Name of Claimant TSUCHIYA, Hayima Case 166

Custodian File 737

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		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	

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	
		Agreed Award of $1500.						

TOTAL RECOMMENDATION	1500.00

1540

3 exhibits

CASE NO: 166

JAPANESE PROPERTY CLAIMS COMMISSION

Vernon, B.C.

April 26, 1948

IN THE MATTER OF THE CLAIM OF

HAJIME TSUCHIYA

PROCEEDINGS AT HEARING

Original

CASE NO: 166

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)

Vernon, B.C.

April 26, 1948

IN THE MATTER OF THE CLAIM OF

HAJIME TSUCHIYA

PROCEEDINGS AT HEARING

APPEARANCES:

D.S. McTAVISH, Esq.,	appearing for the Dominion Government.
R.J. McMASTER, Esq.,	appearing for the Claimant.
T.J. MARRION, Esq.,	Secretary to Vernon Sub-Commission.
MRS. I.C. SMITH,	Official Interpreter
G. HAMBLETON, Esq.,	Official Reporter

MR. McMASTER: The case of Hajime Tsuchiya, your honour. This was a case transferred from Judge Colquhoun's list.

HAJIME TSUCHIYA, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. McMASTER: In this case, your honour, I would ask leave to abandon the claim for the real estate. It was known as a forced sale by the claimant.

This case came on for hearing first at the last sittings at Vernon. The claim as expressed in the claim form was for personal property stored at 2235 Triumph Street and insured for $2,000.00 and the policy turned over to the Custodian. It appeared that the claimant had left a quantity of chattels at this address and that subsequently the premises had been broken into and that before leaving the coast he had taken out an insurance policy. Therefore, I suggested to the Commissioner at the last hearing that some attempt might be made to see whether the insurance company would settle the claim, and thus, perhaps, remove the necessity of proceeding with this claim before the Commission. Accordingly, the case was set over to this sitting of the sub-Commission at Vernon.

Since that time I have endeavoured to make a settlement with the insurance company and they object that the time for bringing an action is past, the statutory limitation on bringing an action against them has long since gone by, and they will have

nothing to do with the discussion of a settlement, so that it is therefore necessary to proceed to present the claim.

Now in this case I intend to identify and file a statement by the claimant which is written in longhand and is rather difficult to follow, more so on the copies than on the original, and if your honour pleases, I would like, after having had it identified, to read it into the record. I think it will be easier for the Commissioner and easier for counsel to do it in that manner.

DIRECT EXAMINATION BY Mr. McMASTER:

Q: Witness, did you instruct me to prepare this statement with regard to your chattels and is this your signature in the middle of page 6 of the statement?

A: Yes.

Q: And this inventory which is attached to the statement, is that your signature at the end of the inventory? A: Yes.

Q: And did you instruct me to prepare that inventory and give me the information that is contained therein?

A: Yes.

Q: And are the values shown in the inventory, at the right-hand side of the inventory, your estimates of the fair market value at the time of your evacuation?

A: Yes.

MR. McMASTER: I ask to have that filed as Exhibit No. 1.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. McMASTER: This is Exhibit No. 1: Statement re Chattels:

"Before evacuation I, together with my sons, operated 9 seine boats which we chartered out on a share basis to various fishing companies. I also operated two fish camps at Jervis Inlet and Klemtu. For this reason I required to have a large quantity of net and gear and camp equipment.

"Having this number of boats, I operated my own boat repair shop near the mouth of Seymour Creek, Burrard Inlet, and had there a variety of ship chandlery equipment and tools for ship building and repairs. I had on hand a full set of chandlery which I had purchased from Edward Lipsett for a new boat which I was going to build.

"Early in March, 1942, as my premises were so near the water supply, the R.C.M.P. ordered me to move from my boat shop on twenty-four hours' notice. I had a warehouse at 2235 Triumph Street, Vancouver, B.C. so I moved all my tools, equipment and stock from the boat shop to the warehouse by truck. I did not have time to take an inventory. I called in my equipment from my fishing camps as well and stored these also in the warehouse.

"Amongst my equipment I had a large "Hotshot" semi-diesel 50 H.P. motor of Japanese make. I had some of my workmen dismantle this engine in the garage at the warehouse premises. They left the heavy parts in the garage and greased the lighter parts and stored them in the warehouse.

"One of my daughters expected to be married early in 1942 and I had purchased some new furniture and a set of new chinaware for her as a wedding present. This was purchased in 1941 from the Hudsons Bay Company for cash either in my own name or my daughter's name. I had the furniture stored at my married daughter's home (Mrs. Isomura) and the chinaware at my place on Union St. Neither the furniture or china were ever used as, due to the outbreak of war with Japan and evacuation, the wedding had to be postponed. (It took place four years later at Revelstoke)

"I did not declare the furniture at the time of filing my J.P. form, April 3, 1942, as it was at my daughter's home. The china, at my home, was covered by the general description of property shown in my J.P. form. Some time later, in April, I moved the furniture and china to the warehouse.

"In late April Macaulay Nicolls & Maitland approached me to sell the warehouse as they had a client who wanted it. I said I had a lot of goods stored there and that I would sell only if I could reserve part of the upstairs to store my goods. The purchaser agreed provided that this area (about 25 x 100') was partitioned off. I stored all my tools, equipment, netting, lines, etc., and the above-noted furniture and china in that space (except the heavy parts of the engine in the garage) locked the door and handed the key to the Custodian. Macaulay Nicolls suggested to me that I

insure the chattels and I did so in the sum of $2000.00.

"When I delievered the key to the Custodian (I believe it was to Mr. Shears) he asked me if I had an inventory. I said I had not had time to make an inventory. He said that was all right, that his office would check up, make an inventory, and send me a copy.

"After I left the coast, I had several letters from the Custodian asking about an inventory. On October 1, 1942 I wrote the Custodian saying that it was not possible to make a proper inventory without attending at the premises as there were so many items stored. I therefore asked for a permit to go to the coast for this purpose. By letter dated October 7, 1942, the Custodian replied that he was unable to arrange for a permit, but that "we will, ourselves, make and submit to you as soon as possible an inventory of what has been left behind."

"In August, 1942, I received a letter from Macaulay Nicolls & Company asking me to sign some endorsement to my insurance policy as some of my chattels had been moved to 992 Powell Street. Upon receipt of this letter, I wrote the Custodian objecting to the removal and asking for a detailed list 'of everything such as furniture, engine parts, webs, etc., and many other items which have been moved to 992 East Powell Street, Vancouver, B.C. from 2235 Triumph Street, Vancouver, B.C.'

"I received a reply to my letter of August

15, 1942 from the Custodian but no mention was made in it of the removal (letter Oct 5/42). The Custodian subsequently advised me that my chattels had not been moved.

"I am now advised by my counsel that it appears from the Custodian's file that on January 5, 1943, D. A Smith of the Custodian's office reported that there was a large quantity of boat lumber, fishing equipment and engine parts, etc., stored at the warehouse and that it would be necessary to obtain a person familiar with this type of equipment to make a proper inventory. He also advised that household furniture and personal property of several Japanese was removed from this building to 992 Powell some time ago.

"In February 1943 I was advised by the Custodian (letter Feb 15/43) that he had several prospective purchasers for my 50 H.P. Diesel engine and asking me what price I would accept. On March 6, 1943, by letter I advised the Custodian I would sell it for $1200.00. In the same letter I asked him to ship me about 1200 lb of tarred herring seine web from the Triumph Street warehouse. This was shipped to me about March 24, 1943, so that someone from the Custodian's office must have been to my storage place at or about that time.

"On May 18, 1943, the Custodian wrote to me asking if I wanted the insurance renewed. Nothing was said about my place having been broken into. Yet on May 19, 1943, I now find the Custodian wrote to

Macaulay Nicolls & Company advising that the day before he had learned that D.A. Smith, the Custodian's field man on making an inspection on or about May 3rd discovered that boxes of personal effects stored at 2235 Triumph street and belonging to me had been broken into. It was Mr. Gibson of the Insurance department of the Custodian who wrote both letters.

"I was not advised of the breaking into of my store room until June 7, 1943. This letter requested an inventory. As explained above, I had not made an inventory and I thought the Custodian would have made one as he promised. It appeared to me that the only way to ascertain what was missing would have been to go down and look at what was left. I got in touch with my son Harry at Kaslo and found out he expected to be allowed to go to the coast shortly on other business. (I myself having once been refused, I did not think I would be permitted). I therefore asked Harry to come around by Revelstoke on his way down so that I could discuss the matter with him. Unfortunately his visit to the coast was delayed until September. In the meantime I received two more letters, one in July and one in August from the Custodian asking for an inventory. I did not reply as I expected Harry would soon be going down.

"My son did go to the coast about September 1943. However, he did not come to see me at Revelstoke. During evacuation Harry was a member of the

Japanese Committee and was very busy as such. Consequently he was not able to help me store the equipment, tools, materials, furniture, etc., referred to above in the warehouse. He therefore did not know all the things which had been stored and that was why I wanted him to come to Revelstoke first.

"When in Vancouver Harry visited the warehouse and gave the Custodian a list of the things which he considered were missing. Upon examining this list I observe that quite a few of the things listed by him were his own property which had been stored there, (see list dated Nov. 2, 1943) i.e. the tap and die sets, the micrometers and calipers, the Briggs and Stratton ¼ H.P. motor and most of the technical books. Harry would know about the new china set as it was at our home before evacuation and also the other chinaware. He would know about the ships chandleryas he would have made the purchase for me from Edward Lipsett and he would know about the Wisco 3 H.P. engine as this was used for running the generator at one of the fish camps and he probably brought it down. However, he had nothing to do with the moving of the tools, material and equipment from the boat house to the warehouse and would not know what was moved. Also he would not know about the storage of the new furniture as this had been at his married sister's home.

"As indicated in the Custodian's files Harry shipped 31 articles to me, after inspecting the

premises. This included an icebox and a number of 25 lb nail boxes in which were enclosed a quantity of school books, some clothing, and miscellaneous screws, bolts, nails and like items of hardware. I did not receive any of the items for which I now claim.

"I did not hear from the Custodian or the Insurance Company again about this matter as far as I can remember until I filed my claim. They apparently decided to communicate with my son. I did not hear from him either as to any further requests for an inventory. (See letters December 16, 1943 and December 21, 1943, Custodian to Insurance Company in which he advised the Company to correspond with my son).

"My claim came on for hearing in March and my counsel arranged with the Commissioner that, without prejudice to my claim, he would try to get the insurance company to make a settlement. He advises that the insurance company refuses to recognize any claim on the grounds that there is no evidence of the articles having been in the warehouse, no proof of loss was ever furnished to the company, and no action was commenced within twelve months.

