Name of Claimant KISHI, Saeji

Case 301

Custodian File 4592

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

PERSONAL PROPERTY								
Motor Vehicles		Boats and Boat Gear						
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column	

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								
							SPECIAL LUMBER AWARD	700.00
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	
304.00	162.45	48.73	53.43%	524.00	279.97	1020	122.40	451.10

TOTAL RECOMMENDATION	1151.10

1540

CASE NO: 301

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

June 2nd, 1948

IN THE MATTER OF THE CLAIM OF

SAEJI KISHI

PROCEEDINGS AT HEARING

Original

CASE NO: 301

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 ERIC P. DAWSON, SUB-COMMISSIONER)

10 Grand Forks, B.C.

June 2nd, 1948

IN THE MATTER OF THE CLAIM OF

SAEJI KISHI

PROCEEDINGS AT HEARING

20 APPEARANCES:

HAROLD W. McINNES, Esq.,	appearing for the Dominion Government.
R.J. McMASTER, Esq.,	appearing for the Claimant.

L. A. DODD, Esq.,	Secretary to Grand Forks Sub-Commission
MRS. I.C. SMITH,	Official Interpreter
G. HAMBLETON, Esq.,	Official Reporter.

30

MR. McMASTER: Saeji Kishi, No. 29 on the Secretary's original list, and this will be case No. 301

THE COMMISSIONER: 301.

MR. McMASTER: I might say, your honour, there are going to be three Kishi cases, and it might be as well to make sure that this is the correct one. The first name of this man is spelled S-a-e-j-i.

10 SAEJI KISHI, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. McMASTER: I would ask leave to amend the claim in this case, your honour: referring to Clause 5 (e), to reduce the claim on the boat building, machineries and tools, by $100.00 to $2250.00; to eliminate the claim with respect to the boat-house erected on Cannery premises --

THE COMMISSIONER: The $700.00 comes out.

MR. McMASTER: Comes out. To alter the description of

20 the claim for the lumber to 6000 feet of cedar boat lumber, 1000 feet of fir lumber for keeling, and 3000 feet of fir lumber, edge grain.

THE COMMISSIONER: What is the last, now?

MR. McMASTER: 1000 feet of fir lumber for keeling, and 3000 feet of fir lumber, edge grain; and to reduce the claim from $900.00 to $875.00 with respect to that item. That will make the other figures remain the same in the claim, and make the total claim $3625.00 less a credit to the

30 Custodian of $1260.90, leaving a net claim of

$2364.10.

DIRECT EXAMINATION BY MR. McMASTER:

Q: Witness, did you instruct me to prepare this statement with regard to your personal chattels with respect to which you are claiming?

A: Yes.

Q: Will you be good enough to sign it, please?

A: (Witness complies)

10 Q: Are the contents of that statement true to the best of your knowledge and recollection?

A: Yes.

Q: And I produce to you a list of details of boat building machineries and tools. Did you have someone prepare that list for you?

A: I had it prepared for me.

Q: On your instructions? A: Yes.

Q: And are the items appearing, the dollar items appearing opposite each chattel, or the chattels

20 referred to therein, your estimate of the fair market value of those goods and chattels?

A: It was the lowest price that I had estimated.

Q: And is that the list that is referred to in the statement that you just identified?

A: Yes.

MR. McMASTER: I would ask to file the statement and the list as one exhibit.

(STATEMENT AND LIST MARKED EXHIBIT NO. 1)

Q: Now, witness, before your evacuation, you were

30 engaged in the boat building business at or near

Steveston, is that correct? A: Yes.

Q: And after your evaucation, did you again engage in the boat building business?

THE INTERPRETER: Is it since he came here?

MR. McMASTER: Since he came away from the coast, yes.

A: Yes.

Q: And you are presently so engaged? A: Yes.

Q: Approximately how many years have you been engaged in the boat building business?

10 A: Since I came to Canada, I have been engaged 30 years.

Q: And were you engaged in the boat building business in Japan before that? A: Yes.

Q: Now, in the course of that time, have you had occasion to purchase equipment and supplies for the boat building business yourself?

A: Yes.

Q: And are you familiar with the prices which have to be paid for those supplies and equipment?

20 A: Yes.

MR. McMASTER: Could I have the J.P. form, please, Mr. McInnes?

(Handed to Mr. McMaster)

Q: Now, witness, I produce to you from the Custodian's file what is known as a J.P. form, a declaration of the property which you left behind you, dated April 21, 1942. Is that your signature on the document? A: Yes.

Q: And under the heading of "Statement of Personal

30 Property Owned," the J.P. form which I have just

produced to you lists boat building equipment, boat building lumber, boat building equipment, nails, bolts, putty, etc, and several engines. Did you give that information to the representative of the Custodian? A: Yes.

Q: And did you, at the time of giving that information, place the values on the various items which are set forth there? A: Yes, I did.

MR. McMASTER: I draw attention -- I am going to file this J.P. form as an exhibit, your honour -- to the clause under "Statement of Personal Property Owned," that it calls for "Give brief description and state location of furniture, fixtures, equipment, machinery, stock-in-trade, and personal effects," and on the right-hand side of the inside of the form, it reads: "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 file that as the next exhibit.

(J.P. FORM MARKED EXHIBIT NO. 2)

Q: Now, witness, prior to giving the Custodian that general statement of effects which you were leaving behind, had you gone over your stock-in-trade and equipment? A: Yes.

Q: And do you consider that the statement which you gave to him of the value of your equipment and your stock-in-trade was a conservative estimate?

A: Yes.

Q: And did it cover all of the items which you left behind you? A: Yes, they were all what I had been using.

Q: Now, prior to your evacuation, did any representative of the office of the Custodian call at your place? A: Mr. King.

Q: Yes. What day was it he called, do you remember?

A: I don't know the exact date, but I think it was about the 15th of May, the day before I came here.

10

Q: And did Mr. King look over your equipment and stock-in trade? A: Yes.

THE COMMISSIONER: That was prior to his making this form, was it?

MR. McMASTER: No, subsequent to that, I believe, your honour.

THE COMMISSIONER: In May.

MR. McMASTER: Q: And did you give to Mr. King a general description of your equipment and stock-in-trade and effects? A: Yes.

20

Q: And did the Custodian ever ask you to give him a more detailed list of your equipment and stock-in-trade? A: No, the Custodian did not ask me.

MR. McMASTER: I would ask my learned friend to produce from his master file the instructions to Mr. J.D. Mather dated November 28, 1942.

MR. McINNES: If it please your honour, I haven't the master file here. My friend was to give me a list of what he wanted.

30

MR. McMASTER: My learned friend was good enough to produce the master file to me the other day, your honour, and I marked with slips of paper the documents I wished produced from the file, and so advised him, and I certainly wish to have the documents produced at this time.

MR. McINNES: I am sorry to say, that is an absolutely untrue statement, because I went to my learned friend and said: "Now, I am putting these files
10 away, and if you will give me a list of what documents you want, I will arrange to have them out of the file and produced here." Mr. Cobus informed me that he had such a list.

THE COMMISSIONER: Well, you are not in a position to say whether they are in the master file or not.

MR. McMASTER: Well, your honour, I have seen these documents in the master file and my friend has the master file in his hotel room, and -- I
20 won't argue with him as to whether I have made untrue statements or not, that not being the subject matter of this inquiry, however, I do state that I advised him and I asked him to produce his master files and produce the documents from it. I have several other documents I wish produced, and I would suggest that the proceedings be adjourned to permit my friend to get his master files so that he can produce the documents.

30 THE COMMISSIONER: I think you are entitled to have

those documents, Mr. McMaster.

MR. McINNES: I am perfectly willing to produce them. I don't want to have any other impression here. I could have had them here, and I asked them to give me a list of what they wanted, and for some reason best known to my learned friend, they don't want that information divulged beforehand. I will go and get the documents now, if your honour will adjourn.

10 MR. McMASTER: If my friend will look in the files when he goes, he will find the markings in the places where I wanted the information. I am sure we could arrange transportation over to the hotel for him.

MR. McINNES: Would my friend want other master files while I am there?

MR. McMASTER: I would like to have the master files on the other two Kishi cases.

THE COMMISSIONER: Yes. Very well, then, you can get

20 them all at the same time. We will adjourn until you are ready to go on.

(PROCEEDINGS RESUMED AFTER A SHORT RECESS)

THE COMMISSIONER: All right, Mr. McMaster.

MR. McMASTER: I produce, your honour, from the Custodian's main file, the mimeographed letter addressed to J.D. Mather, Esq., dated April 28, 1942, which recites the Order in Council empowering the Custodian and provides, in the second paragraph: "Under the provisions of the Consolidated Regulations

30 Respecting Trading with the enemy (1939) you are

hereby requested to investigate, take and retain control of and take such other action as you may deem necessary to protect all such property pending further instructions from the Custodian." The property is referred to in the first paragrah as being "all property situated in any protected area of British Columbia, except fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities of Kishi, Saeji, P.O. Box 621, Phoenix Cannery, Steveston, B.C."

