

737

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATION

NAME: TSUCHIYA, Hajime

HOME ADDRESS: 881 Union St., Vancouver, B. C.

REGISTRATION NUMBER 12141 SEX: Male AGE: 54

OCCUPATION: Fish Collector

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Works for self.

MARRIED? Yes

NAME OF WIFE OR HUSBAND: Taugi

ADDRESS OF WIFE OR HUSBAND: 881 Union St., Vancouver, B. C.

NAMES OF ANY LIVING CHILDREN: Shizu (F)

ADDRESS OF CHILDREN: 881 Union St., Vancouver, B. C.

AGE OF CHILDREN: 15 yrs.

STATEMENT OF ALL REAL PROPERTY (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION: 2235 & 2237 Triumph St., Vancouver, B. C.

Legal description unknown.

2. BUILDINGS AND OTHER IMPROVEMENTS: 2 storey brick building.

3. INSURANCE (Give particulars; state where policies are) \$2,000 Fire Insurance, name of company and number of policy unknown. Policy left at home, 881 Union St., Vancouver, B. C.

4. TAXES (Amount and where payable) \$136 approx. per year paid to Dec. 31st 1941
Payable to City of Vancouver.

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed)

None

6. OCCUPANCY AND LEASES (If vacant so state) Vacant

Exp # 166-3
26 April 1948
Filed by Crown

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: In declarant's possession at 881 Union St., Vancouver, B. C.
8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: None
9. IF FARM LAND STATE CROPS SOWN None

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: 8 room frame dwelling at 881 Union St., Vancouver, B.C.
2. LANDLORD'S NAME AND ADDRESS: H. Manley, 2248 York St., Vancouver, B. C.
3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: Monthly rental \$25 paid to date.
4. STATE WHEREABOUTS OF LEASE: None
5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) None
6. IF FARM LAND, PARTICULARS OF CROPS SOWN: None

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

1 piano, 1 chesterfield suite, 1 dining room table, 6 chairs, 1 coal stove, kitchen
chinaware, kitchen utensils, 6 pictures, quantity of books and numerous household effects
left at 881 Union St., Vancouver, B. C. keys in wife's possession.

1 Diesel Marine engine 50 H. P. value \$35000, 5000' of boat lumber, 1000' of ordinary
lumber, 1000 lbs. salmon nets, 5 gilling nets, quantity of machine tools and other
equipment left at 2235 - 7 Triumph St., Vancouver, B. C. keys in wife's possession at
881 Union St., Vancouver, B. C.

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS

None

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY None

4. INSURANCE CARRIED ON ABOVE PROPERTY: None5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF
OTHERS: None

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom)

None

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)

None8. BANK ACCOUNTS: \$50 in Japan & Canada Trust Co., Van., B. C. Current Acct.9. LIFE INSURANCE: None10. INTEREST IN ANY ESTATES OR TRUSTS: None11. SAFETY DEPOSIT BOX: None**LIABILITIES:**1. PERSONAL DEBTS: None2. TRADE DEBTS: NoneREMARKS: None

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 3rd day of April 1942.(Signature) H. TuckeyW. C. Patterson
Witness

FOR DEPARTMENTAL USE

INFORMATION FROM R.C.M.P.

DATE May 21/43

Our File No. 737

Full Name TSUCHIYA. Hajime
(Surname in Block Letters)

Registration No. 12141

✓
Male - Female
(Check)

Age Nov. 1, 1887

Former Address 881 Union St., City.

Date Evacuated June 18/42

✓
Naturalized - Canadian-Born - National
(Check)

Present Address Box 532, 21/11/47
White Farm, Revelstoke, B.C.

✓
Married - Single
(Check)

nee
Name of Wife (ASAHIWA) Tsugi #10836

Name of Husband

Name of Mother

Name of Father Kametaro (Dec'd)

Names of Children under 16

Requested by

Registered with Custodian Yes

(Yes or No)

Additional Information Fish Collector. Owner of Gasboat #141537

Registered in the name of T. Atagi but changed to Higimi TSUCHIYA

see partition
"list"
D.

27/445/40

TSUCHIYA, Hajime (Sold)
2235 & 2237 Triumph St., Vancouver, B.C.
Evac. File 737



SOLD

Picture Taken April 9, 1943

REAL PROPERTY SUMMARY

JAPANESE NAME: Hajime TSUCHIYA Reg. No. 12141 File No. 737

CATALOGUE NO: Private sale by owner.

PROPERTY ADDRESS: 2235, 2237 Triumph Street, Vancouver, B. C.

LEGAL DESCRIPTION: Lot 13, Block 24, District Lot 184, Group 1, New Westminster District, Plan 178.

TITLE: In name of Hajime TSUCHIYA. Certificate of Title No. 72789-L.

ENCUMBRANCES: 29959-M - Right to Purchase dated 14th May 1942 to William Leslie Burr and George Burr for \$3,000.00 at 6%, \$1,000.00 cash and \$60.00 on the first day of each month beginning 1st June 1942.

Vesting Order 35172 dated 7th November 1942.

ASSESSED VALUE: 1942
Land \$ 630.00
Improvements 3600.00 - \$4230.00 Taxes - \$126.55

CLASSIFICATION: This property is a one-storey warehouse of brick and concrete construction, except across the front and back of upper storey which is of framework construction. The building fronts close to sidewalk, is 40 ft. wide and 120 ft. long and runs close to lane; a small building of the same construction is built on to the north east corner and houses a Diesel Marine Engine, 50 HP.

HISTORY OF ADMINISTRATION: Property was sold by TSUCHIYA and possession taken by purchasers prior to TSUCHIYA's evacuation. The \$1,000.00 cash payment on Agreement for Sale was paid to TSUCHIYA, and the subsequent payment on contract were made to the Custodian's agents, Macaulay, Nicolls, and Maitland, who were also agents in the sale. Payments on contract were not maintained, and legal action to collect was threatened. On the 18th December 1944 the agreement was assigned to the Vancouver Metals Company Limited, a copy of which assignment is on file. The Vancouver Metals Company arranged for a mortgage loan of \$2500.00 and its solicitors, Campbell, Brazier and Fisher on the 1st March 1945 sent the Custodian a cheque for \$823.12 being the balance of principal and interest to that date, and requested conveyance of title to the assignees, which was duly completed, title being transmitted and deed to the Vancouver Metals Company Limited registered on the 5th April 1945.

FUNDS: Neither the amounts collected on this agreement of sale nor sums disbursed are credited or debited to real estate in the ledger, and from real estate there is no balance to be released.

OLD TITLE: Certificate of Title No. 72789-L in Land Registry Office.

The above summary is certified to be in accordance with information on file.

John Macpherson

DATED: April 12th, 1947.

IM:ic

File No. 737

Reg. No. 12141

TSUCHIYA, Hajime

Civic Address:

2235 & 2237 Triumph St., Vancouver.

Legal Description:

Lot 13, Blk. 24, D.L. 184,
Gp. 1, N.W.D., Plan 173.

Classification:

2 storey brick building.

SOLD

This property was sold to William
Leslie Burr, Machinist and George Burr, Machinist
for \$3,000.00 - April 24th, 1942. See memo of
Jan. 8/44.

1943

June 3rd
Oct. 3rd

1945

May 1.

Memo re Claims

Mr. Smith's memo re chattels

Memo re chattels

12141		TSUCHIYA, Hajime			737	
COMPANY	POLICY NO.	AMOUNT	EXPIRATION			PROPERTY
			MONTH	DAY	YEAR	
Camden Fire Insurance Company	<i>Renewed Pol # 19977</i> 20825	\$3200.00	May	12	1943	<i>Inc.</i> 2235 Triumph Street, Vancouver, B. C.
Dominion of Canada General Insurance Co.	RT 29245	\$2000.00	May	20	1943	Vancouver, B. C. 2235 Triumph Street
Dominion of Canada General Insurance Co.	F800761	\$2000.00	May	20	1943	2235 Triumph Street, Vancouver, B. C.
Camden Fire Insurance Assoc.	<i>Renewed Pol # 20112</i> 19977	\$3200.	May	12	1944	<i>Inc.</i> Lot 13, Blk. 24, D.L. 184, 2235 Triumph St. Vancouver, B. C.
Camden Insurance Association	<i>Inc. of last year released Apr 1945</i> 20112	\$3,200.	May	12	1945	Lot 13, Blk. 24, D.L. 184 2235 Triumph Street, Victoria, B.C.

INSURANCE SUMMARY

Hajime TSUCHIYA Registration No. 12141 File No. 737

Hajime Tsuchiya delivered to the Custodian for safe keeping on the 11th June 1942 two insurance policies:

1. Dominion of Canada General Insurance Company, Policy F800761, covering household furniture, \$2,000.00, expiring 20th May 1943. Premium \$18.00 paid by Custodian.

2. Dominion of Canada General Insurance Company, Policy RT 29245, covering residence, burglary, theft, etc., \$2,000.00, expiring 20th May 1943. Premium \$18.00 paid by Custodian.

File shows a report of loss by theft of chattels insured. It is not shown that the claim under these policies was made.
On expiration of these two policies the insuring company refused to renew. An unsuccessful effort was made to obtain insurance by other companies, and the insurance lapsed in July 1943. Mr. Tsuchiya came to Vancouver about the end of September 1943 and all his chattels on the premises (an engine excepted) were shipped to Revelstoke.

The purchaser of the property, W.L. and G. Burr insured the building in the Camden Insurance Association, policy 20825, \$3200.00 expiring 12th May 1943. This policy was renewed by policy 19977 expiring 12th May 1944 and again renewed by policy 20112, the Custodian releasing his interest therein on 10th April 1945.

The above summary is certified to be in accordance with information on file.

Paul Macpherson

DATED: April 12th, 1947.

IM:ic

LIABILITY SUMMARY

Hajime TSUCHIYA	Sag. No. 12141 (father)	File No. 737
Harry Kaname TSUCHIYA	Sag. No. 10838 (son)	File No. 11261

The claims enumerated below have come to the attention of the Custodian. As the claims are supposed debts of one or other of above and the liability in some cases not definitely determined, all appear in this summary.

In J. P. declarations Hajime Tsuchiya stated he had no personal debts, and Harry K. Tsuchiya declared himself indebted to the Atlas Diesel Engines in the amount of \$3,000.00. Correspondence shows that neither of these men willingly gave information that would assist this office.

1. M. Furuya Co. Ltd. filed on 30th April 1942 a claim against Hajime Tsuchiya for \$1738.53. When reported to him on 11th August 1942, he replied on 29th November 1942 that the claim was one against his son Harry and that he believed it had been paid, and on 3rd June 1943 asserted positively that he was not the debtor. P.S. Ross & Sons on 9th November 1942 wrote the Custodian, "We have on file an acknowledgement of the debt to M. Furuya Co. Ltd. by Harry K. Tsuchiya, and an understanding that the surplus funds from the sale of certain of his boats to J. H. Todd & Sons Ltd. would provide for payment. As there will be no surplus, the account should be paid out of funds held by the Japanese Fishing Vessel Disposal Committee from the sale of another vessel." A memorandum dated 31st August 1943 on file 11261 says \$1738.53 was held back by the Japanese Fishing Vessel Disposal Committee on the 20th November 1942 to be applied to this claim, in connection with the sale of Hatta VII. The ledger account of Harry K. Tsuchiya shows that this amount was credited, but debits have reduced the credit balance to \$1706.26 and as noted below the claims of several other creditors are to be considered, if pro rata distribution is to be made.

