

Custodian File

REAL PROPERTY										
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village		Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Amount		Sale Price	Total Award 125% of all Sale Prices: % of Amount	
		200	20	00 6.25						26.25
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 & 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	Applica- tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
723.15	561.95	168.58	77.72	475.35	369.44	500	60.00	50% to case 1084		
							598.02	299.01		
TOTAL RECOMMENDATION										325.26

CASE NO: 399

JAPANESE PROPERTY CLAIMS COMMISSION

Nelson, B.C.

June 17, 1948

IN THE MATTER OF THE CLAIM OF

TOMIO BABA

PROCEEDINGS AT HEARING

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)

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Nelson, B.C.

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IN THE MATTER OF THE CLAIM OF
TOMIO BABA

PROCEEDINGS AT HEARING

20 APPEARANCES:

DONALD MACDONALD, Esq.,

appearing for the
Dominion Government.

A.E. COBUS, Esq.,

appearing for the
Claimant.

 W.J. STURGEON, Esq.,
Secretary to Nelson
Sub-Commission.

G.N.R. UPTON, Esq.

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter

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In Chief.

8 MR. COBUS: The claim, your honour, of Tomio Baba,
which is No. 2 on the Secretary's list. I will
call Tomio Baba.

TOMIO BABA, the Claimant herein, being
first duly sworn, testified
as follows:

10 MR. COBUS: Your honour, this claim is a joint claim
with that of the witness' brother, Noboru Baba,
which was heard in Toronto as Case 1084 on May
25th, 1948. I have been sent a transcript of
that case, and noted that a question has arisen
as to whether the present claimant had an
identical claim with that of his brother, or
whether he had certain property for which he was
claiming and of which he was the sole owner.
That, originally, was true; this claimant was
claiming for a boat, but we are now abandoning
that portion of his claim subject to the Terms
20 of Reference being broadened.

With respect to the amendments to the claim
of the present claimant, we are depending upon
the amendments which were made by the brother
in Toronto.

THE COMMISSIONER: Yes.

MR. COBUS: In other words, this claim now becomes a
joint claim with that of Noboru, and we are
depending upon the evidence so far adduced by
the brother in Toronto.

30 THE COMMISSIONER: Which will apply to this claim also.

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MR. COBUS: Which will apply in this claim also.

This claimant is claiming for the other half interest in the total claim.

THE COMMISSIONER: Well, does he have a half interest in the real estate as well as the other property described here?

MR. COBUS: Yes, your honour, a 50% interest in the total claim as set up in Toronto.

THE COMMISSIONER: Yes.

10 MR. COBUS: So that takes care of the initial difficulty which arose in Toronto. At Toronto there was some question as to the evidence which the brother would be able to give with respect to the proposed or suggested defence by the Crown at the hearings in Vancouver, and the Commissioner directed that this claimant be given an opportunity to meet that proposed defence, which was, in fact, a report submitted by J.D. Mather. That report of J.D. Mather is
20 appended to the transcript of Case 1084.

Would my learned friend produce the J.P. form of Tomio Baba?

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, I produce to you a document known as
as J.P. form, which bears the date, the 4th of May, 1942, and a signature, "Tomio Baba." Is that your signature? A: That is.

Q: Now on page 2 of the form is a statement of personal property owned, and I am reading from the
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10 form: "Declarant has one-third interest in equipment of boat house as per list attached. Declarant has one-half interest in contents of house as per list attached." On the third page you describe the property, the real property which forms part of the subject matter of this claim. How does it happen that on May 4th of '42 you declared a one-third interest in the equipment of the boathouse as per list attached; who were the owners of this boathouse and equipment?

A: At the time?

Q: At that time. A: Three brothers, George Shimpei, Noboru, and myself, were the joint owners of that.

Q: There were three of you who owned this boathouse and equipment, yourself, George Shimpei -- that is another brother? A: Yes.

Q: And Harry Noboru, is that correct?

20 A: Yes.

Q: But, as matters than transpired, you gave me to understand that you and your brother Noboru took over the interest which the third brother owned, is that correct? A: Yes.

Q: And the Custodian was made aware of that transfer of interest, was he not?

A: Oh, yes; oh, yes.

30 MR. COBUS: I think, your honour, no question arises as to the fact that the present claimant and the claimant in Toronto do in fact have a one-half

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interest in the boathouse and equipment.

Q: Now, witness, attached to the J.P. form I show you a list. Do you recognize that list?

A: Yes, that is our copy of the inventory which we left with the Custodian at Hastings Park on May 4th.

Q: And what is it an inventory of? I see it is a one page inventory.

10 A: It is an inventory of everything we left in the boat shop, I believe.

Q: Yes, it is headed "Inventory for Boathouse," is that correct? A: Yes, boathouse.

Q: Now, you mention, however, that you have a one-half interest in the contents of the house as per list attached. Now, I don't find a list of household goods attached to the J.P. form.

MR. COBUS: I don't suppose my learned friend can explain the discrepancy?

MR. MACDONALD: No.

20 MR. COBUS: The J.P. form makes reference to that list, your honour, and I would ask to file the J.P. form on behalf of the Crown.

(J.P. FORM MARKED EXHIBIT NO. 1)

Q: Now, witness, I produce to you a two page list, one headed "Inventory for Boathouse," and one headed "Inventory for house."

A: Yes.

Q: The boat house inventory is dated April 15, 1942, the house inventory is dated the same date.

30 Now, the list which you recognized in your J.P.

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Form would be a carbon copy of this original list known as the inventory for the boathouse, is that correct? A: Yes.

Q: At the same time, did you leave with the Custodian a carbon copy of the inventory for the house? A: I should have, but I don't see why the Custodian hasn't got that.

Q: Well, I don't think you need explain why he hasn't got it, the point is, did you leave a copy? Your form says "as per list attached."
10 A: Yes.

Q: Do you think you left a copy?

A: I think I left it.

MR. COBUS: Your honour, I would ask leave to file what the witness has identified as being the original lists, the boat house list and house list.

(LISTS MARKED EXHIBIT NO. 2)

Q: Now, were those lists made on the date which the lists bear, April 15, 1942? A: Yes.
20

Q: When were you evacuated? A: The night of the 6th of May.

Q: The 6th of May? A: Yes.

Q: 1942? A: '42.

Q: Was another of your brothers evacuated with you at the same time? A: George Simpei evacuated with me, yes, at the same time.

Q: What about Harry Noboru, your other brother?

A: He evacuated, if I remember right, on the 23rd of April.
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- Q: That is, some two weeks ahead of you.
- A: Two weeks, yes.
- Q: Now, why were you not evacuated earlier than that?
- A: We were working on a boat requisitioned by the Royal Canadian Air Force and therefore we had to get permission to stay in the protected area long enough to finish the boat so it could be put in the water.
- 10 Q: I see. And was the boat eventually launched for the air force?
- A: It was launched on the 3rd of May, the day before we put in this J.P. form.
- Q: Your J.P. form?
- A: J.P. form.
- Q: I see. Now, from Vancouver where did you go on evacuation?
- A: I got on the C.P.R. Train and come right in here to Nelson.
- Q: You came to Nelson, and did you stay in Nelson?
- A: Over night in the car and to Kaslo the next morning.
- 20 Q: Kaslo was your destination at the time?
- A: Yes, it was.
- Q: Now that was on, you think, the 6th of May, between the 6th and 7th -- thereabouts, at any rate?
- A: Yes.
- Q: Now, I produce to you a letter from the Office of the Custodian dated June 10th, 1942 and signed by R.P. Alexander, assistant manager. Did you receive that letter by mail from the
- 30 Custodian?
- A: Yes, I did.

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Q: And in the letter -- I am reading from the letter, the second paragraph -- "An inventory was made of the contents of the boat house and the items missing compared with those shown in the J.P. form are given in the statement attached." Now, I show you a list of goods. Is that the list which accompanied the letter which you have identified?

A: Yes, it is.

10 MR. COBUS: Now, your honour, this letter dated June 10, 1942, from the Office of the Custodian to the claimant at Kaslo reads in the first paragraph this way: "With reference to your property described in the J.P. form signed up by you on May 4th at Hastings Park, we now learn from the firm whom we appointed to investigate your property, etc., that contrary to the definite undertaking you gave to Mr. J.D. Mather, you and/or your brother-in-law left the premises in a semi-protected state and cleared off without Mr. Mather's

20 representative being informed in any way of the action you were taking." Then follows the second paragraph with respect to the missing items.

Q: Now, witness, do you know mr. Mather, Mr. J.D. Mather?

A: No, I haven't met him personally.

Q: Have you heard of him? A: Yes, I have heard of him.

Q: And, as far as you know, who is Mr. J.D. Mather?

A: As far as I know from the letter from the Custodian, he is the agent for the Custodian.

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Q: I see. You, yourself, never met Mr. J.D. Mather? A: No, no.

Q: Do you recall at any time in the latter part of April or May being visited by an agent of the Custodian and giving your undertaking that you would not leave the premises without informing Mr. J.D. Mather?

A: No, I don't recall any of the Custodian's agents calling at the place before evacuation.

10 THE COMMISSIONER: Mr. Cobus, would you ask him whether he gave that undertaking or not?

MR. COBUS: Yes, your honour.

Q: Did you give that undertaking to anybody in the Custodian's office? A: No, I don't recall anything except that I understood that as long as you made a J.P. form for the Custodian at Hastings Park before leaving, that was all it was necessary to do.

Q: Good. Now, you made your J.P. form on May 4th; 20 you left on May 6th, two days later?

A: Yes. May the 3rd comes on Friday, we left the boat finished then, that was the 4th of May, and we went to Hastings Park to make all the arrangements for evacuation, and on Sunday we hired the young people to board up the house and the boathouse.

Q: They were boarded up? A: Yes, boarded up, and on the Monday night train we left for Kaslo.

