
PABC
419

Vancouver
Spring Assizes 1914

219

30

Rex

vs

Paparielli

Resisting to escape
[illegible]

Crown Brief.
1914
May 22
5/6/14
Traversed to March Assizes
Same Bail

A.L. Taylor

A.L.T.
May Procedure taken
may be altered by
Crown witness

A.L. Taylor

R E X

V S

F R O R I N T O P A P A R E L L I

D E P O S I T I O N S.

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 E.E.Robinson of City of Vancouver taken the 22nd day of April in the year of our Lord One thousand nine hundred and fourteen before the undersigned, H.C.Shaw Esq., Police Magistrate and one of His Majesty's Justices of the Peace in and for the said City of Vancouver, who says that at the said City of Vancouver on the 18th day of April A.D. 1914, Frorinto Paparelli did unlawfully assist a person, to wit; Francisco, who had been a party to an offence, to wit; that of theft of $6.75 the property of D. Matheson, in order to enable the said Francisco to escape, knowing the said Francisco to have been a party thereto.

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

E.E.ROBINSON.

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

H.C.Shaw.

Police Magistrate.

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

H.C.Shaw.

Sec. 71

v 192

STATEMENT OF THE ACCUSED.

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF VANCOUVER
CITY OF VANCOUVER

FRORINTO PAPARELLI stands charged before the undersigned H.C.Shaw Esq., Police Magistrate, and one of His Majesty's Justices of the Peace in and for the County aforesaid, this 23rd day of April in the year of our Lord one thousand nine hundred and fourteen, for that the said Frorinto Paparelli on 18th day of April A.D. 1914 at the City of Vancouver did unlawfully assist a person, to wit; Francisco, who had been a party to an offence, to wit; that of theft of $5.75 the property of D.Matheson, in order to enable the said Francisco to escape, knowing the said Francisco to have been a party thereto.
And the said charge being read to the said Frorinto Paparelli and the witnesses for the prosecution being severally examined in his presence, the said Frorinto PAparelli is now addressed by me as follows:-

"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial.

"You must clearly understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to 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"

"Whereupon the said Frorinto Paparelli says as follows:

"We are not guilty and reserve our defence."

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

H.C.SHAW

Police Magistrate.

POLICE COURT

(Before H.C.Shaw, Esq., P.M.,)

Vancouver,B.C. April 23rd 1914.

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

REX VS FRORINTO PAPARELLI

FRORINTO PAPARELLI charged on the information of E.E.Robinson, of the City of Vancouver on the 22nd day of April, A.D. 1914 for that at the said City of Vancouver on the 18th day of April A.D. 1914 he did unlawfully assist a person to wit; Francisco who had been a party to an offence, to wit; that of theft of $6.75 the property of D. Matheson, in order to enable the said Francisco to escape, knowing the said Francisco to have been a party thereto.
Contrary to the form of the Statute in such case made and provided.

J.K.KENNEDY ESQ., Counsel for Prosecution.

D. DOWNIE ESQ., Counsel for Defence.

L.H.HEANEY, sworn as stenographer.

S.E.RAYMOUR, Sworn as interpreter.

COURT: How are you electing Mr.Downie?

MR. DOWNER: We will take a preliminary hearing.

D. MATHESON called as a witness being first sworn testified as
224 1/2 Powell Street follows:-

QUESTIONS BY MR. KENNEDY.

MR. DOWNIE. Might I ask if the robber is before the Court?

MR. KENNEDY. I have to prove the case of robbery but ~~if~~ I don't actually have to charge the man with robbery at the time I am charging an accessory. In other words if My Learned Friend objects to the way this prosecution is conducted....

MR. DOWNIE. I am not going to object to the manner inwhich my Friend is going to take it, but I submit this that before proving the accessory to the crime, the criminal himself must be first before the Court.

COURT. I don't think so, Mr.Downie. Suppose in the course of committing the crime the actual criminal got killed, do you mean to say the ascessory cannot be convicted at all, because the other man was dead.

