Name of Claimant NISHI, Shigetaro Case 58

Custodian File 3353

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: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
		4350.	.00 12.50								2000.00 12.50

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	
1375.	343.75	776.70	182.50		65.00			591.27

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	
			648.00 385.00	723.45	219.52	503.93

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	

TOTAL RECOMMENDATION 3107.70

hishi Claim 58.

Vancouver, B. C.

October 3rd, 1949.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

D. T. B. BRAIDWOOD, Esq., and
J. CAMPBELL, Esq., appearing for the Canadian Government.

F. DREW PRATT, Esq., appearing for the Claimant,

T. P. HORROBIN, Esq., Official Reporter.

A. W. WATSON, Esq., Secretary.

10

- - - - - - -

MR. BRAIDWOOD: My lord, the next case is No. 58, Nishi. I will call Mr. Coulthard. I wonder if I might have Mr. Coulthard's appraisal out of file number 58.

FREDERICK HILL COULTHARD, a witness called by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BRAIDWOOD:

20 Q Mr. Coulthard, you were engaged in the business of making appraisals for the Custodian of Japanese held properties in Steveston, in 1944, is that correct?

A That is right.

Q I show Exhibit 11. Is this the Nishi house which you appraised?

A That is right.

Q Yes, and I show you Exhibit 12. Is that a copy of your appraisal?

A That is correct.

30 Q Would you tell his lordship, please, what steps you

took to make an appraisal of this property?

A I went down there and went through the entire house, took measurements and examined the house as to its inside condition, as to whether it was plastered or not, what rooms were plastered and what weren't, and generally checked the whole property over, and I checked also the surrounding district and surrounding dwellings, to see if this house fitted in with the general district.

Q I showyyou a set of tax notices for 1942. Would those be the municipal tax notices for the Nishi property?

A These apparently don't agree with my notes. Lots 4 to 8, now what is this? 4, 5, 6, Block 18, that one isn't right, apparently. That one, Lots 4 to 8, Block 19, apparently is all right. Lots 9, 10, and 11 and 13 -- is there a 12 in there, somewhere? Oh yes, 12 and 13. I don't know what the first one is.

Q I will remove it from the file. I showed these to my learned friend the other day, my lord.

THE COMMISSIONER: They have not yet been put in?

MR. BRAIDWOOD: I don't think so, my lord. My records don't show it. These are for 1942, my lord. I would like to have them marked as an exhibit.

Q What was the total assessment on that property, Mr. Coulthard? Have you handy that information in your notes?

THE COMMISSIONER: For what year?

MR. BRAIDWOOD: For 1943, my lord. I am sorry, those are for 1942, my lord.

A The assessment on the land was $1210.00 and the assessment on the house is rather indistinct here, but I think it is $3120.00.

MR. PRATTQ: It is $3100.00?

A I think that -- yes, it is $3120.00.

MR. BRAIDWOOD: My lord, I have a note on the Custodian's file of a later assessment, which I haven't got here, of $1210.00 and $3120.00. There was evidently a slight increase.

THE COMMISSIONER: This is for what year?

MR BRAIDWOOD: 1944. It was put in at $3100.00, my lord, in 1942 , and my note says "$3120.00 in 1944". That is for improvements, of course, my lord.

THE COMMISSIONER: Well, we are concerned with 1944, are we not?

MR. BRAIDWOOD: Yes, my lord. And in the 1942 assessment, and my note of the 1944 assessment shows in both cases the Lots at $121.00 apiece, my lord.

MR. PRATT: $1210.00.

MR. BRAIDWOOD: Yes.

MR. PRATT: What are the improvements for 1944?

MR. BRAIDWOOD: $3120.00 in 1944. They had gone up $20.00.

(TAX ASSESSMENTS MARKED EXHIBIT No. 58-13)

Q There were ten lots here, I believe, Mr. Coulthard?

A Yes, that is right.

Q At $121.00 per lot? I note from your appraisal, Mr. Coulthard, that you considered this to be about the best residential property held by Japanese in Steveston? A. I believe it was.

Q There is no doubt about it that it is a very nice

looking house, from the photograph?

A Yes.

Q Do you know if there had been any sales of comparable properties in that area?

A None that I could get any record of, at that time, as far as I can remember.

Q I suppose you made similar inquiries in this case to those you made in case No. 56?

A That is right.

Q And on the basis of the material before you, you made the appraisal that is now filed with his lordship? A. That is right.

Q And after having considered your notes, and having reviewed the property , would you still say your appraisal was correct?

A Yes.

Q Have you got anycomments that would be helpful to your lordship on this matter?

A The only comment which I might make, and I don't know whether this is the proper time to make it is, this is a beautiful appearing house from the photograph, but it is an entirely different story when you get inside. That is, once you get past the entrance hall and the living romm and went through a door into the back part of the house, it is an entirely different proposition.

Q Why do you say that? What does one find after you get inside the house?

A The entrance hall and living room are beautiful, as good as in your home and in mine, plastered, and in beautiful condition, and it would leave you with

the impression the entire house was in the same condition, but that is as far as it went. Once you got into the rear part of the house it was finished with a cheap type of cardboard nailed onto studding--extremely cheap constructions That is, once you got past that point.

Q Was that true of the house, after you got past the first entrance hall?

A Yes.

THE COMMISSIONER: Q; That applies to the upstairs,as well?

A Yes, sir.

MR. BRAIDWOOD: Q: Mr. Coulthard, I believe you were aware that some gentleman who were associated with the Canadian Fishing Company were tenants in this house at one time, or are you aware of that?

A I don't know who the man was employed by, but his name was Snelenberg.

Q We have evidence that Van Snelenberg was an officer of the Canadian Fishing Company and made a tender, and we have evidence that it was purchased by a man named Main, who was also an employee of the Canadian Fishing Company.

Tell me, were there many buildings in this area which would have been suitable for occupancy by white officers of the Canadian Fishing Company?

A No, definitely not.

THE COMMISSIONER: I am not concerned withother places, but I am concerned with this place.

MR. BRAIDWOOD: Yes, my lord.

Q What about the out-buildings on this property, Mr.

Coulthard? A . The out buildings were nicely constructed little buildings and chicken houses, and fitted in with the general scheme of things.

Q What about the interior of the outbuildings?

A The interior of the outbuildings as I recall them, were as the interior of any out shed whuld be, just studding.

Q Now we had some evidence the other, Mr. Coutlhard here, I believe from a gentleman who is not the production manager of the Canadian Fishing Company at Steveston. My friend may correct me if I am wrong on this, that he thought the building would be worth about $7,000.00 or $8,000.00 at that time, is that correct?

THE COMMISSIONER: He said $8500.00.

MR. BRAIDWOOD: He said $8500.00.

THE COMMISSIONER: He said he was asked $8500.00 when he was looking for a home in 1946.

MR. BRAIDWOOD: In Vancouver, my lord.

THE COMMISSIONER: "I knew the Nishi property. I was asked $8500.00 when I was looking for a home in 1946". That was apparently the asking price for the Nishi house in 1946.

MR. BRAIDWOOD: My lord, I would like to reserve the right to look into the transcript with all respect to your lordship, because my recollection is he was comparing it with homes in Vancouver.

MR. PRATT: The comparison in Vancouver was $10,000.00, so he would say, $8,500.00. I just got the transcript of

it a few minutes ago.

THE COMMISSIONER: I have not looked at the transcript, but I am pretty well satisfied that that was his evidence. He did say that a house of that type would have cost him $10,000.00 to $12,000.00 in Vancouver .

MR. BRAIDWOOD: That is perfectly true, my lord, yes.

THE COMMISSIONER: Mr. Watson, would you get me the evidence in case 58? It is on the table in my Chambers.

MR. BRAIDWOOD: Q: On the basis of the suggested price of $8500.00, what have you to say as to that as a proper price for this place at the time of sale by the Custodian. Would you believe that to be a proper price? A. Well, five and a half years is a long time ago, and it is difficult to go back that length of time, but conditions in 1946 were entirely different from what conditions were in 1944. There was a tremendous jump in property sales and property values in those two years and the valuation which we have put on this building is taken into consideration -- great consideration is given to surrounding dwellings there. If you were to remove that house from Steveston, and put it in Vancouver, it would be an entirely different story.

Q In any event, in view of your review of your notes, you would still maintain the price you placed on this property was a proper one, at that time?

A Yes.

MR. BRAIDWOOD: Your witness.

CROSS EXAMINATION BY MR. PRATT:

Q Now, in your valuation, Mr. Colthard, you placed a value of $100.00 on each lot. There were ten lots upon which you placed a valuation?

THE COMMISSIONER: Four lots at $800.00 and four at $400.00.

MR. PRATT: Q: That valuation is less than the assessed value, isn't it?

A Yes, I guess it is.

Q And Mr. Jack, the Cannery manager for the Canadian Fishing Company, told his lordship the other day he bought five lots near the dyke, and paid $1300.00 for them? A. Near the dyke?

Q Yes, and buying near the dyke they were not nearly as valuable as those of the Nishi property?

A I would think the reverse would be the case.

Q You think the reverse would be the case?

A Very definitely.

Q Yet, you didn't know very much about the general picture at Steveston? A. I learned something about it, after dealing with about one hundred of these things.

Q Yes, Mr. Jack who had been there for a few years, I suppose you would agree, would have some knowledge of values? A. Probably he would.

Q Now, in your report, which you have in front of you there, you refer to V-joint. The interior, I take it, being made of V-joint?

A Yes, that is right.

Q There has been evidence given here by people who

called at this house, including Mr. Jack and Mr. Rennison, the bank manager, that there was no V-joint anywhere in the interior of the place?

A I thought Mr. Rennison was overseas at that time.

Q Mr. Rennison had occasion to be in the house, when it was built.

THE COMMISSIONER: I think Mr. Rennison was referring to his inspection of the place, in 1944.

MR. PRATT: No, He was there from time to time, he said, when it was built.

THE COMMISSIONER: I would not be sure of that. He did examine it carefully in 1946, because he was proposing to buy it.

MR. PRATT: Yes, and he built, my lord, also with the rooms. You remember he described the rooms that were plastered and the balance, he believed, your lordship, was finished in Gyproc.

THE COMMISSIONER: I have no recollection of that, however, I am getting his evidence.

MR. PRATT: Q: You say it is cardboard?

A Yes, that is right.

Q This witness said Gyproc. Would he be right?

A No, he definitely wouldn't be right.

Q I am instructed also, by Mr. Van Snelenberg, that your examination was very superficial of the whole property?

THE COMMISSIONER: Mr. Van Snelenberg did not say that. He should be brought here to say it.

MR. PRATT: Unfortunately I can't get him here.

A I don't think he wwas there when I looked at the house.

I don't remember seeing the man.

Q You don't remember seeing him at all?

A Not to my recollection.

Q If he says he talked the situation over with you, and discussed the values, you wouldn't deny that, would you? A. Oh, no.

Q In fact, he was a prospective purchaser, wasn't he?

A Not to my knowledge.

Q Now, this property was completed in 1940?

A Yes.

Q And according to my instructions from my client, Mr. Nishi, the material cost him $5200.00.?

A Yes.

Q The labour $4800.00 and fixing up the grounds $500.00.

A Yes.

Q Now did you ascertain any information along those lines, before you made your valuation?

A No.

Q Would you think those figures would be reasonable to construct a house of that type?

A No, I wouldn't. Not at that time, not under any circumstances.

Q What would you say it would cost to construct that place? A. I would say the construction would run around, at that time, $3.50 a foot, that is, a square foot, for the lower floor, possibly $3.75.

Q And how much area was there?

A 1260.

Q 1260. Construction would be somewhere in the

neighborhood of $5,000.00.

A Certainly not over.

Q For the house alone?

THE COMMISSIONER: Just averting to your remarks earlier, Mr. Braidwood;

"Q: You told us that you were in the premises in 1946. Had you been in them before that as a guest, or did you call on Mr. Nishi before?

A: No, that was the first time I was ever in the house."

MR. PRATT: That is Mr. Rennison?

THE COMMISSIONER: That is Mr. Rennison, at page 53.

"Q: It was plastered throughout on the inside -- plastered -- and with Gyproc".

MR. PRATT: Yes. I was under the impression, and of course, I haven't had a chance to read this yet, that he had been there just prior to going overseas.

THE COMMISSIONER: He said not, and he qualified his statement about there being no V-joint as being as far as his memory goes.

"It was all plastered any place that I saw".

MR. PRATT: I may be confused, my lord, with Mr. Jack.

THE COMMISSIONER: Jack said the same thing at page 43.

"Well, I haven't seen all the rooms, but those I can recall were plastered."

and you put to him the question about the V-joint, and he said he didn't know.

"Do you know anything about that?

A: No, I don't. "

MR. PRATT: Of course, that is a matter, my lord, that I

could have run down a little more carefully.

But I am only going on my instructions.

THE COMMISSIONER: Well, you hve the two witnesses.

MR. PRATT: Yes, but there is this comment to make, that Mr. Jack or Mr. Rennison have referred to Gypro and the witness here calls it cardpaper paper.

THE WITNESS: All anybody has to do is go down there and look at it tomorrow. It is still there. It is an entirely different house from what I looked at in 1944, but the cardboard is still there, if anyone cares to look at it.

Q You know the difference between cardboard and Gyprog, do you? A. I think so.

Q Here was a modern home, wasn't it? You told us here in your report it had a good laundry room, tubs, and a good hot-air furnace and good type of plumbing, and two store houses at the rear?

A That is right.

Q Yes, the total valuation you give to this property is $3150.00 , which, incidently is $30.00 more than the assessed value?

A Yes.

Q The grounds were well kept, weren't they?

A Yes.

Q They must have cost something to put in?

A Oh, not a great deal.

