Canadian Department of Fisheries
Province of British Columbia

Family Relation	Present Location	Remarks
	Angler No. 101, Ont.	
	Angler No. 101, Ont.	
	Angler No. 102, [illegible]	
	Angler No. 103, Ont.	
	Angler No. [illegible]	

03080

PERSONAL

FILE No. 13080

BUREAU HASTINGS PARK
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: MATSUSHITA, Yasuhiko

HOME ADDRESS: Dyke Rd., (P.O.Box 72) Steveston, B.C. Now in Hastings Park Hospital awaiting evacuation to New Denver, B.C.

REGISTRATION NUMBER 0388I SEX: Male AGE: 23

OCCUPATION: Fish Collector

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

EMPLOYER: B.C.Packers Imperial Cannery, Steveston, B.C.

MARRIED? No

NAME OF WIFE OR HUSBAND: None

ADDRESS OF WIFE OR HUSBAND: None

NAMES OF ANY LIVING CHILDREN: None

ADDRESS OF CHILDREN: None

AGE OF CHILDREN: None

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: Dwelling house on Dyke Rd., Steveston. Lived with parents.

2. LANDLORD'S NAME AND ADDRESS: B.C. Packers, Steveston.

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: Rent paid as per arrangement with Cannery.

4. STATE WHEREABOUTS OF LEASE: None

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) None

6. IF FARM LAND, PARTICULARS OF CROPS SOWN: None

STATEMENT OF PERSONAL PROPERTY OWNED:

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

Boat in custody. Details not known, but not yet sold by the responsible authorities.

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

FORM "JF"

FILE No._____

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 1st. day of October 1942.

(Signature) Yasuhiko Matsushita

B.R. Wilkins

Witness

FOR DEPARTMENTAL USE

13080

INFORMATION FROM R.C.M.P.

DATE May 14/43

Cur File No. 13080

Full Name MATSUSHITA, Yasuhiko
(Surname in Block Letters)

Registration No. 03881 Male - Female (Check) Age Jan. 2, 1919

Former Address P. O. Box 72, Steveston, B. C.

Date Evacuated March 30/43 Naturalized - Canadian-Born (Check) - National

Present Address New Denver, B. C.

Married - Single (Check)

Name of Wife

Name of Husband

Name of Mother OKANO, Harue #03824 Name of Father Tokutaro (dec'd)

Names of Children under 16

Requested by E.C.T. Registered with Custodian (Yes or No)

Additional Information Fish Collector (Imperial Cannery)

NATIONAL REVENUE, CANADA
CUSTOMS AND EXCISE
REVENU NATIONAL DU CANADA
DOUANES ET ACCISE

CANADA

A20

Port of New Westminster, B.C.
Bureau de December 4th, 1948.

F. Matheson,
Office of the Custodian,
Department of the Secretary of State,
506 Royal Bank Building,
Hastings and Granville St.,
Vancouver, B.C.

EVACUATION SECTION
Rec'd DEC 6 1948
File No. 13080
Ans.
Referred Matheson

Dear Sir:

Re: M.V. "CHERUB" N.W. License 1572
Your file 13080, December 3, 1948.

In reply to your inquiry regarding the above-mentioned vessel, it would appear that this vessel was originally licensed by Yoshio Kanda, of Steveston, B.C., on May 20th, 1927, and was sold to Yasuhiko Matsushita, of Steveston, B.C., on July 23rd, 1946, the original license number was retained.

I trust that this is the information you require.

Yours truly,

J.B. Fisher
A/COLLECTOR OF CUSTOMS & EXCISE.
per C.W. Godfrey

EXHIBIT No. 420 - 2
DATE June 23/48
FILED BY Cobus

CANADA

LICENCE

No. 1572 N.W.

Port of Registry,

NEW WESTMINSTER B.C.

THIS IS TO CERTIFY that the Motor Fishing Boat "Cherub"
of which the particulars are herein contained, was this day licensed by me, the Collector of Customs at New Westminster, B.C. under the provisions of Part 1 of the Canada Shipping Act, 1934.

