Name of Claimant HAYASHI, Masao Case 517

Custodian File 4731

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount		% of Total	Amount	

PERSONAL PROPERTY

Motor Vehicles		Boats and Boat Gear						
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column	

NETS

Total award for Nets plus Sale Price	Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing	Percentage Total Award to Total Claim	Claim for Nets Sold Declared Not Found, & Recorded Now Missing	Apply % ratio to Claim	Deduct Custodian Sale Price	
			470.00 615.00	759.50	305.15	454.35

MISCELLANEOUS CHATTELS

Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	
122.00	42.75	24.82						24.82

TOTAL RECOMMENDATION 479.17

1540

CASE No. 517.

JAPANESE PROPERTY CLAIMS COMMISSION

Lethbridge, Alberta,
August 2nd, 1948.

IN THE MATTER OF THE CLAIM OF
MASAO HAYASHI.

PROCEEDINGS AT HEARING.

Original.

CASE No. 517

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(HIS HONOUR JUDGE R.M. EDMANSON, SUB-COMMISSIONER).

Lethbridge, Alberta,

August 2nd, 1948.

IN THE MATTER OF THE CLAIM OF

MASAO HAYASHI.

PROCEEDINGS AT HEARING.

APPEARANCES:

G.E.A. RICE, Esq., K.C.,	appearing for the Dominion Government.
W.E. HUCKVALE, Esq.,	appearing for the Claimant.

MISS LILLIE THOMAS,	Secretary.
D.J. HANDFORD, Esq.,	Official Interpreter.
S.R. HOWARD, Esq.,	Official Reporter.

THE SECRETARY: Case No. 517, Masao Hayashi.

MASAO HAYASHI, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

DIRECT EXAMINATION BY MR. HUCKVALE:

Q Mr. Hayashi, you have claimed for certain nets and other fishing equipment which were left by you in British Columbia?

A Yes.

Q Will you look at that statement, please, (indicating), and tell me if you have read it?

A Yes.

Q And have you signed it?

A Yes.

Q And is that statement true and correct according to your best knowledge, recollection and belief?

A Yes.

MR. HUCKVALE: I tender that as an exhibit, sir.

(STATEMENT OF PERSONAL PROPERTY MARKED EXHIBIT NO. 1).

MR. HUCKVALE: Q: Now you tell us that you left those nets in the Imperial Cannery net house?

A Some of those were left at the Imperial Cannery.

Q And where were the others left?

A At the Sunnyside Cannery on the Skeena River.

Q Now did you treat those nets in any way before you stored them? A: They were treated with bluestone and washed and dried and then stored in the net house.

Q Were they packed ?

A Yes.

MR. HUCKVALE: Now I want to point out, sir, that when the Custodian's file in this particular case was given to me, it contained no net statement and it contained no personal analysis. I have never seen them.

MR. RICE: Well I have one here.

MR. HUCKVALE: Well it should have been given to me.

MR. RICE: If you had asked for it, it would have been.

MR. HUCKVALE: It should have been given to me whether I asked for it or not and when I gave my friend back these copies, I made a note on it with regard to that.

MR. RICE: He may have made a note on it, but I didn't see any note and he says I should have given it to him, he could very easily have asked for it and he would have been furnished with whatever he wanted. It is here on the file.

MR. HUCKVALE: I have never seen it.

MR. RICE: You should have asked for it.

MR. HUCKVALE: I did ask for it.

MR. RICE: Well, I only got the file back on this Sunday.

MR. HUCKVALE: You got it back long before Sunday; at least I sent it back long before then.

THE SUB-COMMISSIONER: In any event, you are filing the analysis of personal property claim.

MR. RICE: Yes, I will.

MR. HUCKVALE: If my learned friend will go through all of these files, he will note that I make that remark

on a number of these cases.

MR. RICE: My learned friend can give me a list of what he wants. I never refused him anything.

MR. HUCKVALE: I put it on there.

