Name of Claimant YOSHIDA, Iwataro Case 122

Custodian File 4305

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% there-of	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount		% of Total	Amount	

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	
		173		49.30				49.30

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 46%	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	
				120	55.20			55.20

TOTAL RECOMMENDATION	104.50

1540

CASE NO: 122

JAPANESE PROPERTY CLAIMS COMMISSION

Kamloops, B.C.

May 14, 1948

IN THE MATTER OF THE CLAIM OF

IWATARO YOSHIDA

PROCEEDINGS AT HEARING

Original

CASE NO: 122

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(HIS HONOUR, JUDGE J.R. ARCHIBALD, SUB-COMMISSIONER)

10 Kamloops, B.C.

May 14, 1948

IN THE MATTER OF THE CLAIM OF

IWATARO YOSHIDA

PROCEEDINGS AT HEARING

20 APPEARANCES:

T.G. BOWEN-COLTHURST, Esq.,	appearing for the Dominion Government.
A.E. COBUS, Esq.,	appearing for the Claimant.

J.R. COLLEY, Esq.,	Secretary to Kamloops Sub-Commission.
G.N.R. UPTON, Esq.,	Official Interpreter
G. HAMBLETON, Esq.,	Official Reporter

30

MR. COBUS: The claim, your honour, of Yoshida, Iwataro, No. 134 on the list.

IWATARO YOSHIDA, the claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. COBUS: Your honour, I would ask to amend the claim. The claim is entirely for personal property. We are amending the claim for the boat to read
10 $600.00, and under item 2 we are claiming for three beds, two mattresses, a stove and Japanese kimonos. The other items are to be deleted. The only credit to be allowed the Custodian is the sum of $173.00 for the boat, no credit re the chattels. The net claim amounts to $547.00.

DIRECT EXAMINATION BY MR. COBUS:

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

Q: What is the name of your boat, witness?

A: The "IY".

MR. COBUS: I would ask Counsel for the Crown to amend the statement respecting the name of the vessel to read "IY" instead of "IW".

MR. BOWEN-COLTHURST: Thank you.

MR. COBUS: Q: Are the statements contained therein true to the best of your knowledge and recollec-
30 tion? A: Yes.

MR. COBUS: I would ask to file that as an exhibit.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: Referring to the statement, your honour, the vessel "IY" was purchased in 1930 as a used boat for a price of $350.00. Whilst in the possession of the claimant it was scaped and painted annually, and its condition when surrendered was good. It was turned over to the Navy. In 1930 the hull was reconditioned and he values the labour and material used for that purpose at $300.00. In 1930 also he bought andinstalled a 1928 Vivian 6 H.P. engine which he purchased from Vivian Engine Works. He hired an engineer to install it. The cost for the engine and installation he puts at $520.00. He estimates the value of the boat at the date of sale to be $600.00. As to other gear on the vessel, he says that most of the equipment was on the boat when delivered, that is, spotlights, compass, wrenches and anchor, etc.. He turned it into the Navy at Steveston in late December, 1941 or early January, 1942. He comments that the engine and the hull were in good condition when delivered to the Navy and that if the condition in April and August of 1942 was as described by the appraisors, Phillipson and Gould, then the vessel must have been very badly used when in possession of the Navy. In his opinion, their valuations would be very much below a fair price for the vessel in the condition in which it left his hands. He

thinks that $600.00 would be a fair market value.

I would ask my learned friend to produce the appraisal made on this vessel.

MR. BOWEN-COLTHURST: There was an appraisal by Gould.

MR. COBUS: On what date?

MR. BOWEN-COLTHURST: August, 1942, which I have here. You mentioned one other appraisal?

MR. COBUS: One by Phillipson, I believe is the name.

MR. BOWEN-COLTHURST: The only appraisal that appears to be on the file is that one of Mr. Gould's which I have already produced, but there is reference in the file to an appraisal of Phillipson's of April, 1942, and I will undertake to try and find that for my learned friend and have it for him before the hearings in Vancouver.

MR. COBUS: I would file what purports to be a survey report by John Gould dated August, 1942, on behalf of my learned friend.

(SURVEY REPORT MARKED EXHIBIT NO. 2)

MR. COBUS: Can my learned friend advise for how much the vessel was sold?

MR. BOWEN-COLTHURST: The selling price was $173.00.

MR. COBUS: And the date of sale?

MR. BOWEN-COLTHURST: The date of sale was October 3, 1942.

MR. COBUS: And the bill of sale was signed by whom?

MR. BOWEN-COLTHURST: It was a sale by the Custodian.

