

12409

BUSINESS

BUREAU POWELL STREET

FILE NO. _____

**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: HAYASHI Haruno (Mrs. Genji)
HOME ADDRESS: 236 Powell St., Vancouver, B. C.
REGISTRATION NUMBER 02967 SEX: Female AGE: 32
OCCUPATION: Rooming house keeper, 236 Powell St., Vancouver.

(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: self
MARRIED?: yes
NAME OF WIFE OR HUSBAND: Genji 2302
ADDRESS OF WIFE OR HUSBAND: Angler, Ont.
NAMES OF ANY LIVING CHILDREN: Masami (M)
Jiro (M)
Jimmy (M)
ADDRESS OF CHILDREN: 236 Powell St., Vancouver.
AGE OF CHILDREN: 7, 5, 2 yrs.

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

1. LOCATION AND DESCRIPTION: none
2. BUILDINGS AND OTHER IMPROVEMENTS: none
3. INSURANCE (Give particulars; state where policies are) none
4. TAXES (Amount and where payable) none
5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed) none
6. OCCUPANCY AND LEASES (If vacant so state) 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 REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: 236 Powell St., Vancouver, B. C.
18 room, 2 storey, wooden house. 11 rooms rented to Japanese.

2. LANDLORD'S NAME AND ADDRESS: Husband, Genji, owns the house, 766 K. A. Road, 236 Powell St. Vancouver, B. C. Sept 14/42

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: none

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: 236 Powell St., Vancouver, B. C.
5 bureaus, 41 chairs, 16 tables, 2 heaters, 1 kitchen stove, 1 desk, 1 money box, 2 cupboards, 1 chest of drawers, 3 boxes of kitchenware, 1 desk, 13 beds. These things have been left in the rooms that are to be rented. 2 trunks are to be left in one room. The keys will be brought to Custodian before declarant is evacuated.

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 21st day of August 1942.(Signature) 林 はるのA. M. Chape
Witness

FOR DEPARTMENTAL USE _____

12409

INFORMATION FROM R.C.M.P.

Date Jan. 28/43

Full Name HAYASHI, Haruno (Mrs. Genji)
(Surname in Block Letters)

Registration No. 02967

Male - Female ☒
(check)

Age Nov. 12, 1909

Former Address 236 Powell St. Vancouver B.C.

Date Evacuated Oct. 26 /42

Naturalized - Canadian-Born - National
(check)

Present Address

PO Box 195
Slocan, B.C. Geraldton Ont.
26/11/47

Married - Single
(check)

Name of Wife

Genji - 04056

Name of Husband

Name of Mother

Name of Father

Names of Children under 16

Masami (m) 25/2/35

(see husband's sheet)

Jiro (m) 23/9/37

Jimmy (m) 22/10/40

Our File No.

12409

Registered with Custodian
(yes or no)

yes

Requested By

P. Hunter

Additional Information

(Husband logger at Indian River)

for Hunter
HAROLD D. CAMPBELL
808-812 Standard Bank Building,
Vancouver, B. C.

Your File No. 766.

March 10, 1943.

Office of the Custodian,
Department of the Secretary of State,
Enemy Alien Section,
912 Royal Bank Bldg.,
Vancouver, B. C.

Attention Mr. K. W. Wright.

Dear Sirs:

Re: HAYASHI, Genji.

Further to my telephone conversation with Mr. K. W. Wright, I am outlining the situation which developed in the last several months with regard to the breaking and entering and removal of chattels from the above premises.

Some time prior to Christmas, I received a telephone call in the evening at home from Mr. Mike Bugel, the operator of the Star Room adjoining this property. He stated that there was apparently someone going through the building with a flashlight and thought I should know about it. I requested him to try to hold the party on the property and I immediately telephoned the Police. Mr. Bugel telephoned back shortly after and advised that he had encountered the man leaving the building with a bundle of bedding but that he had got away in the darkness through the lane before the Police arrived. A

Since that time the property has been broken into on an average of at least once or twice a week. I have had the property resecured and padlocked on eleven different occasions. Mr. Reid, the Building Inspector, has, of his own accord on finding the premises broken into again, resecured them. B

A further written report was made to the Vancouver Police on January 7th and inventory taken of the remaining chattels on January 9th. Copy of this inventory, however, through an oversight, was not forwarded to your office until February 2. I pointed out in my covering letter of that date - "I doubt very much if this is now much use as the premises have been broken into several times since."

