

4301

APPROVED BY  
CHIEF OF POLICE  
J. W. K. GARDNER

RECEIVED

NOV 11



**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: YAMAMOTO FusakichiHOME ADDRESS: 237 Powell St., Vancouver, B. C.REGISTRATION NUMBER 04787 SEX: Male AGE: 52OCCUPATION: 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: NoneMARRIED? YesNAME OF WIFE OR HUSBAND: TomieADDRESS OF WIFE OR HUSBAND: SameNAMES OF ANY LIVING CHILDREN: Mitsuyo (F) Takehiko (M)EXHIBIT No. 993-4DATE 28 Apr 1948

FILED BY

J. W. G. HunterADDRESS OF CHILDREN: JapanAGE OF CHILDREN: 15, 14**STATEMENT OF ALL REAL PROPERTY** (Each parcel must be mentioned and particulars given)1. LOCATION AND DESCRIPTION: None2. 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. 237 Powell St., Vancouver, B. C.  
1 room in 2 story dwelling  
2. LANDLORD'S NAME AND ADDRESS. Mr. T. Matsumoto, Japan

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID.

\$20 per month 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.  
Beached at provincial cannery's Hivers Inlet, B. C. 1 gas boat  
6 horse power Vivian engine, 2716" X 31", including drum, stove, battery, tools etc., value \$1000.00.  
In cannery house Hivers Inlet, B. C. 200 fathms. 7" Goho net-- \$100.  
Bedding, kitchen utensils, fishing clothes, shoes, etc.,

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) None
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

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

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 17th day of April 1942.

(Signature)

I. Yamamoto

Geo. H. H. H.  
Witness

FOR DEPARTMENTAL USE



INFORMATION FROM R.C.M.P.

Date June 21/42

Our File No. 4301

Full Name YAMAMOTO Fusakichi  
(Surname in Block Letters)

Registration No. 04787

Male - Female  
(check)

Age Oct. 21, 1889

Former Address 257 Powell St. City.

Date Evacuated Oct. 28/42 Naturalized - Canadian-Born - National  
(check)

Present Address Slocan, B.C.

Married - Single  
(check)

Name of Wife nee # 05107 (HEMATSU) Tomie

Name of Husband —

Name of Mother YAMAMOTO Han Name of Father Uemon (Raid)

Names of Children under 16 (Japan)

Requested by ED

Registered with Custodian

(Yes or No)

Additional Information Fisherman Owner of Boat



File No. 4301

August 8th, 1944

CLAIMS DEPARTMENT

Fusakichi YAMAMOTO - Reg. No. 04787

CREDITORS:-

1. Komura Bros. .... .30¢

NO ACTION ON THIS CLAIM.

*Rent claim of \$80.00 on wife's file # 11097.*

AMcA:ND



SUMMARY TAKEN FROM VESSELS RECORDS

Date: June 13, 1944

Name: YAMAMOTO, Fusakichi

Reg. No. 04787

File: 4301

Boat File No.: JFVDC 691

Name of Vessel: "F.Y." 27'x7'10"x3'6"(1939) Vivian 5 HP (1939)

Lic. or Reg. No.: None

Naval No.: None

Owner's Valuation: \$1,100.00

JFVDC Valuation: None

Custodian Valuation: None

Date of Sale: August 24, 1942

Purchaser: British Columbia Packers Ltd.

Signature on Sales Papers: F. Yamamoto

Selling Price: \$250.00

Paid to JFVDC or ~~custodian~~: 250.00

Supervision Costs: 5.00

Balance due Owner: 245.00

Paid to: F. Yamamoto, August 25, 1942

Location of Boat at Sale: Provincial Cannery, Rivers Inlet

Claims Against Canadian Govt.: None

Additional Information: I can find no record of an appraisal of this vessel.

*J. Maclean*

*Withdrawn.*



# JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

## Committee:

THE HONORABLE MR. JUSTICE SIDNEY SMITH  
CHAIRMAN

COMMANDER E. L. JOHNSON, D.S.O., R.C.N.R.  
KISHIZO KIMURA

A. E. McMASTER, EXECUTIVE ASSISTANT

1926 MARINE BUILDING  
VANCOUVER, B.C.

June 5, 1942.