"My claim had originally been based on the default of the Custodian to inventory the goods and to collect under the policy. When my counsel ascertained that the company would not settle, he advised me to draw a conservative inventory of all of my personal property which I was certain had been stored in the warehouse and not since shipped to me. I

have now done this and have checked it as far as possible with the men who worked for me. I am certain there are many other things which I cannot now recall. I am, however, sure that the things which I have shown were stored. The values I have shown I believe represent fair market values.

"With respect to the 50 H.P. Diesel Engine, I believe it was worth the $1200.00 asked. I understand from my counsel, however, that at the time of its sale some of the parts which had been stored in the warehouse were missing. This naturally would detract from its value.

The value of the goods inventoried far exceed the sum of $2000.00 even after giving the Custodian credit for what he sold. I am satisfied, however, to make my net claim for $2000.00, the amount of my insurance policy".

Then attached to Exhibit one is an inventory of tools, equipment, furniture, etc.

Now I would ask my learned friend to produce a number of documents and letters from the files of the Custodian. I understand that he may have some objection to some of these memoranda which were passed between members of his Department, that is, members of the Custodian's Department, going in as evidence.

My submission with regard to those, your honour, is that this is the type of case where the claimant is away from the coast altogether -- he has no means whatsoever of knowing what went on

down at the coast. I take it that the Custodian and the Crown, as well as ourselves acting on behalf of this claimant and other claimants, are desirous that all information that would be helpful to the Commissioner should be placed before him, and in circumstances such as these, I think that the normal procedure which might apply in a trial ought not to apply and that information such as this which is in the Custodian's file should be admitted at this stage, subject, however, to the right of the Custodian to call the persons who made the memoranda to explain any statements that are in it that do not appear to be correct.

Therefore, I am going to ask to file a number of memorandum. Perhaps my friend would like to make his objection at this point.

MR. McTAVISH: Your honour, I feel these are privileged communications from one member of an office staff to another member of an office staff. They are made available to the claimant to enable him to prepare his case, but if they wish to make use of the material in the memorandum, I think the proper way to do it is to call the man who made the memorandum.

THE COMMISSIONER: Well, they will go in subject to this objection, then, and that is entirely for the Commissioner to decide -- whether they are evidence or not.

MR. McMASTER: Thank you, your honour. I suggest these all be filed as one exhibit. They are primarily

the letters and memoranda referred to in the statement in Exhibit 1. I will just identify the documents that are going in as the exhibit.

First, a letter dated August 15, 1942 from the Claimant to the Custodian.

Q: Witness, can you identify your signature on that letter? A: Yes.

Q: And did you write the letter? A: Yes, I wrote it.

Q: Or have it written for you and signed it?

A: Yes.

MR. McMASTER: What purports to be a letter from Macaulay Nicolls and Maitland to the Custodian dated August 11, 1942.

A copy of a letter from the Custodian to this claimant dated September 24, 1942.

A letter from the claimant to the Custodian dated October 1st, 1942.

Q: Witness, is that your signature on this letter, and did you have that letter written to the Custodian? A: Yes.

MR. McMASTER: A copy of a letter dated October 7, 1942 from the Custodian to the claimant.

A copy of a letter dated October 5, 1942 from the Custodian to the claimant.

A memorandum dated December 11, 1942 purporting to be signed by D.A. Smith.

A memorandum dated January 5, 1943 addressed to George B. Spain. The initials on the foot of the letter are not very easily identified. I think

they are "G.B.S."

A copy of a letter dated the 15th of February 1943 from the Custodian's office to the claimant.

A letter dated March 6, 1943 from the claimant to the Custodian.

Q: Witness, can you identify your signature on that letter and did you write that letter or instruct someone to write it for you?

A: I had it written.

MR. McMASTER: That is his signature on it?

THE INTERPRETER: Yes.

MR. McMASTER: A copy of a letter dated May 18, 1943 from the Custodian to the claimant.

A copy of a letter dated May 19, 1943 from the Custodian to Messrs. Macaulay Nicolls and Maitland Company Limited.

A letter dated May 25, 1943 from the claimant to the Custodian.

Q: Witness, is that your signature on that letter?

A: Yes.

MR. McMASTER: A copy of a letter dated June 7, 1943 from the Custodian to the claimant.

Memorandum dated July 5, 1943 addressed to Mr. Green from Mr. Spain with the initials "G.B.S." at the foot of it.

A letter dated July 12, 1943 from the Custodian to the claimant.

A letter dated August 2, 1943 from the Custodian to the claimant.

A memorandum dated October 3, 1943 addressed

at the top to "File" from Mr. Spain, and appears to be signed by D.A. Smith.

An inventory dated November 2, 1943.

A copy of a letter dated December 16, 1943 from the Custodian to the Dominion of Canada General Insurance Company.

A copy of a letter dated December 21, 1943 from the Custodian to the Dominion of Canada General Insurance Company.

I file all those as the exhibit.

(LETTERS MARKED EXHIBIT NO: 2)

Your witness.

MR. McTAVISH: It is submitted, your honour, that the personal property which was sold was sold for its fair market value. It is submitted that where the claimant has claimed for something which was not sold, his claim is exhorbitant. It is submitted that the Custodian made every reasonable effort to recover on the loss sustained by the claimant because of the theft of certain chattels, and that the loss suffered by the claimant was solely due to his laches and to his refusal to cooperate with the Custodian in respect to the loss sustained.

CROSS EXAMINATION BY MR. McTAVISH:

Q: Is this your signature? A: Yes.

Q: And this is the J.P. form signed by yourself?

A: Yes, I think so.

MR. McMASTER: The date, please, Mr. McTavish?

MR. McTAVISH: Dated the 3rd day of April, 1948.

I put this in as Exhibit No. 3.

(J.P. FORM MARKED EXHIBIT NO. 3)

MR. McTAVISH: Q: I would refer to the letter dated October 1st, 1942 from the claimant to the Custodian's Department which is part of Exhibit 2. I will read you a paragraph from this letter and I would like to examine you on it afterwards. "As I was in such a rush to leave Vancouver, and being very, very busy at the time, I cannot recall and make any decent list of things stored at that house. There are so many, many items which are of considerable cost and importance to me." Do you recall writing that in this letter? Would you interpret the letter, Mr. Interpreter; that is the paragraph.

A: I had asked my daughter to write that.

Q: Did you tell her to write that particular paragraph? A: Yes, I did.

Q: How is it that if you couldn't remember the articles left in '42 that you remember them now in great detail?

MR. McMASTER: Does that letter say that, Mr. McTavish? Would you mind reading the paragraph again?

MR. McTAVISH: Yes. "As I was in such a rush to leave Vancouver, and being very, very busy at the time, I cannot recall and make any decent list of things stored at the house."

MR. McMASTER: That isn't the same thing. I would like to have your question read, if I might.

MR. McTAVISH: My question is: How can you recall and

make a list of things if you couldn't at that time?

MR. McMASTER: He didn't say that.

MR. McTAVISH: He did.

MR. McMASTER: He said he couldn't make a decent list.

A: I was very busy and I was working elsewhere at the time and all these things were brought in by his sons and his men and they were all piled up, and I wasn't able to take an inventory then. I wasn't there at the time. These were all brought from various places so I wasn't able to make a special inventory at the time until I had thought the things out or examined them.

MR. MCTAVISH: You never examined the goods stored there?

A: He couldn't examine them very minutely.

Q: You are not sure exactly what was stored there?

A: What is in the list, I know they were there, but there are several other things that I feel sure were there and have not put in the list.

Q: Did you see all the items in the list in that warehouse?

A: I felt sure that all the things were there, although I didn't check them.

Q: Did you see them?

A: I couldn't see them because they were all piled up.

Q: If you can make that list out now, why couldn't you make the list out when requested to by the Custodian in his letter of June 7, 1943?

A: When I was leaving, when they asked me to put down all I remember, and said it wasn't necessary to write in details, and of course I thought that everything would be given to the Custodian, and I

wasn't sure of the things so I didn't take much notice of it.

MR. McMASTER: I wonder if my friend would identify this letter as being after the thefts?

MR. McTAVISH: Yes. This letter is dated June 7, 1943 and reports to the claimant the theft of some of his goods and goes on to say: "In order to have this apparent loss adjusted, it will be necessary to know what you had in those boxes and we can check up and find out what is still there and the missing articles, if any, we presume will have been stolen and we will endeavour to make claim for you on that basis."

THE INTERPRETER: A: The reason why I didn't reply to the letter was I had hoped that my son would come to me and we would be able to discuss the whole thing.

MR. McTAVISH: Q: Did you realize that the Custodian could not make a claim on your behalf unless he did obtain the inventory he asked for?

A: I understood that, but I had hoped my son would be able to come and that he would be able to attend to it for me as I was not permitted to go myself.

Q: After you received the letter of July 12, 1943, when they again asked for this information, why didn't you supply it then?

A: When I received that letter I wrote to my son to come to me quickly so that we could discuss the matter and reply to that letter, but he wasn't able to come.

Q: Why didn't you put in an inventory such as you have now submitted?

THE INTERPRETER: I didn't quite catch it.

MR. McTAVISH: Q: Why did you never put in an inventory such as you have now submitted?

A: When I heard the articles were stolen, I thought that probably it was no good my claiming it until now, until just recently when I put in a claim.

Q: You had been -- let us put it this way: If you had been in Vancouver, would you have put in a claim to the insurance company?

A: I didn't do so myself, but I asked my lawyer to do it for me.

Q: You did ask your lawyer?

MR. McMASTER: No, he didn't get the question.

MR. McTAVISH: Q: I said, would you have put in a claim to the insurance company with regard to the loss by theft if you had been in Vancouver?

A: I have not been to Vancouver.

Q: Would you have done it if you had been in Vancouver?

A: As soon as I received the policy from the Custodian I would have done it.

Q: How did you recall all these small items now when you couldn't recall them before?

A: At first I depended on the Custodian to make the list for me, but afterwards I wrote that; after thinking things over the large things, such as the nets and other large things he remembered, but the little things he had to ask his son who had carried the things or the other family who had taken

the things there, and I made the list then.

MR. McMASTER: I am sorry, but my interpreter says the word was "foreman." I would like the interpreter to ask if that is right. He had to ask his foreman to help him.

(Interpreter to witness)

THE INTERPRETER: A: He asked the foreman for all the articles to help him, and then he had all the things written.

MR. McTAVISH: I would ask my friend if he is going to call the foreman.

