Name of Claimant M. NISHIGUCHI COMPANY LIMITED Case 1399

Custodian File 11519

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% there-of	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount		% of Total	Amount	

PERSONAL PROPERTY

Motor Vehicles		Boats and Boat Gear						
Sale Price 320.00 325.00 325.00 200.00 150.00 420.00 1740.00	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column	
	435.00							435.00

NETS

Total award for Nets plus Sale Price	Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing	Percentage Total Award to Total Claim	Claim for Nets Sold Declared Not Found, & Recorded Now Missing	Apply % ratio to Claim	Deduct Custodian Sale Price	

MISCELLANEOUS CHATTELS

Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	

TOTAL RECOMMENDATION	435.00

JAPANESE PROPERTY CLAIMS COMMISSION

CASE NO. 1399

Vancouver, B.C.

June 17th, 1949.

IN THE MATTER OF THE CLAIM OF

N. NISHIGUCHI COMPANY LIMITED.

PROCEEDINGS AT HEARING.

Original.

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA, 1927, CHARTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(THE HONOURABLE MR. JUSTICE H. I. BIRD, COMMISSIONER)

10

Vancouver, B.C.

June 17th, 1949.

IN THE MATTER OF THE CLAIM OF

N. NISHIGUCHI COMPANY LIMITED.

CASE NO. 1399

APPEARANCES:

20

D.T.B.BRAIDWOOD, Esq., appearing for the Dominion Government.

G. R. T. McQUARRIE, Esq., appearing for the Claimants.

A. W. WATSON, Esq., Secretary.

MRS. E. BLYGH, Official Reporter.

30

MR. BRAIDWOOD: My lord, we have a number of these Nishiguchi claims this morning, and I think your lordship is familiar with the general matters there. There were the company claims, which I understand Mr. Johnson has withdrawn, and the secretary has the material on that, my lord.

THE COMMISSIONER: Well, I do not know that the Secretary has anything directly from Mr. Johnston but I have been informed by Mr. McPherson that some settlement has been arranged of the corporation claims, including the Susimoto personal claim and although I asked the Secretary towrite Mr. Johnston and obtain a confirmation from hkm, there has been no reply as far as I am aware to that communication.

THE SECRETARY: That is right, my lord.

MR. BRAIDWOOD: Now, my friend, Mr. McQuarrie is here from New Westminster today and I do not know whether he has been instructed by Mr. Johnston on the corporation claims or whether he has any knowledge of that.

MR. McQUARRIE: Well, there is the claim for the automobiles and trucks.

THE COMMISSIONER: Well there is also a claim by Mr. Johnston for the Secretary of the company and also by Mr. Susimoto which I think is a personal claim.

MR. McQUARRIE: I know nothing about it, my lord.

THE COMMISSIONER: Well, Mr. McQuarrie, will you communicate with Mr. Johnston and tell him the

Secretary has been waiting for months to obtain from him a confimmation of the settlement claims about which I have been informed by Mr. McPherson.

MR. McQUARRIE: I certainly shall, my lord.

THE COMMISSIONER: And I would like to have an acknowledgment from him to the secretary's letter.

MR. McQUARRIE: Yes, my lord.

MR. BRAIDWOOD: I think that we should tell Mr. McQuarrie that Mr. McPherson was one of the former counsels.

THE COMMISSIONER: Yes, Mr. McPherson has been acting for the government in connedtion with the government's defence to the corporation claims and still is.

MR. BRAIDWOOD: Now, my lord, in conversation with my learned friend, I understand he is here today to lead evidence on the Nishiguchi personal claim , concerning as I understand it, my lord, property in New Westminster -- the berry farm up the valley and some motore cars and those are the main claims.

MR. McQ UARRIE: Yes.

THE COMMISSIONER: There are three claims. Are they joint claims or separate?

MR. BRAIDWOOD: Well the property in New Westminster and Surrey are owned by three brothers and the cars were owned by the Nishiguchi Co. Ltd., and I believe the shareholders of that company are the same three brothers.

THE COMMISSIONER: Is the Nishiguchi claim being prexnted this morning?

MR. McQUARRIE: Yes, my lord.

THE COMMISSIONER: Well perhaps we had better deal with them separately. There is the claim of the three individuals which was a joint claim and perhaps you could deal with them first, would that suit you?

MR. McQUARRIE: I think the other will be shorter and it will be easier to get rid of.

THE COMMISSIONER: Very well. May I have the claim forms.

Mr. McQUARRIE: I might say I was just called in on this case yesterday afternoon, and I hope if I do anything unnecessary, you will stop me.

THE COMMISSIONER: I appreciate your difficulty.

THE SECRETARY: This is claim No. 1399, Nishiguchi Co. Ltd.

MR. McQUARRIE: Mr. Nishiguchi, will you take the stand.-

ASAJIRO NISHIGUCHI, one of the claimants herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McQUARRIE:

MR. McQUARRIE: Now, my lord, should I put the claim form to the witness.

THE COMMISSIONER: If you wish to.

MR. McQUARRIE: Is the claim form on file.

THE COMMISSIONER: There is no need to have it verified.