For your information on attending Mr. Baron on the premises in connection with his leasing of the property, on or about the 18th of January, it was noted at that time that all the bedding had been stolen and that all the beds were removed which were of any value, and that all the dressers or bureaux had been stripped of their mirrors. The only articles which had not been stolen were of practically no value. C

Mr. Wright will remember several extended conversations in connection with the McDougal family, record of which is on another file, that this systematic looting commenced after McDougal forced himself onto the premises belonging to E. Osawa at 246 Powell Street. McDougal's children were chased off the premises by Mr. Reid, the Building Inspector, Mr. Clark and Mr. Bugel on a number of occasions. I remember advising Mr. Wright that they had forced a window in the rear and in order to avoid it being resecured, had driven nails into the part of the frame in which the window slides up and down and pulled the window down over these nails in such a way that it could not be closed without taking the whole frame out of the window. I had the window planked over and heavily spiked but on my next visit to the property, found that the planks had been sawn through and entry forced again.

As you are well aware, it is a physical impossibility to prevent these occurrences if certain parties are determined to force entry to the premises.

Mr. Cameron, the City Wrecker, who looked over the premises with a view to making an offer to demolish the cabins in the rear, which demolition was ordered by the City, made an offer to purchase the remaining few chattels and junk for \$10.00 and at the time the offer was passed on to you, Mr. Hem offered, sight unseen, to purchase same for \$15.00. In view of the fact that the remaining furniture was gradually being removed, apparently by McDougal to break up for fire wood, it seemed advisable to immediately accept Mr. Hem's offer. The wisdom of this step was definitely proven by the fact that when Mr. Hem went to take possession of the chattels on the Monday following, he found that all the drawers out of the few remaining dressers, which had already been stripped of their mirrors, had been removed, apparently for fire wood, making the dressers of no value whatsoever. D

For your records I will obtain a list of the few remaining articles, which were purchased by Mr. Hem from Mr. Clark who has placed them in vacant premises under Mr. Hem's control

Yours very truly,

H. D. CAMPBELL

Per: R. C. Messenger.

RCM:JM

Mr. Hem advises he will be glad to resell you the lot back for \$10.00] E

RCM.

INVENTORY OF CHATTELS

HAYASHI, Haruno

236 Powell Street

File No. 12409

12 beds	1 toilet
1 bed ends	1 wash basin
6 springs	6 sinks
12 mattresses	1 large cupboard
15 tables	1 small table
27 chairs	3 drying racks
1 wicker chair	2 pictures
7 cupboards	1 book
2 small cupboards	1 chinese cabinet - junk
5 blankets	3 benches
5 dressers	2 kitchen cupboards
2 washstands	1 stepladder
1 chest of drawers	1 5 gal. crock
1 sofa	1 dishpan
1 clock	1 table stand
2 trunks	1 small stand
1 bamboo stand	
1 cabinet	
1 wash tub	
Pots & Pans	

January 9, 1943.

HAROLD D. CAMPBELL
808-812 Standard Bank Building,
Vancouver, B. C.

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y

Your File No. 766.

March 10, 1943.

Office of the Custodian,
Department of the Secretary of State,
Enemy Alien Section,
912 Royal Bank Bldg.,
Vancouver, B. C.

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H. D. CAMPBELL

Per: R. C. Messenger.

RCM:JW

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RCM.

File 12409

Rec'd	MAR 11 1943
File No.	
Ans.	<i>for</i>
Forwarded	

Your File No. 766.

March 10, 1943.

Office of the Custodian,
Department of the Secretary of State,
Enemy Alien Section,
912 Royal Bank Building,
Vancouver, B. C.

Attention Mr. K. W. Wright:

Dear Sirs:

Re- HAYASHI, Genji

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March 10, 1943.

Office of the Custodian, (Continued)

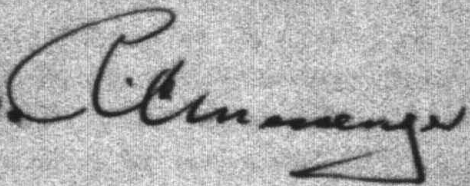
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Yours very truly,

H. D. CAMPBELL.

Per. 

RCM:JM

HAROLD D. CAMPBELL
808-812 Standard Bank Bldg.
Vancouver, B.C.

C
O
P
Y

Your File No. 766

December 23, 1942.