Q: I see. Now, did you think at any time that you 30 should take it upon yourselves to inform the

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Custodian that you would be leaving for Kaslo on the night of the 6th or 7th; did that occur to you?

A: No. The only thing that I understood was that it automatically goes through the Custodian as well as the B.C. Security Commission.

Q: Well, did anybody tell you that you had to be out of town by a certain time; did they give you orders as to when you should leave Vancouver?

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A: Yes.

Q: Who gave you orders? A: It was the Mounted Police Department that gave the order, but we had a couple of days of extension in between Monday and --- I think it was Wednesday that the extension expired.

MR. COBUS: I see. Your honour, referring again to this letter from the Custodian, there is this last paragraph: "We must here say that we cannot understand the attitude you have adopted in leaving your property so abruptly, especially as our appointed agents were doing everything possible to assist you in this matter."

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THE COMMISSIONER: Do you wish to file that letter, Mr. Cobus?

MR. COBUS: I intend to, your honour, but there is still another very pertinent paragraph that I would like to read into the record, and that is the fourth paragraph. "Your property is only insured for a total of two thousand dollars.

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This is considered insufficient and it is pro-

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posed to insure same for four thousand dollars."

Then the next paragraph: "Although you stated in your J.P. form you had no liabilities, we understand there is still due on Lot 2 the sum of \$641.62, payable at the rate of \$91.66 and interest semi-annually, the next payment falling due on June 20th, 1942. Please advise how you propose to meet these payments, also please write us respecting the other matters mentioned in this letter."

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Q: Now, with reference to that last paragraph, witness, you had a mortgage on this property for which you are submitting a claim? A: Yes.

Q: It was either a mortgage or an agreement for sale, but money was still owing on it, is that correct? A: Yes, money was still owing on it.

Q: Was the money owing ever paid off on the property, to your knowledge? A: Oh, yes, it was paid all off through the Custodian.

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Q: Through the Custodian? A: Yes.

THE COMMISSIONER: The J.P. form refers to the fact there was a mortgage.

MR. COBUS: I beg your pardon, your honour.

THE COMMISSIONER: The J.P. form refers to the fact that there was a mortgage.

MR. COBUS: That is what I thought, your honour.

THE COMMISSIONER: Does he say it was not disclosed?

MR. COBUS: He says "you have no liabilities." That is the suggestion there.

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THE COMMISSIONER: Well, there is a statement in the J.P. form "Has mortgage on Lot No. 2." It is right on the J.P. form.

MR. COBUS: Exactly.

Q: Now, witness, for how much did the Custodian sell that property? A: They sold it for gross \$400.00.

Q: \$400.00. But they paid off a mortgage on the property out of your money of \$641.62, is that correct? A: Yes.

MR. COBUS: I would ask leave, your honour, to file this letter. You must have it on file, Mr. MacDonald?

MR. MACDONALD: Yes, I have a copy of that.

MR. COBUS: Yes, I would ask leave to file this letter of June 10th, 1942, with the list attached.
(LETTER MARKED EXHIBIT NO. 3)

Q: Now, in response to that letter, witness, what did you do?

20 A: At the time my brother was at Sandon and he corresponded with them, and on July 7th, 1942, I decided to go to the coast with the permission of the Mounted Police to check over the things, because there was quite an amount involved in those missing articles. So I went to Vancouver.

Q: You got permission to go to the coast, and whom did you contact at the coast?

A: I contacted -- I went to the Custodian's office first.

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Q: Yes.

A: And they asked me to go and see Mr. Alexander at A.E. Austin.

Q: Is it this Mr. Alexander who wrote this letter?

A: No, this is a different Alexander; this is R.P. Alexander.

THE COMMISSIONER: This is R.P. Alexander.

MR. COBUS: I see.

10 A: This is a -- I believe it was Alexander at A.E. Austin Company.

Q: Yes, go on. A: And I got another permission from Constable Davidson from the B.C. Security Commission to go out to Sea Island where our boathouse was.

Q: Alone?

A: With Mr. Alexander, he came with me, and he had the key to the place. I showed him what it was.

Q: What do you mean, "what it was"?

20 A: About the missing articles, and I pointed out to him just where it was, and there it was.

Q: The goods weren't missing?

A: The goods were there.

THE COMMISSIONER: What was the date of that, when the goods were located?

A: I left here on the 7th. I believe it was the 9th of July.

MR. COBUS: Q: 1942, of course. A: 1942.

THE COMMISSIONER: Q: So there were no goods missing at that time? A: No, no.

30 Q: July, 1942? A: No.

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MR. COBUS: Q: And you were able to identify with Mr. Alexander every item on that list and were able to point out the item and say "There it is? "

A: Yes.

Q: And you left the building with Mr. Alexander?

A: Yes, and he locked the place up.

Q: And what did you do thereafter? I mean, did you leave Vancouver, did you stay there, or what did you do?

10 A: No, I had to go back to Vancouver, because they don't issue no permit longer than twelve hours, during the day only.

Q: And when did you leave Vancouver after that?

A: Oh, after that I was there for two weeks.

Q: Two weeks? A: Yes.

Q: Now, at the time you were with Mr. Alexander, did you remove any of the contents of the boat-house?

20 A: Yes, I brought a few things out, and the Custodian's office should have my receipt for that.

Q: I see. You signed for them; you took them out with his consent?

A: Yes.

MR. COBUS: I wonder if my friend could produce the receipt signed by the witness with respect to these goods which were removed during that visit?

THE WITNESS: It may be through Mr. Alexander, the Austin people, A.E. Austin, because I know I signed for the things I brought out.

30 Q: Well, would you be able to make a fairly complete

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list from memory, or are you not able to do so,
of those goods which you removed?

A: Well, I know I brought out those extension cords
that was mentioned in the inventory.

Q: Yes. You didn't happen to take out 1000 board
feet of lumber, by any chance?

A: No; no, sir.

MR. MACDONALD: Is this what you were looking for?

MR. COBUS: This has to do with goods which this
10 claimant is now admitting he did take, and signed
a receipt to the Custodian.

THE COMMISSIONER: That would be on July 9, 1942, I
take it.

MR. COBUS: Approximately that date.

THE WITNESS: Yes.

MR. MACDONALD: What date would that be?

MR. COBUS: July 9th or thereabouts, 1942. Well,
your honour, I would ask my friend to produce
such a list before the hearings in Vancouver if
20 such a list is available.

THE COMMISSIONER: If available. That is all right,
Mr. MacDonald, you are undertaking, if it is
available, to produce it, are you?

MR. MACDONALD: Yes. These are two files mixed up
and it is difficult to find these things.

MR. COBUS: Q: Now, witness, I produce to you a
letter from the Office of the Custodian dated
December 8, 1944 and signed by S.M. Gibson,
Insurance Department. Did you receive that
30 letter through the mail from the Custodian's

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office?

A: Yes, I did.

MR. COBUS: This letter, your honour, was referred to in the case of the brother heard at Toronto, Case 1084, and at that time the brother was unable, of course, to produce the original, and the Commissioner suggested that probably this witness would have the original. It is now filed, and it has to do with insurance upon the building and machinery.

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(LETTER MARKED EXHIBIT NO. 4)

MR. COBUS: Q: Witness, in response to this letter from Mr. Gibson, what reply did you make?

A: We sent them the word to go ahead and apply the insurance in respect of the machinery and the boathouse.

Q: I see. In other words, you agreed to make the total of the insurance on the building \$2000.00 and \$1000.00 on the machinery, is that correct?

A: Yes.

20 Q: Well, did you not have any insurance at all on the machinery up to that point?

A: We had covered it jointly for \$1000.00 each, I believe, yes.

Q: \$1000.00 on the -- A: Machinery.

Q: Machinery, and \$1000.00 on the building?

A: On the building, yes.

Q: Well, then, this would be an additional \$1000.00 on the machinery, would it? A: Yes, on the building, I believe.

30 Q: Yes, the building would then become \$2000.00. What about the machinery; did you slap on

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another \$1000.00?

A: No, it was already

on the machinery.

Q: It was already on, I see. Now, witness, I produce to you an executed deed of land respecting a portion of Section 27, Block 5, North, Range 7 West, New Westminster District, wherein a Cameron MacPherson is the grantor to Tomio Baba and Noboru Baba. Does this deed represent the purchase of the property which is the subject matter of this claim?

10

A: Yes.

Q: And the consideration shown therein is \$933.30, is that correct?

A: That is correct.

THE COMMISSIONER: Is that a duplicate deed or the original?

MR. COBUS: That is a duplicate, but it is an executed duplicate, your honour.

THE COMMISSIONER: Yes. The certificate of title has been issued in both names in accordance with the deed, has it?

20 MR. COBUS: I believe the certificate of encumbrance, if my friend has it there, would show the brothers as joint owners. The certificate of encumbrance, your honour, in the Custodian's file shows Tomio Baba and Noboru Baba as joint tenants of the property. The date of the purchase of the property, your honour, and that of the deed is the 20th of June, 1941.

(DEED MARKED EXHIBIT NO. 5)

Q: Now, witness, I produce to you a list of costs which I presume you prepared from the Custodian's

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dian's reports to you, I suppose?

A: Yes, that is copied from the Custodian's statements.

Q: Yes. Well, now, you have here "appraising
lumber, \$13.00." A: Yes.

Q: "Valuation Fee, \$12.50." What valuation fee
would that be? A: I would not know.
I just picked this out from the statement that
they sent me.

10 Q: I see. "Advertising expense -- fees, \$68.20."
What was that advertising? A: It must
be for the boathouse or the equipment, I do not
know.

Q: Then another valuation fee, \$31.80. Do you
know what that was for; was it for the land, the
boathouse, machinery? A: I can't tell you.

Q: You can't tell me.

A: I can't tell. About the land, I can find out
what they charged when they sold the land.

20 Q: When they sold the land, they show an administra-
tive cost there of \$17.50. A: Yes.

Q: But these other costs were quite apart from that
\$221.06? A: Yes.

