that document.

265 Q. When? A. While Mr Maruoka was in possession in my
house that was the first time I saw this document.

266 Q. When was that, about when? Was it some time this year,
or last year? A. I think it was May of 1931.

267 Q. That was the first time he ever saw it? A. That is
the first time I saw that.

268 Q. And you have never seen it again till you saw it in
the courtroom today? A. No I haven't seen.

269 Q. You only had the once in May of this year, You think?
A. Yes that is the first time I saw it about May 1931.

270 Q. Now did you ever see the family tree of the other
Hagi's, is it Hagi's? A. No I have not seen it until
I saw it here.

271 Q. Now did you go over to Mr Tanak's place with Mr
Maruoka in January? A. I did.

272 Q. Eikichi Maruoka. You went over with him in January.
and did you go in the house with him? A. Yes I went
into the house.

273 Q. Were you all in the front room together? A. Yes we
were all sitting in the front room by the side of the
table.

274 Q. And you didn't tell Mr Tanaka where Maruoka was born
did you? A. I don't know: I forget.

275 Q. You don't know; you forget. Now how long have you
lived in British Columbia Mr Hagi? A. I think it is
very likely about twenty-four years.

276 Q. Have you had any children born here? A. I have nine
ine this country, born in Canada.

277 Q. A large family.

INTERPRETER: None in Canada.

278 Q. I thought he said nine. Have you any friends that have children? A. Oh yes friends of mine have quite a many children.

279 Q. And you live in a Japanese community, do you? A. Yes I do.

280 Q. And you know they all get birth certificates, don't you for their children? A. Yes I know that on each occasion when the baby is born they have got to get a birth certificate.

281 Q. And you know they have to be born here to get a birth certificate in this country? A. Yes I know because of my grandson born in Canada gets a birth certificate from this Victoria government.

282 Q. And you have seen these birth certificates before, this kind of a document? A. Do you mean this particular...

283 Q. Well like that, a document like that? A. Yes because I have seen this because of my first daughter born in Canada I got a similar document from the Government.

284 Q. His first daughter born in Canada? A. Grand-daughter.

285 Q. So that you have seen these before? A. Oh yes I have seen it before.

286 Q. What is the name of your daughter? A. Miss Tomi Higa is the granddaughter.

287 Q. And were you present when they got the birth certificate for your granddaughter that was born here? A. I beg pardon?

288 Q. Was he present when the birth certificate was applied for for that daughter. A. Miss Tomi is not my granddaughter. I have the two grandsons, one granddaughter.

289 Q. Was he present when any of the registrations of the

births of those grandchildren were applied for? A. Yes, I was present when the two birth certificates for the grandson were applied for.

290 Q. You were present? A. I was.

291 Q. And where were the applications made? A. At Whiterock.

292 Q. And did you sign any papers then? A. I did not, the father signed the papers.

293 Q. But you were present? A. I was present.

294 Q. But was there an interpreter there? A. There was no interpreter at all; and I understood then a new application shall be fyled.

295 Q. Who filled out the application? A. Once I asked Mr. Nishiguchi at New Westminster.

296 Q. He is an interpreter, isn't he? A. Yes, he made out the paper for me.

297 Q. You went in and asked him to make up the paper for you; and Mr Nishiguchi he speaks English as well as Japanese, does he? A. Yes he can speak both languages.

298 Q. And you went in and asked him to make up this application the same as you went into Mr Tanaka about this case? A. Yes I did the same because I have a business account with Mr Nishiguchi.

299 Q. So you went in and told Mr Nishiguchi the name of the child, didn't you? A. Yes I said to him.

300 Q. And you told him where the child was born? A. Yes. I explained where the child was born.

301 Q. And you told him who the father was? A. Yes I did, who the father was.

302 Q. And who the mother was? A. And also the mother's name.

303 Q. And he made out the papers for you? A Yes, finally

Mr Nichiguchi made out the papers for me.

304 Q. And he explained to you what was in the paper? A. I don't understand whether he did explain to me the contents of the paper.

305 Q. Well was he present when they were signed by the father? A. I was not present when the document was signed, so I don't know who signed on it.

306 Q. Mr Nishiguchi gave it to you, didn't he? A. Well Mr. Nishiguchi is in possession of the form of the papers.

307 Q. Well when he filled the form in, you told us that Mr. Nishiguchi filled it in with the information you gave him, did he give that form to you then to be signed by the father? A. I don't know whether, in which way he did, but I quite presume his father went to Mr. Nishiguchi's place and signed the paper.

308 Q. Now did Mr. Nishiguchi know the father of the child?

A. Oh yes he does know that.

309 Q. Did he know him at the time you went in? A. Oh yes.

310 Q. Now have you signed many papers in English, written in English? A. Once when I came from Whiterock to Vancouver I signed some papers in the same office in Vancouver.