Q About how much? A. I don't know, I am not a gardener.

Q Could you hazard a guess?

A No.

Q When Mr. Nishi says he spent $500.00 , would that be too much? A. The difference between Lots 4 and 8 and 9 and 13 , is $400.00. I presume $400.00 would be it.

Q We don't want your presumption. You are giving us facts here. Where do you get this difference here? A. I just told you Lots 1 to 13 are unimproved and of considerable disadvantage to that house. Lots 4 to 8 are actually the garden. There is a difference between the two figures of $200.00 .

Q Would I be safe in inferring from that statement that there may have been $400.00 spent on the garden?

A Yes.

Q You wouldn't quarrel with the owner's figure of $500.00? A. No.

Q Did you take that into consideration when you gave your valuation?

THE COMMISSIONER: He just pointed out that he did, Mr. Pratt. There was a distinction of $400.00 between the two groups of lots.

MR. PRATT: That is all, thank you.

MR. BRAIDWOOD: My lord, with the greatest of respect, before we leave this witness, your lordship and myself were having some discussion about what Jack said about the $8500.00 figure in your notes. I have been through Jack's evidence, and I fail to find the material, as indicated by your lordship.

THE COMMISSIONER: Which?

MR. BRAIDWOOD: That he had been asked $8500.00 for the

property. I gathered that your lordship had a note that Jack had been made an offer by someone of $8500.00.

THE COMMISSIONER: That was Rennison.

MR. BRAIDWOOD: I am sorry, my lord.

THE COMMISSIONER: You will find it in the cross-examination.

MR. PRATT: At page 53, I think you will find it.

THE COMMISSIONER: Page 55.

"Q: Yes, it was Main who bought it from the Custodian. What was his price?

A: He was asking $8500.00 cash for it, your honour.

Q: And you didn't buy it?

A: I didn't have the cash, sir."

MR. PRATT: And the cross-examination at page 53.

THE COMMISSIONER: Yes, he says at page 53, he thinks the building would cost $8,000.00 to build, and he puts a value of $200.00 a lot on them, thereby making the $10,000.00 figure.

MR. BRAIDWOOD: I am sorry, my lord. My previous remarks had been based on the assumption it was Jack's evidence. That is where I was confused. I would point out, as far as Rennison's evidence at page 55, goes, Rennison's evidence was he had some discussions in 1946 and not 1944.

THE COMMISSIONER: Yes, it was very clear. Rennison was overseas in 1944, that is what he said. Rennison attempted to buy it in 1946. "When I was looking for a home in 1946, I was asked $8500.00".

MR. BRAIDWOOD: I had thought your lordship was referring to Jack.

MR. PRATT: My lord, might I put a question to this witness, arising out of that comment.

THE COMMISSIONER: Yes.

MR. PRATT: Q: Was there any material increase in real properties, such as this, from the years 1944 to 1946?

A Oh yes, a great increase.

Q A great increase? To what extent? What percentage would you say?

A Oh, I hesitate to answer that. Again, I say, this is going back five and a half years, but I know what real estate transactions went through our office and there was certainly a different situation in 1946 to 1944.

The rise seemed to start in 1944, in the latter part of 1944, and from then on it was very rapid.

Q You can't give us any precise information?

A No, I would be guessing.

THE COMMISSIONER: Q: Mr. Coulthard, did I correctly understand you to agree with counsel, Mr. Pratt, when he suggested that the building had cost no less than $5,000.00 to build? I understood you to agree with the proposition he put to you, on that basis.

A Yes, I think that is altogether possible, your lordship, that it might have cost these people to build on a contract and buying material on the open market.

Q You say not less than $5,000.00?

A I am a little backward about saying a $5,000.00 figure,

because it isn't a completed home, or wasn't at that time.

Q And added to that, then, from a point of view of cost, what would be your idea of the value of the land, which is in round figures $1200.00, is that correct ?

A Yes.

Q Now, I assumed, perhaps incorrectly, that you considered that this property had a value equivalent to its cost, but you depreciated it because of the location and the type of surrounding buildings. Am I right in that? A. You are quite correct, my lord. I depreciated it heavily,on that account.

Q You depreciated it heavily on that account?

A Yes.

Q Is it not a fact that even in 1944 there would be some demand for houses of as good quality as that in Steveston? Are there not white employees of the cannery companies who would be compelled to live there? A. Yes, I imagine that would be the case. Some of the formmen and those type of people, I imagine, would be in the market for such a house in Steveston. I don't imagine the higher officials would live there at all.

MR. BRAIDWOOD: I don't wish to interrupt, your lordship, but your lordship will remember that I did introduce evidence of two tenders, both at substantially lower figures.

THE COMMISSIONER: Yes. I wondered that you had not dealt with it with the witness. You can do so, if you wish.

MR. BRAIDWOOD: Very well, my lord.

THE COMMISSIONER: Van Snelenberg made an offer of about $2,000.00, did he not?

MR. BRAIDWOOD: $2500.00, I think.

RE-EXAMINATION BY MR. BRAIDWOOD:

Q Witness, according to information given to the Commissioner two or three days ago, Van Snelenberg, who was an employee of a cannery and a tenant at the property, made a tender of $2500.00 on the 23rd of April, 1944, for this property. Would you have any comment to make on that tender?

A Well, I think he was being unreasonable, and it was probably wishful thinking on his part, that he would get it for that figure.

Q I am also pointing out that there is on file with the Commissioner, a tender of the 1st of May, 1944, of Alex Main, who made an offer of $3700.00 -- $3725.00, for the property, which offer was eventually accepted? A. How much?

Q No, I am sorry, that offer was made by Main in 1944.

A $3,000.00 odd?

Q $3,725.00. What have you to say about that?

A Well, it is getting closer to what we considered a true value of the property, all right.

Q On the second of June, 1944, Main, whose first offer had been refused, made an offer of $4350.00, and that was in line with your appraisal?

A Yes.

Q And that offer was accepted. What would you have to say now as to the circumstances of tenders on this

property, having in mind as I have told you, there were only the two tenders received, both of which were , initially, refused, and then the Main tender was increased. Would you have any idea of the popularity of this property on the market and the variation during these years?

A Well, I think the thing boils down to the fact that Steveston is anything but a desirable place to live in, and that this particular dwelling, which, as I stated, was probably the best,dwelling in Steveston, was surrounded by shacks of a value, as I recollect it, of $400.00 or $500.00, and entirely out of place, and for that reason these people didn't want to put more into this building than they figured they would get out of it again.

Q Just before I close, I was listening to your opinion which you gave his lordship, as to the possible cost of this building, and I wanted to know whether or not your evidence was that this $5,000.00 would be a maximum or a minimum cost of the building?

A I would think at that time it would be the very maximum.

MR. BRAIDWOOD: I think your lordship made a note at the time that it was at least $5,000.00.

THE COMMISSIONER: Yes. That is what I understood Mr. Colthard to say, and the note I have of Mr. Colthard's evidence, and he can correct me if I am wrong, is, "I think the building cost not less than $5,000.00".

Q Do you prefer to qualify it?

A Yes, your lordship, I would like to qualify that by

saying it would cost a maximum of $5,000.00.

THE COMMISSIONER: Yes. Mr. Pratt, have you any further questions?

MR. PRATT: I would like leave to ask one more question.

RE-CROSS EXAMINATION BY MR. PRATT:

Q Mr. Coulthard, in addition to the building we have been talking about, there are the two store houses. What value would you place on them?

A According to all the notes I have here, we placed a value of $305.00 on them.

Q On each, or the two?

A The two together.

Q $305.00? A. Yes.

Q That would be in addition to the $5,000.00 valuation which we have been discussing for the construction of the home? A. Yes.

MR. PRATT: All right, thank you.

THE COMMISSIONER: Q: When you call them store houses, what were they?

A They were just sheds.

Q Sheds? A. Yes. They were well constructed sheds, that matched the house.

MR.BRAIDWOOD: That is the Crown's reply, my lord.

MR. PRATT: My lord, that is all.

Q By the way, did Mr. Van Snelenberg ever tell you he was moving into the city, at the time you were out there, when he was present?

A Not to my knowledge.

THE COMMISSIONER: There is evidence from one of the

witnesses that he was transferred.

MR. PRATT: I wanted to bring out this point, that Mr. Van Snelenberg wasn't interested in paying any more for the property.

THE COMMISSIONER: Yes. I think I asked the question myself.

(Witness aside)

MR. BRAIDWOOD: I think there is a fair inference to be drawn from the fact that Van Snelenberg made a cash offer for the property.

THE COMMISSIONER: There is no inference to be drawn that he was interested at a greater figure, because we have evidence, I think from Jack, saying that Van Snelenberg was removed by the company to another job, which called for him to live in Vancouver.

MR. BRAIDWOOD: I would gather that Mann replaced him.

THE COMMISSIONER: I do not know about that.

MR. PRATT: I would like to bring up this question, and perhaps my friend can tell us, that is, what form the advertising took. Was this like the others, listed?

THE COMMISSIONER: We have had it in evidence that catalogues were made up by the Custodian and were widely distributed. Copies of the cataologues were sent to all real estate agents throughout the province.

MR. PRATT: Those catalogues carried a general description of these properties --

THE COMMISSIONER: Yes. There was no specific advertisement of this building, for instance. It was listed among others.

MR. PRATT: That is all, my lord.

THE COMMISSIONER: That criticism has been made in regard to all the Custodian's sales.

MR. PRATT: I see. I haven't been in on these conferences, and I didn't know it was done.

THE COMMISSIONER: Is that all we have now?

MR. BRAIDWOOD: I would like to speak to the list, my lord.

THE COMMISSIONER: Yes. I am dealing with this claim, along with the Wakita one in the next few days.

MR. PRATT: Yes, thank you, my lord.

MR. BRAIDWOOD: Will your lordship be giving a written memorandum as asual, or will it be necessary for my friend to appear?

THE COMMISSIONER: Oh, I think in the circumstances I had better give a written memorandum on these two claims.

MR. PRATT: Then it isn't necessary for me to attend?

THE COMMISSIONER: It is not necessary for counsel to attend.

MR. PRATT: The Secretary will notify me?

THE COMMISSIONER: Yes.

(Concluded)

I hereby certify the foregoing to be a true and accurate report of the said proceedings.

J. P. Hanrahan

Deputy Official Stenographer

The Commissioner.

Case NO. 58

IN THE MATTER OF THE "INQUIRIES ACT
PART 1, REVISED STATUTES OF CANADA, 1927, CHAPTER 99.

B E F O R E

(THE HONOURABLE MR. JUSTICE H. I. BIRD, COMMISSIONER.)

Vancouver, B.C.,
September 29th, 1949.

IN THE MATTER OF THE CLAIM OF
SHIGETARO NISHI.

PROCEEDINGS AT HEARING

(Pages 41 to 58.)

CASE NO: 58

IN THE MATTER OF THE "INQUIRIES ACT"

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

B E F O R E

(THE HONOURABLE MR. JUSTICE H. I. BIRD, COMMISSIONER).

Vancouver, B.C.,

September 29th, 1949.

IN THE MATTER OF THE CLAIM OF

SHIGETARO NISHI.

PROCEEDINGS AT HEARING

APPEARANCES:

D. T. B. BRAIDWOOD, Esq., appearing for the Dominion Government.

F. DREWE PRATT, Esq., appearing for the Claimant.

A. WATSON, Esq., Secretary,

MRS. E. BLYGH, Official Reporter.

ROBERT JACK, already sworn, testified further as follows:

THE COMMISSIONER: What is the number of this one?

MR. PRATT: This is number 58.

THE COMMISSIONER: The evidence you give in this case will be on the same footing as before. We will take it you have been sworn and will speak the truth.

THE WITNESS: Yes.

MR. PRATT: Yes, he has been sworn, my lord.

DIRECT EXAMINATION BY MR. PRATT:

Q For the record, you are the cannery manager --

A I was at that time. At the present time I am assistant production manager.

Q Of the CanadianFishing Company?

A Yes.

Q Andin 1942, you were what?

A Manager of the Gulf of Georgia Cannery, whichis one of theCanadian Fisher Company's plants.

Q And how long had you been at Steveston?

A Nine years.

Q Were you acquainted with Mr. Shigetaro Nishi?

A Yes, very well.

Q Do you know his home? A: Yes.

Q Had you visited his home?

A Yes.

Q I am going to put the same question to you. When the Japanese people were evacuated, I think it was on April 9th, 1942 -- at least, when these people were evacuated, will you give us an estimate of what

his house and the property it was situated on was valued at?

A: Well, again since I am not a real estate agent, I could not give you an exact valuation, but I maintain a house of that description, in the city here, when I moved in, would cost between 10 and 12 thousand dollars, and the demand for housing in Steveston was fairly great at that time, and a good house -- well, I imagine their house would be worth between 8 to 10 thousand dollars, anyway.

Q Your opinion is it was worth 8 to 10 thousand dollars?

A Judging from the prices that were current in Vancouver.

THE COMMISSIONER: What date are you applying to this evaluation?

MR. PRATT: I am looking for the evaluation.

THE COMMISSIONER: The witness has expressed an opinion of between 8 and 10 thousand dollars-- as of what date is that?

MR. PRATT: As of April, 1942.

THE COMMISSIONER: How was the house finished inside?

A Well, I haven't seen all the rooms, but those that I can recall were plastered.

MR. PRATT:

Q All plastered. The valuator, I might tell you, Mr. Jack, in this cases, states that the house was finished with V-joint in some parts inside. Do you know anything about that?

A No, I don't.

Q Now, you have given us a valuation in your opinion of 8 to 10 thousand dollars in 1942. Let us take

in April 1944, what would be the market then-- what was the market value then of that property?