Q: And down here you have a heading, what appears
to be "Action Sales." I presume you mean "Auc-
tion Sales."

A: "Auction," yes.

Q: And what do you mean by "Add?" Do you mean
advertising? A: Advertising,
30 yes.

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- Q: These are the costs of advertising the auction?
A: Auction sale only.
Q: And that totalled, according to the Custodian's account, \$40.85. A: Yes.
Q: Then the auctioneer's fees amounted to \$63.37, is that right? A: That is right.
Q: And the cost of moving, according to the auction sheets, is \$13.88? A: Yes.
10 Q: And the total of these charges is \$406.66, is that correct? I mean, as far as you are able to gather from the Custodian's accounts.
A: Yes.
Q: So that you were charged \$406.66 and the Custodian only sold your land for \$400.00?
A: Yes.
Q: And for how much did he sell the personal property for which you are claiming?
A: The equipment, for \$520.00 and some odd cents.
Q: Is that gross or net? A: That is gross.
20 Q: Well, just roughly, I mean; I don't think it is -- A: There would be small other articles, eighty-two something, net.
Q: Would you say that perhaps the Custodian sold the personal property for something in the neighbourhood of \$1000.00, altogether?
A: And aside from that, they sold \$400.00 worth of lumber.
Q: Well, that is aside from that.
THE COMMISSIONER: \$400.00 worth of lumber as well,
30 in addition? A: Yes.

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MR. COBUS: Q: As well. A: So that must be included in that, too.

Q: So, \$406.66 -- about \$1400.00?

A: Yes, that is what it would be.

THE COMMISSIONER: \$1000.00 clear, is that what he got?

MR. COBUS: How much clear, your honour?

THE COMMISSIONER: It would be about \$1000.00 clear he got.

10 MR. COBUS: Yes, that would be about what they would net. Those are rough figures, I mean. The only reason, your honour, I have questioned the witness about that is that it appeared to me this is one of those cases where costs appear to be somewhat heavy, and I think the Commissioner would be interested in that.

MR. MACDONALD: Could I see that?

MR. COBUS: This is the witness' own statement. I am not filing it, but you can refute any of it.

20 (Handed to Mr. MacDonald)

MR. MACDONALD: I haven't got that.

MR. COBUS: I imagine if they wish to correct this, they can do it in Vancouver.

THE COMMISSIONER: Mr. Cobus, do you want to amend the claim of this man to coincide with the amendments that have been made by his brother in Toronto? I see that amendments have been made, and it might be as well, if you take a look at that, to see if you want to amend that with the same amendments so it will coincide.

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10 MR. COBUS: Yes, the \$1125.00 on the land would be an amendment to Tomio Baba's claim. There was only one difficulty I ran into, your honour. the transcript refers to a total of \$2300.00. That amendment doesn't appear to be on the claim form of Noboru Baba, but it is shown on Exhibit 2 in Case 1084, and instead of being \$2300.00, the estimated value is shown to be \$2287.00, and that is for machinery, equipment, lumber and hardware in the Baba Boat Works business; so I thought, your honour, since the Commissioner has already noted the amendments to the Harry Baba claim, that a notation on the Tomio Baba claim to the effect that it is amended in accordance with that of Case No. 1084 would be sufficient.

THE COMMISSIONER: Yes. I will make a note of that if you ask for leave that his claim be amended to coincide with the claim already made.

MR. COBUS: Yes, your honour, I would so ask.

20 THE COMMISSIONER: That would be the claim of Harry Noboru Baba, Case 1084. That would cover it.

MR. COBUS: Yes, your honour. Your witness.

30 Before leaving the witness, your honour, if my learned friend would produce the Analysis of Personal Property claim of Tomio, I think it should be filed and received at this time. It was not received in Toronto because the Commissioner was somewhat concerned that if the two claims did not coincide, it would just add to the confusion. Now, I think perhaps that

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matter is laid at rest. I would ask leave to file the Analysis on behalf of the Crown.

(ANALYSIS MARKED EXHIBIT NO. 6)

THE COMMISSIONER: That is the analysis of his brother, is it?

MR. COBUS: No, of this claimant.

THE COMMISSIONER: I see. All right.

MR. COBUS: I am now referring, your honour, to the transcript of Case 1084, page 15, where Mr.
10 Hunter makes reference to a Mather report which was marked in that case as Exhibit 5. The Commissioner ordered that a copy of that report, which had not been produced to Counsel for the claimant at Toronto, be prepared by the reporter and appended to the transcript, and it is so appended.

Q: Now, witness, I am reading from a report purportedly made by J.D. Mather on June 1st, 1942, and under the heading "Remarks," he says this:
20 "This man with his two brothers, Shimpei and Noboru, own a shipbuilding plant located immediately east of the Acme Cannery at Eburne. I have already reported on Noboru Baba, Registration Number 04085, May 6th. Prior to this date, the two brothers, Shimpei and Noburo, have been evacuated, leaving Tomio in charge of the business. On the 5th of May, when my representative called, Tomio advised him that he was making
30 arrangements to rent the plant to a friend and would advise me before leaving, when arrange-

T. Baba
In Chief

ments would be completed. My representative called again on May 12th and found that Tomio had been evacuated, leaving in charge, a brother-in-law, one Setsuo Knegawa." I will stop there. Did you leave a brother-in-law Setsuo Knegawa in charge of the boathouse when you were evacuated?

A: No, I had no brother-in-law at that time, but that must be my eldest brother's brother-in-law.

10 Q: I see, he hasn't got the relation straight.

A: No, he didn't have the relation straight.

Q: Did you leave Setsuo Knegawa -- I presume you know him, do you?

A: Oh, yes, I know him.

Q: Did you leave him in charge of your boathouse?

A: No, I didn't.

Q: The report goes on: "My representative again called on May 15th and found the place locked up. He contacted one Captain Beckman of Mar-

20 pole who had been given the key and who had informed him that another key was held by Roy Generous of New Westminster, for whom a boat was being built." Do you know Captain Beckman of Marpole?

A: Yes, I do.

Q: Did Captain Beckman have a key to your boathouse?

A: He had a key to the boathouse and we gave him authority to give Mr. Generous the key when he had to take his boat out.

Q: I see.

30 A: And in order to take his boat out, he must have got this Knegawa

T. Baba
In Chief

to cork his boat because the boat was not corked at the time of our evacuation.

Q: Do you mean "corked"? A: "Calked" I mean.

Q: And you produced to me this letter which is signed by "Amos." Who is Amos?

A: This is the one, this Captain Amos Beckman.

Q: And it bears no date. Do you recall when you received this?

A: That must be in around the first to the middle part of June, 1942.

Q: Where were you then? A: I was in Kaslo then.

MR. COBUS: This letter, your honour, written by Amos, who is identified as Captain Beckman, reads: "I turned the keys of your house and the boatshed over to the Custodian, as they apparently are going to look after your equipment."

THE COMMISSIONER: What is the date of that letter?

MR. COBUS: There is no date on the letter, and the best the witness was able to say was that it was some time --

THE WITNESS: Between the first to the fifteenth of June, 1942.

MR. COBUS: The first to the fifteenth of June. I would ask leave to file that letter, your honour, for whatever relevancy it may have.

(LETTER MARKED EXHIBIT NO. 7)

Q: Now, witness, I am going on with Mr. Mather's report: "I personally visited the works on May 23rd, in the meantime having arranged with

T. Baba
In Chief

- Generous that he would only allow the place to be open when he himself was present, and I instructed my representative to take the inventory immediately. This was done on May 27th and 28th and on May 29th, I locked the place up entirely and put a new padlock on, advising Generous that I was so doing. It would appear from the inventory that quite a number of items are missing, particularly machinery. I am enclosing a list of the missing items herewith. " Now what list of missing items would you suggest that is?
- 10 A: That must be the list that you had on the table a while ago.
- Q: In that letter which is filed as Exhibit 3, I believe?
- A: Yes.
- Q: That is the list?
- A: That is the only list that I know of.
- Q: I am going on with the report: "In this regard, my representative states that when he
- 20 visited the place on May 12th, prior to the evacuation of Knegawa, the premises looked rather bare of machinery. I am of the opinion that the missing items were removed by Tomio Baba, prior to his evacuation."
- A: That means that it is between May 6th to May 7th, isn't it?
- Q: Well, it certainly would be in a very short time. But at any rate, you have already given evidence with respect to the list of missing,
- 30 so-called missing items which you pointed out to a Mr. Alexander on your visit to Vancouver.

T. Baba
In Chief
Cross exam

A: Yes, that is right.

THE COMMISSIONER: Do I understand that these missing items were subsequently located by the claimant on July 9th, 1942?

MR. COBUS: Yes, your honour.

THE COMMISSIONER: Yes.

MR. MACDONALD: On the premises?

MR. COBUS: Right in the boathouse, yes.

10 THE COMMISSIONER: And that was on July 9, 1942, which would be after the dates referred to as reported by Mr. Mather.

MR. COBUS: Oh, much; long after, your honour.

THE COMMISSIONER: Long after.

MR. COBUS: Your witness.

MR. MACDONALD: Your honour, I submit that the real property was sold for its fair market value and that the goods and chattels sold were sold at their fair market value, and that the other goods and chattels claimed are claimed at an
20 exorbitant value.

CROSS EXAMINATION BY MR. MACDONALD:

Q: When was the last time that you were at your business place at Steveston -- was it?

A: This was about --

Q: Would it be about the 15th of July?

A: No, I was out there this year, first of this year.

Q: But I mean in 1942. A: '42.

30 Q: When would it be? Were you there about the 15th

T. Baba
Cross exam

of July?

A: July 15th --

I was out in Vancouver till the end of July.

Q: And were you out at the premises at your own place of business about the 15th of July?

A: I don't think so.

Q: Well, have you any recollection of getting out there before the latter part of July?

A: 9th and 10th was the last time I was there, I believe.