MR. KENNEDY. And suppose he was successful in escaping what happens then?

MR. DOWNIE. I submit as much as I can do, that there must be a principal before there is an accessory.

COURT. There must be proved there was an accessory.

MR. DOWNIE. And you cannot make it secondary.

COURT. I think the Code expressly desides the point for us

1 Q What is your occupation Mr.Matheson? A.Labourer.

2 Q Do you recognize the accused here? A. I didn't see that fellow at all.

3 Q Now I want you to tell please what happened on the 18th of April, that would be on Saturday last in connection with this charge.AMy money was robbed.

4 Q Where from? Well tell the Court about it. A. From my room out of my room.

Q What room? A. Room 27.

Q Where? A. Powell Street.

Q In what number Powell Street? A. 224½

Q What is that a rooming house? A Yes.

Q Now tell us how it came to be robbed? A.Well I was sleeping in bed. I did not see the face of the man at all; I did not see his face at all.

Q You did not see the face of the man who robbed you? A No.

Q I want you to tell us as much as you know about losing your money? A. Well my money was robbed out of the room.

Q Were you asleep or awake? A. I was asleep of course, and I woke up when he ran out and I ran after him.

Q How did you wake up in time to run out after him? A Of course he made a noise in the room.

Q You went to bed, what time did you go to sleep? A About ten o'clock.

Q Were you drunk or sober when you went to sleep? A Sober.

Q You had your money where? A. In my pocket.

Q In what pocket? A. In my trousers' pocket.

Q Where had you put your trousers? A. At the end of the bed.

Q And then you went to sleep? A. Yes.

Q And what time was it you were wakened up, did you look at your watch? A. I haven't got a watch.

COURT. I don't know what you are saying. A. About twelve o'clock I didn't know the time.

Q And you heard a noise in the room? A. Yes.

Q And so you followed somebody out? A. Yes.

Q Where did you follow them to? A. As far as the top of the stairs.

Q Now go on and tell your story? A. A Japanese caught him at the foot of the stairs.

Q Now how do you know you lost your money? A.Because I know I lost it; I know I had the money.

Q When did you see it last? A. I saw it before I went to bed

Q When did you look for it after you woke up, before you followed the man or after? A. As soon as he went away

Q Before you followed him or after? A. Before I followed him.

Q Were your trousers still left? A. The trousers were right beside me.

Q At the place you had left them when you went to sleep? A. Right beside the head of the bed.

Q Was that where you left them when you went to sleep? A Yes.

Q When you next saw anybody he was in the hands of some Japanese or did he get away? A. Yes he was

COURT. Did you see them? A.Yes and I turned back to get my clothes on and when I came out again he was away.

Q Who was away, the man who had taken your money? A.Yes the man who had robbed the money.

Q Had you your room locked before you went to bed? A.Yes

Q Were you alone in the room? A. Yes.

Q And you locked your bedroom? A. Yes.

Q Was the light turned on or not when you woke; when you woke up was the light turned on or off? A. Off.

COURT. How much money had you? A. $6.75

Q And that was in what pocket of your trousers? A.These thousers I have on.

COURT. Right or left or hip pocket, or where?A Right hip pocket.

QUESTIONS BY MR. DOWNIE.

Q You don't know the accused do you? A. I didn't see any of the two before.

Q What is your name? A. Matheson.

41 Q Mr.Matheson you are not very sure I suppose, what money you spent that evening, or whether you might have spent this $6.75 that you missed? A. I never spent any money at all that evening.

2 Q And you only heard some noise in the dark room? A.Yes and I saw the man too.

3 Q You saw a man? A. Yes, and I ran after him.

4 Q And it was dark, there was no light on? A.No not in the room, but there was light in the passage.

5 Q And you saw a man disappearing? A. Yes.

6 Q For all you know some of your friends might have relieved you of this money during the evening while you were asleep? A. Oh no.

7 Q Have you laid a complaint against anybody for robbing you? A. No.

8 Q You have laid a complaint against him? A. No.

9 Q What is his name? A. I don't know what his name is. I know I was robbed and I saw the man, I did not see his face, but I ran after him because he was out of the door before I got out of bed.

