

<u>REAL PROPERTY</u>										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% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Total	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount		
<u>PERSONAL PROPERTY</u>										Total	
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				
<u>NETS</u>										Total	
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
							123.00 310.00	303.10	49.38		253.72
<u>MISCELLANEOUS CHATTELS</u>										Total	
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				
46.68	18.25	5.47	39.09	33.32	13.02				18.49		
<b>TOTAL RECOMMENDATION</b>										<b>272.21</b>	

CASE NO: 895

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba.

September 13th, 1948.

IN THE MATTER OF THE CLAIM OF

SOSUKE YAMAMOTO

PROCEEDINGS AT HEARING.

Original.

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

10

B E F O R E

(THE HONOURABLE MR. JUSTICE A.G. HUCKINGHAM, SUB-COMMISSIONER)

Winnipeg, Manitoba.

September 13th, 1948.

IN THE MATTER OF THE CLAIM OF

SUSUKE YAMAMOTO

20

PROCEEDINGS AT HEARING

APPEARANCES:

F.M.FERG, Esq.,            Appearing for the  
                                  Dominion Government.

S.M.CHERNIAK, Esq.,        Appearing for the  
                                  Claimant.

- - - - -

G.N.R.UPTON, Esq.,        Official Interpreter.

30

MARK H. PEARCE, Esq.,     Official Reporter.

S. Yamamoto  
In Chief.

SOSUKE YAMAMOTO, the Claimant herein, being  
first duly sworn, testified as follows:

MR. CHERNIAK: I ask leave to amend, Your Honour.

This claim is all for personal chattels, consisting of fishing gear and of certain furniture items. The new value for the fishing gear is \$433.00 - - -

THE COMMISSIONER: You are filing the statement and I won't need to mark that down?

10 MR. CHERNIAK: Yes. When I say new value I don't want to indicate that the values were reduced but rather that some claims have been withdrawn. Those sold total \$49.38, so that the loss claimed for nets is \$383.62. The total value for the furniture is \$80.00 which was sold for \$18.25 and the loss claimed is \$61.75. The total loss claimed, is, therefore \$445.37.

DIRECT EXAMINATION BY MR. CHERNIAK:

20 Q Mr. Yamamoto, I show you two typewritten statements, were these prepared in accordance with your instructions? A Yes.

Q And are these your signatures?

A Yes.

Q Are the contents of these statements true and nothing but the truth to the best of your knowledge and recollection?

A Yes.

Q They are? A Yes.

30 MR. CHERNIAK: I tender as Exhibit 1, Your Honour, the personal property fishing gear statement.

S. Yamamoto  
In Chief.

(FISHING GEAR STATEMENT, EXHIBIT 1.)

MR. CHERNIAK: And as Exhibit 2 the personal  
chattel statement.

(PERSONAL CHATTEL STATEMENT, EXHIBIT 2.)

MR. CHERNIAK: And on behalf of my learned friend  
I will file the Custodian's Analysis Sheet as  
Exhibit 3.

(ANALYSIS, EXHIBIT 3.)

10 MR. CHERNIAK: I believe Your Honour has Exhibit  
1 in this matter?

THE COMMISSIONER: Yes.

MR. CHERNIAK: If you could make the correction,  
which has confused me, I would appreciate it,  
sir.

THE COMMISSIONER: On what.

20 MR. CHERNIAK: On Exhibit 1. The extreme left  
hand column gives the Custodian's number for  
the fishing nets. The first three are cor-  
rectly shown, 716; 717,c; and 718. The next  
one, I think, was left out altogether. That  
is a gill net, the fourth one on the list,  
720 should be that number, and 720, the next  
one down should be 721; and the next one, 721,  
that should be 717.

THE COMMISSIONER: Alright.

30 MR. CHERNIAK: That has it straightened out now,  
Sir. If your Honour will look at Exhibit 3,  
the Analysis of the Custodian, you will note  
that there are two items showing Cannery - 4  
sets cork line; Cannery - 4 sets lead line.

S. Yamamoto  
In Chief.

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We are withdrawing our claim as to those. In view of the fact that we are withdrawing these items, in Exhibit 1 we itemize all fishing gear for which claim is made, showing the estimated values, the Custodian's comment taken from the Analysis, Exhibit 3, so that the final column in Exhibit 1 shows that two nets were sold for \$10.00 and \$35.00 respectively, and the following four items are shown not accounted for, theft, etc., and at the bottom the anchor and cedar corks, there is the price for which they were sold and at the foot of the page we have shown the total claim.

THE COMMISSIONER: Which is?

MR. CHERNIAK: I am speaking of Exhibit 1, Your Honour.

THE COMMISSIONER: \$383.62?

