

4250

REPLACEMENT

**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 INFORMATIONNAME: HIROTA, Hideo aka T. ROSSWITZ N.W. 13-10-22 11/12HOME ADDRESS: Box 232, House #12, Great West Cannery, Steveston, B. C.REGISTRATION NUMBER 03390 SEX: Male AGE: 47OCCUPATION: Fisherman

(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: Great West Packing Co., Steveston, B. C.MARRIED? YesNAME OF WIFE OR HUSBAND: TsuyuADDRESS OF WIFE OR HUSBAND: Box 232, House #12, Great West Cannery Steveston, B.C.NAMES OF ANY LIVING CHILDREN: NoneADDRESS OF CHILDREN: NoneAGE OF CHILDREN: None**STATEMENT OF ALL REAL PROPERTY** (Each parcel must be mentioned and particulars given)1. LOCATION AND DESCRIPTION: NoneEXHIBIT No. 665-5DATE 10/14/48FILLED BY G. A. Rice2. BUILDINGS AND OTHER IMPROVEMENTS: None3. INSURANCE (Give particulars; state where policies are) None4. TAXES (Amount and where payable) None

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

None6. OCCUPANCY AND LEASES (If vacant so state) None

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: Box 222, House 112, Stevenson, B. O.
Great West Cannery, Stevenson, B. O.
Great West Packing Co., Stevenson, B. O.
2. LANDLORD'S NAME AND ADDRESS:
3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:
By arrangement with the cannery.
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
7. STATE WHEREABOUTS OF TITLE DOCUMENTS:
None
8. STATE IF ANY OTHER PERSON HAS ANY INTEREST:
None
9. IF FARM LAND STATE 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-fishing boat: (\$1200.00), Chrysler engine, 52 H.P., 1-20', W-7.5", D-3'.
- in custody at New Westminster, B. C.
10 Fishing Nets - Cannery Net House, Stevenson, B. C.
Kitchen utensils & ware, Spatulas, Ladles, 1-mixer, 1-hatchet and 1-ironing board - House 112, Great West Cannery, Stevenson, 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: None

5. 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)
1-Victory Bond \$50.00 - in owner's possession. (K-4 H425451)

8. BANK ACCOUNTS: None

9. LIFE INSURANCE: None

10. INTEREST IN ANY ESTATES OR TRUSTS: None

11. SAFETY DEPOSIT BOX: None

LIABILITIES:

1. PERSONAL DEBTS: None

2. TRADE DEBTS: None

REMARKS: Personal property of declarant will put in Cannery Store House
upon his evacuation.

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 16th day of April 1942.

[Signature]

Witness

(Signature) Kyoko Hirata

FOR DEPARTMENTAL USE

INFORMATION FROM R.C.M.P.

DATE April 30, 1943.

Our File No. 4250

Full Name HIROTA, Nisiro
(Surname in Block Letters)

Registration No. 03390

☒ Male - Female
(Check)

Age January 5, 1895

Former Address P. O. Box 232, Steveston, B. C.

Date Evacuated April 22, 1942

☒ Naturalized - Canadian-Born - National
(Check)

Present Address c/o Mike Travnicek, Picture Butte, Alta.

Turin, Alberta (7/5/47)

☒ Married - Single
(Check)

Name of Wife Tsuru #03391

Name of Husband ---

Name of Mother ---

Name of Father ---

Names of Children under 16 ---

Requested by E.C.T.

Registered with Custodian Yes

(Yes or No)

Additional Information Fisherman. Owner of motor boat, N.W. 3198, house and ground at
Great West Cannery.

SUMMARY TAKEN FROM VESSELS RECORDS

Date: June 7, 1944
Name: HIROTA, Niziro Reg. No. 03390 File: 4250
Boat File No.: JFVDC 633
Name of Vessel: "N.H."/"Turu" 30'x7'3"x3' (1939) Chrysler 52 HP
CORRECT NAME "TSURU"
Lic. or Reg. No.: New Westminster 3198
Naval No.: NW.047-F
Owner's Valuation: \$1,200.00
JFVDC Valuation: 540.00 Survey #22 NW
Custodian Valuation: None
Date of Sale: B/S dated July 27, 1942-Vessel released May 26, 42
Purchaser: H. Bell-Irving & Company Ltd.
Signature on Sales Papers: Niziro HIROTA
Selling Price: \$625.00
Paid to JFVDC ~~and Custodian~~ 625.00
Supervision Costs: 8.75
Balance due Owner: 616.25
Paid to: Sept. 16, 1942, N. Hirota (according to JFVDC Ledger #633)
Location of Boat at Sale: New Westminster
Claims Against Canadian Govt.: None - Claim assigned to purchaser

Additional Information:

fm

File No. 4250

May 8, 1947.