T. KATO
324 1/2 Powell Street.

called as a witness being first sworn testified as follows:
(through Mr.Kabaragi sworn as Interpreter)

QUESTIONS BY MR. KENNEDY.

50 Q What is your occupation? A. Roominghouse keeper.

1 Q What rooming house? A. Burrard rooming house.

52 Q What is the number of it? A. 324½ Powell Street.

3 Q I want you to tell what you know about this visit on the night of the 18th? A.There were two men in room 18 another man in room 27 and another in 37.

COURT. 27 is the one the informant had?

4 Q He had 27 the last witness? A.Yes the last witness. When the robbery happened the last witness shouted, and the one he was shouting at was running down the stairs. He tried to escape from the fire escape, and went up to another floor, flight, in order to get into number 18.

5 Q Well what is number 18, has that got a fire escape? A.That was his own room, after he went there he got his own coat and hat and tried to escape to another flight.

6 Q From the fire escape? A. The fire escape.

7 Q And I take it that room 18 and 27 are not on the same flights. A.27 and 18 are on the same floor.Then I shouted at him too and then another Japanese came along. When the one who was running away went to the fire escape he saw there was no way to excape because there were too many people watching him; so he ran downstairs again. Finally I caught him and brought him up there, that is in front of the office.

8 Q Was he a Japanese or white man or what? A.I think he was an Italian. I tried to telephone to the Police Station.

9 Q That is from the office? A.Yes, from the office, and when I asked him to stand quiet I telephoned, he said

all right, but when I began to telephone he ran. So I went after him and caught him again. As soon as I caught him he produced a razor out of his pocket, and drew it and tried to slash me.

60 Q Is that the razor? A Well part of the razor, the razor part was in his hand.

1 Q The razor part was in the hand of the man who was attempting to escape you? A Yes. When he tried to hurt me I quickly held his right hand.

2 Q And you got this razor-handle from where? A And when I was holding his right hand another Japanese came and caught hold of his left hand.

3 Q Where did you get this razor-handle? A That handle fell down from that man's hand when this man jerked

4 Q Now this mand and that man means nothing. The handle fell down from the hand of the person who was attempting to escape when the accused did what? A When the accused jerked me from behind. Then that was broken off.

MR. KENNEDY: I put that in as Exhibit "A".

(RAZOR HANDLE produced as Exhibit "A")

5 Q Now tell me how the accused came to get into this? A When I was holding the man

6 Q Who was trying to escape? A Yes who was trying to escape.

7 Q Call him the robber, that will be easier. A Yes. Then this accused came behind me and held me from behind, and held my one hand, held me here, by the left shoulder

a and the other one by the right arm, and jerked me so hard that it tore this shirt.

8 Q Is that the shirt you had on? A Yes.

(SHIRT produced as Exhibit "B")

and the force was such that I could not hold him any longer.

9Q You could not hold the robber any longer? A Yes, so I

let him go, and then when I let him go I saw that part of the razor, that is the part was broken off.

70 Q The handle that has been put in as Exhibit "A", but the razor was in his hand? A So I shouted it is dangerous; then the Japanese who held the robber's left hand, he saw the danger and so he let him go too.

I Q And did he escape? A The robber went away to the fire escape behind on the building and escaped from there.

2 Q When first did this accused appear on the scene? A When did you first see him in connection with this? We will put it in another way, was it before or after you had brought the robber to the office, when you went to telephone. Had seen him, I don't mean had interfered? A He came when I was holding the robber.

3 Q When, which time, the last time? A The second time when I held the robber.

74 Q When he escaped while you were telephoning, is that it? A Yes.

5 Q Now if it had not been for the intervention of the accused would you have been able to hold this robber, or not? A Yes I could hold him all right if the accused had not bothered me.

6 Q What happened to the accused after the robber escaped? A Well I told him not to get out from here till the policeman comes.