10

I would like to file that as the next exhibit.

MR. McINNES: If I might be permitted to see it, your honour, before it goes in as an exhibit?

MR. McMASTER: Yes.

(Handed to Mr. McInnes)

THE COMMISSIONER: This will be Exhibit 3, then.

(LETTER MARKED EXHIBIT NO. 3)

MR. McMASTER: Now, I also produce from the Custodian's main file a copy of a letter dated May 11, 1944 purporting to be from the Custodian's office and addressed to Messrs Galbraith, Clerihew and Overton, re Kishi Boat Works, and it states in part: "Confirming the telephone conversation the writer had with you yesterday, we should be obliged if you could, when convenient, visit the boat works of the under-mentioned Japanese and give us a valuation of the contents. They are situated on the property of the Phoenix Cannery and will not be available for

20

30

inspection during weekends. Please telephone Mr. Harris at Steveston 228 when you have the time, and make the necessary arrangements with him. The boat works in question belong to the following Japanese: Kiheiji Kishi, our File No. 4591, and Saeji Kishi, our File No. 4592. We should like a separate valuation for each place and are enclosing inventories of what is supposed to be on the property."

10 I would ask to file that as the next exhibit.

(LETTER MARKED EXHIBIT NO. 4)

MR. McMASTER: I would ask my learned friend to produce or to undertake to produce the inventory or inventories which are referred to in that letter. I might say for his guidance that I don't find them on the file that was originally produced to us or on the main file.

MR. McINNES: If they are available.

THE COMMISSIONER: You will produce them if they are

20 available, I presume.

MR. McINNES: Exactly.

MR. McMASTER: Q: Now, witness, when Mr. King came to see you a few days before your evacuation, did he tell you what you were supposed to do with all your equipment and stock-in-trade and goods and effects? A: He didn't tell me anything except that he just examined them.

Q: And did anybody else from the Custodian's office

30 tell you what you were supposed to do with these

things? A: No, no one came.

Q: When you left, did you lock up your boat works?

A: Yes, I locked it.

Q: And to whom did you give the key?

A: I gave it to the manager of the cannery.

Q: And did he agree to be responsible for those goods in the event of theft or fire or anything else?

10 A: He didn't say that he would have a responsibility, but he said he would watch for them.

Q: Now, witness, you have claimed in your claim for a band saw. Aside from the saw blades used, is there very much depreciation on a band saw?

A: He said that saws don't get damaged so easily.

Q: Now, after you came up to Cascade or Christina Lake, I think you gave evidence that you began the boat building business again. Did you have any occasion, when you started in business again,

20 to buy a circular saw?

THE INTERPRETER: What did you say the name of the place was?

MR. McMASTER: When he came to Cascade or Christina Lake.

A: Yes.

Q: And how did the saw which you purchased compare with the saw which you left behind, that is the ten inch circular saw which you left behind?

A: I am using the same kind of saw that I left

30 behind. I asked the manager to get it for me.

Q: And when you purchased the saw up country here, what condition was it in in relation to the condition of the saw which you left behind?

A: It was in the same condition.

Q: Yes. And how much did you have to pay for that saw? A: I paid $75.00.

Q: When you left the coast, witness, you had a quantity of boat building lumber there, is that correct? A: Yes, I had

10 left a great deal.

Q: And at the time that you left, according to your J.P. form which has been filed, you valued that lumber at $900.00. A: Yes.

Q: Now, do you remember approximately how many board feet of cedar boat building lumber you had when you left? A: The cedar edge grain was 6000 feet, and the edge grain fir was 3000 feet, and the fir timber was 1000 feet.

Q: Now, in 1942, '43, could you tell us what the

20 cost price per thousand feet for cedar edge grain fir was? A: $100.00.

Q: Per thousand feet? A: Per thousand feet.

Q: And the fir edge grain? A: About $80.00.

Q: And the fir slabs, or timbers?

A: About $50.00 per thousand.

Q: Now, did you have occasion to buy lumber of that kind in 1943 when you were in the boat building business at Cascade? A: Yes, I had to buy the same, and I asked the Custodian to forward

30 me what I had, but he did not reply.

Q: Now, there is some suggestion, in a report which undoubtedly the Crown will file, that there were only approximately 4000 feet of cedar at your premises when they were inspected by the Custodian. Can you understand how they would arrive at that figure? A: I feel sure that I had left 6000 feet, but if the Custodian said it was 4000 feet, he must have made an error.

10 Q: Who, the Custodian or this witness?

A: No, the Custodian must have.

Q: Now, witness, you left behind you a ten horsepower Acme engine? A: Yes.

Q: And in an appraisal of that engine --

MR. McMASTER: I guess I had better get that. I would ask my learned friend to produce an appraisal by H,R. Galbraith.

(Handed to Mr. McMaster)

MR. McMASTER: I am filing on behalf of my learned

20 friend a purported appraisal of this 10 H.P. Acme engine, and purporting to be made by H.R. Galbraith, dated November 20, 1945.

(APPRAISAL MARKED EXHIBIT NO. 5)

MR. McMASTER: I would also ask my friend to produce the copies of the correspondence with respect to the subsequent sale of that engine.

MR. McINNES: What is it my friend wants?

MR. McMASTER: A copy of a letter, I think, or a memorandum from the purchaser, and a copy of

30 some further reports from the appraisor when he

was approached concerning the purchaser's allegations concerning the engine.

THE COMMISSIONER: That is the second engine on the personal chattels list, is it? You have a 12 H.P. engine.

MR. McMASTER: The 10 H.P.

THE COMMISSIONER: The 10 H.P. Acme engine.

MR. McMASTER: Acme, yes.

MR. McINNES: There is a memorandum for the file from Mr. Shears dated 26 March, 1947 which I find. I think there are some more.

MR. McMASTER: I think perhaps this is the only one that refers to the 10 H.P. one, Mr. McInnes.

This is a memorandum from the Custodian's file dated March 26, 1947. Perhaps I should read the whole thing; it wouldn't be fair to take part of it.

"The above engine was offered for sale by tender in December 1946. The only response received was from Mr. John Leeson in the sum of $55.00.

"Valuation made by Mr. Galbraith of Galbraith and Sulley was $125.00. Mr. Leeson was advised of the valuation and asked if he was prepared to make another offer. In response to this he asked for his cheque to be returned.

"I spoke to Mr. Leeson on the telephone, but he refused to increase his bid, even to a suggested amount of $75.00. He claims the engine is obsolete and that no one would use it in a boat.

He intended to use it in a stationary engine for pulling out boats.

"I telephoned Mr. Galbraith who stated that it was not a very desirable type of engine and used a considerable quantity of gasoline and that in his opinion the $55.00 should be accepted."

I would ask to file that on behalf of the Crown.

THE COMMISSIONER: Exhibit 6.

10 MR. McINNES: What is the date of that?

MR. McMASTER: March 26, 1947.

(MEMORANDUM MARKED EXHIBIT NO. 6)

Q: Now, witness, in this last exhibit which has been filed, it has been suggested that this engine was not a very desirable type of engine. In your experience as a boat builder, had you had experience with 10 H.P. Acme engines?

A: I thought I knew much more than the ordinary person.

20 Q: Yes. And you had this engine in your possession for sale, had you, at the time of your evacuation? A: If I had stayed on I might have had a chance of selling.

Q: Yes. Now, do you agree with the statement or the alleged statement that it was not a desirable type of engine? A: As an engine, I thought it was a very good one.

Q: And would it or would it not be a suitable engine for a boat? A: He said that

30 was a very good engine for catching fish and

trolling purporses.

Q: Yes. In what kind of boats would they use 10 H.P. engines like that?

A: In a boat about 35 feet to catch fish and in trolling.

Q: Now, would this engine, in your opinion, use any more gasoline than any other ten horsepower engine?

A: More or less, yes. I used more gas in that engine.

10 Q: Was the engine in good condition when you left?

A: I left it in very good condition because I was using it the year before.

Q: And are you aware of any repairs or any improvements which had been made to the engine within a relatively short period prior to your evacuation?

A: I had the head of the engine changed, and I was told it was really in a better condition than when I bought that engine.

20 Q: Now, did he anticipate having any difficulty in disposing of that engine and selling it?

A: I know that I could have sold it very easily if I had stayed there.

Q: Now, if he had been selling it, would he have advertised it in the newspapers?

A: I would not have advertised in the paper, only I knew a great many fishermen who would have been glad to have had it.

Q: And from his experience with fishermen, has it

30 been his experience that fishermen normally buy

their equipment as a result of advertisements in the newspapers?

