

PABC

1937

69/37

Spring Assizes.

Kamloops.

REX

VS.

Yashiro Kamachi.

Offence *Mischief*

CROWN BRIEF.

guilty

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

200-236-7304

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

CANADA,
Province of British Columbia,
County of Yale,
City of Kamloops.

R E X

vs.

YASHIRO KAMACHI.

CHARGE.

YASHIRO KAMACHI stands charged -

THAT, on the Chase Reserve in the County and Province
aforesaid on the seventh day of November in the year of Our
Lord One Thousand Nine Hundred and Thirty-six, YASHIRO KAMACHI
wilfully, without legal justification or excuse and without
colour of right did damage one cow, the property of Pierre
Joseph, by then and there wounding the said cow, 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.

ATTORNEY-GENERAL.

I N D E X.

INFORMATION AND COMPLAINT.

REX V. YASHIRO KAMACHI

CANADA:
PROVINCE OF BRITISH COLUMBIA
COUNTY OF YALE

Page No.

The information and complaint of Pierre Joseph of
INFORMATION AND COMPLAINT

Chase Reserve, in the said County of Yale (Farmer), taken at
(Occupation.)

Deposition of DOUGLAS SPAMOLA DUNCAN one thousand nine hundred and thirty six before the undersigned, one of His Majesty's Stipendiary Magistrates in and for the said County 1 ✓

Deposition of DAVID PAUL 2 ✓

Deposition of NORMAN OSBORNE DEWITT of Yale who said that 3 ✓

Deposition of PIERRE JOSEPH 4 ✓

Deposition of ELIZA SOULLE without colour of right, did cause 5 ✓

damage one cow, the property of Pierre Joseph, by then and there wounding the said cow, and there wounding the said cow.

STATEMENT OF THE ACCUSED

MAGISTRATE'S CERTIFICATE AUTHENTICATING DEPOSITIONS

His X mark.

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

Section 310(b) 11 of the Criminal Code of Canada.

TAKEN and sworn before me, the day and year and at the place above mentioned.

"Edward Beatty"

a Stipendiary Magistrate in and for the

said County of Yale in the Province

of British Columbia.

INFORMATION AND COMPLAINT.

CANADA:
PROVINCE OF BRITISH COLUMBIA
COUNTY OF YALE
PROVINCE OF BRITISH COLUMBIA
COUNTY OF YALE

The information and complaint of Pierre Joseph of Chase Reserve, in the said County of Yale (Farmer), taken of (Occupation.) this 12th day of November, in the year one thousand nine hundred and thirty six before the undersigned, one of His Majesty's Stipendiary Magistrates in and for the said County of Yale at Chase, in the said County of Yale who saith thatence YASHIRO KAMACHI on the 7th day of November, 1936, on the Chase Reserve, in the County of Yale, wilfully, without legal justification or excuse, and without colour of right, did excuse, damage one cow, the property of Pierre Joseph, by then and there wounding the said cow, and there wounding the said cow.

Contrary to Section 510(b) ii of the "Pierre Joseph" Canada

His X mark.

The said deponent saith on his oath (or affirmation E.B. follows:

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

Section 510(b) ii of the Criminal Code of Canada.

Wit. TAKEN and sworn before me, the day and year and at the place above mentioned.

"Edward Beatty"

A. Yes. a Stipendiary Magistrate in and for the

Q. Where does he live said County of Yale in the Province of British Columbia.

A. In August Soulie place on Chase Reserve.

Q. Is this close to where you live Soulie place.

A. Pretty close about 200 yards.

Q. Do you remember November 7

A. Yes last Saturday 1936 Nov. 7, 1936

Q. Did you see the Accused that day

A. Yes about 8 a.m.

I heard about 8 a.m. some person swearing, I saw the
Accused holding a double bitted axe, there was a big bunch
of cattle close to the fence at my line, the cattle were on
the Accused place, he ran after them and threw the axe at
the cattle, the cow jumped and ran up
a hill, he picked up the axe and threw it again at the

DEPOSITION OF A WITNESS.