MEASUREMENTS	FEET	INCHES	TONNAGE	NUMBER OF TONS
Length	35	0	Approximate	4
Breadth	8	5	Palmer Motor,	
Depth	4	3	12 H.P.	

NAMES OF OWNERS (OR NAME OF OWNER)	NUMBER OF SHARES HELD BY EACH
Yasuhiko Matsushita, Box 72, Steveston, B.C.	64/64
By Authority of Transport Order No. 160 in 1940 Dated at Ottawa, 3rd August, 1940 "N.W. 035 E"	

Signature A.G. Fadden
REGISTRAR OF SHIPPING
per..."W. Girling".

"Sealed"

Dated this 12th
day of August, 19 40.

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

C. M. B. MacAskill
J. M.

CANADA

EXHIBIT No. 420 - 3

DEPARTMENT OF THE SECRETARY OF STATE June 23/48

FILED BY Cobus

OFFICE OF THE CUSTODIAN

Japanese Evacuation Section.

506 Royal Bank Bldg.,
Hastings and Granville
Vancouver, B.C.

File No. 13080

May 10, 1943.

Mr. Yasuhiko MATSUSHITA,
Registration No. 03881,
New Denver Sanitarium,
New Denver, B.C.

Dear Sir:

In reply to your letter of May 4th in regard to the vessel "Cherub"; the statement requested is as follows:

Selling Price $466.20

Boat Expenses .....$ 63.00
Credit Account of Y. Matsushita 403.20

Yours very truly,

"F. Matheson"

F. Matheson,
Specified Articles Department.

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

W. B. MacAskill

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

CLAIM SETTLEMENT STATEMENT

FILE No. 1120-5
DATE FILED Dec 23/42
FILED BY

FISHING VESSEL: "KUSUNOKI"
REG. OR LIC. No.: No. 1572
NAVAL No.: HM.0362
CLAIM PAYABLE TO: c/o Nelson Bros. Fisheries Ltd.

CLAIM No.: 495-T

OWNER AT TIME OF IMPOUNDING.
Matsushita, Yasunhiko
PRESENT OWNER.

QUANTITY	DESCRIPTION	VALUE ORIGINALLY CLAIMED	ALLOWANCE BY SURVEYORS
1	Compass	15.60	15.60
1	Battery	7.00	7.00
1	Chain	4.50	4.50
1	Generator	19.00	19.00
1	Water Tank	7.50	7.50
1	Anchor Line	5.40	5.40
1	Hatch Covers fitted, supplied by N.S.F. carpenter	12.00	12.00
		71.00	71.00

This is one of fifty-two vessels turned over to Nelson Bros. Fisheries Ltd. under a care and maintenance agreement. Under the terms of this agreement, if Nelson Bros. Fisheries Ltd. supplied missing inventory or repaired damage (shown on report of survey) the cost of this would be allowed as a claim against Naval Service.

No further claim will be allowed against this vessel.

Neither the owner at time of impounding nor any subsequent purchaser has any interest in this claim.

Nelson Bros. Fisheries Ltd. have authorized payment of this claim to ARTHUR W. WATSON.

APPROVED:
(G. W. McPHERSON)
Authorized Deputy of the Secretary of State and/or Custodian

COUNTERSIGNED:
DISBURSING OFFICER, J.P.D.C. PACIFIC COAST.

VANCOUVER, B. C.
DATE:
Dec. 23, 42

RECOMMENDED:
SURVEYOR FOR J.P.D.C.
SURVEYOR FOR NAVAL SERVICE.

I HEREBY CERTIFY THAT THE WORK HAS BEEN PERFORMED, THE GOODS HAVE BEEN RECEIVED, AND THE PRICES ARE FAIR AND JUST.

EXECUTIVE ASSISTANT.

File

EXHIBIT No. 70-6
DATE May 27/48
Brown & Shaw

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

RELEASE AND DISCHARGE

FISHING VESSEL: "CHERUB"

REG. or LIC. No.: NW.1572

NAVAL No.: NW.035-E

CLAIM PAYABLE TO: A. W. Watson

CLAIM No.: 495-C

Owner at Time of Impounding:
Yasuhiko MATSUSHITA, #03881,
File 13080

Present Owner: A. W. Watson

This vessel was released from the custody of the Royal Canadian Navy to Nelson Bros. Fisheries Ltd. on July 31, 1942, under a care and maintenance agreement. Under the terms of this agreement replacements and repairs were effected by Nelson Bros. Fisheries Ltd. In this case, Nelson Bros. Fisheries Ltd. have asked that payment of claim be made to A. W. Watson, purchaser of this vessel.