A: Among the Japanese people, or Japanese fishermen, they very seldom see an advertisement in the newspaper.

Q: And what is his experience with white fishermen?

A: I don't think it was a very desirable engine for the white men.

10 Q: Why not?

A: It was a very good engine, even for a white man, if they were going out fishing, and it would have been very good, and also for towing.

Q: Now, did he do any business with white fishermen while he was operating down at Vancouver?

A: Yes, I have.

Q: And from his experience, was it his experience that the white fishermen usually read the ads in the newspaper and bought their equipment as

20 a result of that? A: I don't know, but those white men that I knew all fished with gillnets, but I dare say there are some white men who would have been glad to have had it.

MR. McMASTER: I am afraid he is not getting the question, but I won't pursue it.

I am sorry, your honour, I apparently neglected to file this memorandum from the Custodian's file dated March 26, 1947.

THE COMMISSIONER: No, that is marked Exhibit 6.

30 MR. McMASTER: Q: Witness, when you left your boat,

whereabouts in your shop did you leave this 10 H.P. Acme engine?

A: I left it in the corner of the boat shop.

Q: And whereabouts did you leave your lumber?

A: In the boat shop.

Q: In what part of the boat shop was it near the engine? A: The boat and lumber was left right inside and the engine was in the left-hand corner.

10 Q: Did you leave any lumber piled on top of the engine? A: No.

Q: If, as has been suggested in the Custodian's file, the engine was covered with lumber so you couldn't find it, can you explain how that must have happened? A: I couldn't believe such a thing, because the engine is rather large and it is difficult to cover up.

MR. McMASTER: Now, with regard to the 7 H.P. engine, I would ask my friend to produce the letters from

20 Galbraith and from the purchaser with respect to that engine.

MR. McINNES: Your honour, there are several items of correspondence with respect to this 7 H.P. Palmer engine which I produce from the Custodian's file.

MR. McMASTER: I would suggest that these might go in as one exhibit, although the first one I refer to deals with a valuation of other equipment.

The first purports to be a valuation by Galbraith, Clerihew and Overton, Limited, dated

30 June 5, 1944, showing one 7 H.P. Palmer engine,

parts missing, $175.00.

The second is a letter dated April 27, 1948 from the Anglo-British Columbia Packing Company, addressed to the Custodian, re this claimant, and refers to certain repairs which they allege were necessary to be made to the engine, and indicating that they are purchasing it for $125.00.

The third is a letter dated April 26, 1948 from H.R. Galbraith of Galco, addressed to the Custodian, and I would like to read that letter. It states: Further to our telephone conversation of date re Saeji Kishi Boat Works at Steveston, B.C. and regarding 7 H.P. Palmer Gas Engine as reported on our valuation June 5th, 1944, as parts missing, unfortunately we do not seem to have retained our original notes on the missing parts, but if memory serves correctly they were some parts of the Carburfetor and Ignition.

"We would certainly say that the amount claimed of $16.80 plus labour of $2.60 is eminently fair for these and should be allowed.

"The clutch of course would be something that could not be seen unless the machine was dismantled and probably was defective as the machine had evidently been taken out of use and replaced with another, we would say that $40.00 was a fair charge for this.

"Regarding the charge of $59.40 for replacing labour we do not think is fair, we would point

out that these people had free use of the machine for three years and this amount would be less than a fair rental for that period. There is also the fact that after the machine had been repaired and fitted with a good clutch it would be worth considerably more than the original valuation.

"We would suggest that if you allowed the cost of the parts which they supplied off the original valuation it would be just to both sides. In other words they should pay you $118.20 and then they are getting very good value."

Now, I produce from the Custodian's main file a letter which I would file with these others in this exhibit, which was not produced to me until we had requested the main file, being a copy of a letter purporting to be from the Custodian's office to the Manager of Phoenix Cannery dated April 20, 1948 which states as follows: "On November 6th, 1945, Mr. Peters, a member of the Custodian staff, telephoned Mr. Lord, then Manager of the Phoenix Cannery, regarding a 7 H.P. Palmer engine. Mr. Lord stated that since the time Saeji Kishi was evacuated in May 1942, the same caretaker had been at the cannery, and this man stated to his certain knowledge there was no 7 H.P. Palmer engine at the Richmond Boat Works.

"Today your office referred the writer to Mr. Shorey who stated that this 7 H.P. Palmer en-

gine was found by Phoenix Cannery people, but it had been taken to pieces by vandals who were evidently going to carry away these pieces. Thus the engine was removed to a Phoenix Cannery building for protection. Mr. Shorey went on to say that this engine was eventually turned over by you to a fisherman in Steveston.

"Would you please furnish this office with full details concerning this transaction so that
10 we may conclude the matter."

Now, I don't seem to see the reply from Phoenix Cannery to that letter on the Custodian's file.

THE COMMISSIONER: You are filing all of those letters as one exhibit.

MR. McINNES: We will call it "Correspondence re Palmer Engine."

MR. McMASTER: Right.

(LETTERS MARKED EXHIBIT NO. 7)

20 Q: Now, witness, in what condition was this 7 H.P. Palmer engine when you left the coast?

A: The engine was in good condition, only the base of the engine got broken so I had to remove that and replace it.

Q: And was there anything wrong with the clutch in the engine?

A: I was using it and the clutch was working quite all right.

Q: And was there a reverse on the clutch when you
30 left? A: Yes, it was

there.

Q: And were there any parts missing from the carburretor, or --

THE COMMISSIONER: I think it was the ignition, was it not?

MR. McMASTER: Q: -- or the ignition when you left? A: No.

MR. McMASTER: Now, I would ask my learned friend to advise the Commissioner if he can -- or if he can't to undertake that Crown counsel will subsequently advise the Commissioner as to whether this 7 H.P. engine was offered for sale to anyone other than Phoenix Cannery.

MR. McINNES: Well, there seems to be a misunderstanding somewhere. This engine is claimed at only $150.00, and according to my instructions it was sold for $125.00.

MR. McMASTER: That is right.

MR. McINNES: However, that doesn't answer the question. I will undertake to give that information if it is available. I don't know that I have it here.

THE COMMISSIONER: It was offered for sale, and it was sold for $125.00.

MR. McINNES: Yes, I think that is common ground.

THE COMMISSIONER: Whether it was offered for sale to any other person than the Phoenix Cannery, you don't know, but if the information is available you undertake to produce it.

MR. McINNES: Yes.

MR. McMASTER: I would ask my learned friend to produce the Custodian's Analysis in this case. Before doing so, however, I would ask my friend to be good enough to admit that these premises were broken into and there was vandalism at these premises after the Japanese evacuated.

THE COMMISSIONER: Have you any information on that point, Mr. McInnes?

MR. McINNES: I see some suggestion made of it in the file.

THE COMMISSIONER: It was so stated in the file, is that right, that it was broken into?

MR. McMASTER: There is one suggestion in the material that has already been filed, I think, your honour, although we don't have the inventory which Mr. Mather took, my friend not having produced it. Apparently, from the correspondence filed, that inventory was provided to Galbraith for the purpose of making an appraisal, and he indicated that certain things were not on the premises when he went there. Furthermore, there is the information with regard to the 7 H.P. engine having been apparently dismantled by vandals.

THE COMMISSIONER: Yes.

MR. McMASTER: Perhaps that is sufficient without pressing my learned friend to go all through his file.

I file on behalf of my learned friend, your honour, the Analysis of Personal Property claim made by the Custodian as the next exhibit, and I would like to comment, with respect to that last exhibit, your honour, that in column 2 it fails

to mention any inventory whatsoever having been taken by the Custodian, although the correspondence filed indicates that there was an inventory taken; and in the column headed "No account, theft" the Custodian apparently has admitted that the lumber was there and that it disappeared.

THE COMMISSIONER: That is probably sufficient indication, anyway, that the property was broken into.

MR. McMASTER: Now, also, with regard to the comments and remarks on the right-hand side, the last one re the 7 H.P. engine, I would draw attention to the fact that the comment there fails to fully disclose all the information that is set out in the correspondence that has been filed, and if one examines that correspondence, they find one person saying the engine has been used for three years, and another person saying that it had been dismantled by vandals and hid away some place. The evidence, as a matter of fact, is very confusing as to exactly what happened to that engine and as to what engine was sold by the Custodian.

Q: Now, witness, I see in the Custodian's Claims Analysis that certain of your effects, your tools and equipment were left at the home of Mr. Yoshida. Was that correct?

A: Yes.

Q: And you so advised the Custodian on October 7, 1943? A: Yes.

Q: And you received copies of auction sheets showing that those goods and chattels had been received

by the Custodian and sold? A: Yes.

Q: And do you consider that the prices that he got for those chattels at the auction were fair prices? A; I thought they were very low.

