

14788

OFFICE OF THE CUSTODIAN
JAPANESE SECTION

K. A. B. L. I. N. E.

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: Seijiro Kobayashi

HOME ADDRESS: 3306 West Broadway Vancouver B.C.

REGISTRATION NUMBER OH 321 SEX: Male AGE: 56

OCCUPATION: Masseuse

(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:

MARRIED? Yes

NAME OF WIFE OR HUSBAND: Shizuko Kobayashi

ADDRESS OF WIFE OR HUSBAND: 3306 West Broadway Vancouver B.C.

NAMES OF ANY LIVING CHILDREN: Yoko Kobayashi Yoichi

Kiyoji Junko

ADDRESS OF CHILDREN: 3306 West Broadway Vancouver B.C.

AGE OF CHILDREN: 13, 13, 11, 9.

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

1. LOCATION AND DESCRIPTION:

2. BUILDINGS AND OTHER IMPROVEMENTS:

3. INSURANCE (Give particulars; state where policies are)

Canada Sun Life
insurance Co. of Canada

4. TAXES (Amount and where payable)

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

6. OCCUPANCY AND LEASES (If vacant so state)

STATEMENT OF REAL PROPERTY OCCUPIED

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: _____
8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: _____
9. IF FARM LAND STATE CROPS SOWN _____

2. LANDLORD'S NAME AND ADDRESS: _____

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

4. STATE WHEREABOUTS OF LEASE: _____

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) _____

6. IF FARM LAND, PARTICULARS OF CROPS SOWN: _____

STATEMENT OF PERSONAL PROPERTY OWNED:

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

an automobile

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS _____

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR

CLAIM ON ANY SUCH PROPERTY _____

4. INSURANCE CARRIED ON ABOVE PROPERTY: _____
5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS: _____
6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom): _____
7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts) _____
8. BANK ACCOUNTS: _____
9. LIFE INSURANCE: *for \$ 1000.00*
10. INTEREST IN ANY ESTATES OR TRUSTS: _____
11. SAFETY DEPOSIT BOX: _____

LIABILITIES:

1. PERSONAL DEBTS: *for two (2) months house Rent \$40.00 (\$20.00 per month) from house owner 3306 W. Broadway*
2. TRADE DEBTS: _____

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 *1* day of *August* 194*3*

(Signature)

S. Kobayashi

Shotaro Yamasaki
Witness

FOR DEPARTMENTAL USE

PQ
INFORMATION FROM R.C.M.P.

Date July 12, 1943.

Our File No. 14788

Full Name KABAYASHI Seijiro
(Surname in Block Letters)

Registration No. 04321

☒ Male - Female
(check)

Age Jan. 1, 1886

Former Address

3306 Broadway St. City

Date Evacuated

20/3/42

Naturalized - Canadian-Born - National
(check)

Present Address

Senor Creek, Hlocan, B.C.

☒ Married - Single
(check)

Name of Wife

826/ # 04320
(FURAYA) Shikens

Name of Husband

Name of Mother

nee
(NISHIOKA)

Name of Father

Seiichi (Heid)

Names of Children under 18

Chieno (Heid)

(see over)

Requested by Mary Campbell

Registered with Custodian

(Yes or No)

Additional Information

Massesur. Owner of Car.

March (m) Apr. 28/1930
April (f) Apr. 28/30
May (m) Apr. 17/32
June (f) June 9/35

EXHIBIT No. 124P-6
DATE NOV 15 1946
FILLED BY R. D. Blair

PERSONAL PROPERTY SUMMARY

File No. 14788

October 24, 1946.

Re: Seijiro KOBAYASHI, Reg. No. 04321

This man signed a declaration to the Custodian on August 1, 1943.
He had been evacuated on March 3, 1942.

In his declaration KOBAYASHI reported ownership of an automobile.
A Chevrolet Sedan, surrendered by KOBAYASHI, was sold by the Custodian on
April 7, 1943. The net proceeds of this sale amounted to \$201.17, which
was credited to the account of this man.

His wife had declared a claim of \$130.00 against Hikozo NAKAMURA.
NAKAMURA acknowledged owing KOBAYASHI \$80.00, and this sum, at the request
of Mrs. Hikozo NAKAMURA, was paid from her funds to Seijiro KOBAYASHI and
credited to his account with this office on August 2, 1945.

KOBAYASHI reported a Sun Life Assurance Co. policy of \$1,000.00.
Premiums on this policy were paid from his account, as shown on the statement
below.