MR. McMASTER: I hope to call the foreman at Kamloops, your honour.

MR. McTAVISH: Q: The detailed list submitted here was then prepared by yourself and the foreman, is that correct?

A: Also the gentleman sitting there (indicating) helped to carry the things to storage.

Q: Do you know if the foreman had a list of the things carried into the shop?

A: The foreman wrote down all the things that he was responsible for, but since then has left and he has that gentleman and himself and others to help him to write down things.

MR. McTAVISH: That is all.

MR. McMASTER: No questions, your honour.

THE COMMISSIONER: Very good. That is all.

(Witness aside.)

MR. McMASTER: I call Mr. Kaneda.

HISASHI KANEDA, a witness called on behalf of the Claimant, being first duly sworn, testified as follows:

MR. McMASTER: Could I have exhibit 1, please?

(Handed to Mr. McMaster)

DIRECT EXAMINATION BY MR. McMASTER:

Q: Witness, you were employed by the claimant at his boat house at Seymour Creek in Burrard Inlet in Vancouver?

A: Yes, I was.

Q: Prior to your evacuation. And were you personally present when the goods and equipment which were stored at the boat house were moved to these premises at 2235 Triumph Street? A: Yes, I was.

Q: And did you assist in the loading and unloading of truck or trucks that took the goods and equipment to that warehouse? A: Yes, I did.

Q: How long had you been employed in or about the boat house and boat yard there?

A: I had been employed there for about two years, I think, and then during the time I was going to high school I used to work there in the summer time, the summer holidays.

Q: Yes. And what sort of work were you doing there prior to your evacuation? A: I was learning to be a carpenter, apprentice, in a way.

Q: I see. Now I produce to you Exhibit No. 1, an inventory of goods and chattels which the claimant says were stored in these premises on Triumph Street.

Do you recognize any of those goods and chattels as having been in or about the boathouse and as being the goods and chattels which you assisted to move to the warehouse?

A: Do you want me to go into detail?

Q: Yes, if you will identify it. They are in groups. Perhaps you might as well identify them by groups. Maybe you had better identify them item by item; it won't take us very long.

A: I shall read off all the ones that I can identify, will that be fine?

Q: If you would, please.

A: One screw jack, 17"; one screw jack, 14" -- I can identify all those. One pipe die; three sets of cutters, two chain vises, one blacksmith's vise, one machine shop vise, twelve 6" G clamps, twelve 9" G clamps, twenty 6 to 12" G clamps, five 2' Taylor's Boat clamps, one spike hammer, two sets side-heads with blade fit for Cowan planer, yes, one chain block, one ton capacity. I can identify all those from the boat house.

I shall continue with the machine shop tools. Four 18" pipe wrenches, 4-14" pipe wrenches, 4-12" pipe wrenches, 4-6" pipe wrenches, 2-12" crescent wrenches, 2-10" crescent wrenches, 4-8" crescent wrenches, 6-6" crescent wrenches, 4 machine hammers, 6 pliers, 7 assorted sizes screw drivers, 2 sets box wrenches, miscellaneous saws, planes, shears punches, and key drifts. I can identify all those.

Camp equipment: six coleman gas lanterns,

2-6' saws, 3 sledge hammers and wedges, 1-32 volt generator with pulley and belt complete, 1 Wisco for 3 H.P. Fairbanks Stationery engine and accessories, 1-1½ pipe power water pump, 4 sets rubber hose, 1-100 ft fubber hose ½", 4 heavy built hand trucks, 4 counting machines -- I believe those were called "tally machines" -- 1 wiring machine.

Do you want me to go through all those things?

Q: You can identify those items you have referred to?

A: Yes.

Q: Would you look through the balance of the list and see if there is anything else you can identify there from your personal knowledge and recollection.

A: I can't recall exactly if there was this much net and rope and lines, but I can recall this here, 1 Hotshot 50 H.P. Diesel Engine, because of the fact that the claimant's son and I helped to take it out of the boat and store it in the warehouse at Triumph Street. This furniture and chinaware -- I couldn't very well say that I have seen them, and I believe this has nothing to do with the stuff that was brought from North Vancouver, or Seymour Creek as the claimant puts it.

Q: I see. Now, witness, with respect to those first items that you referred to, they show on the inventory from the boatyard and the machine shop tools and camp equipment, what would be true according to your recollection: does the inventory here cover all the goods that were moved from the boatyard at Seymour Creek to the warehouse by

yourself and other workmen, or would there be others?

A: No. I would say that would be a very conservative estimate of what was all there. I personally think there is lots more things that we don't recall now that were there at that time because of the fact that there was -- I believe there was two truck loads brought out of there on a -- I think it was a two-ton or two and a half ton truck.

Q: Yes. Now did the claimant consult with you, either before or after he had drafted out this list, to check whether or not you recalled this material being in the warehouse?

A: He asked me about that, but -- of course, it was so long ago that -- if I looked at the list I could remember, but I couldn't help him add any more to that list or detract from it.

Q: I see. In other words, he had drawn out a list and asked you to check it over? A: Yes.

Q: And you have stated that you feel quite positive that these items were there and many more?

A: Yes.

MR. McMASTER: Your witness.

CROSS EXAMINATION BY MR. McTAVISH:

Q: If you hadn't seen this list, would you remember the items that were there?

A: I could recall some of them, yes.

Q: Do you swear that there were exactly twenty 6" to 12" G. clamps?

A: I couldn't swear that there were exactly twenty, to that extent, but those were tools that were used in the boat building business.

Q: All you can say, then, is that you remember there were some 6 to 12" G. clamps there?

A: Yes.

Q: You can't swear to the number of them, or the number of any item there?

A: No. Well, it is so long ago that I wouldn't be quite true if I said there was exactly this much.

Q: In other words, when you went through this list, you just remembered the items you mentioned, not the quantity of them? A: Yes.

Q: Now did you load this on at the boatyard and unload it at the storage and store it?

A: Yes, we did.

Q: You did that yourself?

A: Well, we had other people there. I can't recall how many was there. I remember one of his sons was there and my father, myself, and I believe my younger brother was there, and I believe there was one or two other people there at that time.

Q: Did you accompany both truck loads that you recalled going from the boat yard? Did you accompany them to the Triumph Street storage place where the goods were stored?

A: Yes, we did; we unloaded the -- it was hauled by one truck. I think it was two trips.

Q: Where would this camp equipment have been stored before you moved it to Triumph Street?

A: The camp equipment was all unloaded from the boats and left at that boat shop until it was hauled away.

Q: That is the boat shop at the foot of Seymour Creek?

A: Yes.

MR. McTAVISH: That is all.

RE-DIRECT EXAMINATION BY MR. McMASTER:

Q: Witness, while you have said you don't remember exactly what quantity of these various items there were, do the quantities that the claimant has shown in that inventory appear to you to be reasonable according to your recollection of what was kept there? A: They were very reasonable.

MR. McMASTER: Thank you. That is all.

Your honour, I would ask leave to have this case placed on the Kamloops list to permit me to call the foreman and, if it is at all possible for the reporter to have the transcript available for crown counsel at that time and myself, I am sure it would be appreciated.

THE COMMISSIONER: Yes, very well. When will you be calling it again?

MR. McMASTER: I would imagine it would be at least at the end of the first week of the Kamloops list.

THE COMMISSIONER: Yes. The reporter will do that if he can, I suppose.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Sub-Commissioner

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

Gordon Hambleton
Official Reporter

Kamloops, B.C.

May 14, 1948

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.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. COBUS: Your honour, I would like to continue with the claim of Hajime Tsuchiya, the one which was started at Vernon and heard on April 26, 1948 and was put over to the Kamloops list.

THE COMMISSIONER: We will keep the Vernon number, then.

MR. COBUS: I think that would be advisable.

THE COMMISSIONER: Was this claim heard before me in Vernon?

MR. COBUS: It was, your honour.

THE COMMISSIONER: Yes, very good. What was the Vernon number, then?

MR. COBUS: 166.

THE COMMISSIONER: Very well.

MR. COBUS: I will call Ashana Jinichi.

Ashana Jinichi, a witness called on behalf of the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, by whom were you employed before you were evacuated? A: Mr. Tsuchiya.

Q: Hajime Tsuchiya? A: Yes.

Q: What work did you do? A: I was a boat builder.

Q: Is that all you did? A: When I had time I went to a fishing camp in my spare time.

Q: Most of your time, however, was spent in a boat house belonging to the claimant, Hajime Tsuchiya?

A: That was my trade and I chiefly did boat building.

Q: Where was this boat house of Mr. Tsuchiya's located? A: About half a mile east of the Second Narrows Bridge, North Vancouver.

Q: Would you say that it was near the mouth of Seymour Creek in Burrard In let? A: Yes.

Q: How long had you been working in this boathouse?

A: About six or seven years.

Q: You would be familiar, then, with the contents of the boathouse itself and the premises on which the boathouse was built? A: Yes.

Q: Witness, I produce to you a list which forms part of Exhibit 1. There are two pages on this list. Do you read English well enough to examine this list and point out the articles you can say of your own knowledge were in the boathouse? Perhaps I should break that down.

THE INTERPRETER: I can explain that to him.

A: I think I know a certain amount, sufficient to answer questions with the aid of the interpreter.

MR. COBUS: Q: Perhaps if you look at the headings like the "Boatyard", "Machine shop tools," "Camp equipment," "Fishing equipment," "Furniture," "Chinaware and utensils," perhaps you could indicate which of those groups you would have knowledge of.

THE INTERPRETER: Would it be satisfactory if, as I read them out, he put a tick against those items which he has knowledge of?

MR. COBUS: I think that would be an excellent idea.

MR. BOWEN-COLTHURST: Just let me see this exhibit, first.

MR. COBUS: You have a copy there.

MR. BOWEN-COLTHURST: I want to see what markings, if any, are on it already. I think he had better tick it on the left-hand side.

THE INTERPRETER: A: With regard to the 20 - 6 to 12 inch "G" clamps, I am not perfectly certain of the exact number, but I think that there were at least 20.

MR. COBUS: Q: Well, witness, what about the item you have ticked, two chain vises up to two inch pipe; are you certain that there were two chain vises?

A: Yes.

Q: Carry on, will you please?

A: (Witness complies) I am putting a cross against that item as I am not certain of the exact quantity. The items which I have ticked in the boatyard were things which I used daily and I can vouch as to the correctness of those items. He

had a number of tools, various tools, which he had in a box, but I cannot vouch as to the correctness of the numbers, there are so many of them.

Q: Would you say that the numbers -- and I gather you are speaking of machine shop tools -- are under-estimated or over-estimated?