While in the custody of the Royal Canadian Navy, this vessel suffered loss to the value of $71.00, as assessed by the surveyor for Naval Service, which sum is approved by the undersigned and accepted as adequate compensation.

In consideration of the payment of the sum of SEVENTY-ONE DOLLARS AND NO CENTS ($ 71.00)

(of lawful money of Canada) (the receipt of which is hereby acknowledged), we, the undersigned, being the owners and/or mortgagees, shipyard repairers and all others having any interest, claim or demand against the said motor vessel registered at the Port of New Westminster, B. C. Official or License No. 1572 DO HEREBY RELEASE and forever discharge His Majesty the King, as represented by Royal Canadian Naval Service or any patrol or auxiliary service, acting through or under the authority of Royal Canadian Naval Service, and all boards, commissions or departments of His Majesty's Canadian Government of and from claims which we may now have or which hereafter may arise and which now could or at any time hereafter be made in consequence of damage sustained or any alleged damage sustained, to the above-named motor vessel while in custody of His Majesty's Royal Canadian Naval Service or any auxiliary patrols, commissions, boards or departments hereinbefore named.

AND FURTHER, we covenant that we are the owners and/or mortgagees, shipyard repairers and all others having any interest, claim or demand against the said vessel and are the only parties or persons having any interest, claim, lien, demand or charge over the above-named motor vessel, and should any claim hereafter be made by or through any parties whatsoever, we hereby agree to indemnify and save harmless His Majesty the King as represented by any of the naval services, boards, patrols, departments, or commissions hereinbefore referred to.

AND FURTHER, that this discharge and release enures to the benefit of and is binding upon all the parties hereto, their respective heirs, executors, administrators, assigns, successors and representatives.

DATED at Vancouver, British Columbia, this 2nd day of April 1942.

WITNESS:
Bas H Shaw
Standard Oil
New Westminster

A. W. Watson

EXHIBIT No. 420-7
DATE June 23/46
FILED BY Gibson

PP 2

SUMMARY TAKEN FROM VESSELS RECORDS

Date: October 30, 1944

Name: Yasuhiko MATSUSHITA Reg. No. 03881 File: 13080

Boat File No.: Custodian #13080

Name of Vessel: "Cherub" 35'x8'5"x4'3"(1927) Palmer 12 HP

Lic. or Reg. No.: New Westminster 1572

Naval No.: NW.035-E

Owner's Valuation: $1,400.00

JFVDC Valuation: 518.00 Survey #502 NW

Custodian Valuation: None

Date of Sale: November 9, 1942

Purchaser: Nelson Bros. Fisheries Ltd.

Signature on Sales Papers: Custodian sale

Selling Price: $466.20 ($518.00-10%)

Paid to [redacted] Custodian: 466.20

Supervision Costs: 63.00

Balance due Owner: 403.20

Paid to: Cr. account of Yasuhiko MATSUSHITA

Location of Boat at Sale: Nelson's wharf

Claims Against Canadian Govt.:

Claim #495 - Nelson Bros. Fisheries Ltd. - $71.00 (Unpaid)

A.C. Reg. 6887 - apr 27/46
Custodian
JM

Additional Information:

J M Watchman
aug 5/46

Extract from notebook of O.W.Phillipson, appraiser for Japanese Fishing Vessels Disposal Committee. Mr. Phillipson was employed as appraiser during the period March and April, 1942. This survey, number 502-New Westminster boats, would likely have been made early in April, 1942.

Packer
1927 Cherub NW 036 E

Cond -

Damage - Med ($50) - Badly chafed & Guard rails broken

Boat new 950

Eng " 700 P.12

Ex " 150

Value 1800

Value 1942 $450

($518.00)

Boat in need extensive repairs

Note: The damage referred to would be new damage that might have occurred after boat was surrendered to the Naval Service.