MR. RICE: I didn't know who put it on there. Certainly there was no request to me asking for any file or any statement. Just because my learned friend puts in pencil "no statement here", I don't know what that means. I don't know who put it on. But if there is anything that I have got on these files here that he wants, I will be glad to provide him with it.

MR. HUCKVALE: If he will go through his files, he will notice I have made a note in every case where they are absent. I have even 'phoned him two or three times about the personal property analysis.

MR. RICE: Anything my learned friend has asked me for, he got it.

THE SUB-COMMISSIONER: Well you are not going to be prejudiced.

MR. HUCKVALE: I tell my learned friend now if he goes through the files and goes through the statements there, he will notice that every time I have made a note when the analysis was not present.

MR. RICE: I don't know who noted it. It is not initialled. There is just a pencilled note on these and there are pencilled notes all over these files, your Honour, and I don't know who made them. They may have been made in the Custodian's office in Vancouver and not by my learned friend at all.

And I have no way of knowing by whom they were made because there were a lot of pencilled notations on the files when they came to my office.

MR. HUCKVALE: If the pencilled note is there, I made it, that is understood with regard to the fact that there was no personal property analysis on the Custodian's files.

THE SUB-COMMISSIONER: All right, Mr. Huckvale, just proceed with your examination, and if you want time to look over these documents we will give time to you.

MR. HUCKVALE: I would like to look into it. I don't think there is anything in it. It isn't an analysis at all, really. And they just make the remark and it shows on there that these chattels are not properly accounted for. I just want to make that statement.

MR. RICE: I will file the analysis of personal property claim.

(ANALYSIS OF PERSONAL PROPERTY CLAIM MARKED EXHIBIT NO. 2).

MR. HUCKVALE: Q: Now you are also claiming apart from nets and other fishing gear, you are claiming for certain household articles?

A Yes.

Q Now will you take a look at that form (indicating)?

A Yes.

Q Have you signed that?

A Yes.

Q And is that form true and correct, to the best of

your knowledge, recollection and belief?

A Yes.

MR. HUCKVALE: I will tender that, sir.

(STATEMENT OF PERSONAL CHATTELS MARKED EXHIBIT NO. 3).

MR. HUCKVALE: Q: Now these household chattels of yours, Mr. Hayashi, were they fairly new at the time you were evacuated?

A Yes, some of the goods were quite new and some of them were older.

Q Now, have you ever received from the Custodian any list of the things that he sold?

A I have never received any full list of property but I was advised that certain things had been sold.

Q Have you ever received any of those orange coloured auction sheets?

A No, I have never received any of those.

Q All right; will you answer my friend, please.

CROSS-EXAMINATION BY MR. RICE:

Q Did you leave any nets with Mr. Urquhart to sell for you? A: No.

Q You never left anything with Mr. Urquhart?

A No, I never left anything with Mr. Urquhart.

THE SUB-COMMISSIONER: What is his name?

MR. RICE: U-r-q-u-h-a-r-t.

Q You left most of your chattels though with your property? A: Yes, that is with my brother.

Q Y ou left them with your brother?

A Y es.

Q That is your brother, Rintaro?

A Yes.

Q To your knowledge did Rintaro give Mr. Urquhart authority to sell the chattels,his own or youss?

MR. HUCKVALE: If we are dealing only with chattels according to the analysis which I have just seen, there is no question about these things not being accounted for because the Custodian acknowledges receipt of them.

THE SUB-COMMISSIONER: According to this analysis?

MR.HUCKVALE: Yes, according to this analysis which I have just seen.

MR. RICE: I am taking the ones that are missing.

MR. HUCKVALE: There are none missing, that is the whole point.

THE SUB-COMMISSIONER: This is dealing with nets and personal chattels?

MR. HUCKVALE: Yes, and there is not a thing missing.

MR. RICE: I should perhaps state, your Honour, that I am submitting that the chattels that were sold, both nets and personal property, were sold at their fair value, and that anything that is lost, stolen or mislaid ---

MR. HUCKVALE: There is nothing lost, stolen or mislaid.