311 Q. Can you read English? A. No, I am sorry I cannot.

312 Q. Now these papers that you signed, was there an interpreter there? A. Oh yes Mr Tanaka was present.

313 Q. I am not talking about those papers, any other papers, not these papers in question, did he sign any other papers in English, has he signed any other papers in English? A. No I did not.

314 Q. He never has? A. No.

315 Q. You went to Mr Tanaka's house, you have told us about that, and you had certain conversation there, then you

325 Q. What was the purpose of your going to Mr. Prescott's office, did you? A. I do not know the name of the firm as a matter of fact, I went to the office.

316 Q. You went to a certain office and saw this gentleman, whoever it was, and Mr. Tanaka and yourself and Kamura -- was Kamura there in the office? A. Tanaka and I, Mr Osuma, Mr Maruoka, about four went together.

317 Q. Did you all go into the office together? A. All went to the office, Mr Tanaka and I went together to the office.

318 Q. Were the others staying outside? A. Yes they were all waiting in the car.

319 Q. Now you signed then this document, you think that is your signature on this exhibit "E", you think that is your signature, eh? A. Yes this is a circle I quite remember I made it.

320 Q. Now this paper Mr Tanaka read it over and explained it to you in Japanese, didn't he? A. Mr. Tanaka did not explain the contents by the Japanese at all.

321 Q. Did you ask him what was in the document? A. I did not ask any question at all.

322 Q. And you say now you did not know what this was about when you signed this? A. I do not know the reason, Your worship, why I am to sign on the paper; and the paper I signed was a white one.

323 Q. You knew though it was an application to register the birth of Eikichi Maruoka, didn't you? A. I don't know this is an application for Eikichi Maruoka, but simply demanded to sign on the ^{P/}aper, so I did it.

324 Q. Did you know you went up to this office for the purpose of applying for a birth certificate? A. Because I did not clearly understand this was the paper for the application. I was simply told by Mr Tanaka.

- 325 Q. What did you go up there for, to make your will or something? A. I do not know what object we were going down to the office, just simply told to come on, then I went together with them.
- 326 Q. And you had no idea what you were signing this paper for? A. I am sorry I do not know the reason I am going to sign on this paper.
- 327 Q. Now did you have any conversation with Mr Tanaka in Mr. Prescott's office, in Japanese? A. I had no conversation by the Japanese in the office.
- 328 Q. There was no conversation then, you swear, with Mr. Tanaka in Japanese in Mr Prescott's office? A. Just simply Mr. Tanaka said "sign on this paper" over, similar to the sample which he showed to me.
- 329 Q. MR MAITLAND: What language did he say that in?
- 330 Q. What language did he say that in? A. Of course he explained by Japanese language.
- 331 Q. What is that? A. He just said by the Japanese language.
- 332 Q. The Japanese language "please sign this paper" that is all that was said, is it? A. That is what he said.
- 333 Q. Is that all, or was there anything else said? A. He did not say anything at all except just to sign on it.
- 334 Q. Now do you understand English? A. I am sorry I cannot understand.
- 335 Q. You cannot understand English at all? A. Merely I understand alright some few words but I do not understand it.
- 336 Q. So you had no idea at all what you were going up to this office with Mr Tanaka for? A. I cannot positively swear the object what I am going for, but I thought it is very likely about the birth certificate, but I cannot positively swear the object I was going for.
- 337 Q. Was there any conversation between you and Mr Tanaka in

Mr. Prescott's office? A. No conversation.

338 Q. How long did you stay in Mr Prescott's office? A. It is simply a length of time I signed the paper, so it might be a very short time.

339 Q. It might be, but was it a minute or two, just a moment or two? A. It may take about three or four minutes, because I wrote it down very slowly.

340 Q. Where were these papers made out? Were you present when they were made out? A. I cannot say where this paper was made out. When I went up there it was already made.

MR MATTLAND: They were already made when he went up?

341 Q. The papers were not then made out in your presence?

A. These papers were not made up in my presence.

342 Q. Now are you a fisherman? Mr Maitland suggests that.

A. I am a farmer.

343 Q. Where do you farm? A. I am farming at Whiterock.

344 Q. Have you ever been un the coast, the coast of Vancouver Island. A. Never been down there at all.

345 Q. Have you ever been out of this district you live in now? A. Yes I live the place I am residing at present.

346 Q. Have you been living there all the years you have been here? A. Yes all the time.

347 Q. All the years he has been here, he has been here for twenty-three years? A. I think I live in the same place about nearly, over twenty-one years.

348 Q. Did you tell Mr Tanaka that Maruoka was born in Vancouver?

MR MAITLAND: That is Eikichi.

MR WISMER: Eikichi. A. I did not mention to him at all.

349 Q. You did not mention to him where he was born, is that it? A. I did not mention to Mr Tanaka the place where Mr Maruoka was born.