LIABILITY SUMMARY

Re: Misiro HIROTA
Reg. No. 03390

A claim was lodged against Misiro Hirota by Samura Brothers, in the amount of \$10.55. This claim was denied by Hirota and P. S. Moss & Sons were notified on July 31, 1944 and given the address of Misiro Hirota in order that they could contact him direct. No further action was taken by the Custodian.

The above Summary is certified to be in accordance with the information on file:



George Peters,
Office of the Custodian.

GP/EL

Name: HIROTA, Niziro

File: 4250

Reg. No: 03390

CHATELS

1 Small Table
 1 Wood box dishes
 1 Large carton
 1 Auto lead light
 1 Childs iron crib
 1 Baby cart
 1 Box lead parts
 1 Large wooden box
 2 Kitchen tables
 1 Child's table
 2 Chairs
 1 Screen door
 1 Mattress
 1 High chair
 1 Piece hose
 1 Bdle pails
 10 Chairs
 2 Oil cans
 1 Bench
 1 Clothes horse
 1 Oil drum
 1 Hose
 1 D.R. Table, legs separate
 1 Carton pots & pans
 1 Trunk
 2 Boxes dishes
 5 Chairs
 1 Clothes rack
 1 Large Gramo case
 1 Large tin box
 1 Baby doll
 1 Chest drawers
 1 Dresser & mirror
 2 Net boxes sundries
 1 Kitchen cabinet & top

This represents all my chattels in the restricted area of British Columbia.

Date _____ Signed _____

Please sign and return one copy to this office.

These goods belong
 to Hayao Hirota
 rec'd letter July 15/44

EXTRACT FOR FILES

425-0

Valuations by Mr. C. P. Leckie dated July 6th, 1942

GREAT WEST PACKING CO. LTD., STEVESTON

Property of: N.HIROTA: 1 piece of net: 40/10 x 9½ x 9½ M.D. x 320
fathoms, stretched, weight 23 lbs., age:
probably new.

Asks: \$70.00, Bid: \$35.00, Valued at
\$2.75 per lb.....\$63.25

*Sale does not follow
through*

4250

July 6th, 1942

The Great West Packing Co.,
Steveston, B. C.

Sirs:-

Re: HIROTA, Niziro

This is to confirm our conversation of July 4th referring to the offer of \$30.00 you received for net belonging to the above described as follows:-

9½ mesh x 9½ x 320 fathoms.

We telegraphed this man on June 20th and as we have had no reply, confirm that you may have Mr. Leckie value this net and dispose of it in accordance with his appraisal if your offer is still open.

Yours truly,



H. P. Green
Manager Protection Dept.

HFG:IF

4250

August 3rd, 1942

The Great West Packing Co.,
Steveston, B. C.

Dear Sirs:-

Re: HIROTA. Niziro

Further to our letter of July 6th, we see that Mr. Leckie valued the net belonging to the above at \$63.25 and request you to let us know if you conclude the deal.

Yours truly,

H. F. Green
Manager Protection Dept.

HFG:IF

FILE
A250

NAME
HINOTA, HISITO

REG. NO.
03320

Item No.	Description	Appraised Value	Jap Value	Sold For	Buyer	Date	Receipt No.	Location
1072	6/50 x 7 x 45mm with lines							G. W. Connery
1073	5/40 x 6 1/2 x 45-75							"
1076	4/40 x 5 1/2 x 55- 150 mm 200 P							"
	40/40 x 9 1/2 x 9 1/2 mm x 320	\$63.25	\$70.00					"

MEMORANDUM

File No: 4250

November 26, 1942

To: Mr. C. C. Robinson

From: Mr. W. G. Bell

Re: Nisiro Hirata

We enclose herewith your copy of a list which we have made out covering this man's fishing equipment. You will observe that there is one item which has no tag number, which we have taken from an appraisal list submitted by Mr. Leckie. Could you please give us the tag number covering this net.