Credit from sale of car	201.17	
" from payment of account receivable	80.00	
Debit Payment of debt	40.00	
" " Insurance Premium June/44	21.52	
" " " " Dec./44	28.20	
" " " " June/45	21.06	
" " " " July/46	28.20	
" Remittance Aug. 20/45	30.00	
	168.98	281.17
October 24/46 Credit Balance		<u>\$112.19</u>

This file reveals no real property interest.

This file reveals no other personal property of any kind.

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

J. Markham
October 24, 1946.

/FM

MEMORANDUM to File 14788

April 20, 1944

Re: Seijiro KOBAYASHI, Reg. 04321, & Car #87

<u>Article</u>	<u>Description</u>
Motor Vehicle	1938 Chevrolet Sedan License No. 78887(1942) Serial No. 8121988343 Engine No. 1057256

Sold to Cyril T. Pitt, April 7, 1943

Selling Price:	\$257.00
Expense:	<u>55.83</u>
Balance	\$201.17

Drachman
Oct 24/46

DATE NOV 1 5 1942FILLED BY R. G. L. Hinchelton

ROYAL CANADIAN MOUNTED POLICE

Signature No. 67

FOR USE WHEN APPLICABLE

EXHIBIT REPORT

Detachment File No.
 Sub-Division File No.
 Division File No.
 Headquarters File No.

E269-6-13-3

Detachment
 Sub-Division
 Division (E)
 Date

March 11th

19 42

RE: **Seigoro A KOBAYASHI 3306 W Ninth Ave Vancouver B C.**
NAME OF FILE

On **March 11th 1942, I Goodfellow K E**
MEMBER'S NAME

Came into possession of the following goods by:-

Surrender under O.I.C. P.C. 1486

STATE BRIEFLY AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.

NO. OF PAGES	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS DETAILS TO BE GIVEN IN FULL
	LICENSE NO. MAKE & MODEL SERIAL NO. ENGINE NO. SPEEDOMETER READING CONDITION	(42) 78887 Chev Sedan 38 6121988343 1057256 24380 Fair
	EXTRA EQUIPMENT	Nil
	DESCRIPTION & CONDITION VERIFIED	Bumper Broken Left Fender Broken
	Signature of Owner Japanese Registration No.	04321
	Handed over to representative of Custodian whose signature in receipt thereof appears hereunder	
	DATE:	March 11/42.
		SIGNATURE OF MEMBER SUBMITTING REPORT

April 20, 1944.

To: Accounting Department

From: F. Matheson

Re: Custodian Car #57

This car was sold for \$257.00 on May 7, 1943. Expenses amounted to \$55.83, and the balance of \$201.17 was transferred to Seigiro A. KOBAYASHI, Registration No. 04320, File 8261.

This registration number and file belong to Shikeno KOBAYASHI (Mrs. Seijiro).

Will you, therefore, transfer this money to the account of Seijiro KOBAYASHI, Registration No. 04321, File 14788?

LIABILITY SUMMARY

File No. 14788

October 24, 1946.

Re: Seijiro KOBAYASHI, Reg. No. 04321

This file reveals one claim, that of Eccles Realty for \$40.00.
This claim was paid at KOBAYASHI's request on May 4, 1944.

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

Matthews

October 24, 1946.

/m

14783

April 21st, 1944.

Mr. Seijiro KOBAYASHI,
Registration No. 04321,
Lenox Creek,
Slocan, B. C.

Dear Sir:

With reference to the postscript in our letter of the 17th instant we find that inadvertently Mrs. Kobayashi had been credited with the proceeds of the sale of your Chevrolet Sedan car, and there is a credit balance therefore in your account of \$201.17.

We await your confirmation that the claim of the Eccles Realty Company for two month's rent of \$20.00 per month from the 25th February 1942 to 26th April 1942 is correct, and that we may settle this long outstanding claim. If, however, you have already paid this amount please give us the particulars.

Yours truly,

P. Doust,
Administration Department

PD/ER

14788

October 26, 1946.

Mr. Seiji KOBAYASHI,
Reg. No. 04321,
c/o Mr. H. C. Nichols,
BLENHEIM, Ont.

Dear Sir:

Attached hereto is Custodian cheque for the sum of \$112.19, representing all the funds standing to your credit with this office.