20

MR. CHERNIAK: Yes, Sir. In this Exhibit the Claimant sets out the original value and his estimated value at date of evacuation. He indicates that all these nets were stored at the Colonial Cannery and inventoried by the Custodian. From Exhibit 3 it is shown that the Custodian does not dispute the inventory of these nets and it therefore shows that they either sold the goods or they were not accounted for, theft, etc., in other words, they were not located by the Custodian. In Exhibit 2 the Claimant also sets out his full claim itemizing the four different items, showing the year in

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S. Yamamoto  
In Chief.

which they were purchased, the price paid and his estimated value. And in Exhibit 2 we have also shown the Custodian's comments as taken from Exhibit 3, showing the prices received from the sales and that the two stoves are not accounted for, theft, etc.

10

Q Mr. Yamamoto, you show that the beds, chairs and stoves were all bought in 1940; what happened in 1940 that you came to buy all these goods? A The Cannery built me a new house in 1940 and that is the reason I bought that furniture.

MR. CHERNIAK: That is all, Your Honour.

MR. FERG: It is submitted Your Honour that the property sold for its fair market value and that the claim for the articles lost through theft and so on, while in the custody of the Custodian, that the values and prices claimed is excessive and unreasonable.

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CROSS-EXAMINATION BY MR. FERG:

Q The valuations of the things you claim are your own valuations?

A Yes.

Q And you had no one give you an independent valuation of any of these goods?

A No.

Q What is the average life of a fishing net in your experience? A It could be used for five or six years but it won't be as good

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S. Yamamoto.  
Cr-Exam.

new. It depends on the way you use it.

Q How long have you been a fisherman?

A Sixteen years.

Q And have you found that you can use a net for five or six years?

A It depends on the way you use it, but it can be used for five or six years.

Q Have you ever found a net to last five or six years? A Yes.

10 Q Now, then, other fishermen have given evidence in other cases here in which they state there is one particular type of fishing where they claim that the nets will last three or four years and in another case where it lasts four or five years, and now you come along and say five or six years? A It depends on the type of net. A 6½ is only a Seasonal net and you don't use it long enough.

20 Q You had some 6½ nets? A No, but the same applies to the 7 inch net, the season is very short.

MR. FERG: All right.

(PROCEEDINGS ADJOURNED SINE DIE)

Certified to be a true and accurate transcript.

*Mark H. Pearce*  
(MARK H. PEARCE)  
OFFICIAL REPORTER

I, the undersigned Sub-Commissioner hereby certify that the foregoing 6 pages of typewritten matter contain a true and accurate record of the sub-commission held in the Law Courts Building, Winnipeg, Manitoba, at the time and date first above mentioned.

*[Signature]*  
(SUB-COMMISSIONER)



(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")

Registered with Custodian

(e) Itemized description of personal property which is the subject of the claim:	amt. rec'd	Loss
1. <del>Fishing gear (Feb. 24-4 4 letter)</del>	Estimated Value \$ 306	156.00 15.00
2. <del>Fishing gear (unaccounted Feb. 24/44 letter)</del>	Estimated Value \$ 235	nil 235.00
3. <del>Net #717 - 8<sup>3</sup>/<sub>4</sub> x 40 - 135</del>	Estimated Value \$ 75	" 75.00
4. <del>2 bed and 2 springs (auctioned Oct. 27/44)</del>	Estimated Value \$ 40	13.71 26.29
5. <del>6 kitchen chairs (4 sold auction Nov. 10/44)</del>	Estimated Value \$ 10	.76 9.24
6. <del>2 wood stoves</del>	Estimated Value \$ 30	nil 30.00
7. _____	Estimated Value \$ _____	
8. _____	Estimated Value \$ _____	
9. _____	Estimated Value \$ _____	
10. _____	Estimated Value \$ _____	

TOTAL CLAIM FOR PROPERTY LOSS \$ 525.53

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) - - - - - \$ 525.53 = 445.37)

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

Winnipeg

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA )  
 Province of Manitoba )  
 TO WIT: )

I, Sosuke Yamamoto of the Village of St. Eustache, in the Province of Manitoba

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 Winnipeg )  
 in the Province of Manitoba )  
 this 8th day of November )  
 A.D. 1947. )

*S. Yamamoto*

A Commissioner &c.

A BARRISTER AT LAW ENTITLED TO PRACTISE

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.

YAMAMOTO, Sosuke

**PERSONAL PROPERTY**

03410

(Claimant's Name)

(Fishing Vessels, gear and equipment)

Reg. No.