A Well, presumably the demand was greater. There were more people and there was more money around, so I imagine the opportunities of getting more money for it would be greater.

Q I show you Exhibit 5-A and 5-B: Do you recognize that? A: Yes.

Q That is the house property, is it, that we are discussing? A: That is right.

Q And you say in 1944, in April, the values would be greater? A: I would judge so.

Q Was it a modern home? A: It was only two or three years old when Nishi left Steveston.

Q By the way, I will ask you another question. I understand you were good enough to take care of some of the goods and chattels for Mr. Nishi when he left there. A: That is right.

Q And you later shipped these personal effects to him up country, is that right?

A Yes, at his request.

Q And what happened to them?

A They were lost. The truck that was carrying them-- which was one of the trucks of the Wright Transport Company, went off the highway, either just above or below Chase, and most of the contents were lost that were on the truck -- either broken, lost or stolen.

Q That is all, thank you.

THE COMMISSIONER: Yes, Mr. Braidwood.

CROSS-EXAMINATION BY MR.BRAIDWOOD:

Q Mr. Jack, do you know whether the Wright Transport Company made any settlement for that?

A No, I have no knowledge.

MR.PRATT: Yes, they did.

MR. BRAIDWOOD: My friend says they did.

MR.PRATT: The point is, we were asked to give the cost of materials and labour that went into construction, and I was going to show by another witness all those records were lost when this truck went over the highway.

MR. BRAIDWOOD: No further questions, mylord.

THE COMMISSIONER: Here again, have you any information as to appraisals or offers?

MR. BRAIDWOOD: Yes, my lord. This property was appraised by Coulthard & Sutherland. I don't know whether that was in before at $4350.00. Is that in?

THE COMMISSIONER: No, there are no documents in at all relating to real property.

MR. BRAIDWOOD: Well then, I would like to file Coulthard & Sutherland's appraisal of $4350.00 and I might ask when Mr. Coulthard comes in on case 56 he could be also examined on this.

THE COMMISSIONER: Yes, he should be.

MR. BRAIDWOOD: Now, I don't believe the two photographs that my friend tendered a few moments ago have been marked as an exhibit.

MR. PRATT: I thought my friend put those in.

THE COMMISSIONER: There were photographs, but not these two.

MR. BRAIDWOOD: I would be quite pleased if they went in.

MR. PRATT: We tendered a list of photographs.

THE COMMISSIONER: There were five different photographs. There is one of the house, but not the same as this one. It is the same house but it is not the same as this.

MR. PRATT: Well, 5-A and 5-B.

MR. BRAIDWOOD: They are my own markings.

MR. PRATT: I am sorry.

THE COMMISSION: Mr. Secretary, you might mark these two photographs as Exhibit 9. No, we have already 9 in. That will be 10.

(TWO PHOTOGRAPHS MARKED EXHIBIT NO. 58-10)

RE-DIRECT EXAMINATION BY MR. PRATT:

Q I might put one other question to this witness and then let him get away. There were ten lots in the name of Mr. Nishi in the part where this property was situated. What would you say would be the value of the lots in that area at that time?

A I paid somewhere in the neighbourhood of $1300.00 for five lots adjoining a portion of our own property, and lots outside the township at the time were running around $75.00 to $100.00, but the general price of lots within the town, other than those that were close to our own property, I would not be fully acquainted with.

Q But you paid $1300.00 for five lots?

A Yes.

THE COMMISSIONER: How many lots are you claiming for?

MR. PRATT: Ten, 4 to 8 and 9 to 10.

THE COMMISSIONER: And were the lots that you refer to as having been paid $1300.00 for close to this property?

A No, they were on the dyke.

Q How far away from the Nishi lots?

A Better than a quarter of a mile. His property was on the junction of two main roads.

Q Would you say that the Nishi property was more or less valuable than the property you got?

A His property could be put to more use than the property we got. I would say it would be a little more valuable from a housing standpoint.

THE COMMISSIONER: Now, where is the appraisal? Have you got it marked? It should be marked as well.

THE SECRETARY: The last number was 10. This will be 58-11 and 58-12.

THE COMMISSIONER: No, the pictures are 10.

THE SECRETARY: No. 10 seems to be an application for a motor vehicle.

THE COMMISSIONER: Yes, you are quite right. Your photographs will be marked 11 and this will be marked 12.

(TWO PHOTOGRAPHS NOW MARKED EXHIBIT No. 58-11.)

(APPRAISAL MARKED EXHIBIT NO. 58-12.)

MRL BRAIDWOOD: My lord, before this witness leaves the stand I might put in some salient facts, since there is some connection of the witness with the material that I am putting in.

THE COMMISSIONER: As I told you yesterday in regard to

these Kamloops claims, the material before me is very incomplete.

MR. BRAIDWOOD: Well, I just want to read into the record as to the Custodian's figures --

MR. PRATT: Is it necessary for this witness to remain?

MR. BRAIDWOOD: It will be just a matter of a few minutes-- the assessed value of the land --there are ten lots at $ 121.00 each, $1210.00.

THE COMMISSIONER: The assessed value of ten lots in 1944 -- if you please, I am addressing counsel. Will you repeat what you said.

MR. BRAIDWOOD: Ten lots at $121.00 each, or $1210.00 total on the real property.

THE COMMISSIONER: $1210.00.

MR. BRAIDWOOD: Yes, and $3,120.00 on the improvements.

THE COMMISSIONER: Three thousand and--

MR. BRAIDWOOD: -- one hundred and twenty.

THE COMMISSIONER: Is that the house?

MR. BRAIDWOOD: That is a house, a garage and two sheds, my lord.

THE COMMISSIONER: Yes.

MR. BRAIDWOOD: That makes a total assessment of $4,330.00 as of 1944.

THE COMMISSIONER: Yes.

MR. BRAIDWOOD: This house was leased to a Mr. Van Snelenberg, who was with the Gulf of Georgia canning people, apparently at a rent of $1.00-- I don't know how that is, but it was leased by Nishi prior to his evacuation.

In February, 1943, Van Snelenberg requested that he could purchase the property and he was sent

the usual forms. In April of 1944 he made a tender of $2500.00 on the property, enclosing $250.00 as being 10% of his offer. This Van Snelenberg, who was on the property, was under lease from the Claimant. This offer was rejected, my lord, and we received a further tender of $3725.00 from a gentleman named Main in 1944.

THE COURT: What is that figure again?

MR. BRAIDWOOD: $3725.00, in May of 1944.

THE COMMISSIONER: Yes.

MR. BRAIDWOOD: We returned that cheque and indicated that an appraisal price of $4350.00 had been set on the property, and in June of that year Main brought his offer up to our price of $4350.00.

THE COMMISSIONER: And there is no reference to Van Snelenberg again?

MR. BRAIDWOOD: No, there was no reference to Van Snelenberg again. Appaently hewas an officer of thewitness's company and was living on those premises for some time. I don't know whether he continued to do so or not under Main. Perhaps the witness might have some information onthat.

THE WITNESS: Snelenberg was foreman of our cannery out there until he moved to Vancouver, and Main is one of the net men working in the net loft.

THE COMMISSIONER: Anything further?

MR. BRAIDWOOD: That is the history of it, my lord.

THE COMMISSIONER: Now, Mr. Jack, you have this information now. The real estate valuator, Mr.Coulthard, appraised these premises at $4350.00 in 1944,

and you have also heard the figure of theprice paid by Main, and the offer made by Van Snelenberg. Have you any comment to make in regard to these figures in comparison with your valuation of $10,000.00 in 1942? A: Well, my valuation, my lord, is based on what I had to pay for a house of much the same dimensions in the city when I moved into Vancouver. I had to pay between 10 and 12 thousand dollars for a home of the same dimensions, but onless land, of course.

Q Do you think that is a fair comparison to make between property in Vancouver as opposed to property in Steveston? A: Well, that is why I dropped my valuation as far as the Steveston property is concerned, about two thousand, I said from 8 to 10 tthousand instead of from 10 to 12 thousand.

Q So in your opinion, I take it, it follows that Main got a very cheap buy, is that the situation?

A Oh, I think he did. I think he is quite satisfied with it.

THE COMMISSIONER: Do counsel wish to ask the witness anything further?

MR. BRAIDWOOD: No.

MR. PRATT: No,my lord.

THE COMMISSIONER: Thank you, Mr. Jack.

(Witness aside.)

MR. PRATT: My lord, just before we leave that phase of it, I think the record will disclose that Mr. Nishi, in giving evidence at Kamloops, pointed out

that the cost of the materials was $5200.00 that went into this place, and the labour he estimated at $4800.00.

THE COMMISSIONER: Well, that is all before me.

MR. PRATT: That is before you in the record, my lord, and I think Mr. Hunter, in his cross-examination, asked him toproduce the vouchers showing how he made up these materials and values, and I am instructed to tell you all these records he had were lost when the truck went over into the Fraser River, so we are unable to give you that information.

Now , my lord, the Manager of the Royal Bank of Canada cannot leave Steveston until three o'clock when he closes the bank, and he is coming right over here then, so I would ask your indulgence to take him when he comes over.

THE COMMISSIONER: Very well, if you will let the secretary know.

MR. PRATT: I might go back to No. 56, this first case, for a moment, as I want to clear up one point. Your lordship has accepted the statement I made that that $150.00 a month rental that was entered into with the occupant of the building in Steveston was material.

THE COMMISSIONER: That is the store property?

MR. PRATT: Yes.

THE COMMISSIONER: I told you yesterday I was satisfied in a great many instances the rental agreed to be paid had no relation whatever to the value of the property.

MR. PRATT: He was put in possession of the property and

that was shown to be the nominal rental.

THE COMMISSIONER: That is the last witness you want to call?

MR.PRATT: That is the last witness I want to call.

THE COMMISSIONER: I would like to hear from counsel after all the evidence is in.

MR. BRAIDWOOD: We have yet to hear from Mr. Coulthard.

MR. PRATT: Well, that will be after Mr. Coulthard's evidence.

THE COMMISSIONER: Yes.We will adjourn now and I shall be available when your witness arrives.

(PROCEEDINGS RESUMED AFTER SHORT ADJOURNMENT.)

WILLIAM ARNOLD RENNISON, already sworn, testified further as follows:

DIRECT EXAMINATION BY MR PRATT:

Q Mr.Rennison, you are the bank manager of the Royal Bank of Canada at Steveston,I believe?

A Yes.

Q And how long have you been bank manager of that institution? A: From '41 to '42, and then I was back again in '46.

THE COMMISSIONER: You do not need to go over all that again. I will take the evidence givenin Case 56 as applicable to this one.

MR. PRATT: Q: Were you acquainted with Mr. Shigatero Nishi? A:He was a customer of our branch.

Q Did you know his home property?

A Yes. As a matter of fact, in 1946 I looked over the property personally with the idea of buying it, and

the price at that time they were asking was $8500.00.

Q $8500.00. In April of 1942, would you give us an idea what the value of the property was?

A Well, I would imagine it was a comparatively new house-- it was just finished in 1940 and the house contained eight rooms, and a full sized basement with an apartment in the basement, and I think the house would cost around 8 or 9 thousand dollars to built it at that time-- that is the house itself, andthen there were also ten lots.

Q And what would the lots be worth each? What value would you place on the lots in 1942 at that time?

A I would say around $200.00 a lot.

Q And you say $8500.00 for the structure?

A Well, just from the construction of the place, I would say it would cost around $8,000 to build.

Q And then ten lots at $200.00 on top of that, that would be another $2,000.00?

A Yes.

Q And would I be right in suggesting Mr. Nishi had an investment there of $10,000.00?

A Well, I have no idea what he paid for the lots,but I would think they would be worth pretty close to that figure.

Q You told us that you were in the premises in 1946. Had you been in them before that as a guest, or did you call on Mr. Nishi before?

A No, that was the first time I was ever in the house.

Q You were in there in '46. How was it finished inside? A: It was plastered

throughout on the inside -- plastered,-- and with gyproc.

THE COMMISSIONER: I do not think you need to go into an elaborate description of it. I have a number of photographs here.

MR. PRATT: Well, I would ask permission to draw your lordship's attention to the valuator's statement, and that is why I am leading up to it. Reference is made by the valuator that part of the rooms upstairs were finished in V-joint. Did you notice any V-joint in the place? A: Not as far as my memory goes. It was all plastered any place that I saw.

Q That is all, thank you,-- oh, by the way, I am sorry, I was just going to ask you this question, Mr. Rennison. Mr. Nishi, did he have any operations on Vancouver Island? A: I believe he was in the-- oh, I couldn't say offhand. I don't recall it-- there were so many Nishis at Steveston at that time.

THE COMMISSIONER: Have you the appraisal in this case? It has not been filed.

MR. BRAIDWOOD: I filed it this morning or earlier in the day, I thought.

THE COMMISSIONER: Yes, go ahead, Mr. Braidwood.

CROSS/EXAMINATION BY MR. BRAIDWOOD:

Q Mr. Rennison, you were not on the property prior to 1946? A: No.

Q So you don't know what was in the house prior to that time? A: No.

Q You only know what you saw in '46?

A Yes.

Q And when you have given estimates of values of '42 and '43, that is again only an estimate?

A That is right.

Q You did not investigate any sales of comparative properties in that neighbourhood at that time?

A No.

Q And you did not investigate the taxes or anything at all? A:No.

Q And that is just a guess from a person living in the vicinity? A: Yes.

RE-DIRECT EXAMINATION BY MR. PRATT:

Q I suppose as a banker you would make it your business to get a rough estimate of what aman's property was worth? A:Yes.

THE COMMISSIONER:Q: You spoke of having examined the property yourself with a view to purchase.

A Yes, your Honour, in '46.

Q With whom were you dealing-- the purchaser from the Custodian?