Office of the Custodian,
Department of the Secretary of State,
Enemy Alien Section,
912 Royal Bank Building,
Vancouver, B. C.

Attention Mr. K. W. Wright:

Dear Sirs:

RE: HAYASHI

There have been certain occurrences recently which have been not only annoying but upsetting, apparently due to overlapping or lack of co-operation in the different departments in your office. I am referring partially to the removal of chattels from premises by your Protection Department without any reference to my office, despite the fact that I am responsible to you for their safe-keeping. The latest situation that came to my attention this morning, while not quite parallel, is along the same lines and I feel that on all accounts it should be brought to your attention.

I was appointed the Agent for your office with regard to the chattels and property of one, Mrs. Haruno Hayashi, on the 25th of August. The property was inspected by myself and reported on to the Evacuation Section. As the Japanese were still occupying the building, there was no inventory of the contents taken at that time, as I had found, from past experience that any inventory taken while the Japanese were still in tenancy had to be rechecked and considerable changes made and was just so much wasted effort.

Mrs. Hayashi was instructed and agreed to deposit the keys to the property with me on her evacuation. Mrs. Hayashi left without either advising my office or leaving the keys and I only became aware of her evacuation as a result of my interpreter, Joe Mizuhara calling to see if there were any developments with regard to her plans for leaving the City. As the keys had not been left with me I enquired at your Office and was advised that they had not been left there either.

The matter of making inventory of the chattels was left in abeyance for this reason. Eventually I discussed the matter with the Evacuation Section and was instructed to force entry to the property for this purpose. I found that the method of gaining entry with the least damage and cost was by the rear door which was forced and on which I placed a padlock. The inventory was forwarded to the Protection Department of your office and copy sent to you under date of December 9th.

I was distinctly surprised and disturbed this morning when I was advised by Mr. E. J. Baron that he had inspected these premises yesterday in the company of Mr. Freeze of the Pemberton Realty

Corporation. On enquiring as to how entry was made he advised me that Mr. Freeze had the keys to the property which he had obtained from your office. If this information is correct, there are two points which I wish to draw to your attention:

1. That I accept no responsibility whatsoever for the chattels situated on these premises if I do not control access to the property.

2. That if it is your intention to place in other hands a property in connection with which I hold your appointment as Agent and presumably am looking after on your behalf, it is only, to say the least, a normal courtesy to advise me of same.

I would also like to enquire as to why the keys, which apparently were held by your office, were unavailable to me and it was necessary to force entry to the premises.

I would also draw your attention to my letter of the 9th inst. making an offer on behalf of Mr. Peter Hem to rent these premises, to which I have received no reply or acknowledgment. In this connection I am enclosing herewith a letter from Mr. Peter Hem withdrawing said offer. I have just had a very unsatisfactory interview with Mr. Hem and his reasons for withdrawing are not entirely clear to me. I understand that he is to see Mr. Wright during the coming week in regard to chattels which he has purchased in connection with another file, and I would appreciate it if Mr. Wright could find out for me just what underlies his attitude.

Yours very truly,

H. D. CAMPBELL

Per: R. C. Messenger (signed)

RCM:JM
Encl.

File No. 12409
Reg. No. 02367

Mrs. Haruno HAYASHI

<u>Date</u>	<u>Particulars</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
1943 March 2	Sale of chattels - 236 Powell St.	0	15.00	
				CR 0 15.00

Accounting Department
March 9th, 1948

PERSONAL PROPERTY SUMMARY

File No. 12409

July 25, 1947

Re Haruno HAYASHI, Reg. No. 02967

This woman is the wife of Genji Hayashi, XI. File 766. Prior to her evacuation she operated a rooming house at 236 Powell Street. These premises, which she reported were owned by her husband, consisted of 18 rooms - a 2 storey frame structure. The building was inspected by H. D. Campbell's representative on September 30, 1942, and was described as being one of the worst on Powell Street. The top rooms had no heating arrangements, part of the rooms were two cabins in the rear behind the store and these had no plumbing facilities and only mud floors. At the time of her declaration, Mrs. Hayashi stated that 11 of the rooms were rented to Japanese. On September 30, 1942, the report of H.D. Campbell stated that Mrs. Hayashi was on the premises. Mrs. Hayashi was evacuated on October 26, 1942. In his report of December 23, 1942, Mr. Messenger, of H.D. Campbell's office, stated that although Mrs. Hayashi had been instructed and had agreed to leave the key to the building with him when she was evacuated, she had not done so, and it was only because his interpreter had called at the building that he had discovered that she had left the city. This had resulted in a delay in taking an inventory of the contents.