MR. COBUS: Q: Witness, I produce to you a statement concerning the personal chattels for which you are making a claim. Did you instruct Mr. Leckie to

prepare that for you and is that your signature?

A: Yes.

Q: And are the contents of that statement true to the best of your knowledge and recollection?

A: Yes. They are rather on the low side, the valuations.

MR. COBUS: I would file that as the next exhibit.

(STATEMENT MARKED EXHIBIT NO. 3)

MR. COBUS: The statement, your honour, itemizes all of the chattels for which the claim is being made which agrees with the now amended claim.

MR. BOWEN-COLTHURST: What is that you said?

MR. COBUS: The items described in the statement agree with the items on the amended claim, The chattels, for which the claim is being made were all left at the home of Mrs. Margaret Neave, 490 St. George Street, Nanaimo, B.C. The only comment the claimant makes is that he has allowed for depreciation on the articles claimed for.

I would ask my learned friend to produce the Analysis of Personal Property Claim.

(Handed to Mr. Cobus)

I file the Analysis of Personal Property Claim on behalf of my learned friend and point out that in the second column an inventory was received from Mrs. Margaret Neave acknowledging that she had the articles, or certain articles in her possession.

(ANALYSIS OF PERSONAL PROPERTY CLAIM MARKED EXHIBIT NO. 4)

Your witness.

MR. BOWEN-COLTHURST: In this case, your honour, it will be contended that the boat was sold for its fair market value, and that the Custodian is not responsible for any depreciation that may have occurred prior to it coming into his hands. With regard to the other chattels, it appears to be a matter of valuation, although with regard to the kimona, there seems to be some question as to whether that actually was received by the Custodian. Other than that it would be a question of value.

MR. COBUS: Your honour, may I perhaps correct my learned friend as to the item of Japanese kimonos. That was definitely reported by Mrs. Margaret Neave and is shown in the second column of the Analysis of Personal Property Claim.

MR. BOWEN-COLTHURST: In that case, then, it may turn out to be merely a question of valuation.

CROSS EXAMINATION BY MR. BOWEN-COLTHURST:

Q: Now, with regard to the boat, witness, you show in your claim form that that was a used boat at the time you purchased it in 1930. Do you know when the boat was originally built?

A: I don't know. No, I don't know.

Q: Where did you purchase these kimonos that you are claiming for, witness?

A: They were sent from Japan.

Q: Were they a gift to you? A: No, they were

not a present, I sent money for them.

Q: They were purchased in Japan, were they?

A: Yes.

Q: And how much money did you send to Japan to purchase these things? A: $200.00.

Q: How did you send that $200.00 to Japan?

A: I didn't send it, my wife sent it.

Q: How did your wife send the $200.00?

A: I gave the money to my wife, I don't know.

10 Q: Who purchased them for you in Japan?

A: I don't know who bought it in Japan.

Q: Where did your wife send the money to?

A: I don't know.

Q: How did your wife know how much to send?

A: They said in Japan that was the price, send $200.00.

Q: Who said that? A: The negotiations were done by my wife and I am not certain on these points.

Q: In what form was the $200.00 when you gave it to

20 your wife? How was it? A: In bank notes.

Q: In bank notes? A: Yes.

MR. BOWEN-COLTHURST: That is all.

RE-DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, did you use your boat in the fishing season of 1941?

(Interpreter to witness)

THE INTERPRETER: It is impossible to make this witness understand the question.

30 MR. COBUS: I don't think I will pursue that, your

honour. That is all.

THE COMMISSIONER: 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

10

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

J R Archibald

J.R. Archibald
Sub-Commissioner.

20

30

CASE No. 122

DEC - 2 1947

NOTIFIED APR 15 1948

MAY 14 1948 Kamloops B.C.

ACKNOWLEDGED

4305 Kamloops

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.

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

(1) NAME YOSHIDA, Iwataro (RCMP) Reg. No. 07865
(Print) Surname Given Name

(2) Pre-Evacuation Address P. O. Box 375, Nanaimo, B. C.

(3) Present Address R. R. #1, Kamloops, B. C.