Statement of your account is as follows:

Credit from sale of motor-vehicle		201.17
* Settlement of Debt Mrs. Kono NAKAURA		80.00
Debit Payment to Eccles Realty Co.	40.00	
* Sun Life Assurance premiums	98.98	
* Remittance to yourself	10.00	
	<u>168.98</u>	<u>221.17</u>
Credit Balance	<u>112.19</u>	

As no funds remain in your account, and no property identified as belonging to you remains under the control of the Custodian, your account with this office is being closed.

Yours truly,

F. Matheson,
Office of the Custodian.

/FM
Enclosure

14788

December 17, 1945.

Mr. Seijiro KOBAYASHI,
Reg. No. 04321,
c/o Mr. S. C. Nichols,
BLSHEIM, Ontario.

Dear Sir:

As requested in your letter of November 25th, we enclose
Custodian cheque for the sum of \$50.00.

Your file shows that the sum of \$201.17 was credited to
your account from the sale of your motor-vehicle.

From these funds the following payments were made at your
request: On May 4, 1943, the sum of \$40.00 was paid in full settlement of
your indebtedness to Eccles Realty Company; on December 8, 1944, the sum
of \$28.20 was paid to the Sun Life Assurance Company to cover premium due
on your life policy; on June 1, 1944, the sum of \$21.52 was paid to the
Sun Life Assurance Company to cover premium on your life policy; on June 8,
1945 and on January 5, 1946, payments of \$21.06 and \$28.20, respectively,
were made to cover premiums due on your life policy.

The sum of \$30.00 was credited to your account from payment
authorized by Mrs. Kose NAKAMURA to apply on your claim against Mr.
Hikoso NAKAMURA, on August 2, 1945.

On August 20, 1945, a remittance of \$30.00 was made to you,
leaving in your account the sum of \$112.19. Cheque for \$112.19 sent to you
on October 28th has been returned and has been redeposited. The enclosed
cheque for \$50.00 leaves in your account the sum of \$62.19.

Yours truly,

F. Matheson,
Office of the Custodian.

/TM
Enclosure

Date

1943 December 28

1944 Nov 8

June 5
December 1

December 9

1945 June 17

August 19

August 22

1946 January 6

October 8

December 3

December 18

Particulars

Sei11ro KOBAYASHI

Proceeds OR sale

Pacific Realty Corp. - Rent claim
 Sun Life Assurance

Assurance

Sun Life Assurance
Payment on account claim H. Nakamura
Cheque to you

Payment on Assurance

enque to you

100

Life Assurance
Chemical

Chemie

Check to you
recredited to account

Debit

Credit

Balance

File No. 14788
Reg. No. 04321

Reg. No. 04327

10

201.17

40.00

21.52

28.20

21.06

30.00

80.00

28.20
112.19

112.19

50.00

112.19

331.17

393.36

CR \$ 62.19

Accounting Department
July 21st, 1948

July 21st, 1948

14788

April 20, 1944.

Mr. Seijiro KOBAYASHI,
Registration No. 04321,
Lemon Creek,
Slocan, B. C.

Dear Sir:

Re: 1938 Chevrolet Sedan
Custodian #87

This is to advise you that this motor vehicle
was sold for the total sum of \$257.00.

Expenses incurred in connection with this
vehicle amounted to \$55.83.

The balance of \$201.17 has been placed to
your credit in the Custodian trust account.

Yours very truly,

F. Matheson,
Specified Articles Department.

(Information supplied by Ins. Co.)

LIFE INSURANCE

Name Mr. Seijiro KOBAYASHI

File No. *1st 788* N R Wife's file
8261

Reg. No. *04321*

Company Sun Life

Agency Vancouver

Policy No. 836878

Premium - \$ 28.20

Payable: Annually, Semi-^Xannually or monthly

Month June Day 1

REMARKS:

Letter sent 24/9/43

DEC 10 1947

IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

TO: The Commissioner,
Office of the Custodian,
Royal Bank Bldg.,
Vancouver, B.C.

14788

Pursuant to the notice issued on the 26th day of September, 1947, I submit the following claim:

- (1) NAME KOBAYASHI SEIJIRO (RCMP) Reg. No. 04321
(Print) Surname Given Name
- (2) Pre-Evacuation Address 3306 W. BROADWAY AVE., VANCOUVER B.C.
- (3) Present Address NIAGARA CANNING COMPANY, LAKESHORE ROAD, NIAGARA-ON-THE-LAKE, ONT.
- (4) REAL ESTATE
- (a) Street Address (if any) _____
City or Municipality, _____ Province _____
- (b) Legal description (lot number, block number, section number, etc.) _____