A: I don't think that the numbers are less, but are inclined to be more than what is put down here. He had a lot of work on repairing boats in the spring.

Q: In other words, if anything, the numbers shown are less than what probably was there.

A: They were not over. He has not over-estimated the quantity. I used these and I am certain there are six Coleman Gas Lanterns. With regard to the three sledge hammers, whilst they are camp equipment, I did not use them and so I cannot be certain.

Q: You cannot be certain as to the numbers, but can you tell me whether there were any?

A: I think those were there but I am not certain, that is, the three sledge hammers and wedges. The 32 volt generator with pulley and belt complete was there. I think that was in the box. One Wisco for 3 H.P. Fairbanks stationary engine and accessories.

MR. BOWEN-COLTHURST: What's that you are ticking there?

THE INTERPRETER: The Wisco.

MR. BOWEN-COLTHURST: My understanding was that he thought it was there, and I don't think he should put a tick there unless he is sure.

THE INTERPRETER: A: I have used that machine before and therefore I know that it was there.

MR. BOWEN-COLTHURST: All right.

THE INTERPRETER: A: And I have used the engine, also. One 1½ inch pipe power water pump -- that was used for washing the deck of the camp and that, I am certain, was there. Four sets of rubber hose, I am certain, was there. 100 foot rubber hose, half inch. Four heavy built hand trucks.

MR. BOWEN-COLTHURST: What was the answer to the rubber hose?

THE INTERPRETER: That was there. It is ticked off.

A: Four heavy built hand trucks, that was there, I am certain. Four counting machines: those were small tally machines. Those were at the camp but I am not certain whether they were at Seymour Creek because they were put in a box. One wiring machine: that is for wiring packages and that was there.

MR. COBUS: Q: Witness, you are now examining the fishing equipment. Was there any fishing equipment left in the boathouse or the boatyard?

A: There was a lot of line and web, but as to how much there was, I couldn't say.

Q: There is an item under "fishing equipment," 3,000 six inch floating cork. Was there any such article in the boatyard?

MR. BOWEN-COLTHURST: Well, I think this is going too far, your honour. The witness already has had a leading question put to him by placing the list

before him and I haven't objected to that because we haven't adhered to the rules of evidence so strictly that that would be objectionable in this hearing. But he has answered that question, that is, having the list put before him and being asked whether he recalls these various articles, by stating that as far as the fishing equipment is concerned he cannot remember the individual items. He has had the individual items put before him; he has said he cannot remember the individual items. Now, he has already had a leading question put to him and he has already answered that leading question, and I submit that should be the end of it.

MR. COBUS: Your honour, I am simply trying to draw from this witness what he actually knows.

THE COMMISSIONER: Well, don't try too hard for it.

MR. COBUS: Q: Would you ask the witness to continue through the list?

THE INTERPRETER: Am I to understand that the fishing equipment is now disposed of?

MR. COBUS: Yes, I would think so.

Q: As to the f urniture, have you any knowledge of any furniture listed there?

A: No, I don't know about the furniture.

Q: As to chinaware and utensils listed, have you any knowledge of those?

A: No, I don't know.

Q: When were you evacuated? A: About the 6th of March.

Q: Where did you live in Vancouver?

A¢ In the neighbourhood of Tsuchiya's boathouse.

Q: Before you were evacuated, did you have an opportunity to make a list of the goods at the boatyard? A: I did not have time to make one, so I didn't do so.

Q: Did the claimant, Mr. Tsuchiya, ask you to make a list of what you could remember was at the boathouse? A: Mr. Tsuchiya's son and myself discussed the contents of the boathouse and the list was compiled.

Q: Did this son of Mr. Tsuchiya's work at the boatyard? A: He came to help on occasions.

Q: Now, witness, I notice that you have placed no ticks besides the items under "machine shop tools." By not ticking those items, am I to understand that you know nothing about those items or that you know something about them but perhaps not the exact quantities? A: I did not put a tick against them because I cannot definitely say that there was that exact quantity.

Q: But were such items there? A: There is no question that similar items were there.

MR. COBUS: Your witness.

MR. BOWEN-COLTHURST: Your honour, in addition to the defences raised by Mr. McTavish in Vernon, or, I should say, indicated by Mr. McTavish in Vernon, as being the defences likely to be relied upon, it also appears likely that there will be the further defence that if the goods in question or

any of them were stored at the Triumph Street address where the warehouse was, there was no means whereby the Custodian could identify them as being the property of this particular claimant, and that in the absence of other information it was not unreasonable if some of them had been shipped to Adachi.

MR. COBUS: Your honour, I don't think my learned friend is supposed, on this occasion, to make the defence.

THE COMMISSIONER: Well, he is merely indicating what his defence will be.

MR. BOWEN-COLTHURST: -- Adachi and Sakamoto -- they were two other Japanese who had in fact some quantity of furniture stored at that warehouse; and it will be submitted that some of the goods claimed by this claimant were sent to those Japanese and it was not unreasonable under the circumstances.

MR. COBUS: Would my learned friend indicate the source of that last information?

MR. BOWEN-COLTHURST: Yes, that is from the Custodian's office.

MR. COBUS: To whom?

MR. BOWEN-COLTHURST: It is in the form of a letter to Mr. McTAVish, but apparently he didn't receive this information in time to raise it at the Vernon hearing as the letter arrived after it.

MR. COBUS: Well, your honour, I must confess that I see no reason for allowing my learned friend to

read a letter from the Custodian to Mr. McTavish.

THE COMMISSIONER: It is not evidence. He is just saying what he is going to prove and if he doesn't prove it, it doesn't help him any. In fact, he is worse off if he doesn't prove what he says.

CROSS EXAMINATION BY MR. BOWEN-COLTHURST:

Q: Now, witness, I can understand that as far as what was in the boatyard is concerned it was easy enough for you, with a list in front of you, to tell what you remember. But can you do that without the list?

A: I used them every day and I know without the list.

Q: Well, without referring to the list, then, can you tell me how many chain vises there were of a size up to two inch pipe? How many?

A: There were two. One was on a bench and one was inside a box.

Q: How many eight pound sledge hammers were there?

A: There were two in the boathouse.

Q: Do you remember anything other than what was on the inventory that has been put in as Exhibit 1 that was in the boatyard? A: Is that the machine shop tools or the boathouse tools?

Q: I will show you Exhibit No. 1. There is the heading, "From boatyard;" there is a list of articles. Now, I am asking you if, in addition to those that you have already looked through, you remember anything else there.

A: There are some things from the boatyard down to there that are missing.

Q: That is to say, there are certain articles that are not listed on this inventory, Exhibit No. 1, is that what you say? A: Over and above that there was a canvas tent that they put over the boats.

Q: How many nine inch "G" clamps were there from the boatyard? A: One dozen.

Q: When did you last count those?

A: I bought those things for Mr. Tsuchiya.

Q: Yes, but when did you last see them?

A: I only used those things once and I counted them when I bought them.

Q: When was it that you bought them? A: In the summer of '41.

Q: And does that also apply to the six inch "G" clamps and the nine inch "G" clamps; did you buy those, too? A: I bought the new ones only, one dozen each. There were a lot of old ones which had been bought previously.

Q: Now, under "Camp equipment," you said that you remembered some sets of rubber hose, half-inch by fifty feet long. How many sets were there?

A: There were a number which were screwed together and I think about three or four.

Q: Now, you have said that the camp equipment included one Wisco for a 3 H.P. Fairbanks stationery engine. What exactly was that article that you were referring to there? A: It is a W-i-n-k-o.

Q: What is it? A: It was an electric magnet -- electric magneto.

Q: When was the last time that you can positively swear having seen the items set out in the first page of Exhibit No. 1?

A: Up to the time I was moved I was using those tools.

Q: That refers to the machine shop tools, does it?

A: The things in the boathouse up to the commencement of the machine shop tools.

Q: What were the machine shop tools themselves?

A: These were the things that were used at the camp and at Vancouver and they were sent back in a box and therefore I don't know absolutely.

Q: That is, as far as the articles listed on the Exhibit under "machine shop tools," and under "camp equipment," are concerned, you are not prepared to swear definitely as to when was the last time you saw any of those articles, is that it?

A: I am not prepared to swear as to the quantity, but I know that they were packed up and were there.

MR. BOWEN-COLTHURST: That is all, thank you.

MR. COBUS: Your honour, I would ask my learned to produce a policy which was placed on ce of the chattels for this claimant, being the Custodian.

MR. BOWEN-COLTHURST: There was a policy pla I believe that policy was placed by th himself, though, your honour.

MR. COBUS: Can my learned friend produce

MR. BOWEN-COLTHURST: No, I haven't the policy on my file, and this was sent over to me from Vernon and I haven't the master file here. If there is an insurance policy available, I will do my best to produce it.

MR. COBUS: Would my learned friend admit that a policy, a burglary policy, was in fact placed on certain chattels of the claimant?

MR. BOWEN-COLTHURST: I will admit that there was an insurance policy taken out on the chattels of the claimant.

THE COMMISSIONER: Have you got the amount of it, Mr. Colthurst?

MR. BOWEN-COLTHURST: Yes, I have that amount.

MR. COBUS: I am given to understand that it was $2,000.00.

MR. BOWEN-COLTHURST: $2,000.00 is correct.

THE COMMISSIONER: Well, I think that is satisfactory for your purposes, isn't it?

MR. COBUS: I had hoped to have it on the record, your honour, that the policy covered furniture and chattels of that nature. However, since my learned friend hasn't the policy, I would ask him to undertake to produce the policy when it is available.

THE COMMISSIONER: Yes, very good.

MR. COBUS: That is all, your honour.

THE COMMISSIONER: That is all, thank you.

(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

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.

Case No ~~207~~ ~~166~~ 166 JAN - 2 1948

Real property claim withdrawn

NOTIFIED

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

Balance of claim held over to Vernon Sub Commission

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

MAY 14 1948
Kamloops

ACKNOWLEDGED

737

Vernon

29

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

(1) NAME TSUCHIYA, HAJIME (RCMP) Reg. No. 12141 (MALE)
(Print) Surname — Given Name

(2) Pre-Evacuation Address 881 UNION ST., VANCOUVER, B.C.

(3) Present Address P.O. BOX 532, REVELSTOKE B.C.

(4) REAL ESTATE

(a) Street Address (if any) 2235 TRIUMPH ST., VANCOUVER B.C.
City or Municipality, — Province

(b) Legal description (lot number, block number, section number, etc.)
LOT 13, BLOCK 24, DISTRICT LOT 184, CITY OF VANCOUVER

(c) Type of Real Property (cross out words which do not apply):
(i) ~~Farm~~
(ii) ~~Residence~~ Type of business WAREHOUSE FOR STORING MACHINERY
(iii) Business
(iv) ~~Any other type of property~~ (describe) AND FISHING GEAR.