The chattels reported by Mrs. Hayashi are shown in the Chattel Schedule, as are the two inventories taken by Mr. Messenger. In regard to these chattels, Mr. Messenger reported on September 30, 1942, that these were "only about half complete for furnishing the rooms and of the poorest possible quality". On file XI.766 there is a report made by Mr. Spain to the effect that every room had some furniture but not one piece was of sufficient value to justify removal to central storage. On March 2, 1943, Mr. Messenger sent this office \$15.00 representing the sale to Peter Hem of all the chattels remaining in this building. On March 10, 1943, Mr. Messenger reported in regard to this sale. A copy of this report is filed directly behind this summary. This report states that the building had been broken into on the average of once or twice a week and that the chattels were being removed. Mr. Messenger states that between the time of the sale to Peter Hem and the removal by Mr. Hem of the goods sold to him some of the goods had been stolen, and that Mr. Hem would resell the goods back to us for \$10.00. Although Mr. Messenger stated that a list of the goods sold would be supplied, there is no record on either this file or XI.766 that such a list was received in this office. The information on file in regard to these chattels indicates that while the chattels left at 236 Powell were of poor quality and small value, thefts had reduced the value considerably between the time of Mrs. Hayashi's evacuation and the time of the sale to Mr. Hem of the goods remaining at the first of March, 1943.

Mrs. Hayashi in letter of May 24, 1947, gave a list of the goods left at 236 Powell Street. This list is not as complete as that supplied originally, which may indicate that certain items were disposed of by herself or may have resulted from the fact that Mrs. Hayashi did not keep a written list of her goods and that her memory is at fault. The list does show a gas-stove and a stove, although no such items were listed in the inventory made December 9, 1942 by Mr. Messenger, which would indicate that thefts had taken place before December 9, 1942, when the first inventory was made.

No other property was reported by Mrs. Hayashi and no other property of any kind is revealed in this file.

This summary is certified to be
in accordance with information
on file. *J. Matheson*

/FM July 25, 1947

12409

17 Mar 48

PERSONAL PROPERTY CLAIM

CLAIMANT

(Mrs) Haruno HAYASHI

Regn No 2 02967

CLAIM

13 Furnish Room	\$625.
3 box Kitchen Utensil	75.
2 Kitchen Drawer	25.
	<u>\$725.</u>

(Credited with \$15. from sale of chattels, but this not shown on claim).

REFERENCES

JP

PP.1

HISTORY

Items as per JP decl. are noted on Analysis. JP d/21/8/42
Custdn. agent H.D. Campbell checked items on JP decl. and found them to be correct 30 Sep 42.

Hayashi evacuated 26 Oct 42.

Excerpts from report of Campbell are noted on Analysis and the points noted by him in regard to type of property and chattels show Hayashi claim unreasonable.

Not entered
as reference

H.D. Campbell (per R.C. Messenger) on 10 Mar 43 reported as follows:

- A) Property burgled prior to Xmas 1942.
- B) Property broken into on an average of once or twice a week since Xmas to date of report.
- C) Bedding and mirrors from dressers stolen, nothing left of any value.
- D) Two offers to purchase chattels, one \$10. and the other from Chinaman (Peter HEM) \$15.00
Sold to Hem \$15.00 and when Hem went to collect found further goods removed.
- E) Hem advises he would be glad to resell everything to Custodian for \$10.

JC/..

LIABILITY SUMMARY

File No. 12409

July 25, 1947

Re: Haruyo HAYASHI, Reg. No. 02967

This file reveals that one claim was filed against this woman, that of the B. C. Electric Railway Company, as follows:

Amount due	.....	\$27.33
Less Deposit		<u>24.00</u>
Balance due		\$ 3.33

Creditor supplied with address and advised to deal direct.

This file reveals no other liabilities.

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

J. Matheson

July 25, 1947.