10 Q: Well, do you remember discussing it with the Custodian or some officer in the Custodian's office -- when I say "Custodian" it might be Mr. Alexander or anybody there.

A: Yes.

Q: That you had taken some articles, but you couldn't remember everything; do you remember telling him something like that?

A: Oh, the list when I was out there.

20 Q: Well, I don't know just when it was, but I have a notation to that effect, that you visited Steveston approximately July 15th and you removed some articles and that you stated that you could not remember everything that you had taken.

A: Well, they should have my signed receipt to that effect, when I brought the things out from my shop. The Custodian should have my signed receipt for that.

Q: Have you a copy of the receipt that you signed?

30 A: I did have, but I did not bring it out here. I should have brought it out.

T. Baba
Cross exam

Q: Yes. Well, you can produce that?

A: I believe I can, yes.

MR. COBUS: Don't forget that you have already undertaken to produce the original. After all, his copy isn't of much value.

MR. MACDONALD: Well, I don't seem to have anything in the nature of a receipt.

10 THE WITNESS: But Mr. Alexander made me sign for the things I brought out because he was right there, and we went to his office in Vancouver, and I remember clearly I signed for the few articles I brought out.

MR. MACDONALD: Q: Well, did Mr. Alexander witness the signing? You mentioned Mr. Alexander signing something. You were the one who was signing the receipt? A: I was the one who signed the receipt.

Q: And Mr. Alexander was the one you signed it for?

A: Yes.

20 Q: Now, according to a letter of yours to Mr. Alexander, addressed to the Custodian on June 30th, 1942, you state, in the third paragraph: "I have told Mr. Mather or whoever he was at Hastings Park on May 4th, the day we left Vancouver, that we have a man looking -- "

MR. COBUS: Your honour, I think the witness should be shown the letter, and let him identify it, and give him a chance, at any rate.

MR. MACDONALD: Q: This is your signature, is it?

30 A: Yes, it is.

T. Baba
Cross exam

Q: And do you remember writing that letter? Just look it over.

THE COMMISSIONER: Just read the letter over, witness.

MR. MACDONALD: Just read it all over, yourself, and then you can say.

THE COMMISSIONER: Just see if you recollect the letter.

A: Yes, this is my letter.

10 MR. MACDONALD: Q: And you state in this letter, as I said, that you had a man looking after your stuff.

A: Yes.

Q: Who was that man that you had looking after your stuff?

A: That man was

Captain Beckman.

Q: That was the man that you had, when you stated a man was looking after it, it was Captain Beckman?

A: Yes.

Q: That is the man known as Amos?

20 A: Yes, Amos, yes.

Q: Now, you acknowledge here certain items, that you know they were there; that is the way you set it out?

A: Yes, this 1 box machine tools, yes, these were part of here.

You can see from this where those things are.

Q: This is not the receipt that you had in mind that you mentioned before?

A: No, no, it was on a duplicate, and I have the unsigned sheet. I should have that at home.

30 Q: I see. This second page where you refer to these

T. Baba
Cross exam

articles, and where they are, signed separately;
this is your signature on this second page?

A: Yes, yes.

Q: Were they sent to the Custodian at the same
time as this letter dated June 30th? Just
look at it and see.

A: Yes, I wrote to
him after I receive that missing articles list,
yes.

10 THE COMMISSIONER: Are you reading the whole of the
letter into the record, Mr. MacDonald?

MR. MACDONALD: Well, I will just check it over,
here. I presume the letter should be filed.

THE COMMISSIONER: I think it should go on file, and
possibly it is just as well to read into the
record the portions of the letter that appear
to be relevant.

MR. MACDONALD: Yes. I will ask to have the letter
filed.

THE COMMISSIONER: That will be Exhibit 8.

20 (LETTER MARKED EXHIBIT NO. 8)

MR. MACDONALD: The letter reads as follows, and it
is dated General Delivery, Kaslo, B.C., June
30th, 1942 and addressed to R.P. Alexander,
Custodian: "Dear Sir: In regard to your letter
of June 10th, file \$7601, I am very sorry to
answer it on second notice and I was surprised to
hear that all those tools you mentioned was
missing.

30 "I couldn't get in touch with my brother
and partner till today. He was transferred to

T. Baba
Cross exam

Sandon, temporarily, but he came back to talk about this matter.

"I have told Mr. Mather or whoever he was at Hastings Park on May 4th, the day we left Vancouver -- "

Q: That was the day you left Vancouver.

A: The 4th, was it?

Q: That is according to this letter you wrote. You would likely remember it better then than now?

10 A: I am sorry. It was Friday, Saturday, Sunday and Monday, but I must have got the date out.

Q: You must have been a week out.

A: A few days out.

MR. MACDONALD: At any rate, that is what is in this letter.

"...the day we left Vancouver, that we have a man looking after it, and at the same time a man from your office was out to check up on my brother's paper. He owns the same interest as me, and I gave him all the information he wants. This was on May 2nd.

20

"I am enclosing a list of tools and equipment that should be in the building.

"Regarding the boat taken over by the air force, it was launched on May 1st, and turned it over to the owner. The balance of \$1100.00 to be paid on monthly payment plan. Mr. Roy Generous want us to leave the boat as is for present.

"The insurance on building and equipments you mentioned, we cannot afford to insure for more

30

than we had on.

10 "I am very sure that I mentioned about the payment on our Lot 2. I didn't know the exact amount then, so I told him approximately \$700.00. Of course, I have no duplicate of that J.P. form to prove that I stated, but I did tell him and it should be in that form. As to the payment of this land it is impossible for us to pay any out now, so I'm going to write to the former owner and ask for an extension.

"I know we have left there abruptly, but we had so little time, and we did our best to lock it up, and we left the place to a man we had in charge.

"I hope this is satisfactory to you and everything you want to know please let us know. Thanking you very much for your trouble, Yours truly, "

20 Then, your honour, on the second page there is a list -- "The following items are few that I know where they are: 1 Extension Cords 50 feet (we brought it out); 1 only 3 feet gooseneck bar; 1 box machine tools (Part out here); 1 length garden hose (gave it to a friend) 1 only Hein Werner Hydraulic Jack (kept it at friend's). The power winch with 6 H.P. Fairbank horizontal engine was to be put in the building, and I paid a man to have it done. He might have put it in the cannery as he's looking after the B.C. packers at Acme Cannery. I will write him and

30

check up on this matter, and let you know as soon as I get the answer. The rest of the missing items should be in the building."

Q: In that, Mr. Baba, you state "One box machine tools (part out here)". What do you mean by that, that you had part in Kaslo?

A: Yes, my brother must have brought a few out then.

10 Q: So it would seem that you are out about a week in your dates when you left Vancouver, according to the dates you gave in that letter.

MR. COBUS: When -- now or then?

THE COMMISSIONER: In the evidence that he has given today, his dates are somewhat different as to the time he left Vancouver.

MR. MACDONALD: Q: Would you say, then, putting it this way, that the dates set out in the letter that I have read would be the correct dates?

A: I believe they would because it was nearer.

20 Q: It was nearer? A: Yes, and all I remember was that I came here on the 7th and I have to go back from that, and it was Friday, Saturday, Sunday, and Monday we left the coast so that is the only recollection I have.

Q: The only thing you are sure of is that you left the coast on a Monday? A: Monday, yes.

Q: Now, when you mentioned, as set out in the Mather report, that you couldn't remember everything, what articles -- do you remember having a
30 conversation with either Mr. Mather or with Mr.

Alexander or anybody from the Custodian's office regarding taking some articles and that you couldn't remember all of them?

A: It was Mr. Alexander that came out with me and he is the one that I talked to, and I took the things out while he was there, and he made the list and I signed for it.

10 Q: Yes, but do you say that you didn't take any other articles out only what you took out in the presence of Mr. Alexander; is that what you say?

A: Yes

Q: No others?

A: No others.

Q: At any time?

A: No.

MR. MACDONALD: I would just like a minute to check over this transcript; these two are so inter-locked.

THE COMMISSIONER: Yes.

MR. MACDONALD: Q: Well, was this man Setsuo Knegawa in charge to any extent at all?

20 A: I beg your pardon?

Q: Was this man Setsuo Knegawa, was he at any time in charge to any extent at all, of your premises?

A: No, no, he had no charge whatever.

Q: Was he out there at all when you left?

A: He was hired, I believe, by Mr. Generous to caulk the boat in order to get his boat in the water.

Q: I see, and that is all that he had to do with your place?

A: Yes.

30 Q: And he is your brother-in-law? A: Yes, but

this brother has nothing to do with our building or business.

Q: Now, I take it, then, that the only person that you left in charge at all was Captain Beckman?

A: Yes.

Q: Now, did you give Mr. Generous a key?

A: No, I didn't. I left it with Captain Beckman.

Q: Did you leave two keys with Captain Beckman?

A: I believe so, yes.

10 Q: And you instructed him to give one to Mr. Generous?

A: Well, I didn't instruct him to give it to Mr. Generous, but I authorized him to let him get in the building when he was going to calk his boat.

Q: Well, you intended that Mr. Generous should have a key so that he could go into your building. The idea of your giving a second key was so that Mr. Generous could have a key of his own, wasn't it, and he could go in himself, otherwise, he would have --

20 A: No.

Q: Well, he could have used Captain Beckman's key if you had intended that, couldn't he?

A: He could, yes.

Q: But you gave Captain Beckman two keys so that he could give one to Mr. Generous.

A: Well, I just left two that came with the lock with Captain Beckman.

Q: Well, did you mention to Captain Beckman that he could give a key to Mr. Generous so that he could get his boat out?

30

T. Baba
Cross exam

A: Well, I told -- I authorized him to let him use it, but I didn't authorize him to let him have it all the time.

Q: Now, do I understand you to say that the last time you were at the premises was on July 10th, 1942? A: Yes, on or about the 9th or 10th,

1942, yes.