(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 receivable) - - - - - - - - - - - - - - - - $
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $ 3000.00 withdrawn
(v) Amount at which Custodian sold property and credited your account - - $ 1200.00
REC'D FROM CUSTODIAN
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1800.00

Transferred to Vernon Sub-Commission

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation
2235 TRIUMPH ST., VANCOUVER B.C.

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
WAREHOUSE

(c) How stored or packed at time of evacuation
LOCKED UP IN THE UPSTAIRS OF WAREHOUSE.

(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") CUSTODIAN'S CARE.

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

1. _____ Estimated Value $_____
2. INSURANCE OF $2000.00 ON ABOVE Estimated Value $_____
3. PERSONAL PROPERTY. (LOST TRACK OF, SOLD, STOLEN) Estimated Value $_____
4. POLICY RETAINED BY CUSTODIAN AT THEIR REQUEST Estimated Value $_____
5. UPON CONDITION THAT INVENTORY (WOULD BE SENT TO ME. Estimated Value $_____
6. REFUSED PERMISSION TO GO TO VANCOUVER Estimated Value $_____
7. TO SPECIFY GOODS STOLEN. TOLD CUSTODIAN Estimated Value $_____
8. WOULD ATTEND TO MATTER. Estimated Value $_____
9. _____ Estimated Value $_____
10. _____ Estimated Value $_____

TOTAL CLAIM FOR PROPERTY LOSS $ 2000.00

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) - $ 3200.00 7000

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

(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, Hajime TSUCHIYA of the City
of Revelstoke 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 Revelstoke)
in the Province of Br. Columbia)
this 30th day of December)
A.D. 1947.)

Hajime Tsuchiya

A Commissioner &c.

A Commissioner for Taking Affidavits within British Columbia

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.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO. 737

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

November 21st, 1947

Mr. Hajime TSUCHIYA,
Reg. No.12141,
Box 532,
Revelstoke, B.C.

Dear Sir:-

This is merely to acknowledge receipt of your letter of the 19th instant this morning and to advise that we have brought forward your file and account for review, and shall forward to you a report of same very shortly.

Yours truly,

B.R. Dusenbury,
Office of the Custodian.

BRD/DD.

HAJIME TSUCHIYA REG. # 12141

STATEMENT RE CHATTELS

Before evacuation I together with my sons operated 9 seine boats which we chartered out on a share basis to various fishing Companies. I also operated two fish camps at Jervis Inlet and Klemtu. For this reason I required to have a large quantity of net and gear and camp equipment.

Having this number of boats I operated my own boat repair shop near the mouth of Seymour Creek, Burrard Inlet and had there a variety of ship chandlery, equipment and tools for ship building and repairs. I had on hand a full set of chandlery which I had purchased from Edward Lipsett for a new boat which I was going to build.

Early in March 1942, as my premises were so near the water supply, the R.C.M.P. ordered me to move from my boat shops on 24 hours notice. I had a warehouse at 2235 Triumph St Vancouver, B.C., so I moved all my tools equipment and stock from the boat shop to the warehouse by truck. I did not have time to take an inventory. I called in my equipment from my fishing camps as well and stored these also in the warehouse.

Amongst my equipment I had a large "Hotshot" Semi-Diesel 50 H.P. motor of Japanese make. I had some of my workmen dismantle this engine in the garage at the warehouse premises. The left the heavy parts in the garage and greased the lighter parts and stored them in the warehouse.

One of my daughters expected to be married early in 1942 and I had purchased some new furniture and a set of new chinaware for her as a wedding present. This was purchased in 1941 from the Hudsons Bay Company for cash either in my own name or my daughter's name. I had the furniture stored at my married daughter's home (Mrs Doomura) and the chinaware at my place on Union St. ~~It~~ Neither the furniture or china were ever used as due to the outbreak of war with Japan and evacuation the wedding had to be postponed. (It took place four years later at Ruelstake).

I did not declare the furniture at the time of filing my J.P. form April 3, 1942 as it was all my daughters

EXHIBIT No. 166
DATE 26 April 1948
FILED BY Claimant.

home. The china, at my home, was covered by the general description of property shown in my I.P. form. Sometime later in april I moved the furniture and china to the warehouse.

In late April Macaulay Nicolls & Maitland approached me to sell the warehouse as they had a client who wanted it. I said I had a lot of goods stored there and that I would sell only if I could reserve part of the upstairs to store my goods. The purchaser agreed provided that this area (about 25' x 100') was partitioned off. I stored all my tools equipment, netting, lines etc & the above noted furniture and china in that space (except the heavy parts of the engine in the garage) locked the door and handed the key to the Custodian. Macaulay Nicolls suggested to me that I insure the chattels and I did so in the sum of $2000.00.

When I delivered the key to the Custodian (I believe it was to Mr Shiers) he asked me if I had an Inventory. I said I had not had time to make an inventory. He said that was alright that his office would check up, make an inventory and send me a copy.

After I left the coast I had several letters from the Custodian asking about an Inventory. On Oct. 1/42 I wrote the Custodian saying that it was not possible to ~~make~~ make a proper inventory without attending at the premises as there were so many items stored. I therefore asked for a permit to go to the Coast for this purpose. By letter dated October 7, 1942 the custodian replied that he was unable to arrange for a permit but that "we will, ourselves, make and submit to you as soon as possible an inventory of what has been left behind."

In August 1942 I received a letter from Macaulay Nicolls & Co. asking me to sign some endorsement to my insurance policy as some of my chattels had been moved to 992 ~~Powell~~ Powell St. Upon receipt of this letter I wrote the Custodian objecting to the removals and asking for a "detailed list" of everything such as furniture, engine and parts, reels etc and many other items which have been moved to 992 East Powell St. Vancouver, B.C.

from 2235 Triumph St. Vancouver B.C."

I received a reply to my letter of Aug 15/42 from the Custodian but no mention was made in it of the removal (Letter Oct 5/42). ~~The Custodian subsequently I do not recall hearing from the Custodian at any time with respect to this matter.~~ advised me that my chattels had not been moved.

I am now advised by my Counsel that it appears from the Custodian's file that on January 5, 1943 D.A. Smith of the Custodian's office reported that there was a large quantity of boat lumber, fishing equipment & engine parts etc. stored at the warehouse and that it would be necessary to obtain a person familiar with this type of equipment to make a proper inventory. He also advised that household furniture and personal property of several Japanese was removed from this building to 992 Powell some time ago.

In February 1943 I was advised by the Custodian (letter Feb 15/43) that he had several prospective purchasers for my 50 H.P. Diesel engine and asking me what price I would accept. On Mar. 6, 1943 by letter I advised the Custodian I would sell it for $1200.00. In the same letter I asked him to ship me about 1200 lb of tarred herring seine web from the Triumph St warehouse. This was shipped to me about Mar. 24, 1943, so that someone from the Custodian's office must have been to my storage place at or about that time.

On May 18/43 the Custodian wrote to me asking if I wanted the insurance renewed. Nothing was said about my place having been broken into. Yet on May 19/43 I now find the Custodian wrote to Macaulay Nicolls & Co. advising that the day before he had learned that D.A. Smith the Custodian's fieldman on making an inspection on or about May 3rd discovered that boxes of personal effects stored at 2235 Triumph Street and belonging to me had been broken into. It was Mr. Gibson of the Insurance department of the Custodian who wrote both letters.

I was not advised of the breaking into of my store room until June 7/43. This letter requested an Inventory. As explained above I had not made an Inventory and I thought the Custodian

would have made one as he promised. It appeared to me that the only way to ascertain what was missing would have been to go down and look at what was left. I got in touch with my son Harry at Kaslo and found out he expected to be allowed to go to the Coast shortly on other business. (I did not think I would be permitted myself having once been refused.) I therefore asked Harry to come around by Revelstoke on his way down so that I could discuss the matter with him. Unfortunately his visit to the Coast was delayed until September. In the meantime I received two more letters, one in July and one in August from the Custodian asking for an Inventory. I did not reply as I expected Harry would soon be going down.

My son did go to the Coast about September 1943. However, he did not come to see me at Revelstoke. During evacuation Harry was a member of the Japanese Committee and was very busy as such. Consequently he was not able to help me store the equipment, tools, materials furniture etc referred to above in the warehouse. He therefore did not know all the things which had been stored and that was why I wanted him to come to Revelstoke first.

When in Vancouver Harry visited the warehouse and gave the Custodian a list of the things which he considered were missing. Upon examining this list I observe that quite a few of the things listed by him were his own property which had been stored there (see list dated Nov 2 1943) i.e. the tap & die sets, the micrometers & calipers, the Briggs & Stratton 1/4 H.P. motor and most of the technical books. Harry would know about the new china set as it was at our home before evacuation and also the other chinaware. He would know about the ships chandler as he would have made the purchase for me from Edward Lipsett and he would know about the Wisco 3 H.P. engine as this was used for running the generator at one of the fish camps and he probably brought it down. However, he had nothing to do with the

moving of the tools, material & equipment from the boat house to the warehouse and would not know what was moved. also he would not know about the storage of the new furniture as this had been at his married sister's home.

As indicated in the Custodian's files Harry shipped 31 articles to me after inspecting the premises. This included an icebox and a number of 25 lb nail boxes in which were enclosed a quantity of school books, some clothing, and miscellaneous screws, bolts, nails & like items of hardware. I did not receive any of the items for which I now claim.

I did not hear from the Custodian or the Insurance Company again about this matter as far as I can remember until I filed my claim. They apparently decided to communicate with my son. I did not hear from him either as to any further requests for an inventory. (see letters Dec 16/43 & Dec. 21/43, Custodian to Insurance Company in which he advised the Company to correspond with my son).

My claim came on for hearing in March and my Counsel arranged with the Commissioner that, without prejudice to my claim, he would try to get the Insurance Company to make a settlement. He advises that the Insurance Company refuses to recognize any claim on the grounds that there is no evidence of the articles having been in the warehouse, no proof of loss was ever furnished to the Company and no action was commenced within twelve months.

My claim had originally been based on the default of the custodian to inventory the goods and to collect under the policy. When my Counsel ascertained that the Company would not settle he advised me to draw a conservative inventory of all of my personal property which I was certain had been stored in the warehouse, not since shipped to me. I have now done this and have checked it as far as possible with the men who worked for me. I am

certain there are many other things which I cannot now recall. I am however sure that the things which I have shown were stored. The values I have shown I believe represent fair market values.