**NETS:**

Custodian No.	Type	Size	Mesh	Fathoms	Age at Evacuation	Original Value	Estimated value at Evacuation	
716	Gill	6/10	5 13/16	50	1 season	155.00	60.00	sold for 10.00
717 <sup>b</sup>	"	5/40	5 13/16	50	2 seasons	195.00	55.00	35.00
718	"	5/40	7	70	4 seasons	90.00	30.00	not accounted for theft, etc.
720	"	5/40	7	150	1 season	195.00	125.00	

**VESSELS SOLD BY CUSTODIAN**

NAME	Reg. No.	Type	Date Purchased	New or Used	Price Paid	Maintenance Work	Condition When Evacuated	With whom Left	Estimated Value
720	"	5/40	5 3/8	50	100	1 season	155.00	Condition 80.00	"
717	"	9/40	8 3/4	40	135	5 seasons	219.00	75.00	"

**Improvements to Vessel since date of purchase:**

Type Date Cost

**OTHER GEAR:**

Description	Date Purchased	New or Used	Price Paid	Condition when Evacuated	Estimated value at date of evacuation	
719 1 anchor (25 <del>lb.</del> lb.)	1941	new	6.00	good	3.00	1.50
722 134 6" cedar corks	1939	new	6¢ each	"	5.00	2.88
					433.00	49.38
				sold for -	49.38	
					383.62	

**Arrangements made for storage when evacuated:**

The above goods were stored at Colonial Canneries and were inventoried by the Custodian.

**Additional Comments, if any:**

I have shown what I consider to be the fair market value at date of evacuation.

EXHIBIT No.

895-1

DATE

Sept. 13/48

FILLED BY

Claimant

*S. Yamamoto*  
Signature

YAMAMOTO, Sosuke

(Claimant's Name)

PERSONAL CHATTELS

03410

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 <u>sold for</u>
2 beds & spring	1940	new	70.00	good	40.00 17.25
6 kitchen chairs	1940	new	12.00	good	10.00 (4) 1.00
2 wood stove - kitchen heater	1940	new	65.00		
	1940	new	15.00	good	30.00 not accounted for theft, etc.
					80.00 18.25
				sold for	18.25
				loss	\$61.75

Description of Storage of Goods:

these articles were all left at house No. 8, Colonial Cannery and were reported to the Custodian.

General Statement as to Chattels not Described above:

Additional Comments, if any:

I have depreciated the value of all the chattels, according to age & use.