$518.00 was the "suggested negotiating price" of the Japanese Fishing Vessels Disposal Committee.

/ms

New Denver San.,
New Denver, B.C.
May.5,1944.

EVACUATION SECTION
Rec'd MAY 8 1944
File No. 13080
Ans. R&D
Referred Dusenbury

Mr. Dusenbury,
Claims Department,
Office of the Custodian,
506 Royal Bank Bldg.,
Vancouver, B.C.

Dear Sir:-

Your letter of April 28th, received April 30th.

At present I cannot say what I can do, concerning w with the matter which you have notified me. Only I wish for you to understand that when I was admitted to St. Josephs Hospital it was not my wish that I admitted myself to that hospital. I made myself clear to the offical at the office of the Provincial Board Of Health that I am unable to pay the hospital fee.

I am still a patient at this Sanitorium.

Yours very truly,

Yasuhiko Matsushita

13080

May 8th, 1944.

Mr. J.G. McRae,
Collector of Institutional Revenue,
Court House,
Vancouver, B.C.

Dear Sir:

re: $639.00 - Yasuhiko MATSUSHITA

We have submitted the above claim to MATSUSHITA for payment and have received the following reply:

"At present I cannot say what I can do, concerning with the matter which you have notified me. Only I wish for you to understand that when I was admitted to St. Josephs Hospital it was not my wish that I admitted myself to that hospital. I made myself clear to the offical at the office of the Provincial Board of Health that I am unable to pay the hospital fee. I am still a patient at this Sanitorium."

There is a small balance of $23.90 to his credit here, but no record of other assets from which funds may be derived. This is the only claim lodged against him.

In view of the foregoing it is obvious that we are unable to make collection at this time. Should you think it desirable to write to him direct, his address is:

Registration No. 03881,
New Denver Sanitorium,
New Denver, B.C.

In the meantime we shall discontinue further action.

Yours truly,

BRANDE

B. R. Dusenbury,
Claims Department.

File No. 13080.

CLAIMS DEPARTMENT April 26th, 1944.

Yasuhiko MATSUSHITA - Reg. No. 03881

CREDITORS:

Prov. Board of Health (T.B. Unit) ..... $639.00 O.K.
Nothing paid on account

Make sixth address

Credit account as at April 26/44 - $23.90.

/DE

No further action by Claims
8-5-44
D

13080 22nd April, 1948.

PERSONAL PROPERTY CLAIM

CLAIMANT Yasuhiko MATSUSHITA Regn No 03881

CLAIM Motor Fishing Vessel "Cherub"

Est. value	$900.	
Cstdn cr	403.20	ø
CLAIM	$496.80	

(ø - Gross sales price $518.00)

REFERENCES HISTORY

PP.1 Japanese owner registration form notes vessel:

TYPE:	Packer
DIMENSIONS:	35' x 8'5" x 4'3" depth
ENGINE:	Palmer 12 HP
HULL BUILT:	1927
PRESENT VALUE:	$1400.00

PP.2 Cstdn brown-edged Summary notes:

JFVDC VALUATION:	Survey #502 NW	$518.00
CSTDN "	: Nil	
DATE OF SALE	: 9 Nov 42	
SALES PRICE	: $518.00	

This vessel sold through Nelson Bros. Fisheries. That firm granted 10% comm., making the amount paid to the Cstdn $466.20. Administrative expenses charged by Cstdn $ 63.00 leaving a net credit to Matsushita of $403.20

PP.3 Matsushita advised 10 May 43 by Cstdn that vessel sold for $466.20 (Actually $518.00 less 10% comm $466.20)

PP.4 Matsushita letter 14 May 43 states JFVDC appraisal $566.00

PP.5 Matsushita wrote Cstdn re damage to vessel while under care of Navy. Claim Settlement Statement included herewith in case question arises.

NOTE - MATSUSHITA OWED BC PROV. BOARD OF HEALTH $639.00 AS AT 26 APR 44. In case of adjudication in his favour, this claim should be reviewed.

JC/..