On his JP Form this Japanese states that he had 10 fishing nets in the cannery net house of the Great West Cannery. If there are any more nets belonging to this Japanese which you can find please give us the numbers and particulars.

WGB:MAD
Enclosure

HIROTA, Niziro,
Registration No. 03390,
File No. 4250.

March 13, 1944.

NET STATEMENT

<u>Custodian No.</u>	<u>Description</u>	<u>Purchase Price</u>
1072	6/50 x 7 x 45 - 150	\$ 80.00 - <i>appraisal 95.00</i>
1073	5/40 x 6 $\frac{1}{2}$ x 45 - 150	50.00 <i>no appraisal</i>
1076	4/40 x 5 $\frac{1}{2}$ x 55 - 150	25.00 <i>no appraisal</i>
1072	pc. 6 $\frac{1}{2}$ " net	5.00 - <i>see also 1072 above</i>
Unnumbered	bundle 6" web	20.00
Unnumbered	35 fs. cork line	<u>3.50</u>
TOTAL SALES.....		\$183.50

Ex Great West Cannery

/ns

File No. 4250

November 15th, 1948.

Net Appraisals Made by C.P. Leekie

(Originals on files G/168 and G/168/A, Office of the Custodian)

Sept. 1/42 H. HIRATA 1 - 60/5 x 6 $\frac{1}{2}$ x 45 x 150 hung on lines, 42 lbs. \$95.00

B Macdonald

GREAT WEST PACKING CO. - October 20th, 1942.

M. HIROTA 40/10 x 9 $\frac{1}{2}$ x 9 $\frac{1}{2}$ M.D. x 320 Pa. str. \$55.00
Oct. 20/42

B Macdonald

File No. 4250

November 15th, 1948.

Date of Sale of Nets in Claim

(Information taken from Custodian net cards, and receipts from sales.)

<u>Claimed Net No.</u>	<u>Date of Sale</u>	<u>Other Disposition</u>
1.		No record at any time
2.		No record at any time
3.		Not accounted for
4.	Nov. 7/42	
5.	Dec. 23/42	
6.		Not accounted for
7.	April 1/43	
8.		No record at any time
9.	Feb. 10/43	
10.		No record at any time
11.	Dec. 23/42	
12.		No record at any time.

D. H. H. H. H.

4250

May 9th, 1944

Mr. Hisiro HIROTA,
Reg. No. 03390,
c/o V. R. Rowley,
Turin, Alberta.

Dear Sir:-

Thank you for your letter of April 27th. We are enclosing a statement of the nets sold on your behalf by this office together with our cheque for \$100.00.

We still hold \$83.50 to your account and this can be sent to you subject to your confirming that an account rendered against you by Messrs. Komuro Bros. of \$10.85 is correct and may be paid by this office. Please be sure to write and let us know about this advising us if, for any reason, you do not acknowledge it.

Yours truly,

H. F. Green
Protection Department

Enc.
HFG:IV

Mar. 20, 1948
Turni, Albert
P.O. Box 25

Office of the Custodian
Vancouver, B.C.

EVACUATION SECTION	
No.	MAR 23 1948
File No.	4250
Ans.	
Referred	Macaskill

Dear Sir:-

Will you please send me
a list of nets still left in
the hands of custodian.
Previously I have received a
statement in regard to the
net you have sold. I would
be very much pleased
if you would let me know
how many is still left or how
many have been sold since.
Please let me know in your
earliest convenience, Thank you.

Yours truly
H. Kerata

Reg. No. 03390

4250
1761

July 12th, 1944

Mr. Nisiro HIROTA,
Registration Number No. 03390,
c/o V. R. Rowley,
Turin, Alberta.

Dear Sir:

We moved a lot of chattels in your name
on July 21st, 1942, from the Great West Cannery, house #10,
to our Storage Warehouse #4.

We understand you received your goods,
so believe these must belong to Mr. Hayao HIROTA, and shall so
assume, unless we hear from you to the contrary.

(File 1761) Mr. Hayao HIROTA declared that he left
his goods at the Great West Cannery and we have no record of
having moved any in his name.

Dear to Hayao.

Will you let us know what relation you

reply.