Q: And how often were you out there during the time that you were down from Kaslo?

10 A: Out there? A couple of times is all I went out.

Q: And Mr. Alexander was with you both times, was he? A: Yes, yes.

MR. MACDONALD: That is all, thank you.

THE COMMISSIONER: Mr. MacDonald, in regard to your submissions, there is the question here which was raised by Mr. Mather, which is to the effect that he is of the opinion that the missing items may have been removed by Tomio Baba. Now, referring to the case in Toronto, Case 1084, I
20 notice that Mr. Hunter was somewhat at a loss in making his submissions there.

MR. MACDONALD: Yes, I noticed that.

THE COMMISSIONER: It was submitted the personal property was sold for its fair market value. Then he went on to say: "Until a new analysis is made of the personal property, my lord, I don't feel in a position to make any other submission because I don't know the actual situation." He was directed by the Commissioner as follows:
30 "May I suggest that when you do reach a con-

clusion as to any additional defences, that you should notify the claimant's counsel in sufficient time so that he may get instructions before the Government defence is put in."

10 It would seem to me, on the analysis of personal property claim which we have here now, there is a definite suggestion there, following out Mr. Mather's report, that the claimant removed, himself, a number of those missing articles, and I think your submissions should cover that.

MR. MACDONALD: Well, I would submit that this stuff belonged to both of them and presumably this man, the present witness, was the last of the two evacuated, and I presume that that was the difficulty that Mr. Hunter had in knowing what this man had taken; but in order to make it clear on the record, I would submit that cer-
20 tain articles were taken from the premises as set out in the analysis by the claimant and that consequently the Custodian would not be responsible for these articles, and that, in any event, what was claimed was claimed at an exorbitant value.

THE COMMISSIONER: Yes, but you have that submission in already.

MR. MACDONALD: I have that in.

THE COMMISSIONER: It is just a question of covering the missing articles.

30 MR. MACDONALD: This, your honour, is most complica-

ted; they are so interlocked, but in the final analysis it will have to come before the main Commission, and I suppose it can be cleared up there.. In fact, they seemed to have had more trouble with it in Toronto than we have had today.

THE COMMISSIONER: Have you any further questions, Mr. Cobus.

MR. COBUS: No questions, your honour.

10 THE COMMISSIONER: Well, that is all for the present, Baba, and the matter will be dealt with later on, as you know.

THE WITNESS: Thank you, sir.

MR. MACDONALD: Before we finish this case, your honour, I notice that Mr. Hunter reserved the right to file any further defence that he might decide, and I would like, in order to keep the record straight, to reserve the same right in this Tomio Baba case.

20 THE COMMISSIONER: Yes, I think that right was reserved on the basis that notice be given.

MR. MACDONALD: And notice be given to the Counsel for the Japanese Committee.

MR. COBUS: There was one point I would like to bring up, too, your honour. I would like my friend to admit that the date of sale of the real property for \$400.00 was January, 1945.

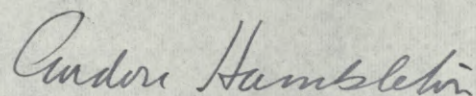
MR. MACDONALD: January 30, 1945, your honour.

THE COMMISSIONER: Very well.

T. Baba

(PROCEEDINGS ADJOURNED SINE DIE)

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



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.

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3.99

NOV 21 1947

File 7601

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

Follow up with claim #1084
Noboru
cf. Harry

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

- (1) NAME BABA TOMIO (RCMP) Reg. No. 04092
(Print) Surname Given Name
- (2) Pre-Evacuation Address Foot of Shanon Road, Sea Island, B.C.
- (3) Present Address Box 445, Kaslo, B.C.
- (4) REAL ESTATE
- (a) Street Address (if any) Shanon Road, Sea Island, Richmond, B.C.
Foot of City or Municipality, Province
- (b) Legal description (lot number, block number, section number, etc.)
Portion of Section 27, Block 5 North, Range 7 West, N.W.D. Plan 1,6 Acre
More or less Register No, 839-55 July 23, 1941, Deed No., 144736
AND
BUILDING ON ADJOINING PROPERTY (BUSINESS)
- (c) Type of Real Property (cross out words which do not apply):
(i) ~~FAIR~~
(ii) Residence ~~business~~ Type of business Boat Building
(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.) 50% OWNER
- (e) Fair market value at date of sale (estimate this to the best of your ability):
(i) Land This is on 1.6 acre \$ 1119.00
(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) \$ 1119.00
(v) Amount at which Custodian sold property and credited your account \$ 382.50
(f) Loss (This figure is arrived at by deducting item (v) from item (iv)) \$ 736.50
- (5) PERSONAL PROPERTY
- (a) Place or places at which property was left by the claimant at date of evacuation On In an old house on the above 1.6 acre AND part in the adjoining land in Boat House
- (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
None packed, small items in boxes

(over)

8 60

- (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")

Was in Mr. Beckman's care for a while but was taken over by Custodian

LOSS FOR REAL ESTATE AND PERSONAL PROPERTY
BOAT HOUSE

LOSS

Cost of taxes and Insurance \$ 319.28
Depreciation at 5% per year on \$2000.00 525.00 \$844.28
Rent Recieved 210.00
\$634.28

NOV 21 1947

EQUIPMENT our estimate \$ 1350.00
CUSTODIAN sold it for 433.45 ~~XXXXXX~~ 916.55
Lumber and STOCK
our estimate 750.00
Custodian sold it for 300.00 450.00
~~XXXXXXXXXX~~
HOUSEHOLD GOODS AND FURNITURE
Our estimate 447.00
CUSTODIAN sold it for ~~XXXXXX~~ 82.15 364.85

APPRAISING and VALUATION CHARGES

Loss on property from 4f 190.36
TOTAL LOSS----- 736.50
\$ 3292.54

50% ~~XXXXXXXXXX~~ Interest 1646.27

Value of boat when new Engine and equipment \$ww 2250.00
10% Depreciation on two season 427.50
Value when disposed 1822.50
Sold by forced sale 1237.50 585.00

TOTAL LOSS

\$2231.27

DECLARED before me at the City
of Kaslo
in the Prov. of B.C.
this 19th day of November
A.D. 1947.

Stipendiary Magistrate

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.

1. _____ Estimated Value \$ _____
2. _____ Estimated Value \$ _____
3. _____ Estimated Value \$ _____
4. _____ Estimated Value \$ _____
5. _____ Estimated Value \$ _____
6. _____ Estimated Value \$ _____
7. _____ Estimated Value \$ _____
8. _____ Estimated Value \$ _____
9. _____ Estimated Value \$ _____
10. _____ Estimated Value \$ _____

TOTAL CLAIM FOR PROPERTY LOSS \$ _____

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

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - - - - - \$ 2231.27

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

Nelson

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:

I, James Bita
of Kaslo

of the City
in the Province of B.C.

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 Kaslo

in the Prov. of B.C.

this 19th day of November

A.D. 1947.

Laude Macgregor
Stipendiary Magistrate

James Bita
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.

BUREAU HASTINGS PARK
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

EXHIBIT No. 399 - 1

NAME: BABA, Tomio

DATE: June 17/48
FILED BY

HOME ADDRESS: Acme Cannery, Eburne, B. C.

Crown

REGISTRATION NUMBER 04092

SEX: Male

AGE: 27

OCCUPATION: Fisherman & 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? No

NAME OF WIFE OR HUSBAND: None

ADDRESS OF WIFE OR HUSBAND: None

NAMES OF ANY LIVING CHILDREN: None

ADDRESS OF CHILDREN: None

AGE OF CHILDREN: None

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

1. LOCATION AND DESCRIPTION: No. 1 South Boundary of Section 27, Block 5, North Range 7 West, in District of New Westminster, B. C.
No. 2 Section 27, Block 5, North Range 7 West, in district of New Westminster, B. C. Commencing North West corner of parcel No. 1 (above)

2. BUILDINGS AND OTHER IMPROVEMENTS:

No. 1 Boat house 36 x 80 Ft. and boat house 36 x 45 Ft.

metal

No. 2 Five room frame house, ~~SHINGYU~~ roof.

3. INSURANCE (Give particulars; state where policies are) Bankers & Traders Insurance Co.

Policy No. 32 - 27164 for \$1000.00 on two boat houses. Insured to May 27, 1943.
Policy in own possession.4. TAXES (Amount and where payable) About \$50.00 payable Municipality of Richmond, B. C.
1941 Paid

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

No. 1 Brother Shimpei and brother Noboru have one-third each.

~~GEORGE~~No. 2 Brother Noboru has one-half interest. Balance \$641.62
Cameron MacPherson 2549 Alma Rd., Van. B. C. Has mortgage on Lot No. 2

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

7. STATE WHEREABOUTS OF TITLE DOCUMENTS:
8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: See clause 5, previous page.
9. IF FARM LAND STATE CROPS SOWN..... None

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION:.....
2. LANDLORD'S NAME AND ADDRESS:.....
3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:.....
4. STATE WHEREABOUTS OF LEASE:.....
5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid).....
6. IF FARM LAND, PARTICULARS OF CROPS SOWN:

STATEMENT OF PERSONAL PROPERTY OWNED:

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

Declarant has one-third interest in equipment of boat house as per list attached.

Declarant has one-half interest in contents of house as per list attached.

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.....

No. 1 Equipment, brothers Shimpei and noboru one-third each.

No. 2 House contents brother Noboru has one-half interest.