350 Q. Are you sure you did not tell him he was born at Union Bay? A. I did not mention, because I don't know whether I did say or not.

351 Q. You don't know whether you told Mr Tanaka or not that this man Eikichi Maruoka was born at Union Bay, do you? A. I did not speak to him at all.

352 Q. You did not speak to Mr Tanaka at all? A. I did not say anything at all to him.

353 Q. You did not say anything at all to Tanaka, that is over at the house or in Prescott's office or on the way over he said nothing to Tanaka, is that it? A. I did not mention at all, anywhere.

354 Q. Had you ever seen Mr Tanaka before the day you went to his house? Had you ever seen Tanaka before the day you went to his house? A. No I did not meet him at all.

355 Q. You did not know him at all then previously? A. I did not know him at all before.

MR WISMER: All right.

COURT: Mr McDonald.

QUESTIONS by MR McDONALD:

356 Q. Ask the witness, eh knows osuma to be a Japanese laborer?

MR MAITLAND: Let my friend put his questions as if he were cross-examining a white witness.

357 Q. Do you know Osuma to be a Japanese laborer? A. Yes, I know he is a laborer and he is a Japanese.

358 Q. Ask the witness if he knows that?

COURT: Ask him yourself Mr McDonald.

359 Q. Can Osumi read and write English? A. I do not know whether he could or not.

MR McDONALD: That is all.

MATSU HIGA,

Called as a witness, being first sworn, through Interpreter, testified as follows:

QUESTIONS by MR MAITLAND:

360 Q. Are you the father of Noriyasu and Jinsei Higa? A.

Yes I am the father of those boys.

361 Q. And where were they born? A. Those two boys born in Japan.

362 Q. When was Noriyasu born, when was he born? A. Well he is exactly nine years old, Mr Maitland.

363 Q. And when was the other fellow, Jinsei born? A. Well Jinsei is exactly two years old -- no twelve years old.

364 Q. Now do you know the accused Osumi? A. I saw him once.

365 Q. What about? A. When I went up to Mr Tanaka's place I saw Mr Osumi there.

366 Q. What about? A. Regarding the birth certificate I went to Mr Tanaka's place.

367 Q. Well who told you about going to Mr Tanaka's place?

A. Mr Maruoka went to Mr Tanaka's that week previously and I went to Mr Tanaka's place the week after.

368 Q. Did you have any talk with Osumi about it before you went to Tanaka? A. I did not have any conversation at all before I go to Mr Tanaka's place.

369 Q. Now who went with you to Mr Tanaka's? A. I went to Mr Tanaka's place with my father.

370 Q. Eh? With my father. I went to Mr Tanaka's place with my father.

371 Q. And what did you say to Mr Tanaka? A. I asked Mr

Tanaka whether the birth certificate could be obtained.

372 Q. And what did he say? A. I have heard from Mr. Tanka it could be arranged to get it, so I asked him to go ahead.

373 Q. Now do you recognize this document? A. This is my own family tree.

374 Q. What do you mean by your own family tree, what does it show? A. I am sorry, I could not read even the Japanese writing, Your worship.

375 Q. But what is it about, what does it show?

MR WISMER: How does he know if he cannot read?

A. That is what is ^{a/} called the family tree.

376 Q. Does it include these two boys Jinsei and Noriyasu.

MR WISMER: My only objection to that is he doesn't know, he can not read.

377 Q. Does he say he cannot read it? Interpreter: he cannot read it.

MR MAITLAND: Well I will pass that. My friend is right about that.

378 Q. Did you have that the day you went to Mr Tanaka's?

A. When I went to Mr Tanaka's office I took this paper with me.

379 Q. What did you do with that paper in Mr Tanaka's office?

A. I asked Mr Tanaka to look at it.

380 Q. Did he look at it? A. Yes he looked at it.

381 Q. Now did you tell Mr Tanaka where these boys were born?

A. I did.

382 Q. Then where did you go after you had been to his office?

And you gave him this family tree and told him what you wanted, what happened next? A. I came down to

Vancouver.

383 Q. Who with? A. I came down with my father and Mr Tanaka also.

384 Q. And where did you go to? A. I went to a certain white man's office.

385 what for? A. Having heard the birth certificate will be obtainable then I went to the office.

386 Q. And did you sign any papers there? A. According to the advise to sign on the paper, and I did it.

387 Q. Did you sign these two papers. I put this in as an Exhibit. This is the family tree Mr Wismer of the Higa family.

COURT: The family tree is Exhibit "F"

DOCUMENT produced as Exhibit "F"
32.

388 Q. Who made these out and put all these things in there?

A. With the family tree these papers were made in that office.

389 Q. What office? A. I don't know whose office it is at.

390 Q. Well who made it, do you know whose writing that is? nevermind, if he doesn't know, It is all right, if he doesn't know, say so. What is the answer? Hurry up please. What are you two talking about?