Thanking you in advance for your prompt

Yours very truly,

RMM/MHG

R. M. Mackenzie.
Protection Dept.

For Identification
EXHIBIT NO. 665-B
DATE Sept 14/48
FILED BY G. R. Rice

665

XXXXXXXXXXXXXXXXXXXX 506 Royal Bank
XXXXXXXXXXXXXXXXXXXX Building,

14th June 1949.

3212-35

A.G. Virtue, Esq., E.C.,
McFarland Building,
Lethbridge, Alberta.

Dear Sir,

Case No. 665 - Niiro Hirota

I have your letter of the 13th June with reference to this case.

I would point out to you that in all cases where no goods were sold at auction the only possible ratio applicable is the general ratio of sale to claimed value. This, of course, will be varied by the time the settlement has been arrived at, but the initial figure set on the information we had was approximately 34.41% and in my discussions with Mr. McMaster he has accepted this figure.

As I say, there may be a percentage variation of one or two points either way when the matter is finalised.

With regard to the remaining matters in your letter, I will advise you.

Yours very truly,

VIRTUE, RUSSELL & MORGAN

BARRISTERS, SOLICITORS
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

A. GLADSTONE VIRTUE, M.C.K.C.
WILLIAM STAFFORD RUSSELL, B.A., LL.B.
FREDERICK JOHN MORGAN, B.A., LL.B.

13th June, 1949

PLEASE REFER TO FILE NO. 3212 - 35

D.T. BRAIDWOOD, ESQ.,
c/o Messrs. Sutton, Braidwood & Morris,
Barristers and Solicitors,
506 Royal Bank Building,
VANCOUVER, B.C.

Dear Mr. Braidwood:

RE: SETTLEMENT AWARDS
Nijiro Hirota, Case No. 665
Custodian File No. 4250

We are obliged to return this proposed Settlement
Award form.

The figures regarding assets are approximately
correct, and can be accepted subject to application of
formula.

With regard to miscellaneous chattels, the
claim was for \$191.50. You have shown:

Declared not found.....\$137.00
No record..... 54.50

As shown by the evidence and the Claim form, all
of the goods marked "no record at any time" were left by
the Claimant with his other goods, and should be included
in the settlement.

Also, we cannot agree with the application of
the percentage 34.41. In view of the fact that none of
the Applicant's household goods were sold by auction or
tender it would be unfair to apply such a percentage.

We would be prepared to accept in this case
an allowance of 50% of the claim, or \$95.75.

Yours truly,

VIRTUE, RUSSELL & MORGAN

Per

V/L - encl.

*to be
assured*

MEMORANDUM

TO: Mr. B. Good
FROM: Mr. J. Cuming

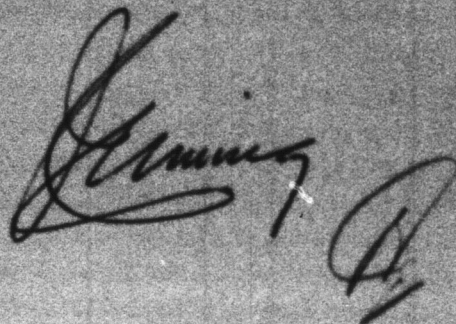
July 6th, 1949.

Re: Case No. 665 - Nijiro HIROTA
and Mr. Virtue's letter of June
13, 1949.

From the JP Declaration it would appear that the Commissioner would consider that all items claimed on were included in the general declaration made on April 16, 1942.

To place such household items as chairs, table, bed, etc. in "No Record" when it is obvious that the Claimant maintained a permanent married establishment at Steveston does not appear to be indicated.

The "G" and "H" Sheets have been amended to include \$54.50 with the balance of claim in "D.N.F.", and a new AWARD SHEET is herewith.



JG/ER

Note: 1 piece 6 1/2" Net shd have for \$5.
is not included in claim. Therefore
Virtue's figure of \$183.50 is incorrect.



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

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

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

10

Lethbridge, Alberta,
 September 14th, 1948.

IN THE MATTER OF THE CLAIM OF
YISIRO HIROTA,

PROCEEDINGS AT HEARING.

20 APPEARANCES:

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

MRS LILLIE THOMAS,	Secretary.
MRS. LUCIE HANDFORD,	Official Interpreter.
S.R. HOWARD, Esq.,	Official Reporter.