CHattel SCHEDULE

File No. 12409

July 24, 1947

Re: Haruno HAYASHI, Reg. No. 02967

Declared
Aug. 21/42

Inventory
December 9/42

Inventory
Jan. 9/43

At 236 Powell Street:

5 Bureaus	4 Dressers
41 Chairs	31 Chairs
16 Tables	15 Tables
2 Heaters	.....
1 Kitchen Stove	.....
1 Desk	.....
1 Money Box	.....
2 Cupboards	6 Cupboards
	2 Small Cupboards
1 Chest of Drawers	1 Chest of Drawers
13 Beds	14 Beds
	13 Springs
	11 Mattresses
2 Trunks	2 Old Trunks
3 Boxes Kitchen Utensils	.....
	Pots and Pans
	2 Quilts
	5 Blankets
	3 Double Blankets
	3 Washstands
	1 Book Rack
	1 Couch
	1 Clock
	1 Table Cover
	1 Stand
	1 Pillow
	1 Sheet
	1 Kitchen Cabinet
	1 Wash Tub
	Linoleum on all floors

5 Dressers	4 Dressers
27 Chairs, & 1 Wicker Chair	18 chairs
15 Tables & 1 Sal. Table	.....
.....	gas stove
.....	stove
.....	
7 Cupboards	2 Kitchens
2 Small Cupboards	cabinets
1 Chest of Drawers	.....
12 Beds, 1 Bed ends	13 beds
6 Springs	.....
12 Mattresses	.....
2 Trunks	Trunk
	2 Bx. Kit. Utens.
Pots & Pans	.....
.....	
.....	
2 Washstands	.....
1 Bamboo Stand	.....
1 Sofa	.....
1 Clock	.....
.....	
1 Table Stand & 1 Small Stand	.....
.....	
1 Cabinet	.....
1 Wash Tub	.....
.....	
1 Toilet	.....
1 Wash Basin	.....
6 Sinks	.....
1 Large Cupboard	.....
3 Drying Racks	.....
2 Pictures	.....
1 Book	Books
1 Chinese Cabinet (junk)	.....
3 Benches	.....
2 Kitchen Cupboards	.....
1 Step Ladder	.....
1 5-gal Crock	.....
1 Dish Pan	.....

Top
carpenter tools

Name of Claimant **NAYASHI, Haruo**
 Custodian File **12409**

Case **957**

<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 % of Amount Total	Sale Price	Total Award 125% of all Sale Prices % of Amount Total		
<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
<u>MISCELLANEOUS CHATELS</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			
			45%	696.00		15.00				
					320.16		1.80	321.96		
TOTAL RECOMMENDATION										321.96

12409

October 13th, 1950.

Mrs. Haruno HAYASHI,
132 First Ave.,
Toronto, Ont.

Dear ~~Sir~~ Madam:

Re: Japanese Property Claims Commission

Case No. 957

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 ... \$321.96.

Cheque in your favour is enclosed for \$303.34
and we have paid the Co-Operative Committee .. \$ 18.62
for legal fees as authorized by you.

Yours truly,

FCS/js
1 encl.

F.G. Shears
Director

Chattels -
Fort William, Ont.
21st April 1948.

DEFENCE BRIEF

Haruno HAYASHI

File No. 12409

Case No. 957

PERSONAL

PROPERTY

CLAIMS

1. Chattel Claim

\$711.00

Sale Price

\$15.00

NOTE:- The chattels for which claim is made were reported to the Custodian at the time of evacuation. They were left in claimant's house at 236 Powell St., doors and windows were locked and key was given to D.M.Chope of the Custodian's office.

The premises were ransacked several times and the remaining chattels, which were not specifically identified, were sold for \$15.00.

Question involves fair market value for the goods that were sold and fair value for stolen chattels.

"What was left was just a handful of junk" - see Transcript page 8.

Custodian admits things claimed were there. Exhibit 1 sets out claim.

Witnesses:- Harold D. Campbell to identify report dated 30th September, 1942. Exhibit 3.

JLG/ma

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

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E
(THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER)

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Port William, Ontario,
April 21st, 1948.

IN THE MATTER OF THE CLAIM OF
HARUO HAYASHI.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.G. HENDER, Esq., appearing for the
Dominion Government.

S.M. CHERNIACK, Esq., appearing for the
Claimant.

A. WATSON, Esq., Secretary.
D.J. HANDFORD, Esq., Official Interpreter.
T.P. HORROBIN, Esq., Official Reporter.

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Mrs. H. Hayashi,
In Chief.
Discussion.

MR. CHERNIACK: I ask leave to amend, my lord. This is a chattel claim. The total value of the chattels is \$711.00.