7 Q Was either the accuwed or the robber an inmate of your house? A Yes, both of them stayed, that is rather one stayed a little over one week and the accused came that night, the night previous.

8 Q Had you seen the man who was escaping, the robber, and the accused together before this incident? A It was the man stayed in room 18 claimed to be the accused's

brother.

9 Q You don't know that personally; that is what somebody told you? A Yes.

80 Q Did they both have the same room, the accused, and the robber? A No, not in the same room.

1 Q Same floor? A No the 2nd and 3rd.

QUESTIONS BY MR. DOWNIE:

2 Q How much of this long story which you gave us in the beginning do you know and how much did you learn from somebody else? A I think I have said all I know.

COURT: He says he was eye-witness to all this except the part we struck out.

3 Q You began to tell us about the robbery, did you see anything about that at all? A Only I know the man shouting at him, and the robber came down. His action was so queer.

4 Q And the only time you say the accused intervened was when two of them were attacking this man in the office? A Yes the accused interfered in the matter when I was holding the robber, when he had the razor in his hand.

5 Q And when the two of you were holding this man? A Yes.

86 Q Where did the accused come from? A He came down from above.

7 Q And as far as you know they did not know each other? A Well I didn't see, but some other ....

COURT: He says he doesn't know. That is what it amounts to

8 Q Did you not tell us yesterday in the Court of Justice South on the charge against the accused for vagrancy that they did not know each other? A I didn't say anything about that.

9 Q In the matter of this robbery you know nothing about the robbery having been committed? A No, I have only the hearsay evidence.

90 Q You said in your Examination in Chief that it was an

Italian you thought. What makes you think that? What knowledge have you of that? A Well I formed the belief he was an Italian from what I have known of many Italians. Of course I have no positive knowledge of nationality.

1 Q So you are not sure of that? A No.

2 Q All you know is that you and one of your friends were holding a man and another man interfered? A Yes I and another one were holding the man

3 Q And you were two to one so the accused interfered? A Yes we two were holding one man and this man interfered.

4 Q And the complainant Matheson was not there at the moment? A No that man was not there.

5 Q They had only heard some noise; that is all he knew about it.

MR. KENNEDY: This man has told us what he knows. This man surely cannot know what Matheson knew.

6 Q So all you know he had heard some noise?

MR. KENNEDY: Do you know that the accused knows more than that he heard a noise? A He simply heard a shout, that is all.

7 Q That is not the question. Does the witness know that the accused here was aware of any robbery having been committed? A I knew that somebody was robber because Mr. Matheson shouted.

MR. KENNEDY: You will only have this question asked again. Does the witness know that the accused knows that a robbery has been committed? A I don't know.

98 MR. KENNEDY: Was it you who gave the accused the room in the course of the evening? A I did.

9 MR. KENNEDY: So he knew you were the proprietor of the rooming house? did he? A Yes.

SHINOHU
room 1.324 1/2 Powell

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

QUESTIONS BY MR. KENNEDY:

100 Q I want you to tell very briefly what you saw of this trouble on the 18th of April what you saw of the man escaping? A On the night of the 18th, that was on Saturday, about if I am not mistaken it was about eleven o'clock, two of my friends, one of them is there, sitting there, and another one is one Japanese High School student. We were three together were talking together about

1 Q It does not matter what you were talking about. A At the time we heard some running. I heard someone running upstairs and shouting "catch, catch" something like that...

2 Q We just want to know what happened? A I opened the door and found the man whom I know had been living in in number 18.

3 Q That was the first witness? A No number 18 that was the robber, he was coming downstairs running, and the man, the first witness, was after him, therefore I recognized that robber who was in the room 18...

4 Q Now I think we can shorten all this. He was chased round for some time and eventually the last witness, that is the romminghouse keeper caught him and brought him to the office. Did you see that? A Yes.

5 Q And did you see the last witness telephoning? A Yes.

6 Q Now just tell us of the second escape of the robber, and the subsequent arrest? A Before I do that I would like to say this man has been connected with the other man upstairs, when we had this robber in the hall we asked him...