To The Registrar of Shipping  
Vancouver, B.C.

Sir:

Re Ex-Japanese Fishing Vessel: "F.Y."

Length: 27' 6"

Breadth: 7' 10"

Depth: 3' 6"

Engine: Vivian 5 H. P.

The owner of this vessel, F. YAMAMOTO  
declines to sell at a reasonable price.

## BRITISH COLUMBIA PACKERS LIMITED

, whose signature,  
for identification purposes, appears below, has offered to purchase the vessel for the sum of  
TWO HUNDRED AND FIFTY AND 00/100 DOLLARS - - - - - Dollars (\$ 250.00 ),  
which sum is considered reasonable and has been accepted as the purchase price by this Committee,  
and is being held in trust by the Committee, pending completion of Bill of Sale.

You are requested to permit the purchaser, BRITISH COLUMBIA PACKERS LIMITED  
to operate this boat until the presently licensed owner, F. YAMAMOTO  
completes the execution of Bill of Sale, or some other provision has been made.

This letter is issued in duplicate, one copy of which is to be retained in your files, the other to  
be in the possession of BRITISH COLUMBIA PACKERS LIMITED  
for clearance and navigation purposes.

Yours faithfully,

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE.

A. E. McMASTER,  
Executive Assistant.

Signature of:

---



# Agreement for Sale of Vessel

BETWEEN:

F. YAMAMOTO

(hereinafter called the "Vendor")

OF THE FIRST PART

AND

BRITISH COLUMBIA PACKERS LTD.

(hereinafter called the "Purchaser")

OF THE SECOND PART

In consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, ~~we~~ I agree to the sale and purchase of the vessel hereunder described:

Name of Vessel: "F. Y."

Port of Registry:

Official Number:

Length: 27' 6"

Breadth: 7' 10"

Depth: 3' 6"

Propelling power: VIVIAN 5 HP

For the price or sum of \$ 250.00 (TWO HUNDRED AND FIFTY DOLLARS)

Payable as follows: CASH

FURTHER, ~~we~~ <sup>I</sup> the said F. YAMAMOTO

for my heirs, covenant with the said BRITISH COLUMBIA PACKERS LTD and THEIR assigns, that ~~we~~ <sup>I</sup> have power to transfer in the manner aforesaid, the premises hereinbefore expressed to be transferred, and that the same are free from encumbrances, except as hereunder set out:

~~That the Vendor does not purchase the vessel hereunder described with any mortgage or other charge~~

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals this 24th,  
day of August, A.D. 1942.

SIGNED, SEALED and DELIVERED

in the presence of:

K. Kimura  
217 Dunlevy Ave.,  
Vancouver, B.C.

x J. Yamamoto



C  
O  
P  
Y - Original on File A/52

J. H. TODD & SONS LTD.

Beaver Cannery,  
Rivers Inlet, B. C.

Provincial Cannery P.O., July 8th, 1942.

Office of the Custodian,  
Japanese Evacuation Section,  
506 Royal Bank Bldg.,  
Vancouver, B. C.

Attention, Mr. R. P. Alexander

Dear Sir, -

In reply to yours of June 25th re, Japanese household effects now stored at Beaver Cannery.

These effects will be quite alright here, and they are of so little value would not be worth to incur the expense of shipping to Vancouver. Of course, we feel we should not be held responsible if anything should happen to them.

Everything is stored in one house here at Beaver Cannery. It is impossible to inventory them under each person's name as several people lived in the one house over a period of years and we don't know which belongs to who as there are no tags on anything.

We will do the best we can in this matter and will be glad at any time if we can be of service.

Yours very truly,

J.H.Todd & Sons Ltd.

Per "G.W. Johnston" Manager.

EXHIBIT No. 993-5

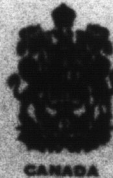
DATE 28 Apr 1948

FILED BY

J.W.G. Hunter



DEPARTMENT OF  
LABOUR



|                     |             |
|---------------------|-------------|
| CIRCULATION SECTION |             |
| Recd                | MAY 21 1943 |
| File No.            | 4301        |
| Insp.               | 2/5         |
| Referred            | Green       |

**BRITISH COLUMBIA SECURITY COMMISSION**

355 Burrard St.,  
VANCOUVER, B.C. May 20th, 1943.

Custodian of Alien Property,  
506 Royal Bank Bldg.,  
VANCOUVER, B.C.