With respect to the 50 H.P. Diesel Engine I believe it was worth the $1200.00 asked. I understand from my Counsel, however, that at the time of its sale some of the parts which had been stored in the warehouse were missing. This naturally would detract from its value.

The value of the goods inventoried far exceed the sum of $2000.00 even after giving the Custodian credit for what he sold. I am satisfied, however, to make my net claim for $2000.00 the amount of my insurance policy.

H Tsuchiya

HAJIME TSUCHIYA No 12141

INVENTORY

			Estimated value
		FROM BOAT YARD	
✓	1	Screw Jack 17" (new $17.00) 3 yrs old	10.00
✓	1	" " 14" (new $4.00) " "	7.00
✓	1	Pipe Dies	36.00
✓		Complete set 3 cutters	18.00
✓	2	Chain Vises size up to 2" pipe	25.00
✓	1	Blacksmith vise 4" jaw	12.50
✓	1	Machine shop vise 4" jaw	12.00
✓	12	- 6" G. clamp (like new) $2 each	24.00
✓	12	- 9" G. clamp " " $2.15 each	25.80
✗	20	- 6" to 12" G clamps 1 used	30.00
✓	5	- 2 ft. Taylor's Boat clamp @ $5 ea.	25.00
✓	3	Door clamps 2-4' & 1-3' @ $5 ea	15.00
✓	1	Spike Hammer ~~@ 4~~ 5 lbs.	2.00
✓	2	- 8# sledge Hammers @ 10¢ lb.	1.60
✓	2	sets sible-head with blade fit for Cowan Planer @ $50.00 per set	100.00
✓	1	chain block 1 ton capacity	37.50
✓		Ships chandler for new boat	150.00
		Machine Shop tools:-	
	4	- 18" pipe wrenches @ 4.00	16.00
	4	- 14" " " @ 3.00	12.00
	4	- 12" " " @ 2.50	10.00
	4	- 6" " " @ .75	4.50
	2	- 12" Crescent wrenches @ $5.00	10.00
	2	- 10" " " @ $4.00	8.00
	4	- 8" " " @ $2.00	8.00
	6	- 6" " " @ $1.00	6.00
	4	machine hammers @ $1.50	6.00
	6	plyers @ 75¢	4.50
	7	assorted size screw drivers @ 50¢	3.50
	2	sets box wrenches @ 29.00 per set	58.00
		Miscellaneous saws, planes, shears, pumbes & key drifts	?
		Camp equipment	
✓✗	6	Coleman gas lanterns @ $9.00	54.00
✓	2	- 6 ft saws @ $6.00	12.00
	3	sledge hammers & mudjes @ $2.00	6.00
✓	1	- 32 volt generator with pulley & belt complete (Cost $300.00 new 1936)	150.00
✓	1	Wisco for 3 H.P. Fairbanks stationery engine and accisaries	45.00
✓	1	- 1½ pipe power water pump ($100.00 new 1936)	50.00
✓	4	sets rubber hose ½" 50' lengths @ $3.00	12.00
✓	1	- 100 ft. rubber hose ½" @ 30¢ ft.	30.00
✓	4	- heavy built hand trucks (new $40.00 ea) @ 15.00	60.00
✓	4	- Counting machines (for counting fish) @ 6.00	24.00
✓	1	- wiring machine ($90.00 new 1935)	60.00
		Forward	1180.90

1180.90

EXHIBIT No. 166
DATE 26 April 1948
FILED BY Claimant

	Estimated Value
Brought Fwd.	1180.90
Fishing equipment	
800 lbs Harred herring web (Received 1200 lbs) (not counted) (new 75¢ lb) @ 15¢	120.00
2000 lbs manila rope (used) (new 30¢ lb) @ 10¢	200.00
4 Gill net lines complete with floats + leads (new #70 ea) used 2 seasons @ #30.00	120.00
40 lbs new smelt web (flax) @ 4.50 lb	180.00
11 new Gill net herring webs (about 12 lb ea #1.25 per lb	192.50
4 Salmon Gill nets used 2 seasons @ #30 ea	120.00
3000 - 6" floating cork (new 10¢) @ 5¢	150.00
200 fathoms lead line 800 lbs lead + rings	150.00
625 lbs Salmon Seine Web used 1 season (not counted 250 lb shipped me + 125 lbs shipped to my son) (new 80¢ lb) @ 15¢ lb.	93.75
1 Hotshot 50 H.P. Diesel Engine	1200.00
Furniture	
1 "Knoller" chesterfield set (unused - cost #49.00)	125.00
1 chesterfield end table (unused cost #18.00)	12.50
1 China cabinet made to order 1937 - cost #35.00	20.00
1 Bedroom suite "Restmore" (unused cost #98.00)	150.00
21 Kitchen chairs cost #1.75 ea @ 1.00	21.00
1 Oak desk + revolving chair (1935 - cost #150.00)	100.00
6 rolls linoleum assorted size and patterns fairly new cost about #90.00	45.00
1 Singer Sewing Machine 1930 cost #115.00	50.00
China ware + utensils	
#2 piece new dinner set unused cost #47.50	40.00
Cut glass bowls cocktail set + meat dishes	?
Japanese full course dinner dishes complete set for serving 90 persons consisting of lacquered trays, bowls, chop sticks fancy china + dishes and bowls of odd shapes + patterns, beverage cups, teapots, liquor serving sets, sukiyaki sets + other small items. Imported from Japan in 1939 Cost #350.00 say	100.00
Pots, pans, flatware + general utensils packed in 3 large wooden boxes (used at 2 fishing camps) say at least	70.00
Total	4440.65
Also a quantity of boat lumber and miscellaneous boat equipment	?

H Tsuchiya

Daniel

P.O. Box, 522,
Revelstoke, B.C.,
Aug 15, 1942.

Mr. F. G. Sleard,
506 Royal Bank Bldg.,
Hastings & Granville St.,
Vancouver, B.C.

OFFICE OF THE CUSTODIAN
JAPANESE SECTION
RECEIVED
AUG 18 1942

Re. your File No. 737.

Dear Sir:

Your letter of Aug 11th inst has been received. I will get in touch with my son, Harry Tsuchiya at Kaslo, at once to find out about my account held at your office.

Today, I have also received a letter from Messrs. Macaulay, Nicolls, Maitland & Co. Ltd, together with removal permit for attachment to "Dominion of Canada" Policies No-800761 and No-29245.

I have left insurance policies at your office previous to coming out here to live, but I donot remember of ordering or requesting any company to remove my things stored at 235 Triumph St., Vancouver, B.C.

It was clearly understood when perfecting sale of that property to Messrs. S. & G. Burr, that I may use part of that building for storage purpose for the period of two years, thereby making certain reduction from the total amount of sale. You may have also noticed that I have gone into trouble of making new partition at the second floor of that building with the firm lock for the safe-keeping of the things stored.

EXHIBIT No. 207-2

DATE

FILLED BY

Please let me know by return mail who have sent in request without notifying me, to remove all my belongings and also let me have detailed list of every thing, such as furniture, engine and parts, webs, etc, and many other items which have been moved to 992 East Powell St, Vancouver, B.C. from 2235 Triumph St, Vancouver, B.C.

Thanking in advance for your kind attention to this matter at an earliest date.

Yours truly

H Hanchiga

No

EXHIBIT No. 207-2

DATE

FILLED BY

J. P. NICOLLS
J. D. MAITLAND

B. C. GRANT
T. W. WARKMAN

A. W. ROGERS
D. S. MANSELL

R. KERR
G. I. APROBERTS

Macaulay, Nicolls, Maitland & Co. Ltd.

Insurance, Financial and Estate Agents

IN REPLYING TO THIS LETTER
PLEASE REFER TO
G. W. Smith
PLEASE ADDRESS ALL CORRESPONDENCE TO
THE COMPANY AND NOT TO INDIVIDUALS

435 Howe Street
Vancouver, B.C.

CABLE ADDRESS "MACNIC"
PACIFIC 4111

August 11th, 1942.

OFFICE OF THE CUSTODIAN
JAPANESE SECTION
RECEIVED
AUG 12 1942

Office of the Custodian,
Japanese Evacuation Section,
Royal Bank Building,
VANCOUVER, B. C.

Dear Sirs:

Re: Hajime Tsuchiya. File No. 737.

We enclose herewith removal permits for attachment to "Dominion of Canada" Policies No. 800761 and No. 29245. These permits transfer the insurance to cover the furniture of the above named where it is now stored, 992 Powell Street.

This account will be credited with $2.30 return premium.

Yours very truly,

MACAULAY, NICOLLS, MAITLAND & CO. LTD.,

Per: G. W. Smith

(G. W. Smith)

/PS.
Encls.

EXHIBIT No. 207-2

DATE

FILLED BY

737

September 24th, 1942

Mr. Hajime Tsuchiya,
Registration No. 12141,
P. O. Box 532,
Revelstoke, B. C.

Dear Sir:-

We cannot trace having had an answer from you to our letter of August 28th. You will remember that in this we told you that your effects were left at 2235 Triumph Street but were too numerous for us to inventory at least for the time being. In any case it would be of great assistance to us if you could send us a list of at least some of the major items.

We have also not received from you the two endorsements sent to you by Messrs. Macaulay, Nicolls, Maitland & Co. Ltd. for which we asked in this letter.

Yours truly,

H. F. Green
Protection Department

HFG:IF

EXHIBIT No. 207-2

DATE

FILLED BY

OFFICE OF THE CUSTODIAN
JAPANESE SECTION
RECEIVED
OCT 5 1942

P.O. Box 532,
Revelstoke, B.C.
Oct 1st. 1942.

Mr. H. F. Green,
Protection Dept.,
Office of Custodian
Japanese Evacuation Section
506 Royal Bank Bldg.,
Vancouver, B.C.

Dear Sir: Re- File No 737

Your letter dated Sept. 24th inst. has been received to-day.

In your letter you wished for list of at least some of the major items left at 2235 Triumph Street.

As I was in such a rush to leave Vancouver, and being very, very busy at the time, I cannot recall and make any decent list of things stored at that house. There are so many, many items which are of considerable cost and importance to me.

If you can possibly arrange, will you please issue me a permit to travel to Vancouver, at your receipt of this letter, then I will come up myself and make a complete list of everything stored at that premise.

Thanking in advance for your early reply endorsing a permit for my travel to meet your request.

Yours truly

H Kuching

EXHIBIT No. 207-2

DATE

FILLED BY

166

~~207~~ 2

26 April 1948

Claimant

737

October 7th, 1942

Mr. Hajime Tsuchiya,
Registration No. 12141,
P. O. Box 532,
Revelstoke, B. C.