EXHIBIT NO. 895-2  
DATE Sept. 13/48  
FILLED BY Claimant

S. Yamamoto  
Signature

# ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 1099

EXHIBIT

NAME Sosuke YAMAMOTO

REG. No. 03410

DATE	INVENTORY	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.																																																																		
			AUCTION	TENDER &c																																																																			
DECLARATION <u>Apr. 3/42</u>	TAKEN BY _____																																																																						
EVACUATION <u>Apr. 26/42</u>	DATE _____																																																																						
<p><u>JP Declaration:</u>                      6 nets approx. value \$425.00                      10 cork &amp; line for nets                      -- will be left in house assigned by B.C. Packers, Steveston, B.C.</p> <p><u>Declared by Toki YAMAMOTO, wife of Sosuke YAMAMOTO:</u>                      (JP Form)                      1 kitchen stove                      1 box stove                      2 beds                      1 chiffonier                      6 kitchen chairs                      --will be stored at No. 8 Colonial Cannery House, Steveston, B.C.</p>																																																																							
<p>1. Fishing Gear as per letter Feb. 24/44 306.00</p> <p style="margin-left: 40px;"><u>Sold by Custodians:</u></p> <table style="margin-left: 40px; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black;">Cust. No.</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>716</td> <td>-6/50x5-13/16x50-100</td> <td></td> <td></td> <td style="text-align: right;">10.00</td> <td></td> </tr> <tr> <td>717C</td> <td>-5/40x5-13/16x50-150</td> <td></td> <td></td> <td style="text-align: right;">35.00</td> <td></td> </tr> <tr> <td>722</td> <td>-13/4 6" Cedar Floats</td> <td></td> <td></td> <td style="text-align: right;">2.88</td> <td></td> </tr> <tr> <td>719</td> <td>-Anchor</td> <td></td> <td></td> <td style="text-align: right;">1.50</td> <td></td> </tr> <tr> <td>Cannery</td> <td>-4 sets cork line</td> <td rowspan="2" style="vertical-align: middle;">} <i>withdrawn</i></td> <td></td> <td style="text-align: right;">(57.50</td> <td></td> </tr> <tr> <td>Cannery</td> <td>-4 sets lead line</td> <td style="text-align: right;">) 50.00</td> </tr> </table>						Cust. No.						716	-6/50x5-13/16x50-100			10.00		717C	-5/40x5-13/16x50-150			35.00		722	-13/4 6" Cedar Floats			2.88		719	-Anchor			1.50		Cannery	-4 sets cork line	} <i>withdrawn</i>		(57.50		Cannery	-4 sets lead line	) 50.00																											
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<p>3. Net, Cust. No. 717 -8 3/4 x 50 = 135 75.00</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: right; margin-right: 100px;">\$610.00</p> <p style="text-align: right; margin-right: 50px;">156.88</p>																																																																							
<p><u>REPORTED to Custodian by Sosuke YAMAMOTO, February 2, 1943:</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Sockeye 5-13/16 x 5/40x 50-150</td> <td style="width: 10%; text-align: right;">\$55.00</td> <td style="width: 10%;">(Cust. 717C)</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td>" 5 3/8 x 5/40 x 50 = 100</td> <td style="text-align: right;">80.00</td> <td>" 721</td> <td></td> <td></td> <td></td> </tr> <tr> <td>" 5-13/16 x 5/60 x 50 = 100</td> <td style="text-align: right;">60.00</td> <td>" 716</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dog Salmon 7 x 5/40x 45 = 150</td> <td style="text-align: right;">125.00</td> <td>" 720</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dog Salmon 7 x 5/40x 45 = 70</td> <td style="text-align: right;">30.00</td> <td>" 718</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Spring Salmon 8 3/4 x 9/40x 40 = 135</td> <td style="text-align: right;">75.00</td> <td>" 717</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">\$425.00</td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p>1 Row Boat \$25.00</p> <p><u>Lines</u>                      (8 sets sold through Mr. Ransford)                      NOTE: Yamamoto sold above 8 sets of lines to Cannery for \$107.50.                      See letters Aug. 17 &amp; 18/42</p>						Sockeye 5-13/16 x 5/40x 50-150	\$55.00	(Cust. 717C)				" 5 3/8 x 5/40 x 50 = 100	80.00	" 721				" 5-13/16 x 5/60 x 50 = 100	60.00	" 716				Dog Salmon 7 x 5/40x 45 = 150	125.00	" 720				Dog Salmon 7 x 5/40x 45 = 70	30.00	" 718				Spring Salmon 8 3/4 x 9/40x 40 = 135	75.00	" 717					\$425.00																												
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<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;">4. 2 beds &amp; 2 springs</td> <td style="width: 10%; text-align: right;">40.00</td> <td style="width: 10%; text-align: right;">17.25</td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td></td> <td>5. 6 kitchen chairs (4 sold at auction Nov. 10/44)</td> <td style="text-align: right;">10.00</td> <td style="text-align: right;">1.00 (4)</td> <td></td> </tr> <tr> <td></td> <td></td> <td>6. 2 wood stoves</td> <td style="text-align: right; border-top: 1px solid black;">30.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: right;">80.00</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Additional chairs sold at auction</td> <td></td> <td style="text-align: right; border-top: 1px solid black;">6.75</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">25.00</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;"><u>Also sold at auctions:</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td style="padding-left: 20px;">Furniture</td> <td></td> <td style="text-align: right;">(F) 17.40</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="padding-left: 20px;">Kitchenware</td> <td></td> <td style="text-align: right;">(K) .35</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="padding-left: 20px;">Miscellaneous</td> <td></td> <td style="text-align: right;">(M) 8.00</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right; border-top: 1px solid black;">50.75 (total sales)</td> <td></td> </tr> </table>								4. 2 beds & 2 springs	40.00	17.25				5. 6 kitchen chairs (4 sold at auction Nov. 10/44)	10.00	1.00 (4)				6. 2 wood stoves	30.00						80.00					Additional chairs sold at auction		6.75						25.00				<u>Also sold at auctions:</u>						Furniture		(F) 17.40				Kitchenware		(K) .35				Miscellaneous		(M) 8.00						50.75 (total sales)	
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<p><u>Recap. of Claim relative to Furniture:</u>                      Goods for which Japanese claims \$50.00 - auctioned for \$25.00                      Goods for which Japanese claims \$30.00 - not accounted for, theft, etc.                      \$80.00</p>																																																																							

EXHIBIT No. 895-3  
 DATE Sept. 13/44  
 FILLED BY Claimant.

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NOT ACCOUNTED FOR THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
	10.00							
	35.00							
	2.88							
	1.50							
	(57.50)							) See letters Aug.17 & 18/42.
	50.00							
	156.88							
						30.00		
						125.00		
						80.00		
						75.00		
						310.00		

Recap. of Claim relative to fishing gear:

Goods for which Japanese claims \$306.00 - sold by tender, etc. for \$156.88  
 Goods for which Japanese claims \$310.00 - not accounted for, theft, etc.  
 \$616.00

17.25  
 1.00 (4)  
 6.75  
 25.00  
 17.40  
 .35  
 8.00  
 50.75 (total sales)

30.00  
 30.00

auctioned for \$25.00  
 not accounted for, theft, etc.

RECAP. OF TOTAL CLAIMS:

Goods for which Japanese claims \$306.00 - sold by tender, etc. \$156.88  
 Goods for which Japanese claims \$ 50.00 - auctioned for \$25.00  
 Goods for which Japanese claims \$340.00 - not accounted for, theft, etc.  
 \$696.00

*E. Robertson*