Name of Claimant HATSUMITA, Yasuhiko Case 420

Custodian File 13080

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	

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	
		166.20	109.55		71.00			180.55

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	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	

TOTAL RECOMMENDATION	180.55

1540

Defence Brief

Yasuhiko MATSUSHITA

File No. 13080

Case No. 420

NEW DENVER
23 June 1948

PERSONAL PROPERTY CLAIM

(All claims shown are Gross)

Fishing Vessel

Claim	Appraised at	Sale Price
$900.00	$450.00 (Phillipson)	$466.20 ($518.00-10%)

Claimant stated that he bought this vessel in 1940 for $1,200.00. Claim (Exhibit #1) states boat approx. 7 years old at time of purchase. Transcript P.5,L.10, Mr.Cobus says, approx.3 years old in 1940.
Boat licence New Westminster 1572. Licences numbered consecutively. Licence 1572 is of series issued at Port of New Westminster in May, 1927. Formerly it was possible when boat changed hands for new owner to retain old licence number on licence issued to him. Licence number indicates boat at least 13 years old when purchased in 1940. This agrees with information given to J.F.V.D.C. in 1942 - see "catalogue sheet".

This vessel appraised by O.W.Phillipson at $450.00. J.F.V.D.C. price was $518.00. (15% above appraisal). Boat among those in custody of Nelson Bros. Fisheries Ltd. Custody agreement gave Nelson Bros. Fisheries Ltd. right to purchase at deduction of 10% from JFVDC price.

It is submitted that this vessel was sold for its fair market value.

Evidence required

Custodian was asked to try to produce the following information- When was the vessel damaged, when was it appraised and when was this settlement of claim for $71.00. (Trans. Page 11)

N.B. Phillipson's survey report (March or April,1942) shows minor damage. Survey July 15,1942 (Naval surveyor and Nelson Bros. representative) shows no damage. Minor repairs made to boats by Naval personnel - no record of boats thus repaired. Equipment claim of $71.00 paid to A.W.Watson on instructions of Nelson Bros. Fisheries Ltd. April 24,1945. Payment from Naval Claim Funds.

BMP/FM

Case No.420 - Yasuhiko Matsushita, File 13080

Boat Claim: "Cherub" New Westminster 1572
35' x 8'5"x4'3", equipped with 12 HP Palmer gas engine.
Purchased used (7 yrs. old approx.) at $1,200.00
Boat equipped with usual standard gear when surrendered.

Gross claim: $900.00

Sale: This was one of the boats turned over to Nelson Bros. Fisheries Ltd. by the J.F.V.D.C. Sold at JFVDC price less 10%.

Date:	Nov.9,1942	
Location:	Nelson Bros.Wharf	
Purchaser:	Nelson Bros. Fisheries Ltd.	
Sale:	$518.00 less 10% - $466.20	
Expenses:		63.00 (proportionate share)
Net Credit:		403.20

Valuation: Phillipson: $450.00 - JFVDC "suggested negotiating price" -$518.00
No valuation by Gould.

Damage: Phillipson in his survey mentioned minor damage to hull of boat. No reference to this is made in the report of the survey made by the Naval surveyor,and representatives of Nelson Bros. Fisheries and B. C. Packers Ltd. on July 15, 1942. Naval shipwrights and motor mechanics repaired minor damage to the boats in custody. There is no record of what boats were repaired by Naval personnel. It is probable that this boat was among those thus repaired.

Loss: There is no record of what equipment was on this boat at time of surrender to Navy. At the time the boat was turned over to Nelson Bros. a survey was made and essential equipment missing was listed. Claim for $71.00 for this missing gear was filed by Nelson Bros. Fisheries Ltd. under terms of the agreement by which they ~~xx~~ took custody of the boats. At request of Nelson Bros. Fisheries Ltd. this claim was paid to A.W.Watson.

Age: Claimant states boat approx. 7 yrs. old when purchased in 1940.
Claimant has filed (Exhibit #2) the licence New Westminster 1572.
This licence was issued originally in May, 1927, and was reissued to Yasuhiko Matsushita on August 12, 1940.
In 1940, this boat would have been at least 13 years old not 7.
See also JFVDC "catalogue sheet"-information supplied by owner in 1942
Age at time of sale: 15 years, at least.