MR. RICE: The Custodian is not responsible for and that the claim of the claimant here for the articles he is claiming for is exorbitant.

MR. HUCKVALE: I merely point out that the Custodian does not even submit on here that there is anything lost, abandoned or anything else.

MR. RICE: Well, I am submitting that if there is anything that is lost, abandoned or stolen the Custodian is not responsible for. The property was turned over to his brother and not the Custodian.

MR. HUCKVALE: The analysis shows nosuch thing.

MR. RICE: His evidence does, though.

MR. HUCKVALE: You make the analysis; I don't. I have no further questions, sir.

THE SUB-COMMISSIONER: All right.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing to be a true and accurate transcript of the proceedings herein.

"S.R. HOWARD"
OFFICIAL REPORTER.

I hereby certify that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

SUB-COMMISSIONER.

NOV 22 1947 4731 Case Lw. 517

IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

TO: The Commissioner,
Office of the Custodian,
Royal Bank Bldg.,
Vancouver, B.C.

ACKNOWLEDGED

Pursuant to the notice issued on the 26th day of September, 1947, I submit the following claim:

(1) NAME HAYASHI (Print) Surname MASAO Given Name (RCMP) Reg. No. 04183

(2) Pre-Evacuation Address 111 Steveston Highway, Steveston, British Columbia.

(3) Present Address Diamond City, Alberta.

(4) REAL ESTATE

(a) Street Address (if any) 111 Steveston Highway, Steveston, British Columbia.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)

(c) Type of Real Property (cross out words which do not apply):

(i) Farm
(ii) Residence Type of business
(iii) Business
(iv) Any other type of property (describe)

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.)

(e) Fair market value at date of sale (estimate this to the best of your ability):

(i) Land - - - - - - - - - - - - - - - - $

(ii) Buildings - - - - - - - - - - - - - - - $

(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - - - - - - - - - - - $

(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $

(v) Amount at which Custodian sold property and credited your account - - $

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)

(c) How stored or packed at time of evacuation

(over)

(d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care") _____

(e) Itemized description of personal property which is the subject of the claim:

1. As per list attached — Estimated Value $ 1215.50
2. _____ Estimated Value $ _____
3. _____ Estimated Value $ _____
4. _____ Estimated Value $ _____
5. _____ Estimated Value $ _____
6. _____ Estimated Value $ _____
7. _____ Estimated Value $ _____
8. _____ Estimated Value $ _____
9. _____ Estimated Value $ _____
10. _____ Estimated Value $ _____

Less received from Custodian 394.87

TOTAL CLAIM FOR PROPERTY LOSS $ 820.63

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - $ 820.63

(6) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.)

Lethbridge

(b) Do you require the services of an interpreter at the hearing? Yes or no Yes

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA)
Province of Alberta)
TO WIT:)

I, Masao Hayashi
of Diamond City in the ~~of the~~ Province of Alberta,

DO SOLEMNLY DECLARE THAT:

The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of 'The Canada Evidence Act".

DECLARED before me at the City)
of Lethbridge,)
in the Province of Alberta,)
this 17th day of November,)
A.D. 1947.)

M. Hayashi

A Commissioner &c.

N.B. — THIS FORM FULLY COMPLETED AND SWORN BEFORE A COMMISSIONER SHOULD BE MAILED BY REGISTERED MAIL TO THE COMMISSIONER, c/o THE OFFICE OF THE CUSTODIAN, ROYAL BANK BLDG., VANCOUVER, B.C., BEFORE NOVEMBER 30th, 1947. IF YOU CANNOT MAIL IT BEFORE THIS DATE SET OUT BELOW REASONS FOR THE DELAY.