2. B. C. Packers (Edmunds & Walker) on 28th October 1941 filed a claim for \$88.26 against Harry K. Tsuchiya. Mr. Tsuchiya, when he called at this office on 2nd November 1943 admitted this claim as owing and authorized payment when funds are in hand.

The Standard Oil of B. C. filed a claim on 18th December 1942 against Harry K. Tsuchiya for \$3.00 representing value of a barrel delivered to the boat "Eicho" and not returned. Harry Tsuchiya on 2nd November 1943 denied this liability, stating that he had no boat of that name. Miss Matheson's memorandum of that date says there is no record of a vessel "Eicho." Liability not yet determined.

4. Standard Oil of B. C. filed on 18th December 1942 another claim for \$256.00 against Harry who, when in the city, asked details of the account. This was said to be for supplies delivered to Tsuchiya's boat Sono Sana. He informed the Custodian that the correct name of the boat was Tona Sana, and that he had chartered the boat and did not own it. A statement of the account was sent him on 20th November 1943. This claim, being sent to the Securities Commission, its supervisor at Kaslo advised on 16th February 1944 that it should be referred to the father, Hajime Tsuchiya. This was done 3rd March 1944 but no reply was received.

Liability Summary

5. National Harbours Board filed a claim dated 31st December 1941, filed under date of 2nd February 1944, in respect to wharfage of four boats \$14.20. No debtor's name appears on the accounts, which bear a pencil notation of H. Tsuchiya, and might refer to either father or son. The son told the Securities Supervisor to refer this claim to the father. This was done on 3rd March 1944. No reply was received.

6. Western Leckie Ltd. filed a claim against Harry K. Tsuchiya on 12th February 1943 for \$259.12. On his visit to this office 2nd November 1943, this claim was brought to his attention, and it was his belief that it had been settled by the Japanese Fishing Vessel Disposal Committee. On 6th November 1943 Western Leckie advised us that it had not been settled. No further correspondence as to this claim is on file.

7. A claim of \$53.75 against Harry K. Tsuchiya was filed by the Workmen's Compensation Board. The debt was admitted and paid on 10th November 1943.

8. Mrs. Michi Moriyama on 21st April 1942 filed a claim for \$29.10 against Hajime Tsuchiya. This was reported for confirmation to Mr. Tsuchiya on 19th April 1943 and he replied on 25th May 1943 that he had no knowledge of the claimant. The denial was reported to Mrs. Moriyama on the 3rd June 1943, and no reply received from her.

9. In JP declaration Kazuo Sunahara declared a claim of \$1,000.00 as owing him by Hajime Tsuchiya. Mr. Tsuchiya in a letter of 25th May 1943 denied the claim, stating that "Mr. Kazuo Sunahara is just an acquaintance with whom I have never had any business dealings." This denial of claim was reported to Mr. Sunahara on 3rd June 1943. There is no record of a reply.

RECAPITULATION OF ABOVE.

The following liabilities have been admitted by Harry K. Tsuchiya-

1. M. Furuya Co. Ltd.	\$ 1738.53
2. B. C. Packers	88.26
6. Western Leckie Ltd.	259.12
	<u>\$ 2085.91</u>

Ledger credit 10th April 1947 of \$1706.26 will permit settlement pro rata at 81.3 cents on the dollar.

The following claim are denied by Harry K. Tsuchiya and neither denied nor admitted by Hajime Tsuchiya.

3. Standard Oil of B. C.	\$ 3.00
4. Standard Oil of B. C.	256.00
5. National Harbours Board	14.20
	<u>\$273.20</u>

The following claims against Hajime Tsuchiya have been denied.

1. Mrs. Michi Moriyama	\$ 29.10
9. Kazuo Sunahara	1000.00
	<u>\$ 1029.10</u>

The above summary is certified to be in accordance with information on file.

San Unaphone

DATED: April 14th, 1947.
IM:ic

File No. 737

CLAIMS DEPARTMENT

June 3rd, 1943.

Naime TSUCHIYA - Reg. No. 12141

(Father of Harry Kaname TSUCHIYA, File No. 11261)

CREDITORS

1. Mrs. Michi (Nobuko) MORIYAMA
(File No. 4583)
Claim taken from list (Hardware)
attached to J.P. form.

\$29.10 *Debtor denies*

2. Kazuyo SUNAHARA
(File 12815)

\$1,000.00 *Debtor denies*

Claim taken from J.P. form,
said to be owing since 1928)

advised accordingly

AMEA:ND C. Bal # 629 ⁴²
1943
2/6 43

*creditor advised that
Mitsuyo denies that claim
we have asked for further particulars
but they have not answered.*

SUMMARY TAKEN FROM VESSELS RECORDS

Date: April 12, 1944
Name: Higimi TSUCHIYA
Hajime
Reg. No. 12141 File: 737
Boat File No.: JFVDC 380
Name of Vessel: "Atagi #3" 43.2'x10.1'x4.6' (1920) Collis 36 HP (1930)
Lic. or Reg. No.: New Westminster 141,537
Naval No.: V.093-D
Owner's Valuation: \$1,100.00
JFVDC Valuation: None
Custodian Valuation: None
Date of Sale: April 7, 1942
Purchaser: Anton Urvik
Signature on Sales Papers: No copy
Selling Price: ~~\$850.00~~ \$850.00
Paid to JFVDC ~~XXXXXXXXXX~~ 850.00
Supervision Costs: 11.00
Balance due Owner: 839.00
Paid to: H.K. Tsuchiya, April 12, 1942
Location of Boat at Sale: New Westminster
Claims Against Canadian Govt.: None

Additional Information: 

File

737

CLAIM

DATE

1928

CREDITOR

Kazuyo SUNAHARA

DEBTOR

Hajime TSUCHIYA
881 Union St.

AMOUNT OWING

\$1,000.00

AGENT

ORIGINAL FILE

12815

Dec. 30, 1942.

B.T.

Andie

FILE 737

CLAIM

DATE

April 21, 1942.

CREDITOR

Mrs. Michi (Nobuko) MORIYAMA

DEBTOR

Hajime TSUCHIYA
881 Union Street,
Vancouver, B.C.

AMOUNT OWING

\$29.10

AGENT

ORIGINAL FILE

December 16, 1942.

4583

Janet Hale

U.S.

JOHN GOULD
Marine Surveyor and Appraiser
VANCOUVER, B. C.

CABLES:
"GOULD" VANCOUVER, B. C.
TELEPHONE:
PACIFIC 9046

No. 4.

Machinery.
Survey Report

To whom it may concern:

Attended at Vancouver Metals Ltd.
2235 Triumph Street. Vancouver. B. C., to examine a
Marine Engine.

Engine.	Hotshot Semi Diesel. Japanese.
H.P. & Name.	50 H.P. 2 Cylinders. Nipon Hetsudoki Kishi Ltd. Kobe. Japan. Marks. 2878 - 460 G.M.G. 50. 11
Age.	Not known.
Value.	Two Hundred fifty (\$250.00) dollars.
Remarks.	This engine has apparently been in use. At the present time it is dismantled. Cylinders complete on bedplate, with the exception of Cyl Hotshot bonnets. Crankshaft & inclosed Clutch gear on bedplate. All other parts including Cyl Bonnets, Flywheel & pan, Compressor Pump, Oil Pump, Copper piping etc piled up on second floor of the building.

March 9th, 1943.
Vancouver. B. C.

John Gould.
Marine Surveyor.

Advertisement appearing in the Vancouver Newspapers
on December 5th and 6th, 1945.

File No.

737

DEPARTMENT OF THE
SECRETARY OF STATE
Office of the Custodian

For Sale by Tender

The Secretary of State of Canada, acting in his capacity as Custodian under or by virtue of the Revised Regulations Respecting Trading with the Enemy (1943), hereby offers for sale by public tender such interests as are vested in him in the following:

Parcel "A." Glove Making Machinery—3 sewing machines, 3 motors, 13 shape cutters, shafting, pulleys, belting, machine tables, electric rheostat.

Parcel "B." Glove Knitting Machinery and Accessories.

Parcel "C." Dental Equipment—1 Ideal Columbia dental chair, 1 dental drill and tools, 1 dental cabinet, dental accessories.

Parcel "D." Shoemakers' Machinery—Singer sewing machine, foot, motor, shafting, pulley, belt, polishers, belting, toe press, Champion stitcher and a quantity of shoemakers' supplies.

Parcel "E." Diesel Engines—One 50-hp. diesel engine.

Parcel "F." New Books—7 cases new account books, ledgers, journals, cash books, day books, record books, autograph books, memo books, blank books.

Tenders for the individual parcels should be addressed to the undersigned, marked "Tender," up to Noon on the 22nd day of December, 1945, and must be accompanied by a certified cheque payable to the Custodian for ten per cent. (10%) of the amount tendered.

Further particulars and arrangements in respect may be obtained from the undersigned.

The highest or any tender not necessarily accepted.

These assets are offered for sale without any warranty whatsoever on the part of the Custodian as to the condition or state of repair.

DATED at Vancouver, B.C., this 5th day of December, 1945.

THE CUSTODIAN,
225 Royal Bank Building,
Vancouver, B.C.

MEMORANDUM RE SALE OF CHATTELS

(Apart from Auction Sales)

FILE NO: 737

NAME: TSUCHIYA, Hajime

DATE ADVERTISED: November 6, 1943, May 15, 16 & 17, 1944, December 5 & 6, 1945.
(or other information)

APPRAISER'S NAME: John Gould, R. T. Muir

VALUATION: Gould's \$250.00
Muir's \$100 to \$150.00
Later (any reasonable offer)

PURCHASE PRICE: \$60.00

COMMITTEE'S APPROVAL:

PURCHASER'S FULL NAME: R. N. Lusk,

ADDRESS: 4640 Welwyn Street,
Vancouver, B.C.

OCCUPATION:

BILL OF SALE REQUIRED:
(state if purchase
price already paid or
arrangements made)

YES

NO

Paid in full 28/1/46

ENCUMBRANCES, IF ANY: Nil

LIST OF CHATTELS SOLD:

1 50 H.P. Diesel Engine, (Marine Engine of Japanese Make).