(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 _____
(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.) _____

(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 receivable) - - - - - - - - - - - - - - - $_____

(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 and credited your account - - $_____

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $_____

(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")

Taken over by the naval patrol and subsequently taken by Custodian

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

1.	Troller-- 6 H. P. Vivian engine	Estimated Value $ 800.00
2.	3 beds, 2 mattresses, stove, coat, closet,	Estimated Value $
3.	Japanese kimono, Kitchen utensils,	Estimated Value $
4.	carpenter's tools, bicycles, furnitures,	Estimated Value $
5.	fishing gear	Estimated Value $ 375.00
6.		Estimated Value $
7.		Estimated Value $
8.		Estimated Value $
9.	No accounting for chattels	Estimated Value $
10.	Custodian's price	Estimated Value $ 149.50

TOTAL CLAIM FOR PROPERTY LOSS $ 1175.00

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) - $ 1175.00

(6) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.)

Kamloops

(b) Do you require the services of an interpreter at the hearing? Yes or no yes

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 B.C.)
TO WIT:)

I, Iwataro Yoshida of the
of R. R. #1, Kamloops in the Province of British Columbia

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 Kamloops)
in the Province of B.C.)
this 18th day of November)
A.D. 1947.)

I. Yoshida

A Commissioner &c.

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.

I. YOSHIDA
(Claimant's Name)

PERSONAL PROPERTY
(Fishing vessels, gear and equipment)

07865
Reg. No.

NETS:

Type	Size	Mesh	Fathoms	Age at Evacuation	Original Value	Estimateded value at Evacuation

EXHIBIT No. 122-1
DATE MAY 14 1948
FILED BY Paul Coburn

VESSELS SOLD BY CUSTODIAN

NAME	Reg. No.	Type	Date Purchased	New or Used	Price Paid	Maintenance Work	Condition When ~~Evacuated~~ surrendered	With whom left	Estimated Value
"I"	Nam 67	Troller	apr-1930.	used	$350.00	scraped and painted annually	good	Navy	$600.00

Improvements to Vessel since date of purchase:	Type	Date	Cost
1932 Reconditioned hull - cost labour and materials (boat carpenter)			$300.00
1930 Bought and installed a 1925 Vivian 6 HP engine - purchased from Vivian Engine Works + hired engineer to install			520.00

OTHER GEAR:

Description	Date Purchased	New or Used	Price Paid	Condition when Evacuated	Estimated value at date of evacuation
most of equipment was on boat when delivered i.e. spot lights, compass, wrenches, anchor + c					

Arrangements made for storage when evacuated: Turned into the Navy at Steveston in late Dec 1941 or early Jan 1942 —

Additional Comments, if any: The engine and the hull were in good condition when I delivered the boat to the Navy. If the condition in Apl and Aug 42 was as described by the appraisers, Phillipson + Gould, then the vessel must have been very badly used while in possession of the Navy. In my opinion their valuations would be very much below a fair price for the vessel in the condition in which it left my hands. I believe it would be worth at least $600.00 when sold for the duration for $350.00 in Oct 1942 —

I. Yoshida
SIGNATURE

EXHIBIT No. 122-2
DATE MAY 14 1948
FILED BY Mr Collins

JOHN GOULD
Marine Surveyor and Appraiser
VANCOUVER, B. C.

CABLES:
"GOULD" VANCOUVER, B. C.
TELEPHONE:
PACIFIC 9046

No. 99A.

" I Y "

Survey Report

To whom it may concern:

Name	"I Y".		
Official No.	Nan 67.	Type	Wet Cod.
Owner	Twataro Yoshida.		
Dimensions	L. 29 ft. B. 7 ft. D. 3 ft.		
Engine	Very badly rusted, dismantled. Condemned.		
Tank Capacity	40 Gallons.		
Pumps	None.		
Lighting	Oil.		
Anchors	None.		
Chains	None.	Rope	None.
Compass	None.		
Stoves	None.		
Fire Extinguishers	None.		
Valuation	One Hundred seventy-five ($175.00) dollars.		
Estimated Market Value	Two Hundred ($200.00) dollars.		

August 1942.
Vancouver, B. C.

John Gould.
Marine Surveyor.

I YOSHIDA
(Claimant's Name)

PERSONAL CHATTELS

07865
Reg. No.

EXHIBIT No. 122-3
DATE MAY 14 1948
FILED BY

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid	Condition when Evacuated	Estimated value at Date of Evacuation
3 steel beds (springs & mattresses)	1939	new	approx 90.00	good	60.00
1 heater stove	1939	new	20.00	fair good	10.00
1 set Japanese Kimonas (silk)	1940	new	" 200.00	very good	50.00
					$120.00

Description of Storage of Goods: The above goods were all left at the home of Mrs Margaret Neale, 490 St George St, Nanaimo, BC

General Statement as to Chattels not Described above:

None claimed.

Additional Comments, if any: I have allowed for depreciation on articles claimed

I. Yoshida
SIGNATURE

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 4305 EXHIBIT No.