4. INSURANCE CARRIED ON ABOVE PROPERTY: Fire Insurance Co. of Canada
Policy No. 460183 \$1000.00 on machinery and equipment.
5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF
OTHERS: None
6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom) None
7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)
\$50.00 Victory Bond in own possession.
8. BANK ACCOUNTS: Royal Bank of Canada at Marpole, B. C. \$900.00
9. LIFE INSURANCE: Monarch Life Insurance Co. Policy No. P88569 \$1000.00
Beneficiary brother Shunpei, in own possession.
10. INTEREST IN ANY ESTATES OR TRUSTS None
11. SAFETY DEPOSIT BOX: None

LIABILITIES:

1. PERSONAL DEBTS: None
2. TRADE DEBTS: None

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 4th day of May 1942

(Signature) "Tomio Baba"

"R. A. Minns"

Witness

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

Sept. 9, 1948

C. MacLachlan
M.Y.

NAME BABA, Tomio

Reg. No. 04092

INVENTORY FOR BOAT HOUSE

~~APR 10 1948~~

48 only Boat Clamps
 6 " Door "
 10 Lengths Extention Cords (50 feet each)
 1 only Pipe Vice
 1 only Bench Vice 'Record'
 1 only Fog Light
 1 set Large Pipe Dies
 1 set Small Pipe Dies
 1 only 5 feet gooseneck bars
 1 only 3 feet " "
 2 lengths Garden Hose (50 feet each)
 20 fathoms 3/8 inch Galvanized Chain
 2 only Colemans Double Burner Gas Stove
 1 only 6" Circular Saw
 1 only 26" Bandsaw with Beltings
 1 box Machinist's tools
 2 only Sledge Hammers
 1 set Little Giant Tap and Dies
 1 only Hein Werner Hydraulic Jack
 1 only Power Winch with 300 feet x 3/8 inch Cables
 1 only Fairbanks-Morse Type Z-6 H. P. Stationery Engine
 1 only Buick Stationery Engine
 1 only 32 volt belt Sander 3 inch wide
 1 only Hand Grinder Stone
 1 only 2" Auger 24" long
 1 only 4# Fairbanks Scale
 2 only 8 feet Cross-cut saw
 1 only 10 inch Circular Saw
 2 only 8 inch Cable Blocks
 1 only Boiler (American Hoist & Derrick)
 1 pc. 14 feet Bronze shaft
 2 length 1/2" Galvanized Pipe
 5 " 3/8" " Rod
 4 " 5/8" " "
 1 " 1 " " Half oval Iron
 1 only Star Transmission
 1 only Star Rear-end
 1 only Tiny Dot Coat Stove
 3 only Snatch Blocks
 5 pcs. Hardwood
 600 feet 1x3 Fir Flooring
 600 " 1x3 Cedar "
 150 " 1/2x3 " V-Joint
 1000 " 1" Cedar Boat Lumber
 400 " 1x6 Clear Fir
 300 " 1-1/8" Cedar Boat Lumber
 300 " 2x12 & 2x4 Clear Fir
 3500 " Select Common Yellow Cedar
 9 Bundles 1-1/4" x 4 Cedar Flooring
 2 pcs. 6x12x32' Fir Keel
 5 Bundles Shingles
 12 Only 2nd hand Tires
 2 only Bluestone Tanks
 1 set Respirator
 1 only Stand for Drill Press
 6 length 20 lbs. Rails
 8 " 16 " "
 6 " 12 " "
 2 sets Marine Ways

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

Sept. 9, 1948

C. E. Hughes
J. Y.

INVENTORY FOR BOAT HOUSE

APRIL 15 th 1942

48 only Boat Clamps
 5 6 " Door "
 10 lengths Extention Cords (50 feet each)
 1 Only Pipe Vice
 1 only Bench Vice 'Record'
 1 only Fog Light
 1 set Large Pipe Dies
 1 set Small Pipe Dies
 1 only 5 feet Gooseneck Bars
 1 only 3 feet " "
 2 lengths Garden Hose (50 feet each)
 20 fathoms 3/8 inch Galvanized Chain
 2 only Colemans Double Burner Gas Stove
 1 only 6" Circular Saw
 1 only 26" Bandsaw with Beltings
 1 box Machinist's tools
 2 only Sledge Hammers
 1 set Little Giant Tap and Dies
 1 only Hein Werner Hydraulic Jack *Removed*
 1 only Power Winch with 300 feet x 3/8 inch Cables
 1 only Fairbanks-Morse Type Z-6 H.P. Stationery Engine
 1 only Buick Stationery Engine
 1 only 32volt Belt Sander 3 inch wide
 1 only Hand Grind~~er~~ Stone
 1 only 2" Auger 24" long
 1 only 4# Fairbanks Scale
 2 only 8 feet Cross-cut Saw
 1 only 10 inch Circular Saw *with mandrel end saws*
 2 only 8 inch Cable Blocks
 1 only Boiler (American Hoist & Derrick)
 1 pc. 14 feet Bronze shaft
 2 length 1" Galvanized Pipe
 5 " 3/8 " " Rod
 4 " 5/8 " " "
 1 " 1 " " Half oval Iron
 1 only Star Transmission
 1 only Star Rear-end
 1 only Tiny Dot Coal Stove
 3 only Snatch Blockss
 5 pcs. Hardwood
 600 feet 1x3 Fir Flooring
 600 " 1x3 Cedar "
 150 " 1/2x3 " V-Joint
 1000 " 1" Cedar Boat Lumber
 400 " 1x6 Clear Fir
 500 " 1-1/8" Cedar Boat Lumber
 500 " 2x12 & 2x4 Clear Fir
 3500 " Select Common Yellow Cedar
 9 Bundles 1-1/4" x 4 Cedar Flooring
 2 pcs. 6x12x32' Fir Keel
 5 Bundles Shingles
 12 Only 2nd hand Tires
 2 only Bluestone Tanks
 1 set Respirator
 1 only Stand for Drill Press
 6 length 20lbs. Rails
 8 " 16 " "
 6 " 12 " "
 2 sets Marine Ways

EXHIBIT NO. 399-2
 DATE June 17/48
 FILED BY Coburn

INVENTORY FOR HOUSE

APRIL 15th 1942

- 1 only HBC Imperial-A Kitchen Stove
- 2 only Kitchen Sinks
- 1 only China Cabinet
- 1 set ~~xxx~~ Bed Room Suite(1-Chiffonier,1-Dresser,1-Bed,1-Spring,&1-Bench.)
- 2 only Bed with Springs
- 1 only Couch
- 1 only Perfection Heater
- 1 only Fawcett Coal Stove
- 1 Set Table and 5 Chairs (oak)
- 3 only Chairs
- 1 only Book Cabinet
- 1 set (9-Books) " THE DOMINION EDUCATOR "
- 1 set (10-Books) " Hawkins Electrical Guide "
- 1 only Dictionary for above
- 5 only Invoice Files
- 1 only Cabinet Binding Case
- 1 only Table Lamp Stand
- 1 only 2# Fairbanks Scale (Serial Numbers 025177)
- 5 only Show Cases

CANADA

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. 7601

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

June 10th, 1942.

Mr. Tomio Baba,
Japanese Work Camp,
Kaslo, B. C.

Dear Sir:

With reference to your property described in the "JP" Form signed up by you on May 4th at Hastings Park, we now learn from the firm whom we appointed to investigate your property, etc., that contrary to the definite undertaking you gave to Mr. J. D. Mather, you and/or your brother-in-law left the premises in a semi-protected state and cleared off without Mr. Mather's representative being informed in any way of the action you were taking.

An inventory was made of the contents of the boat house and the items missing, compared with those shown in the "JP" Form, are given in the statement attached. We are under the impression that you probably removed these items prior to evacuation - please confirm if this is correct. In any event in view of the action you have taken in this matter, it must be clearly understood that any losses involved up to the time your property was taken over by our representative, are for your account.

Will you please let us know what happened in connection with the boat which we understand was taken over by the Air Force and also what is the position regarding the partly constructed boat for Mr. Roy Generous.

Your property is only insured for a total of Two Thousand Dollars. This is considered insufficient and it is proposed to insure same for Four Thousand Dollars.

Although you stated in your "JP" Form you had no liabilities, we understand there is still due on Lot 2 the sum of \$ 641.62, payable at the rate of \$ 91.66 and interest semi-annually, the next payment falling due on June 20th, 1942. Please advise how you propose to meet these payments, also please write us respecting the other matters mentioned in this letter.

At the moment the boat works have been locked up and a new padlock put on - the house apparently was boarded up and has also been locked up properly.

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. 7601

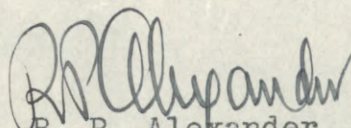
506 ROYAL BANK BLDG.,
HASTINGS AND GRANVILLE
VANCOUVER, B.C.

Page 2 - Mr. Tomio Baba, Kaslo, B. C.

Mr. Matheson, who is in charge of the Acme Cannery, has been instructed to watch the property and the whole place will be left as it is unless you have any other suggestions to make.

We must here say that we cannot understand the attitude you have adopted in leaving your property so abruptly, especially as our appointed agents were doing everything possible to assist you in this matter.

Yours truly,


R. P. Alexander,
Assistant Manager.

 PD'MMc.

Encls.

P. S. Two extra copies of this letter are attached for you to hand to your brothers Noburo Baba and Shimpei Baba - since they are both partners with you in this business.

Registration Number 04092

BABA Romio

THE FOLLOWING ITEMS ARE MISSING
AS PER FORM "JP" - CONTENTS OF BOAT HOUSE

20 only Boat Clamps
2 " Door "
3 lengths Extension Cords (50 feet each)
1 only Pipe Vice
1 " Bench Vice 'Record'
1 " Fog Light
1 " 5 feet Gooseneck Bars
1 " 3 " " "
2 lengths Garden Hose (50 feet each)
20 Fathoms 3/8 inch Galvanized Chain
2 Only Colemans Double Burner Gas Stove
1 " 6" Circular Saw
1 Box Machinist's tools
2 Only Sledge Hammers
1 Set Little Giant Tap and Dies
1 Only Hein Werner Hydraulic Jack
1 " Power Winch with 300 feet x 3/8" Cables
1 " 32 volt Belt Sander 3 inch wide
1 " Hand Grinder Stone
1 " 2" Auger 24" long
1 " 10 inch Circular Saw
2 " 8 " Cable Blocks
1 Length 1" Galvanized Half Oval Iron
1 Only Star Transmission
1 " " Rear-end
1 " Tiny Dot Coal Stove
3 " Snatch Blocks
9 Bundles 1-1/4 x 4 Cedar Flooring
2 Pcs. 6 x 12 x 32' Fir Keel
5 Bundles Shingles
12 Only 2nd hand Tires
1 1 Set Respirator
1 Only Stand for Drill Press ✓

CANADA

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. 7601

5409

7602

JAPANESE EVACUATION SECTION

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

December 8, 1944.