A I was dealing with the owner at that time-- the present owner, Mr.Main.

Q And he was the man who bought it from the Custodian, was he not? A:As far as I know, yes.

Q Yes, it was Main who bought it from the Custodian. What was his price?

A He was asking $8500.00 cash for it, your Honour.

Q And you didn't buy it? A: I didn't have the cash, sir.

Q Was there a real e state agent advising you in connection with the prospective purchase of the house?

A No, sir, no, your Honour.

Q You made the contact yourself?

A These people were clients of mine and they said they would sell it and they asked that price for it.

Q And what conclusion did you form at that time as to its then value? A: Well, I would judge that it should be valued around that figure. It is a fairly new house and it is modern construction, and as a matter of fact, it is one of the best houses in the village.

THE COMMISSIONER: Do counsel wish to pursue the subject any further?

MR. BRAIDWOOD: No, your lordship.

THE COMMISSIONER: Thank you.

(Witness aside.)

MR. PRATT: My lord, that is all the evidence I have to tender; but I would like to make a statement here, though, that Mr. Nishi has disclosed to me today that when he was operating the store in 1942 at Ucluelet -- his son was there and the Mounted Police came in and gave him only three days to get out, and as a result of it they had to close the store which contained some 5 to 7 thousand dollars worth of goods, and the whole thing was lost, and he said he could not get back there to prove anything and the Indians came in there after he was gone and cleaned

out the whole thing, but he has had this claim of $7,000.00 under consideration but has not done anything about it.

THE COMMISSIONER: What is the explanation of it?

MR. PRATT: Well, he was told it was too late to put the claim in, and it would be doubtful whether he could maintain that- that is, establish it.

THE COMMISSIONER: Well, it is pretty late, coming along now withit.

MR. PRATT: Well, it is pretty late and he has sort of become resigned to it. He says it has gone, and the Mounted Police went in there and just gave him three days to get out-- and apparently someone slipped up on it, and by the time the Custodian was able to get in there they found nothing.

THE COMMISSIONER: Well, I would suggest that you take it up with your friend and let him investigate the circumstances, and perhaps you can both see me together at a later date.

MR. BRAIDWOOD: Very well, mylord.

MR. PRATT: I appreciate the lateness of the hour, but this man has suffered a severe loss in that.

THECOMMISSIONER: Well, I shall be glad to hear you further after you have had an opportunity to investigate it. Do counsel wish to present argument now?

MR. BRAIDWOOD: No, Mr. Coulthard has to give evidence yet on this.

THE COMMISSIONER: When do you propose to call him?

MR. BRAIDWOOD: I haven't seen Mr. Campbell since this morning, but I understand he is trying to get him in

at the first of the week, and then we have another witness from Mission that we wish to bring in, so we might bring them both together.

THE COMMISSIONER: Well, if possible, I would like to have it disposed of by Monday.

MR. PRATT: Well, I don't know what my diary says, but I think I have a trial on Monday.

MR. BRAIDWOOD: Well, we do sit at ten o'clock.

MR. PRATT: Well, I want toget rid of these things too.

THE COMMISSIONER: You can take it up with me later.

MR. PRATT: So I don't think there is any necessity for these people to remain here. There is nothing your lordship requires of them?

THE COMMISSIONER: No.

MR. PRATT: And they want to get back home, so this concludes it-- there will be no more evidence after Mr. Coulthard.

MR. BRAIDWOOD: No.

(PROCEEDINGS ADJOURNED)

I hereby certify the foregoing to be a true and accurate report of the said proceedings.

E. Bligh

Deputy Official Stenographer

CASE NO: 58.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B.C.,

February 10th, 1948.

IN THE MATTER OF THE CLAIM OF

SHIGETARO NISHI.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 58.

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

(THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).

Kamloops, B.C.,

February 10th, 1948.

IN THE MATTER OF THE CLAIM OF

SHIGETARO NISHI.

PROCEEDINGS AT HEARING.

APPEARANCES:

J.W.G. HUNTER, Esq.,	appearing for the Dominion Government.
F. DREWE PRATT, Esq.,	appearing for the Claimant.

A. WATSON, Esq.,	Secretary.
G.N.R. UPTON, Esq.,	Official Interpreter.
G. HAMBLETON, Esq.,	Official Reporter.

MR. PRATT: My lord, this is a claim that involves some real property, some fishing equipment, a boat and certain gear. Would you swear the witness?

SHIGETARO NISHI, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

DIRECT EXAMINATION BY MR. PRATT:

Q Now, Mr. Nishi, I want you to try and dispense with the Interpreter; I think you can. Speak up so his Lordship will hear your evidence.

THE WITNESS: A: Yes.

Q Now your full name is Shigetaro Nishi?

A Yes.

Q And you came to this country how long ago?

A Oh, about forty-four years ago.

Q Forty-four years ago, and you settled at Steveston; did you? A: Yes.

Q Engaged in what kind of business?

A Fishing business, fish merchant.

Q And do I understand that you managed certain departments of the canneries there for --

A Well, some time.

Q -- fishing companies? A: Yes.

Q Now you set up your home at Steveston, did you?

A Yes.

Q I am going to show you here a condensed statement of part of your claim. This is the real property, Lots 4 to 13, etc., -- you have that, Mr. Hunter-- in which you claim $13,250.00. That covers what property, Mr. Nishi? What was on the land?

(Question Interpreted).

THE WITNESS: A: This is my living house.

Q Your living house. And you have signed that statement, have you, there? A: Yes.

Q And it was an 11-roomed dwelling house?

A Yes.

Q And there were some other buildings on there, were there? A: Yes, garage and storehouse.

Q Storehouse and garage, I see.

A Yes, sir.

Q When had you built that, Mr. Nishi?

A 1937.

Q 1937? A: Yes.

Q And what did it cost you to build?

A Worth about $5200.00. Labour $4800.00, material cost $5200.00.

Q The material, you say, cost you $5200.00, is that right? A: That is right.

MR. PRATT: I am going to, if I may, lead a little.

Q You have given me these figures. Material, $5200.00? A: Yes.

Q Labour, $4800.00? A: Yes.

Q Fixing up the grounds -- A: $500.00.

Q And the property, the land cost you how much?

A I claim about $2000.00. When I buy, at that time, $1500.00.

Q $1500.00 when you bought it?

A Yes.

MR. PRATT: By the way, my lord, I beg your pardon, I

should have handed this in as Exhibit 1.

THE COMMISSIONER: What is the extent of the land, what acreage?

MR. PRATT: It is made up of ten lots, my lord.

THE COMMISSIONER: I see.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. PRATT: Q: Mr. Nishi, have you a picture of that?

A Yes, I have.

Q Might we see that? A: Pictures? This is the inside, this is the garage.

Q This is the garage? A: Yes.

MR. PRATT: My lord, the witness has handed me six snaps showing the exterior, the grounds, and the interior of the home. I think they can go in as one exhibit.

THE COMMISSIONER: Yes, one exhibit. I didn't get those figures, Mr. Pratt. Am I right, labour cost on building, $4800.00?

MR. PRATT: Labour was $4800.00, my lord.

THE COMMISSIONER: And the material?

MR. PRATT: $5200.00.

THE COMMISSIONER: All right; I have the rest.

MR. PRATT: The grounds, $500.00, and then the land $1500.00.

I am submitting these six snaps of the property as Exhibit 2. Could they be put in an envelope?

THE SECRETARY: Yes, I will do that, Mr. Pratt.

MR. PRATT: I would like his Lordship to see those as soon as possible.

MR. HUNTER: Why not take that car and put it in separately?

MR. PRATT: It is the garage he wanted to show, you see, the grounds.

(PICTURES MARKED EXHIBIT NO. 2).

MR. PRATT: Q: What was the condition of the place when you were evacuated from the Coast, Mr. Nishi?

A The condition of the place?

(Question Interpreted).

THE WITNESS: A: Oh, just brand-new house, you know. Just a brand-new house.

Q I see. Had you tried to sell it?

A Oh, I don't want to sell it.

Q No, all right. A: It is my living house.

MR. PRATT: I wonder if my friend would like to cross-examine on this phase or should I go on with the whole thing?

THE COMMISSIONER: You had better go on with the whole thing, Mr. Pratt.

MR. PRATT: Very well.

Q Now, Mr. Nishi, you also had some other --

THE COMMISSIONER: Now, he hasn't covered his idea of the market value at the date of sale.

MR. PRATT: Well I thought that speaks for itself on the statement, my lord.

THE COMMISSIONER: He has it on the statement. That is all right; we will let it go at that.

MR. PRATT: Q: Now, Mr. Nishi, you were claiming for some motorcars and trucks -- a motorcar and motor

truck, I should say. Is this the condensed statement of your claim in that respect?

A Yes.

Q And is that your signature on there?

A That is right.

Q And that covers a Dodge touring sedan and a Dodge half-ton truck? A: Yes, sir.

MR. PRATT: I tender that as Exhibit 3, my lord.

(STATEMENT MARKED EXHIBIT NO. 3).

MR. PRATT: Q: Now, let's take the Dodge sedan -- by the way, there is a picture of that car, I think, on one of those snaps that we filed?

A Yes.

Q That was bought when, Mr. Nishi?

A 1940.

Q The sedan? A: No, no.

Q Well, if I may point out, according to your claim you bought the sedan in 1939.

A Yes, 1939.

Q How much did you pay for it?

A $1250.00, I think.

Q How much? A: $1250.00.

Q $1250.00? A: Yes.

Q You have got $1300.00 down in your claim; is that incorrect? A: Just a minute.

Q All right; you take your time.

A It is hard to remember everything. Oh yes, $1300.00.

Q And you are claiming $1250.00? How far had the car gone; how much use had you gotten out of it

when it was surrendered?

A I just use it on a trip to Steveston and Vancouver sometimes, you know. I can't remember so many miles -- oh, about 20,000, 25,000.

Q 25,000 miles? A: Yes, that is my memory.

Q 25,000 miles you figure? A: Yes.

Q All right. And you are claiming $1250.00 in respect of that sedan?

A Yes.

Q Now the next feature of this is a Dodge half-ton truck. According to your statement you bought that in 1940? A: Yes.

Q And you paid $1500.00? A: I paid $1500.00.

Q And it has gone, according to your statement, two thousand miles? A: Yes.

Q And you are claiming $1500.00, are you?

A That is right.

Q By the way, both the truck and sedan, were they new when you bought them?

A Yes, brand new. I would like to explain for this truck cost. I buy for truck extra tire, extra spring and some extra for body, so cost me $1500.00, you see.

Q You mean you bought some extras for the truck, extra tires and things over and above the original price, and, therefore, you claim $1500.00; is that right?

A Yes, that is right.

Q Now, let us take the next item, Mr. Nishi.

MR. PRATT: This, my lord, is a rather miscellaneous list and we will try and condense it as much as we can.

Q Now you had certain fishing equipment and gear and a fishing boat?

A Yes.

Q Now you have prepared a statement in connection with this equipment and boat, and I show you a statement, a condensed statement of your claim in that respect. Was that signed by you, Mr. Nishi?

A Yes, I signed that.

Q You signed that? A: Yes.

Q I think we will just put that in; you can see the copy? A: Yes.

MR. PRATT: I tender that as Exhibit -- I think it is 5.

THE SECRETARY: Exhibit 5.

MR. PRATT: Is it 4 or 5?

THE SECRETARY: 4.

MR. PRATT: Yes.

(STATEMENT MARKED EXHIBIT NO. 4).

Q Now, Mr. Nishi, in this statement you have "Salmon nets all kinds total 830 fathoms used", you are claiming $740.00?

A Yes.

Q Could you tell his Lordship briefly how long you had had these nets and what you paid for them originally, what they cost you?

A Well, all right.

Q What did those nets cost you originally?

A You mean new?

Q New, when you bought them.

A Oh, my, very hard to explain.

Q Very hard to explain. Can you give us an approximate figure? A: This one I figure, you know, this price, see.

Q Let me just see this a minute.

THE COMMISSIONER: Attached to his claim is a detailed statement.

MR. PRATT: There is a detailed statement. Could we let it go at that.

THE COMMISSIONER: Suppose you verify this as correct and leave it to Government counsel to cross-examine if he wishes.

MR. PRATT: Q: This statement, the statement you have filed on your original claim showing a total of $975.00 --

A Yes, everything.

Q Well now, would that be the market price at the time that you were evacuated, is that right?

A Yes, at the time, value.

THE COMMISSIONER: You are referring, Mr. Pratt, to the used nets?

MR. PRATT: That would include the cork line and cork and the leadline.

Q That is your estimate of the value at the time you were evacuated? A: Yes.

Q Market value, I should say. Now, Mr. Nishi, let's take the next item on your claim, the "Harukade", the name of a fishing boat.

A Yes.

Q According to your statement this was built in 1930?

A 1930.

Q By Mr. Atagi, was it? A: Yes.

Q And it was a registered boat, No. 154820?

A Yes.

Q And it was equipped with what kind of engine?

A 15 horsepower Vivien.

Q What did the hull cost you to have built in 1930?

A Well, I got a contract with Atagi and I buy the engine. The engine cost so much and we must buy propeller and shaft and everything else besides. That is only supposed to be about $1500.00.

Q $1500.00 for the engine, propeller shaft and equipment? A: Yes.

Q And that was in 1930? A: Yes.

Q And what did you pay Mr. Atagi to build the hull?

A Boat, $1500.00.

Q $1500.00. A: Yes.

There is anchor, rope, everything else complete I pay Atagi $1500.00.

Q Do I understand, then, the boat cost you completed in 1930 $3000.00, would that be right?

A That is right.

Q And you are now claiming $1500.00?

A Yes, used about ten years.

Q You used it about ten years. Somebody had a picture of that boat. A: Yes, I have got it. Every year repair it.