30

N. Hirota,
In Chief.

THE SECRETARY: Case No. 665, Hajiro Hirota.

HAJIRO HIROTA, the claimant herein, being
first duly sworn, testified through
the Interpreter as follows:

DIRECT EXAMINATION BY MR. VIRTUE:

Q I show you a form of summary of evidence in
support of claim containing a statement of your
nets, the value, and of your household goods?

A Yes.

10 Q And is that your signature (indicating)?

A Yes.

Q Was that form prepared by you with the help of an
Interpreter in my office?

A Yes.

Q Are the statements in this form about your nets
and your personal property the truth?

A Yes.

Q Are the values you have placed on your property
fair and reasonable values?

20 A Yes.

MR. VIRTUE: I will put that in as an exhibit.

(SUMMARY MARKED EXHIBIT NO. 1).

MR. VIRTUE: Q Now it has been suggested by the
Custodian that some of these nets were shipped to
you. What have you to say about that?

A No, I didn't receive any of them. I only received
the nets worth \$180.00.

Q Some nets?

A: Yes.

Q Well have you claimed in your claim here for
these nets that were shipped to you?

A Yes, I am.

Q Well, let us make this clear.

MR. HUGH: You had better.

MR. VIRTUE: Q In your claim that you filed here, in part you claim for one, two, three, four, five, six, seven, eight, nine, ten nets?

A Yes.

Q Did you get any of those from the Custodian, any of those ten?

A: I am not claim-

10 ing for the one I just mentioned.

THE SUB-COMMISSIONER: Pardon?

A For the one that has been returned.

MR. VIRTUE: That is the nets that you got from the Custodian are not included in this list that you are claiming. I would ask the Interpreter, in order to save confusion, to read over to the witness the list of nets contained in his present claim and then ask him if any of those were shipped to him.

20 THE SUB-COMMISSIONER: Received by him.

MR. VIRTUE: Q: Or received by him. Pardon me, Miss Interpreter, I think the confusion arises from this. The Custodian paid him for a couple of these nets and that is what he is getting at. I think there is a simple explanation of this.

THE SUB-COMMISSIONER: What does he say now?

THE INTERPRETER: These are the two nets that he is talking about (indicating), \$250.00 and \$242.00, including the cork and line, and the money that he received from the Custodian is far less than

his estimate.

MR. VIRTUE: Q: In other words, what he is talking about is that the Custodian sent the money for net No. 1 and net No. 4?

A: Yes.

Q But not the true value?

A Yes, they were netsold at what he thinks is a true value.

Q That is what he is getting at?

A Yes.

10 Q All right, we have got that clear now.

THE SUB-COMMISSIONER: Is that all, Mr. Virtue?

MR. VIRTUE: Just a second, sir, I have one other question. I will ask my learned friend, now, if he will, in the interval, dig up a letter of July 15th, 1944, and April 27th, 1944.

THE SUB-COMMISSIONER: I think we had better adjourn now.

MR. VIRTUE: And if my learned friend will produce those documents after the adjournment I will ask the claimant a question or two on them.

20 MR. RER: Yes.

THE SUB-COMMISSIONER: Well, we will adjourn now until after the Chambers are finished.

(A SHORT ADJOURNMENT WAS TAKEN AT THIS JUNCTURE)

(PROCEEDINGS RESUMED AFTER ADJOURNMENT).

THE SUB-COMMISSIONER: There were two letters that you asked for, Mr. Virtue, letters of July 15th, 1944, and April 27th, 1944.

MR. VIRTUE: Yes. I have them, sir.

10 Q Now, will you look at that letter of April 27th, 1944 (indicating)?

30

A: Yes.

N. Hirota,
In Chief.

Q Is that your signature? A Yes.

MR. VIRTUE: This is a letter from the claimant to the Custodian dated April 27th, 1944:

"I will acknowledge a letter to your office to ask my nets which I had leaved coast when evacuate from there to here. This days, I have very hard time in best field in Alberta. Because we cannot work very hard like the young people.

10

"Therefore, will you please forward my account value that you had sold my nets and etc.

"And then I am very glad if you can kindly send the statement of those nets.

Yours truly,
N. Hirota."

I will offer that as the next exhibit.

(LETTER MARKED EXHIBIT NO. 2).

MR. VIRTUE Q: Now there is another letter of July 15th, 1944 (indicating). Did you sign that?