Mr. Tomio BABA,
Registration No. 04092,
P. O. Box 445,
KASLO, B. C.

Dear Sir:

Re: Palatine Fire Pol. #394436

The above numbered policy at the present time as you know covers your boathouse to the extent of \$1,000.00 and also \$1,000.00 on machinery stored therein.

We feel that the coverage on machinery is probably in line with its present value, but as far as the building is concerned, we feel that there should be some increase in the coverage.

We have today asked A. E. Austin & Co. Ltd., general agents for the above company, to cover the building for \$1,000.00 more, making the total coverage \$2,000.00 on the building, and we have asked them for a 30 day cover note.

As soon as possible would you kindly advise as to whether you wish this additional coverage carried or do you consider the \$1,000.00 formerly carried on the boat building to be sufficient.

Awaiting your early reply, we are

Yours truly,

S. M. Gibson

S. M. Gibson,
Insurance Department

SMG:JS

EXHIBIT NO. 399-4
DATE June 17/48
FILED BY Coburn

This Indenture

Made the 20th day of June in the year of our Lord one thousand nine hundred and forty-one

IN PURSUANCE OF THE SHORT FORM OF DEEDS ACT

BETWEEN CAMERON MacPHERSON, executor of the ESTATE OF WILLIAM NICOLL DECEASED, of 2549 Alma Road, in the City of Vancouver, Province of British Columbia, Trust Filing #23376

(hereinafter called the Grantor)

AND

TOMIO BABA and NOBORU BABA, (fishermen), of Acme Cannery, in the Town of Eburne, Province of British Columbia, Joint Tenants.

(hereinafter called the Grantee)

WITNESSETH that in consideration of and for the sum of -----Nine Hundred Thirty-three and 30/100 (\$933.30)----- Dollars (\$ 933.30 of lawful money of Canada now paid by the said Grantee to the said Grantor (the receipt whereof is hereby by him acknowledged) the said Grantor doth grant unto the said Grantee, his heirs and assigns, FOREVER:

lC. All and singular that certain parcel or tract of land situate, lying and being in the Province of British Columbia, in the District of New Westminster, and being composed of portion of Section Twenty-seven (27), Block Five (5) North, Range Seven (7) West, in the said District, which parcel may be more particularly described as follows:-

Commencing at the North West corner of a certain 0.75 acre parcel of said section as shown on Sketch numbered 7773 said point being 153.5 feet more or less North of the inter-section of the East Boundary of Number Eleven (11) Road, with the South Boundary of said Section number Twenty-seven (27), thence from the point of commencement, along the Northly boundary of said 0.75 acre parcel bearing S. 71° 30'E. 375.0 feet, thence North and parallel to East boundary of Number Eleven (11) Road, 196.26 feet, thence N. 71° 30'W, 375.0 feet more or less to the said East boundary of Number Eleven (11) Road, thence South therealong 196.26 feet more or less to the point of commencement, containing 1.60 acres be the same more or less as shown outlined in Red on the plan hereto annexed and numbered

The said Grantor Covenants with the said Grantee that he has the right to convey the said lands to the said Grantee, notwithstanding any act of the said Grantor, and the said Grantee shall have quiet possession of the said lands, free from all encumbrances save as aforesaid.

And the Grantor Covenants with the said Grantee that he will execute such further assurances of the said lands as may be requisite.

And the said Grantor Covenants with the said Grantee he has done no acts to encumber the said lands save as aforesaid.

And the said Grantor RELEASES to the said Grantee ALL CLAIMS upon the said lands.

And it is further agreed that the words in this indenture which import the singular number shall be read and construed as applied to each and every Grantor or Grantee, male or female, and to his or her heirs, executors, administrators and assigns, and in the case of a corporation, to such corporation and its successors and assigns, and that in case of more than one Grantor the said covenants, provisos, conditions and agreements shall be construed and held to be several as well as joint.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered
in the presence of

Name

Address

Occupation

Robert

2549 Alma Road

Vancouver, B.C.

Steno typist

Cameron MacPherson
Executor of the Estate of
William Nicoll deceased



This Indenture

Made the 20th day of June in the year of our Lord one thousand nine hundred and forty-one

IN PURSUANCE OF THE SHORT FORM OF DEEDS ACT

BETWEEN CAMERON MacPHERSON, executor of the ESTATE OF WILLIAM NICOLL DECEASED, of 2549 Alma Road, in the City of Vancouver, Province of British Columbia, Trust Filing #23376

Together with all buildings, fixtures, commons, ways, profits, privileges, rights, easements and appurtenances to the said hereditaments belonging, or with the same or any part thereof, held or enjoyed, or appurtenant thereto; and the estate, rights, title, interest, property, claim and demand of the said Grantor in, to, or upon the said premises.

TO HAVE AND TO HOLD unto the said Grantee, his heirs and assigns, to and for his and their sole and only use forever; SUBJECT NEVERTHELESS, to the reservations, limitations, provisoes, and conditions expressed in the original grant thereof from the Crown, and subject to all taxes, rates and local improvement assessments whether assessed against said lands now or subsequently to be assessed and all building restrictions (if any) to which the said lands or any part thereof are at the date of this indenture subject.

EXHIBIT No. 399-5
DATE June 17/48
FILED BY Tobus

The said Grantor Covenants with the said Grantee that he has the right to convey the said lands to the said Grantee, notwithstanding any act of the said Grantor, and the said Grantee shall have quiet possession of the said lands, free from all encumbrances save as aforesaid.

And the Grantor Covenants with the said Grantee that he will execute such further assurances of the said lands as may be requisite.

And the said Grantor Covenants with the said Grantee he has done no acts to encumber the said lands save as aforesaid.

And the said Grantor RELEASES to the said Grantee ALL CLAIMS upon the said lands.

And it is further agreed that the words in this indenture which import the singular number shall be read and construed as applied to each and every Grantor or Grantee, male or female, and to his or her heirs, executors, administrators and assigns, and in the case of a corporation, to such corporation and its successors and assigns, and that in case of more than one Grantor the said covenants, provisoes, conditions and agreements shall be construed and held to be several as well as joint.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered
in the presence of

Name

Address

Occupation

Witness

2549 Alma Road

Vancouver, B.C.

Steno typewriter

Cameron MacPherson
Executor of the Estate of
William Nicoll deceased



Affidavit of Witness

TO WIT:

I, Lorna Cahill, of the City
of Vancouver, in the Province of British Columbia, make oath and say:—

1. I was personally present and did see the within instrument duly signed and executed by C. MacPherson, Executor of the Estate of Wm. Nicoll deceased
the party thereto, for the purpose named therein.
2. The said instrument was executed at Vancouver, B. C.
3. I know the said party, and that he is of the full age of twenty-one years.
4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at Vancouver,

in the Province of British Columbia, this 22nd

day of July, 1941

A Notary Public in and for the Province of British Columbia.

L. Cahill

C. MacPherson

Copy
Reg #. 144736 July 28/41
Dated June 20th 1941

CAMERON MACPHERSON, Executor
of the ESTATE OF WILLIAM
NICOLL DECEASED

TO

TOMIO BABA

and

NOBORU BABA

Deed of Land

Portion of Section 27,
Block 5 North,
Range 7 West,
NWD,
Plan

The Society of Notaries Public of British Columbia.

For Maker of a Deed

I HEREBY CERTIFY that on the
at

day of
in the Province of

19

(whose

identity has been proved by the evidence on oath of
who is) personally known to me, appeared before me and acknowledged to me that the person
mentioned in the annexed instrument as the maker thereof, and whose name subscribed thereto a part
and that he know the contents thereof, and that he executed the same voluntarily, and
of the full age of twenty-one years.

IN TESTIMONY WHEREOF I have hereunto set my Hand and Seal of Office at
this day of
in the year of our Lord one thousand nine

hundred and

A Notary Public in and for the Province of British Columbia.

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE NO 7601

EXHIBIT No.