Interpreter: I am repeating your question, Mr Maitland.

MR MAITLAND: Maybe this is what is confusing him.

COURT: Maybe he is confused because it is a photostat.

A. Giving the family tree to Mr Tanaka I asked him to write it down for me.

MR MAITLAND: I am putting in the Statutory Declaration and Certificate of Registration of Jinsei Higa. That will be the next exhibit.

STATUTORY DECLARATION and CERTIFICATE OF REGISTRATION OF BIRTH of JINSEI HIGA produced as Exhibit "G"

391 Q. Did he sign these?

MR WISMER: Not those. Those are copies. Explain that to him Mr Ide. He doesn't understand.

COURT: You see it is a photo copy.

INTERPRETER: He is just making the confusion between white and black.

COURT: What is this Jinsei, is it?

MR MAITLAND: Noriyasu, Your Worship.

A. Yes I have signed this signature.

392 Q. Where did you sign these? I put them in as the next exhibit. A. Same office where I saw...

393 Q. At the office of the white man? A. Yes.

COURT: That will be Exhibit "H"

STATUTORY DECLARATION and CERTIFICATE OF REGISTRATION OF BIRTH OF NORIYASU HIGA produced as Exhibit "H"

394 Q. After you signed these what happened next A. After

A After signing the document we all left his office.

395 Q Did you ever get the birth certificates? A: About a week later I received the birth certificate.

396 Q Who from? A: I went to Mr Tanaka's place and I got it from him.

397 Q Is that one of them? I don't suppose he would know.

A This is the one I received in Mr Tanaka's place.

MR MAITLAND: I will put these in. The next exhibit will be the birth certificate of Jinsei and the next one a certified copy of the birth certificate signed by Mr. French, of Noryasu.

BIRTH CERTIFICATE of Jinsei Higa produced as Exhibit "I".

BIRTH CERTIFICATE of Noriyasu Higa produced as Exhibit "J".

398 Q Did you pay Mr Tanaka anything? A: I did not pay anything at all but a box of cigars.

COURT: The one of Jinsei is Exhibit "I" isn't it and Noriyasu Exhibit "J".

QUESTIONS BY MR. WISMER:

399 Q Have you any children born in this country? A: Yes two children born in Canada.

400 Q And you got a certificate like that for them, did you?

A Yes, I have the document very similar to this.

401 Q Now who made the application for those? What I am referring to, Mr Ide, is the ones of the children who were born in British Columbia. A: I asked Mr Nishi guchi at New Westminster.

402 Q And you didn't give the family tree, did you? A: No, I did not.

403 Q You simply told him where the child was born? A: I just simply told where the child was born.

404 Q And what the name was? A: Yes.

405 Q And his own name and the mother's name? A: Yes my own name and my mother's name.

406 Q And he filled out the paper for you? A: Yes Mr Nishiguchi made up the paper after he got all information from me.

407 Q And then you signed the paper? A: Yes I did sign it.

408 Q And before you signed the paper Mr Nishiguchi explained what it was about in Japanese, didn't he? A: No Mr Nishiguchi did not explain the contents of the paper.

409 Q You simply signed it and then you got your birth certificate from Mr Nishiguchi in due course? A: Yes I did.

410 Q Now did Mr Nishiguchi charge you anything for making out those applications? A: I think I paid about 75 cents for them.

411 Q Now how many children were born in British Columbia whose births were registered? A: How many children?

412 Q How many of your children the births were registered in British Columbia? A: Two children born in Canada.

413 Q And when were they born? A: The first one is three years old.

414 Q And the next one? A: Two years old next.

415 Q And when did you register their births? A: About a week after the birth took place.

416 Q Now who was with you when you say you called upon Mr Tanaka

in regard to Jinsei and this other boy, who was with him?

A I went with my father.

417 Q Who talked to Mr Tanaka about it, your father or you?

A I talked sometime and my father talked too.

418 Q Did your father tell Mr Tanaka who -- did he tell him your name

and where you lived and so on? A: Yes I told Mr Tanaka where I

am living.

419 Q And did you tell Mr Tanaka your wife's name? A: Yes I told him

my wife's name.

420 Q And where she lived? A: Yes I told Mr Tanaka she is living

at Whiterock.

421 Q You told Mr Tanaka the date that Jinsei was born, didn't you?

A Presenting the family tree, asking him to take it.

422 Q As a matter of fact you never had the family tree there at all,

did you? A: Interpreter: Pardon? at all, is that so?

423 Q I am suggesting to you you did not have the family tree there

at all, that he asked you these questions? A: When I went to

Mr Tanaka's place and asked for the birth certificate I carried

A I do not.

the family tree with me.

424 Q How long were you in Mr Tanaka's place that time? A: I was there about one or two hours.

425 Q One or two hours. What time of day did you go there?

A I went there in the morning, forenoon.

