Name of Claimant MATSUMOTO, Kuniye Case 388

Custodian File 12253

| 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 | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 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 | |
| 36.67 | 5.50 | 1.65 | 15% | 23.33 | 3.50 | | | 5.15 |

| | |
|---|---|
| TOTAL RECOMMENDATION | 5.15 |

1540

CASE NO: 388

JAPANESE PROPERTY CLAIMS COMMISSION

Nelson, B.C.

June 15, 1948

IN THE MATTER OF THE CLAIM OF

(MRS) KUNIYE MATSUMOTO

PROCEEDINGS AT HEARING

Original

CASE NO: 388

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 Nelson, B.C.

June 15, 1948

IN THE MATTER OF THE CLAIM OF

(MRS) KUNIYE MATSUMOTO

PROCEEDINGS AT HEARING.

20 APPEARANCES:

| | |
|---|---|
| DONALD MACDONALD, Esq., | appearing for the Dominion Government |
| A.E. COBUS, Esq., | appearing for the Claimant. |

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| | |
|---|---|
| W.J. STURGEON, Esq., | Secretary to Nelson Sub-Commission. |
| G.N.R. UPTON, Esq., | Official Interpreter |
| G. HAMBLETON, Esq., | Official Reporter. |

30

MR. COBUS: I think, your honour, I might as well go on with the case of Mrs. K. Matsumoto, which is No. 33 on the Secretary's list; and I am calling Mr. Matsumoto to give evidence.

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

10 MR. COBUS: Q: Witness, I produce to you a claim form bearing the mark of Kuniye Matsumoto. Whose mark is that?

(Interpreter to witness)

Q: Well, do you know whether your wife submitted a claim? A: I don't know exactly.

THE INTERPRETER: That was the answer to the first question.

MR. COBUS: Q: Do you know whether your wife submitted a claim? A: Yes.

20 Q: And does this appear to be the claim submitted by your wife on the 15th of November, 1947 at Slocan City? A: This is my wife's claim.

Q: And you are appearing on behalf of your wife?

A: Yes.

Q: And you know the matters relating to the articles for which your wife is claiming?

A: Yes.

30 MR. COBUS: I would ask leave, your honour, to amend

the claim by showing item 1, three high chairs, valued at $10.00; item 2, the stove, at $10.00; item 3, we have now deleted the chair and mirror, leaving only the counter, $7.50; and two show-cases, now valued at $60.00. The total personal property claim is $87.50, with a credit to the Custodian of $5.50, leaving a net claim of $82.00.

Q: Witness, I produce to you a statement concerning the personal chattels for which your wife is submitting a claim. Did you instruct Mr. Leckie on behalf of your wife to prepare this statement and is that your signature?

A: Yes.

Q: Is the information contained therein true to the best of your knowledge and recollection?

A: Yes.

MR. COBUS: I ask leave to file the statement concerning personal chattels as the first exhibit.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: The statement, your honour, now marked Exhibit No. 1, gives complete details as to all individual items claimed with respect to date of purchase, whether new or used, the price paid and condition when evacuated, and, in the last column, the estimated value at the date of evacuation. The total for the items shown is $87.50.

The goods, the witness says, were left in the house at 501 Powell Street, Vancouver, B.C.

and the key given to Mr. Nye who was the owner of the land. This, your honour, was a case of the claimant having built a building, a house, upon land belonging to another person, and, in the present witness' own claim, Case 387, the claim for the building was abandoned.

THE COMMISSIONER: Yes.

MR. COBUS: The witness says that depreciation has been allowed on all articles claimed. He says that he has knowledge of these chattels and is representing his wife as to this claim.

Would my learned friend produce the Analysis of Personal Property Claim?

(Handed to Mr. Cobus)

MR. COBUS: I ask to file the Analysis on behalf of the Crown, your honour.

(ANALYSIS MARKED EXHIBIT NO. 2)

THE COMMISSIONER: I take it that the house 501 Powell Street was where the claimant was living.

MR. COBUS: That is correct.

THE COMMISSIONER: They were left right in his own house.

MR. COBUS: Right in his own house.

THE COMMISSIONER: Yes.