- (c) Type of Real Property (cross out words which do not apply):
(i) ~~Farm~~
(ii) ~~Residence~~ Type of business MEDICAL TREATMENT
(iii) ~~Business~~
(iv) Any other type of property (describe) _____
- (d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) SOLE OWNER
- (e) Fair market value at date of sale (estimate this to the best of your ability):
(i) Land - - - - - \$ _____
(ii) Buildings - - - - - \$ _____
(iii) If business, put value on business as going concern
(including land and buildings, tenancies, chattels,
fixtures, stock-in-trade, goodwill and accounts re-
ceivable) - - - - - \$ 600.00
(iv) Total value (if you cannot give separate values for lands and buildings just
fill in total value) - - - - - \$ _____
(v) Amount at which ~~Custodian sold property~~ ^{FORCED SALE} and credited your account - - - \$ 115.00
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 485.00
- (5) PERSONAL PROPERTY
- (a) Place or places at which property was left by the claimant at date of evacuation _____
- (b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) _____
- (c) How stored or packed at time of evacuation _____

(over)

(d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care".)

(e) Itemized description of personal property which is the subject of the claim:

1.	Estimated Value \$ 900.00
2.	Estimated Value \$
3.	Estimated Value \$
4.	Estimated Value \$
5.	Estimated Value \$
6.	Estimated Value \$
7.	Estimated Value \$
8.	Estimated Value \$
9.	Estimated Value \$
10.	Estimated Value \$
TOTAL CLAIM FOR PROPERTY LOSS \$	

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e)) \$ 1083.53

(g) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.)
(b) Do you require the services of an interpreter at the hearing? Yes or no No

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA

Province of Ontario

TO WIT:

I, SEIJIRO KOBAYASHI

of Niagara

DO SOLEMNLY DECLARE THAT:

The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

DECLARED before me at the City

of St. Catharines

in the County of Lincoln

this 4th day of December

A.D. 1947.

A Commissioner etc.

N.B.—THIS FORM FULLY COMPLETED AND SWORN BEFORE A COMMISSIONER SHOULD BE MAILED BY REGISTERED MAIL TO THE COMMISSIONER, c/o THE OFFICE OF THE CUSTODIAN, ROYAL BANK BLDG., VANCOUVER, B.C., BEFORE NOVEMBER 30th, 1947. IF YOU CANNOT MAIL IT BEFORE THIS DATE SET OUT BELOW REASONS FOR THE DELAY.

Name of Claimant

KOBAYASHI, Seiji

Case 1246

Custodian File

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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			
297.00	64.25						SPECIAL			290.00 64.25
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										264.25

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November 9th, 1950.

Mr. Seijiro KOBAYASHI,
342 Berkeley Street,
Toronto, Ontario.

Dear Sir:

Re: Japanese Property Claims Commission

Case No. 1248

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 ... \$264.25.

Cheque in your favour is enclosed for \$248.52
and we have paid the Co-Operative Committee .. \$ 15.73
for legal fees as authorized by you.

Yours truly,

F.G. Shears
Director

FGS/js
1 encl.

DEFENCE BRIEF

Seihiro KOBAYASHI

Toronto, Ontario.
Nov. 15/48

File No. 14788

Case No. 1248 ✓

PERSONAL PROPERTY CLAIM

Claim - 1938 Chevrolet

Appraised at

Sold for

\$800.00

\$201.00

\$257.00

Witness: Appraised by Consolidated Motors Limited, 10th Mar. 1943.

Appraisal calls car 1937 Model, and therefore there is wrong ceiling price quoted. Values car at \$595.00 less reconditioning cost and commission - \$394.00, - \$201.00
Tires - poor.

No bids for this car were received in response to Custodian Advertisement calling for tenders in July 1942.

Sold Apr. 7/43 for \$257.00.

KOBAYASHI claims car was worth \$800.00 as he had received an offer for this amount from a mechanic in McDermott Motors Limited - Transcript Page 2 - L 28 - P. 3 L 12. Car purchased from them new - \$1250.00.

Consolidated Motors did appraise this car for insurance purposes 26th March, 1942 for \$700.00.

SUBMISSION: "It is submitted that this car was sold at its fair market value."

Witnesses:

Consolidated Motors Limited. ^

HA

Old car all at 900.-
1 yr later by cash 350
1250

see 3pt.