426 Q Well, do you know what time? A: I think it was on or about 9 or 10 o'clock.

427 Q Mr Tanaka says you were only in his house about five minutes.

COURT: What does he say?

MR WISMER: I would like to have it noted on the record that he doesn't answer. I would like to have it noted on the record that this witness is taking about five minutes to answer the question and yet hasn't answered it.

COURT: Does he understand the question?

INTERPRETER: Yes, I think Your Worship it is a very simple question and it is fully explained.

428 Q That is so, that is true, isn't it? You were only in there a very few minutes? A: I went down there about 9 o'clock and I think I spent about an hour anyhow.

429 Q You think you spent about an hour anyhow?

MR MAITLAND: You have got an answer now.

MR WISMER: Yes I finally got that answer.

430 Q As a matter of fact you told Mr Tanaka that this child Jinsei was born in Whiterock, didn't you? A: No I did not mention that.

431 Q Are you sure about that? A: Because he born in Japan; so I said to him he born in Japan.

432 Q You said to him he was born in Japan? A: Yes I did.

433 Q Did you mention Whiterock at all? A: No I did not mention Whiterock at all.

434 Q You say you never mentioned Whiterock at all, is that so?

A I said to him simply he born in Japan.

435 Q In your conversation with Tanaka did you mention Whiterock at all?

A I did not mentioned at all, I did not mention Whiterock at all.

436 Q Do you understand English? A: I do not.

437 Q Did you have any conversation with Mr Tanaka while in Mr Prescott's office?

A: Mr Tanaka simply said to me "sign on the paper" which I did.

438 Q There seems to be a remarkable unanimity of opinion, as to what was said. Did you say anything else in Japanese to Mr Tanaka or did he say anything else to you while in Mr Prescott's office?

A While making the paper Mr Tanaka said to me simply "sign on the paper".

439 Q And that is all the conversation there was in Mr Prescott's office regarding the matter, is it? A: That is all what he said.

440 Q That is all what he said. Was Whiterock mentioned at all in Mr Prescott's office? A: I ^{said} simply Whiterock. in Council?

441 Q You said Whiterock? A: I did.

442 Q And that was when Mr Tanaka asked you where this boy was born,

wasn't it? A: No, that is not so.

443 Q So that all the conversation there was -- to make this clear now --

in Japanese between Mr Tanaka and you in Mr Prescott's office was

that you simply said Whiterock and Mr Tanaka said "sign here".

Interpreter: Shall I repeat the question again?

MR WISMER: Well, what is his answer.

A That is all. it says this "and I make this solemn declaration

444 Q Did Mr Tanaka read this paper over to you in Japanese, these

two exhibits where you made an application and signed them?

Interpreter: Yes he says "white paper".

445 Q Did he read over the white paper to you, which you signed, in

Japanese? A: Mr Tanaka explained the meaning of the contents

446 Q Oh Mr Tanaka did explain the meaning of the contents of the

paper? A: No he did not explain the meaning of the contents

447 Q He didn't? A: No he did not.

MR WISMER: All right.

COURT: Mr McDonald?

MR McDONALD: No questions.

COURT: Did you put this form in. You have both alluded to this form.

MR MCKAY: All right, Your Worship, this is a blank.

COURT: Exhibit "K".

BLANK FORM produced as Exhibit "K".

J. W. PRESCOTT, called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR MAITLAND:

448 Q Mr Prescott you are a notary public appointed in the Province of British Columbia by the Lieutenant Governor in Council?

A I am.

449 Q And have had a commission for how long? A: For about 25 years.

450 Q And that commission was in good standing on the 25th of January 1931? A: Yes.

451 Q And on the 19th of January 1931? A: Yes.

452 Q In fact during the whole of 1931? A: Yes.

453 Q First I produce Exhibit "E" Mr. Prescott, which is a certificate in relation to the birth of one Eikichi Maruoka, and at the bottom of it it says this "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 and it is signed Jutara Maruoka before J. W. Prescott. Is that a photostat copy of your signature?"

A That is my signature.

454 Q And attached to that Mr Prescott is the Certificate of registration. Have you seen that before? A: That is not my writing but I presume it was attached to this.

455 Q Now do you know whose writing this declaration is in, the body of it? A: Do you mean this portion?

456 Q Yes. A: That is mine.

457 Q And do you know whose writing the other document is made out in?
A No.

458 Q Now do you remember the signing or taking of that declaration?
Do you remember the taking of the declaration? A: I presume

I took it, but I do not recall the man.

459 Q Now look at Exhibit "H", another declaration in relation to
Npriyasu Higa before J. W. Prescott, do you remember taking that?

A That is my writing.