MR. COBUS: Referring to the Analysis, your honour, under column 1, which is an extract from the J.P. form, the goods are noted there as having been left at 501 Powell Street, and certain other items were left in the rooms at 501 Powell Street. I gather 501 Powell Street was

partly a store and partly living quarters. As your honour has already seen, we have abandoned certain items shown under "Details of Claim." For instance, item 4, the chair, and item 5, the mirror, have been abandoned, and we have shown new values, of course, but apart from that, the only comment I can made is with respect to the first item, 3 high chairs. The Analysis, by using an "X" under the column "No record at any time," would appear to indicate that they had never been declared, so I would call your attention to column 1, and the three chairs are declared there, and those chairs happen to be the chairs because they were counter chairs, and were so described as high chairs; your honour knows the type of counter chairs that are common.

THE COMMISSIONER: Yes. What about the stove, now. The stove is declared there as not found.

MR. COBUS: That is another one, perhaps, your honour. "Declared but not found," yes. It was declared in the first column as a heater. We have abandoned the mirror marked "No record at any time."

THE COMMISSIONER: I see.

MR. COBUS: We are simply calling attention to what appears to us to be an error with respect to the three high chairs.

THE COMMISSIONER: Very well.

MR. COBUS: The two showcases, I would judge, were abandoned. The witness is claiming $60.00 for those.

THE COMMISSIONER: Yes, but there appears to have been a sale of those, doesn't there, the show cases? "Custodian sale: Show case $3.50."

MR. MACDONALD: The show cases are dealt with under "Remarks."

MR. COBUS: Well, the showcases sold for $3.50.

THE COMMISSIONER: That is probably one of them, and the other was abandoned.

MR. MACDONALD: That is it.

10 THE COMMISSIONER: There are two showcases; one is listed as "Showcase abandoned by auctioneer," and under "Custodian Sale," a show case is shown as sold for $3.50. It looks as if one was abandoned and the other sold.

MR. COBUS: We have given the Custodian credit for $5.50, so that would take care of the two of them, you see.

THE COMMISSIONER: Yes.

MR. COBUS: Your witness.

20 MR. MACDONALD: I submit, your honour, that the goods that were sold were sold for their fair market value, and that the goods that are claimed for are claimed at an exhorbitant value, and that the other items have not come into the Custodian's custody; the only items set out in the second column that came into the custody of the Custodian are accounted for.

Now, my learned friend mentioned these high chairs as being counter chairs. I presume that

30 would refer to the two wire stools set out in

the second column. Would that be right?

MR. COBUS: That may be accurate, your honour, only it says "2 wire stools." Three chairs were declared and three chairs are claimed, and we have given credit, your honour, for the sale of two chairs at $2.00, so one must have been lost.

THE COMMISSIONER: There is nothing in the J.P. form referring to wire stools, apparently.

MR. COBUS: No.

10 MR. MACDONALD: No, it doesn't refer to those unless they would be what is referred to as the high chairs, but there are no chairs referred to as high chairs in the J.P. form either; there are three chairs.

MR. COBUS: Three chairs, yes, your honour. Those are the three high chairs.

MR. MACDONALD: Those are the three high chairs that you are referring to; the other six chairs that are referred to in the J.P. form, I take it,

20 were disposed of.

MR. COBUS: We have abandoned item 4, the chair, in column 3.

MR. MACDONALD: Yes.

CROSS EXAMINATION BY MR. MACDONALD:

Q: Do you know if Mrs. Matsumoto received a letter dated January 14, 1943?

A: To my knowledge she did not receive it as she always used to show any letters to me.

30 Q: She might have received it and you would not know

about it, though.

A: No, because I always went to get the mail.

THE COMMISSIONER: Have you a copy of the letter, Mr. MacDonald?

MR. MACDONALD: I have a copy, your honour.

THE COMMISSIONER: Perhaps if you show him the letter he might know whether he has ever seen the original of it at all.

MR. MACDONALD: Q: Would you explain that to him and see if he knows the contents of it?

A: I am sure I did not receive a letter like that.

Q: That is, his wife did not receive it.

A: I always went for the letters and I am certain that my wife did not receive that letter.