20

A Yes.

MR. VIRTUE: "Office of the Custodian, Vancouver, B.C."
This is a letter from the claimant to the Custodian.
"Dear Sirs:

"I acknowledged your letter of July 12th. The chattels you wrote of belong to Mr. Hayao Hirota. Hayao is no relation to me.

"In one of your previous letters, you charged me with a bill of \$10.00 for goods bought at the Kemura store in Vancouver. I

30

H. Hirota,
In Chief.

"have no such debt and will not be responsible for it.

"I would like you to send me a cheque for the full sum of my account. Will you please oblige me at your earliest convenience?

Yours truly,

H. Hirota.

10 The reason I am putting these in now, sir, is that apparently the Custodian's office got confused with another man named Hayao Hirota and I am just clearing that up.

THE SUB-COMMISSIONER: Yea.

MR. VIRTUE: Q: Do you know Hayao Hirota?

A Yes, I know him.

Q He is not related to you?

A No.

Q You have nothing to do with him?

A No.

Q You didn't get any goods from the Custodian?

A No.

20 Q All right, thank you.

MR. RICE: I am submitting, your Honour, that the chattels were sold at their fair value. The other chattels declared and not found, the Custodian is not responsible for and there are other chattels that there is no record of at any time which I claim the Custodian is not responsible for, but should it be held that the Custodian is responsible in any way I contend that his claim as filed is for an excessive amount for the chattels that were left.

30

I wish to submit as an exhibit, your Honour,

an analysis of personal property claim.
(ANALYSIS MARKED EXHIBIT NO. 4).

CROSS-EXAMINATION BY MR. RICE:

Q I show you a J.P. form dated April 16th, 1942,
(indicating). Is that your signature on that
form?

A: Yes.

MR. RICE: I wish to submit that form, your Honour, as
an exhibit.

10 (J.P. FORM MARKED EXHIBIT NO. 5).

MR. RICE: Q Do you recall the Custodian writing you
under date of May 13th, 1943, as per copy of
the letter produced? Just read that to him.

A Yes.

Q The Custodian wrote you under date of May 13th,
1943, as per copy of this letter that I produce?

A Yes.

MR. RICE: I would like to submit that as an exhibit,
your Honour.

20 (LETTER MARKED EXHIBIT NO. 6).

MR. RICE: Q: Did you ever answer that letter?

A No.

Q Why not?

A: I received a

copy and I thought that was sufficient.

Q You received a copy of what, a copy of the net
statement; is that what you mean?

A Yes, a copy of the net statement.

Q Is that the net statement that you received
(indicating), or a copy of it?

30 A No, this is not the paper I received.

H. Hirota,
Cross-Exam.

Q I know it is not the paper that you received,
but is it a copy of the paper that you received?

A I just received a statement showing I had ten
nets. There was no detailed statement at all.

Q No detailed statement?

A No, just a statement showing I had ten nets.

MR. RICE: I would like to mark that for identification,
your Honour.

(NET STATEMENT MARKED EXHIBIT "A" FOR
IDENTIFICATION).

10 MR. RICE: Let me see Exhibit 3, please.

(Exhibit 3 to Mr. Rice).

Q Do you recall writing this letter, Exhibit 3,
dated July 15th, 1944, to the Custodian?

A Yes, I had it written for me.

Q You had it written for you?

A Yes.

Q And it says, "I acknowledge your letter of July 12th."
Is that a copy of the letter (indicating) that you
received when you wrote Exhibit 3? Just interpret
the copy to him.

20

A I received a letter from the Custodian but this is
not a copy because all it said was, "Could you
let us know what relation Mr. Hayao Hirota is
to me". There is no mention of any of my
belongings that is in there.

Q You received a letter, you say, from the Custodian
in which the Custodian asked you what relation
you were to Mr. Hayao Hirota?

A I received a letter asking me what relations
we were.

30

Q But you say you did not receive the original of that letter that I produce to you now dated July 12th, 1944, purporting to be written by the Custodian's office to you?

A No, I didn't.

Q You didn't?

A: No.

Q Have you got the letter that you received from the Custodian in your possession?

MR. VIRTUE: No, we haven't got that, Mr. Rice.

10 A No, I haven't got that just now.

THE SUB-COMMISSIONER: Would he have it at home?