MR. McQUARRIE: Q: Now, witness, this claim deals with

several automobiles and trucks that were sold by the custodian in 1942 and I think we can shorten this matter by dealing directly first of all with the 1937 Nash coupe. Now would you tell his lordship -- would you describe that car to his lordship -- the condition of it and the condition of the tires and the condition of the engine and what you paid for it, and help him as much as you can in arriving at the value of it?

10 MR. BRAIDWOOD: Before my learned friend proceeds I want to give him every possible assistance. This is an inquiry, as your lordship said this morning and we have an exhibit -- a car study and since my learned friend has not appeared on the Commission before, I think this may be of some use to him. That is in the general exhibit.

THE COMMISSIONER: I think probably you are not aware of the fact in dealing with all the motor car claims, counsel for the Japanese Committee -- there was Mr. McMaster and the counsel for the 20 government who have made a study of car prices or car values.

MR. McQUARRIE: Yes, I understand that has been done, my lord.

THE COMMISSIONER: -- as of 1942 and on the basis of that material and other evidence I have been intimated to counsel that I would recommend the 25% increase in the selling prices that were realized.

30 MR. McQUARRIE: Yes, I appreciate that.

THE COMMISSIONER: Are you seeking something greater than that?

MR. McQUARRIE: Yes, my lord.

THE COMMISSIONER: Very well.

MR. McQUARRIE: Q: Now we are dealing with a 1937 Nash coupe. What was that sold for. It was sold for $320.00 by the Custodian. Do you understand that?

A Yes.

Q What are you claiming? What do you consider it
10 was worth on April 8th, 1942?

A I was wondering if I could have that form there, because those figures are very important.

Q That is the form you prepared yourself?

A Yes.

THE COMMISSIONER: Before the witnews looks at the form, I would like to know how he arrives at those figures.

A In order to arrive at the fair market value at that time we had consulted an expert on these cars and trucks and I am governed by what they say.

20 THE COMMISSIONER: Well, the evidence that Mr. Nishiguchi can give on this subject to be of any value -- that must be hearsay then.

MR. McQUARRIE: Yes.

THE COMMISSIONER:

Q Who are the experts you consulted?

A Mr. McPhee of the United Transit Service and Mr. Frances Ennis of the Royal City Motors.

Q Well, as far as the value of the trucks are concerned you are prepared to leave that entirely
30 to them, are you?

A Yes, except I do like to point out the conditions-- the extraordinary conditions which we have had done to these cars and trucks.

MR. McQUARRIE: Yes, first of all you might say what those were used for?

A This 1937 Nash coupe was used by my brother to go around to various points in order to solicit for our business.

Q And what was that business?

10 A General merchants.

Q I understand that the Nishiguchi Co. Ltd., carried on a general merchandising business on one of the properties that was owned by the three shareholders?

A That is right.

Q And you say this coupe was used in that business to solicit orders? A. Yes.

Q Now was there anything unusual about the condition of that car at that time?

20 A We bought the coupe brand new from the Nash people and we had kept the cars and trucks in top shape. We have always stored our cars and trucks right at the Royal City Motors every night and kept the motors in very good condition; and as far as the tires are concerned when they were half worn we always replaced them with brand new tires and the time when weturned them in this car was in A-1 condition.

Q How old were the tires? A. We just

30 replaced the tires a few months prior to that -- a

few months or around that time. When the war broke out I was told by Mr. Frank Ennis that pretty soon we would not be able to buy good genuine rubber and he asked me if I wanted some more tires and I purchased a large quantity of them, enough to last me throughout the war and that is the reason we replaced them with all new tires.

Q Now the other cars -- 1935 Sedan -- sold in 1942--

THE COMMISSIONER: Well, shortly put I understand that the witness says these cars were in good condition at the time of surrender to the Mounted Police and he relies on the values placed on them by his experts.

MR. McQUARRIE: Do the experts know about the tires?

A Yes.

Q And the condition of the engine?

A I believe so.

Q There is only one other thing. There is a letter here from the Dan McLean-Motor Company .

"To Whom it May Concern: "

and this is referring to two Nash automobiles. Which do they refer to?

A These refer to two Nash sedans -- it is not the Nash coupe. It is two Nash sedans.

Q You might tell his lordship what they were used for? A. We had these two Nash sedans which we had used as a taxi running out of New Westminster.

THE COMMISSIONER: They were used as taxis?

A Yes, and in order to keep our cars in top-notch

shape we have kept the cars up in A-1 shape.

MR. McaQUARRIE: Q: How about overhaul. That is why I am showing you that letter.

A In the year 1940 I have spent $439.34 and $307.79 in the year 1941 with these Nash people, and including this amount we had completed paint jobs and also a complete overhaul on the two automobiles described above.

Q And that letter sets that out, does it?

10 A Yes, and apart from this we had a lot of work done at the Royal City Motors.

MR. McQUARRIE: May I put that letter in, my lord.

THE COMMISSIONER: Yes.

THE SECRETARY: It will be Exhibit 1.

(LETTER FROM DAN McLEAN-MOTOR CO. LTD. DATED MAY 19,1949, MARKED EXHIBIT No. 1)

THE WITNESS: I was fortunate to be able to get this -- although it is the last part of a statement from Royal City Motors, indicating the amount that we have been spending on our cars and trucks.