CANADA:
PROVINCE OF BRITISH COLUMBIA
COUNTY OF YALE

THE deposition of Douglas Spamiola Duncan, David Paul,
of Chase,
Norman Osborne DeWitt and Pierre Joseph, taken before the
undersigned, a Stipendiary Magistrate for the said County of
Yale this 12th day of November, in the year of our Lord one
thousand nine hundred and thirty six, at Chase in the presence
and hearing of YASHIRO KAMACHI, who stands charged for that on
the 7th day of November, 1936, on the Chase Reserve, in the
County of Yale, wilfully, without legal justification or excuse,
and without colour of right, did damage one cow, the property
of Pierre Joseph, by then and there wounding the said cow.
Contrary to Section 510(b)ii of the Criminal Code of Canada

His mark.

The said deponent saith on his oath (or affirmation) as follows:

YOSHITARO UEYAMA

Wit.
Wit.

DOUGLAS SPAMIOLA DUNCAN duly sworn:--
Lives at Shuswap in the Chase I. Reserve.
Occupation - Farmer

Q.

Where do you know the Accused

A.Q.

Do you know this man the Accused.

Q.A.

Where does he live

A.Q.

In August Soule place on Chase Reserve

Q.A.

Is this close to where you live Soule place.

A.Q.

Pretty close about 200 yards

Q.A.

Do you remember November 7

A.Q.

Yes last Saturday 1936 Nov. 7, 1936

Q.A.

Did you see the Accused that day

Q.A.

Yes about 8 a.m.

A.

Q. I heard about 8 a.m. some person swearing, I saw the
A. I saw Accused holding a double bitted axe, there was a big bunch
of cattle close to the fence at my line, the cattle were on
Q. At the Accused place, he ran after them and threw the axe at
A. the cattle he hit a black cow the cow jumped and ran up
a hill, he picked up the axe and threw it again at the
cattle from a distance of about 10 feet he hit another
cow a white faced bay colored one, the cow went away
limping, I said to the accused to stop and not do it any
more, he paid no attention to me but kept on swearing and
I picked up the axe and ran after the cattle again. I met
the Accused coming back from the house, I tell the Accused
My friend you will get 6 months for that business, he said
all right, all right no more. to Yesterday November 11th I
saw Pierre Joseph looking for a black cow I also went to
look for her, I found her in the ditch on the Accused
property the cow was dead, the dogs had eaten part of the
belly, I told Dave Paul to tell the Policeman.

Sgd. d. Douglas Spaniola Duncan

HXs Mark.

His mark.

"Edward Beatty S.M."
"Edward Beatty, S.M."

*Identify
red cows
as Joseph's*

NORMAN OSBORNE DEWITT - Provincial Police -
DAVID PAUL duly sworn to - Chase British Columbia

Wit.
Wit.

On November 10th 1936 it was reported to me by Chief
Where do you live
Q. Francis Sampaio that Yashiro Kamachi was chasing a herd
A. Chase Indian Reserve
of cattle off of property leased by Yashiro Kamachi on the
Q. Do you know this man the Accused.
A. Chase Indian Reserve and had wounded a cow belonging to
Yes I know him
Q. Pierre Joseph and that he wished me to investigate, the
Where does the Accused live
A. same morning I proceeded to Pierre Joseph place where I saw
He lives on the Reserve on August Soulle place.
Q. a red cow with a white face tied up in the field, this cow
Is this close to where you live
A. Is this close to where you live
Q. had a cut about 3 inches long on the left rump bone, this
About 1 mile
A. cut looked as though it had been done by some sharp instru-
ment
Q. Do you remember Saturday Nov. 7, 1936
A. Chase Indian Reserve is situated near Shuswap in the
Province of British Columbia. November 12th
County of Yale

Q. Where were you that day about 8 a.m. upon which the
A. I was fixing a stack fence about 300 hundred yards away from
the Accused house.