Dear Sir:-

Thank you for your letter of October 1st. For the time being at any rate, we are unable to arrange for you to visit Vancouver.

We will, ourselves, make and submit to you as soon as possible an inventory of what has been left behind. It may be some little time before we can arrange this, but meanwhile we understand that the purchasers of your property agree to let your effects remain on the premises.

No 4

Yours truly,

H. F. Green
Protection Department

EXHIBIT NO. _____
DATE _____
FILED BY _____

HFG:IF

EXHIBIT No. 207-2

DATE

FILLED BY

737

October 5, 1942.

Mr. Hajime Tsuchiya,
Japanese Registration No. 12141,
P. O. Box 532,
Revelstoke, B. C.

Dear Sir:

With reference to the last paragraph of our letter of the 11th of August and the first paragraph of your letter of the 15th of August regarding the claim we have on file against you by M. Furuya and Company, amounting to $1,738.53, we regret we have received no further information regarding this, and shall be glad to hear from you at the earliest opportunity.

Yours truly,

P. Doust,
Administration Department.

PD:BT

EXHIBIT No. 207-2

DATE

FILLED BY

FILE # 737

TSUCHIYA,
2235 Triumph

December 11th, 1942.

The purchaser of this building who occupies the ground floor and half of the second floor agreed in his deal with Tsuchiya to allow him the use of half of the second floor for storage of his equipment. This portion of the building is boarded off and provides a safe storage for a large quantity of boat lumber, fishing equipment and engine parts etc. It would be necessary to obtain a person familiar with this type of equipment to make a proper inventory.

Household furniture and personal property of several Japanese was removed from this building to 992 Powell Street some time ago, as they were being damaged by fumes from the Foundry below.

Tsuchiya's agreement with the new owner was for a period of three years.

Will report on the diesel engine stored in shed in the rear of the building when I am able to contact the owner of the building.

D. A. Smith

EXHIBIT No. 207-2

DATE

FILLED BY

MEMORANDUM

January 5, 1943

To: File No. 737

From: Geo. B. Spain

CHATTELS

Inspection report submitted by Mr. D. A. Smith:

"The purchaser of the building occupies the ground floor and half of the second floor. The buyer agreed with Tsuchiya to use half of the second floor for the storage of Tsuchiya's equipment. This portion of the building is boarded off and provides safe storage for a large quantity of boat lumber, fishing equipment, engine parts, etc. A proper inventory could be taken only by a person familiar with such equipment.

"Household furniture and personal property of several Japanese was removed from this building to 992 Powell Street, as things were being damaged by fumes from the brass foundry below.

"Tsuchiya's agreement with the new owner was for a period of three years.

"A diesel engine, property of Tsuchiya, is stored in the rear of the building."

GBS:NDE

EXHIBIT No. 207-2

DATE

FILLED BY

737

15th February, 1943.

Mr. Hajime TSUCHIYA,
Registration No. 12141,
Revelstoke District, B. C.

Dear Sir:

We have had several prospective purchasers for your 50 H.P. Diesel Marine engine stored at 2235-37 Triumph Street, and are interested in finding out the amount you would accept for this engine.

Your prompt attention to this matter will be greatly appreciated.

Yours faithfully,

M. Sullivan,
Specified Articles Department.

MS/mf

EXHIBIT NO. _____

DATE _____

FILED BY _____

30

EXHIBIT No. 207-2

DATE

FILLED BY

P.O. Box 532
Revelstoke, B.C.
March 6, 1943.

EVACUATION SECTION
Rec'd MAR 8 1943
File No. 737
Ans.
Referred Sullivan

The Custodian's Office
Dept. of Sec. of State
Vancouver B.C.

Dear Sirs:

In reply to your letter regarding the price on the 50. H.P. Diesel Engine which is stored at the shed on Triumph Street.

I am aking twelve hundred dollars ($1200.00) for that engine as is. If the interested party is willing to consider this price, please let me know.

And will you also let me know whether you can ship to me some tarred herring seine web which I have at this shed on Triumph. If you are able to do this, please ship about ~~twelve~~ twelve hundred pounds of it, soon as possible. The web is unfit for fishing purposes but I think it will be fine for a chicken fence.

Please give this matter your earliest attention.

Thank you.

Yours very truly,

H. Tsuchiya.

File No. 737
Jap. Reg. No. 12141.
P.O. Box ~~E~~ 532
Revelstoke, B.C.

EXHIBIT NO. 207-2

DATE

FILLED BY

737

May 18th, 1943.

Mr. Hajime TSUCHIYA,
Registration Number 12141,
P. O. Box 532,
Revelstoke, B. C.

Dear Sir:

Re: Dominion Fire Policy #800761 --
Fire -- Amount -- $2,000.00 and
Dominion Policy #29245 -- Theft,
Amount -- $2,000.00.

Please be advised the above numbered policies, which cover on your personal effects and household furniture stored at 2235 Triumph Street, Vancouver, come up for renewal May 20th.

I wish to be advised, please, if you want these two policies renewed and, if so, would you like us to pay the premium from money standing to your credit in this office. As there is not sufficient time to get word back from you prior to the expiry date, I am asking the company through Macaulay, Nicolls, Maitland & Co. Ltd., their agent, to hold you covered until May 31st.

Kindly reply without delay.

Yours truly,

S. M. Gibson,
Insurance Department.

SMG:MAI.

EXHIBIT No. 207-2

DATE

FILLED BY

737

May 19th, 1943.

Messrs. Macaulay, Nicolls, Maitland & Co. Ltd.,
435 Howe Street,
Vancouver, B. C.

Dear Sirs: Attention Mr. G. W. Smith

Re: Dominion of Canada Policy
No. RT 29245.

It was reported to me yesterday that a loss by theft occurred to property covered under the above numbered policy. The information so far covering this loss is rather sketchy. All I know about it is that our fieldman, Mr. D. A. Smith, on making an inspection on or about the third day of May, discovered that boxes of personal effects stored at 2235 Triumph Street and belonging to Mr. Tsuchiya had been broken into.

I am advised by Mr. Smith that this theft or attempted theft was reported to the police at the time of its occurrence by the Vancouver Metal Company, owners of the building in which the chattels are stored.

Would you be good enough please to have your adjuster look into this matter.

Yours truly,

S. M. Gibson,
Insurance Department.

SMG:MAI.

EXHIBIT No. 207-7

DATE

FILLED BY

P.O. Box 532
Revelstoke, B.C.
May 25, 1943.

EVACUATION SECTION
Rec'd MAY 29 1943
File No.
Ans. S.M.G.
Referred Gibson

Mr. S.M. Gibson,
Insurance Department,
Office of the Custodian,
Dear Sir:-

Thanking you for your letter advising me regarding insurance policies on my personal goods stored at 2235 Triumph Street, Vancouver.

Regarding premium due on the policies.

As I understood it last year when I insured my goods, the premium was to be paid up for two years. In which case, I do not think there is anything due on them.

Will you check your records please, as this matter was attended to by your office? And, if you find me wrong, please pay the full amount due from the moneys at my credit. In any case, will you please, notify me upon this matter, after you have checked the file.

Thanking you again

Yours very truly,

H Tsuchiya

REG. No. 12141
FILE No. 737

EXHIBIT No. 207-2

DATE

FILLED BY

737

7th June, 1943.

Mr. Hajime TSUCHIYA,
Registration No. 12141,
P.O. Box 532,
Revelstoke, B.C.

Dear Sir:-

Re: Dominion of Canada General Policy #29245 (Theft) &
Dominion of Canada General Policy #800761 (Fire)

We wish to acknowledge yours of May 25th and wish toadvise that both policies numbered above were written for one year as from May 20th and expire on May 20, 1943. I wish to discuss both policies with you and will deal with them separately as follows:-

Re: Dominion of Canada No. 29245. This policy, as you know, covered to the extent of $2000.00 against burglary and theft of your belongings stored at 2235 Triumph Street. On May 18th it was reported to this office that that part of the building in which your chattels are stored was broken into and either theft or attempted theft had apparently taken place. On the following day (May 19th) I reported this to Messrs. Macaulay, Nicolls & Maitland, agents for the above named Company. Some few days later the adjuster from the Dominion of Canada General Insurance Company, in company with one of our men, visited the premises. The found visible signs of entry and also that a number of boxes in which you have your personal effects stored, had been broken open, but whether or not anything was taken, it was impossible for them to tell.

In order to have this apparent loss adjusted, it will be necessary to know what you had in those boxes and we can check up and find out what is still there and the missing articles, if any, we presume will have been stolen and we will endeavour to make claim for you on that basis. In view of the above, will you kindly supply me with a full list of articles stored at 2235 Triumph Street and belonging to you.

Macaulay, Nicolls & Maitland have further advised that no company which they represent wish to remain on this risk and the coverage for burglary and theft expired as at May 31st. (The policy expired May 20th but I had the coverage extended temporarily to the 31st, following which we received advice as stated above).

Re: Dominion of Canada No. F-800761. This policy, covering for $2000.00 fire insurance, also expired on May 20th. Upon request the Company extended that to cover until May 31st and during which, on May 28th, I received a letter from Macaulay, Nicolls & Maitland in which they stated that the Dominion of Canada General Insurance Company would only be willing to remain on this fire risk under the following conditions:-

June 25/43
BC ~~+7/43~~
Arrange to extend cover
note if no word back

(1) That fire insurance be written in the name of the Custodian;

(2) That an inventory of the insured goods be prepared so that in event of loss it may be possible to make proper adjustment.

Upon receipt of this letter I telephoned to Macaulay, Nicolls & Maitland and asked them to arrange temporary coverage to be effective until we get from you some definite information as requested in this letter in connection with the burglary policy.

The position that you are in now with respect to insurance is that you have no insurance to cover for theft and only temporary coverage to June 20th for fire insurance. Therefore, will you please be good enough to reply immediately, letting us have an inventory as requested.

Yours truly,

S.M. Gibson,
Insurance Department

SMG:FM

EXHIBIT No. 207-2
DATE
FILLED BY

MEMORANDUM.

File ~~#6194~~ ~~#2105~~ 737/1 July 5, 1943.

TO: Mr. Green

FROM: Mr. Spain

Re: 2235 Triumph St.

There is a locked room over the Brass Foundry. This room was opened and we made a cursory examination of the contents. Everything was in such a muddled condition and so much junk littered around the place, that it was impossible to make an inventory. Some items however claim attention:

Lumber:

There is probably 800 or 900 feet of good boat lumber here, and in view of scarcity, a ready buyer could be found very quickly.