460 Q I say do you remember taking it Mr Prescott? A: Well I took it,
that is all I can say.

461 Q Well do you remember who signed it? A: The man making the
declaration I presume signed it.

462 Q Now I want the old grandfather to stand up with the white hair.

Stand up. Do you remember seeing him in your office? A: No.

463 Q You do not recognize him at all? Sit down. The next one.

COURT: The second man (stands up).

464 Q Just one or two questions Mr Prescott. You have had a great
A Well I wouldn't remember these men. This is the 19th of January
many cases where you have sworn affidavits for foreigners where
1931. I don't think I would remember those men.

464 Q Do you remember this other man that is standing up now?

A The centre one?

465 Q And there is not any doubt then, is there Mr Prescott, that if a

465 Q Yes. A: No.

466 Q Do you know the accused Tanaka? A: Oh I know Mr Tanaka well, yes.

467 Q Did you see him in January in your office? A: Yes.

468 Q Do you remember what about? A: Well I presume these men were

brought in by Mr Tanaka.

469 Q Either you would explain to the man in English or if he couldn't

469 Q But you cannot recollect the details? A: No.

470 Q Are you familiar with Mr Tanaka's handwriting? A: Well I have

seen it. I think I would know it.

471 Q Would you look at Exhibit "E" the first document, the certificate

there. A: I think that is his, simply because he is such a good

writer, I recall.

472 Q Exhibit "H". A: Part of that is mine.

473 Q "H"? A: Yes.

474 Q Which part is yours?

A: That is my writing.

475 Q "At Vancouver" below you filled in and also in the last Exhibit "in Vancouver" is yours, because it is bigger writing than this writing?

A: Yes.

476 Q Well who was the other done by? A: I would not say; it looks like Tanaka's, I presume it is his.

477 Q Now do you remember taking this declaration in reference to Jinsei Higa. That Your Worship is Exhibit "G"? A: Well that is my signature.

478 Q And the filling in the jurat is your writing? A: Yes.

479 Q Now look at the certificate attached to that, whose writing is that in, can you say? A: The certificate is mine.

480 Q What about the other? A: I don't know.

MR MAITLAND: All right Mr. Prescott. Mr. Wismer.

QUESTIONS BY MR WISMER:

481 Q Just one or two questions Mr Prescott. You have had a great many cases where you have sworn affidavits for foreigners where you have to have interpreters? A: Oh yes, it is going on all the time.

482 Q And there is not any doubt then, is there Mr Prescott, that if a Japanese who cannot speak English comes into you to swear a

declaration you insist upon having it read over by an interpreter in Japanese? A: Those were read over I presume.

483 Q There is no question? A: No, read over, and explained.

484 Q Either you would explain to the man in English or if he couldn't talk English Mr Tanaka acting as interpreter would read it over to him and carefully explain it? A: I would say yes to that.

485 Q Well that would be your instructions to him, wouldn't it?

A: Yes.

486 Q You would not take a declaration by a man who didn't know what was in the document, naturally? A: No.

487 Q So there is no question in your mind that Mr Tanaka read these documents over in Japanese to these men before they signed it?

A Yes.

COURT: Mr McDonald?

MR McDONALD: No questions.

MR MAITLAND: I want to tell Mr Wismer that Detective Sergeant McGibbon seized some other papers, and I have not decided to put them in and I don't want to put them in. Is that satisfactory?

MR WISMER: That is satisfactory.

MR MAITLAND: If I decide to put them in it will be at the trial, if there is a trial.

MR WISMER: You can let me know.

MR MAITLAND: I call Sergeant Sampson.

DETECTIVE SERGEANT L. J. SAMPSON, called as a witness, being first

sworn, testified as follows:

QUESTIONS BY MR MAITLAND:

488 Q You are a sergeant on the Royal Canadian Mounted Police force station in the Vancouver division? A: I am.

489 Q Division what? A: "A" Division, City of Vancouver.

MR MAITLAND: Before I forget it will you admit that Mr Prescott's office is in the City of Vancouver, Mr Wismer?

MR WISMER: Oh yes.

490 Q You know that Sergeant Sampson that Mr Prescott's office is in the City of Vancouver? A: I do, I visited it quite recently.

MR MAITLAND: And that these declarations were taken there.

MR WISMER: Certainly, that is all right. You can prove it later on, but it is quite all right. There is no question about that.

491 Q Did you arrest Osumi? A: I did on the 30th of October last.

492 Q When was he charged? A: He was charged the same day.

493 Q And after he had been arrested, what happened, did he obtain bail? A: He obtained bail, yes.

494 Q And after he obtained bail did you see him then? A: On the 3rd of this month, that is November, Osumi came to my office accompanied by his brother-in-law Mr. Ogato and informed me that

he wished to make a statement to me regarding the case now before the court.