MR. MACDONALD: Well, your honour, this letter advises what was found and asks for a reply, and there is a notation that no reply was received from her. Of course, if she didn't receive it, naturally there wouldn't be a reply. It would be for the Crown to establish that at the proper time.

THE COMMISSIONER: I suppose you could file that letter now subject to it being identified later on.

MR. MACDONALD: I could file it for the benefit of the defence. It is really for your benefit.

MR. COBUS: Your honour, I might point out that the letter which my learned friend has in his hand now is referred to in the column of remarks under Exhibit 2, and it appears to cover the situation. The witness here denies that his wife has re-

ceived it. I might make this suggestion: with the abandoned items, there doesn't appear to be a great deal at issue, does there? We are claiming two showcases, $60.00, the Custodian admits he has abandoned --

MR. MACDONALD: One.

MR. COBUS: Well, let's assume he abandoned one, and he sold one, but we are still claiming $60.00. With respect to the counter, the counter was found. We are claiming $7.50; the Custodian has abandoned it.

THE COMMISSIONER: Probably the counter was disregarded; it wasn't sold at auction.

MR. COBUS: Apparently not. With respect to the three high chairs, we say we declared three chairs and we say those were the three counter chairs and we are claiming $10.00. The Custodian admits having found two wire stools. It seems to me, then, that one should be shown as "No account, theft." I am not suggesting that I am making up the Analysis, but apart from the stove which was declared as a heater on the J.P. form, nothing is additional, and I see very little point in the letter.

THE COMMISSIONER: Well, it is referred to, and I think, Mr. MacDonald, that as it is referred to on the Analysis it gives notice to the claimant in any event and should Counsel for the Crown wish to file it later, they can.

MR. MACDONALD: That is the reason I referred to it.

I have no other questions.

THE COMMISSIONER: All right. Well, that is all for the present on your wife's claim, Mr. Matsumoto, and the matter will be proceeded with later.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

10

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.

E.P. Dawson
Sub-Commissioner.

20

30

388

NOV 21 1947

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

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

12253 ACKNOWLEDGED

Nelson

33

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

(1) NAME MATSUMOTO (Print) Surname Kuniye (Mrs.) Given Name (RCMP) Reg. No. 03226

(2) Pre-Evacuation Address 501 Powell Street, Vancouver, B. C.

(3) Present Address Slocan City, 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 Confectionery, Grocery & Glove manufacturing
(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 Vancouver

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

(c) How stored or packed at time of evacuation Just left it as it was.

(over)

2 Ea

(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

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

| | | | |
|---|---|---|---|
| 1. | Three high chairs | Estimated Value $ ~~19.50~~ | 10.00 |
| 2. | Stove | Estimated Value $ ~~14.00~~ | 10.00 |
| 3. | Counter, ~~chair, mirror~~ | Estimated Value $ ~~25.00~~ | 7.50 |
| 4. | Two showcases | Estimated Value $ ~~95.00~~ | 60.00 |
| 5. | | Estimated Value $ | |
| 6. | | Estimated Value $ | |
| 7. | | Estimated Value $ | |
| 8. | | Estimated Value $ | |
| 9. | | Estimated Value $ | |
| 10. | Cancel 5.30 | Estimated Value $ | 87.30 |
| | | TOTAL CLAIM FOR PROPERTY LOSS $ ~~153.50~~ | 5.50 |
| | | | 82.00 |

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) - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - $ ~~153.50~~ 82.00

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

New Denver, B. C.

(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 )
of )
TO WIT: )

Kuniye Matsumoto her + mark

Witness: Z. Kuroshita

I, Kuniye Matsumoto of the City
of Slocan 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 Slocan )
in the province of British Columbia )
this 15th day of November )
A.D. 1947. )

Howard Parker
a Notary Public in & for the province of British Columbia
~~A Commissioner &c.~~