Expenses: This boat was in the care of Nelson Bros. Fisheries Ltd.~~xxxx~~ from July, 1942, to time of sale. Custodian expenses in connection with this particular boat probably Nil. Expenses charged were proportion of the ~~xxxx~~ total expenses incurred in connection with Custodian boats.

/~~xx~~

CASE NO. 481

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

[redacted]

Y. Matsushita
In Chief.

MR. COBUS: The claim, your honour, of Yasuhiko Matsushita, No. 37 on the Secretary's list.

YASUHIKO MATSUSHITA, the claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. COBUS: This, your honour, is a claim for a fishing vessel and was shown under 4 (e) which probably is not where it ought to be, so if your honour, would place the claim under 5 (e) as a fishing vessel valued at $900.00 and show a credit of $466.20, that would probably be where the claim ought to be. That leaves a net claim of $433.80.

Before proceeding with the claim, this is one of those unhappy situations where the Custodian certainly produced what we term a blank file. I am instructed that it merely contained the J.P. form and the claim form itself. I just want it on the record that we complain about that attitude.

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, I produce to you a statement concerning the vessel for which you have submitted a claim. Did you instruct Mr. Leckie to prepare this statement for you and is that your signature?

A: Yes.

Q: Is the information contained therein true to the

best of your knowledge and recollection?

A: Yes.

MR. COBUS: I would ask to file the statement concerning the vessel, your honour.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: Witness, I produce to you a license form from the Port of Registry of New Westminster, B.C., and signed for A.G. Paddem, Registrar of shipping, dated the 12th of August, 1940. Of what is that a license?

A: It is a boat registry of New Westminster.

Q: For what boat?

A: For my boat, the "Cherub."

Q: And that is the boat for which you are making a claim now?

A: Yes.

THE COMMISSIONER: That is Exhibit 2.

(LICENSE MARKED EXHIBIT NO. 2)

MR. COBUS: Was this boat, witness, what you usually calls licensed boat or registered boat?

A: That was registered in the Port of New Westminster.

Q: Yes, but it is not the type of vessel that is usually granted a registration number, is it; this is a license number, not a registration number, isn't that correct?

MR. MACDONALD: I guess he doesn't know.

MR. COBUS: Maybe he doesn't know. It doesn't matter; I think that will be apparent.

MR. COBUS: In the statement marked Exhibit 1, your

honour, the witness says that this vessel was known as the "Cherub", being a 35 foot vessel, equipped with a 12 horsepower Palmer gas motor. It was a packer four ton type of vessel and it is shown that the registry number is 1872, New Westminster, B.C. It may well be that it was registered as well as licensed. However, the statement goes on to say that it was purchased on August 12, 1940 in a used condition, it being three years old approximately. He paid $1200.00 for it. The maintenance work which he did on the vessel was the usual scraping and painting twice annually -- or annually, I should say. When surrendered to the Navy, he says the condition of the vessel was good, and he estimates its value to have been $900.00. As to improvements, he says that in 1940 he overhauled the engine, recalking and engine repairs were also done in that year, and generally the repairs cost him $50.00, so that the total improvements there would be $275.00.

With respect to the gear on the boat, he says that the boat was equipped with the usual standard gear when surrendered to the Navy, and that it was turned into the Navy at Steveston, B.C. in December of 1941. He says that he got a statement from the Custodian dated May 10, 1943, showing that he, the Custodian, had sold his vessel for $466.80, that he had charged the claimant $63.00 for boat expenses and credited

the claimant's account with $405.20. He considers that the sale at this price, or at this figure, not knowing the actual date of the sale, but presuming it was in 1945, was much below a fair value. He thinks that the vessel was worth at least $900.00 when sold by the Custodian.

Q: Witness, I produce to you a letter typed on the stationery of the Department of the Secretary of State, Office of the Custodian, dated May 10, 1945, addressed to yourself and signed by F. Matheson, Specified Articles department. Did you receive this letter from the Custodian?

A: Yes, sir.

Q: This is the letter to which you referred in the statement marked Exhibit 1, is that correct?