Re: YAMAMOTO, Fusakichi #04787

Attached are two copies of a letter from the above claiming pilferage of her goods at Beaver Cannery, Rivers Inlet. This means not only the loss of the wearing apparel and the possibility of our having to replace same on account of this family being on maintenance but also in our paying the shipping charges to Mr. Brown and the freight charges from Rivers Inlet to Slocan. Will you kindly institute investigation through the proper authority to see if anything can be done about recovery of the goods. Understand the person to write to is the O.C. of the B.C. Police at Victoria, who will no doubt on receipt of this information radio the officer concerned to make an investigation.

why no  
goods in  
shipping cost

Kindly give this matter your prompt attention.

*M.L. Brown*

M.L. Brown  
Office Manager

CWF:FF  
Encl.



C O P Y

Slocan City, B.C.,  
May 15, 1945.

B.C. Security Commission,  
Vancouver, B.C.

Attention Mr. C.W. Fisher

Re: YAMAMOTO, F. #04787

We have your memo of May 7th, regarding shipment from Beaver Cannery, Rivers Inlet, one trunk of bedding for above on our Custodian Release of March 5th.

Shipment has now been received and has been inspected by our Welfare Department who make the following comments: "Visited Mrs. Yamamoto to see what the Custodian sent. She ordered one kori and one paper box but only the kori came. When Mr. Yamamoto left Rivers Inlet, he had packed all the good clothing such as baby's sweater and legging set, new blankets, undershirts woollen shawl, etc. in the kori but they have all been taken out and stuffed with old useless things. Mr. Yamamoto's old trousers, worn out underwear, dirty sweaters that he had left lying around in the cannery were put in the kori and sent here. Many filthy rags, a bundle of torn stockings, other people's worn out bath robe, machinaw, etc. were also sent. The comforter and large red blankets which were kept in the paper box did not come; a thin comforter which was left unpacked and an old blanket came instead. As for the baby's clothes, there were diapers (all good ones were taken out and the old ones sent) two nightgowns and 1 slip. Mrs. Yamamoto will require baby's outfit."

Can something be done about this please?

BRITISH COLUMBIA SECURITY COMMISSION

ERA/BI

Supervisor "F.G. Skinner"  
(F.G. Skinner)

*Sp. Johnston never saw baby's clothes but does remember that comforter & red blanket were taken he packed what he could find*



# JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

*Committee*

THE HONORABLE MR. JUSTICE SIDNEY SMITH  
CHAIRMAN  
COMMANDER B. L. JOHNSON, D.S.O., R.C.N.R.  
KISHIZO KIMURA  
—  
A. E. McMASTER, EXECUTIVE ASSISTANT

1826 MARINE BUILDING  
VANCOUVER, B.C.

June 5, 1942.

*John Hamamoto*

To Custodian of Japanese Fishing Vessels:

This will be your authority to release the  
Fishing Vessel "F.Y." Official No.  
to her owner BRITISH COLUMBIA PACKERS LIMITED.

The receipt on this page should be signed  
by the new owner and the original retained by you.  
Duplicate to be returned to this office.

*A. E. McMaster*

A. E. McMaster

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

Receipt is hereby acknowledged of the  
Fishing Vessel "F.Y."  
Official No.

*Note on reverse.*

British Columbia Packers Limited

*[Signature]*



EXHIBIT 993 - 3

DATE 28 Apl 1948

FILED BY

S.M.Cherniack

June 9th 1948

11097  
4301

TRANSPORTATION

The B.C. Security Commission,  
The Marine Building,  
Vancouver, B. C.

Attention Mr M.L.Brown

Dear Sirs:-

Re: Mr and Mrs Fusikichi YAMAMOTO  
Reg. Nos 04787 & 05107

Further to ours of May 26th dealing with the above Japanese, we have now had a call from Mr Johnston, the manager of the Beaver Cannery. Mr Johnston tells us that when the Japanese were evacuated from the nearby Provincial Cannery, he moved such things as they left to safety at the Beaver Cannery, the former installation being unoccupied. Two navel men on guard at the Beaver Cannery and later a winter watchman, though due to sickness this watchman was later replaced with another.