20

MR. McQUARRIE: Well, I think that can all be given -- the evidence of value can be given by the experts that you will call later. Now I think that is all from this witness my lord, on the question of his cars.

THE COMMISSIONER: Have you the Mounted Police reports on these cars, Mr. Braidwood?

MR. BRAIDWOOD: I have all the copies here that I was going to use in cross-examination.

30

THE COMMISSIONER: Very good.

MR. BRAIDWOOD: Your lordship is referring to the Mounted Police and the government appraisal reports.

THE COMMISSIONER: That is right.

MR. BRAIDWOOD: I was not going to call the Mounted Police officers or anythinglike that.

THE COMMISSIONER: No, but you can put them in as was done in the other claims.

10

CROSS EXAMINATION BY MR. BRAIDWOOD:

MR. BRAIDWOOD: Perhaps my learned friend should be informed just in opening, that these cars were surrendered to the Mounted Police and a typed report which your lordship has accepted as an exhibit was made on these cars. You have a copy of that, Mr. McQuarrie.

MR. McQUARRIE: Yes, I got it from you.

MR. BRAIDWOOD: And then the government had the cars

20 appraised. The first report I have is for seizure -- of a 1936 Ford truck and I will put that in, my lord.

THE COMMISSIONER: You might read to me what the mileage on that car was, will you?

MR.BRAIDWOOD: The mileage does not appear on that, my lord. -- oh yes, speedometer reading "37437" and as to the condition the remarks are, " that it appears fair".

30 (REPORT MARKED EXHIBIT No. 2)

THE COMMISSIONER: Well, you might put all these police reports in as one exhibit.

MR. BRAIDWOOD: In Grohn's report -- that is the used car appraisal records --

THE COMMISSIONR: Well supposing we dispose of the Police reports first and then go on with the appraisal.

MR. BRAIDWOOD: The next is 1941 Ford Truck, one-ton-- mileage "51583", and the condition is marked as "fair". And there are two further remarks which I take to be right fender broken and rear right fender bent -- "that is R.F. fender broken and R.R.fender bent". We will mark this Exhibit number 2.

Now the next one I have is seizure which is the 1934 Ford panel delivery truck.

THE COMMISSIONER: Yes.

MR.BRAIDWOOD: And the speedometer reading is "70529", and the remarks "appears fair, left fender cracked". and number 86, which is the 1935 Nash sedan. There are two of those and I take it these were the taxis, is that right, Mr. Nishiguchi?

A That is right.

THE COMMISSIONER: And the mileage?

MR. BRAIDWOOD: The mileage my lord, there is a figure "the speedometer reading is headed 08621", and I may ask a question on that, my lord.

THE COMMISSIONER: That is 8600 miles.

MR. BRAIDWOOD: Yes, perhaps Mr. Nishiguchi could tell us about that Nash sedan -- 08621 -- would that

not be correct to assume with that speedometer reading should be 108621?

A That I cannot say.

Q That car would have gone more than 8600 miles?

A Both cars would run similar mileage.

THE COMMISSIONER: Well perhaps that figure that you are reading has been transposed. On this last document you put in there is a figure of 08685 brought in by Kahei Nishigouchi.

10 MR.BRAIDWOOD: That figure appears on here too, and the remarks there are front seat worn, dent in left fender. Perhaps it is a matter for argument my lord, but my friend, or rather Mr. Nishiguchi has said these cars had approximately the same mileage. and I have now, as the next one, 1935 Nash -- No. T-61 and the speedometer reading there is 97,613, which is close to 100,000.

THE COMMISSIONER: Apparently the 8 and the 0 are transposed here.

20 MR. BRAIDWOOD: Well, perhaps that is right -- or these speedometers don't go over 100,000 and once they go over 100,00 they flip back and that could be 108 --

THE COMMISSIONER: That is possible too.

MR. BRAIDWOOD: The remarks on this car are,"dents in fender and seats worn". The last one I have is seizure 60 and the speedometer reading on this is, 35,746.

THE COMMISSIONER: Is that the 1937 Nash?

30 MR. BRAIDWOOD: Yes, the 1935 Nash coupe, my lord.

THE COMMISSIONER: What is the speedometer reading again?

MR. BRAIDWOOD: 35746 and the remark there is, "seats worn, fender and right side dented".

THE COMMISSIONER: Well, put them all in as one exhibit.

THE SECRETARY: Yes, my lord. They will be Exhibit 2.

MR. BRAIDWOOD: I have Mr. Grohn's used car appraisal record on three of the cars -- the first T-85, which is the 1934 Ford panel delivery truck -- and I might point that that Mr. Grohn checked over these cars, and in this column indicates the repairs he thinks necessary, and the selling price and marks down whatever they say -- t

THE COMMISSIONER: Which car are you referring to now?

MR. BRAIDWOOD: That is the 1934 Ford panel delivery.

THE COMMISSIONER: There are two of them. One of them is a one-ton and the other one-half ton.

MR. BRAIDWOOD: This is seizure 85.

THE COMMISSIONER: That does not help me . Is is a one-tonor half-ton?