Advertisement appearing in Vancouver
Newspapers May 15th, 16th and 17th, 1944

757
Evacuee File 11261

File him

757-12-3-44
FOR SALE BY TENDER

The Secretary of State of Canada, acting in his capacity as Custodian, hereby offers for sale by tender the following articles located in the City of Vancouver:

Parcel A—1 Japanese-made 50 h.p. Diesel engine. Parts missing.
Parcel B—1 I.C.H.P.—2165 Hoffman Clear Buk Press.
Parcel C—1 ice cream cone machine.
Parcel D—Approximately 800 pounds of nails of various sizes.
Parcel E—1 planer, 1 5-h.p. motor, 1 handsaw, shafting and pulleys.
Parcel F—1 regulation pool table.
Parcel G—Printing machinery, cutting blade, press and bender.
Parcel H—6 power sewing machines, 2 shafts and 12 pulleys.
Parcel I—1 5-h.p. motor.
Parcel J—Neon signs.

Tenders for the purchase of such assets will be received subject to the following terms and conditions:

- 1—Each tender must be for one of the parcels, but a separate tender may be filed for each of several parcels.
- 2—A tender offering for parcels in the alternative will be considered an offer only for the parcel first named.
- 3—A certified cheque payable to the Custodian for ten per cent (10%) of the amount offered must accompany each tender.
- 4—Each tender must be in a separate sealed envelope addressed to "The Custodian," 506 Royal Bank Building, 675 West Hastings Street, Vancouver, B.C., and each envelope must be marked "Tender."
- 5—All tenders must be in writing, with special reference to the parcel numbers appearing in this advertisement.
- 6—The assets are offered for sale without any warranty whatsoever by the Custodian as to quantity, condition or state of repair of such assets.

Cheques in respect of unaccepted bids will be returned in due course. Neither the highest nor any tender will necessarily be accepted. Arrangements will be made to inspect the assets on application to the undersigned.

Tenders will be received by the undersigned up to Noon, Daylight Saving Time on the 3rd day of June, 1944.
DATED at Vancouver, B.C., this 15th day of May, 1944.

THE CUSTODIAN

506 Royal Bank Building,
675 West Hastings Street,
Vancouver, B.C.

Ad appearing in Vancouver Papers - November 6th, 1943

FOR SALE BY TENDER

The Secretary of State of Canada, acting in his capacity as Custodian, hereby offers for sale by public tender the following articles located in the City of Vancouver:

Parcel No. 1—Woodworking and box machinery, comprising band saw, rip saw, 3 electric motors, bending machine, cutting blade, measuring machine, shafts and pulleys.

Parcel No. 2—Box factory machinery, comprising Delta bandsaw, parcel saw, small lathe, electric cables, 4 wire-stitching machines, 1 gear on shaft and pulleys, 2 cutters, sundry equipment.

Parcel No. 3—Printing machine.

Parcel No. 4—Dismantled engine and parts—ex "Arrandale."

Parcel No. 5—1x2 cylinder 20 H.P. Nippatsu Diesel, 1936. Never in use. Parts missing.

Parcel No. 6—1x1 cylinder 25 H.P. Nippatsu Diesel. Dismantled. Parts missing.

Parcel No. 7—1x2 cylinder 35 H.P. Nippatsu Diesel taken from "Gloria Pica." Parts missing.

Parcel No. 8—1 boat engine, "Rickenbacker."

Parcel No. 9—1 15-ft. speedboat hull.

Parcel No. 10—1 50-H.P. "Hot Shot" Diesel marine engine, complete.

Parcel No. 11—1 donkey frame hoist.

Tenders for the purchase of such assets will be received subject to the following terms and conditions:

1. Each tender must be for one of the parcels but a separate tender may be filed for each of several parcels.
2. A tender offering for parcels in the alternative will be considered an offer only for the parcel first named.
3. A certified cheque payable to the Custodian for ten per cent. (10%) of the amount offered must accompany each tender.
4. Each tender must be in a separate sealed envelope addressed to "The Custodian," 506 Royal Bank Building, 675 West Hastings Street, Vancouver, B.C., and each envelope must be marked "Tender."
5. All tenders must be in writing, with special reference to the parcel numbers appearing in this advertisement.
6. The assets are offered for sale without any warranty whatsoever by the Custodian as to quantity, condition or state of repair of such assets.

Cheques in respect of unaccepted bids will be returned in due course. Neither the highest nor any tender will necessarily be accepted.

Arrangements will be made to inspect the assets on application to the undersigned.

Tenders will be received by the undersigned up to noon, Daylight Saving Time, on the 16th day of November, 1943.

DATED at Vancouver, British Columbia, this 6th day of November, 1943.

THE CUSTODIAN,

506 Royal Bank Building,
675 West Hastings Street,
Vancouver, B.C.

2
Rental fee
property of
Army Reserve Institute

26 April 1948

FILED BY Claimant

STATEMENT RE CHATTELS

Before evacuation I together with my sons operated 9 seine boats which we chartered out on a share basis the various fishing Companies. I also operated two fish camps at Jervis Inlet and Klemtu. For this reason I required to have a large quantity of net and gear and camp equipment.

Having this number of boats I operated my own boat repair shop near the mouth of Seymour Creek, Burrard Inlet and had there a variety of ship chandlery, equipment and tools for ship building and repairs. I had on hand a full set of chandlery which I had purchased from Edward Lipsett for a new boat which I was going to build.

Early in March 1942, as my premises were so near the water supply, the R.C.M.P. ordered me to move from my boat shop on 24 hours notice. I had a warehouse at 2235 Triumph St., Vancouver, B. C., so I moved all my tools, equipment and stock from the boat shop to the warehouse by truck. I did not have time to take an inventory. I called in my equipment from my fishing camps as well and stored these also in the warehouse.

Amongst my equipment I had a large "Hotshot" semi-Diesel 50 H.P. Motor of Japanese make. I had some of my workmen dismantly this engine in the garage at the warehouse premises. The left the heavy parts in the garage and greased the lighter parts and stored them in the warehouse.

One of my daughters expected to be married early in 1942 and I had purchased some new furniture and a set of new chinaware for her as a wedding present. This was purchased in 1941 from the Hudsons Bay Company for cash either in my own name or my daughter's name. I had the furniture stored at my married daughter's home (Mrs. Isomura) and the chinaware at my place on Union St. Neither the furniture or the chinaware ever used as due to the outbreak of war with Japan and evacuation the wedding had to be postponed. (It took place four years later at Nevelstoke).

I did not declare the furniture at the time of filing my JP form, April 3, 1942, as it was at my daughter's home. The china, at my home, was covered by the general description of property shown in my JP form. Sometime later in April I moved the furniture and china to the warehouse.

In late April Macaulay Nicolls & Maitland approached me to sell the warehouse as they had a client who wanted it. I said I had a lot of goods stored there and that I would sell only if I could reserve part of the upstairs to store my goods. The purchaser agreed provided that this area (about 25' x 100') was partitioned off. I stored all my tools, equipment, netting, lines, etc. and the above noted furniture and china in that space (except the heavy parts of the engine in the garage) locked the door and handed the key to the Custodian. Macaulay, Nicolls suggested to me that I insure the chattels and I did so in the sum of \$2000.00.

When I delivered the key to the Custodian (I believe it was to Mr. Shiers) he asked me if I had an inventory. I said I had not had time to make an inventory. He said that was alright, that his office would check up, make an inventory and send me a copy.

After I left the coast I had several letters from the Custodian asking about an inventory. On Oct. 1/42 I wrote the Custodian saying that it was not possible to make a proper inventory without attending at the premises as there were so many items stored. I therefore asked for a permit to go to the coast for this purpose. By letter dated October 7, 1942 the Custodian replied that he was unable to arrange for a permit but that "we will, ourselves, make and submit to you as soon as possible an inventory of what has been left behind."

In August 1942 I received a letter from Macaulay Nicolls & Co. asking me to sign some endorsement to my insurance policy as some of my chattels had been moved to 992 Powell St. Upon receipt of this letter I wrote the Custodian objecting to the removal and asking for a detailed list "of everything such as furniture, engine and parts, webs etc. and many other items which have been moved to 992 East Powell St. Vancouver, B. C. from 2235 Triumph Street, Vancouver, B. C."

I received a reply to my letter of Aug. 15/42 from the Custodian but no mention was made in it of the removal (letter Oct. 5/42). I do not recall hearing from the Custodian at any time with respect to this matter. The Custodian subsequently advised me that my chattels had not been moved.

I am now advised by my Counsel that it appears from the Custodian's file that on January 5, 1943 D. A. Smith of the Custodian's office reported that there was a large quantity of boat lumber, fishing equipment and engine parts, etc. stored at the warehouse and that it would be necessary to obtain a person familiar with this type of equipment to make a proper inventory. He also advised that household furniture and personal property of several Japanese was removed from this building to 992 Powell some time ago.

In February 1943 I was advised by the Custodian (letter Feb 15/43) that he had several prospective purchasers for my 50 H.P. Diesel engine and asking me what price I would accept. On Mar. 6, 1943 by letter I advised the Custodian I would sell it for \$1200.00. In the same letter I asked him to ship me about 1200 lb. of tarred herring seine web from the Triumph St. warehouse. This was shipped to me about Mar. 24, 1943, so that someone from the Custodian's office must have been to my storage place at about that time.

On May 18/43 the Custodian wrote to me asking if I wanted the insurance renewed. Nothing was said about my place having been broken into. Yet on May 19/43 I now find the Custodian wrote to Macaulay Nicolls & Co. advising that the day before he had learned that D. A. Smith the Custodian's fieldman on making an inspection on or about May 3rd discovered that boxes of personal effects stored at 2235 Triumph Street and belonging to me had been broken into. It was Mr. Gibson of the Insurance Department of the Custodian who wrote both letters.

I was not advised of the breaking into of my store room until June 7/43. This letter requested an inventory. As explained above I had not made an inventory and I thought the Custodian would have made one as he promised. It appeared to me that the only way to ascertain what was missing would have been to go down and look at what was left. I got in touch with my son Harry at Kaslo and found out he expected to be allowed to go to the coast shortly on other business. (I did not think I would be permitted myself having once been refused.) I therefore asked Harry to come around by Revelstoke on his way down so that I could discuss the matter with him. Unfortunately his visit to the Coast was delivered - delayed until September. In the meantime I received two more letters, one in July and one in August from the Custodian asking for an inventory. I did not reply as I expected Harry would soon be going down.

My son did go to the Coast about September, 1943. However, he did not come to see me at Revelstoke. During evacuation Harry was a member of the Japanese Committee and was very busy as such. Consequently he was not able to help me store the equipment, tools, materials, furniture, etc. referred to above in the warehouse. He therefore did not know all the things which had been stored and that was why I wanted him to come to Revelstoke first.

When in Vancouver Harry visited the warehouse and gave the Custodian a list of the things which he considered were missing. Upon examining this list I observe that quite a few of the things listed by him were his own property which had been stored there (see list dated Nov. 21, 1943) i.e. the tap & die sets, the micrometers & calipers, the Briggs & Stratton $\frac{1}{2}$ HP motor and most of the technical books. Harry would know about the new china set as it was at our home before evacuation, and also the other chinaware. He would know about the ships chandler as he would have made the purchase for me from Edward Lipsett and he would know about the Wisco 3 HP engine as this was used for running the generator at one of the fish camps and he probably brought it down. However, he had nothing to do with the moving of the tools, material & equipment from the boat house to the warehouse and would not know what was moved. Also he would not know about the storage of the new furniture as this had been at his married sister's home.