Mr Johnston does not remember any baby clothes, but he does remember moving a good comforter and blanket which he strung up on a line at the Beaver Cannery in order to prevent their getting damp. He noticed that these were gone when he returned to the Cannery in the spring of this year. As to the other things packed in the kori, he just put in what he could find.

This office is satisfied that Mr Johnston himself is a very reliable man, but as in other cases in which remote places up the coast are concerned, Japanese property has been subject to much pilfering. This has been very largely the fault of the Japanese themselves since they frequently took no real precautions for the safety of their belongings but merely left them locked up in shacks with flimsy doors.

Yours truly,

H.F.Green  
Protection Department.

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

June 21st 1948

*in copy*  
*EH*



File No. 4301

February 3, 1950.

MEMORANDUM

TO: Mr. R. J. McMaster

FROM: Mr. F. G. Shears

Re: Fusakichi YAMAMOTO

Case 993

Name of Vessel - "YU"

Vessel sold to the B.C. Packers Ltd. by the Japanese Fishing Vessels Disposal Committee. Sale Price - \$250.00. - June 5/42. Yamamoto at this time apparently did not agree to the sale.

Documents submitted to Yamamoto for signature by the Japanese Fishing Vessels Disposal Committee - Aug. 10, 1942.

Sale document signed by Yamamoto - August 24, 1942.

Copy for Mr. Braidwood.



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

JAPANESE PROPERTY CLAIMS COMMISSION.

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

10  
Fort William, Ontario,  
April 28th, 1948.

IN THE MATTER OF THE CLAIM OF  
YOSAKICHI YAMAMOTO.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.S. HUNTER, Esq.,

appearing for the  
Dominion Government.

S.M. CHERNIACK, Esq.,

appearing for the  
Claimant.

A. WATSON, Esq.,

Secretary.

D.J. HANDFORD, Esq.,

Official Interpreter.

MARK H. PEARCE, Esq.,

Official Reporter.

3



P. Yamamoto,  
In Chief.  
Discussion.

YURAKICHI YAMAMOTO, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

MR. CHERNIACK: In this matter, my lord, we are withdrawing the claim for the boat which was sold by the Japanese Fishing Vessel Disposal Committee subject to the usual reservation. I ask leave to amend showing the net at the bottom. We are withdrawing the white net. It was not declared. The other items total \$108.00, making a grand total claim of \$208.00, none of which was sold by the Custodian.

10

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Mr. Yamamoto, I show you two typewritten statements. Were these prepared in accordance with your instructions? At Yes.

Q Are these your signatures? At Yes.

Q Do you swear the contents to be true to the best of your knowledge and recollection?

A Yes.

20 MR. CHERNIACK: I file as Exhibit 1 both documents as they both relate to personal property.

(DOCUMENTS MARKED EXHIBIT NO. 1).

MR. CHERNIACK: As Exhibit 2 I am filing on behalf of my learned friend his analysis.

(ANALYSIS MARKED EXHIBIT NO. 2).

MR. CHERNIACK: Your Lordship will note from Exhibit 1 that all items are set out as to the date of purchase and the original price paid and the estimated value at date of evacuation. The same applies to the net. The statement of Exhibit 1, my

30



3  
F. Yamamoto,  
In Chief.

10  
lord, is that the goods were left in the house he rented from the Provincial Cannery at Rivers Inlet, British Columbia, and your Lordship will note when you receive Exhibit 2, that the first column sets out a general declaration made by the claimant on April 17th, 1942. My lord, may I ask my learned friend to produce from his file a copy of a letter sent to the British Columbia Security Commission dated June 9th, 1943. This letter, my lord, is a letter from the Custodian's Office to the B. C. Security Commission relating to Mrs. and Mrs. Fusikichi Yamamoto. The letter states:

20  
"Further to ours of May 26th dealing with the above Japanese, we have now had a call from Mr. Johnston, the manager of the Beaver Cannery. Mr. Johnston tells us that when the Japanese were evacuated from the nearby Provincial Cannery, he moved such things as they left to safety at the Beaver Cannery, the former installation being now occupied. Two naval men were on guard at the Beaver Cannery and later a winter watchman, though due to sickness this watchman was later replaced with another.