MR. BRAIDWOOD: I would take this, my lord, to be the one-ton , because I have the other Ford truck here, T117 and that is the lower price.

THE COMMISSIONER: T-117 is one-ton.

MR. BRAIDWOOD: No, I am sorry, it is the other way around.

MR. McQUARRIE: The half-ton is supposed to be more.

MR. BRAIDWOOD: T-1170 is a half-ton.

THE COMMISSIONER: Not according to the claim form which shows it is the one-ton truck.

MR. BRAIDWOOD: There is some evidence that will be led that half ton trucks were more valuable than the one-ton trucks.

THE COMMISSIONER: Very well, you think the valuation you are referring to now is the half-ton?

MR. BRAIDWOOD: I think so. I can only go by Grohn's numbers. That is what T-85 my lord is,-- that is the one I was referring to and shows repairs necessary $59.00, and a gross valuation of $285.00. This is Exhibit 3.

10

(DOCUMENT MARKED EXHIBIT No. 3)

MR. BRAIDWOOD: And T-117 which is the other Ford -- Grohn shows $72.00 worth of repairs and $155.00 valuation -- and T-118 which is the 1936 Ford truck Grohn shows $204.20 repairs and $420.00 valuation. Now, my lord, the other three were done by Cruise of Consolidated Motors and covers the three cars and I have only one detailed appraisal and the others only values. We have a detailed appraisal on the number 60, which is the 1937 Nash coupe, and Cruise' comment on that is 35,000 on the speedometer "sure this is not correct "-- accessories deep red upholstery absolutely no good. Body fair." And then he gives a retail selling price of $600.00 on that with the comment that it is an undesirable car and the others are mere valuations done again by Cruise.

20

THE COMMISSIONER: Is this 1937 Nash coupe $600.00 -- sold at $320.00.

30

MR. BRAIDWOOD: Yes, my lord, that is the valuation, and the other two taxis -- that is the 1935 Nash sedans, are each valued by Cruise at $400.00 and I haveno details as to his appraisal. This was taken from his general appraisal sheet. Those are all the valuations I have. If your lordship wishes any further information you might tell me before I go ahead with Mr. Nishiguchi.

10 THE COMMISSIONER: No, you can go right ahead.

MR. BRAIDWOOD: Q; Mr. Nishiguchi, these 1939 Nash sedans were used as taxis?

A Yes, that is right.

Q And they were in constant service, I take it?

A Yes, more or less although out in Westminster the business is not nearly as brisk as a taxi business as they do in large cities.

Q Did various people drive the taxis?

A No, we confined ourselves to ourselves in each car.

20 THE COMMISSIONER: Q: They had been used as taxis for seven years up to the time they had been surrednered?

A From .935 to 1942.

Q That is seven years?

A Yes.

Q Used as taxis? A. Yes.

MR. BRAIDWOOD: Q: Now in connection with the 1936 Ford truck, the government said there were $234.00 repairs necessary at the time of surrender. Would

30 you agree with that?

A I don't think so.

Q And he says there is no spare tire on that car, is that correct?

A Possibly that is correct, no spare tires.

Q Now with respect to the 1934 Ford truck the government app raiser says $72.00 repairs necessary. What do you say to that?

A I don't agree with that.

Q And the police reports right fender broken and the rear right fender bent. Have you any information to supply his lordship on that?

A No, when we had it in our possession, we did not have any bent fenders.

Q And the 1934 Ford panel delivery truck, the government appraisal says $59.00 repairs necessary. What do you say to that?

A I would not agree with that, either.

Q And the Royal Canadian Mounted Police report, the left fender cracked on that car. What haveyou to say as to that?

A As to that, I cannot say one way or the other.

Q Now you have heard me read the report of the government appraiser on the 1937 Nash coupe about the condition of that car. What have you to say to that?

A As to the worn-out seats and so on -- I can hardly agree with that, because ever since we get a new car we put a new blanket over that -- over the upholstery all the time.

Q Now the speedometer reading on that car was 35,746 miles. Would you have information as to whether that was right or wrong?

A That was possibly right.

Q The government appraisal thought the car had travelled more than that. Would you agree with him? A. I don't think so.

Q And I am instructed on that car, the 1937 Nash there was no spare tire or wheel, is that correct?

10 A I could not say one way or the other in that case.

Q And I am instructed there was a large dent in the body of the car?

A I don't think so.

Q And I am also instructed the upholstery was torn and needed replacing is that correct?

A I don't like to agree with that either.

Q Do you know anything about the actual sale of these cars, Mr. Nishiguchi?

THE COMMISSIONER: Possibly he does not.

20 THE WITNESS: We were offered a much higher price than what the Custodian had sold for at that time.

MR. BRAIDWOOD: Q; This man was in that area, my lord, and I believe he acted as the interpreter. Didn't you act as interpreter?

A Yes.

Q And you stayed in the area longer than the other Japanese, didn't you?

A No, I didn't, we left on the 28th May, 1942.

Q That is all.

30 MR. McQUARRIE: There is just one thing I might clear

up if I may. It is the question of this taxi business.

THE COMMISSIONER: Yes.