_____

_____

_____

_____

NOV 22 1941 4731

Re: Masao Hayashi

Nets

	Meshes	Twine	Fathom (Hanged)	Depth (Meshes)	Value	
	6¼"	6/50 Ply.	150	50	100.00	
	6¼"	6/50 "	25	45	15.00	
(Lead & Cork Lines at.)	5¾"	4/40 "	100	50	100.00	
(2 pieces)	5¾"	4/40 "	150	50	95.00	
(Lead & Cork Lines At.)	5¾"	4/40 "	10	50)		
	5¾"	4/40 "	30	50)	20.00	
(Rummy Net)	5¾"	5 "	200	50	50.00	
	9¾"	10/40 & 12/40	140	35	100.00	
(Lead & Cork Line At.)	7	6/40 "	200	45	150.00	$630.00

Lead & Cork Lines

220 fathoms	Corks & Lines	30.00	
380 "	Lead & Lines	45.00	75.00

Fishing Gear (c/o R. Hayashi, 111 Steveston Hwy. Steveston, B.C.)

Nets

(New)	7"	6/40 Ply.	75 Fathoms	45 Meshes deep	100.00	
Twines						
	2 Pkgs.	5/40 Ply Barbours			75.00	
	1 "	6/40 " "			32.00	207.00
Nets						
	8¾"	9/40 Ply	200	35 Meshes	125.00	
	5½"	5/50	200	50 "	48.00	
	14 Ft. Flat Bottom Skiff				7.00	180.00

Others:

5 piece Bedroom set	50.00	
1 night table	3.00	
1 Studio Couch	15.00	
2 boxes Festival dolls	30.00	
6 Chairs	4.00	
1 Pram	10.00	
1 Baby chair	1.50	
Tea sets and kitchen utensils	10.00	123.50
		$1215.50

HAYASHI, M.
(Claimant's Name)

PERSONAL PROPERTY
(Fishing Vessels, gear and equipment)

04183
Reg. No.

NETS:

Type	Size	Mesh	Fathoms	Age at Evacuation	Original Value	Estimated value at Evacuation
Barbour	50	6¼"	150	1 year	$200.00	$100.00
"	45	6¼"	25	"	25.00	15.00
"	50	5¾"	100	"	200.00	100.00
"	50	"	150	"	175.00	95.00
"	50	"	40	"	40.00	20.00
Rummy	50	"	200	"	150.00	50.00
Barbour	35	9¾"	140	3 years	180.00	100.00
	45	7"	200	1 year	200.00	150.00

VESSELS SOLD BY CUSTODIAN

NAME	Reg. No.	Type	Date Purchased	New or Used	Price Paid	Maintenance Work	Condition When Evacuated	With whom Left	Estimated Value
14' Flat Bottom Skiff			1935	new	25.00		good		7.00

Improvements to Vessel since date of purchase:

Type	Date	Cost

OTHER GEAR:

Description	Date Purchased	New or Used	Price Paid	Condition when Evacuated	Estimated value at date of evacuation
Lead & Cork Lines - 220 fathoms	?	New		good	30.00
Lead & Lines 380 "	?	"		"	45.00
Net 7" 6/40 Ply 75 fathoms 45 meshes & up	Home made	Home made new	Wire & labour	100."	100.00
" 8¾" 9/40 " 200 " 35 " "	2 years old	New	$200.00	"	125.00
" 5¼" 5/50 " 200 " 50 " "	1 year old	"	185.00	rough	48.00
2 Pkgs, Twine 5/40 Ply Barbour	new	"	75.00	good	75.00
1 " " 6/40 " "	"	"	32.00	"	32.00

Arrangements made for storage when evacuated:

Nets in Imperial Cannery Net House

Additional Comments, if any:

EXHIBIT NO. 517—1
DATE Aug 2/48
FILED BY W. E. Hackvale

M. Hayashi
Signature

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No 4731 EXHIBIT No.