(ANALYSIS MARKED EXHIBIT NO. 8)

MR. McMASTER: Your witness.

MR. McINNES: It will be submitted, your honour, that the boat building equipment was sold for its fair market value. The same applies to the Acme engine and the Palmer engine. It will be submitted that this lumber does not come within the Terms of Reference as it did not come into the possession of the Custodian, and that a great many other goods claimed for did not come into the Custodian's possession and therefore not within the Terms of Reference.

MR. McMASTER: Before my friend proceeds, your honour, I think I ought to draw to his attention, if he has not already had the opportunity to observe it, that at the opening proceedings, this question of actual and physical possession was spoken to and argued and Mr. Justice Bird made a ruling with respect to it. If my friend would refer to the ruling, as I recall it, without having it in front of me, it was, in effect, that the vesting order vested the Custodian with the constructive possession of these goods, that it therefore became a question of credibility as to whether the goods and chattels were there if

the Custodian didn't actually find them.

MR. McINNES: That is a legal ruling, and I am not here to argue that; it is no concern of mine.

THE COMMISSIONER: Well, this is simply a question of a submission that is being made by Crown Counsel, and if the submission is against a ruling which has been made, it will be of no value in any event; it will be an argument against something without very much hope of succeeding.

10 MR. McINNES: Speaking personally for a moment, your honour, it is a pleasure to me to be able to state that I know Mr. Kishi, this present claimant, and I do know him to be a boat builder of experience and ability.

CROSS EXAMINATION BY MR. McINNES:

Q: Mr. Kishi, I am producing to you --

MR. McINNES: I am taking it you have seen all these documents?

20 MR. McMASTER: I would not like my friend to be prevented from cross-examining on this letter, but I would like to protest that letters such as these which have a relevant bearing on the claim and the evidence to be given should be with held from Counsel until the hearing. I know it isn't my friend's fault; the Custodian has a practice of putting letters like this in a little brown envelope which isn't produced.

MR. McINNES: That is quite right. I think my friend

30 will admit that I have produced everything that

I am authorized to produce. In fact, in this case, I gave him the whole master file to look through.. According to the instructions I have, the contents of this brown envelope are supposed to be of a confidential nature, and as a consequence, it wasn't shown to him.

THE COMMISSIONER: Well, I will note your objection, Mr. McMaster..

MR. McINNES: But I take it my friend has now read
10 it and I may produce it.

MR. McMASTER: Subject to my objection.

THE COMMISSIONER: Subject to the objection.

MR. McINNES: Q: I am referring to a letter, Mr. Kishi, dated the 5th of January, 1945, and which purports to be signed by you and written to the Custodian.

A: It is my signature. I would like to know the contents of it.

MR. McINNES: I am going to read it.

20 MR. McMASTER: Read it to the witness. I think the witness ought to have this translated to him before it is read.

MR. McINNES: Very well. Will you translate it to him?

(INTERPRETER TO WITNESS)

THE INTERPRETER: A: Yes, this is my letter.

THE COMMISSIONER: He has admitted that was a letter written by him, is that correct?

MR. McINNES: That is correct, your honour.

30 This letter is addressed to the Office of the

Custodian, Royal Bank Building, Vancouver, dated the 5th of January, 1945, referring to File No. 4592:

"I wish to acknowledge with thanks your favour of 4th ult., regarding boat house equipments and engines.

"As to the boat house equipments left at the Phoenix Cannery premises, being unable to check what items are missing, I can hardly agree on the
10 price of $840.00. However, at the same time as much as an independent appraisal was made on equipments remained there, I would take it for granted that that is the equitable return from the sale. Therefore, please proceed the liquidation as suggested in your letter.

"Regarding Vivian 26 HP Engine, I believe same must be stored at the Vivian Engine Works in trust.

"The 10 HP Acme Engine left with me by
20 Haotsugu Hakoda in payment for repairs effected to his boat, but as Hakoda morally will have to be responsible, if the engine is sold at depreciated price, I would request you to contact Hakoda prior to effecting sale of this engine.

"As I have not sold the 7 HP Palmer Engine as assumed in your letter, I wish you would check further in the matter.

"Lastly, at this opportunity, I wish you to look into the matter of tools and personal effects
30 vested with Mr. Shinya Yoshida, your File No.

10529, for which I have written you on October 27th, 1943. As these tools are badly required here for my earnings, kindly see that they be sent to me. Yours faithfully, Saeji Kishi."

THE COMMISSIONER: That will be Exhibit No. 9.

(LETTER MARKED EXHIBIT NO. 9)

MR. McINNES: Q: If I understood you correctly, Mr. Kishi, you stated that had you been at Steveston you would have had no difficulty in disposing of this Acme engine, is that correct?

A: Yes.

Q: And you would have sold it to someone engaged in the fishing business?

A: Yes.

Q: And that you didn't consider it suitable for the white fishermen?

MR. McMASTER: No, I don't think that is a proper statement of his evidence.

MR. McINNES: Well, I certainly don't want to misquote him. I thought that is what he said to you.

MR. McMASTER: Yes, but he clarified it. He said at first that he didn't think it would be suitable for a white man and then he said, but for a white fisherman it would be.

THE COMMISSIONER: I don't know what the distinction is between a white man and a white fisherman, but the distinction is there.

MR. McMASTER: Maybe when the white men fish they get dirty.

THE COMMISSIONER: Maybe.

MR. McINNES: Q: In any event, it is a type of engine that is best adapted to fishing, is that correct?

A: Yes, it was usefulefor either catching fish or trolling.

Q: And you would have looked for your market among the fishermen?

A: Yes.

Q: Now, Mr. McMaster, your counsel, was dealing with the question of a saw which you had to buy when you came up here to Christina Lake, and I understand it was the same type as claimed, a large circular saw?

A: Yes.

Q: And I understand you purchased one here for $75.00, is that correct? A: Yes.

Q: Now, I noticed the first three items on your claim form, the yellow sheet, are one band saw, a planer --

MR. McINNES: Which is the third one, Mr. McMaster.

MR. McMASTER: Winches.

MR. McINNES: Q: And winches, and you had had those since 1937? A: Yes.

Q: You were steadily engaged in the boat building business at Steveston? A: Yes.

Q: And these items would be in constant use, therefore? A: Yes.

Q: You purchased them second hand?

A: I bought the big one second hand, and the smaller one new.

Q: Well, did you purchase them in Vancouver?

A: The big one I bought from a Japanese who lived in Steveston.

Q: Do you know his name?

A: His name was Murata.

Q: There are a lot of Muratas, which one is this?

A: I don't know his other name.

Q: Well, it doesn't matter. You said you bought "the big one." The big what?

10 A: It was a 30 inch bandsaw and a 20 inch planer.

Q: You bought those both from Murata?

A: I bought them both from a man named Murata.

Q: At Steveston? A: At Steveston.

Q: Now, with regard to these goods which your friend had -- what was his name? -- Shinya Yoshida; he had certain tools and personal effects of yours, isn't that right?

A: Yes.

Q: And just give me a general idea of what those

20 things were that he had.

A: I have a copy there. May I go and get it?

MR. McINNES: Certainly

(Witness produces document.)

Q: Looking at this list which has now been produced, Mr. Kishi, you stated to your counsel that you found a great number of these items on the auction list in your file, is that correct?

A: Yes.

Q: What amount are you claiming in respect of these

30 items that are on this Yoshida list, if I might

so term it?

A: These are the things on the list, there.

MR. McINNES: Perhaps his counsel can tell me, to save time.

MR. McMASTER: I draw your attention, your honour, to the fact that the claimant has made a claim of $2250.00 for boat building machinery and tools.

MR. McINNES: That is grouped in that, is it?

10 MR. McMASTER: That is grouped in that, and these tools are in there.

MR. McINNES: That is broken down?

MR. McMASTER: It is not broken down, but that is the same amount he claimed at the time he was evacuated.

THE COMMISSIONER: That is not broken down to show on the personal chattels list, Exhibit 1, is it?

MR. McMASTER: No, it is not broken down there either.

20 MR. McINNES: That is all.

MR. MCMASTER: I would ask to have Exhibit No. 9, please. Exhibit No. 9 was a letter from the claimant to the Custodian dated January 5th, 1945, and refers to a letter of the 4th ult. from the Custodian to the claimant. I would ask my learned friend to produce the copy of the letter from the Custodian. Frankly, I must say I can't find it on the main file.

MR. McINNES: What was the date?

30 MR. McMASTER: The 4th of December, 1944.

RE-DIRECT EXAMINATION BY MR. McMASTER:

Q: In your letter dated January 5, 1945, which you identified today, you referred to a letter of the Custodian's dated the 4th of December, 1944. Do you still have the original of that letter?

A: I think I have it at home.

MR. McMASTER: Well, perhaps it might be produced later and we can see if it is relevant.