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

Mrs K Matsumoto
(Claimant's Name)

per Mr K Matsumoto

PERSONAL CHATTELS

03226
Reg. No.

| Description of Major Items (and particularly of goods lost, stolen or destroyed) | Approximate Date Purchase | New or Used When Purchased | Price Paid | Condition when Evacuated | Estimated value at Date of Evacuation |
|---|---|---|---|---|---|
| 3 high chairs (counter chairs) | 1930 | new | 19.50 | good | 10.00 |
| 1 heater stove | 1939 | new | 14.00 | good | 10.00 |
| 1 counter (8'x2½') | 1927 | new | 20.00 | fair | 7.50 |
| 1 show cases 8'x2' (glass around and mirror at back inside) | 1927 | new | 80.00 | good | 50.00 |
| 1 show case (5'x2') (front glass) | 1937 | new | 15.00 | good | 10.00 |
| | | | Total claim | | $87.50 |

EXHIBIT No. 388-1
DATE June 15/48
FILED
Cobra

Description of Storage of Goods:
The goods were left in house at 501 Powell St, Vancouver BC and key given to Mr Nye (owner of land).

General Statement as to Chattels not Described above:
all goods claimed are noted above

Additional Comments, if any: Depreciation has been allowed on articles claimed. I have knowledge of these chattels and am representing my wife as to this claim.

K Matsumoto
SIGNATURE

# ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 12253 EXHIBIT No.

NAME MATSUMOTO, Kuneo, (Mrs. Kingo)

REG. No. 03226

| DATE | INVENTORY | DETAILS OF CLAIM | | SALES | | SOLD WITH REAL PROP. | DEC NO FOU |
|---|---|---|---|---|---|---|---|
| DECLARATION Oct. 8/42<br>EVACUATION Oct. 28/42 | TAKEN BY<br>DATE Nov. 9/42. | | | AUCTION | TENDER &c | | |
| 1 counter<br>2 showcases<br>1 heater<br>1 round table<br>6 chairs<br>1 scale<br>1 cash register<br>These things have been left in the store at 501 Powell Street. (If not sold) | Goods moved from 501 powell to warehouse at 992 Powell.<br>2 showcases<br>1 counter<br>2 wire stools | 1. 3 high chairs<br>2. stove<br>3. counter<br>4. chair<br>5. mirror<br>6. 2 showcases<br><br>Total claim | 19.50<br>14.00<br>}<br>}<br>25.00<br>95.00<br><br>$ 153.50 | x | | | |
| 1 sofa<br>1 bed & spring<br>1 desk<br>1 kitchen table<br>3 chairs.<br>These things have been left in the rooms at 501 Powell, and the house key will be given to Mr. F. Nye, the owner of the land, who has promised to look after the furniture left in the rooms. | | Custodian Sale:<br>Show case<br>2 Stools<br>Total<br><br>Recap of claim:<br>$47.50 sold for $3.50<br>22.33 declared not found<br>27.82 no record at any time before claim<br>55.85 abandoned as of no value.<br>$153.50 | | 3.50<br>2.00<br>5.50 | | | |

EXHIBIT No. 388-2
DATE June 1 1948
FI LE BY Brown

No12253 EXHIBIT No. CASE No.

No. 03226 VENUE

| SALES | | SOLD WITH REAL PROP. | DECL. NOT FOUND | NO RECORD AT ANYTIME | ABANDONED | NO ACCOUNT, THEFT &c | UNSOLD | REMARKS |
|---|---|---|---|---|---|---|---|---|
| ION | TENDER &c | | | | | | | |
| | | | | x | | | | |
| | | | x | | | | | |
| | | | | | x | | | Counter discarded by auctioneer |
| | | | x | | | | | |
| | | | | x | | | | |
| x | | | | | x | | | Showcase abandoned by auctioneer |
| | | | | | | | | The value of $25.00 claimed for the following has been divided in recap. as follows:<br>Counter - $8.35<br>Chair - 8.33<br>Mirror - 8.32<br>The value of $95.00 claimed for the 2 showcases has been taken as $47.50 each. |
| 3.50<br>2.00<br>5.50 | | | | | | | | |
| | | | | | | | | On January 14,1943, we informed Mrs. Matsumoto that the goods found at 501 Powell had been removed to storage, and told her what had been found. We told her we assumed the balance of her goods had been disposed of by herself. She did not reply to our letter. |

Smathison
March 1/48