"N.O. DeWitt"

Q. Did you see the Accused at that time Beatty S.M."

A. I saw him. I saw the cattle coming towards the stack and

Wit. there was a man behind them, the cattle passed about 20 feet
away from the stack where I was working and I saw the Accused

Q. What is your name Where do you live
A. Chase Reserve
Q. Do you remember November 10th

A. Yes I remember
Q. I didn't say any more, he drove the cattle out through the

Q. Do you remember the Police looking at a cow tied up at your
gate, when the cattle passed by me I saw a red cow with a

A. white face was bleeding from a cut on the left hip, I did
Yes.

Q. not know who the cow belonged to at the time, last night

Q. Who did the cow belong to

A. Nov. 11th I saw the same cow tied up in the barn at Eddie

A. My own cow

Q. Micheal place the cow belongs to Pierre Joseph, I looked

Q. Did you see any wounds on the cow, when the cow came home

A. at the cut on the cow's hip you or your mother

A. The cow was cut on the hip

David Paul

Q. Where was your cow feeding

A. On the Indian Reserve Sgd. X

Q. What did the cow look like

A. Red with a white face His Mark.

Q. "Edward Beatty S.M."

A. Red with a white face

Q. "Edward Beatty S.M."

A. Red with a white face

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A. Red with a white face

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A. Red with a white face

Q. "Edward Beatty S.M."

A. Red with a white face

Q. "Edward Beatty S.M."

A. Red with a white face

Q. "Edward Beatty S.M."

A. Red with a white face

Q. "Edward Beatty S.M."

A. Red with a white face

NORMAN OSBORNE DEWITT - Provincial Police -
Stationed at Chase British Columbia

Wit.

On November 10th 1936 it was reported to me by Chief
Francis Sampolia that Yashiro Kamachi was chasing a herd
of cattle off of property leased by Yashiro Kamachi on the
Chase Indian Reserve and had wounded a cow belonging to
Pierre Joseph and that he wished me to investigate, the
same morning I proceeded to Pierre Joseph place where I saw
a red cow with a white face tied up in the field, this cow
had a cut about 3 inches long on the left rump bone, this
cut looked as though it had been done by some sharp instru-
ment Chase Indian Reserve is situated near Shuswap in the
County of Yale Province of British Columbia. November 12th

Wit.

1936 Pierre Joseph laid the Information upon which the
Accused is now appearing

Q.

A.

Chase Reserve

"N.O. DeWitt"

Q.

Who do you live with

"Edward Beatty S.M."

A.

My mother

Wit.

Anyone else PIERRE JOSEPH: duly sworn.

A.

Yes, Kamachi

Q.

What is your name Where do you live

A.

Is that the Accused.
Chase Reserve

A.

Yes.

Q.

I do not know what happened; Kamachi was splitting
Do you remember November 10th

A.

Yes I remember

Q.

wood outside on Saturday before 9 a.m. and I saw the cows in
the field, and I told Kamachi that the cows were in the field
Do you remember the Police looking at a cow tied up at your
place and he went over and chased the cows, he took me with
him, he chased the cows out of the field and I was watching

A.

Yes.

Q.

him and then he came back and went to the root cellar

Q.

Who did the cow belong to

Q.

How long has the defendant been living with you

A.

My own cow

A.

About 2 years

Q.

Did you see any wounds on the cow, when the cow came home

Q.

Who does the place belong to, you or your mother

A.

The cow was cut on the hip

A.

My mother

Q.

Where was your cow feeding

Q.

How much rent does the defendant pay

A.

On the Indian Reserve

Q.

Ten dollars an acre per year

Q.

What did the cow look like

A.

Red with a white face

Eliza Soule

Pierre Joseph

Her Mark.

X

"Edward Beatty S.M."

His Mark.

"Edward Beatty S.M."

Wit.

ELIZA SOULLE: duly sworn -

Q. Where do you live

A. Chase Reserve

Q. Who do you live with

A. My mother

Q. Anyone else live in the same house

A. Yes, Kamachi

Q. Is that the Accused.

A. Yes. I do not know what happened; Kamachi was splitting wood outside on Saturday before 9 a.m. and I saw the cows in the field, and I told Kamachi that the cows were in the field and he went over and chased the cows, he took the axe with him, he chased the cows out of the field and I was watching him and then he came back and went to the root cellar

Q. How long has the defendant been living with you

A. About 2 years

Q. Who does the place belong to, you or your mother

A. My mother

Q. How much rent does the defendant pay

A. Ten dollars an acre per year

Eliza Soulle

X

Her Mark.

"Edward Beatty S.M."

presence, the said YASHIRO KAMACHI is now addressed by me as follows:-

(Usual form)

Whereupon the said YASHIRO KAMACHI saith as follows:-

TAKEN before me, at Chase, the day and year first above mentioned.