REDIRECT EXAMINATIOB BY MR. McQUARRIE:

Q Where was your taxi stand situated in relation to the busy city of New Westminster?

A Situated right in front of my store, which is
10 west of the C.P.R. station.

Q And it is also west of Eighth Street?

A Yes, two blocks.

Q Have you any idea of how many trips a day each of these taxis would make?

THE COMMISSIONER: What is this leading to?

MR. McQUARRIE: Your lordship mentioned the use of these taxis for seven years.

THE COMMISSIONER: Yes.

MR. McQUARRIE: And I happen to know they were not
20 used very strenuously.

THE COURT: They had been used to the extent of 97,000 miles.

MR. McQUARRIE: Well perhaps that covers it then.

THE COMMISSIONER: Yes, that covers it. Thank you, Mr. Nishiguchi.

(Witness aside)

MR. McQUARRIE: I will call Mr. Ennis.

30

FRANCIS JAMES ENNIS, a witness called on behalf of claimants herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McQUARRIE:

Q Mr. Ennis, you are one of the shareholders and the president, I believe, of the City Motors, is that right? A. Yes.

Q And you know the last witness, do you?-- Arthur Nishiguchi?

10 A Yes, I do.

Q And you have looked after the cars of this Nishiguchi Co. Ltd., for many years, I understand, is that right? A. Yes, that is right.

Q Do you know whether anyone else looked after them for the same period of 1936 to 1942?

A I think we did practically all the work on them-- I would safely say we did 80% of all the work that was done.

Q I am speaking of the cars now, and not the trucks?

20 A Yes, I recognize each one.

Q Now could you give his lordship generally any idea about the company and what care it took of these cars -- whether there was anything unusual about it? A. Well, your lordship, our shop has quite a bit of storage space and these cars were stored in our shop every night and every weekend and in the mornings when we opened up, we used to run the Ford & Nash coupe around to the front of their store and leave them

30 there and at night would bring them back and put

them inside and they were not left outside at the weekends. We looked after all the lubrication and serviced them for everything except gas and oil. They had their own gas pump and oil storage.

Q Well, did they let them become worn out or delapidated? or out of repair?

A No, they didn't. As a matter of fact Mr. Arthur Nishiguchi was a very fussy customer, if I may put it that way, and he wanted things done right and these Nash cars were equipped with Whitewall tires and at that time there were none made in Canada and we had to send to the American side to get these tires painted and to have them in first -class condition and that shows how fussy he was.

Q And how about the paint on the cars?

A It was kept up in first-class condition all the time.

Q Now you have heard about the upholstery in the seats being worn and useless?

A Well, I disagree with that, because I know those cars did have blankets put on them all the time.

Q And the care that Nishiguchi took of these cars, what would you say as to that -- that it was good , bad or what would you say?

A It was good.

THE COMMISSIONER: He has said they were well taken care of.

MR. McQUARRIE: Q: Now dealing first with this 1937 Nash coupe, would you give his lordship your

estimate of its value as at the 8th of April, 1942? A. In the spring of 1942 that car was worth a good $850.00.

Q Now how long have you been in the automobile business there? A. Approximately 17 years.

Q And have you been buying and selling cars during that time?

A Yes, we have.

10 Q And right now I believe you have the Hudson agency?

A Yes, the Hudson, Packard and --

Q And as a matter of fact you are a director of a used-car company also?

A That is right.

Q And you have ben that for how long?

A Just a little over a year.

Q And for the last several years have you dealt in used cars?

A We have, yes.

20 Q Now in regard to the 1935 Nash sedan, on September 17th, 1942, what would you say was the value of it? A. I would say they were worth $1,000 apiece.

THE COMMISSIONER: Q: Despite the fact they had gone 100,000 miles? A. Yes.

MR. McQUARRIE: Q: Now, could you confirm this thing you did with reference to these cars at that time?

A My father who is deceased now and myself -- we

30 had cheques made out for those two cars. We wanted

to buy them from Mr. Nishiguchi and he wouldn't sell them to us and we had offered him $1,000 each.

THE COMMISSIONER: When?

A In 1942, before the cars were taken over before the Custodian.

Q Wasn't that rather an unusual thing to want to buy a car that had been in the taxi business so long?

A No , knowing the cars and their equipment , they had custom radiant heaters and overdrives in them, and these cars had never been abused. They were not like the regular taxi cars because one brother drove one and the other drove the other and those are the only ones who drove the cars.

Q Do you know anything about the tires in 1942?

A They were good.

Q And what about the engines?

A The engines were in good shape and I believe they had a major overhaul work done on them, but we didn't do that in our shop at that time.

Q Did you have anything to do with the trucks?

A Yes, our work on the trucks was minor, such as lubrication, tires, and batteries and things like that. We did not do very much of the mechanical work on them, just merely service work, when they were open in the evenings.

Q Can you give his lordship anything as to the condition of them: first of all, the 1934 Ford panel truck, the half-ton. The valuation given, I understand was $155.00.

A I think that is ridiculous.

Q Why?

THE COMMESSIONER: Excuse me, which one are you referring to? A. The half-ton panel service.

Q There is a half-ton truck and a ton truck

A The half-ton. The truck is a very saleable truck and is in great demand. In fact, all panel delivery trucks are.