30  
"Mr. Johnston does not remember any baby clothes, but he does remember moving a good comforter and blanket which he strung up on a line at the Beaver Cannery in order to prevent their getting damp. He noticed that these were gone when he returned to the Cannery in the spring of this year. As to the other things packed in the kori, he just put



is what he could find.

"This office is satisfied that Mr. Johnston himself is a very reliable man, but as in other cases in which remote places up the coast are concerned, Japanese property has been subject to much pilfering. This has been very largely the fault of the Japanese themselves since they frequently took no real precautions for the safety of their belongings but merely left them locked up in sheds with flimsy doors."

10

(LETTER MARKED EXHIBIT NO. 3).

MR. CHERNIACK: My lord, a perusal of the Custodian's file does not reveal any inventory other than that letter. If my learned friend has any better or more satisfactory inventory, I am not aware of it. Your Lordship will note on the analysis that there are certain items shown as no record at any time. With reference to the beds which claim we have withdrawn, and it refers to the tools.

20 MR. HUNTER: I have made a new one for your Lordship on the bottom of the analysis.

THE COMMISSIONER: Yes, I noticed it.

MR. CHERNIACK: Then, my lord, the amended analysis shows only the itemized list of tools as no record at any time. May I point out, your Lordship, that there is a reference in the declaration of the first column of the analysis to the bed including the drum stove, battery, tools, etc. My learned friend points out to me, my lord, that his reaction is they are beat tools.

30



F. Yamamoto,  
In Chief.

THE COMMISSIONER: That would be a natural reaction in view of the specific reference to the boat including drum stove, tools, etc.

MR. OHERNIACK: We could ask the witness.

THE COMMISSIONER: How would someone else reading that report interpret it, is what we want. He may have meant something different, but that is what he said. You are free to ascertain what his answer is.

MR. OHERNIACK: I see your point, my lord.

10 THE COMMISSIONER: I doubt if it is going to be helpful.

MR. OHERNIACK: Yes, I see your point. There is a reference on my learned friend's file that the tools mentioned as going off the boat were not found. That would be on the back of a letter from the Japanese Fishing Vessels Disposal Committee of June 5th, 1942. The back of the letter has in pencil printing "missing engine parts, carburetor, magneto," and with a note, "found in Japanese shack and delivered to owner". Then the tools and propeller. It will be our submission, my lord, 20 that no property inventory was taken by the Custodian and that the goods declared for which the claim is being made are now shown at their correct value.

MR. HUNTER: It is submitted, my lord, that the claims made for property which was not sold by the Custodian are exorbitant. It is submitted further that the tools were undeclared and were not found. Perhaps I should clarify the position of the Custodian on this. In these out of the way places, unless 30 there was a very large amount of goods shown on the



J.P. form, no inventory was made, because obviously the Custodian could not send a person up to inventory these remote spots, where the property involved was very slight. In this it shows boat value, \$1000.00, including tools, etc., and shows a \$100.00 canoe net which has a fair chance of being protected by the cannery. Then bedding, fishing clothes, shoes, etc.; the latter are the only ones that are likely to go astray and it was the Custodian's policy if it didn't look particularly valuable not to send someone up there but to ask a local man to do it. The letter that has been put in indicates the answer that they were all mixed up and the chap up there couldn't make head nor tail of it.

CROSS-EXAMINATION BY MR. HUNTER:

Q Is this your signature, Mr. Yamamoto?

A Yes.

MR. HUNTER: The J.P. form, my lord, says, "Beached at Provincial Canneries Rivers Inlet, B.C., one gasboat 5 horsepower, Vivian engine, 27'6" by 8' including drum stove, battery, tools, etc., value \$1000.00."

I tender that as an exhibit, my lord.

(J.P. FORM MARKED EXHIBIT NO. 4).

MR. CHERYLACK: I wonder at this stage could my learned friend read the balance of the J.P. section.