1938 Sales average 738

Sealton " 790

Coach " 700

1937 Sales avg 624

Coach " 634

Sealton " 437

ANALYSIS OF CLAIM

Name: KOBAYASHI, Seiji

Reg. No. 04321

File: 14788

REAL PROPERTY CLAIM

Type of Property: Medical Treatment Business

Estimated Value:

\$600.00

Proceeds of "Forced Sale":

115.00

Claim:

\$ 485.00

Remarks: Claimant did not report this business to the Custodian at any time. The Custodian did not sell this business. The Custodian did not take this business under his control. Custodian records contain no reference to the property for which claim has been made.

PERSONAL PROPERTY CLAIM

Property: 1936 Chevrolet Automobile

Estimated Value: \$800.00

RMP Exhibit Report: Seizure No. 87 - 1936 Chevrolet Sedan, surrendered March 11, 1942 by Seigoro A. Kobayashi, 3306 W. Ninth Avenue, Vancouver, B. C.

Condition of Vehicle: Fair - bumper and left fender broken.

Sale: Sold by tender, April 7, 1943. Sale Price: \$257.00

Remarks: No bids for this automobile were received in response to Custodian advertisement calling for tenders in July, 1942.

This car was among those remaining unsold on March 10, 1943, when the Consolidated Motor Company, Ltd representative examined the car and made a detailed report in regard to its condition. This report showed that the retail selling price of this type of car, less the cost of reconditioning and selling commission, would be \$201.00.

The car was sold, April 7, 1943, to Cyril T. Pitt for the sum of \$257.00.

Note: The fact (see report of March 10/43) that the tires were no good, undoubtedly was one of the reasons why this car did not prove attractive to the prospective buyers who looked at the Custodian cars.

Smithson
August 9/48

1
2 **IN THE MATTER OF THE "INQUIRY ACT"**
3 **R.S.C. REVISED STATUTES OF CANADA 1957, CHAPTER 92.**

4 **JAPANESE PROMPT CLAIMS COMMISSION**

5
6 **BEFORE**

7 **HIS HONOUR, JUDGE J.A. McGRATH, SUB-COMMISSIONER.**

8
9
10 **Toronto, Ontario,**

11 **November 15, 1949.**

12
13 **IN THE MATTER OF THE CLAIM OF**

14 **HEIJIRO KUNAYASHI.**

15
16
17 **PROCEEDINGS AT HEARING**

18
19 **APPEARANCES:**

20 **K.A. CHRISTIE, ESQ., K.C.,** appearing for the
21 **British Government,**

22 **H.A. BENT, ESQ.,** appearing for the
23 **Claimant.**

24 **A. SMITH, ESQ.,**

Secretary,

25 **G.H.D. DUTTON, ESQ.,**

Official Interpreter,

26 **A.G. WELTON, ESQ.,**

Official Reporter.

S. Kobayashi,
Dir. 22.

1 HEIJIRO KOBAYASHI, the claimant herein, being
2 first duly sworn, testified
3 as follows:

4 DIRECT EXAMINATION BY MR. BEST:

5 Q. Is that your signature? (Indicating)

6 A. Yes.

7 Q. And was that form prepared upon your instru-
8 ctions? A. Yes.

9 Q. And do you swear the contents of it are
10 true? A. Yes.

11 MR. BEST: I am submitting as Exhibit 1 the
12 Particulars of Personal Chattels.

13 (PARTICULARS OF PERSONAL CHATTELS,
14 MARKED EXHIBIT NO. 1)

15 Q. I understand that you owned a 1938 Chevrolet
16 Sedan prior to evacuation. Is that correct?

17 A. Yes.

18 Q. And it is for that car that you are claiming
19 now? A. Yes.

20 Q. It was a new car when you bought it?

21 A. Yes, sir.

22 Q. And you paid \$1,200. for it?

23 A. Yes.

24 Q. Can you tell us in a very simple way just
25 how you arrived at this valuation of \$200. for the
26 car?

27 A. Well, I don't know the car, itself, the
28 car business, itself. You know, I was not a mechanic
29 but my mechanic wished to buy for \$200. He said
30 "I want to buy for \$200 that is all I know. I don't
know the car business. He said he wanted to buy
for \$200."

1 Q. Well, now, you say a mechanic offered you
2 \$200. for the car. When was that?

3 A. In 1942.

4 Q. At the time of evacuation? A. Yes.

5 Q. You bought the car from McDermott Motors,
6 Limited? A. Yes, sir.

7 Q. Is that right? A. Yes, sir.

8 Q. And when you mention the mechanic was the
9 person who offered you this \$200. for the car would it
10 be some person from McDermott Motors?