10 MR. McQUARRIE: Well, we are now speaking of 1942.

A Yes, they were at that time too. In fact, I don't think you could buy them at that time -- especially that model.

Q What would you say the value of them was?

A Approximately $600.00.

Q And what about the 1934 Ford DeLuxe panel delivery one-ton truck?

A That truck was in exceptionally good shape. It was not used as much as the half-ton panel, and

20 I would say its value would be $850.00 approximately

Q And the 1936 Ford two-ton truck?

A That truck would run from $950.00 to $1,000.00. It was very much in demand for lumber hauling or very heavy hauling.

Q That is all.

CROSS EXAMINATION BY MR.BRAIDWOOD:

Q May I have the exhibits , my lord, please. Do you know Mr. Grohn and Mr. Cruise?

30 A I know Mr. Cruise, but I don't know Mr. Grohn.

Q Do you think Mr. Cruise knows anything about the appraisal of automobiles?

A I don't say anything against his integrity.

Q Do you know if he does many appraisals?

A I don't know what his capacity is for the appraisal of motors -- for the Consolidated Motors.

Q Now this 1937 Nash, Mr. Cruise was of the opinion that the speedometer reading was not correct on that car. What have you to say on that?

10 A I think that reading would be just about right, figuring out that the car was used only for soliciting business and calling around on the small farmers in the Valley and the car was not used a great deal. In fact it would sit in front of the store day after day and not turn a wheel.

Q And Mr. Cruise says the upholstery was no good, what have you to say about that?

A I disagree very much with Mr. Cruise's statement there.

20 Q And Mr. Cruise says there were no spare tires, what have you to say about that?

A That I don't know. The car was equipped with them originally, but what happened to them I don't know.

Q Now at the time in question was there a good market for cars? A. Yes.

Q And had gas rationing come into effect at that time?

A I cannot recall whether it had come into effect or not.

Q Would gas rationing have any effect on the value of

30 cars? A. Well, it did

momentarily, I would say yes -- for a period of three to four months.

Q And do you recall whether or not the ceiling prices had any effect on the sale of cars?

A I don't think it did.

Q Do you know whether the figures you were quoting were affected by the ceiling prices or not?

A No, I don't know offhand, as to that now.

Q If you bought a used car and took it into your place for sale, is it your practice to do any work on the car before selling it?

A Yes if it needs it.

Q Don't most of them need it?

A Some of them and some of them just need a cleaning up.

Q Does it make any difference in the sale of a used car whether it is sold with a guarantee or on the owners word?

A Oh yes, it does. You can demand a higher price

30 for a used car with a guarantee.

Q And a used car dealer usually gives some form of guarantee, I presume.

A Well, in certain cases, in certain model cars -- and certain priced classes.

Q And you knew these cars, didn't you?

A Yes.

Q And if you had sold them for the Nishiguchi's, you would have been able to decide whether a guarantee

30 should have been given with them?

A Yes.

Q Do you know whether you would have sold them on a guarantee basis? A. I would have sold all three on a guarantee basis -- the Nash cars. The usual guarantee is say, 30 days.

Q And are you aware the Nishiguchi sale was made on the as is and as were basis?

A Yes, it could be.

Q And I think you said it would be a considerable

10 difference? A. Yes.

Q And that would apply to the trucks too, I think?

A It would be, yes.

Q Now in connection with the 1936 Ford truck what have you got to say to the fact that an estimate of $204.00 for repairs was made on that car?

A Well, I would like to know where it would be -- as to the estimate for repairs. Because mechanically the car was in good condition and I don't think the body was in bad shape at all.

20 Q I would suggest that $150.00 of motor work had to be done? A. Did they specify any special type of motor work?

Q No. A. Well, I would disagree with that.

Q And on the 1934 Ford truck, an estimate of $72.00 repair work had to be done. What do you say to that? A. I don't think that is right. I don't think they needed that much work. Of course, they can always stand a little bit of

30 body work done on them and touching up of fenders,

just as all cars can.

Q Well, I am instructed that all these three cars were in that condition where they needed those repair

A Is that the half-ton one you are talking of now?

Q Yes, and T-85 -- that is the other 1934 Ford panel delivery car -- $54.00 would have to be done on that? A. Well, that is possible. As I say on these trucks we did not do the major mechanical work on them.

10 Q I am instructed two of the tires were good and two were bad on that car. What have you to say as to that?

THE COMMISSIONER: Mr. Braidwood, will you put these documents before the witness, and let him see just what they mean instead of telling him what it says there.

MR. BRAIDWOOD: Very well, my lord.

Q By the way, did you do the mechanical repair work on these cars yourself, or was it done by your

20 workmen? A. It was done by my workmen under my supervision.

Q Take this car, T-117, 1937 Ford Truck and there is the appraisal record which has been marked as an exhibit.

THE COMMISIONER: It is not 1937.

MR. BRAIDWOOD: I beg your pardon, a 1934 Ford truck.

THE COMMISSIONER: And there are two of them, one of them is a half-ton and one of them a ton.

30 MR. BRAIDWOOD: Well, perhaps the witness will be able

to tell which one this is, I am unable to tell.