Q You kept it up every year, did you?

A Yes.

Q Is this a picture of your boat?

A Yes. It is my boat and the one I sail myself.

MR. PRATT: To assist my friend I will tender this as Exhibit 5.

(SNAPSHOT MARKED EXHIBIT NO. 5).

Q And you estimated then the market value at the time of evacuation of that boat at $1500.00?

A Yes.

Q And you state it was in good condition?

A Sure, using it all the time.

Q Using it all the time? A: Yes.

Q In fact, that is a good factor, isn't it, using a boat all the time? If you don't use it all the time, it deteriorates?

A No, supposing -- when you use it, you fix it up, you know.

Q Let's go over the next item here, "One heavy anchor, 520 pounds"; you have got that down as new, purchased in 1941 for $97.50?

A Yes.

Q Where did you purchase that anchor?

A We got a business, fish livers, you know. We got a business up Vancouver Island, you see, just started, going into business, you know. Got anchor for bigger scow. We just start. We start -- let's see -- October; yes, about October, you see, and you know, war start.

Q I know, but what I want to get at is this: how much you paid for that anchor. Where did you buy

it? A: Just a minute.

Q A 520-pound anchor, you have got it down there as new. A: This one I think McLennan, McFeely.

Q What happened to your vouchers and statements in connection with these purchases?

A Invoice, when we come over here, you know, all smash up, you know, everything, you remember.

Q You can't locate your invoice?

A Yes.

Q But you tell his Lordship you paid $97.50 for this new anchor, 520-pound anchor, in 1941, and it was not used. You have next, "2 Gal. Anchors" and you paid $68.38 for them?

A Correct.

Q That is the two together? A: Yes.

Q And they are in the same category; they have not been used? A: Yes.

Q Where did you buy those two anchors?

A Those two anchors, let's see, I have forgotten the name.

Q Some local firm in Vancouver?

A Excuse me --

MR. PRATT: We will leave that a minute. We will go on to the next one. We will see if we have that.

(Voice from Courtroom: "Western Leckie").

THE WITNESS: Yes.

MR. PRATT: Q: Western Leckie? A: Yes.

Q That is a Vancouver wholesale firm?

A Yes.

Q Now you have "300 pounds of saltpetre" here.

A Yes.

Q What about the saltpetre; you bought that some place.

A Vancouver Salt.

Q Vancouver Salt Company?

A Yes.

Q And you paid $45.50 for it? A: Yes, 15 cents a pound.

Q 15 cents a pound. Now you have here, "Rowboat, $58.50". A: Yes. Cost new $60.00.

Q It cost you $60.00 new. You have $58.50 here and you are claiming $58.50? A: Yes.

Q All right; how long had you had that rowboat?

A Only about three years, that's all.

Q Three years. A: Used about, oh, used about one, two weeks every year.

Q Once a week every year? A: Yes.

Q Then you have another rowboat here, $45.50. Where did you get that?

A The same -- Mr. Atagi.

Q Both boats were from Mr. Atagi, were they?

A Yes.

Q And you are claiming $45.50 for that boat?

A Yes.

Q How old was it? A: Oh, about the same time I bought it. Used the same time.

Q I see. Now you have 350 feet galvanized 5/8ths inch wire rope, claiming $68.25?

A Yes.

Q That was new? A: New.

Q And you bought that where?

A Yes.

Q Where did you get that? A: Yes, McLennan, McFeely, I think.

Q You think you got that at McLennan, McFeely, too?

A Yes.

Q Now the items which we mentioned here, Mr. Nishi, where did you leave these anchors?

A In my house garage, in the garage.

Q In the garage? A: Front of the house.

Q And you have on here, "In care of Mr. Snellenberg"?

A That is right.

Q And you understand, do you, that it was taken over by the Custodian later? A: Yes, -- no, no,-- yes. The Custodian doesn't know that, maybe. Mr. Snellenberg, I ask for him, you see, what he do with anchor and wire rope. Well, the Navy people come and take them away.

Q The Navy came and took them away?

A I don't know where they go, you see.

Q I see.

THE COMMISSIONER: What he says is that the Navy came and took the anchors away, that is what he has been told, is that right?

THE WITNESS: Yes.

MR. PRATT: Q: By the way, the boat, the "Harukade", was also turned over to the Navy at the time?

A I think so. At that time, you know, must be time for fishing boat, sell them, December and

January time you know -- January or December. My boat not sell them this time.

Q Didn't sell thefirst time. There is just one more item here, Mr. Nishi. You are claiming here for one rowboat? A: Yes.

Q Left at the Steveston Cannery and you are claiming $45.00? A: Yes.

Q Is that your signature on this condensed form of claim? A: Yes.

MR. PRATT: I submit that as Exhibit 6.

(STATEMENT MARKED EXHIBIT NO. 6).

Q This was a small rowboat? A: Yes, a small rowboat.

Q And how long had you had that rowboat -- purchased in 1938, was it? A: Yes.

Q And you paid $60.00? A: $60.00.

Q Who did you buy it from? A: From Mr. Atagi. He built all my boats.

Q He built all your boats. And you are claiming $45.00? A: Yes.

Q You say you left it at the Scotch Cannery. Did you leave it in anybody's care there?

A Well, I put this thing there. I told the Custodian.

Q You told the Custodian about this boat, where it was? A: Yes.

Q Your touring car, I want to go back to that for a minute. Did somebody offer to buy that from you? A: Which one?

Q The motorcar; your motorcar, the sedan. Did you

get any offer for it?

A No, I didn't. Nobody asked me. I put in at Hastings Park, some people ask me, "You want to sell the car?" I don't want to. Suppose I can get out to town, I get them back, that is why I like everything here. I never sell them to somebody else.

MR. PRATT: Your witness, Mr. Hunter.

THE COMMISSIONER: Just one moment, Mr. Pratt. I don't think you have covered the personal property shown in the claim consisting of brand-new nets, $1227.50.

MR. PRATT: Oh, that is wiped out. He amended that the other night.

Q Those nets, that was disposed of?

A Yes.

MR. PRATT: He is withdrawing his claim in respect of the new nets.

THE COMMISSIONER: The brand new twines, is that abandoned, too?

MR. PRATT: I think that is in the claim. Yes, I think that is included in there.

THE COMMISSIONER: Yes, the used net, cork-line and cork, lead-line and salmon net, $975.00, but there are the two preceding items in the claim that I don' t know anything about at the moment. If they are being abandoned, I would like to know.

MR. PRATT: They are being abandoned, my lord.

THE COMMISSIONER: Very well. You are abandoning the

claim for $1227.50 and $831.39?

MR. PRATT: Yes. There are items here, my lord, "Brand new nets and twines" totalling $632.23, which are abandoned.

THE WITNESS: No.

MR. PRATT: Oh, $788.24, and $632.23. That is on -- I don't know what page it is -- "Property left at the Canadian Fishing Company, Steveston, B.C., in care of J.F. Townsend, manager".

THE COMMISSIONER: Well, as I have it here, there is a total of $1227.50 for brand-new nets and $831.00 for brand-new twines, $831.39. Here is the claim form. (Handed to Mr. Pratt).

MR. PRATT: Well, my lord, I think that covers it. He has here -- I don't know where that came from; it doesn't coincide with the copy I have -- "2 nets" the same, and "1½ nets", and #1 net". Your total was $1227.50, but this total is $788.24.

MR. HUNTER: Mr. Pratt, these letters may be of some assistance to you. This is the report to the cannery who sold them.

MR. PRATT: Yes, they were sold by the cannery, and I would say the claim in respect of the new nets and twines is withdrawn, which looks like a total of -- I make it $1218.00.

THE COMMISSIONER: Well now, I have to deal with the original claim as filed and that is the one I handed you.

MR. PRATT: Well, let me just look at this a minute

here.

Q Mr. Nishi, you were claiming on the original claim that was filed, $1227.50 for these brand-new nets. Now you have washed that out; you are not claiming that?

A That is right.

Q All right, the new twines, the same thing; you claimed $831.39 and that is washed out?

A Washed out, yes.

Q And that leaves $975.00 for the cork line and cork, lead line, and salmon net?

A Yes.

MR. PRATT: All right.

THE COMMISSIONER: All right.

MR. PRATT: I am sorry, my lord.

THE COMMISSIONER: Now just before Mr. Hunter opens, I would like to make sure that I have this right now. The articles that I show as prima facie proven are the real estate, $12,250.00; the two motorcars or trucks, $1250.00, and $1500.00 respectively; and the fishing boat, gear and equipment, $2858.63. That is the total of the items shown in the claim, that is on Exhibit 4 it is a total of the items shown there.

MR. PRATT: Well, Exhibit 4, the salmon nets and gear total $975.00. That is the personal property one, $975.00.

THE COMMISSIONER: That is right. You total those three items, $1500.00 and $900.00 is $2400.00; and $75.00 plus $383.63 makes a total, as I

figure it, of $2858.63.

MR. PRATT: Yes, that is right, my lord.

THE COMMISSIONER: Right. Then in addition to that there is a boat, $45.00.

MR. PRATT: There is a boat here, $45.00.

THE COMMISSIONER: That is his total claim.

MR. PRATT: That is his total claim.

THE COMMISSIONER: Very good.

MR. PRATT: All right, Mr. Hunter, your witness.

THE COMMISSIONER: And the claim is to be amended accordingly.

MR. PRATT: Yes, my lord.

MR. HUNTER: My lord, we shall submit that the real property was sold for its fair market value. We shall submit that the vehicles and fishing vessel were sold at their fair market value. I am not quite clear in my mind -- I think I know which this rowboat is -- and it will be our submission it was left in the custody of the cannery and that as soon as we checked up the cannery said they had no record of it.

So far as the salmon nets, cork line and cork, and lead line are concerned, we shall submit that the cork line and cork was sold for its fair market value, the lead line disappeared after being found by us -- it was apparently stolen or destroyed -- the salmon net was not listed on the claim.

THE COMMISSIONER: That is, on the J.P. Form?

MR. HUNTER: On the J.P. Form, I think I should have said.

Just a moment, my lord. It doesn't appear to be listed. It is very difficult to make out from the J.P. Form exactly what he means. However, we did find five of the salmon nets tagged with Nishi's price on them, totalling the prices for these five, which he had attached to those five, totalling $690.00.

THE COMMISSIONER: Found tagged with which?

MR. HUNTER: With his name and the price, his valuation, on them, my lord.

MR. PRATT : Are these the nets we were withdrawing from the claim?

MR. HUNTER: No, they are not.

MR. PRATT: Well I have only one net we are claiming for now.

THE COMMISSIONER: What is the total list price?

MR. HUNTER: The total value on the five which we found, my lord, was $690.00; that is the claimant's value, of course.

THE COMMISSIONER: Yes.

MR. HUNTER: Possibly, my lord, I should list those specifically by the values so that we can show the history of each one so that you can make your decision. They are listed according to the following values: $175.00, $200.00, $150.00, $25.00, $140.00. Now in that same order, the first was removed to storage and then we have no further information; it must have been either lost, stolen or destroyed. The second one which was valued at $200.00, we sold on the 16th

of December, 1942, for $80.00.

THE COMMISSIONER: You say that was the fair market value?

MR. HUNTER: Yes, my lord.

The next two items, valued at $150.00 and $25.00 respectively, were removed to storage and we have no further information; it is presumed that they must have been lost, destroyed or stolen. The next item, the final fifth item, valued at $140.00, we sold on the 27th of July, 1942, for $110.00, my lord. So that out of those items totalling $690.00 on the claimant's valuation, we sold two for $190.00.

THE COMMISSIONER: Yes, I see. Now, just let me have the others. What I have got to date is "all property sold at fair market value except the boat, Exhibit 6, which was left in care of an agent, not found, and you deny liability." Now I have got your salmon net. What else is there?

MR. HUNTER: Then there are certain other items which never came into our possession because seized by the Navy, my lord. It will be my submission that we are not responsible for property which has been taken by the Navy on requisition.

THE COMMISSIONER: I see. You say, "Following articles seized by Navy". What are they?

MR. HUNTER: Three batteries, my lord. I don't know whether they are the subject of claim or not.

THE WITNESS: No, I don't claim at all.

MR. HUNTER: I think he did claim for the anchors,

didn't he?

MR. PRATT: All the equipment on the boat went with the boat.

THE WITNESS: Excuse me, anchor -- I got a spare one in my home, you know. I not declare them at all.

THE COMMISSIONER: Just one moment, Mr. Nishi. You will have your opportunity later on. I am trying to get this clear im my own mind, first of all. First of all there is a heavy anchor.

MR. HUNTER: My lord, this probably isn't strictly as evidential as it might be; I think it has a definite value. This is a letter from Mr. Snellenberg, the tenant, to the Custodian. It is dated September, 1942. He says (reading).

THE COMMISSIONER: I take it that includes the heavy anchor and galvanized anchor?

MR. HUNTER: I can only conclude that they took everything of that type, my lord.

THE COMMISSIONER: How about the rowboat? There were two rowboats in that shed, too.

MR. HUNTER: I will see, my lord, if I can find something on that. I file that letter as an exhibit.

(LETTER MARKED EXHIBIT NO. 7).

MR. HUNTER: This is a letter from the Canadian Fishing Company, Limited, the Gulf of Georgia Cannery, to the Secretary of State. I think you have seen this, haven't you?

MR. PRATT: Just give the gist of it, would you? and tell the Court what is in it?

THE COMMISSIONER: Before we leave that earlier letter

of Snellenberg's, does he give the date when they were seized by the Navy?

MR. HUNTER: I don't think so, my lord; I think he just makes that statement. That statement, of course, is made on the 26th of September.

THE COMMISSIONER: 26th of September of what year?