495 Q Previous to that time when he was charged was he warned?
A He was.

496 Q But this had nothing to do with that occasion at all; you say this was later?
A: This was later.

497 Q After he was released on bail he came and said he wanted to make a statement?
A: Yes.

498 Q What did you do when he said that?
A: Well I had Mr Y. Kan who is an interpreter present and I asked him if he was aware of what he intended to do. I warned him again, gave the full warning again that whatever he may say may be taken down in writing and used as evidence against him at his trial; and that language.

499 Q Then you had the statement taken down and was it signed by him?
A Yes, 3rd of November. This is November now we are in.
A It was typed, taken down in shorthand, typed and signed in my presence.
500 Q Did you see him on the 3rd of November?
A Yes sir.

MR MAITLAND: Now I will just have it marked for identification at this stake.

501 Q And what were the circumstances, what happened at that stake?
A Well he just asked me to take him down to Mr Sampson's office to take a statement and signed, and you as a witness?
A: The statement was taken on November 3rd 1931, at Vancouver B. C.

502 Q and it is signed by K. Osumi and witnessed by L. J. Sampson, that is myself, and Y. Kan interpreter.

STATEMENT MARKED FOR IDENTIFICATION EXHIBIT L.

503 Q Well did you give him a warning at that time?
A: No sir.
504 Q Now was that statement after it had been taken down by the stenographer read over to this man?
A: It was read over by the interpreter Mr Kan.

MR MAITLAND: We had better call the stenographer. Do you want to cross-examine?
A: No yes.

MR WISMER: No all our rights are reserved anyway. There is no object wasting the time here going into that.

COURT: No. Have you finished with Detective Sergeant Sampson?

MR MAITLAND: Yes. Kan.

MR WISMER: I want to ask him a couple of questions: -

Witness aside.

YISHA KAN, called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MAITLAND:

502 Q What is your name? A: Yishi Kan.

503 Q And what is your occupation? A: My occupation is interpreter.

504 Q Of what languages? A: English and Japanese.

505 Q You are familiar then with the English language? A: Yes, sir.

506 Q And the Japanese language? A: Well most I use the Japanese language.

507 Q Do you know the accused man Osumi? A: Yes sir.

508 Q Now did you see him on the 3rd of November of this year?

A Yes sir. November.

509 Q Yes, 3rd of November. This is November now we are in.

A Yes sir.

510 Q Did you see him on the 3rd of November? A: Yes sir.

511 Q And what were the circumstances, what happened at that time?

A Well he just asked me to take him down to Mr Sampson's office to hear and tell him everything. So I just act as interpreter for him.

512 Q And when you got down to Mr Sampson's office what was said?

A Well he just told us the whole truth.

513 Q Well did you give him a warning at that time? A: No sir.

Warning? A: Yes sir.

514 Q Yes. A: Yes I did.

515 Q What did you say in the warning? A: Well just his responses.

516 Q Did Mr Sampson tell you what to say? A: No yes.

517 Q And did you interpret what Mr Sampson told you what to say?

A Yes sir.

518 Q Have you got a copy of that? Do you know what it was?

A No I have not.

519 Q But did you interpret to him everything that Mr Sampson told you to interpret as a warning? A: Yes sir.

520 Q You did that? A: Yes sir.

521 Q And after that what? What happened after that? A: Well Mr Sampson asked him all kinds of questions and he gave questions.

522 Q And then what? A: Well then he make up his statement and I just translate it into Japanese and explain it to him.

523 Q Was there a stenographer there taking it down? A: I beg pardon?

524 Q Was there a stenographer there? A: Yes.

525 Q Now after the statement was taken down what was done, was it written out? A: Yes.

526 Q And after it was written out what happened then? I am talking about this statement now, was this the statement written out by the stenographer?

COURT: I think you missed it Mr Maitland. He has already said that.

Then he said he interpreted it into Japanese. He said that just a moment ago.

527 Q Do you understand my question. I dont want you to read that all over. Did you interpret that statement? A: Yes sir I did.

528 Q After it was written? A: Yes.

529 Q After that was typewritten did you read it over to the accused?

A Yes sir.

530 Q And did he understand it? A: Yes sir.

531 Q He seemed to understand it? A: Yes sir.

532 Q And then did you get him to sign it? A: Yes sir.

533 Q And that is the statement, is it? A: Yes sir.

MR MAITLAND: Now we will put that in Your Worship.

COURT: All right, that will be Exhibit "L".

STATEMENT produced as Exhibit "L".

534 Q Now did you check this diary over, these entries in the diary?

SERGEANT SAMPSON: No he didn't translate that.

COURT: Do you want to cross-examine?

MR WISMER: No I want to ask Mr Sampson a couple of questions.

DETECTIVE SERGEANT L. J. SAMPSON, called as a witness, being already sworn, recalled by Mr. Wismer.