A This would be the one-ton truck.

Q Now, Mr. Ennis, you have seen the statements there by the appraiser, what haveyou to say to that?

A I disagree with $16.00 on the generator. The radiator I am not sure of. I can see $16.00 for upholstery and $7.00 for repairs -- for paint -- but, I could possibly see that generator repair of $16.00 would not be necessary on that truck -- even to buy a new armature on that truck at the increased price of today it would not run that much.

Q And the T118 1936, Ford truck -- I will show you the appraisal record.

A Does this mean $204.20 -- is that $204.20 repairs?

Q Well, my reading of the addition would be $104.20-- I am sorry, I perhaps gave your lordship the wrong figure before, it should be $104.00 on this.

A $50.00 motor expense -- I don't see where that could be spent, and even the valve grind -- it would only run $25.00 with a complete motor tune-up, and the brakes -- he has $25.00 and the linings were in good condition and you could cut that down to $5.00. Adjusting cables and rods and tightening up in two-ton trucks -- so that they do not rattle-- you can spend $100.00 on any truck if you want to do so, to tighten it up after it has been run a year or two.

Q And the T-85 -- the other Ford cdelivery. This is the appraisal record?

A This would be the halfpton.

Q There is $59.00 repairs on this?

A Well, that does not seem to be out of line at all in this truck.

Q And I show you Mr. Cruise' report on the 1937 Nash coupe. What have you to say as to that?

A As far as the speedometer reading of 35,000 miles, even Mr. Cruise is not sure that this is not correct. I say it is correct from my knowledge of the car -- and the radio -- whether it is cheap now-- there is no radio that is really cheap, and the car did have a heater in it, but it does not mention it here -- and as to a spare tire and wheel, I don't know anything about that, but as to the upholstery being no good, I do know that car did have a blanket on it at all times - every time I drove it over to park it in front of this store there was always a blanket on it, and whether there was anything happened after that, I don't know, between the time it was appraised and the time that it was taken away, but I think the appraisal price is quite low on the car.

Q I might point out on this last document I have been referring to, there is a reference to ceiling price.

THE COMMISSIONER: Well, would that be the time when the gas rationing was put into effect and a ciling price as applied -- if you can tell me

as to that and if not, you might make a note of it and let me know the dates later.

MR. BRAIDWOOD: Yes, my lord.

Q Now these prices that you have given my learned friend, Mr. Ennis, of each car, would you have been willing to pay that for each car?

A As far as the two Nash sedans and the Nash coupe, yes.

Q And how about the other cars -- the trucks -- the figures you have quoted?

A Yes, I believe we could have bought them and made money on them at that price.

Q At the price you quoted to my learned friend of $1,000 for the 1936 Ford truck?

A $950.00, I believe I said. It would vary between that.

Q Is it not true that car prices had gone down between 1940 and 1942?

THE COMMISSIONER: Used cars?

MR.BRAIDWOOD: Yes.

THE WITNESS: They did drop in view of the war scare, I would say, for a period of three to six months. No dealer knew where he was going to be or how things were going to go, but I believe by 1942, due to heavy industry developments and heavy war expansions here, cars were very very scarce and it started in in 1942. People were needing cars to go to work and they were very hard to get and I believe 1942 was the last year when we got any new cars for any dealer and some dealers did not

get any cars at all.

THE COMMISSIONER: Are you sure of your dates, because all the other evidence I have had -- all the used cars were not scarce in 1942 from the period of the surrender of those cars to the end of the year?

A From when?

Q Is there any possibility that you are confusing the date of the condition to which you are referring to? A. I could be out, your lordship, two or three months. In our own case I know that we did not get any new cars after 1940 and we were really short of cars -- used or new., and you had to have used cars to trade to get new cars. In other words you had to have traders, and I could be out two or three months, so I would leave myself open to question on that.

MR.BRAIDWOOD: Q: Well isn't this true, used cars were a glut on the market and could not be turned over?

A Yes, that is right.

Q And it was not until considerably later, probably around '44 or '45 that used cars came in to any great demand?

A It increased gradually all the way through but there were used car sales

Q And with the lessening of the gas rationing, and used cars, hasn't there been an increased demand for used cars?

A Yes.

THE COMMISSIONER: Have you the study that was made with

regard to the used car situation.

MR. BRAIDWOOD: Yes, I have it here.

THE COMMISSIONER: I would like to have your cross-examinationdevelop along the line of that study.

MR. BRAIDWOOD: My lord, this study is Exhibit 108, for my friend's information. I don't believe my friend has seen this study.

THE COMMISSIONER: Well, it might be convenient to adjourn now if Mr. Ennis can return this afternoon
10 conveniently.

A I guess I could.

Q I would not want to cause you any great inconvenience, but Mr. Nishiguchi's counsel has not seen this document yet, and if you are going to be cross-examined on it I think you should be given an opportunity to look at it.

Does that suit you, Mr. McQuarrie?

MR. McQUARRIE: Yes, as I say, I was only instructed this morning.

20 THE COMMISSIONER: Well, we can resume then at two o'clock, so that we will not be keeping Mr. Ennis too long from his work . Is that satisfactory to counsel.