NAME Masao HAYASHI REG. No. 04183

DATE
Declaration 21 Apr 42
Evacuation 18 Jul 42

INVENTORY
Taken by
Date

		DETAILS OF CLAIM		SALES: Auction	SALES: Tender &c	Sold with Real Prop.	Decl not Foun
1 Motorboat "T.K."				JFVDC			
AT IMPERIAL CANNERY							
2 lantern buoy					1.50		
2 lanterns					1.		
1 water tank							
2 oil cans							
AR #9 ED? 111 STEVESTON HIGHWAY		Meshes/Twine/Fthm/Dpth					
2 pkg 5/40 twine	1.	2 pkg 5/40 twine	75				
1 pkg 6/40 twine	2.	1 pkg 6/40 twine	32				
75f. 7x6/40x45	3.	new 7x6/40x75x45	100		75.		
AT SUNNYSIDE CANNERY SKEENA RIVER, BC	4.	14' flat bottomed skiff	7				
200f. each 8¾" and 5½"; depths ?5 and 50	5.	8¾ x9/40x200x35	125				
	6.	5½x5/50x200x50	48				
IMPERIAL CANNERY NET HOUSE, STEVESTON BC							
150f 6¼x50	7.	6¼x6/50x150x50	100				
25f 6¼x45	8.	6¼x6/50x25x45	15				
100f 5¾x50(with lines)	9.	5¾x4/40x150x50	95		1.(pc)		
50f 5¾x50	10.	5¾x5x200x50	50				
100f 5¾x50	11.	5¾x4/40x10x50 ~~xx5¾x4/40x100~~ 30x50	100 ~~20~~		20. ~~6x~~		
10f 5¾x50(with lines)	12 & 13.	5¾x4/40x10x50	20		6.		
30f 5¾x50		5¾x4/40x30x50					
150f 5¾x50		~~5¾x4/40x100x50~~			~~20.~~		
150f 8½x35							
140f 9¾x35	14.	9¾x10/40&12/40x140x35	100				
200f 7x45(with line)	15.	7x6/40x200x45	150		150. ~~200x~~		
150f cork & lead line	16.	220f. Corks & Lines	30				
70f cork line	17.	380f. Lead & Lines	45		54.15		
200f lead line							
30f lead line							
AT#9, 111 STEVESTON HIGHWAY							
Bedrm suite:-dresser, chiff., bench, bed, spring, mattress.		5 pc Bedroom Suite	50	36			
Side tables		1 night table	3	1 10			
curios(dolls etc)		2 bxs Festival dolls	30	2 25			
sofa		1 Studio couch	15	21			
baby carriage		1 pram	10	2 75			
shoe shelf				75			
kitch. utensils		Tea sets & kitchen utensils	10	17 15			
chinaware, glassware							
elec. stove				25			
6 chairs		6 chairs & baby chair	5 50	2 50			
camp stove(gas stove)				25			
kitch. cabinet				1 25			
			1215 50	110 --	308.65		
		Less Cstdn cr	394 87				
		CLAIM	820 63				

1 EXHIBIT No. CASE No.

83 VENUE

ES TENDER &c	SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD		REMARKS
1.50								
1.								
75.								
1. (pc)								
20. ~~6x~~								
6.								
~~20.~~								
150.								
~~200x~~								
54.15								
308.65								

EXHIBIT No. 517-2
DATE Aug. 2/48.
FILLED BY F. R. A. Rice

HAYASHI, M.
(Claimant's Name)

PERSONAL CHATTELS

04183
Reg. No.

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid	Condition when Evacuated	Estimated value at Date of Evacuation
5 piece Bedroom suite	1938	new	$100.	good	50.00
1 Night table	1940	"	?		3.00
1 Studio Couch	1938	Present	?		15.00
2 Boxes Festival Dolls	?	"			30.00
6 kitchen chairs	1939	new	$1.00 each		4.00
1 Pram	1940	"	17.00		10.00
1 Baby chair	1940	"	3.00		1.50
Tea sets and kitchen utensils	1938	"	Present		10.00

Description of Storage of Goods:

Chattels stored #111 Steveston Highway
In house belonging to brother.

General Statement as to Chattels not Described above:

EXHIBIT No. 517-3
DATE Aug. 2/48.
FILLED BY W. J. Huckvale.

Additional Comments, if any:

M. Hayashi
Signature