11 A. Yes. Everybody knew we were going to be
12 evacuated, and I was receiving offers for the car.

13 Q. Apparently it was in your mind that some
14 person from McDermott Motors had made you an offer
15 and to ascertain that you wrote a letter to them?

16 A. Yes.

17 Q. This year? A. Yes. I did write that
18 for evidence.

19 Q. And that is the reply to the letter which
20 you wrote? A. Yes. I wrote it.

21 Q. Which you received from McDermott Motors?

22 A. Yes.

23 MR. HUNT: I do not know if this letter is of
24 particular value as to ascertaining the exact value
25 but it does establish the fact that this man bought
26 the car from them for \$1,250.

27 THE SUB-COMMISSIONER: From whom is it?

28 MR. HUNT: From McDermott Motors Limited,
29 512 Rogers Building, Vancouver.

30 THE SUB-COMMISSIONER: To the claimant?

S. Kobayashi,
Dir. OK.

MR. HEST: To the claimant, dated March 20, 1943.

MR. CHRISTIE: You are filing that as Exhibit B?

MR. HEST: Yes.

[LETTER, MARCH 20, 1943, MARKED EXHIBIT NO. 3]

Perhaps I might file a copy of a letter which the claimant wrote.

THE SUB-COMMISSIONER: Making it all Exhibit B?

MR. HEST: Yes; and dated March 6, 1943.

---(See Ex. No. 3).

Q. Apparently this offer which MacDermott made to you of \$500. was a verbal offer? A. Yes. It was by word-of-mouth.

Q. I see. Did anyone else make any offers to you to buy this car prior to the time that it was surrendered to the R.C.M.P.? A. Yes; many of them; many persons apart from these MacDermott offers.

Q. Can you tell us of any other particular offer which anyone could have made?

A. Well, I do not know who it is. I cannot point to who it is, for nearly everyone wanted to buy. Everyone knows the Japanese are going out and they wish to buy automobile, furniture, everything. Everything they buy, coming in, you know.

One night before I sold the car two Chinese came to the house and want to buy the car. I started my car and they listened to how it sound and I ask him if he wants to drive it out. "No. I don't want the engine; I want to see the shoes" (tires). He has the flashlight and he examined the tire. The tire is all right. He said "I want to buy." I said

3
S. Nakagami,
Dir. ex.

1 "How much?" He said \$500." I said "Get away out
2 of here." In my head is always \$500.

3 MR. CHRISTIAN: I tender as Exhibit 3 the
4 Vehicle Report of the R.C.M.P., dated March 11, 1943.

5 (R.C.M.P. VEHICLE REPORT, MARKED EXHIBIT NO. 3)

6 MR. BRET: Q. According to the R.C.M.P.
7 Report the speedometer reading on your car at the
8 time that it was surrendered was 24,500 miles.
9 Do you remember whether that was the approximate
10 distance your car had gone? Was that an accurate
11 record of it? A. I remember about 23,000 miles.

12 Q. The mileage gauge had been working all the
13 time? A. Yes.

14 Q. What about the left front fender? Was it
15 broken, or in good repair? There is a remark here,
16 "Left fender broken and bumper broken." Do you recall
17 that? A. I remember the bumper broken, you know.
18 One time the brake was all worn out, and it is broken.
19 The fender was not broken.

20 Q. You say the fender was not broken?

21 A. I do not remember. I believe it was
22 scratched. I scratched it on my door because my wife
23 is left-handed.

24 Q. All right, thank you.

25
26 CROSS-EXAMINATION BY MR. CHRISTIAN:

27 Q. I am showing you a J.P. Form dated August 1,
28 1943. Whose signature is that? [Indicating]

29 A. That is mine.

30 Q. That is your's? A. Yes, sir.

1
2 MR. CHRISTIE: I file this J.P. Form as
3 Exhibit 4.

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

5 Q. What was your business? A. Massour.

6 Q. Did you use this car in connection with
7 making calls in connection with your business?

8 A. Yes, sir. I had always, but sometimes
9 I visited the patient's house with car.

10 Q. And did you drive only in the city or did
11 you drive out into the country? A. Only city.
12 Only a couple of times to the country, you know. I
13 never drive over 40 miles.

14 MR. CHRISTIE: I am filing as Exhibit 5 a report
15 of the Consolidated Motorcar Company, Limited.

16 (REPORT, MARCH 10, 1943, MARKED EXHIBIT NO. 5)

17 Q. The report of Consolidated Motorcar Company
18 Limited, made in 1943, says that the tires were no
19 good. What have you to say about the condition of
20 the tires at the time that it was seized by the R.C.M.P.?