THE COMMISSIONER: You haven't got it here?

MR. McINNES: I don't seem to find it in the file, your honour.

10

MR. McMASTER: I can't find it in the main file, and it wasn't in the file that was produced originally as far as I recall.

Q: Do you recall, witness, in the letter which the Custodian had written you to which this was a reply, whether he gave you any detailed list of the goods that were sold to the Phoenix Cannery for $840.00?

20

A: There was no list of details of the sale.

Q: And did he send you any copy of an appraisal by anybody on those goods and chattels?

A: I never received it.

Q: And if you didn't agree with the price, did you think there was anything you could do about it?

A: (Interpreter to witness.

MR. McMASTER: My interpreter says he didn't get the question. Mr. Reporter, would you read the question to him, please?

30

(Question read)

A: The original letter he thought it said they asked if they could sell it for $840.00, and he would not have sold it if it had been too low.

MR. McMASTER: I draw attention, your honour, to the fact that according to the claims analysis which has been filed, this equipment was sold to Phoenix Cannery on October 20, 1944, and while we don't have the letter of the Custodian to which this letter of January 5th is a reply, it would appear that it is possible the Custodian might not have had any discretion as to the sale of these things when they had already been sold.

THE COMMISSIONER: In October, 1944, the Phoenix Cannery offered $825.00 for the machinery and equipment, but that was rejected. On November 17, 1944 the cannery submitted a cheque for $840.00, and that was accepted.

MR. McMASTER: I am sorry. On the 17th of November. It was around November.

THE COMMISSIONER: Yes, '44.

MR. McMASTER: Also referring to Exhibit No. 9, I draw attention to the reference to the 7 HP engine in the second last paragraph: "As I have not sold the 7 HP Palmer Engine as assumed in your letter, I wish you would check further in the matter." Once again some mystery as to the 7 HP engine.

MR. McINNES: I can't see any mystery. It was sold practically for what he claims it was worth.

MR. McMASTER: I would ask my friend if he would be good enough to admit that this equipment was sold to Phoenix Cannery without first being offered for public sale, and I draw his attention to a memorandum in the main file dated October 24, 1944. I would ask my friend if he would admit that that was the situation.

MR. McINNES: Well, there is nothing in that letter to indicate it was sold to the Phoenix Cannery. There is a suggestion that it should be.

MR. McMASTER: And the file indicates that it was. As a matter of fact, the Claims Analysis indicates that it was sold to Phoenix Cannery.

MR. McINNES: The file would so appear. I think perhaps that is as far as I can go.

THE COMMISSIONER: The file apparently shows it was not in a position to be offered for sale, so it was sold to the Phoenix Cannery.

MR. McMASTER: I am referring to the engine which they sold for $160.00 that was apparently not offered for sale before the deal was made with Phoenix Cannery.

Q: Now, witness, there has been filed an appraisal by Mr. Galbraith. What is the name of the firm?

THE SECRETARY: Galbraith, Clerihew and Overton.

MR. McMASTER: Q: Galbraith Clerihew and Overton, Limited. In your experience dealing with marine engines and equipment, have you ever heard of that company as being experts in Marine Machinery?

THE INTERPRETER: Could I have that question again?

MR. McMASTER: Would you read the question, please?

(Question read)

A: No.

Q: Or have you ever heard of them as being experts in boat building machinery?

A: I have never heard of them.

Q: You have never heard of them at all in your 30 years experience building boats?

10 A: No, I have not.

Q: Now, witness, in 1943 and '44, was equipment and tools and supplies of the nature that you left at your boat building plant easy to get or was it difficult to get?

A: It was very difficult to obtain.

MR. McMASTER: That is all.

THE COMMISSIONER: Any further questions, Mr. McInnes?

MR. McINNES: No, your honour.

THE COMMISSIONER: All right, then, Mr. Kishi, that is

20 all.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton
G. Hambleton
Official Reporter

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

Eric P. Dawson

30 E.P. Dawson
Sub-Commissioner

NOV 26 1947

29. 301

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

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

ACKNOWLEDGED

4592 Banks Nelson

17

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

(1) NAME KISHI (Print) Surname Saeji Given Name (RCMP) Reg. No. 03385

(2) Pre-Evacuation Address House #48, Phoenix Cannery, Steveston, B.C.

(3) Present Address Cascade, B.C.

(4) REAL ESTATE

(a) Street Address (if any) _____ City or Municipality, _____ Province

(b) Legal description (lot number, block number, section number, etc.) _____

(c) Type of Real Property (cross out words which do not apply):

(i) Farm
(ii) Residence Type of business _____
(iii) Business
(iv) Any other type of property (describe) _____

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) _____

(e) Fair market value at date of sale (estimate this to the best of your ability):

(i) Land - - - - - - - - - - - - - - - - - - $ _____

(ii) Buildings - - - - - - - - - - - - - - - - - - $ _____

(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - - - - - - - - - - - - $ _____

(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $ _____

(v) Amount at which Custodian sold property and credited your account - - $ _____

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

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation House #48, Phoenix Cannery, and at S. Yoshida, Moncton & No.2 Road, Steveston

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

(c) How stored or packed at time of evacuation Those left at S. Yoshida's House were packed in Boxes with "S. Kishi" printed in Black.

(over)

gha

(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")

Office of the Custodian

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

1. Boat Building Machineries & Tools	Estimated Value $ 2,350.00	2.250.00
2. ~~Boat House, erected on Cannery premises~~	Estimated Value $ ~~700.00~~	
3. Cedar Boat Lumber, 1000 feet Fir, 3000 feet	Estimated Value $ ~~900.00~~	875.00
4. Nails, Bolts, Calking Cotton, Putty etc.	Estimated Value $ 150.00	
5. 1 "Acme" 10 HP. Gas Engine	Estimated Value $ 200.00	
6. 1 "Palmer" 7 HP. Gas Engine	Estimated Value $ 150.00	
7.	Estimated Value $ ~~4,450.00~~	3625.00
8. Received from Custodian as proceeds of sale	Estimated Value $ ~~949.17~~	1260.90
9.	Estimated Value $	
10.	Estimated Value $	

6060/E

Amended

TOTAL CLAIM FOR PROPERTY LOSS $ ~~3,500.83~~ $2364.10

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) - $ ~~3,500.83~~ 2364.10

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

Nelson, or a nearer place to Cascade if such place is decided later.

(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.

(7) Reduce claim by $700.00 if Boat House is reverted to Cannery without consideration for such action.

DOMINION OF CANADA)
Province of British Columbia)
TO WIT:)

I, Saeji KISHI of the City
of Cascade, 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 Grand Forks)
in the Province of British Columbia)
this 22nd day of November)
A.D. 1947. Archer Davies A Commissioner &c.

Saeji Kishi

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.

Saeji Kishi
(Claimant's Name)

~~REAL ESTATE~~
~~(Other than farm)~~

03385
Reg. No.

Personal Chattels

Description	Approx. Date Purchased	New or Used	Price Paid (approx)	Condition when acquired	Estimated value at date of acquisition
1 Band Saw	1937	used	$600.00	good	450.00
20" Planer	1937	used	600.00	"	450.00
Large Winches	1937	"	200.00	"	100.00
Large circular saw (Complete with steel table)	1939	"	200.00	"	100.00

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale
1000' common fir for kelving	time to time	new	50.00	new	50.00
5000' Edge grain fir	" " "	"	225.00	new	225.00
6000' cedar boat lumber	1941	"	600.00	new	600.00
12 H.P. motor & E. & switches	1939	"	200.00	good	150.00
1 Acme 10 H.P. gas engine	(taken for resale)			"	200.00
1 Palmer 7 H.P. gas engine	" " "			"	150.00

Type of Premises (e.g. House, Store, etc.)

No. of Rooms

Comments re upkeep of premises:

~~Comments re Appraiser's report not covered above~~:

For complete list of chattels claimed & estimated value see list filed herewith.

These goods were left in my boat shop on the property of Phoenix Cannery. As the Custodian did not advise me what to do with the key I handed it to the manager of the Cannery.

It appears the premises were ransacked and many things taken. I consider the appraisal of the goods not stolen to be far below real market value. These goods were hard to obtain at the time of sale.

