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Y. Yoshida
In Chief

MR. COBUS: The claim, your honour, of Yasuichi Yoshida, No. 111 on the Secretary's list, and it will become case No. 316, Mr. Secretary.

THE SECRETARY: 316.

YASUICHI YOSHIDA, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

10 MR. COBUS: Your honour, I would ask leave to amend the claim, which is a claim for personal property under 5 (e), replacing what is written there, we now show the claim in two parts, for fishing nets lines and gear show a value of \$569.50, and a general heading "Chattels", \$532.00, which totals \$1150.00. The credit shown to the Custodian is \$287.70, which leaves the net claim, \$723.80.

THE COMMISSIONER: A net claim of how much?

MR. COBUS: \$723.80, your honour.

20 MR. McINNES: I make that \$713.80.

THE COMMISSIONER: Yes.

MR. COBUS: I am corrected correctly, your honour, it does make \$713.80. *I make it 713.80*

THE COMMISSIONER: Yes. *Ha!*

DIRECT EXAMINATION BY MR. COBUS:

30 Q: Witness, I produce to you a statement concerning your claim for nets and lines. Did you instruct Mr. Leckie to prepare this statement for you and is that your signature?

A: Yes.

Q: In your statement you make reference to a list attached. I produce to you a list of certain salmon fishing gears with lead and cork line, certain cod gears, certain boat equipment. Is that the list to which you make reference in your statement?

A: Yes.

10 MR. COBUS: I would ask leave to file the statement and list as one exhibit, your honour.

(STATEMENT AND LIST MARKED EXHIBIT NO. 1)

MR. COBUS: Referring to the statement, Exhibit 1, your honour, the claimant shows \$495.00 as the estimated value for nets and lines in accordance with the list which forms part of the exhibit. He values a certain list of cod gears and boat equipment, which is part of the list attached, at \$74.50. He says that the fishing nets, lines and gear, were left in the net house
20 at the Pacific Coast Cannery, B.C. Packers, Steveston, B.C. He adds that he has allowed for depreciation on the items for which claim is being made.

Q: Witness, I produce to you a statement concerning the chattels for which you are claiming. Did you instruct Mr. Leckie to prepare this statement for you and is that your signature?

A: Yes.

Q: In that statement you make reference to a list
30 attached hereto. I produce to you a list of items

with full information as to the date of purchase, whether new or used when purchased, the price paid and condition when evacuated, and in the final column a list of values under the heading "Estimated Value at evacuation." Is this the list to which you make reference in your statement?

A: Yes, it is.

10 MR. COBUS: I would ask leave to file the chattel statement as one exhibit, along with the list.

(STATEMENT MARKED EXHIBIT NO. 2)

MR. COBUS: The goods, the claimant says, were left in the house No. 19 of the Pacific Coast Cannery, B.C. Packers, Steveston, B.C. and there, too, he says he has allowed for depreciation on all articles claimed.

I think I omitted to ask the claimant whether he could say that the statement and information contained in the list is correct.

20 THE COMMISSIONER: I believe you did, yes.

MR. COBUS: Q: Witness, the statement and list filed as Exhibit 2 -- I am making reference to that now -- is the information contained therein true to the best of your knowledge and recollection?

A: Yes.

MR. COBUS: Would my learned friend produce the Analysis of Personal Property Claim?

(Handed to Mr. Cobus)

30 MR. COBUS: I have had produced the Analysis of Personal Property Claim herein and ask it to be

filed on behalf of the Crown.

(ANALYSIS MARKED EXHIBIT NO. 3)

MR. COBUS: Referring to Exhibit 3, your honour, the Analysis of Personal Property Claim, it might be of some assistance to the Commissioner if I point out that in the third column, under "Details of Claim", the heading "Salmon Fishing Gears," items 2 and 7 have been abandoned. Those are noted on the summary sheet as "No record at any time." However, they have been deleted and are not contained in the list which forms part of Exhibit 1.

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Q: Witness, in this document marked Exhibit 3, there is an item under "Personal Estate," No. 8, which is part of your claim, four beds and four mattresses, which in your list which formed part of your claim you valued at \$65.00; that item is shown by the Custodian as having been abandoned. Can you suggest any reason why those goods would be abandoned by the Custodian?