21 A. Well, I believe the tires are good. It is
22 driven on the town road 20,000 miles.

23 Q. Had you ever put new tires on this car since
24 the time you bought it? A. It is a brand new
25 car. I never bought tires, myself.

26 Q. You never bought any tires?

27 A. No.

28 Q. And, it says: "The condition of the body was
29 poor." Did you have any dents in the body or any
30 scratches on the body? A. No. I keep my car
very well.

S. Kobayashi,
Ex. 10.

Q. I thought you told my friend the driveway
was narrow and that sometimes you scratched it going
in and out? A. Yes. The driveway ---

Q. What part of the car did you scratch?

A. I scratched because it was too narrow.
There is a bend and I scratched it.

Q. What part of the car was scratched? Was
it the fender or the door? A. The fender. The
door is not touched.

Q. Was there anything more than a scratch?
Were there any dents in the fender?

A. Body not touched at all, no.

Q. What time did you buy this car, in 1937?

A. 1938 or 1937.

Q. You say in your letter to McDermott Motors?

A. I have a two-door car. That is my old car.

Q. You say in your letter to McDermott Motors:

"I wonder if you remember me, Mr. S. Kobayashi,
to whom you sold in 1937, a two-door automobile
of the same year?"

Tell us, what time in the year 1937 are you referring
to in this letter dated March 6, 1948? A. I think
in March.

Q. In the Spring of 1937 you bought this car?

A. Yes.

Q. What was the condition of the upholstery in
this car? A. Always nice.

Q. When you bought this car did you turn in
any other car? A. No. Before?

Q. When you bought this car from McDermott

1 Motors did you have a car which you turned in?

2 A. Yes, I did.

3 Q. You did? A. Yes.

4 Q. And what allowance did you get for this car
5 which was turned in? A. I remember it is a two-door
6 car but I wanted to go to the States 1937. I went to Japan.

7 Q. When you bought this car from Modernist
8 Motors I think you said you turned in a car. What
9 allowance did you get? A. \$900.

10 Q. \$900? A. I received an allowance of
11 \$900, for the old car and I paid \$300, cash, completing
12 the purchase.

13 Q. And what kind of old car did you turn in?

14 A. A two-door Chevrolet.

15 Q. And, what model, what year?

16 A. 1934. I think it was a 1934. Anyway, it is
17 very new. I bought one very new.

18 Q. All right. A. I was going to Japan.
19 I want to keep it and if I don't come back to the city,
20 all right, but if I do come back I will buy a new car.

21 MR. CHRISTIE: I will put this in the same exhibit
22 It is an extract from the Consolidated Motorcar Company
23 report dated July 15, 1946. It mentions an appraisal
24 made as of March 22, 1942. It does not indicate the
25 year of the car in this earlier report. It says car
26 number 27.

27 --(See Ex. No. 2)
28
29
30

1 RE-EXAMINATION BY MR. BENT:

2 Q. Your car was surrendered to the R.C.M.P.
3 on March 11, 1942. Do you remember that?

4 A. Yes.

5 Q. And the extract which Mr. Christie has
6 just filed apparently was the initial appraisal of
7 this car by Consolidated Motors at \$700. The initial
8 part of that exhibit is March 10, 1943, a year later.
9 Do you know anything, yourself, about when your car
10 was sold after it was taken by the R.C.M.P., whether
11 it was sold for a year before sale?

12 A. No, I don't know.

13 Q. The last you know about was that the car
14 was taken in March 1942? A. March, 1942.

15 Q. Now, we want to be very clear about this:
16 On your claim you say the car was a 1936 Chevrolet
17 four-door sedan. The R.C.M.P. Report says "Chev.
18 Sedan, 1938." You have told Mr. Christie that it was
19 a 1937 car.

20 MR. CHRISTIE: He said he bought it in the
21 Spring of 1937.

22 THE WITNESS: Yes.

23 MR. BENT: Q. That is the car which you are
24 claiming for, the car which was bought in the Spring
25 of 1937, not the car which was a year old. The car
26 you turned in was a 1936 car. I want to be clear on
27 that. The car for which you are claiming now, was it
28 a 1936 or a 1937 model? A. 1938.