S. Kishi
SIGNATURE

EXHIBIT No. 301-1
DATE 2 June 1948
FILLED BY Claimant

DETAILS OF BOAT BUILDING MACHINERIES & TOOLS (S. Kishi)

36" Band Saw	* 450.00 500.00	5/8" Heavy Duty Electric Drill	50.00
20" Planer	* 450.00 500.00	½" do.	25.00
Large Winch	100.00	5/16" do.	30.00
Large Circular Saw	100.00	70 Pcs. 6" Boat Clamps	56.00
400 Ft. Wire Rope ½" dia.	15.00	12 " 8" do.	12.00
12 HP. Motor & Switch	150.00	12 " 9" do.	15.00
14" Wood Band Saw	75.00	6 " 12" do.	9.00
10" Circular Saw	100.00	4 " 24" do.	18.00
6" Jointer	50.00	2 " 72" do.	5.00
1 HP. Motor	50.00	1 Set ½"-2" Die & Stock	25.00
1/3 HP. Motor	20.00	1 " 1/8"-¾" do.	15.00
1 Ton Triple Gear Hoisting Block	50.00	Band Saw Vice	5.00

10 Pcs. Belting, Various Widths, 4"-6" (1 Leather Endless) 50.00

14 " Steel Pulleys, Various Sizes, 8" to 20" 40.00

60 Feet Steel Shaftings 1-7/16" 20.00

4 Only Universal Adjustable Pillow Blocks 1-7/16" 25.00

7 " Dodge Flat Boxes 1-7/16" 7.00

Bell Bottom Jack 2"	8.00	200 Ft. Steel Rails	25.00
do. 1¾"	5.00	3 Only Marine Way Carriages	75.00
Carpenter's Tools, various, contained in large box	100.00	Long Chain for Hoist	20.00

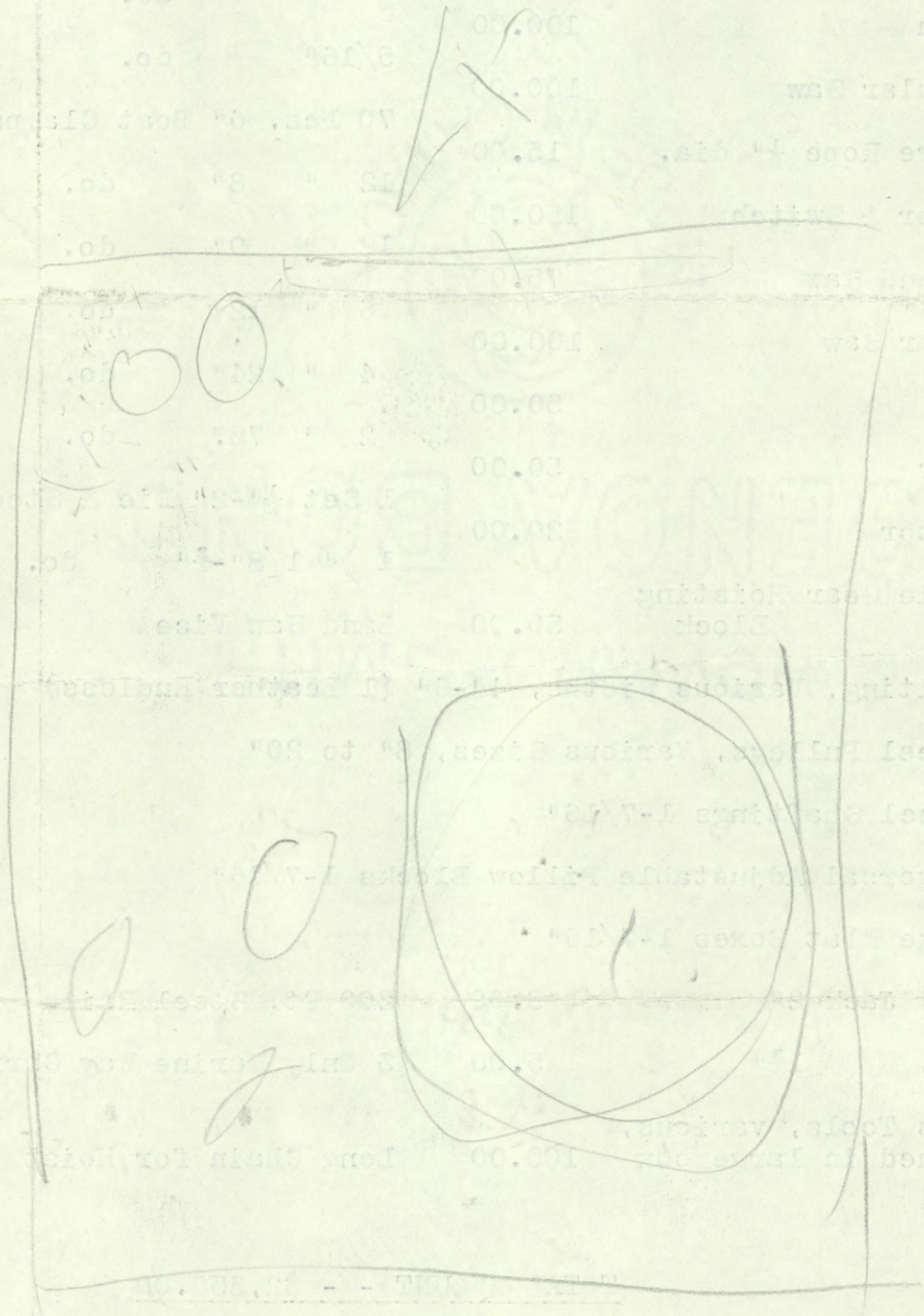
Reduce by
Band saw 50.00 *
Planer 50.00 *
Total reduction 100.00

TOTAL AMOUNT - - $2,350.00

less — 100.00

Claim gross 2250.00
Plus nails, bolts, etc 150.00
" cedar boat lumber 875.00
" 1 Acme 10 HP Engine 200.00
" 1 Palmer 7 HP Engine 150.00
Total claim 3625.00

EXHIBIT No. 361-1
DATE 2 June 1948
FILED BY Claimant



FORM "JP" FILE No.

STEVESTON BRANCH

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: KISHI, Saeji

HOME ADDRESS: P.O. Box 621, #48 Phoenix Cannery, Steveston, B.C.

REGISTRATION NUMBER 03385 SEX: Male AGE: 48

OCCUPATION: Boat builder

(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: Self

MARRIED? Yes

NAME OF WIFE OR HUSBAND: KAZUKO N/R

ADDRESS OF WIFE OR HUSBAND: Same address

NAMES OF ANY LIVING CHILDREN: YOICHI (M) KYUE (M) ETSUO (M)

EXHIBIT No. 301-21
DATE 2 June 1948
FILLED BY Gscon

ADDRESS OF CHILDREN: Same address

AGE OF CHILDREN: 17, 15, and 10 yrs.

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

1. LOCATION AND DESCRIPTION: ~~XXXX~~

1 boat house, Phoenix Cannery, Steveston, B.C.

2. BUILDINGS AND OTHER IMPROVEMENTS: ~~XXXX~~

Boat house--30' X 84', wooden structure, 1 storey.

3. INSURANCE (Give particulars; state where policies are) None

4. TAXES (Amount and where payable) None

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

6. OCCUPANCY AND LEASES (If vacant so state) None

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: None

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: None

9. IF FARM LAND STATE CROPS SOWN None

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: P.O. Box 621 #48 Phoenix Cannery, Steveston, B.C.

2. LANDLORD'S NAME AND ADDRESS:

A.B.C. Packers, Steveston, B.C.

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

Arrangement by cannery

4. STATE WHEREABOUTS OF LEASE: None

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

None

6. IF FARM LAND, PARTICULARS OF CROPS SOWN:

None

STATEMENT OF PERSONAL PROPERTY OWNED:

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

Boat building machinery $2,350, ~~Boat house $700~~, boat building lumber $900,

Boat building equipment (nails, bolts, putty, etc.) $150,

3 Marine Engines, Vivian 26 H.P. $700; Acme 10 H.P. $200; Palmer 7 H.P. $1 50

Located at Boat house #48 Phoenix Cannery, Steveston, B.C. To be locked up and key given to cannery manager.

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

Settled 12-6-43 Settled 12-6-43

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom)

$1,000 from K. SAKAI, Steveston, B.C. $180 from N. HAKODA, Hastings Park.

$500 " I. TAMAI, Evacuated (unknown) $90 " K. SAKAUE, Hastings Park

$75 " T. MATSUSHITA, Steveston File #3 Paid by "

1000
575
270
1845

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)

$25 War Savings Certificates, in own possession

$50 Victory Bond, 1951 maturity H170259, in own possession

8. BANK ACCOUNTS: None

9. LIFE INSURANCE: Sun Life, Vancouver Branch, policy #2039149, beneficiary, wife KAZUKO, in own possession, $1,000

10. INTEREST IN ANY ESTATES OR TRUSTS. None

11. SAFETY DEPOSIT BOX: None

LIABILITIES:

1. PERSONAL DEBTS: None

2. TRADE DEBTS: $500 to M. NASU, Evacuated (unknown) Settled 23-9-42

$400 to S. MORISHITA, Steveston "

4

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 21st day of April 1942.

(Signature) Saeji Kishi

Witness

FOR DEPARTMENTAL USE

4592

CANADA

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO.....