MR. HUNTER: 1924, my lord.

THE COMMISSIONER: Here is the thought that runs in my mind. TThis thing occurred in March of 1942, the vesting in the Custodian. I don't want to hear argument on the subject now, but on the face of it, how does the Custodian avoid responsibility for these chattels which were vested in him in March of 1942? and from the evidence that you lead now aren't shown to have disappeared until September?

MR. HUNTER: It may be, my lord, that we can show that these were left in the custody of Mr. Snellenberg and that before we ever took possession, they having been left in the custody of some person appointed by the owner other than the Custodian, that the Navy came and took them. I don't wish to press the point --

THE COMMISSIONER: I don't like the idea of one branch of Government hiding behind another branch of Government. However, I think I will leave that thought with you. All right, go on.

MR. HUNTER: This is a letter dated September 6th, 1947, to the Custodian from the company in which--

MR. PRATT: That is the Canadian Fishing Company, is it,

Mr. Hunter?

MR. HUNTER: Canadian Fishing Company Limited, Gulf of Georgia Cannery branch. It says, "but we have talked to Mr. Van Snellenberg about your letter and he advises that there were two rowboats left at his house, one of which was removed by the Navy two or three days after he took over the house but no receipt was given to him for this boat".

It says, "The other boat was sold to Mr. Windsor as mentioned in your letter". So that I presume I will be finding something more on the file, my lord, concerning the other boat.

THE COMMISSIONER: Yes.

MR. HUNTER: They say, "Concerning the rowboat which was reportedly left on the premises here there is no record of it in the office nor does anyone now on the payroll remember anything in this connection. We doubt very much whether any disposition of this can be established unless Mr. Nishi can tell us just exactly where the rowboat was left and in whose charge, if it was turned over to any particular individual.

You will realize that there are many rowboats on these premises at all times, all of which are privately owned and we rarely know the ownership of any of them. Under these conditions it is impossible for anyone to recall one particular rowboat belonging to Nishi unless it was plainly marked and as we said,

"left in charge of some certain individual".

THE COMMISSIONER: What is the date of that letter?

MR. HUNTER: That is dated September 6th, 1947, my lord.

(LETTER MARKED EXHIBIT NO. 8).

MR. PRATT: By the way, might I just make this comment, Mr. Hunter; that letter was a reply to a letter from the Custodian of approximately the same date, and that, if I may make the statement, was the first investigation the Custodian made as to the whereabouts of these goods and chattels.

MR. HUNTER: I think that may or may not be true, Mr. Pratt.

MR. PRATT: Well, I may be wrong.

THE COMMISSIONER: Of course, Mr. Pratt, presently we are not hearing the defence of the Government. I think it is well that you should take that point because it calls the attention of Government counsel to the fact that he has something to meet.

MR. HUNTER: What I am doing now is not trying to make a defence, my lord, but trying to get clearly in our minds just what happened.

THE COMMISSIONER: I quite appreciate that, Mr. Hunter.

MR. HUNTER: I don't seem to have anything on file at the moment, my lord, referring to the sale of that other rowboat which is referred to in the cannery letter, but we will try and get that for your Lordship.

THE COMMISSIONER: Well, I take it now that your Government defence in regard to these articles which you are presently unable to account for is that they

were left in the hands of the Navy, in consequence of which you have no responsibility; is that the situation?

MR. HUNTER: Well, "may have", my lord; "may have" no responsibility. It will depend on dates and times.

THE COMMISSIONER: Well, it is a defence that you can put up now; you may not be able to establish it, that is the point.

MR. HUNTER: We shall endeavour to do that, my lord; if we cannot, it will fall.

I don't know, my lord, whether this correspondence here is of any great value; I offer it in fairness to the claimant. You will recall that one of those nets which we sold was sold for $110.00.

THE COMMISSIONER: Yes.

MR. HUNTER: And we received an offer from the cannery for that and a telegram on the 19th of June, 1942, was sent to the claimant and it asked for his acceptance. By telegram dated the 20th of June, he stated that he wanted $140.00. In a letter from the Custodian to the cannery it is stated, "If you have not sold this net, we prefer, in view of the new ruling that Japanese nets be not sold at prices lower than those asked by the owner, that no further action be taken in this matter".

But by a letter of January 1st, 1942, the cannery wrote and said they had already sold it at $110.00 which was what it was already appraised for but the claimant at that time felt he should have received $140.00. Whether there is any sense in

filing this correspondence, I don't know.

THE COMMISSIONER: Do you want it, Mr. Pratt?

MR. PRATT: No, my lord, it is established that it was sold by the cannery and in that case I would say the cannery was the agent of the Custodian and took the action.

THE COMMISSIONER: All right, if he doesn't want it in, I don't.

MR. HUNTER: Q: This Dodge truck, Mr. Nishi, how far did you say it had gone?

A Dodge truck? Truck, you mean.

Q Yes. A: About two thousand miles.

Q Is this your signature? A: Yes.

Q And on that document which is the receipt from the R.C.M.P. for your vehicle dated the 9th of March, 1942, it shows that the mileage was 7815 miles.

A I got only about run a year, just a month and a half on the way around; only change it for two times oil, that is all.

Q That is the mileage shown. You signed that. Why did you sign it if it is wrong?

A Well, at that time, you know, so much , you know, get out of town -- I don't see so many small things, you know.

Q Are you sure it hadn't gone 7800 miles?

A I don't know.

MR. HUNTER: I put that in, my lord.

(R.C.M.P. STATEMENT MARKED EXHIBIT NO. 9).

Q How far do you think this touring sedan had gone?

A On that one, too, just the same. I can't tell you

exactly just now, you see.

MR. PRATT: Well, Mr. Hunter, he said 25,000. You had twenty-six on there. I think that is good enough.

MR. HUNTER: Yes.

Q You would say that was the right mileage, would you? You have signed that document, I presume?

A Yes, I signed it myself.

Q And where it says 26,877, that would be correct?

A Yes.

Q There would be no reason, then, to believe that the other was incorrect? A: Well, you see, I drive the truck myself. I figure myself just on the two times change oil and a thousand mile around change the oil. A new car, that is a two times change oil.

Q Would you say that that R.C.M.P. statement of mileage is incorrect? A: Well, I not see myself. I just figure myself two times change oil, you see. This is about 2000 miles.

Q Well then, the R.C.M.P. statement may be perfectly correct? A: Well, I don't know.

Q You don't know, but 2000 was just an estimate, anyway? A: Yes, I figure myself.

Q Mr. Nishi, how much did you say you paid for that Dodge truck again? A: $1350.00, I remember.

Q And that was when -- in 1940?

A 1940, yes, 1940 at that time.

Q Well now, I show you here an application for registration and licence for a motor vehicle. I presume that is signed by you, is it?

THE COMMISSIONER: Well, wait a minute. He shows in his statement, Exhibit 3, that the Dodge truck cost $1500.00.

MR. HUNTER: Yes, my lord.

Q Is that your signature? A: Yes.

Q Now you show the dealer's selling price f.o.b. Point of Delivery in British Columbia as $940.00, is that incorrect? A: This is different than my figure. Yes, this is, yes.

Q "Yes," what? A: Yes, I see that now.

Q Well, is that correct? A: Well -- I remember $1350.00, you see. You know, licence--

THE COMMISSIONER: Mr. Pratt, perhaps you will tell the witness I don't want him collaborating with counsel while he is on the witness stand.

MR. PRATT: I wasn't paying any attention to his remarks. At the moment I want to see what this is all about. I would like to -- now, you are dealing with this Dodge truck, isn't it, Mr. Hunter, half-ton truck?

THE COMMISSIONER: I think, perhaps, Mr. Pratt, we will let counsel proceed with his cross-examination and if you wish to clear something up later you are free to do that, naturally.

MR. HUNTER: Q: This is a half-ton truck here. You didn't buy two half-ton trucks that year, did you?

A Oh no.

Q This is the only one you had?

A That is right.

Q And the only one you applied for a licence for?

A Yes.

Q And the price you stated there, $940.00 -- I presume that you filled in the application and that is the figure you showed? A: Yes, I explain it now, you know. A spare tire, you know, and extra tire, and extra spring, and extra body,--

Q I see. You spent $560.00 on extras, is that correct?

A $560.00, no, no.

Q Well you said you spent $1500.00 for it, wasn't it?

THE COMMISSIONER: $1500.00.

MR. HUNTER: Q: $1500.00. You must have spent $550.00 or $560.00 -- yes, $560.00 on extras; is that what you are now saying? Isn't it true, Mr. Nishi, that you are just a bit hazy as to what you did pay?

A Well, I suppose. I think, I figure myself, see, when I writing claim, see.

Q I beg your pardon? A: When I writing claim, see. When I this truck, I put it in Hastings Park, at that time I want to get out for this town, you see.

Q I am sorry, I don't get it.

MR. PRATT: Witness, explain to Mr. Hunter -- as I understand it you claim at the time you got the truck equipped with a body and the tires, it cost you $1500.00; is that what you are trying to say?

THE WITNESS: That is right.

MR. HUNTER: I see.

MR. PRATT: My friend must appreciate that in registering a truck they register the bare chassis and then after that --

THE COMMISSIONER: Well, if the witness wants to explain, Mr. Pratt, let him do so and I prefer that you don't interrupt during the course of cross-examination; you can clear it up by re-examination afterwards if there is any misunderstanding.

MR. HUNTER: I would put that in, with your Lordship's permission.

MR. PRATT: That is 10, is it, Mr. Secretary?

THE SECRETARY: 10.

THE COMMISSIONER: It is 11, isn't it? Is not Exhibit 10 the R.C.M.P. report? First of all, you had the Dodge truck had run 2000 miles but the mileage shown on the R.C.M.P. report, Exhibit 9 -- I thought there was something else. Was there not a car report?

MR. PRATT: Two car reports.

MR. HUNTER: I didn't put the other one in. It is so close to what Mr. Nishi said.

THE COMMISSIONER: Oh, you didn't put the other one in.

MR. HUNTER: He said 25,000. It was 26,000.

THE COMMISSIONER: The next one will be Exhibit 10.

THE SECRETARY: Yes, that will be 10.

(REGISTRATION MARKED EXHIBIT NO. 10).

MR. HUNTER: I don't know, my lord--the model shown on this application for registration is a DB1-16, a half ton truck. There are about three DB1-16's in the list here. One is a half ton chassis, and F.F. Cowl, one is a half ton chassis and cab and express.

THE COMMISSIONER: Are those the same numbers that are

shown on the Mounted Police Report, Exhibit 9?

The Mounted Police Report shows serial number 8916419.

MR. HUNTER: Those are serial numbers, my lord, and these go by models and the prices. What I was trying to establish is the price in 1940.

THE COMMISSIONER: Well, that is a matter that you can lead concrete evidence on later.

MR. HUNTER: I thought I would put this in here while I have them here, which are borrowed from the Board of Trade, and they may want them back, just to establish the prices at that time.

MR. PRATT: I would object to this, of course, my lord.

THE COMMISSIONER: You don't even need to voice your objection. I wouldn't admit that kind of evidence of value; it is too open to the possibility of mistake.

MR. PRATT: Every truck is equipped differently.

MR. HUNTER: Q: Mr. Nishi, what kind of a vehicle was this truck that you bought?

A Pardon?

Q What was this truck that you bought -- this Dodge truck? Just describe what it was you bought.

(Question Interpreted).

A Well I bought it from the Dodge Motor Company, Dodge half-ton car.

Q Did it have a body? A: Well, just body small one. I fix him up myself.

Q But it had the body part that you carry the load in on it when you bought it, didn't it?

A Yes.

Q It was on it? A: Yes.

Q Did it have a cab? A: No, nothing else.

Q Well, how did you drive it, where did you sit?

A Oh, you mean the pilothouse? Oh yes, sure. I called them pilothouse, used to be on a boat one time.

THE COMMISSIONER: Before you go on, it is obvious these two documents, Exhibit 10, and Exhibit 9, relate to the same car. The serial number shown in Exhibit 9 is 8916419, the same serial number that is shown on Exhibit 10, and the engine number shown on Exhibit 9 is 192C3139, whereas that shown on 10 is T92C-3139. It is quite clear they relate to the same car.

MR. HUNTER: Thank you, my lord. I actually was not trying to establish at this point the identity of the venicle, I was trying to point out just exactly what he bought, because I don't want evidence to be brought out later that he had bought a bare vehicle with no body and no cab.

Q And when you originally bought this vehicle, those things were on it and that is what you paid for, is it?

(Question Interpreted).

A Yes.

Q That is what you were paying for when you paid the $940.00? A: Yes. You know, just like a delivery car, you see, and we just loading heavy stock.

Q You changed it, but when you bought it for $940.00 it had the light body, the light half-ton delivery body and the cab on it?

A Yes.

Q I see. When did you last have the Vivian motor overhauled in your boat?

A Eh?

Q When did you last have the Vivian motor overhauled in your boat? A: Oh, overhaul I think nearly every year. You see, if a little bit of trouble, you know, I can't have her like that.

Q Who overhauled it? A: Oh, overhaul -- no, no. Overhaul, can't remember. About three years before that time, see.

Q When you had it overhauled three years before that time, who overhauled it?

A Well, Vivian Machine Shop.

Q Whose Vivian machine shop?

MR. PRATT: Vivian.

MR. HUNTER: Q: Vivian's machine shop?

A Vivian.

Q You were never in the real estate business, were you?

A When?

Q You were never in the real estate business?

A No.

Q And these valuations which you show in your claim for your real property are based on cost?

A Which one? You mean my house?

Q Yes, your house and property. The value which you are now claiming is based on the cost, is that correct? A: Yes, I got information, you know, some newspaper and something like that, you see. I know the houses price just now,

it is no use to figure like that for that time, you know, 1944.