MR. HUNTER: I thought I had already read it. If my learned friend wishes it in again, I will do so.  
Beached at Provincial Canneries Rivers Inlet, B.C., one gasboat 5 horsepower, Vivian engine, 27'6" by 8' including drum stove, battery, tools, etc.,



P. Yamamoto,  
Cross-Exam.

value \$1000.00. In cannery house Rivers Inlet, B.C., 200 fathoms 7" cohee net \$100.00. Bedding, kitchen utensils, fishing clothes, shoes, etc." This is a copy of a letter, my lord; the original is on file in the Custodian's office. It is a letter from J.H. Todd & Sons Limited, dated July 8th, 1942, and it is to the Custodian.

THE COMMISSIONER: July 8th, 1942?

MR. HUNTER: Yes, my lord. It says: In reply to yours of June 25th re, Japanese household effects now stored at Beaver Cannery.

"These effects will be quite alright here, and they are of so little value would not be worth to incur the expense of shipping to Vancouver. Of course, we feel we should not be held responsible if anything should happen to them.

"Everything is stored in one house here at Beaver Cannery. It is impossible to inventory them under each person's name as several people lived in the one house over a period of years and we don't know which belongs to who as there are no tags on anything.

"We will do the best we can in this matter and will be glad at any time if we can be of service."

(LETTER MARKED EXHIBIT NO. 5).

MR. HUNTER: I don't know that that is particularly valuable but it helps to give the general picture up in this place.

THE COMMISSIONER: Have you something on the net?

MR. HUNTER: I don't know, my lord. I don't know where it



got to. I had it last night. Oh, here it is, an extract of report, dated July 22nd, 1942, from the Commanding Officer H.M.C.S. "Ripple" to the Commanding Officer H.M.C.S. "Gwendry".

10 "Subject: Inventory of Japanese fishing gear and household articles stored at various places in Rivers Inlet. Stored in Beaver Cannery, a half cohee net, marked 'F. Yamamoto', 3 pieces, 50 mesh, 6 1/4 inch, 200 fathoms, age unknown, estimated value \$15.00. Signed, J.B. Gillespie", and further down he has, "Gillespie, a member of the Fishermen's Reserve, was an experienced fisherman. Copy of report on 6/95, 'outposts'."

I don't know just what that means, my lord; possibly you do.

THE COMMISSIONER: You haven't any further information on the net, as to whether it was stolen or what happened to it?

20 MR. HUNTER: I don't know whether it was stolen or just deteriorated. There is some evidence in the file that in this Beaver Cannery there was a change of watchman and apparently there was a gap in between, and it does appear that things disappeared during that time.

THE COMMISSIONER: Anything further?

MR. CHERNIACK: I would just like to make it clear for the record that last information was for information only.

THE COMMISSIONER: Oh yes.

(Witness aside)

30 (PROCEEDINGS ADJOURNED SINE DIE)  
Certified a true and accurate transcript.

*Mark H. Pearce*  
"MARK H. PEARCE"  
Official Reporter.



Form G

DEFENCE BRIEF

Fort William, Ont.  
April 28, 1948.

Fusakichi YAMAMOTO

File No. 4301

Case No. 993

PERSONAL PROPERTY CLAIMS  
(All claims shown are Gross)

1. Chattel Claim

\$108.00

(a) Goods valued at \$83.00 Lost, destroyed or stolen.

Witness: 1. G.W. Johnston of J.H. Todd & Sons Ltd.  
Letter dated July 8, 1942. Ex. No. 5.

(b) Goods valued at \$25.00 No Record at any time.  
(Tools)

Witness: 1. F.G. Shears - J.P. Form, not  
declared, Exhibit No. 4.

2. Net Claim

\$100.00

Appraised at

\$15.00

Sold for

-

Lost, destroyed or stolen.

Witness: 1. J.B. Gillespie - Appraiser,  
Commanding Officer, H.M.C.S. "Ripple"  
Extract of Report - dated July 22, 1942  
to Commanding Officer, H.M.C.S.  
"Givenchy".

Summary of  
Defence Witnesses

Where  
Required

Summary of Documents  
to be Filed

Witness  
Proving Same

G. W. Johnston

1 (a)

F. G. Shears

1 (b).