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

April 28th, 1942.

J.D. Mather, Esq.,
315 Metropolitan Bldg.,
Vancouver, B. C.

Dear Sir:

By virtue of Order in Council P.C. 1665 dated March 4th, 1942, all property situated in any protected area of British Columbia, except fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities of

KISHI, Saeji - P.O. Box 621, Phoenix Cannery,
Steveston, B. C.

Registration No. 03385 has vested in and is subject to the control and management of the Custodian.

Under the provisions of the Consolidated Regulations Respecting Trading with the enemy (1939) you are hereby requested to investigate, take and retain control of and take such other action as you may deem necessary to protect all such property pending further instructions from the Custodian.

I would also request you to forward a report in duplicate of your investigation and subsequent action in accordance with the attached instructions to C. L. Drewry, Custodian's Office, 506 Royal Bank Building, Vancouver, B.C.

(G. W. McPherson)
Authorized Deputy of the Secretary
of State and/or Custodian

GWMcP/FC.

EXHIBIT No. 301-3
DATE 2 June 1948
FILLED BY Crown

May 11, 1944.

4591
4592 ✓

EXHIBIT No. 301-4
DATE 2 June 1948
FILLED BY Crown

Messrs. Galbraith, Clorihew & Overton,
2195 West Twelfth Avenue,
Vancouver, B. C.

Attention: Mr. Galbraith

Dear Sir:

Re: Kishi Boat Works

Confirming the telephone conversation the writer had with you yesterday, we should be obliged if you could, when convenient, visit the boat works of the under-mentioned Japanese and give us a valuation of the contents. They are situated on the property of the Phoenix Cannery and will not be available for inspection during weekends. Please telephone Mr. Harris at Steveston 228 when you have the time, and make the necessary arrangements with him.

The boat works in question belong to the following Japanese: Kiheiji KISHI, our File No. 4591, and Saeji KISHI, our File No. 4592. We should like a separate valuation for each place and are enclosing inventories of what is supposed to be on the property.

Yours truly,

H. F. Green
Protection Department

HFG/ms
Encls.
cc - Mr. G. M. Harris

TELEPHONE: FAIRMONT 3365

GALCO

ROY GALBRAITH
MANAGER

553 WEST 8TH AVENUE
VANCOUVER, B. C.

November 20, 1945

EVACUATION SECTION
Date NOV 22 1945
File No. 4592
Ans. 2
Referred Chatham

Dept. of Secretary of State,
Office of the Custodian,
506 Royal Bank Bldg.
Vancouver, B. C.

Gentlemen:

With reference to your request for the writer to inspect an Acme 10 HP Gas Engine located at Phoenix Cannery Shop, Steveston, formerly called Saeji Kishi Boat Works.

The Machine is a 10 HP Acme, manufactured by San Fransisco Gas Engine Co., and commonly known as the Frisco Standard. It appears to be in reasonably good condition with the exception of the Muffler, which has been extensively welded. It is complete with reversing Boat Clutch and should be worth $125.00.

This Engine was not appraised on June 5th, 1944 as at that time it was completely covered by lumber, and no one apparently knew its whereabouts.

Yours very truly,

GALCO MACHINES

H R Galbraith

H. R. Galbraith

HRG:JO

EXHIBIT No. 301-5
DATE 2 June 1948
FILLED BY Crown

File #4592

26th March, 1947

MEMORANDUM TO THE FILE

Re: 10 h.p. Acme Engine

The above engine was offered for sale by tender in December 1946. The only response received was from Mr. John Leeson in the sum of $55.00.

Valuation made by Mr. Galbraith of Galbraith & Sulley was $125.00. Mr. Leeson was advised of the valuation and asked if he was prepared to make another offer. In response to this he asked for his cheque to be returned.

I spoke to Mr. Leeson on the telephone but he refused to increase his bid, even to a suggested amount of $75.00. He claims the engine is obsolete and that no one would use it in a boat. He intended to use it in a stationary engine for pulling out boats.

I telephoned Mr. Galbraith who stated that it was not a very desirable type of engine and used a considerable quantity of gasoline and that in his opinion the $55.00 should be accepted.

FGS

F. G. Shears,
Director.

EXHIBIT No. 301-6
DATE 2 June 1948
FILLED BY Crocon

FGS/PMH

4592

April 20th, 1948.

EXHIBIT No. 301-7
DATE 2 June 1948
FILLED BY Crocow

Mr. Robertson,
Manager,
Phoenix Cannery,
Steveston, B.C.

Dear Sir:

Re: Saeji KISHI, Reg. No. 03385

On November 6th, 1945, Mr. Peters, a member of the Custodian staff, telephoned Mr. Lord, then Manager of the Phoenix Cannery, regarding a 7 HP Palmer engine. Mr. Lord stated that since the time Saeji KISHI was evacuated in May 1942, the same caretaker had been at the Cannery, and this man stated to his certain knowledge there was no 7 HP Palmer engine at the Richmond Boat Works.

Today your office referred the writer to Mr. Shorey who stated that this 7 HP Palmer engine was found by Phoenix Cannery people, but it had been taken to pieces by vandals who were evidently going to carry away these pieces. Thus the engine was removed to a Phoenix Cannery building for protection. Mr. Shorey went on to say that this engine was eventually turned over by you to a fisherman in Steveston.

Would you please furnish this office with full details concerning this transaction so that we may conclude the matter.

Yours truly,

B. M.

B. MacAskill,
Office of the Custodian.

/BM

ALL COMMUNICATIONS TO BE ADDRESSED TO THE
COMPANY'S AGENTS
H. BELL-IRVING & CO., LTD.
VANCOUVER, B. C.

THE ANGLO-BRITISH COLUMBIA PACKING COMPANY
(LIMITED)

PHOENIX Cannery

EXHIBIT No. 301-7
DATE 2 June 1948
FILLED BY Crosson

April 27th 1948

EVACUATION SECTION
Rec'd APR 30 1948
File No. 4592
Ans.
Referred

Office of the Custodian,
Japanese Evacuation Section,
Vancouver B. C.

Dear Sirs; Re: Saeji KISHI, Reg. No. 03385

Further to our telephone conversation regarding a 7 H. P. Palmer Gas Engine which belonged to the above named Japanese, we now enclose our Draft for $ 125.00 in full payment for this engine.

As we pointed out to you there was a considerable amount of work required to put this engine into service and the labor and parts amounted to $ 118.40, including the purchase of a second hand clutch. It is quite understandable that these things may have been overlooked when the engine was appraised inasmuch as the engine was neither taken down nor examined while running.

Just as a matter of record we wish to point out that we advised Mr. Peters in 1946 that the engine was here but that we had no idea which Japanese it belonged to and that we placed a valuation on it at that time of about $ 100.00 after a thorough examination of the engine.

Yours truly,

PHOENIX CANNERY

By W. A. Robertson
Manager

TELEPHONE: FAIRMONT 3365

GALCO

ROY GALBRAITH
MANAGER

EXHIBIT No. 301-7
DATE 2 June 1948
FILLED BY Crown

553 WEST 8TH AVENUE
VANCOUVER. B. C.

April 27th, 1948.

EVACUATION SECTION
Rec'd APR 28 1948
File No. 4592.
Ans. ✓
Referred McArthur

Dept. of The Secretary of State,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B.C.

Gentlemen: Attention Mrs. McArthur.

Furthur to our telephone conversation of date re Saeji Kishi Boat Works at Steveston, B.C. and regarding 7 H.P. Palmer Gas Engine as reported on our valuation June 5th, 1944,. as parts missing, unfortunately we do not seem to have retained our original notes on the missing parts but if memory serves correctly they were some parts of the Carburetor and Ignition.

We would certainly say that the amount claimed of $16.80 plus labor of $2.60 is eminently fair for these and should be allowed.

The Clutch of course would be something that could not be seen unless the machine was dismantled and probably was defective as the machine had evidently been taken our of use and replaced with another, we would say that $40.00 was a fair charge for this.

Regarding the charge of $59.40 for replacing labor we do not think is fair, we would point out that these people had free use of the machine for three years and this amount would be less than a fair rental for that period. There is also the fact that after the machine had been repaired and fitted with a good Clutch it would be worth considerably more than the original valuation.

We would suggest that if you allowed the cost of the parts which they supplied off the original valuation it would be just to both sides. In other words they should pay you $118.20 and then they are getting very good value.

Yours truly,

GALCO MACHINES

H R Galbraith

HRG:RB

H.R. Galbraith.

Now. (Apr 20/48).
Galco machines
553W + 8 Wxt
7a 3365

TELEPHONES: BAYVIEW 3501-2

GALBRAITH, CLERIHEW AND OVERTON, LTD.