A: Yes.

MR. COBUS: I would ask to file that.

THE COMMISSIONER: That will be Exhibit 3.

(LETTER MARKED EXHIBIT NO. 3)

MR. COBUS: Q: Now, witness, I show you a letter again on the stationery of the Department of the Secretary of State, Office of the Custodian, dated May 20, 1945, signed for F. Matheson. Did you receive this letter from the Custodian?

A: Yes.

Q: And was it a letter in reply to a letter of yours? You had better read it.

A: Yes.

Q: You had written the Custodian about what? I

seem, why did you write the Custodian which brought fomthis answer?

A: I asked my brother to write and see what happened to my boat.

Q: You wanted to know what happened to your boat?

A: Yes.

Q: Did you get any other information than that contained in this letter?

A: No. I think I got another letter that notified me when it was sold, but I lost that letter.

Q: You lost that letter.

A: Yes.

MR. COBUS: I would ask leave to file the letter dated May 20, 1945, your honour.

THE COMMISSIONER: Exhibit 4.

(LETTER MARKED EXHIBIT NO. 4)

MR. COBUS: Perhaps my friend can, now that the complete file is there, give me the information as to the exact date of sale of the vessel? Perhaps before getting that information, your honour, may I have the letter which is the last exhibit? I want to call attention to the second paragraph of this letter. Perhaps I should read it; it is a very short letter, and it reads as follows: "Dear Sir: In reply to yours of May 14th, I wish to advise that your vessel was sold at the value placed on it by the Japanese Fishing Vessels Disposal Committee.

"Any damage suffered by this boat while in Naval custody was made good."

MR. MACDONALD: I have a statement here that will explain that.

MR. COBUS: Perhaps you can explain that paragraph.

MR. MACDONALD: Yes. I presume, your honour, that this vessel was in the hands of the Navy and that it suffered damage while they had the use of it to the extent of $71.00, and there is a statement here filed showing how this damage was made up, and the damage was not charged to the claimant. I think that should be filed. And there is also a release and discharge. They are altogether. The main thing is that the claimant was not charged with that $71.00 that was the amount of the damage to the vessel.

MR. COBUS: Well, perhaps my friend would produce the appraisal by John Gould.

MR. MACDONALD: It wasn't Gould, it was the committee that appraised it.

THE COMMISSIONER: The Disposal Committee.

MR. MACDONALD: You just read that yourself.

THE COMMISSIONER: The fishing vessels disposal committee.

MR. COBUS: That is so, but I have yet to find a Custodian sale that is not backed by a John Gould appraisal. I merely asked. If there isn't one, there isn't one.

MR. MACDONALD: There isn't one here.

MR. COBUS: Perhaps my friend can indicate the date of the appraisal by the Japanese Fishing Vessels Disposal Committee.

Y. Matsushita
In Chief

MR. MACDONALD: The only thing I have here, your honour, is JFVDC Valuation, Survey No. 502, N.W., $518.00, less 10% which was commission, I presume.

MR. COBUS: You don't say what that 10% was?

MR. MACDONALD: It seems that this boat, along with numerous others, was turned over to Nelson Brothers Fisheries. I believe that is set out in one of those documents, and the boat was sold by them and they get a 10% commission. But the price was $518.00, at which it was appraised by the committee and by deducting 10% of that you come to $466.00 that was accounted for, and the date of sale is November 9, 1942.

MR. COBUS: November 9, 1942.

MR. MACDONALD: Yes. It is all set out here, your honour. This vessel was sold through Nelson Brothers Fisheries, and that firm was granted a 10% commission, making the amount paid to the Custodian $466.20. Administration expenses charged by the Custodian were $88.00, leaving a net credit, after taking those expenses off, to Matsushita of $405.20.

MR. COBUS: That is the same as the letter we have already filed, but not with any details; these are the first details we have had.

THE COMMISSIONER: No, that letter hasn't been filed.

MR. MACDONALD: No, this is another memorandum.

MR. COBUS: No, what I am saying is that the letter

we have filed was a letter received by the claimant which gave him the total or gross selling price less expenses with no indication of what the expenses were.