Q This valuation which you show is really based on the cost which you paid for it, isn' t it?

A Yes, that is right.

THE COMMISSIONER: Mr. Hunter, can you tell me now when this house was sold?

MR. HUNTER: I can, my lord. Just a minute.

MR. SHEARS: 13th of July, 1944.

THE COMMISSIONER: And in the interval had it been rented or was it occupied, or what was the situation?

MR. PRATT: I think I can shorten that, my lord. Mr. Snellenberg was left in charge of the house.

THE COMMISSIONER: I see.

MR. PRATT: He moved in and had free rent,--wasn't that right? -- to look after it for you?

THE WITNESS: That is right.

MR. PRATT: My lord, I don't want to dwell anymore on this truck but if it is agreeable to my learned friend, I make this suggestion, that I might file a declaration or affidavit setting out what he actually paid for that truck. Now, according to my instructions, by the time the truck was completed, cost him $1500.00.

THE COMMISSIONER: Any objection, Mr. Hunter?

MR. HUNTER: I don't think so offhand, my lord. If it is something I should have to cross-examine on, I think I should be given the opportunity. I don't think I will have to.

THE COMMISSIONER: I think that is fair enough. I will

give you leave to file a declaration and if Government counsel desire to cross-examine, it will be necessary for Mr. Nishi to attend here to submit to cross-examination -- or to attend somewhere.

MR. PRATT: Well, we perhaps could settle that later on.

THE COMMISSIONER: Yes. You are free to file it in the meantime.

MR. PRATT: I think the witness is unable to give any concrete evidence other than from memory at the moment.

THE COMMISSIONER: That is all right. You have leave now to file it.

MR. PRATT: You are through with this witness, Mr. Hunter?

MR. HUNTER: Yes.

MR. PRATT: I don't wish to take anymore time. Thank you, Mr. Nishi.

(Witness aside)

MR. PRATT: I am going to call Mr. Atagi.

THE COMMISSIONER: This gentleman is a boat builder?

MR. PRATT: Yes, he also has a claim following.

KAORU ATAGI, a witness called on behalf of the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PRATT:

Q Mr. Atagi, what was your occupation up to the time of being evacuated from the Coast?

A We were in the boat building business.

Q Known as the Atagi Boatworks at Steveston, is that right? A: Yes.

Q And do you know anything about this vessel, the

"Harukade"--I don't know if I pronounced that right. Did your plant build that boat?

A Yes, sir.

Q And you have heard the evidence here this morning of Mr. Nishi? A: Yes, sir.

Q And what do you say about his statement that it cost $3000.00? A: I could not give exact figures, since it has elapsed about 12 years up to evacuation, but I personally think his figure is nearly right.

Q It is nearly right? A: Yes.

Q Did you see the boat from time to time, didyou know the boat? A: Yes, we stored it during the winter season every year.

Q Every year? A: Yes.

Q What would you say as to the maintenance and upkeep of the boat? A: Well we did all the necessary repairs required every winter.

Q Every winter? A: And we didn't do the painting jobs, but Mr. Nishi's men did all of the painting jobs.

Q Now at the time of evacuation what would you say would be the value of that boat?

A Well I say the boat, about, say, ten and twelve years, should be worth about half the price.

Q About half the price. A: Yes.

Q All right, thank you. By the way, just before I sit down -- these two rowboats that we have been discussing here this morning, did you know anything about those boats, those rowboats?

A Yes.

Q Did you build them? A: Yes.

Q And you have heard the values given here today by Mr. Nishi. What would you say?

A I think they are right.

Q You think they are right.

MR. PRATT: All right, Mr. Hunter; your witness.

THE COMMISSIONER: Cross-examination, Mr. Hunter?

CROSS-EXAMINATION BY MR. HUNTER:

Q How old were you, Mr. Atagi, when this boat was built? A: 1930 -- that is I would be about twenty-three or four.

Q Twenty-three or four. And how old were you in 1942? A: '42? I am 36 now, anyway.

Q I see. You are shown here as age 29 in your J.P. Form in 1942. Was that wrong?

A I would be 30 that August.

Q You would be which? A: Thirty.

Q Oh yes. Well then, in 1930, you would be considerably younger than 24, wouldn't you?

THE COMMISSIONER: Yes, you would. You must have been about eighteen.

THE WITNESS: Eighteen?

THE COMMISSIONER: Well it was 1942 when you were evacuated and you were thirty then.

MR. HUNTER: Q: If you take 12 from 30 you end up with 18, don't you? A: I see, I see.

Well, may I say this --

Q Well, just a minute, there are some other questions I would like to ask.

THE COMMISSIONER: If he has any explanation, let him go ahead.

Q What is it? A: Here I mean, "we," my father, this business was transferred to me in 1941 in our names, my brother Hisao and myself, so in all my boat works we call ourselves "we", that means our boat works build the boat.

MR. HUNTER: Yes.

THE COMMISSIONER: Mr. Atagi, you are here to give evidence of what you know yourself, not anything about what somebody else told you, so all counsel is seeking to bring out is that probably in saying that you know this boat so well and what the cost figures were, you are just repeating what your father perhaps told you. If that is the case, say so.

THE WITNESS: That is the case.

THE COMMISSIONER: Otherwise you are going to be misunderstood.

THE WITNESS: That is the case.

MR. HUNTER: Q: That is the case.

A That is the case.

MR. HUNTER: That is all.

MR. PRATT: Thank you, Mr. Atagi.

(Witness aside)

MR. PRATT: You are not, of course, losing sight of the fact, my lord, that an experienced boat builder -- he is giving his estimate of value as an experienced boat builder.

THE COMMISSIONER: Oh, no, no; there are some parts of the evidence where he is obviously speaking of his own knowledge, but when he speaks of the building of the "Harukade" in 1930, it is equally obvious that he probably didn't have much personal knowledge of it.

MR. PRATT: Well, he was there, of course.

THE COMMISSIONER: True enough, but he wasn't the responsible party.

MR. PRATT: No. Well I think that is all the evidence in this case, my lord, and I would like now to proceed with Mr. Atagi's case, the last one I have.

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton

"G. HAMBLETON"
Official Reporter.

Case S-8. NOV 27 1947

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

3353

Kamloops
Vancouver

NOTIFIED

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

(1) NAME NISHI, SHIGETARO, (RCMP) Reg. No. 10483.
(Print) Surname Given Name

(2) Pre-Evacuation Address 677 - 4th Ave., Steveston, B.C.

Pratt

(3) Present Address Magna Bay, B.C.

(4) REAL ESTATE

(a) Street Address (if any) 677 - 4th Ave. Steveston, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
Lots Four (4) to Thirteen (13) both inclusive Block Nineteen (19) of Section Three (3), Block Three (3) North Range Seven 7) West Map 249, District of New Westminster.

(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.) Sole owner.

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

(i) Land - - - - - - - - - - - - - - - - - $ 2,000.00

(ii) Buildings - - - - - - - - - - - - - - - $ 11,250.00

(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) - $ 13,250.00

(v) Amount at which Custodian sold property and credited your account - - $ 4,520.84

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 8,729.16

(5) PERSONAL PROPERTY

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

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

(c) How stored or packed at time of evacuation
See attached sheets.

(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. See attached sheets. Estimated Value $_____
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 $_____

TOTAL CLAIM FOR PROPERTY LOSS $_____

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) - $_____

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

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

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 British)
Columbia TO WIT:)

I, SHIGETARO NISHI . . . . . of the

of Magna Bay . . . . . in the Province of British Columbia.

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 Kamloops)
in the Province of British Columbia Shigetaro Nishi
this 25th day of November,)
A.D. 1947. Russell W. Kennedy) 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.

_____

_____

_____

_____

Name....Shigetaro Nishi Reg. no. 10483

Pre-evacuation address...677-4th Ave. Steveston, B.C.

Present address..Magna Bay, B. C.

Real Property

a. 677-4th Ave. Steveston, B. C.

b. Lots Four (4) to Thirteen (13) both inclusive Block Nineteen (19) of Section Three (3) Block Three (3) North Range Seven (7) West Map Two Hundred and Forty-nine (249) in the District of New Westminster.

c. Residence

d. Sole owner

e. Estimated Market value at the time sale

Land.....	10 lots @ $200 per lot		$2000.00
Building	house		10500.00
	store house		300.00
	garage		450.00
			$13250.00

f. Custodian credits Int. incl. $4520.84

LOSS..... $ 8729.16

This is my fair estimation. The Custodian has sold my properties without my consent. In case the Custodian cannot make this adjustments w I would like to have my properties back to me.

Shigetaro Nishi

signed Shigetaro Nishi

Name .. Shigetaro Nishi Reg. no. 10483 RML

Pre-evacuation address...677-4th Ave. Steveston, B. C.

Present Address.. Magna Bay, B. C.

Personal Property

a. Stored in the Garage at 677-4th Ave. Steveston, B. C. ✓

b. In care of Mr. A. Snellenberg, Steveston, B. C. ✓

c. Estimated Market Value at the time of sale

1...heavy anchor	520#	$97.50	
2...galv. anchor	350#	68.38	
3...salpeter	300#	45.50	
		Total 211.38	$211.38
row boat		58.50	
" "		45.50	
		Total 104.00	104.00
		TOTAL	315.38

Custodian has not credited anything for the above.

TOTAL LOSS.....$315.38

GREAT WEST BOND
MADE IN CANADA

Shigetaro. Nishi

Name...Shigetaro Nishi Reg. 10483

Pre-evacuation address..677-4th Ave. Steveston, B. C.

Present Address Magna Bay, B. C.

Personal Property

a. Row Boat

b. Left at the Scotch Cannery, Steveston, B. C. ✓

c. Stored in the Shed ✓

d. Estimated Market Value ~~##########################~~

$58.50

The Custodian has not credited anything for the above.

TOTAL LOSS.....$58.50

Shigetaro Nishi

Name...Shigetaro Nishi Reg. no. 10483

Pre-evacuation address...677-4th Ave. Steveston, B. C.

Present Address..Magna Bay, B. C.

Personal Propety

a. Boat "Harukade"

b. Turned into Navy ✓

c. Care of the Navy ✓

d. M. V. "Harukade" 154,820.

e. Estimated Market Value at the time of sale $1500.00

Custodian has credited net $671.23

$ 828.77

~~Custodian has not credited anything for the above.~~

~~TOTAL LOSS.....$828.77~~

Shigetaro Nishi

Name...Shigetaro Nishi Reg. No. 10483

Pre-evacuation address...677-4th Ave. Steveston, B. C.

Present Address Magna Bay, B. C.

Personal Property

a. Left at the Canadian Fishing Co. Steveston, B. C. ✓

b. Packed at the Cannery ✓

c. In care of Mr. J. R. Townsend, Manager

d. BRAND NEW NETS

2 nets 5 50x6½ 50 md unselv. 49 # each 98 lbs. at $5.12		$501.76
1½ " 5 50x6½ 60md 300 fthm. 100 lbs. 5 mesh T&B 6 40 selv. at $5.12		512.00
1 " 4 40x5½ 50 md 300 fthm unselv at 45 lbs. at 4.75		213.75
		$ 1227.50

BRAND NEW TWINES

16 lbs. 5 40 Barbours Salmon thread @3.94		63.04
90 " 5 50 " " " @4.37½		393.75
3 # 4 40 " " " 4.00		12.00
70 " 12 40 " " " 3.68		257.60
24 " 5 50 " " " 4.37½		105.00
		$ 831.39

Used Net

Cork Line and Cork		200.00
Lead Line		35.00
Salmon Net		740.00
		975.00
Total.....		$3033.90
The Custodian credits	$ 896.24	
	725.04	
Total net proceed	1621.28	

TOTAL LOSS.....$1412.62

Shigetaro Nishi

Name...Shigetaro Nishi

Pre-evacuation address...677-4th Ave. Steveston, B. C.

Present Address..Magna Bay, B. C.

~~#####################~~

Personal Property

a. Type....Dodge Touring Sedan

b. Surrendered ...Hastings Park

c. Type...Dodge Touring Sedan 1939 model

d. Estimated Market Value at the time of sale $1250.00

Custodian has credited net $598.02

$ 651.98

Personal Property

a. Type...Dodge Truck

b. Surrendered ..Hastings Park 1941 model (Brand new when surrendered)

c. Estimated Market Value at the time of sale $1500.00

Custodian has credited net 727.60

$ 772.40

TOTAL LOSS..... ~~$1474.38~~ 1424.38

This is the fair and honest estimate to the best of my ability. The Custodian has sold them without my consent. The above claim is what I could have made if I were to have sold the cars myself.

Shigetaro Nishi

signed Shigetaro Nishi

Nishi Shigetaro
(Claimant's Name)

REAL ESTATE
(Other than farm)

10483
Reg. No.

Lots 4 to 13 (both inclusive) Block 19, of Section 3 of Block 3 North Range 7 West Map 249 District of New Westminster

Type of Premises (e.g.House, Store, etc.)	No. of Rooms	Type of Finish	Use of Premises	Size of Lot	When Purchased	Date of Purchase
Residence and storehouse.	11	Stucco	Residence and Storehouse Garage	33x125	May 8 1935	

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Residential-Steveston, B. C. (fishing centre.)	$1500.00	Started construction March 1937. Cost $11,250.00	$13,250.00

Comments re upkeep of premises:

3333333333333333333

In Good Condition

EXHIBIT No. 5-8-1
DATE 10 Feb 1948
FILED BY
J. Drew Brait.