NAME Tomio BABA

PAGE I

REG. No. 04092

DATE DECLARATION EVACUATION	INVENTORY TAKEN BY DATE	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
			AUCTION	TENDER &c		
4 May 42	J.D. Mather					
4 May 42	1 Jun 42					
48 Boat clamps	1 26" Bandsaw w.belt	LUMBER & STOCK	175			
6 Door clamps	1 Fairbanks-Morse Type	Our estimate 750.				
* 10 lgths (50'@) Extension cords	Z-6 HP Staty engine	Custodian cr 300. 450	32			
1 Pipe vise	1 Buick staty engine		20			
1 Bench vise	1 4# Fairbanks scale	EQUIPMENT	2 75			
1 Fog light	1 8' X-cut Saw	Our estimate 1350.				
1 set lge Pipe Dies	1 Boiler (American Hoist & Derrick)	Custodian cr 433.45 916 55		100		
1 set sm Pipe Dies	1 pc 14' Bronze shaft	H'OLD GOODS & FURNITURE				
1 5' Gooseneck Bar	2 lgth 1/2" galv Pipe	Our estimate 447.				
* 1 3' Gooseneck Bar	4 lgth 3/8" galv Rod	Custodian cr 82.15 364 85				
2 lgths Gdn Hose (50'@)	4 lgth 5/8" galv Rod	Value of boat when new				
20 fthm 3/8" galv chain	6 lgth 20# Rails	Engine & Equipment 2250.				
2 Coleman dble burner Gas stoves	8 lgth 16# Rails	10% depreciation on				
1 6" circ saw	2 sets Marine Ways	two seasons 427.50				
1 26" bandsaw w.belt	1 Fairbanks-Morse engine & winch	Value when sold 1822.50				
* 1 bx Machinists tools	10 ctns/bxs w. cooking utensils	Sold by forced sale 1237.50	86			
2 Sledge hammers	3 Stocks w. 1 die each	LOSS 585.				
1 set Little Giant Tap & Dies	4 Door clamps	BOAT HOUSE: Cost of taxes and insurance 319.28	11			
* 1 Hein Werner Hyd.jack	2 Mattresses	Depreciation at 5% per year on \$2000. 525.				
1 Power winch w.300' 3/8" cable	5 Kitch. chairs	844.28				
1 Fairbanks-Morse type Z-6 HP Staty. engine	1 8" Jack Screw	(Less) rent rec'd 210.	24 25 (20)			
1 32v. Belt Sander 3"	7 Extension cords	LOSS 634.28	10 50			
* 1 hand Grind Stone	28 Boat Clamps					
1 2" auger 24"lgth	1 Boat Clamp (damaged)					
1 4# Fairbanks Scale	1 table for circ. saw					
* 2 8' X-cut Saws	2 bxs old magazines	Appraising & valuation charges 190.36				
1 10" circ Saw	3 5gal galv tanks	Loss on property from 4f (See RP Claim) 736.50				
2 8" cable Blocks	1 garbage can w. H'hold effects	926.86				
1 Boiler (American Hoist and Derrick)	8 pcs galv. Rods					
2 lgths 1/2"galv Pipe	1 pc 1/2" galv Pipe					
1 pc 14 ft Bronze shaft	1 pc 3/4" galv Pipe					
5 lgths 3/8"galv Rod	1 roll Conduit Wire					
4 lgths 5/8"galv Rod	1 sm Counter Scale		1 75			
1 lgth 1" galv half-oval Iron	1 Bandsaw w. table					
1 Star transmission	5 pcs Hardwood	RECAP. OF CLAIM:				
1 Star Rear End	600 ft 1x3 Fir Flooring	LOSS Lumber & stock 450				
1 Tiny Dot Coal Stove	600 ft 1x3 Cedar Flooring	LOSS Equipment 916 55				
3 Snatch blocks	150 1/2x3 Cedar V-joint	LOSS H'hd goods/furniture 364 85				
5 pcs Hardwood	1000 ft 1" Cedar Boat lmbr	LOSS Sale of boat 585				
600' 1x3 fir flooring	400 ft 1x6 Clear Fir	Pers. property 2316 40				
600' 1x3 Cedar flooring	300 ft 1-1/8" Cedar Boat lumber	LOSS Admin. of Boathouse 634 28				
150' 1/2x3 cedar V-joint	300 ft 2x12 & 2x4 Clear Fir	LOSS Val. & appraisal chgs 190 36				
1000' 1" cedar boat lmbr	3500 ft Select Common Yellow Cedar	LOSS Sale prop. cat#873 736 50				
400' 1x6 clear Fir		3877 54				
3500' Select Common Yellow Cedar	STORED IN VANC. CANNERY					
9 bdles 1-1/4"x4 cedar flooring	2 Bluestone tanks		5 50			
2 pcs 6x12x32' Fir Keel	H'OLD EFFECTS IN 5 RM HOUSE nr BOAT HOUSE					
5 bdles Shingles	1 Dresser					
12 second-hand Tires	1 Chiffonier					
2 Bluestone tanks	4 Mattresses					
1 set Respirator	2 Bed springs					
1 stand for Drill Press	1 Range					
6 lgths 20# rails	1 Heating Stove					
8 lgths 16# Rails						
6 lgths 12# Rails						
2 sets Marine Ways						

EXHIBIT No. 399-6
DATE June 17/48
FILED BY [Signature]

L
U
M
B
E
R
400

368 75

500

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	Removed by owner	REMARKS
TENDER &c									
75	100							*	See Ref #2 below Agreed by Baba. See Ref#1
									Still on premises.
25 (20)	50							*	See Ref #2 below
75	LUMBER 400								(Baba letter to Customs 23/12/42 (states lumber "7 to 8M ft of (boat materials in our shop" (See Ref#6
50								*	(2 pcs 6x12x30 & 6x12x32 (shipped 14 Jun 43. See Ref#5 (Robinson letter 19 Oct 43 notes (lmbr. appr. by a Mr. McKenzie (as being between \$350.-\$400. (See Ref #7

PAGE 2

EXHIBIT No.

REG. No. 04092

920X

Cr. for misc. H'hd goods and eqpt.

No vessels sold by Custodian, therefore

On 8 Jan 48 Tomio BABA visited Custodi
whilst visiting Vancouver (subsequent
Boat House. He stated that he couldn't
definitely taken by him:

8 50' Extension Cords
1 Japanese saw
1 Hammer

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
368 75	500 -				*			Fixture
						*		Fixture
1								
4	3 50							
	3 50							
8								
~~91 95~~								
91	95							
6								
7	25							
142	75							
633	70							
	500							

. for misc. H'hd goods and eqpt.

vessels sold by Custodian, therefore outside Terms of Reference. Ref #3 supplies infm. re boats.

NOTE: Tomio BABA letter 30 Jun 42 notes disposition of various articles of equipment as follows:

1 Extension cord (50 ft)	We (BABA) brought it out
1 3' Gooseneck Bar	do
1 box Machine Tools	Part out here
1 lgth Garden Hose	Gave it to a friend
1 Hein Werner Hyd. Jack	Kept it at friend's.

See Ref #4

On 8 Jan 48 Tomio BABA visited Custodian Office and declared to undersigned that on or about 15 Jul 42 whilst visiting Vancouver (subsequent to Mather's inventory) he had removed various articles from the Boat House. He stated that he couldn't remember all articles removed but that the following were definitely taken by him:

8 50' Extension Cords	1 Hand Grinder	1 Hein Werner Hydraulic Jack
1 Japanese saw	1 Hand Planer	
1 Hammer	1 Coat (Raintest)	

CERTIFIED

[Signature]

Oak St. Wharf.,
Vancouver, B.C.

Hello Tommy.

We all Tom how are things with you and the family, I hope you are all well and that you are getting used to your new surroundings. Glad to hear that your mother arrived safely.

I turned the keys of your house and the boatshed over to the ~~Custdion~~ Custodium, as they apparently are going to look after your equipment, I was over at the Cannery one day before your mother left, and the man that is in charge for the Custodium is a Mr. Alexander, he seems to be a very decent chap, and he explained to me that if I was to keep the keys, that I would be responsible for any articles missing, so I immediately turned the keys over to him.

Some of the young fellows there wanted to get 5 or 6 yellow cedar planks to build a bath tub, I told them that I thought it would be O.K. but that they would have to see the Custdion first, so that if they took the boards they would pay the Custdion. I believe that in the long run that this is the best way to handle the boat house. I also gave him the bill of sale for the boiler. The Custdion's name is Mr. Alexander.

I closed my deal with Paddy Moran, and everything is going along nicely now. Cecil hasn't paid me anything as yet, but I guess he will soon, as he spoke to me about it all. Buster is O.K.

Well Tom best of luck to you all and so long for now.

399-7
EXHIBIT NO.
DATE June 17/48
FILED BY
Cobus

Amos.

399 - 8
EXHIBIT No. _____
DATE June 17/48
FILED BY
Grown

General Delivery,
Kaslo, B. C.,
June 30th, 1942

Mr. R. P. Alexander,
Custodian,
Royal Bank Bldg.,
Vancouver, B. C.

Dear Sir:

In regard to your letter of June 10th file (#7601) I am very sorry to answer it on second notice and I was surprised to hear that all those tools you mentioned was missing.

I couldn't get in touch with my brother and partner till to-day. He was transfered to Sandon, temporarily, but he came back to talk about this matter.

I have told Mr. Mather or whoever he was at Hastings Park on May 4th, the day we left Vancouver, that we have a man looking after it, and at the same time a man from your office as out to check up on my brother's paper. He owns the same interest as me, and I gave him all the information he wants. This was on May 2nd.

I am enclosing a list on tools and equipment what should be in the building.

Regarding the boat taken over by the Air Force, it was launched on May 1st and turned it over to the owner. The balance of \$1100.00 to be paid on monthly payment plan, Mr. Roy Generous want us to leave the boat as is for present.

The insurance on Building and Equipments you mentioned, we cannot afford to insure for more than we had on.

I am very sure that I mentioned about the payment on our Lot 2. I didn't know the exact amount ^{then}, so I told him approximately \$700.00. Of course I have no duplicate of that JP form to prove that I stated, but I did tell him and it should be in that form. As to the payment of this land it is imposible for us to pay any out now, so I'm going to write to the former owner and ask for an extension.

I know we have left there abruptly, but we had so little time, and we did our best to lock it up, and we left the place to a man we had in charge.

I hope this is satisfactory to you and everything you want to know please let us know.

Thanking you very much for your trouble.

Yours truly,

"Tomeo Baba."

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

Sept. 9, 1948

L. McLaughlin

The following items are few that I know where they are:

1	Extension Cords 50 feet	(We brought it out)
1	only 3 feet Gooseneck Bar	"
1	Box Machine tools	(Part out here)
1	length Garden Hose	(Gave it to a friend)
1	Only Hein Werner Hydraulic Jack	(kept it at freind's)

The power winch with 6 H. P. Fairbank horizontal Engine was to be put in the building, and I paid a man to have it done. He might have put in the Cannery, as he's looking after the B. C. Packers at Acme Cannery. I will write him and checkup on this matter and let you know as soon as I get the answer. The rest of the missing Items should be in the building.

"Tomeo Baba"

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

Sept. 9, 1948

C. McLaughlin
J.Y.