As indicated in the Custodian's files Harry shipped 31 articles to me, after inspecting the premises. This included an icebox and a number of 25 lb nail boxes in which were enclosed a quantity of school books, some clothing and miscellaneous screws, bolts, nails & like items of hardware. I did not receive any of the items for which I now claim.

I did not hear from the Custodian or the Insurance Company again about this matter as far as I can remember until I filed my claim. They apparently decided to communicate with my son. I did not hear from him either as to any further requests for an inventory. (see letters Dec. 16/43 & Dec. 21/43. Custodian to Insurance Company in which he advised the Company to correspond with my son).

My claim came on for hearing in March and my Counsel arranged with the Commissioner that, without prejudice to my claim, he would try to get the Insurance Company to make a settlement. He advises that the Insurance Company refuses to recognize any claim on the grounds that there is no evidence of the articles having been in the warehouse, no proof of loss was ever furnished to the Company and no action was commenced within twelve months.

My claim had originally been based on the default of the Custodian to inventory the goods and to collect under the policy. When my Counsel ascertained that the Company would not settle, he advised me to draw a conservative inventory of all of my personal property which I was certain had been stored in the warehouse and not since shipped to me. I have now done this and have checked it as far as possible with the men who worked for me. I am certain that there are many other things which I cannot now recall. I am however sure that the things which I have shown were stored. The values I have shown I believe represent fair market values.

With respect to the 50 HP Diesel Engine, I believe it was worth the \$1200.00 asked. I understand from my Counsel, however, that at the time of its sale some of the parts which had been stored in the warehouse were missing. This naturally would detract from its value.

The value of the goods inventoried far exceed the sum of \$2000.00 even after giving the Custodian credit for what he sold. I am satisfied, however, to make my net claim for \$2000.00, the amount of my insurance policy.

"H. Tsuchiya"

INVENTORY

From Boat Yard

Estimated Value

1 Screw Jack 17" (new \$17.00) 3 yrs. old	\$ 10.00
1 " " 14" (new \$14.00) " "	7.00
1 Pipe Dies	36.00
Complete set 3 cutters	18.00
2 Chain Vices size up to 2" pipe	25.00
1 Blacksmith Vice 4" jaw	12.50
1 Machine shop Vice 4" jaw	12.00
12- 6" G. clamp (like new) \$2.00 each	24.00
12- 9" G. clamp " " \$2.15 each	25.80
20- 6" to 12" G. Clamps 1 used	30.00
5- 2 ft. Taylor's Boat clamp @ \$5.00 ea.	25.00
3 Door clamps 2-4' & 1-3' @ \$5.00 ea.	15.00
1 Spike Hammer, 5 lbs.	2.00
2- 8# sledge Hammer @ 10# lb.	1.60
2 sets side-head with blade fit for Cowan Planer @ \$50.00 per set	100.00
1 Chain block 1 ton capacity	37.50
Ships Chandler for new boat	150.00

Machine Shop tools:-

4- 18" pipe wrenches @ 4.00	16.00
4- 14" " " @ 3.00	12.00
4- 12" " " @ 2.50	10.00
4- 6" " " @ .75	4.50
2- 12" Crescent wrenches @ \$5.00	10.00
2- 10" " " @ \$4.00	8.00
4- 8" " " @ \$2.00	8.00
6- 6" " " @ \$1.00	6.00
4 Machine Hammers @ \$1.50	6.00
6 Pliers @ .75#	4.50
7 assorted sizes screw drivers @ .50#	3.50
2 sets box wrenches @ 29.00 per set	58.00
Miscellaneous saws, planers, shears, punches and key drifts	?

Camp Equipment

6 Coleman Gas lanterns @ \$9.00	54.00
2- 6 ft. Saws @ \$6.00	12.00
3 sledge hammers and wedges @ \$1.00	6.00
1- 32 volt generator with pulley & belt complete (Cost \$300.00 new 1936)	150.00
1 Wisco for 3 H.P. Fairbanks stationery engine and excessories	45.00
1- 1 1/2" pipe power water pump (new 1936 \$100.00)	50.00
4 sets rubber hose 1/2" 50' lengths @ \$3.00	12.00
1- 100 ft. rubber hose 1/2" @ 30# ft.	30.00
4 heavy built hand trucks (new \$40.00 ea.) @ 15.00	60.00
4 counting machines (for counting fish) @ 6.00	24.00
1 Wiring machine (\$90.00 new 1935)	60.00

Forward

\$1180.90

Brought Fwd.

\$1180.90

Fishing Equipment

800 lbs. tarred herring web (Received 1200 lbs) (new 75# lb) @ 15#	120.00
2000 lbs. Manila rope (used) (new 30# lb) @ 10#	200.00
4 Gill net lines complete with floats & leads (new \$70ea) used 2 seasons @ \$30.00	120.00
40 lbs. smelt web (flax) @ 4.50 lb.	180.00
11 new gill net herring webs (about 12 lb. ea. \$1.25 per lb.	192.50
4 Salmon gill nets used 2 seasons @ \$30.00 ea.	120.00
3000 - 6" floating cork (new 10#) @ 5#	150.00
200 Fathoms lead line 800 lbs. lead & rings	150.00
625 lbs. Salmon Seine Web used 1 season (not counted 250 lb. shipped me & 125 lbs. shipped to my son) (new 80# lb.) @ 15# lb.	93.75
1 Hotshot 50 H.P. Diesel Engine	1200.00

FurnitureEstimated Value

1 "Kreeller" chesterfield set (unused - cost \$149.00)	125.00
1 chesterfield end table (unused - cost \$18.00)	12.50
1 china cabinet made to order 1937 - cost \$35.00	20.00
1 Bedroom suite "Restmore" (unused - cost \$198.00)	150.00
21 Kitchen chairs cost \$1.75 ea. @ 1.00	21.00
1 Oak desk & revolving chair (1935 - cost \$150.00)	100.00
6 rolls linoleum assorted size and patterns fairly new cost about \$90.00	45.00
1 Singer Sewing Machine 1930 cost \$115.00	50.00

China & utensils

42 piece new dinner set unused cost \$47.50	40.00
out glass bowls, cocktail set & meat dishes	?
Japanese full course dinner dishes complete set for serving 90 persons consisting of lacquered trays, bowls, chop sticks, fancy china dishes and bowls of odd shape & patterns, beverage cups, teapots, liquor serving sets, sukiyaki sets & other small items. Imported from Japan in 1939 Cost \$350.00 say	100.00
Pots, pans, flatware & general utensils packed in 3 large wooden boxes (used at 2 fishing camps) say at least	70.00

Total 4440.65

Also a quantity of boat lumber and miscellaneous boat equipment ?

"H. Tsuchiya"

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

July 13, 1948. Frances May

[Signature]

IN THE MATTER OF
PART 1. REVISED STATUTES

JAPANESE PROPERTY

B E P O

(HIS HONOUR, JUDGE J.R. ARCHIBALD, SUB-COMMISSIONER)

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Vernon, B.C.

April 26, 1948

IN THE MATTER OF THE CLAIM OF
HAJIME TSUCHIYA

PROCEEDINGS AT HEARING

20 APPEARANCES:

D.S. McTAVISH, Esq.,

appearing for the
Dominion Government.

R.J. McMASTER, Esq.,

appearing for the
Claimant.

T.J. HARRISON, Esq.,

Secretary to Vernon
Sub-Commission.

MRS. I.C. SMITH,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter

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2
H. Tsuchiya
In Chief
Discussion

MR. McMASTER: The case of Hajime Tsuchiya, your hon-
our. This was a case transferred from Judge
Colquhoun's list.

HAJIME TSUCHIYA, the Claimant herein, being
first duly sworn, testified
through the official inter-
preter as follows:

MR. McMASTER: In this case, your honour, I would ask
leave to abandon the claim for the real estate.
It was known as a forced sale by the claimant.

10 This case came on for hearing first at the
last sittings at Vernon. The claim as expressed
in the claim form was for personal property stored
at 2235 Triumph Street and insured for \$2,000.00
and the policy turned over to the Custodian. It
appeared that the claimant had left a quantity of
chattels at this address and that subsequently the
premises had been broken into and that before
leaving the coast he had taken out an insurance
policy. Therefore, I suggested to the Commissioner
20 at the last hearing that some attempt might be
made to see whether the insurance company would
settle the claim, and thus, perhaps, remove the
necessity of proceeding with this claim before the
Commission. Accordingly, the case was set over to
this sitting of the sub-Commission at Vernon.

30 Since that time I have endeavoured to make a
settlement with the insurance company and they object
that the time for bringing an action is past, the
statutory limitation on bringing an action against
them has long since gone by, and they will have

nothing to do with the discussion of a settlement,
so that it is therefore necessary to proceed to
present the claim.

Now in this case I intend to identify and file
a statement by the claimant which is written in
longhand and is rather difficult to follow, more so
on the copies than on the original, and if your honour
pleases, I would like, after having had it identified,
to read it into the record. I think it will be
easier for the Commissioner and easier for counsel
to do it in that manner.

DIRECT EXAMINATION BY Mr. McMASTER:

Q: Witness, did you instruct me to prepare this state-
ment with regard to your chattels and is this your
signature in the middle of page 6 of the statement?

A: Yes.

Q: And this inventory which is attached to the
statement, is that your signature at the end of
the inventory?

A: Yes.

Q: And did you instruct me to prepare that inventory
and give me the information that is contained therein?

A: Yes.

Q: And are the values shown in the inventory, at the
right-hand side of the inventory, your estimates of
the fair market value at the time of your evacuation?

A: Yes.

MR. McMASTER: I ask to have that filed as Exhibit No.

1.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. McMASTER: This is Exhibit No. 1: Statement
re Chateaux:

"Before evacuation I, together with my sons,
operated 9 seine boats which we chartered out on a
share basis to various fishing companies. I also
operated two fish camps at Jervis Inlet and Klontu.
For this reason I required to have a large quantity
of net and gear and camp equipment.

10 "Having this number of boats, I operated my
own boat repair shop near the mouth of Seymour
Creek, Burrard Inlet, and had there a variety of
ship chandlery equipment and tools for ship build-
ing and repairs. I had on hand a full set of
chandlery which I had purchased from Edward Lip-
sett for a new boat which I was going to build.

20 "Early in March, 1942, as my premises were so
near the water supply, the R.C.M.P. ordered me to
move from my boat shop on twenty-four hours' notice.
I had a warehouse at 2235 Triumph Street, Vancouver,
B.C. so I moved all my tools, equipment and stock
from the boat shop to the warehouse by truck. I did
not have time to take an inventory. I called in
my equipment from my fishing camps as well and
stored these also in the warehouse.