A I may be able to find it if I look for it.

MR. RICE: I wish that letter marked, your Honour, for identification.

THE SUB-COMMISSIONER: For identification?

MR. RICE: Yes, the letter of July 12th, 1944.

(LETTER MARKED EXHIBIT "B" FOR IDENTIFICATION).

MR. RICE: Q Do you get all of your mail?

A Yes.

20 Q And your statement is that you received a letter from the Custodian written on July 12th, 1944, but Exhibit "B" produced herewith is not a copy of the letter that you received?

A I am quite sure it is not.

Q And you are quite sure that you never received the original of Exhibit "B", the original letter?

A I am quite sure.

Q All right.

THE SUB-COMMISSIONER: Exhibit "B" refers to the question of his relationship with this other man.

H. Hirota,
Cross-Exam.

I am just wondering if there was another one.

MR. VIRTUE: I think it is quite obvious, sir, that in all probability he received that letter but has forgotten the contents of it.

MR. REE: He remembers that last paragraph, so he says.

MR. VIRTUE: The letter of July 12th. He wrote a letter on July 15th.

THE SUB-COMMISSIONER: I don't think there is any question about it.

10 MR. VIRTUE: That is an obvious deduction of what happened; he just doesn't remember.

THE SUB-COMMISSIONER: Yes.

MR. REE: Q On your original claim which you filed, you value your nets at \$500.00 and the claim you are filing today, you are valuing them at \$645.00; how is it they have gone up in price?

A The amount of \$645.00 is the price the cannery manager put on the nets.

Q How old were the nets?

20 A Oh, they were of various ages. Some were about a month; others were much older.

Q What do you mean by much older?

A Four or five months. Some were about four or five months.

Q What do you mean, that they had been used four or five months or that they were four or five months old?

A Yes, that is the time that they were in use.

Q That is the time that they were in use?

30 A Yes.

H. Hirota,
Cross-Exam.

Q How long have you been a fisherman?

A I began working as a fisherman in 1917 and then stopped for a period but started again in '36, 1936.

Q And I suppose some of these nets you have had since 1936, have you?

A Yes.

Q You have a claim for a carpet which you valued at \$12.50. Do you mean congaleum or linoleum?

10 A Yes, that was linoleum.

Q Linoleum?

A: Yes.

Q What size was it; do you know?

A About 10 x 12.

Q All right.

MR. VIRTUE: That is all, thanks.

THE SUB-COMMISSIONER: Anything else you want to ask him?

MR. VIRTUE: No, sir.

20 THE SUB-COMMISSIONER: I was wondering about the third net. He has got labour here, \$17.00, on the new price. What does the labour represent? What is that for?

MR. VIRTUE: Is this on the list of personal property, sir?

THE SUB-COMMISSIONER: Yes, nets, cork lines and lead lines. As a matter of fact, it comes to \$99.50.

MR. VIRTUE: You mean on the lead lines?

30 THE SUB-COMMISSIONER: Yes, on the nets, cork lines and lead lines.

H. Hirota,
Cross-Exam.
Discussion.

MR. VIRTUE: On the net list?

THE SUB-COMMISSIONER: On the price new.

MR. RICH: The third net from the top, is it?

THE SUB-COMMISSIONER: The third net, new twine
\$62.50, and labour \$17.00.

MR. VIRTUE: Q: Is that a net that you made yourself,
the third one on the list?

A: I included that as labour on my part.

10 THE SUB-COMMISSIONER: Q: Well, did you buy the twine
to make the net?

A: Yes, I bought the twine myself.

Q: I see. That explains it then. The amount of
the claim is \$845.00 and as it was originally
filed it was \$805.00. I think it comes to
\$853.50 as it is filed.

MR. RICH: He has already told me that these were
values put on the nets by the cannery; they
were not his values at all. The \$845.00 he
is claiming was put on by the cannery manager.

20 MR. VIRTUE: Well, he has already sworn that they
were fair values. That is all, thanks, Mr.
Hirota.

I just want to make one comment for the
record, sir. In the analysis, Exhibit 4, there
is a statement on the margin, "See Custodian's
letter of July 12th, 1944, to Hirota,
stating we believe he received his goods".
That is an incorrect inference in that letter.