MR. MACDONALD: It is called "Supervision Costs" at $63.00 in this memorandum I have here.

MR. COBUS: Supervision costs.

MR. MACDONALD: Supervision costs.

MR. COBUS: I have had produced what is headed a Japanese Fishing Vessels Disposal Committee Claim Settlement Statement, and it concerns the vessel "Cherub" and the number of the vessel agrees with the vessel which is the subject of the claim. It indicates the gear that was on the vessel and the value originally claimed and the allowance by surveyors, and this note is on the form: "This is one of fifty-two vessels turned over to Nelson Brothers Fisheries Limited under a care and maintenance agreement. Under the terms of this agreement, if Nelson Brothers Fisheries Limited supplied missing inventory or repaired damage (shown on report of survey) the cost of this would be allowed as a claim against Naval Service. No further claim will be allowed against this vessel. Neither the owner at time of impounding nor any subsequent purchaser has any interest in this claim. Nelson Brothers Fisheries Limited have authorized payment of this claim to Arthur W. Watson." It is signed for the Custodian and dated December 11, 1942.

MR. MACDONALD: I presume Watson was the purchaser.

MR. COBUS: Oh, yes, Watson was the purchaser. He gets the benefit of the claim, but why this should be on Japanese Fishing Vessels Disposal Committee forms signed by the Custodian on December 11, 1942 is beyond me.

MR. MACDONALD: That is signed by the Custodian, is it?

MR. COBUS: It is also signed by Mr. Murphy, Surveyor for Naval Service.

MR. MACDONALD: I take it that this was work that was done on this vessel to replace things that were damaged or lost while it was in Naval service and, as this says "No further claim will be allowed against this vessel," I took it from that that that was all that the naval services was going to be responsible for.

MR. COBUS: I think that is clear.

MR. MACDONALD: We must take into consideration the fact that it is signed by the Surveyor for Naval Services as well as by Mr. McPherson. That can be explained later.

MR. COBUS: Your honour, what I am trying to find out, if I can make myself clear, is when was the vessel damaged; when was it appraised and when was this settlement of claim?

THE COMMISSIONER: According to Mr. MacDonald, he says he hasn't got it.

MR. COBUS: Well, your honour, as I pointed out, as I have seen nothing of this file -- the Custodian

gave us a J.P. form and a claim form -- if he chose to hide the remainder of his stuff in that envelope, it is certainly --

THE COMMISSIONER: I don't think there is any question of hiding anything; they probably didn't just put it in, that's all. If Mr. MacDonald hasn't got it, I don't know what he can do.

MR. COBUS: Except that I would ask my friend to give it to us.

THE COMMISSIONER: He can't undertake to give it to you because he doesn't know whether it exists or not. He can make an attempt to get it for you.

MR. COBUS: If it is available and before the hearings in Vancouver. We have done that in the past, your honour, and that is common practice.

THE COMMISSIONER: Yes.

MR. MACDONALD: Your request will appear on the record now, and I presume it will be dealt with.

MR. COBUS: I am asking to file this claim settlement form, on behalf of the crown.

(FORM MARKED EXHIBIT NO. 5)

MR. COBUS: I would file the release and discharge form signed by the purchaser of the vessel, A.W. Watson, dated the 24th of April, 1945.

(FORM MARKED EXHIBIT NO. 6)

MR. COBUS: Your witness.

MR. MACDONALD: I submit, your honour, that this vessel was sold at its fair market value.

There is some material here taken from the vessels records, your honour, that I think should

be filed as well. I think it will clear the situation up a little. It is a summary taken from the vessels records. It might help to clear up some of these matters that are not so clear.

(SUMMARY MARKED EXHIBIT NO. 7)

MR. MACDONALD: This document shows that the sale of the vessel was November 9th, 1942. I have nothing further, your honour.

MR. COBUS: No more questions, your honour.

THE COMMISSIONER: Yes, that is all, thank you.

(witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify that the foregoing purports to be a true and accurate record of the evidence adduced before me.

H.W. Colgan
Sub-Commissioner.

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

Gordon Hambleton

G. Hambleton,
Official Reporter.