7 Q Asked who? A Asked the robber if he had taken the money from the first witness, then he denied this, and this accused

had been standing beside this and he denied.

108 Q The accused denied the fact that the robber had stoled any money, when you had been accusing the robber of stealing some money from the first witness?

A Yes and this accused said that the robber who had been standing just beside him, "this is my good friend, and he did not go downstairs or he did not run at all"

109 Q: He had not run at all? A: Yes.

10 Q You know as a matter of fact he had been running before that? A: Yes I saw him running. That is what happened upstairs. Now when the robber tried to escape and when the last witness tried to catch him, I was just near the toilet, downstairs, and when I saw that the last witness had been holding that man and were nearly fighting, I caught that robber by the neck from behind, and when we were together trying to hold him tight this accused came up saying "let him go, let him go" and tried to prevent the last witness from holding him tight, and when I had been trying to hold him tight I heard the last witness saying "danger, danger" Therefore I let go.

1 Q You realised there was the knife or something in the proposition? A; Yes, and then the other Japanese there said "let him go;" and then soon I found the robber running through the

2 Q The robber escaped? A: Yes, the fire escape

3 Q What did this accused actually do to either you or the last witness in order to permit the robber to escape? A: Just of my knowledge this man prevented us from catching him, catching the robber.

4 Q But you had the robber, you had hold of him?

A Yes we caught him, but this man tried to let him go

Q He succeeded, didn't he? A: Yes, he succeeded.

Q Did you see this Exhibit "B", this shirt torn?

A Yes the last witness was wearing that, and also just one thing more after that robber escaped.

MR. DOWNIE: I think you might wait till you are asked.

COURT: If it is evidence I want it. A: When the robber escaped I asked him why he helped him.

Q Asked the accused? A: I asked the accused why he helped that robber if only but for that help, but for that resistance, but for this help we could easily have held the robber.

Q What did he say to that? A: I said "why did you help that man?" He said "Well I have no connection with that man, I don't know anything about him" Something like that.

Q Do you know anything about them whether they knew each other before? A: I cannot tell sir but I know that because that robber had been in that building for the last two weeks I knew him very well by sight, and the other man had been in the room number 18 with that robber, and he said

Q Never mind this. A: That man said it

MR. DOWNIE: No questions.

T. FURUKAWA,
324½ Powell Street.

called as a witness, being first sworn, testified as follows:
(Through Interpreter)

QUESTIONS BY MR. KENNEDY:

1 Q Did you hear the evidence of the last witness?

A I did not because I do not understand English.

2 Q Did you hear the evidence of the first Japanese witness, the romming house keeper? A: Yes.

3 Q Is that correct? A: It is true.

QUESTIONS BY MR. DOWNIE:

4 Q What part of itnis correct and what part do you know anything about? A: I know almost all he said.

5 Q Were you there? A: I was there.

6 Q You did not interfere? A: With what?

7 Q With the assault?

COURT: Take any part in the thing. A: I am the one that held the robber's left hand.

8 Q Was there thee of you holding the robber?

A Principally the second witness and myself.

9 Q There were three? A: No principally two, one holding the right hand and I held the left hand of the robber.

T. YASUNAKA,
324½ Powell Street. called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. KENNEDY:

130 Q You have heard the evidence of both the Japanese gentlemen who gave it in English and who gave it in Japanese? A: Yes.

1 Q Now did you see most of that? A: I think I know all about it because I was right there with Mr. Tako in his office.

2 Q Is that evidence correct? A: Yes.

3 Q Is there anything you can add? A: I can say as of course I know about it, but I will say just the last part.

4 Q But as far as the other part is concerned did you hear the evidence of the last witness and the others, and their evidence is correct, is it?

A Yes, of course I was talking with the other man. I was with the other man all the time, and when the robber was going to escape I went to the fire-escape, and when the robber got from the third floor I went to the second floor fire-escape, and while I was walking upstairs, that was on the second floor, the office is one down.