"July 15th, 1944, Hirota replied and did
not dispute our statement of July 12th but

H. Hirota,
Discussion.

"further substantiated by saying chattels we had identified as his belonged to Hayao Hirota."

The inference was entirely unsound and incorrect. There is no such inference to be drawn from that correspondence; in fact, the reverse is the case. He said he did not receive any goods and intimated that they must be referring to a man named Hayao Hirota for which he had no responsibility. I am clearing that up as we go along.

10

MR. RICE: He denied receiving the letter, and he didn't deny receiving the goods.

MR. VIRTUE: That is a most far-fetched interpretation to put on it.

MR. RICE: No, not at all. It would be the most natural thing in the world for him to say even if he received the goods to stand up and say he didn't receive them. It would be the most natural thing in the world for him to say that.

20 MR. VIRTUE: Oh no, I don't think it would be.

THE SUB-COMMISSIONER: Of course, the unfortunate part is that he was asked to reply to the letter and he did not reply, and he left the Custodian to make whatever inference he wished.

MR. VIRTUE: But for the Custodian to put that interpretation on it is utterly ridiculous.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

Certified a true and accurate transcript.

"S.R. HOWARD, Official Reporter"

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

DEFENCE BRIEF

Lethbridge, Alberta.
September 14th, 1948.

Niiro HIROTA

File No. 4250

Case No. 665

PERSONAL PROPERTY CLAIM
(All claims shown are Gross)

Claim 1

Chattels

\$191.50

all DNF
6/7/49

(a) Goods valued by claimant
at \$137.00

Declared not found.

Witness: C.C. Robinson.

(b) Goods valued by claimant
at \$54.50

~~No record at any time.~~

Claim 2

Nets

\$890.00

(a) Nets valued by claimant
at \$330.00

Sale Price

(Tender, etc.) \$175.00

Witness: F. G. Shears - to prove sale.

(b) Nets valued by claimant
at \$365.00

No record at any time.

(c) Nets valued by claimant
at \$195.00

Lost, destroyed or stolen.

Barbour 10/40 x 9½ x 9½ x 320 fa. - \$70.00
" 5/60 x 6½ x 45 - 150 fa. - \$125.00

Witnesses: C. P. Leckie, Appraiser.
C.C. Robinson, Staff.

Until May, 1948, there was no record at all of these nets but when we obtain Mr. Leckie's personal net book it contained appraisals for the above mentioned nets. These were never inventoried by the Custodian's representative, C.C. Robinson.

Cork & Lead Lines

\$45.00

(a) Lines valued by claimant
at \$3.50

Sale Price

\$3.50

Witness: C. C. Robinson, Staff.

(b) Lines valued by claimant
at \$41.50

No record at any time.

Niiro HIROTA - File No. 4250, Case No. 665.

Submission: Transcript Page 6, Lines 21.....
"I am submitting, your Honour, that the
chattels were sold at their fair value.
The other chattels declared and not found,
the Custodian is not responsible for and
there are other chattels that there is no
record of at any time which I claim the
Custodian is not responsible for, but should
it be held that the Custodian is responsible
in any way I contend that his claim as filed
is for an excessive amount for the chattels
that were left".

Summary of Defence
Witnesses

Where Required

C.C.Robinson

1 (a)
2 (c)
(a) -under cork & lead lines.

C.P.Leckie

2 (c)

F.G.Shears

2 (a)

Name of Claimant

HIROTA, Hajiro

Case

665

Custodian File

4250

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	
							333.50 360.00		625.45	178.50	446.95
MISCELLANEOUS CHATELS											
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price				
			46%	191.50				88.09	88.09		
TOTAL RECOMMENDATION											535.04

4250

March 21st, 1951

Mr. Nisiro HIROTA,
P. O. Box 21,
Steveston, B. C.

Dear Sir:

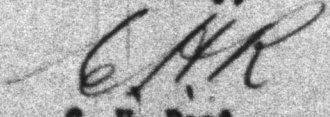
Distribution is now being made from the assets of the River Fish Company at the rate of \$33.98 per share. You were the holder of 5 shares and payment to you is as follows:

5 shares	\$ 169.89
Less previously advanced	<u>70.00</u>
	\$ 99.89

Custodian cheque for this amount is attached hereto.

Please acknowledge receipt.

Yours truly,


C. H. Reed
Office of the Custodian

CHR:BN
Encl.