30 "Amongst my equipment I had a large "Hotshot"
semi-diesel 50 H.P. motor of Japanese make. I
had some of my workmen dismantle this engine in
the garage at the warehouse premises. They left
the heavy parts in the garage and greased the
lighter parts and stored them in the warehouse.

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In Chief

10 "One of my daughters expected to be married early in 1942 and I had purchased some new furniture and a set of new chinaware for her as a wedding present. This was purchased in 1941 from the Hudsons Bay Company for cash either in my own name or my daughter's name. I had the furniture stored at my married daughter's home (Mrs. Isomura) and the chinaware at my place on Union St. Neither the furniture or china were ever used as, due to the outbreak of war with Japan and evacuation, the wedding had to be postponed. (It took place four years later at Revelstoke)

"I did not declare the furniture at the time of filing my J.P. form, April 3, 1942, as it was at my daughter's home. The china, at my home, was covered by the general description of property shown in my J.P. form. Some time later, in April, I moved the furniture and china to the warehouse.

20 "In late April Macaulay Nicolls & Maitland approached me to sell the warehouse as they had a client who wanted it. I said I had a lot of goods stored there and that I would sell only if I could reserve part of the upstairs to store my goods. The purchaser agreed provided that this area (about 25 x 100') was partitioned off. I stored all my tools, equipment, netting, lines, etc., and the above-noted furniture and china in that space (except the heavy parts of the engine in the garage) locked the door and handed the key to the
30 Custodian. Macaulay Nicolls suggested to me that I

insure the chattels and I did so in the sum of \$2000.00.

"When I delivered the key to the Custodian (I believe it was to Mr. Shears) he asked me if I had an inventory. I said I had not had time to make an inventory. He said that was all right, that his office would check up, make an inventory, and send me a copy.

10

"After I left the coast, I had several letters from the Custodian asking about an inventory. On October 1, 1942 I wrote the Custodian saying that it was not possible to make a proper inventory without attending at the premises as there were so many items stored. I therefore asked for a permit to go to the coast for this purpose. By letter dated October 7, 1942, the Custodian replied that he was unable to arrange for a permit, but that "we will, ourselves, make and submit to you as soon as possible an inventory of what has been left behind."

20

"In August, 1942, I received a letter from Macaulay Nicolls & Company asking me to sign some endorsement to my insurance policy as some of my chattels had been moved to 992 Powell Street. Upon receipt of this letter, I wrote the Custodian objecting to the removal and asking for a detailed list of everything such as furniture, engine parts, webs, etc., and many other items which have been moved to 992 East Powell Street, Vancouver, B.C. from 2235 Triumph Street, Vancouver, B.C."

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"I received a reply to my letter of August

H. Tsuchiya
In Chief

15, 1942 from the Custodian but no mention was made in it of the removal (letter Oct 5/42). The Custodian subsequently advised me that my chattels had not been moved.

10 "I am now advised by my counsel that it appears from the Custodian's file that on January 5, 1943, D. A Smith of the Custodian's office reported that there was a large quantity of boat lumber, fishing equipment and engine parts, etc., stored at the warehouse and that it would be necessary to obtain a person familiar with this type of equipment to make a proper inventory. He also advised that household furniture and personal property of several Japanese was removed from this building to 99 Powell some time ago.

20 "In February 1943 I was advised by the Custodian (letter Feb 15/43) that he had several prospective purchasers for my 50 H.P. Diesel engine and asking me what price I would accept. On March 6, 1943, by letter I advised the Custodian I would sell it for \$1200.00. In the same letter I asked him to ship me about 1200 lb of tarred herring seine web from the Triumph Street warehouse. This was shipped to me about March 24, 1943, so that someone from the Custodian's office must have been to my storage place at or about that time.

30 "On May 18, 1943, the Custodian wrote to me asking if I wanted the insurance renewed. Nothing was said about my place having been broken into. Yet on May 19, 1943, I now find the Custodian wrote to

Macauley Nicolls & Company advising that the day before he had learned that D.A. Smith, the Custodian's field man on making an inspection on or about May 3rd discovered that boxes of personal effects stored at 2235 Triumph street and belonging to me had been broken into. It was Mr. Gibson of the Insurance department of the Custodian who wrote both letters.

10 "I was not advised of the breaking into of my store room until June 7, 1943. This letter requested an inventory. As explained above, I had not made an inventory and I thought the Custodian would have made one as he promised. It appeared to me that the only way to ascertain what was missing would have been to go down and look at what was left. I got in touch with my son Harry at Kaslo and found out he expected to be allowed to go to the coast shortly on other business. (I myself having once been refused, I did not think I would be permitted). I therefore asked Harry to come around by Revelstoke on his way down so that I could discuss the matter with him. Unfortunately his visit to the coast was delayed until September. In the meantime I received two more letters, one in July and one in August from the Custodian asking for an inventory. I did not reply as I expected Harry would soon be going down.

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"My son did go to the coast about September 1943. However, he did not come to see me at Revelstoke. During evacuation Harry was a member of the

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Japanese Committee and was very busy as such. Consequently he was not able to help me store the equipment, tools, materials, furniture, etc., referred to above in the warehouse. He therefore did not know all the things which had been stored and that was why I wanted him to come to Revelstoke first.

10

"When in Vancouver Harry visited the warehouse and gave the Custodian a list of the things which he considered were missing. Upon examining this list I observe that quite a few of the things listed by him were his own property which had been stored there, (see list dated Nov. 2, 1943) i.e. the tap and die sets, the micrometers and calipers, the Briggs and Stratton $\frac{1}{2}$ H.P. motor and most of the technical books. Harry would know about the new china set as it was at our home before evacuation and also the other chinaware. He would know about the ships chandlery as he would have made the purchase for me from Edward Lipsett and he would know about the Wisco 3 H.P. engine as this was used for running the generator at one of the fish camps and he probably brought it down. However, he had nothing to do with the moving of the tools, material and equipment from the boat house to the warehouse and would not know what was moved. Also he would not know about the storage of the new furniture as this had been at his married sister's home.

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"As indicated in the Custodian's files Harry shipped 31 articles to me after inspecting the

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In Chief

premises. This included an icebox and a number of 25 lb mail boxes in which were enclosed a quantity of school books, some clothing, and miscellaneous screws, bolts, nails and like items of hardware. I did not receive any of the items for which I now claim.

10 "I did not hear from the Custodian or the Insurance Company again about this matter as far as I can remember until I filed my claim. They apparently decided to communicate with my son. I did not hear from him either as to any further requests for an inventory. (See letters December 16, 1945 and December 21, 1945, Custodian to Insurance Company in which he advised the Company to correspond with my son).

20 "My claim came on for hearing in March and my counsel arranged with the Commissioner that, without prejudice to my claim, he would try to get the insurance company to make a settlement. He advises that the insurance company refuses to recognize any claim on the grounds that there is no evidence of the articles having been in the warehouse, no proof of loss was ever furnished to the company, and no action was commenced within twelve months.

30 "My claim had originally been based on the default of the Custodian to inventory the goods and to collect under the policy. When my counsel ascertained that the company would not settle, he advised me to draw a conservative inventory of all of my personal property which I was certain had been stored in the warehouse and not since shipped to me. I

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Discussion

have now done this and have checked it as far as possible with the men who worked for me. I am certain there are many other things which I cannot now recall. I am, however, sure that the things which I have shown were stored. The values I have shown I believe represent fair market values.

10 "With respect to the 50 H.P. Diesel Engine, I believe it was worth the \$1200.00 asked. I understand from my counsel, however, that at the time of its sale some of the parts which had been stored in the warehouse were missing. This naturally would detract from its value.

The value of the goods inventoried far exceed the sum of \$2000.00 even after giving the Custodian credit for what he sold. I am satisfied, however, to make my net claim for \$2000.00, the amount of my insurance policy.

Then attached to Exhibit one is an inventory of tools, equipment, furniture, etc.

20 Now I would ask my learned friend to produce a number of documents and letters from the files of the Custodian. I understand that he may have some objection to some of these memoranda which were passed between members of his Department, that is, members of the Custodian's Department, going in as evidence.

30 My submission with regard to those, your honour, is that this is the type of case where the claimant is away from the coast altogether -- he has no means whatsoever of knowing what went on

down at the coast. I take it that the Custodian and the Crown, as well as ourselves acting on behalf of this claimant and other claimants, are desirous that all information that would be helpful to the Commissioner should be placed before him, and in circumstances such as these, I think that the normal procedure which might apply in a trial ought not to apply and that information such as this which is in the Custodian's file should be admitted at this stage, subject, however, to the right of the Custodian to call the persons who made the memoranda to explain any statements that are in it that do not appear to be correct.

Therefore, I am going to ask to file a number of memorandum. Perhaps my friend would like to make his objection at this point.

MR. McTAVISH: Your honour, I feel these are privileged communications from one member of an office staff to another member of an office staff. They are made available to the claimant to enable him to prepare his case, but if they wish to make use of the material in the memorandum, I think the proper way to do it is to call the man who made the memorandum.

THE COMMISSIONER: Well, they will go in subject to this objection, then, and that is entirely for the Commissioner to decide -- whether they are evidence or not.

MR. McMASTER: Thank you, your honour. I suggest these all be filed as one exhibit. They are primarily

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the letters and memoranda referred to in the statement in Exhibit 1. I will just identify the documents that are going in as the exhibit.

First, a letter dated August 15, 1942 from the Claimant to the Custodian.

Q: Witness, can you identify your signature on that letter? A: Yes.

Q: And did you write the letter? A: Yes, I wrote it.

10 Q: Or have it written for you and signed it?
A: Yes.

MR. McMASTER: What purports to be a letter from Macaulay Nicolls and Maitland to the Custodian dated August 11, 1942.

A copy of a letter from the Custodian to this claimant dated September 24, 1942.

A letter from the claimant to the Custodian dated October 1st, 1942.

20 Q: Witness, is that your signature on this letter, and did you have that letter written to the Custodian? A: Yes.

MR. McMASTER: A copy of a letter dated October 7, 1942 from the Custodian to the claimant.

A copy of a letter dated October 5, 1942 from the Custodian to the claimant.

A memorandum dated December 11, 1942 purporting to be signed by D.A. Smith.

30 A memorandum dated January 5, 1943 addressed to George B. Spain. The initials on the foot of the letter are not very easily identified. I think

H. Tsuehiya
In Chief

they are "G.B.S."

A copy of a letter dated the 15th of February 1943 from the Custodian's office to the claimant.

A letter dated March 6, 1943 from the claimant to the Custodian.

Q: Witness, can you identify your signature on that letter and did you write that letter or instruct someone to write it for you?

A: I had it written.

10 MR. McMASTER: That is his signature on it?

THE INTERPRETER: Yes.

MR. McMASTER: A copy of a letter dated May 18, 1943 from the Custodian to the claimant.

A copy of a letter dated May 19, 1943 from the Custodian to Messrs Macaulay Nicolls and Haitland Company Limited.