29 MR. CHRISTIE: Well, now, your honour, my friend
30 might have obtained what he wanted, but he wrote in this

1 letter that he purchased it in 1937, and I asked him
2 when he bought it and he bought it in the Spring of
3 1937. I thought that was okay. He is referring to
4 the present car which was sold. He mentioned what he
5 got for it and he identified the present car in that
6 letter.

7 MR. BENT: On the other hand he says he had
8 another car which was a year old.

9 THE SUB-COMMISSIONER: Just a minute, now. He
10 says:

11 "I wonder if you remember me, Mr. S.
12 Kobayashi, to whom you sold in 1937, a
13 two door Chevrolet automobile of the same
14 year. Before I left for Japan that year, you
15 had asked me if I would like to turn in my
16 car plus a definite sum of cash for a new
17 1938 model."

18 It is apparently the 1938 model he is making a claim
19 for.

20 MR. BENT: That is correct.

21 THE SUB-COMMISSIONER: And:

22 "I did return from Japan the following year
23 and accordingly traded it in for a new 1938
24 four door Chevrolet sedan. Just before the
25 war you had offered me \$800.00 for my car. One
26 of your mechanics had also estimated the value
27 to be about \$800.00."

28 MR. CHRISTIE: The appraiser, who was a capable
29 man, said it was 1937, and he tells me he purchased
30 this particular car in the Spring of 1937. I suggest

1 if he bought a car in the Spring of 1937 it would be a
2 1938 model.

3 THE SUB-COMMISSIONER: He had a Chev. took the
4 Chev in and traded it and got the 1938 model. The
5 1938 model would come out in 1937.

6 MR. CHRISTIE: Not in the Spring.

7 THE SUB-COMMISSIONER: Towards the Fall.

8 MR. CHRISTIE: He bought this car in the Spring.

9 MR. HUNT: No. He bought the other car in the
10 Spring.

11 MR. CHRISTIE: He told Mr. Upton (Interpreter)
12 before that it was 1938, as I understood it.

13 THE SUB-COMMISSIONER: In his examination in-
14 chief, by Mr. Hunt, he said that he bought this 1938
15 Chev. sedan in 1938 for \$1,250., and according to
16 the testimony interpreted he says he turned in on this
17 purchase of the Chev. sedan an old car for which they
18 allowed \$500., and he paid \$750. cash. There were two
19 cars in the deal.

20 MR. CHRISTIE: He told Mr. Upton that it was a
21 1938 car on which he was allowed.

22 THE SUB-COMMISSIONER: Clear up that point.

23 MR. HUNT: Q. You have already told us that you
24 turned in a car when you bought this last car for which
25 you are claiming. That car which you turned in, was it
26 a 1938 or a 1937 model? A. I think it was a 1938
27 or 1937. That is the old car.

28 MR. CHRISTIE: Of course, it can be checked
29 from the serial number, anyway. I do not think there
30

28
S. Kobayashi,
Re: EX.

1 is any way of pursuing this. The serial number will
2 indicate out there quite clearly what year the car was.

3 THE SUB-COMMISSIONER: Yes.

4 MR. CHRISTIE: The Custodian advertised in July
5 1943 calling for tenders. In response to this adver-
6 tisement calling for tenders they received no bids
7 and said that this car was among those remaining unsold
8 on March 10, 1943. I presumed there was no market for
9 it in the meantime, and I presume that is the explana-
10 tion.

11 That is all?

12 MR. BENT: Yes.

13
14 MR. CHRISTIE: I am tendering as Exhibit 6 the
15 Personal Property Summary.

16 (PERSONAL PROPERTY SUMMARY, MARKED EXHIBIT NO. 6)

17 It is submitted, your honour, that this car
18 was sold at its fair market value.

19 MR. BENT: For the record perhaps I had better
20 clear up the point that Kobayashi did have originally
21 a claim for this museum business. It was revealed,
22 after he had been advised that he had sold this business,
23 himself, in what he calls a forced sale, that conse-
24 quently the claim does not come within the terms of
25 reference. We will, therefore, have to abandon it.

26 MR. CHRISTIE: That concludes the defense, your
27 honour.

28 THE SUB-COMMISSIONER: Very well.
29
30

20
S. KAWAYASHI claim

(PROCEEDINGS ADJOURNED SINCE MAY)

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

W. V. Vail

A. G. Vailson,
Official Reporter.

I, John A. Haddon, Deputy Commissioner, appointed to hear a Commission to investigate claims of Japanese Consulate for property loss, do certify the foregoing is a true copy of the evidence heard on the within claim.

John A. Haddon

John A. Haddon,
Deputy Commissioner.

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