Seine Nets:

There is probably 1,000 lbs. of old net suitable for camouflage or a chicken farm. I would advise disposal when conditions permit as the present owner of the building may change his former intention and find that he requires the rest of the building upstairs.

Cork:

Several boxes of large net corks could be released.

Rope:

A considerable quantity which might prove useful for the fishing season now opening.

Motor Pump:

There is a piece of machinery that looked like a gas pump of some description. The capacity would not be very large.

If some effort was made to dispose of the foregoing articles, it might be possible then to make an inventory.

GBS/MFP

EXHIBIT No. 207-2

DATE

FILLED BY

737/1

12th July, 1943.

Mr. Hajime TSUCHIYA,
Registration No. 12141,
P.O. Box 532,
REVELSTOKE, B.C.

Dear Sir:-

Re: Fire Insurance

We have not yet received a reply to our letter of June 7th in which we ask you for a detailed list of your effects stored at 2235 Triumph Street. This is required not only to make claim, if any, under Dominion of Canada Burglary Policy No. 29245, but also so that we may arrange to renew the fire protection under expired Dominion of Canada Policy No. 800761.

I have had the Insurance Company extend the fire coverage under this policy by Cover Note expiring on July 30th and providing you wish the fire protection maintained it will be necessary to have the information, as requested, in our hands prior to that date.

Yours truly,

S.M. Gibson,
Insurance Department

SMG:FM

B.C. Org. 4

EXHIBIT No. 207-2

DATE

FILLED BY

737/1

August 2, 1943.

Mr. Hajime TSUCHIYA,
Registration No. 12141,
P. O. Box 532,
Revelstoke, B. C.

Dear Sir:

Re: Fire Insurance

We have not yet received a reply to our letters to you dated June 7th and July 12th and because of that, I have been unable to give definite instructions as to the renewal of Dominion of Canada General Policy No. 800761.

Temporary cover note expired August 30th and pending receipt of further information from you there will be no fire insurance in force.

Yours truly,

S. M. Gibson,
Insurance Department

SMG:JS

EXHIBIT No. 207-2

DATE

FILLED BY

File No. 737/2105 Ocotber 3rd, 1943

MEMORANDUM

TO FILE:

FROM MR. SPAIN:

Re: TSUCHIYA, H. & H.K., Files 737 & 2105
2235 Triumph St.Van B.C.

H.K. Tsuchiya came to Vancouver & spent several days sorting & packing chattels at 2235 Triumph St. He states that many articles of value are missing and as this place had been ransacked it is probably true. The goods in this ~~this~~ building had been insured against burglary & he is making a claim for his loss.

31 pieces were shipped to his father H. Tsuchiya at Revelstoke.
1 Box to Miss H. Hyodo at New Denver, B.C.
3 pieces to H.K. Tsuchiya, at Kaslo, B.C.

Truck charges & freight were all prepaid by H.K. Tsuchiya.

The chattels remaining at 2235 Triumph are as follows, One(1) Japanes deisel engine, One(1) Small stationery engine.

The owner is going to try and arrange a sale for these on his return to Kaslo. Failing this he will send for the small stationery engine, & the Custodian will have to dispose of the deisel.

There are a number of old homemade cupboards, tables etc. that the owner had no use for & that are not saleable, & I have been instructed to dispose of them as I see fit, they will be given to someone for hauling them away.

There is some Marine hardware & boat parts new & used, these are to be sold, would try and sell them on the premises but failing this would move them to Steveston.

The Tsuchiya's have the use of this part of the building until June 1944 but would advise immediate disposal of Marine goods as these premises are not what you would call safe, also the new owner who is engaged in making war material would like to have this space for storage a soon as possible.

EXHIBIT No. 207-2

DATE

FILLED BY

Property of Mr. Hajime TSUCHIYA

Nov. 2, 1943.

Stored in the upstairs of 2235 Triumph Street

Covered by Insurance Policy against burglary

DOMINION OF CANADA POLICY No. 800761

29245 29245

(1) Glass Ware and China Ware: $100.00

This includes a 42 piece new dinner set in unopened box purchased for the sume of $47.50.

Balance consists of cut-glass bowls, cock-tail set and meat dishes.

(2) Hard Ware: $150.00

This consisted of ship chandler og, ~~$150.00~~
Galvanized 2½" boat nails
2 Boxes of 3½" boat nails
40 lbs. assorted washers
Nuts 3/8 to 1"
Box of assorted bolts 4 to 10"
About 65 lbs 5" brass Seine rings
Sundry, blocks hooks etc.

(3) Tools: $250.00

Tap and Die set
1 Set each of 1/16 to 1/4 U.S.S. and S.A.E.
Outside Micrometer (2), one 6" and one 3"
1 Inside Micrometer with 2 extension rods up to 6" .
2 Sets of outside and inside calipers 5" and 8".
1 Pipe cutting Die adjustable jaw to 3½"
miscellaneous saws, planes, shears
punches and key drifts.

(4) Books

"World Encyclopedia" complete set, brand new cost $62.00.

"Book of Knowledge" complete set.

9 volumes "Hydro Electrical" Timby and Croft. at $8.00 a valume - $72.00.

Assorted books of "Diesel Engineering" 12 volumes.

7 volumes of "Engineer and Machinest" hand books. $250.00

Property of Mr. Hajime TSUCHIYA November 2nd, 1943.

(5) Machinery:

1 Briggs and Stratton ½H.P. value $80.00

1 Wisco for 3 H.P. Fairbanks Stationary engine and excesseries -$45.00.

(6) Furniture and Baggage:

Personal clothing and effects including a trunk. $35.00

HFG/HMS

FILED BY

DATE

EXHIBIT NO. 907-2

737/1

December 16th, 1943

The Dominion of Canada
General Insurance Co.,
640 Hastings Street,
Vancouver, B. C.

Attention H. Norman Hanly

Dear Sirs:-

Re: Hajime TSUCHIYA
Policy R. T. 29245.

This is just to acknowledge with thanks yours of December 9th and to confirm our conversation the other day in which we suggested that you communicate direct with this Japanese. If you have not already written, it might be a good idea to hold your letter up for a day or two while we check his address further. (Note P.S.)

declared Nov 25/43 Revised A

We are sending him a copy of this letter and confirm that the list given you in our letter of November 25th represents the effects claimed to have been removed and not those originally stored. In this connection, when this Japanese originally registered with this office, he merely declared the following:

"1 Diesel Marine Engine - 50 H.P. - Value $3000.00; 5000 ft. boat lumber; 1000 ft. ordinary lumber; 1000 lbs Salmon nets; 5 gilling nets; quantity machine tools and other equipment left at 2235 - 7 Triumph Street."

Yours truly,

H. F. Green
Protection Department

HFG:IF
c/c sent to Hajime TSUCHIYA

P.S. His address is as follows:
"C/O White Farm, Revelstoke, B. C."

EXHIBIT No. 207-2

DATE

FILLED BY

11261
737

December 21st, 1943

The Dominion of Canada General
Insurance Company,
640 Hastings Street,
Vancouver, B. C.

Dear Sirs:-

Re: Hajime TSUCHIYA
Policy R. T. 29245.

Further to ours of December 16th referring to the above policy, we should mention that it was the son, Mr. Harry Tsuchiya, who gave us the report referred to and it is to him that we are sending a copy of ours of December 16th and of this letter. He is at Kaslo and although the policy is in his father's name, we believe you would do better to correspond with him.

Yours truly,

H. F. Green
Protection Department

HFG:IF
c/c to Harry Tsuchiya

EXHIBIT No. 207-2

DATE

FILLED BY

FORM "JP" BUREAU HASTINGS PARK FILE No. 737

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: TSUCHIYA, Hajime

HOME ADDRESS: 881 Union St., Vancouver, B. C.

REGISTRATION NUMBER 12141 SEX: Male AGE: 54

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: Works for self.

MARRIED? Yes

NAME OF WIFE OR HUSBAND: Tsugi File 9513 - No claims or p.p. 19-8-47 "D"

ADDRESS OF WIFE OR HUSBAND: 881 Union St., Vancouver, B. C.

NAMES OF ANY LIVING CHILDREN: Shizu (F)

ADDRESS OF CHILDREN: 881 Union St., Vancouver, B. C.

AGE OF CHILDREN: 15 yrs.

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

1. LOCATION AND DESCRIPTION: 2235 & 2237 Triumph St., Vancouver, B. C.
Legal description unknown

2. BUILDINGS AND OTHER IMPROVEMENTS: 2 storey brick building

3. INSURANCE (Give particulars; state where policies are) $2,000 Fire Insurance, name of company and number of policy unknown. Policy left at home, 881 Union St., Vancouver, B. C.

4. TAXES (Amount and where payable) $136 approx. per year paid to Dec. 31st 1941
Payable to City of Vancouver

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed)
None

6. OCCUPANCY AND LEASES (If vacant so state)
Vacant

EXHIBIT No. 166-3
DATE 26 April 1948
FILED BY
Crown

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: In declarant's possession at 881 Union St. Vancouver, B. C.

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: 8 room frame dwelling at 881 Union St. Vancouver, B. C.

2. LANDLORD'S NAME AND ADDRESS: H. Manley, 2248 York St. Vancouver, B. C.

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

Monthly rental $25 paid to date

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:

1 piano, 1 chestefield suite, 1 dining room table, 6 chairs, 1 coal stove, kitchen stove chinaware, kitchen utensils, 6 pictures, quantity of books and numerous household effects left at 881 Union St., Vancouver, B. C. keys in wife's possession

1 Diesel Marine engine 50 H.P. Value $3,000, 5000' of boat lumber, 1000' of ordinary lumber, 1000 lbs salmon nets, 5 gilling nets, quantity of machine tools and other equipment left at 2235 -7 Triumph St., Vancouver, B. C. keys in wife's possession at 881 Union St., Vancouver, B. C.

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 "JP

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: $50 in Japan & Canada Trust Co. Van., B. C. Current Acct.

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 3rd day of April 1942

(Signature) "H. Tsuchiya"

"W. C. Patterson"
Witness

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

FOR DEPARTMENTAL USE

July 17, 1948. F. May

6/6.

January 12th 1948.

Mr. F. G. Shears,
Custodian of Enemy Property,
675 West Hastings St.,
Vancouver, B.C.

Dear Mr.Shears,

We enclose herewith letter received this morning from Mr. H. Tsuchiya of Revelstoke, asking for a copy of statement of account.

Yours truly,

A. WATSON
Per.

SECRETARY.

Enc.
W.