MACHINERY

ROY GALBRAITH
MANAGER

EXHIBIT No. 301-7
DATE 2 June 1948
FILLED BY Crowe

2195 WEST 12TH AVENUE
VANCOUVER, B. C.

June 5, 1944

EVACUATION SECTION
Rec'd JUN 7 1944
File No. 4592
Ans.
Referred Green

Dept. of the Secretary of State,
Office of the Custodian,
506 Royal Bank Bldg.
Vancouver, B. C.

Attn. Mr. Green

Dear Sir:

Re Saeji Kishi Boat Works at Steveston.

In accordance with your instructions contained in your letter of May 11th the writer went to Steveston and valuated the equipment as follows:

1	Band Saw, 36" C.M.C.	325.00
1	Planer, 20" Pony	175.00
1	Rip Saw, partly complete, very little value	10.00
1	12 HP Motor, C.G.E., complete with controls	175.00
2	Winches for Hoists, coupled together	65.00
	Sundry Pulleys, Belting and Transmission Gear, three Line Shafts complete	90.00
	4000' Red Cedar Lumber, not located	840
	3000' Fir (boat lumber), not located	
1	7 HP Palmer Engine, parts missing	175.00
		1015

Check

$840.00

? Hatsutaro OKAMOTO file 4968.

This plant seems to be fairly complete with the exception of the Lumber, which could not be located.

Regarding your footnote. There is a 7 HP Palmer Engine on the premises on which some of the parts are missing, but could readily be replaced.

Yours very truly,

GALBRAITH, CLERIHEW & OVERTON LTD.

~~Lord radwise. Hs~~
~~Fr. B. Ch. Mark 10 Hy~~

H R Galbraith

HRG:JO

H. R. Galbraith

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No 4592 EXHIBIT No.

NAME Saeji KISHI REG. No 03385

DATE	INVENTORY	DETAILS OF CLAIM		SALES: AUCTION	SALES: TENDER &c	SOLD WITH REAL PROP.	DECL. NOT FOUND
DECLARATION Apr.21/42 EVACUATION May 18/42	TAKEN BY DATE						
Located at Boat House #38, Phoenix Cannery Steveston, B.C. To be locked up and key given to Cannery Manager.		Boat House, erected on Cannery Premises	700. 00				
		Boat building machineries and tools	2,350. 00	240.90	840.00		
		Nails, Bolts, Calking Cotton, Putty etc.	150. 00				
Boat building machinery $2350.00		Cedar Boat Lumber	900. 00				
Boat building lumber $ 900.00		1 "Acme" 10 HP Gas Engine	200.00		55.00		
		1 "Palmer" 7HP Gas Engine	150.00		125.00		
Boat building equipment (nails, bolts, putty etc) 150.00		Total Value of Goods	4,450.00				
		Less Amt. of Custodian Sale (Used Net Amounts)	949.17				
3 Marine Engines Vivian 26 HP 700.00 Acme 10 HP 200.00 Palmer 7 HP 150.00				240.90	1020.00		
		LOSS	3,500.83				
		Corrected Credit According to Custodian Account:					
		Total Value of Goods	4,450.00				
		Less Amt. of Cust. Sale	1,260.90				
		LOSS	3,189.10				

Items claimed for value of 2,850.00 - (Sold by auction for 240.90
- (Sold by tender for 55.00
(Sold by appraisal for 965.00

Boat House claimed for value of 700.00 Reverted to Cannery on Kishi's evacuation

Lumber claimed for value of 900.00 No account, theft, etc. _____

TOTAL CLAIM 4,450.00 TOTAL SALES: 1,260.90

4592 EXHIBIT No. CASE No.

03385 VENUE GRAND FORKS

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	Reverted to Cannery	REMARKS
								700.00	Building: This building became the property of Phoenix Cannery on KISHI's evacuation. - See letter of Nov.15/44. from KISHI to the Custodian "according to our verbal understanding the building in question was to be turned over to the cannery upon my removal". See also letter from Phoenix Cannery of Nov.17/44.
90	840.00								
						900.00			
	55.00								Tools and Equipment: Goods left in Boat House on Phoenix Cannery property, used by Saeji KISHI were appraised by H.R.Galbraith, of Galbraith, Clerihew & Overton Ltd., now Galco Machines, on June 5/44. Mr. Galbraith appraised this equipment to be worth $840.00 (excluding the Palmer engine which was sold separately.) On Oct.20/44 Phoenix Cannery offered $825.00 for the machinery and equipment in this boat house. This offer was rejected. Nov. 17/44 Phoenix Cannery submitted a cheque for $840.00, the appraised price of the equipment. This offer was accepted.
	125.00								
90	1020.00					900.00		700.00	

EXHIBIT No. 301-8
DATE 2 June 1948
FILLED BY Crow

Saeji KISHI declared leaving tools and personal effects with Mr. Shinya YOSHIDA on Oct. 7/1943 [redacted]. These goods were sold at public auction in Steveston. Both equipment and household goods are listed in these auction sheets - the equipment has been underlined. $240.90 was derived from the sale of tools and supplies.

by auction for	240.90
by tender for	55.00
by appraisal for	965.00
ted to Cannery on Kishi's evacuation	
count, theft, etc.	
SALES:	1,260.90

The 10 H.P."Acme" Engine was appraised Nov. 20/45 to be worth $125.00. This engine was offered for sale by tender, the only response being from Mr. John Leeson who bid $55.00. Mr. Leeson refused to increase his bid, so, on the advice of Mr. Galbraith, appraiser of the engine, this offer was accepted - see Memo of March 26/47.

7 H.P. "Palmer" Engine - appraised June 5/44 by Mr. H. R. Galbraith, of Galbraith, Clerihew & Overton Ltd., now Galco Machines, to be worth $175.00. On April 27th 1948 the Phoenix Cannery offered to buy this engine for $75.00, stating that the engine would not run without a new clutch (there being no reverse) and other parts and labour costs were required to put the engine in running order. This was referred to the appraiser who stated that he had appraised the engine without dismantling and advised reducing appraisal in amount of cost of repairs without labour, namely, second hand clutch - $40.00
other parts $16.80
Total $56.80. Leaving $118.20 as a fair price.

Phoenix Cannery then agreed to pay and have paid $125.00.

B Mackskill

ALPINE LODGE COMMUNITY

CHRISTINA LAKE · B · C ·

January 5th, 1945.

Office of the Custodian,
Royal Bank Bldg.,
Vancouver, B.C.

EVACUATION SECTION
Rec'd JAN 8 1945
File No. 4592
Ans.
Referred Green

Re: Your File No. 4592.

Sirs: -

I wish to acknowledge with thanks your favor of 4th ult., regarding boat house equipments and engines.

As to the boat house equipments left at the Phoenix Cannery premises, being unable to check what items are missing, I can hardly agree on the price of $840.00. However, at the same time as much as an independent appraisal was made on equipments remained there, I would take it for granted that that is the equitable return from the sale. Therefore, please proceed the liquidation as suggested in your letter.

Regarding Vivian 26 HP. Engine, I believe same must be stored at the Vivian Engine Works in trust. ? Still not traced - Some thing strange there

The 10 HP. Acme Engine left with me by Naotsugu Hakoda in payment for repairs effected to his boat, but as Hakoda morally will have to be responsible, if the engine is sold at depreciated price, I would request you to contact Hakoda prior to effecting sale of this engine. Sell in due course.

As I have not sold the 7 HP. Palmer Engine as assumed in your letter, I wish you would check further in the matter. ? strange too.

Lastly, at this opportunity, I wish you to look into the matter of Tools and personal effects vested with Mr. Shinya Yoshida, Your File No. ~~10529~~, for which I have written you on October 27th, 1943. As these tools are badly required here for my earnings, kindly see that they be sent to me. 1H01, A, B.

Yours faithfully,

S. Kishi K.
Saeji Kishi
Registration No. 03385.

EXHIBIT No. 301-9
DATE 2 June 1948
FILLED BY Gowen

Norris & MacLennan
BARRISTERS AT LAW, SOLICITORS
NOTARIES PUBLIC

T. G. NORRIS, K. C. — J. A. MACLENNAN, LL. B.

TELEPHONE PACIFIC 5254
CABLE ADDRESS: "NORRIS"
VANCOUVER, CANADA

BANK OF NOVA SCOTIA BUILDING
602 HASTINGS STREET WEST
Vancouver, B.C.

Nov. 25, 1947.

The Commissioner,
Office of the Custodian,
Royal Bank Building,
Vancouver, B.C.

Re: Japanese Property Loss Claims,
KISHI: (Saeji) Reg. No. 03385. G. Forks

Dear Sirs:

We enclose herewith in duplicate for filing, the Claim Forms of the above named in the matter of the Japanese Investigation of Losses.

Yours truly,

NORRIS & MCLENNAN

Per:

JAM/AM

Enc.