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A: No, I can't think of anything.

Q: Referring to Exhibit 2, that is, the list which forms part of Exhibit 2, a list of the chattels for which you are claiming, you have stated that you are claiming for four beds and mattresses, that they were purchased in 1939, new, and cost you \$100.00; their condition was good, and you estimate their value at the date of evacuation to be \$65.00. That information is accurate, is

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In Chief

it?

At Yes.

MR. COBUS: I wonder if my learned friend has anything to elaborate that particular item on the Analysis sheet?

MR. McINNES: The abandoned thing you are talking about?

MR. COBUS: Yes, the four beds and mattresses.

10 MR. McINNES: No. Apparently there is a chattel schedule here, your honour, which shows that four beds complete were declared by this claimant, and under the heading "Inventoried by Custodian" is listed two iron beds and spring, which were abandoned. These were apparently found by the Custodian, Mr. C.C. Robinson, in June '42 at house No. 21, Pacific Coast Cannery. Why they were abandoned, I don't know.

MR. COBUS: Thank you. That house number doesn't agree with the house number which the claimant mentions.

20 MR. McINNES: No, that was 19.

MR. COBUS: Your witness.

MR. McINNES: It will be submitted, your honour, that the nets and lines and fishing gear were sold for their fair market value, that is, so many of them as came into the custody or control of the Custodian. It will be further submitted that as many of them as did not, do not therefore come within the Terms of Reference. It will be similarly submitted, with respect to the
30 chattels claim, that such of the chattels as were

found and came into the custody of the Custodian were sold for their fair market value; others either did not come into our custody or, having done so, were of no value.

CROSS EXAMINATION BY MR. McINNIS:

10 Q: Witness, I am producing to you a letter which appears to be written at Minto City, B.C., March 24, 1943. Please look at it and see if that is your signature. A: Yes, it is.

MR. McINNIS: It is dated at Minto City, B.C., March 24, 1943: "Dear Sir or Madam: Your File No. 1225. "I've received your letter of March 20th. If that was the case I am satisfied. So will you please send me the check for the full amount which is credited to my account. In the future if you happen to sell the remainder of my fishing gears, will you please let me know? I thank you."

20 Q: That, I take it, was in answer to a letter which you received from the Custodian dated March 20th, 1943? A: Yes.

(LETTER MARKED EXHIBIT NO. 4)

MR. McINNIS: The letter referred to, your honour, is dated March 20th and is addressed to this claimant.

30 "In reply to your letter of March 18th, we have checked the net you mention, and believe this to be in two pieces. The part sold was probably 4/40 x 8 x 10 - 100 fathoms which we note has been tagged to sell at \$5.00. This

leaves that part, 4/40 x 6 x 50 - 100 fathoms yet to be sold. Trusting that this will straighten out the matter, we are, Yours truly, M. Sullivan, Specified Articles Department."

I might file that also as Exhibit 4, your honour.

Q: You left your nets and lines with the cannery there, is that right?

A: I left them there, yes.

10 Q: Did you give them a list of those nets and lines?

A: I left a list with the B.C. Packers.

MR. COBUS: What was that answer?

THE INTERPRETER: "I left a list with the B.C. Packers."

MR. McINNES: Did he say yes?

THE INTERPRETER: Yes.

MR. McINNES: Q: When did you first let the Custodian know what nets and lines you were claiming?

A: I don't remember.

20 Q: Well, do you remember getting a letter from Mr. Hunter, the Government Counsel, in January of this year? A: Yes.

Q: And this letter reads as follows: "I am Dominion Government Counsel on the above-named Commission. Pursuant to direction of the Commissioner, the Honourable Mr. Justice H.I. Bird, I beg to advise you that insofar as I am able to determine at the present time my reply to your claim will be based upon the following grounds:

30 (1) that your claim is not sufficiently precise

and consequently until specific details are given no proper reply can be made. I should appreciate particulars of same." Do you remember getting that letter? A: Yes.

Q: Did you then reply under date of February the 17th, 1948? A: Yes.

Q: And at that time you did give full details of your claim? A: Yes.