"Edward Beatty"

Stipendiary Magistrate in and for
the County of Yale Province of
British Columbia

STATEMENT MADE BY ACCUSED YASHIRO KAMACHI.

Last Saturday morning November 7th before 9 a.m. an Indian woman wanted me to split some wood and that woman told me cattle are coming. I thought the fence or gate must be broken so I take the axe, I ran over to the turnip CANADA: PROVINCE OF BRITISH COLUMBIA. COUNTY OF YALE and threw the turnip tops to the cattle and I chased the cattle by the haystack out to the gate, and the cattle all ran out of the gate, at that time David Paul was fixing a fence around the haystack. I stopped two or three minutes and talked to him and he answered me back. David Paul got mad and told me why do you drive the cattle close to my stack, why don't you kill the cows. I chase all the cattle out of the gate and I shut the gate and then I went back to the house afterwards I was going to the root cellar and I met a man named Douglas Duncan. Duncan told me if you throw anything at the cattle you will have to go to Jail. I was busy and did not have time to talk to him. I told Duncan that I knew it was wrong for anyone to cut or maim cattle and that I never did that, I went to the root cellar and then I went home. I then went out again to put my onions in sacks.

YASHIRO KAMACHI stands charged before the undersigned, Edward Beatty, one of His Majesty's Stipendiary Magistrates in and for the County aforesaid, this 12th day of November, in the year of our Lord one thousand nine hundred and thirty six for that the said YASHIRO KAMACHI, on Saturday the 7th day of November, in the year of our Lord one thousand nine hundred and thirty six, on the Chase Reserve, in the said County of Yale, wilfully, without legal justification or excuse, and without colour of right, did damage to one cow, the property of Pierre Joseph, by then and there wounding the said cow. Contrary to Section 510 (b) ii of the Criminal Code of Canada And the said charge being read to the said YASHIRO KAMACHI and the witnesses for the prosecution, Douglas Spamola Duncan, David Paul, Norman O. DeWitt and Pierre Joseph Being severally examined in his presence, the said YASHIRO KAMACHI is now addressed by me as follows:-

(Usual form)

Whereupon the said YASHIRO KAMACHI saith as follows:--

TAKEN before me, at Chase, the day and year first above mentioned.

"Edward Beatty"

Stipendiary Magistrate in and for
the County of Yale Province of
British Columbia

STATEMENT MADE BY ACCUSED YASHIRO KAMACHI.

Last Saturday morning November 7th before 9 a.m. an Indian woman wanted me to split some wood and that woman told me cattle are coming in my turnip field I thought the fence or gate must be broken so I take the axe, I ran over to the turnip field and threw the turnip tops to the cattle and I chased the cattle by the haystack out to the gate, and the cattle all ran out of the gate, at that time David Paul was fixing a fence around the haystack I stopped two or three minutes and talked to him and he answered me back, David Paul got mad and told me why do you drive the cattle close to my stack, why dont you kill the cows, I chase all the cattle out of the gate and I shut the gate and then I went back to the house, afterwards I was going to the root cellar and I met a man named Douglas Duncan, Duncan told me if you throw anything at the cattle you will have to go to Jail, I was busy and did not have time to talk to him, I told Duncan that I knew it was wrong for anyone to cut or maim cattle and that I never did that, I went to the root cellar and then I went home; I then went out again to put my onions in sacks.

"Yashiro Kamachi"

"Edward Beatty S.M."

Deputy Registrar in and for
the County of Yale Province
of British Columbia.

MAGISTRATE'S CERTIFICATE AUTHENTICATING DEPOSITIONS.

THE DEPOSITIONS of

Douglas Spamola Duncan

David Paul

N.O. DeWitt

Pierre Joseph

written on the several sheets of paper, to the last of which my signature is annexed, were taken in the presence and hearing of YASHIRO KAMACHI and signed by the said

Douglas Spamola Duncan

David Paul

N.O. DeWitt

Pierre Joseph

respectively in his presence. In witness whereof I have in the presence of the said YASHIRO KAMACHI signed my name.

"Edward Beatty"

a Stipendiary Magistrate in and for
the County of Yale Province
of British Columbia.