A letter dated May 25, 1943 from the claimant to the Custodian.

Q: Witness, is that your signature on that letter?

20 A: Yes.

MR. McMASTER: A copy of a letter dated June 7, 1943 from the Custodian to the claimant.

Memorandum dated July 5, 1943 addressed to Mr. Green from Mr. Spain with the initials "G.B.S." at the foot of it.

A letter dated July 12, 1943 from the Custodian to the claimant.

A letter dated August 2, 1943 from the Custodian to the claimant.

30

A memorandum dated October 3, 1943 addressed

at the top to "File" from
to be signed by D.A. Sm

An inventory dated

A copy of a letter

from the Custodian to the Dominion of Canada
General Insurance Company.

A copy of a letter dated December 21, 1943 from
the Custodian to the Dominion of Canada General
Insurance Company.

I file all those as the exhibit.

(LETTERS MARKED EXHIBIT NO: 2)

Your witness.

MR. McTAVISH: It is submitted, your honour, that the
personal property which was sold was sold for its
fair market value. It is submitted that where the
claimant has claimed for something which was not
sold, his claim is exorbitant. It is submitted
that the Custodian made every reasonable effort
to recover on the loss sustained by the claimant
because of the theft of certain chattels, and that
the loss suffered by the claimant was solely due
to his laches and to his refusal to cooperate with
the Custodian in respect to the loss sustained.

CROSS EXAMINATION BY MR. McTAVISH:

Q: Is this your signature? A: Yes.

Q: And this is the J.P. form signed by yourself?

A: Yes, I think so.

MR. McMASTER: The date, please, Mr. McTavish?

MR. McTAVISH: Dated the 3rd day of April, 1942.

H. Tsuchiya
Cross exam.

I put this in as Exhibit No. 3.

(J.P. FORM MARKED EXHIBIT NO. 3)

10 MR. McTAVISH: Q: I would refer to the letter dated October 1st, 1942 from the claimant to the Custodian's Department which is part of Exhibit 2. I will read you a paragraph from this letter and I would like to examine you on it afterwards. "As I was in such a rush to leave Vancouver, and being very, very busy at the time, I cannot recall and make any decent list of things stored at that house. There are so many, many items which are of considerable cost and importance to me." Do you recall writing that in this letter? Would you interpret the letter, Mr. Interpreter; that is the paragraph.

A: I had asked my daughter to write that.

Q: Did you tell her to write that particular paragraph?

A: Yes, I did.

20 Q: How is it that if you couldn't remember the articles left in '42 that you remember them now in great detail?

MR. McMASTER: Does that letter say that, Mr. McTavish? Would you mind reading the paragraph again?

MR. McTAVISH: Yes. "As I was in such a rush to leave Vancouver, and being very, very busy at the time, I cannot recall and make any decent list of things stored at the house."

MR. McMASTER: That isn't the same thing. I would like to have your question read, if I might.

30 MR. McTAVISH: My question is: How can you recall and

make a list of things if you couldn't at that time?

MR. McMASTER: He didn't say that.

MR. McTAVISH: He did.

MR. McMASTER: He said he couldn't make a decent list.

10 A: I was very busy and I was working elsewhere at the time and all these things were brought in by his sons and his men and they were all piled up, and I wasn't able to take an inventory then. I wasn't there at the time. These were all brought from various places so I wasn't able to make a special inventory at the time until I had thought the things out or examined them.

MR. McTAVISH: You never examined the goods stored there?

A: He couldn't examine them very minutely.

Q: You are not sure exactly what was stored there?

A: What is in the list, I know they were there, but there are several other things that I feel sure were there and have not put in the list.

Q: Did you see all the items in the list in that warehouse?

20 A: I felt sure that all the things were there, although I didn't check them.

Q: Did you see them?

A: I couldn't see them because they were all piled up.

Q: If you can make that list out now, why couldn't you make the list out when requested to by the Custodian in his letter of June 7, 1943?

30 A: When I was leaving, when they asked me to put down all I remember, and said it wasn't necessary to write in details, and of course I thought that everything would be given to the Custodian, and I

wasn't sure of the things so I didn't take much notice of it.

MR. McMASTER: I wonder if my friend would identify this letter as being after the thefts?

MR. McTAVISH: Yes. This letter is dated June 7, 1943 and reports to the claimant the theft of some of his goods and goes on to say: "In order to have this apparent loss adjusted, it will be necessary to know what you had in those boxes and we can check up and find out what is still there and the missing articles, if any, we presume will have been stolen and we will endeavour to make claim for you on that basis."

10

THE INTERPRETER: A: The reason why I didn't reply to the letter was I had hoped that my son would come to me and we would be able to discuss the whole thing.

MR. McTAVISH: Q: Did you realize that the Custodian could not make a claim on your behalf unless he did obtain the inventory he asked for?

20

A: I understood that, but I had hoped my son would be able to come and that he would be able to attend to it for me as I was not permitted to go myself.

Q: After you received the letter of July 12, 1943, when they again asked for this information, why didn't you supply it then?

A: When I received that letter I wrote to my son to come to me quickly so that we could discuss the matter and reply to that letter, but he wasn't able to come.

30

Q: Why didn't you put in an inventory such as you have now submitted?

THE INTERPRETER: I didn't quite catch it.

MR. McTAVISH: Q: Why did you never put in an inventory such as you have now submitted?

A: When I heard the articles were stolen, I thought that probably it was no good my claiming it until now, until just recently when I put in a claim.

10 Q: You had been -- let us put it this way: If you had been in Vancouver, would you have put in a claim to the insurance company?

A: I didn't do so myself, but I asked my lawyer to do it for me.

Q: You did ask your lawyer?

MR. McMASTER: No, he didn't get the question.

MR. McTAVISH: Q: I said, would you have put in a claim to the insurance company with regard to the loss by theft if you had been in Vancouver?

A: I have not been to Vancouver.

20 Q: Would you have done it if you had been in Vancouver?

A: As soon as I received the policy from the Custodian I would have done it.

Q: How did you recall all these small items now when you couldn't recall them before?

A: At first I depended on the Custodian to make the list for me, but afterwards I wrote that; after thinking things over the large things, such as the nets and other large things he remembered, but the little things he had to ask his son who had
30 carried the things or the other family who had taken

H. Tsuchiya
Cross exam

the things there, and I made the list then.

MR. McMASTER: I am sorry, but my interpreter says the word was "foreman." I would like the interpreter to ask if that is right. He had to ask his foreman to help him.

(Interpreter to witness)

THE INTERPRETER: A: He asked the foreman for all the articles to help him, and then he had all the things written.

10 MR. McTAVISH: I would ask my friend if he is going to call the foreman.

MR. McMASTER: I hope to call the foreman at Kanloops, your honour.

MR. McTAVISH: Q: The detailed list submitted here was then prepared by yourself and the foreman, is that correct?

A: Also the gentleman sitting there (indicating) helped to carry the things to storage.

20 Q: Do you know if the foreman had a list of the things carried into the shop?

A: The foreman wrote down all the things that he was responsible for, but since then has left and he has that gentleman and himself and others to help him to write down things.

MR. McTAVISH: That is all.

MR. McMASTER: No questions, your honour.

THE COMMISSIONER: Very good. That is all.

(Witness aside.)

MR. McMASTER: I call Mr. Keneda.

H. Kaneda
In Chief

HISASHI KANEDA, a witness called on behalf of
the Claimant, being first duly
sworn, testified as follows:

MR. McMASTER: Could I have exhibit 1, please?

(Handed to Mr. McMaster)

DIRECT EXAMINATION BY MR. McMASTER:

Q: Witness, you were employed by the claimant at his
boat house at Seymour Creek in Burrard Inlet in
Vancouver?

A: Yes, I was.

10 Q: Prior to your evacuation. And were you personally
present when the goods and equipment which were
stored at the boat house were moved to these pre-
mises at 2235 Triumph Street? A: Yes, I
was.

Q: And did you assist in the loading and unloading of
truck or trucks that took the goods and equipment
to that warehouse? A: Yes, I did.

20 Q: How long had you been employed in or about the
boat house and boat yard there?

A: I had been employed there for about two years, I
think, and then during the time I was going to high
school I used to work there in the summer time, the
summer holidays.

Q: Yes. And what sort of work were you doing there
prior to your evacuation? A: I was
learning to be a carpenter, apprentice, in a way.

30 Q: I see. Now I produce to you Exhibit No. 1, an in-
ventory of goods and chattels which the claimant
says were stored in these premises on Triumph Street.

H. Kaneda
In Chief

Do you recognize any of those goods and chattels as having been in or about the boathouse and as being the goods and chattels which you assisted to move to the warehouse?

A: Do you want me to go into detail?

Q: Yes, if you will identify it. They are in groups. Perhaps you might as well identify them by groups. Maybe you had better identify them item by item; it won't take us very long.

10 A: I shall read off all the ones that I can identify, will that be fine?

Q: If you would, please.

A: One screw jack, 17"; one screw jack, 14" -- I can identify all those. One pipe die; three sets of cutters, two chain vises, one blacksmith's vise, one machine shop vise, twelve 6" C clamps, twelve 9" C clamps, twenty 6 to 12" C clamps, five 2' Taylor's Boat clamps, one spike hammer, two sets side-heads with blade fit for Cowan planer, yes, one chain block, one ton capacity. I can identify all those from the boat house.

I shall continue with the machine shop tools. Four 18" pipe wrenches, 4-14" pipe wrenches, 4-12" pipe wrenches, 4-8" pipe wrenches, 2-12" crescent wrenches, 2-10" crescent wrenches, 4-8" crescent wrenches, 6-6" crescent wrenches, 4 machine hammers, 6 pliers, 7 assorted sizes screw drivers, 2 sets box wrenches, miscellaneous saws, planes, shears punches, and key drifts. I can identify all those.

20

Camp equipment: six coleman gas lanterns,

30

H. Kaneda
In Chief

2-6" saws, 3 sledge hammers and wedges, 1-52 volt generator with pulley and belt complete, 1 Wisco for 3 H.P. Fairbanks Stationary engine and accessories, 1-1½ pipe power water pump, 4 sets rubber hose, 1-100 ft rubber hose ½", 4 heavy built hand trucks, 4 counting machines -- I believe those were called "tally machines" -- 1 wiring machine.

Do you want me to go through all those things?

Q: You can identify those items you have referred to?

10 A: Yes.

Q: Would you look through the balance of the list and see if there is anything else you can identify there from your personal knowledge and recollection.

A: I can't recall exactly if there was this much net and rope and lines, but I can recall this here, 1 Hotshot 50 H.P. Diesel Engine, because of the fact that the claimant's son and I helped to take it out of the boat and store it in the warehouse at Triumph Street. This furniture and chinaware --
20 I couldn't very well say that I have seen them, and I believe this has nothing to do with the stuff that was brought from North Vancouver, or Seymour Creek as the claimant puts it.