10 Q: And that is the first occasion upon which you gave full details, is it not?

A: No, it is not the first time; I had given it before.

Q: What do you say to that? You say you gave it before? A: Yes, I gave it to the Custodian before.

Q: Yes. Well, now, this wasn't actually your stuff, it was your father's wasn't it?

A: The nets were my own, but the chattels were all my father's.

20 Q: Now, some of your goods were shipped to you, were they not? A: Yes, one trunk.

Q: Is that all? A: I think it was only one trunk.

MR. McINNIS: I think that is all.

MR. COBUS: Your honour, I would like to call particular attention to certain details on the Analysis, which is Exhibit 3. The witness has said that the details of claim were supplied to the Crown in replying to a letter from Mr. Hunter, but obviously that was not the first time the man

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Y. Yoshida
Cross exam

had given details because in column 1, first of all, it would appear --

MR. McINNES: Well, he says that he gave it before to the Custodian.

MR. COBUS: That I just wanted to make very clear, that this is called to the attention of the Commissioner just in case he would require the information as to where he could find it.

MR. McINNES: Yes.

10 MR. COBUS: I think that is perfectly within my rights. You raised the question.

I have nothing further, your honour.

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

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton
G. Hambleton
Official Reporter

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

M.M. Colquhoun
Sub-Commissioner

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DEFENCE BRIEF

Yasunichi YOSHIDA

File No. 1225

Case No. 316

Chattels Only
Grand Forks, B.C.

1/6/48

*Claiming for himself + goods of his father, Yoshida, deceased.
(Died Nov 5/43, Nint
Miss B.C.)*

- Ex. 1 - Claim for nets and list attached.
Ex. 2 - Chattel claim & list.
Ex. 3 - Analysis of personal property claim.
Ex. 4 - Letters between Custodian & claimant.

NOTE: A new analysis of the amended claim has been prepared and is attached to the front of the claim file.

PERSONAL PROPERTY CLAIM

Recapitulation:

Claims \$260.00 for goods sold at auction for \$85.30.

Witness: Mr. Harris, Custodian representative at auction.

" \$380.00 for goods sold by tender for \$202.40.

These were appraised, presumably, by C.P. Leckie but his files show no specific appraisal for them

" \$296.50 for goods declared, not found.

C. C. Robinson took inventory 24/6/42 at House #21, Pacific Coast Canneries. See Memo dated Sept. 17/46 on file.

" \$ 65.00 for goods abandoned.

Mr. Harris - Moved goods to auction.

" \$100.00 for goods shipped.

A trunk was shipped to Mrs. K. Minamide on Sept. 29/43. Apparently this trunk belonged to Yoshida, and Mrs. Minamide wrote Oct. 7/43 stating this trunk had been received but had been broken into.

Summary:

now deceased
Mr. Harris - Custodian representative at auction, etc.

Mr. C.C. Robinson - Took inventory 29 Sept. 42 & abandoned beds. (See Analysis)

Mr. C.P. Leckie - Appraised all nets (but no specific appraisals available). Can give evidence as to deterioration of nets.

Submissions:

- (1) Nets, lines, & fishing gear were sold for their fair market value.
- (2) Those nets, etc. that did not come into the custody or control of the Custodian are not within the Terms of Reference.
- (3) Chattels sold brought fair market value.
- (4) Those chattels which did not come into control or custody of the Custodian are without the Terms of Reference.

HAI/mm

Name of Claimant

YOSHIDA, Yasuichi

Case 316

Custodian File

1225

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
							380.00 189.50			202.40
196.25 ✓										
MISCELLANEOUS CHATTELS										
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
210.00	85.50	25.50	40.61%	299.50	117.56				143.15 ✓	
TOTAL RECOMMENDATION										339.40 ✓

1225

November 7th, 1950

Mr. Yasuichi YOSHIDA,
P. O. Box 57,
Steveston, B. C.

Dear Sir:

Re: Japanese Property Claims Commission

Case No. 316

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 ... \$ 339.40.

Cheque in your favour is enclosed for \$ 309.60 and we have paid the Co-Operative Committee .. \$ 29.80 for legal fees as authorized by you.

Yours truly,

F.G. Shears
Director

FGS:BK
Encl.