THE COMMISSIONER: Instead of \$725.00?

MR. CHERNIACK: Yes, and there is a credit of \$15.00, making the loss \$696.00.

(MRS.) HARUKO HAYASHI, the claimant herein, being first duly sworn, testified through the interpreter as follows:

10 DIRECT EXAMINATION BY MR. CHERNIACK:

Q Witness, I show you a typewritten statement. Was that prepared in accordance with your instructions with the assistance of your husband?

A Yes.

Q Is that your signature?

A: Yes.

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

A Yes.

(STATEMENT MARKED EXHIBIT NO. 1).

20 MR. CHERNIACK: My lord, Exhibit 1 sets out an itemised list of the various chattels for which claim is made. It gives the date of purchase where it is known and in other cases it states as to having received some goods from the father and not knowing the purchase price or the date when they were purchased, and she gives the estimated value at the date of evacuation, my lord.

The comments set out, "All the above were reported to the Custodian at the time of evacuation. They were left in our house at 236 Powell Street and

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Mrs. H. Hayashi,
In Chief.

the doors and windows were locked and the key was given to D.M. Choze of the Custodian's office. All values have been depreciated in accordance to use. I have never been advised as to the disposition of the goods other than a sale of \$15.00."

10 In connection with the key, my lord, I have a receipt signed by D.M. Choze for G.W. McPherson. I can file it with your Lordship, or if you would rather not clutter up the record I can show it to my learned friend and possibly he will admit it.

MR. HUNTER: That appears to be correct, my lord.

THE COMMISSIONER: If there is any question about it, there is no reason why it should not be filed, and it will be the subject of examination by the claimant later. You are quite satisfied it is Choze's signature?

MR. HUNTER: I don't know Choze's signature. That is why I say it appears to be correct.

THE COMMISSIONER: But Mr. Shears is beside you.

20 MR. SHEARS: Yes, it is a lady, Miss Choze, and I recognize the signature.

THE COMMISSIONER: Yes.

MR. CHENBLACK: That is the case, my lord.

MR. HUNTER: It is submitted, my lord, that the chattels sold were sold for their fair market value. It is submitted that the claims made for chattels not sold by the Custodian are extremely exorbitant. I would file the analysis of personal property claim as Exhibit 2.

Mrs. H. Hayashi,
In Cross-Exam.

MR. HUNTER: I would file also, my lord, a report of Harold D. Campbell, dated September 30th, 1942, which, of course, will be identified by him later. It will be filed for information at this time, in which he says:

10 "1. The declared property in this case consists mainly of the chattels of the small rooming house situated behind the store. The property itself was presumably owned by the declarant's husband, Genji Hayashi, but on the Evacuation Section endeavouring to file a vesting certificate, it was found that title was actually vested in Hanyemon Hayashi whose location has not as yet been ascertained, or just what relation he is of the declarant. In any case there has been and is no rent being paid for the premises. Regardless of title it is apparently a family matter.

20 "2. The inventory listed in the 'JP' declaration is correct. One item listed as a 'money box' should be altered to 'safe'.

"3. The declarant is still on the premises and has been endeavouring to rent same together with the chattels listed in the Declaration.

30 "4. The property is really one of the worst on Powell Street. The top rooms of the rooming house behind the store are entirely without any heating arrangements. Part of the rooms, as listed in the 'JP' Declaration, are actually two cabins at the rear of the property which have no plumbing facilities whatsoever and the floors have disappeared and are simply now packed mud and I imagine will

5
Mrs. H. Hayashi,
Cross-Exam.

definitely be condemned by the City as unsuitable for human habitation.

"5. The chattels themselves are only about half complete for furnishing the rooms and of the poorest possible quality.

"6. There are three sinks in the building and a couple of toilets but as usual there is no bath in the building.

20 "7. It is my definite opinion that before any attempt is made to rent the premises in conjunction with the chattels, the property should be inspected by the City Building Inspector and as Mrs. Hayashi is still on the premises, I have deferred doing this until her evacuation."

(REPORT MARKED EXHIBIT NO. 3).

CROSS-EXAMINATION BY MR. HUNTER:

Q Mrs. Hayashi, you list here four bureaus with small mirrors that were bought by your father and given to you in 1934. When did your father buy them?

20 A I don't know.

Q You don't know. And after you received them in 1934, they were used in this rooming house, were they?

A: Yes.