NAME YOSHIDA, Iwataro REG. No. 07865

DATE Declaration Apr.16/42 Evacuation May 3/42	INVENTORY Taken by Date	DETAILS OF CLAIM		SALES Auction	SALES Tender &c	SOLD WITH REAL PROP.	DECL. NOT FOUND
In custody at New Westminster: One gas boat, 6 HP. Vivian Engine, 30' x 7'. Value Approx. $800.00.		1. Troller - 6 H.P. Vivian Engine	800.00		173.00		
		2.3 Beds					
At 375 Box, Nanaimo,B.C. (his former residence) Furniture, household effects, kitchen utensils, cod-fish tackle, blue-back tackle. Total value approx. $800.00.	No goods found at his former residence.	3. 2 Mattresses					
		4. Stove					
Ltr. Nov.4/42 Mrs. Neave said she will take care of our furnitures so we left them there. This is all we have left at Mrs.Neaves, 490 St. George St., Nanaimo, B.C.: 3 Beds 2 Mattresses 1 Dining-Rm.Stove & some chimneys 1 Singer Sew.Machine 1 Coat Closet 1 Set Japanese Kimonas	Nov.16/42 rec'd from Mrs. Margaret Neave acknowledgment that she had in her care: 3 Beds 2 Mattresses 1 Dining-Rm.Stove & some chimney 1 Singer Sew.Machine 1 Coat Closet 1 Set Japanese Kimonas	5. Coat Closet					
		6. Japanese Kimono					
	Shipment July 15/43: 1 crated sewing machine	7. Kitchen Utensils					
		8. Carpenter Tools					
Ltr. Nov.21/42 We still have things at Mr. Nishihama's place. These are all the things we have left at Mr. Nishihama's place: Kitchen Utensils Carpenter Tools Fishing Tackles Kiddies Tricycle Japanese Doll Set Mr.Nishihama said their furnitures & all our things are at Japanese School. I think our things are mixed up with other peoples.	Oct.16/43 Mrs.Neave handed to Custodian representative: 3 Beds 2 Mattresses 1 Spring 1 Carton Clothing.	9. Bicycles					
		10.Furnitures					
		11. Fishing Gear					
		Estimated total value	375.00				
			$1,175.00		173.00		
	Nothing identified with the name of Iwataro Yoshida was found at Nishihama's place. The goods found being without identification were believed to belong to Nishihama.	Recap of Claim $800.00 sold for $173.00 375.00 see "Remarks" column.					

FILE No. 4305 EXHIBIT No. _____ CASE No. _____

REG. No. 07865 VENUE _____

EXHIBIT No. 122-4
DATE MAY 14 1948
FILED BY M Colins

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
	173.00							#1.Licensed in 1918. Purchased by Yoshida in 1930 for $350.00. Engine valueless in 1942.
								#2. 1 old iron bed marked "I.Yoshida" in Nanaimo storage, June,1946, to be abandoned as valueless. 2 springs and 2 beds, ownership unknown, sold at Nanaimo for total of $17.00.
								#3. No record of disposition. Mattresses generally unsaleable.& abandoned.
								#4. Aug.13/46, Mrs. Neave reported that Yoshida had told her to please herself about stove, and that she did not take it.
								#5. Aug.13/46, Mrs. Neave reported that the big,homemade closet had been moved to her house by Yoshida, but when she moved to another house she did not have space for the coat closet and could not afford to move it.
								#6.Japanese kimonas reported by Mrs. Neave, Dec.17/45, to be among goods turned over to Custodian representative. 1 Carton of clothing received from Mrs. Neave is not accounted for. Ltr.Jan.16/46,says value $50.00.
								#7.Kitchen utensils removed from Nishihama's house, being unidentified, were treated as property of Nishihama.
								#8.No carpenter tools were among the goods removed from Nishihama's house.
								#9. No bicycles declared by Yoshida. One tricycle was declared. Tricycle removed from Nishihama's house was sold for $7.50. Proceeds of sale sent to Nishihama.
								#10. No furniture reported by Yoshida apart from that listed in detail in his claim.
								#11. The only gear found at Nishihama's house consisted of 2 net guards. These not the fishing gear declared by Yoshida.
	173.00							

On Aug.1/46, we asked Mr. Yoshida to give us a description of his missing beds on the chance that the beds sold and unidentified as to ownership might be his. Mr. Yoshida did not reply to our letter.

On March 30/46, Mr. Yoshida wrote that two of his beds were a little old and one brand new.

J Mathison
Feb 26/48