5 Q The office is on the first floor? A: Yes and they were talking there and I was walking upstairs; and then I was just coming down, and I just saw when he was pulling .....

6 Q Who was pulling? A: The accused, he was pulling the rooming house keeper right here by his arm, and he was saying "let him go" that is all I heard. Well after that the robber escaped and he was there.

7 Q Who is he, the accused? A: Yes and he was saying he did not know which thing he did. I don't know whether he said "I will help him" or not, but we asked him and he said "I did not mean to let him go" something of that; but I just heard that he said that, and pulled out, and the robber got free and was gone.

8 Q Do you live in that rooming house? A: I don't, but I always go there because I have a friend there

QUESTIONS BY MR. DOWNIE:

139 Q Do you know that any money was lost or any robbery was committed? A: Yes Ia heard that.

40 Q Do you know? A: No because I did not see it.

1 Q You heard the accused say that he did not intend to let him go? A: Well you see he was trying to deny to us that he did not mean to go anything of that kind, but actually he did, he just pulled him out so that he got his right hand free where he had the razor blade, and this man pulled him and let the robber free.

2 Q You don't know the robber at all? A: I know him if I saw him; and I saw the back of him.

3 Q You did not know the accused before? A: I didn't know him before that night.

4 MR. KENNEDY: Did you see the razor in anybody's hands?

A No, I did not.

DETECTIVE RICCI: called as a witness, being first sworn, testified as follows:

QUESTIONS BY MR. KENNEDY:

145 Q You are a Detective Mr. Ricci? What do you know about this case? A: Only ....

MR. DOWNIE: Now Mr. Ricci I submit before you give your testimony do you know anything about this case at all. That is the question. A; I know the man escaped very well.

MR. DOWNIE: How do you know he escaped? A: Because I brought all his effects up here Saturday morning.

MR. KENNEDY: Mr. Ricci will tell what he knows.

COURT: Mr. Downie I cannot possibly say whether Mr. Ricci's evidence is worth anything or not till I hear it.

6 Q Now Mr. Ricci what do you know about this case?

A The accused was brought in here by Sergeant Shirely about 11:30 on Saturday night. The accused could not speak enough English and I was up here at the time, and I talked with the accused because he was an Italian, and I warned the accused and asked him what he did know about the case and how it happened, and he said he was in room 18 with the other fellow named Frank whom we know escaped. I asked him if he know him, and he said "Yes I know him very well" I said "How long has he been living up there" and he said he had been living up there for some time .....

7 Q This is Frank? A: Yes. I asked the accused in connection with this robbery, and he said "I saw the man when I went out of my room, and then started to run downstairs, and then I ran after him to try to

seew what was the matter with him, and when I went down and two Japanese got hold of him and I got hold of the Japanese and let the man go.

MR. DOWNIE: No questions.

MR. KENNEDY: That is the case, Your Worship.

MR. DOWNIE: We will waive the reading of that; and our answer is "We are not guilty, and reserve our defence" and ask that the Court should consider a motion to this effect that there is no crime established here, no robbery has been satisfactorily proven. I.

COURT: I think there is sufficient evidence of a crime having been committed to justify me, in fact to make it compulsory for me to commit for trial. So I commit the accused for trial at the next Court of competent Criminal Jurisdiction.

I HEREBY CERTIFY the foregoing to be a true and accurate copy of the said proceedings.

"L.H. Heaney"

CERTIFIED by me as being a true and correct copy of the proceedings taken at the hearing of the said case.

"H.C. Shaw"

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

AFFIDAVIT OF STENOGRAPHER.

C A N A D A
PROVINCE OF BRITISH COLUMBIA)
COUNTY OF VANCOUVER)
CITY OF VANCOUVER)

I.

IN THE MATTER OF THE KING on the information of E.E. Robinson, of the City of Vancouver, against Frorinto Paparelli

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

FIRST: That I am the stenographer appointed by H.C. Shaw, Esq., Police Magistrate in and for the City of Vancouver to report the 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 to before me this 6th day of May, A.D. 1914.

"H.C. Shaw"
Police Magistrate.