Q: I see. Now, witness, with respect to those first items that you referred to, they show on the inventory from the boatyard and the machine shop tools and camp equipment, what would be true according to your recollection: does the inventory here cover all the goods that were moved from the
30 boatyard at Seymour Creek to the warehouse by

H. Kaneda
In Chief
Cross-exam

yourself and other workmen, or would there be others?

A: No. I would say that would be a very conservative estimate of what was all there. I personally think there is lots more things that we don't recall now that were there at that time because of the fact that there was -- I believe there was two truck loads brought out of there on a -- I think it was a two-ton or two and a half ton truck.

10 Q: Yes. Now did the claimant consult with you, either before or after he had drafted out this list, to check whether or not you recalled this material being in the warehouse?

A: He asked me about that, but -- of course, it was so long ago that -- if I looked at the list I could remember, but I couldn't help him add any more to that list or detract from it.

Q: I see. In other words, he had drawn out a list and asked you to check it over? A: Yes.

20 Q: And you have stated that you feel quite positive that these items were there and many more?

A: Yes.

MR. McMASTER: Your witness.

CROSS EXAMINATION BY MR. McTAVISH:

Q: If you hadn't seen this list, would you remember the items that were there?

A: I could recall some of them, yes.

Q: Do you swear that there were exactly twenty 6" to 12" G. clamps?

A: I couldn't swear that there were exactly twenty, to that extent, but those were tools that were used in the boat building business.

Q: All you can say, then, is that you remember there were some 6 to 12" G. clamps there?

A: Yes.

Q: You can't swear to the number of them, or the number of any item there?

10 A: No. Well, it is so long ago that I wouldn't be quite true if I said there was exactly this much.

Q: In other words, when you went through this list, you just remembered the items you mentioned, not the quantity of them? A: Yes.

Q: Now did you load this on at the boatyard and unload it at the storage and store it?

A: Yes, we did.

Q: You did that yourself?

20 A: Well, we had other people there. I can't recall how many was there. I remember one of his sons was there and my father, myself, and I believe my younger brother was there, and I believe there was one or two other people there at that time.

Q: Did you accompany both truck loads that you recalled going from the boat yard? Did you accompany them to the Triumph Street storage place where the goods were stored?

A: Yes, we did; we unloaded the -- it was hauled by one truck. I think it was two trips.

30 Q: Where would this camp equipment have been stored before you moved it to Triumph Street?

H. Kaneda
Cross exam
Re-direct exam

A: The camp equipment was all unloaded from the boats and left at that boat shop until it was hauled away.

Q: That is the boat shop at the foot of Seymour Creek?

A: Yes.

MR. McTAVISH: That is all.

RE-DIRECT EXAMINATION BY MR. McMASTER:

10 Q: Witness, while you have said you don't remember exactly what quantity of these various items there were, do the quantities that the claimant has shown in that inventory appear to you to be reasonable according to your recollection of what was kept there? A: They were very reasonable.

MR. McMASTER: Thank you. That is all.

20 Your honour, I would ask leave to have this case placed on the Kamloops list to permit me to call the foreman and, if it is at all possible for the reporter to have the transcript available for crown counsel at that time and myself, I am sure it would be appreciated.

THE COMMISSIONER: Yes, very well. When will you be calling it again?

MR. McMASTER: I would imagine it would be at least at the end of the first week of the Kamloops list.

THE COMMISSIONER: Yes. The reporter will do that if he can, I suppose.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

"J.R. Archibald"
Sub-Commissioner

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

Gordon Hamblin
Official Reporter

A. Jinichi
In Chief

Kamloops, B.C.

May 14, 1948

T.G. BOWEN-COLTHURST, Esq., appearing for the Dominion Government.

A.E. COBUS, Esq., appearing for the Claimant.

J.R. COLLEY, Esq., Secretary to Kamloops Sub-Commission.

G.N.R. UPTON, Esq., Official Interpreter.

10

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. COBUS: Your honour, I would like to continue with the claim of Hajime Tsuchiya, the one which was started at Vernon and heard on April 26, 1948 and was put over to the Kamloops list.

THE COMMISSIONER: We will keep the Vernon number, then.

MR. COBUS: I think that would be advisable.

THE COMMISSIONER: Was this claim heard before me in Vernon?

20 MR. COBUS: It was, your honour.

THE COMMISSIONER: Yes, very good. What was the Vernon number, then?

MR. COBUS: 166.

THE COMMISSIONER: Very well.

MR. COBUS: I will call Asham Jinichi.

Asham Jinichi, a witness called on behalf of the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

30

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, by whom were you employed before you
were evacuated? A: Mr. Tsuchiya.

Q: Hajime Tsuchiya? A: Yes.

Q: What work did you do? A: I was a boat
builder.

Q: Is that all you did? A: When I had time
I went to a fishing camp in my spare time.

10 Q: Most of your time, however, was spent in a boat
house belonging to the claimant, Hajime Tsuchiya?

A: That was my trade and I chiefly did boat building.

Q: Where was this boat house of Mr. Tsuchiya's
located? A: About half a mile east

of the Second Narrows Bridge, North Vancouver.

Q: Would you say that it was near the mouth of Sey-
mour Creek in Burrard In let? A: Yes.

Q: How long had you been working in this boathouse?

A: About six or seven years.

20 Q: You would be familiar, then, with the contents
of the boathouse itself and the premises on
which the boathouse was built? A: Yes.

Q: Witness, I produce to you a list which forms
part of Exhibit 1. There are two pages on this
list. Do you read English well enough to examine
this list and point out the articles you can say
of your own knowledge were in the boathouse?
Perhaps I should break that down.

THE INTERPRETER: I can explain that to him.

30 A: I think I know a certain amount, sufficient to
answer questions with the aid of the interpreter.

A. Jinichi
In Chief

MR. COBUS: Q: Perhaps if you look at the headings like the "Boatyard", "Machine shop tools," "Camp equipment," "Fishing equipment," "Furniture," "Chinaaware and utensils," perhaps you could indicate which of those groups you would have knowledge of.

THE INTERPRETER: Would it be satisfactory if, as I read them out, he put a tick against those items which he has knowledge of?

MR. COBUS: I think that would be an excellent idea.

10 MR. BOWEN-COLTHURST: Just let me see this exhibit, first.

MR. COBUS: You have a copy there.

MR. BOWEN-COLTHURST: I want to see what markings, if any, are on it already. I think he had better tick it on the left-hand side.

20 THE INTERPRETER: A: With regard to the 20 - 6 to 12 inch "G" clamps, I am not perfectly certain of the exact number, but I think that there were at least 20.

MR. COBUS: Q: Well, witness, what about the item you have ticked, two chain vises up to two inch pipe; are you certain that there were two chain vises?

A: Yes.

Q: Carry on, will you please?

30 A: (Witness complies) I am putting a cross against that item as I am not certain of the exact quantity. The items which I have ticked in the boatyard were things which I used daily and I can vouch as to the correctness of those items. He

A. Jinishi
In Chief

had a number of tools, various tools, which he had in a box, but I cannot vouch as to the correctness of the numbers, there are so many of them.

Q: Would you say that the numbers -- and I gather you are speaking of machine shop tools -- are underestimated or over-estimated?

A: I don't think that the numbers are less, but are inclined to be more than what is put down here. He had a lot of work on repairing boats in the spring.

Q: In other words, if anything, the numbers shown are less than what probably was there.

A: They were not over. He has not over-estimated the quantity. I used these and I am certain there are six Coleman Gas Lanterns. With regard to the three sledge hammers, whilst they are camp equipment, I did not use them and so I cannot be certain.

Q: You cannot be certain as to the numbers, but can you tell me whether there were any?

A: I think those were there but I am not certain, that is, the three sledge hammers and wedges. The 52 volt generator with pulley and belt complete was there. I think that was in the box. One Wisco for 3 H.P. Fairbanks stationary engine and accessories.

MR. BOWEN-COLTHURST: What's that you are ticking there?

THE INTERPRETER: The Wisco.

MR. BOWEN-COLTHURST: My understanding was that he thought it was there, and I don't think he should put a tick there unless he is sure.

A. Jinichi
In Chief

THE INTERPRETER: A: I have used that machine before
and therefore I know that it was there.

MR. BOWEN-COLTHURST: All right.

THE INTERPRETER: A: And I have used the engine, also.
One 1½ inch pipe power water pump -- that was used
for washing the deck of the camp and that, I am
certain, was there. Four sets of rubber hose,
I am certain, was there. 100 foot rubber hose,
half inch. Four heavy built hand trucks.

10 MR. BOWEN-COLTHURST: What was the answer to the rubber
hose?

THE INTERPRETER: That was there. It is ticked off.

A: Four heavy built hand trucks, that was there, I am
certain. Four counting machines: those were
s small tally machines. Those were at the camp but
I am not certain whether they were at Seymour
Creek because they were put in a box. One wiring
machine: that is for wiring packages and that was
there.

20 MR. COBUS: Q: Witness, you are now examining the
fishing equipment. Was there any fishing equip-
ment left in the boathouse or the boatyard?

A: There was a lot of line and web, but as to how much
there was, I couldn't say.

Q: There is an item under "fishing equipment," 3,000
six inch floating cork. Was there any such article
in the boatyard?

MR. BOWEN-COLTHURST: Well, I think this is going too
far, your honour. The witness already has had a
30 leading question put to him by placing the list

A. Jinichi
In Chief

before him and I haven't objected to that because we haven't adhered to the rules of evidence so strictly that that would be objectionable in this hearing. But he has answered that question, that is, having the list put before him and being asked whether he recalls these various articles, by stating that as far as the fishing equipment is concerned he cannot remember the individual items. He has had the individual items put before him; 10 he has said he cannot remember the individual items. Now, he has already had a leading question put to him and he has already answered that leading question, and I submit that should be the end of it.

MR. COBUS: Your honour, I am simply trying to draw from this witness what he actually knows.

THE COMMISSIONER: Well, don't try too hard for it.

MR. COBUS: Q: Would you ask the witness to continue through the list?

20 THE INTERPRETER: Am I to understand that the fishing equipment is now disposed of?

MR. COBUS: Yes, I would think so.

Q: As to the furniture, have you any knowledge of any furniture listed there?

A: No, I don't know about the furniture.

Q: As to chinaware and utensils listed, have you any knowledge of those?

A: No, I don't know.

Q: When were you evacuated? A: About the 6th of 30 March.

A. Finichi
In Chief.

Q: Where did you live in Vancouver?

A: In the neighbourhood of Tsuchiya's boathouse.

Q: Before you were evacuated, did you have an opportunity to make a list of the goods at the boat-yard?

A: I did not have time to make one, so I didn't do so.

Q: Did the claimant, Mr. Tsuchiya, ask you to make a list of what you could remember was at the boat-house?

A: Mr. Tsuchiya's son and myself discussed the contents of the boathouse and the list was compiled.

Q: Did this son of Mr. Tsuchiya's work at the boat-yard?

A: He came to help on occasions.