QUESTIONS BY MR WISMER:

535 Q When did you first see Mr Maruoka, Mr Sampson? A: It was during the, I believe it was on the 10th of January last.

536 Q Was he in your office at that time? A: Yes he called at our office at that time.

537 Q Was Nagao with him? A: Yes.

MR MAITLAND: Who are you talking about?

MR WISMER: This man Maruoka.

538 Q Did you know when Mr Nagao got this \$25 from him? A: No I didn't know anything about that \$25 till about somewhere round the 1st of October of this year.

539 Q As a matter of fact you have now seen the receipt given by Mr. Nagao to Mr Marouka for \$25? A: Yes.

540 Q You have that in your possession, have you? A: Yes.

541 Q That can be produced later? A: Yes.

542 Q It is here in your Vancouver office? A: Well it is on the records.

543 Q Is Mr Nagao still employed as an interpreter? A: Mr Wismer I am not certain whether that is on the files in Vancouver.

544 Q Is he still in the employ? A: No.

545 Q Since when? A: I don't know the date of his discharge. It is within the past month or so.

546 Q When did you first hear about this receipt? A: It was after Marouka's arrest. He was arrested under the Immigration Act by me.

547 Q It would be sometime in the early part of October 1931? A: Yes.

548 Q Did you tell Mr Marouka that he would be safe, he would be allowed to stay here? A: I certainly did not. I made him no promise whatsoever.

549 Q Did you suggest that you might do what you could do to have him remain here? A: No, that is one thing when dealing with Japanese, I never make them any promise whatever.

550 Q You heard what he said there. Did you make any suggestions from which he could draw the conclusion? A: No none so ever. The Only thing he said "when will you hear further about that?" and I said "the whole case is placed before the Minister of Immigration."

551 Q But you gave him no assurance you would do anything for him?
A None whatsoever.

COURT: Mr McDonald?

MR McDONALD: No questions.

MR MAITLAND: That is all thank you.

JUSAN TENNING, called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. MAITLAND:

552 Q Your name is what? A: Jusan Tenning.

553 Q Now have you looked over this diary? A: Just part of it.

554 Q Well have you looked over certain entries of February the 6th 1931, January the 26th 1931, January the 19th 1931 and January the 16th 1931? A: I did.

555 Q And you have seen this English translation of these entries in the diary of Tanaka? A: Yes I did.

556 Q And is that a correct interpretation of these entries?
A I made the translation at the request of Sergeant Sampson.

557 Q Is it correct? A: Yes that is correct.

MR MAITLAND: Well that is all I want to know.

COURT: Are you putting that in?

MR MAITLAND: I am putting that in next after the last Exhibit.

COURT: That will be Exhibit "M".

EXTRACTS FROM DIARY PRODUCED AS EXHIBIT "M"
MR MAITLAND: In the last exhibit I overlooked reading it, Exhibit "L" but it is this statement made by the accused Osumi, which bears out all of the allegations that the Crown has made.

COURT: I don't need to read it, there is enough evidence.

MR MAITLAND: And the diary entries are the entries made by the accused Tanaka which corroborates the dates of the visits sworn to by these other Japanese this afternoon. That is our case.

MR WISMER: I would like to adjourn the formal committal.

COURT: That is all right. I think I had better read over this to him. Now will you interpret this. Ask them to stand up. Mr. Tanaka

understands. 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 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 WISMER: Defence reserved.

INTERPRETER: Defence reserved.

COURT: You are not calling any witnesses?

MR WISMER: No witnesses.

COURT: Then I will defer the formal committal to what date?

MR WISMER: I would like a week.

MR MAITLAND: The 24th will not suit you?

MR WISMER: I may be in Westminster Assizes.

COURT: I will adjourn these cases to the 26th.

Adjourned to Nov. 26th.

MR ORR: Take the case of Tanaka and Osumi please.

MR McDONALD: I appear for Osumi.

COURT: Are you ready Mr Wismer?

MR WISMER: Yes.

COURT: Well I read the warning to these men the other day.

MR WISMER: Yes.

COURT: I will commit you for trial to the next 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.

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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 Tokichi Tanaka and Kanpei Osumi.

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 23rd day of December A.D. 1931.

W. M. McKay

Police Magistrate.

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

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

The Jurors for our Lord the King present that 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 thirty-one and the first day of March, in the year of our Lord one thousand nine hundred and thirty-one, TOKICHI TANAKA and KANPEI OSUMI did unlawfully conspire together and with EIKICHI MARUOKA, MATSUJO HIGA, MATSU HIGA and divers other persons to the Jurors aforesaid unknown to commit an indictable offence, to wit, to knowingly, wilfully and corruptly make untrue statements in solemn declarations required or permitted to be made by the laws of the Province of British Columbia, for the purpose of verifying the matters, facts and things concerning the date, place and other circumstances of the births of Eikichi Maruoka, Noriyasu Higa and Jinsei Higa, 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.

ATTORNEY-GENERAL.