J. B. Gillespie

2

Extract of Report  
dated July 22, 1942  
to Commanding Officer  
HMCS Givenchy.

F.G. Shears.

HAC/mw



Name of Claimant **YAMAMOTO, Kuzakichi**Case **993**Custodian File **4301**

| <u>REAL PROPERTY</u>                 |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        |                        |                                      |        | 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                                         |                                        | Sale Price             | Total Award 125% of all Sale Prices: |        |       |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                | % of Total                                                                 | Amount                                 |                        | % of Total                           | Amount |       |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        |                        |                                      |        |       |
| <u>PERSONAL PROPERTY</u>             |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        |                        |                                      |        |       |
| 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 |                        |                                      |        |       |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        |                        |                                      |        |       |
| <u>NETS</u>                          |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        |                        |                                      |        |       |
| 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          |        |       |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        |                        |                                      |        |       |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        | .00<br>100.00          | 70.00                                | .00    | 70.00 |
| <u>MISCELLANEOUS CHATTELS</u>        |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        |                        |                                      |        |       |
| 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%                               | 55.00                                                                     |                                                                |                                                                            |                                        |                        |                                      |        |       |
|                                      |                                     |                                                                        |                                   |                                                                           | 38.18                                                          |                                                                            |                                        |                        |                                      | 38.18  |       |
| TOTAL RECOMMENDATION                 |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                        |                        |                                      | 108.18 |       |



Name of Claimant

Fusakichi YAMAMOTO

Case

993

Special

Custodian File

4301/04787

| 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                                         | Sale Price                                                     | Total Award 125% of all Sale Prices |                        |                             |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                                                |                                     |                        |                             |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                                                |                                     |                        |                             |
| 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                         |                                     |                        |                             |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            | Commissioner's Special Recommendation of 1%                    |                                     |                        | 37.50                       |
| 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                                              |                                     |                        |                             |
|                                      |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                                                |                                     |                        |                             |
| TOTAL RECOMMENDATION                 |                                     |                                                                        |                                   |                                                                           |                                                                |                                                                            |                                                                |                                     |                        | 37.50                       |



4301

January 19th, 1951

Mr. Fusakichi YAMAMOTO,  
725 McLaughlin St.,  
Fort William, Ont.

Dear Sir:

Re: Japanese Property Claims Commission

Case No. 993

We have received from the Co-Operative Committee on Japanese Canadians, our form of Release which has been executed by yourself covering the award recommended under the above Claims Commission for the sum of ...

\$ 103.18.

Cheque in your favour is enclosed for  
and we have paid the Co-Operative Committee ..  
for legal fees as authorized by you.

\$ 101.92

\$ 6.26

Yours truly,

F.G. Shears  
Director

FGS:BK  
Encl.



10.14.  
14

SPECIAL REPORT RE 25 FISHING VESSELS SOLD AND DELIVERED  
TO PURCHASERS BY J.F.V.D.C. PRIOR TO AUGUST 1ST 1942.

Where it appeared in the course of the Inquiry that a fishing vessel had not been sold by the Custodian I held that the claim in respect thereof did not fall within the terms of reference and that consequently I had not jurisdiction to consider the claim. This ruling affects adversely claims in respect of fishing vessels made by 25 claimants.

All of these latter vessels were sold and delivered to the respective purchasers by authority of the Japanese Fishing Vessels Disposal Committee prior to August 1st 1942. Title to 13 such vessels was made subsequent to August 1st 1942 by Bill of Sale signed by the Custodian, the owners thereof having refused to confirm the sale made by the J.F.V.D.C. 12 of these owners executed Bills of Sale, but now allege that they did so under compulsion exercised by the J.F.V.D.C.

Counsel for the claimants has requested that a special report be made in respect of these vessels, in view of the circumstances surrounding the sales.

In my opinion the following factors require consideration in connection with these claims:

1. All fishing vessels owned by persons of the Japanese race were surrendered to the Navy soon after December 7th 1941, pursuant to Order-in-Council or other Government direction.