Comments re Appraiser's report not covered above:

No report received

Shigetaro Nishi
SIGNATURE













591

591

最近よく掲示
ますのでつまら
ないものですけれど
同封させて頂き
ました。ブレイザーの
お近きところ スティーヴスト
をお相像下さいませ
大変空気のよろしい
処でございます。

27

EXHIBIT NO. 58-2

DATE

FILED BY

654

591

Nishi Shigetaro
(Claimant's Name)

PERSONAL CHATTELS

10483
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
1 Dodge Touring Sedan, 1939 Model.	1939	New	$1300.00	Good	$1250.00
1 Dodge half ton truck	1940	new	1500.00	Good (2000 miles)	1500.00

EXHIBIT No. 58-3
DATE 10 Dec 1948
FILED BY
J. Drew Pratt

Description of Storage of Goods:

Surrendered to R. C. M. P. at Hastings Park, Bancouver, B. C. 1942.

General Statement as to Chattels not Described above:

Additional Comments , if any:

Shigetaro Nishi
SIGNATURE

Nishi Shigetaro
(Claimant's Name)

PERSONAL PROPERTY
(Fishing vessels, gear and equipment)

10483
Reg. No.

NETS:

Type	Size	Mesh	Fathoms	Age at Evacuation	Original Value	Estimateded value at Evacuation
Salmon Nets	All kinds		total 830	~~3~~ used		$740.00
Cork line and cork			960	used		200.00
Lead line			150	used		35.00
						$ 975.00

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
Harukade	154820	Fishing	Built 1930	Used	$3000.00	kept up	good	Navy	$ 1500.00

Improvements to Vessel since date of purchase:	Type	Date	Cost
None			

EXHIBIT No. 58-4
DATE 10 Feb 1948
FILED BY J. Drew Kraft.

OTHER GEAR:

Description	Date Purchased	New or Used	Price Paid	Condition when Evacuated	Estimated value at date of evacuation
1. Heavy Anchor 520 lbs.	1941	New	$97.50		$ 97.50
2. Gal. Anchors 350 lbs. each (two)	"	"	68.38		68.38
3. Salpeter 300lbs.			45.50		45.50
4. Rowboat		3 years old	58.50		58.50
5. "		3 years old	45.50		45.50
6. Galv. 5/8 wire rope 350'	"	New.	68.25		68.25
			383.63		$ 383.63

Arrangements made for storage when evacuated:

In care of A. Snellenberg at Steveston, B. C.

Additional Comments, if any:

Shigetoro Nishi
SIGNATURE


HARUKADE
SN No 196
JUNE 5th 1933

EXHIBIT No. 5-8-8

DATE 10 Feb 1948

FILED BY

F. D Crew Capt.

Nishi Shigetaro
(Claimant's Name)

PERSONAL PROPERTY
(Fishing vessels, gear and equipment)

10483
Reg. No.

NETS:

Type	Size	Mesh	Fathoms	Age at Evacuation	Original Value	Estimateded value at Evacuation

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

EXHIBIT No. 5-8-b
DATE 10 Feb 1948
FILED BY 2-Drew Pratt

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
1 Row boat	1938	New	~~$50.00~~ 60.00		~~$38.50~~ 45.00

Arrangements made for storage when evacuated:

Left at the Scotch Cannery, Steveston, B. C.

Additional Comments, if any:

Shigebō Nishi
SIGNATURE

Steveston, B.C.
Sept. 26th, 1942.

EXHIBIT NO. 58-7

DATE: 10 Feb. 1948

FILED BY:
J.W.G. Hunter

Office of the Custodian
Attention Mr. Robinson

Dear Sir:

Regarding your request re - list of goods left by Mr. Nishi in ~~the~~ backshed at 677 - 4th Str. at Steveston, I am sorry to say that items, consisting mostly of household goods and personal effect, are really too numerous to be listed.

The shed in which these goods have been stored has been locked since Mr. Nishi's departure and are still intact but for these items.

Batteries (3)) Claimed by Navy
Anchors and fishing gear) Department

and for which they would not issue a receipt - besides 3 Double Beds - 1 Double and 3 single mattresses which have been shipped at Mr. Nishi's orders.

Yours truly

"W Van Snellenberg"

mw

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

DATE: March 25, 1948

B. I Larsen

THE CANADIAN FISHING COMPANY LTD.

Foot of Gore Avenue
VANCOUVER, B.C.

GULF OF GEORGIA CANNERY,
STEVESTON, B.C.

September 6, 1947

Department of the Secretary of State,
Office of the Custodian,
Japanese Evacuation Section,
506 Royal Bank Bldg.,
VANCOUVER, B.C.

EXHIBIT NO. 58-8

DATE 10 Feb. 1948

FILED BY

J.W.G. Hunter

Dear Sir:

re: Shigetara NISHI Regn. No. 10483
former residence: 677 4 Ave.,
Steveston, B.C.

This will acknowledge receipt of your recent letter concerning the boats reportedly left at S. Nishi's residence which was later occupied by Mr. Van Snellenberg, the Foreman at this Plant. Mr. Van Snellenberg is no longer with this Company and is now employed at the Delta Glucose Factory at the south end of No. 5 Road, Lulu Island, but we have talked to Mr. Van Snellenberg about your letter and he advises that there were two Row Boats left at his house, one of which, was removed by the Navy 2 or 3 days after he took over the house but no receipt was given to him for this boat. If you wish confirmation of this from him direct, you can telephone him at Steveston 73-T during the daytime or Kerrisdale 2683-L In the evening, and he will be pleased to give you any information desired. The other Row Boat was sold to Mr. Windsor as mentioned in your letter.

Concerning the Row Boat which was reportedly left on the premises here there is no record of it in the office nor does anyone now on the payroll remember anything in this connection. We doubt very much whether any disposition of this can be established unless Mr. Nishi can tell us just exactly where the Row Boat was left and in whose charge, if it was turned over to any particular individual.

Dept. of the Secretary of State Sept. 6, 1947.

You will realise that there are many Row Boats on these premises at all times, all of which are privately owned and we rarely know the ownership of any of them. Under these conditions it is impossible for anyone to recall one particular Row Boat belonging to Nishi unless it was plainly marked and as we said, left in charge of some certain individual.

We trust that the foregoing will help you in this matter.

Yours very truly,

THE CANADIAN FISHING COMPANY LTD.

(Signature Not Legible)

Manager

WWT:J

mw

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

DATE: March 25, 1948. B. I. Larsen

Form C-246

ROYAL CANADIAN MOUNTED POLICE

No. T 62

EXHIBIT REPORT

HEADQUARTERS File No. | **SUB-DIV'N and File No.**

DIVISION and File No. | **DETACHMENT and File No.**

DATE

Re: NISHI, Shigitoro 677 4th Ave. Steveston, B.C.
(Name of File)

On March 9th (Date) 1942, I, H.F. Price RCMP (Member's Name) EXHIBIT NO. 58-9

Came into possession of the following described goods by DATE: 10 Feb. 1948

FILED BY:
(State Authority from whom seized and place of seizure) J.W.G. Hunter

No. OF EXHIBIT	No. OF PACKAGES	CAPACITY OR SIZE	DESCRIPTION OF EXHIBITS
			LICENSE NO. (42) CA 5 TIRE NUMBERS 4 MAKE & MODEL 40 Dodge Truck SERIAL NO. 8916419 ENGINE NO. 1920139 SPEEDOMETER READING 7815 CONDITION appears good EXTRA EQUIPMENT fog light DESCRIPTION & CONDITION VERIFIED "S. Nishi" #10483 Signature of Owner Japanese Registration No. Handed over to representative of Custodian whose signature in receipt thereof appears hereunder (Signature not Legible)

DATE: March 9-42

CERTIFIED CORRECT

"H. Price"
(Signature of member submitting report)

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

B. I. Lauer

DATE: March 25, 1948

EXHIBIT NO. 58-10

DATE 10 Feb. 1948

FILED BY
J.W.G. Hunter

PROVINCE OF BRITISH COLUMBIA
"MOTOR VEHICLE ACT"

License No. C 6875

APPLICATION FOR REGISTRATION AND LICENCE FOR A MOTOR-VEHICLE
OTHER THAN A MOTOR-CYCLE

To the Commissioner of Provincial Police, Victoria, B.C.:
Application is hereby made, in quadruplicate, for registration and licence in respect of the motor-vehicle described hereunder:-

Name of Vehicle Dodge Style: Express Engine No.: T92C-3139

Serial No.: 8916419 No. Cylinders 6 Weight in Pounds: 2975 lbs.

Dealer's selling-price f.o.b. point of delivery in British Columbia, $940.00

Carrying capacity: ½ Ton. Year of make: 1940 Model: DBL-16 Date of original purchase from dealer: June 29, 1940.

Has motor-vehicle been previously registered? No

How to be used: Commercially

Name, in full, of owner: SHIGITORO NISHI Occupation: Fishing Contractor

Residential address of owner: 677 4th Avenue, Steveston, B.C.

The applicant now tenders the sum of $ 10.00) 13.34) $23.34 , being the fee prescribed under the "Motor-vehicle Act," and hereby certifies to the correctness of all the statements herein contained.

Dated this 3rd day of July 1940, at Vancouver, B.C.

Signature of owner "Shigitero Nishi"

TO BE GIVEN TO LICENSEE.

MW.

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

DATE: March 25, 1948

B. T. Larsen

photo of
This exhibit is house of Shigetaro NISHI,
677 4th Ave., Steveston, B.C.

EXHIBIT No. 58-11
DATE 29 Sept. 1949.
FILED BY D. J. Bradwood

Picture taken April 13, 1943.

I hereby certify that this statement
is correct.

G. Norrington March 28, 1950.

This exhibit is photo of house of Shigetaro NISHI
677, 4th Ave.,
Steveston, B.C.

EXHIBIT No. 58-11
DATE 29 Sept. 1949.
FILED BY D. J. Braidwood

Taken August 10, 1943.

I hereby certify that this statement
is correct.

G. Norrington March 28, 1950.

Coulthard, Sutherland & Co. Ltd.
Estate and Insurance Agents
Car Financing

609 Columbia Street,
NEW WESTMINSTER, B.C.

Catalogue #771.
File: 3353.

April 25, 1944.

EXHIBIT No. S 8-12
DATE 29 Sept. 1949.
FILED BY D. I. Brandwood

Office of the Custodian,
Royal Bank Building,
VANCOUVER, B.C.

APPRAISAL.
RE: Lots 4-8, 9-13, Block 19, Section 3, B3N/7W, Map 249, Steveston Townsite.

Dear Sir:

On this property is a fine modern stucco 1½ storey home situated on Lots 4-8. The exterior is 42' x 30' finished in white stucco, the roof is good. There is a through hall on the main floor, a living room, dining room and den, all good size and the only plastered rooms in the house. The remainder is "V" joint, wall board and paper. Leaded glass French doors lead from the hall to the living room and from the living room to the dining room. There is one bedroom downstairs and a large kitchen with long sink and cupboards, lino on the floor. Upstairs are five fair size bedrooms with cupboards all finished with "V" joint. The basement is full size, lined and has a laundry room with tubs, shower room, and hot air furnace of good type. Plumbing consists of sink, wash basin and toilet. There are two store houses at the rear 18' x 12' and 14' x 12' finished to match the house.

The garden is 132' x 168' and very attractive with 14 fruit trees, flowers and lawn, nicely fenced. Garage matches the house. This is probably the most attractive and well kept Japanese home in Steveston. Lots 9-13 in grass and poorly fenced.

VALUATION:

Improvements	$3150,00
Lots 4-8	800.00
" 9-13	400.00
	$4350.00

Yours very truly,

COULTHARD, SUTHERLAND & CO. LTD.,

"F. H. COULTHARD"

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

This Exhibit is 3 Tax Notices, 1942, from The Corporation of the Township of Richmond, Richmond Town Hall, Brighouse, B.C.

to S. NISHI

	Roll No.	Lot	Block	Sec.	Blk. N.	Range W.	Map	Value Land	Value Impr.	Taxable Value
(1)	5249	4								
	50	8	19	3	3	7	249	242	3100	17.92
	1942 Rates Bylaw		$39.43							
	Steveston Local		2.60							
			$42.03							
(2)	5251	9	19	3	3	7	249	121		121
	1942 Rates Bylaw		2.66							
	Steveston Local		1.30							
			$3.96							
(3)	5252	10								
	3	11	19	3	3	7	249	242		242
	1942 Rates Bylaw		5.33							
	Steveston Local		2.61							
			$7.93							
(4)	5254									
	5	12 13	19	3	3	7	249	242		242
	1942 Rates Bylaw		5.32							
	Steveston Local		2.60							
			$7.92							

EXHIBIT No. 58-13
DATE 3 Oct. 1949
FILED BY D. J. Braidwood

I hereby certify that the foregoing are true extracts of the original tax Notices.

March 28, 1950. G. Norrington

F. Drewe Pratt
BARRISTER AT LAW, SOLICITOR
NOTARY PUBLIC

3333

CABLE ADDRESS "MACMOR"
VANCOUVER, CANADA
TELELPHONE: TATLOW 1051

NOV 27 1947

BANK OF NOVA SCOTIA BUILDING
602 HASTINGS ST. WEST

VANCOUVER, B. C.

November 26th, 1947.

A. WATSON, ESQ.,
Secretary to the Commission,
506 Royal Bank Building,
675 West Hastings Street,
VANCOUVER, B.C.

Dear Sir:-

Re Shigetaro Nishi.

In accordance with the Notice published recently in the press I enclose in duplicate forms of Claim on behalf of the above.

The Claimant has omitted to state the place where he wishes the Hearing to be held but, according to previous correspondence with me, he stated he would come to Vancouver - therefore I assume the Hearing will be held here. This Japanese will not need an interpreter.

I would appreciate it if you would advise me when and where this hearing will be held.

Will you kindly acknowledge receipt.

I am,

FDP/I.

Yours very truly,

ENC.