Q By the roomers?

A: I was using them for myself.

Q Were you using all four of them?

A They were used by the occupants.

Q Were you and your family using all four of these, or were some of them used by the roomers who were living in your rooming house?

Mrs. H. Hayashi,
Cross-Exam.

A All four were used by the occupants.

Q By roomers?

A: By roomers, yes.

Q And this bureau with the large mirror that was bought in 1937 for \$40.00, I presume that was used by yourself, was it?

A: No, I never used that.

Q Who used it?
the roomers.

A: It was used by

Q By the roomers. And the 13 beds and complete bedding were used by the roomers?

A: Yes, they were all used by the roomers.

Q They were ordinary iron beds, were they?

A Yes, mixed beds.

Q And how old were most of these beds?

A They were old.

Q Yes, they were old and these 41 chairs, they were kitchen chairs, were they?

A Mixed chairs. There were all sorts of chairs.

THE COMMISSIONER: Q: They were which?

20 A All sorts of chairs. Kitchen chairs and others.

MR. HUNTER: Q: They were plain wooden chairs, is that it?

A: Yes, plain wooden chairs.

Q Now this kitchen table that you bought new in 1935, for \$35.00, I suppose that was one that was being used by you, was it?

A: I was

using that myself.

Q Yes, and it must have been a pretty elaborate kitchen table, wasn't it, for \$35.00?

A It was one of those tables you can extend with a board.

Mrs. H. Hayashi,
Cross-Exam.

Q And you were using it? A: There were
wheels on it.

Q Casters, you mean? A: Casters.

Q You used that after you bought it, did you, until
you were evacuated? A: Yes.

Q Now these 13 bedroom tables at \$26.00, they were
used by the roomers, I presume?

A Yes.

10 Q And they were what, plain wooden tables with four
legs, I presume? A: Yes.

Q Ordinary wooden tables? A: Ordinary wooden
tables.

Q Yes, just plain. A: They were
different sizes.

Q These two Japanese tea sets at \$25.00 for which you
paid \$50.00, or \$ 160 yen, were they something
special? A: They were with
a very fancy finish, with a flower design.

20 Q Were they complete when you left or had you dropped
the odd one from time to time?

A It was still complete.

Q And how many teas would be in a tea set?

A It was a set for six persons or eight persons.
It would have about eight teas to the set.

Q And they were not a really expensive type or they
would have cost a lot more than that, I presume?

A It was intermediate.

Q It was a sort of a medium type?

A Medium type.

30 MR. HUNTER: That is all, my lord.

Mrs. H. Hayashi,
Discussion.

THE COMMISSIONER: Mr. Hunter, I notice that Exhibit 2 shows these chattels were sold by tender. Could you give us any details of that?

10 MR. HUNTER: I should have explained that. I am sorry. This place was broken into on an average of about three times a week. They kept boarding it up and putting on new locks but the burglars were very ingenious, they even nailed the windows open so the authorities couldn't shut them. They knew who it was and why they didn't prosecute, I don't know. They were boys in the neighbourhood. There was a collection of junk left which was later sold on payment of \$15.00 and when the purchaser saw what was there, he promptly offered to sell it back for \$10.00, which was really the cost of taking it away.

THE COMMISSIONER: The claim must be approached from the point of view that very considerable damage had been done by vandals prior to the sale.

20 MR. HUNTER: Well there was nothing left. What was left was just a handful of junk. I think it is entirely a question of value. We have to admit the things were there. We are not denying that they were there, but I do submit what was sold was very meagre and a very limited amount. I suppose even with what was sold the question of depreciation and perhaps vandalism might have to be taken into account, my lord.

30 THE COMMISSIONER: At a first examination of the documents, it might appear that all these goods of a value alleged by the claimant at \$711.00 was only worth

9
Mrs. H. Hayashi,
Discussion.

\$15.00. That is not the fair interpretation to
be put upon the situation.

MR. HUNTER: No, it certainly is not, my lord.

THE COMMISSIONER: I follow it now.

MR. CHRISTIACK: My lord, may I ask the name of the pur-
chaser of these goods?

MR. HUNTER: Peter Hem, I think it was, my lord.

THE COMMISSIONER: All right, that is all, thank you.

(Witness aside)

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(PROCEEDINGS ADJOURNED SINE DIE)

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

J. P. Homborn

"J.P. HOMBORN"
Official Reporter.