2. The surrendered vessels were held in custody of the Navy until sales were effected through the instrumentality of the J.F.V.D.C. set up pursuant to Order-in-Council P.C.288 of January 13th 1942, or in the case of approximately 200 such vessels until the



same were vested in the Custodian pursuant to Order-in-Council P.C. 6247 of July 20th 1942.

3. The J.F.V.D.C. adopted the following procedure for disposal and re-employment in the fishing industry of surrendered vessels:

(a) All vessels were appraised by a Lloyd's or other competent surveyor;

(b) A negotiating price for each vessel was fixed by adding 15% to the appraised value;

(c) Prospective purchasers were invited to negotiate with the owners for purchase of such vessels through the J.F.V.D.C. on the basis of the negotiating price;

(d) Upon agreement being reached, a Bill of Sale was executed by the owner, the Committee caused the vessel to be delivered, and received the purchase price for the owners account.

4. All such vessels which had not been sold as at August 1st 1942 were vested in the Custodian, pursuant to Order-in-Council P.C. 6247 of July 20th 1942. Thereafter the Custodian arranged for sale of these vessels, without the consent of the claimant, executed Bills of Sale thereof and made delivery of the vessels.

✓ ✓  
The 25 vessels which are the subject of the claims discussed here in my opinion were not vested in the Custodian, since P.C. 6247 vests in the Custodian "vessels..... seized and detained under the authority of .....P.C. 9761, which have not been disposed of under the supervision of" the J.F.V.D.C. before August 1st 1942 (vide Para. 1, P.C. 6247). I consider that these vessels had been "disposed of" by the Committee prior to August 1st 1942.



I have had occasion to consider many claims by owners of fishing vessels which were vested in and sold by the Custodian. Upon consideration of the material before me on the hearing of those claims, I held that the claimant did not realize fair market value upon sale by the Custodian, due to the fact that there was deducted from the sale price in each instance sums to cover selling charges, repair accounts and other expenses incurred by the Custodian. Sales so made by the Custodian were based on appraisals made by a surveyor appointed by him. The policy of adding 15 per cent. to appraised prices adopted by the J.F.V.D.C. was not applied by the Custodian. In such cases I estimated the fair market value at 28.5 per cent. in excess of the selling price, to compensate for the deductions so made.

Counsel for the claimants in respect of the 25 vessels under consideration has submitted that the ruling applied by me to Custodian sales should be applied to the sales of the 25 vessels.

Appended to this Memorandum is a statement prepared by Counsel containing particulars of the sale of these vessels.

I find that 12 of these vessels were sold by the J.F.V.D.C. at prices equal to or greater than the Committee's negotiating price, i.e. Lloyd's appraisal plus 15 per cent.

The material before me, I think, supports the conclusion that fair market value was realized on the sale of these vessels, namely, - vessels the subject of Claim Nos. 42, 120, 182, 201, 219, 294, 307, 381, 387, 918, 1263 and 701.

Vessels, the subject of Claim Nos. 639, 641, 642, 752, 753 and 1293, appear to have been sold at prices greater than the appraised price but less than the negotiating price. I find nothing in the material before me to justify the conclusion that these vessels were not sold at fair market value. It does not appear that any deductions were



made from the selling price of any of the vessels in this group.

The vessels covered by Claim Nos. 358, 897, 1172 and 1188, were sold at the amount of Lloyd's appraisal. There is no material before me to justify the conclusion that fair market value was not realized on these sales.

The vessel covered by Claim No. 262 appears to have been sold at the appraised price, but there was deducted from the selling price repair accounts amounting to \$39.25. I consider that the sum paid to the claimant was \$40.00 less than fair market value.

The vessels covered by Claim Nos. 993 and 760 were sold at \$250.00 and \$375.00 respectively, but no material is available in regard to the appraised price of either vessel. Consequently there is no material upon which a conclusion can be reached as to whether or not fair market value was realized. If these claims were open to consideration under the terms of reference, I would hold that the burden of proof was upon the Custodian to establish that fair market value had been realized. In the absence of appraisals or other evidence, it has not been shown that these prices were equal to fair market value. Consequently I would have added 15 per cent. to the selling price, i.e. \$37.50 and \$56.25 respectively, to achieve fair market value.

H. I. BIRD  
Commissioner.