Q: Now, witness, I notice that you have placed no ticks besides the items under "machine shop tools." By not ticking those items, am I to understand that you know nothing about those items or that you know something about them but perhaps not the exact quantities?

A: I did not put a tick against them because I cannot definitely say that there was that exact quantity.

Q: But were such items there?

A: There is no question that similar items were there.

MR. COBUS: Your witness.

MR. BOWEN-COLTHURST: Your honour, in addition to the defences raised by Mr. McTavish in Vernon, or, I should say, indicated by Mr. McTavish in Vernon, as being the defences likely to be relied upon, it also appears likely that there will be the further defence that if the goods in question or

any of them were stored at the Triumph Street address where the warehouse was, there was no means whereby the Custodian could identify them as being the property of this particular claimant, and that in the absence of other information it was not unreasonable if some of them had been shipped to Adachi.

10 MR. COBUS: Your honour, I don't think my learned friend is supposed, on this occasion, to make the defence.

THE COMMISSIONER: Well, he is merely indicating what his defence will be.

MR. BOWEN-COLTHURST: -- Adachi and Sakamoto -- they were two other Japanese who had in fact some quantity of furniture stored at that warehouse; and it will be submitted that some of the goods claimed by this claimant were sent to those Japanese and it was not unreasonable under the circumstances.

20 MR. COBUS: Would my learned friend indicate the source of that last information?

MR. BOWEN-COLTHURST: Yes, that is from the Custodian's office.

MR. COBUS: To whom?

MR. BOWEN-COLTHURST: It is in the form of a letter to Mr. McTAVish, but apparently he didn't receive this information in time to raise it at the Vernon hearing as the letter arrived after it.

30 MR. COBUS: Well, your honour, I must confess that I see no reason for allowing my learned friend to

A. Jinichi
Discussion
Cross exam

read a letter from the Custodian to Mr. McFavish.

THE COMMISSIONER: It is not evidence. He is just saying what he is going to prove and if he doesn't prove it, it doesn't help him any. In fact, he is worse off if he doesn't prove what he says.

CROSS EXAMINATION BY MR. BOWEN-COLTHURST:

10 Q: Now, witness, I can understand that as far as what was in the boatyard is concerned it was easy enough for you, with a list in front of you, to tell what you remember. But can you do that without the list?

A: I used them every day and I know without the list.

Q: Well, without referring to the list, then, can you tell me how many chain vices there were of a size up to two inch pipe? How many?

A: There were two. One was on a bench and one was inside a box.

20 Q: How many eight pound sledge hammers were there?

A: There were two in the boathouse.

Q: Do you remember anything other than what was on the inventory that has been put in as Exhibit 1 that was in the boatyard? A: Is that the machine shop tools or the boathouse tools?

30 Q: I will show you Exhibit No. 1. There is the heading, "From boatyard;" there is a list of articles. Now, I am asking you if, in addition to those that you have already looked through, you remember anything else there.

A. Jinichi
Cross exam.

A: There are some things from the boatyard down to there that are missing.

Q: That is to say, there are certain articles that are not listed on this inventory, Exhibit No. 1, is that what you say?

A: Over and above that there was a canvas tent that they put over the boats.

Q: How many nine inch "G" clamps were there from the boatyard?

A: One dozen.

10 Q: When did you last count those?

A: I bought those things for Mr. Tsuchiya.

Q: Yes, but when did you last see them?

A: I only used those things once and I counted them when I bought them.

Q: When was it that you bought them?

A: In the summer of '41.

Q: And does that also apply to the six inch "G" clamps and the nine inch "G" clamps; did you buy those, too?

A: I bought the new ones

20 only, one dozen each. There were a lot of old ones which had been bought previously.

Q: Now, under "Camp equipment," you said that you remembered some sets of rubber hose, half-inch by fifty feet long. How many sets were there?

A: There were a number which were screwed together and I think about three or four.

Q: Now, you have said that the camp equipment included one Wisco for a 3 H.P. Fairbanks stationery engine. What exactly was that article that you were referring to there?

A: It is a W-i-n-k-o.

A. Jinichi
Cross exam.
Discussion

Q: What is it? A: It was an electric magnet -- electric magneto.

Q: When was the last time that you can positively swear having seen the items set out in the first page of Exhibit No. 1?

A: Up to the time I was moved I was using those tools.

Q: That refers to the machine shop tools, does it?

A: The things in the boathouse up to the commencement of the machine shop tools.

10 Q: What were the machine shop tools themselves?

A: These were the things that were used at the camp and at Vancouver and they were sent back in a box and therefore I don't know absolutely.

Q: That is, as far as the articles listed on the Exhibit under "machine shop tools," and under "camp equipment," are concerned, you are not prepared to swear definitely as to when was the last time you saw any of those articles, is that it?

20 A: I am not prepared to swear as to the quantity, but I know that they were packed up and were there.

MR. BOWEN-COLTHURST: That is all, thank you.

MR. COBUS: Your honour, I would ask my learned friend to produce a policy which was placed on certain of the chattels for this claimant, being made by the Custodian.

MR. BOWEN-COLTHURST: There was a policy placed, but I believe that policy was placed by the claimant, himself, though, your honour.

30 MR. COBUS: Can my learned friend produce the policy?

A. Jinichi
Discussion

MR. BOWEN-COLTHURST: No, I haven't the policy on my file, and this was sent over to me from Vernon and I haven't the master file here. If there is an insurance policy available, I will do my best to produce it.

MR. COBUS: Would my learned friend admit that a policy, a burglary policy, was in fact placed on certain chattels of the claimant?

10 MR. BOWEN-COLTHURST: I will admit that there was an insurance policy taken out on the chattels of the claimant.

THE COMMISSIONER: Have you got the amount of it, Mr. Colthurst?

MR. BOWEN-COLTHURST: Yes, I have that amount.

MR. COBUS: I am given to understand that it was \$2,000.00.

MR. BOWEN-COLTHURST: \$2,000.00 is correct.

THE COMMISSIONER: Well, I think that is satisfactory for your purposes, isn't it?

20 MR. COBUS: I had hoped to have it on the record, your honour, that the policy covered furniture and chattels of that nature. However, since my learned friend hasn't the policy, I would ask him to undertake to produce the policy when it is available.

THE COMMISSIONER: Yes, very good.

MR. COBUS: That is all, your honour.

THE COMMISSIONER: That is all, thank you.

(Witness aside)

(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

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

J.R. Archibald
Sub-Commissioner.

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DEFENCE BRIEF

Hajime TSUCHIYA

File No. 737

Case No. 166

Chattels On
Vernon, B.C.
26/4/48

- Ex. 1 - Statement re Chattels.
Ex. 2 - Letters & Memoranda referred to in Exhibit 1 - 20 items.
Ex. 3 - J.P. Form

The claim for Realty has been withdrawn.

On Apl. 3rd/42, Claimant declared "1 Diesel Marine Engine 50 H.P. value \$3000., 5000' of boat lumber, 1000' of ordinary lumber, 1000 lbs. salmon nets, 5 gilling nets, quantity of machine tools and other equipment left at 2235-7 Triumph St., Vancouver...."

On Oct. 7th/42, Custodian refused to get permit for claimant to visit Vancouver to enable him to make an inventory of his chattels, and Custodian stated an inventory would be made by this office "as soon as possible".

On May 18th/43, Custodian's Office was advised that the Triumph St. Warehouse had been entered and an unknown number of chattels stolen.

On June 7th/43, Custodian wrote claimant requesting inventory of chattels stored so that an adjustment under the Insurance policy could be made.

On July 12th/43, Custodian again wrote claimant for inventory.

Oct. 3rd/43, Claimant's son sorted chattels left and gave a partial inventory which inventory claimant states was composed of chattels belonging to the son. (See Ex.1) Claimant's son shipped 31 articles to claimant at this time.

Claimant has filed a list of chattels valued at \$4440.65. However, his claim is for \$2000. only, in which amount the chattels were insured. The claim being a net claim, it is therefore not capable of being broken down on an analysis. Custodian receipts for sales by tender were (\$179.00.) (37.00)

Submissions by Mr. McTavish:

1. Personal Property sold brought fair market value.
2. Claim for property not sold is exorbitant.
3. Custodian made every reasonable effort to recover on the loss sustained by claimant. The loss suffered by claimant was solely due to his laches and his refusal to co-operate with the Custodian in respect to the loss sustained.
4. (by Mr. Bowen-Colthurst on resumption of case at Kamloops, B.C., 14/5/48). "If goods or any of them were stored at Triumph Street address, there was no means whereby the Custodian could identify them as being the property of this particular claimant, and that in the absence of other information, it was not unreasonable if some of them were shipped to K. Adachi, etc. (who also had goods stored there)." With respect to this submission, our files give very little evidence to prove it, and although such could be the case, it is doubtful if it will much help the Government's case.

At the Hearing:-

When claimant was asked why he did not submit an inventory after repeated requests by Custodian, his answer was that he did not do so because he wished to talk it over with his son. If such a list had been submitted (and it was certainly possible, in view of the very detailed list submitted basing the claim), then the Custodian may have been able to obtain a settlement for the stolen chattels. See Transcript page 18 line 14 et seq.

On cross-examination of H. Kaneda, (a witness for the claimant), an admission was obtained to the effect that Kaneda could NOT swear that the numbers of chattels were correct. (Trans.P.25 line 9)

It is to be noted that considerable leading of witnesses was done in presenting claimant's case. Not only were leading questions asked, but the chattel list was put in witness' hands and then the witness was asked if he remembered chattels listed there. Due to the detailed character of the list, such questions are obviously of little value in furthering claimant's case.

In view of the considerable number of letters filed as exhibits and the points at issue here, Mr. F. G. Shears will be the logical witness from this office. For proof of documents, etc., counsel will refer to exhibits, etc., and decide which authors of such exhibits should be called.

HAI/mw

Gross claim 2179⁰⁰
Gross amount
recd. by Cust. from
Sales by Tenders 179⁰⁰
net claim 2000.00

Name of Claimant THUGHITA, ~~THUGHITA~~ HAJIMECase 144Custodian File 737

REAL PROPERTY										Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Amount Total	Sale Price	Total Award 125% of all Sale Prices % of Amount Total		
PERSONAL PROPERTY										
Motor Vehicles		Boats and Boat Gear								
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column			
NETS										
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing		Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price	
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	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
Agreed Award of \$1500.										
TOTAL RECOMMENDATION										
										1500.00

September 22nd, 1950.

Mr. Hajime TSUCHIYA,
P. O. Box 532,
Revelstoke, B. C.

Dear Sir:

Re: Japanese Property Claims Commission
Case No. 166

We have received from the Co-Operative Committee on Japanese Canadians, Release executed by yourself covering the award recommended under the above Commission, for the sum of \$1500.00.

Cheque for \$1,413.23 is enclosed herein, and the sum of \$86.77 has been paid to the Co-Operative Committee on Japanese Canadians for legal fees as authorized.

Yours truly,

F. G. Shears,
Director.

FGS/js
1 encl.