MR. BRAIDWOOD: Yes. Would you be finishing this afternoon. I don't know who my learned friend is going to call as witnesses and I have one witness here whose time is valuable, and I would not want to keep him too long.

THE COMMISSIONER: Well, what is the situation, Mr. McQuarrie?

30 MR. MCQUARRIE: With regard to the case of the company,

I just have one witness, Mr. McFhee, and as to the cars, two witnesses.

THE COMMISSIONER: And those relate to all the claims, both personal and corporate?

MR. McQUARRIE: Yes.

THE COMMISSIONER: Well, I might say if necessary, I will sit later.

MR. BRAIDWOOD: Well unfortunately I could not sit any later today. Mr. Ramsay will not be back until the 22nd, and he is coming in on another case and we could have that part of his evidence taken then.

THE COMMISSIONER: Well, we will adjourn now until two O'clock.

(PROCEEDINGS ADJOURNED UNTIL 2.00 P.M.)

(PROCEEDINGS RESUMED AT 2.00 P.M.)

FRANCIS JAMES ENNIS, resumes stand.

MR. BRAIDWOOD: My lord, you were kind enough to suggest this morning that we might consider the analysis that was made jointly between Mr. McDonald on behalf of the Crown and Mr. Cobus on behalf of the Japanese Committee.

THE COMMISSIONER: I have looked up those records and I find Exhibit 108 on the general evidence is the analysis.

MR. BRAIDWOOD: That is right, my lord.

THE COMMISSIONER: And also Exhibit 109 is Mr. Cobus' table.

MR. BRAIDWOOD: Yes, my lord.

THE COMMISSIONER: And in the course of discussion on this subject with relation to the general evidence, on page 19 of the transcript of March 17th, there is some comment, in regard to certain types of trucks and the prices they brought. Now I have already ruled in relation to all the claims, that the evidence which was introduced in the course of the general evidence would be made applicable to every claim, so it may be taken Exhibits 108 and 109 as well as the comment made on pages 19, 20 and 21, of the transcript of March 17th, is to be taken as evidence on the hearing of this claim.

MR. McQUARRIE: I see, my lord.

MR. BRAIDWOOD: Well now, my lord, Exhibit 108 was based on this joint study, and naturally at the time the study was not filed and the working sheets were not filed. I have these working sheets and the position arises -- Mr. McDonald and Mr. Cobus obtained quotations on certain cars of certain makes and certain years, and I wish now to put to the witness what is his opinion as to the similar cars, referred to here.

THE COMMISSIONER: Will you first of all deal with the general picture before you go into that phase of it. The record from the general evidence shows that used car dealers in the City of Vancouver had available, for sale, 2,000 used motor vehicles in the period of 1942. Gasoline rationing was then in operation and the maximum price relations had

then been put into effect and were applicable; that at this time the demand for used cars was extremely light and the majority of dealers sales were made at appreciably low prices. Dealers in used cars had testified before me previously 1942 was the period of little demand and low prices in the used car market in British Columbia. Now you might deal with that with this witness and get his evidence on this subject, but that is the evidence before me at present.

MR.BRAIDWOOD: Q: I think you told me this morning ceiling prices had not come into effect?

A I knew they came into effect in 1942 but just what part of that year I just don't know offhand.

Q Would you know if they covered the majority of 1942 or not?

A No, I wouldn't.

THE COMMISSIONER: Have you the date?

MR. BRAIDWOOD: We were trying to obtain it at noon. As a matter of fact I think I put it in myself and gave evidence on it.

THE COMMISSIONER: I think perhaps you did. Just go ahead, I think I can find it here.

MR. BRAIDWOOD: Q: There was an order of May 1942, that was filed -- setting up the maximum price of new cars and used cars.

THE COMMISSIONER: Have you got that, Mr. Watson?

MR. BRAIDWOOD: And that was amended on September 9th, 1943.

THE COMMISSIONER: What was the date of the original order?

MR. BRAIDWOOD: That was amended in 1942 -- M.V.C.18, Motor Vehicle Controller --

THE COMMISSIONER: You haven't got the exhibit number?

MR. BRAIDWOOD: 126, my lord.

THE COMMISSIONER: Well, this order, Exhibit 126, would indicate that the price controls were made applicable on the 28th of March, 1942 and the maximum prices are 85% of the retailed delivery price in the case of a car one-year old; and up to two years, 75% two years to three years; 65% three years to four years; 55% four years to five years; 50% five years to six years; 45% six years to seven years; 40% seven years to eight years. I think those are the only figures we need. I think one of these cars were seven years old -- 1935.

MR. BRAIDWOOD: And there is a 1934 too.

THE COMMISSIONER: Well, that is 35% -- eight years. All right, proceed, Mr. Braidwood.

MR BRAIDWOOD: Q: Mr. Ennis, do you recall whther gas rationing was put into effect in 1942?

A I believe it was in effect in 1942. I don't know whether it was in effect in February 1942, I am not sure of that. I think it came in later on in the spring.

Q Now these cars were all sold in May and later of 1942. A. I see. I don't know when they were sold.

Q Would it be your opinion that the presence of the ceiling price and the gasoline rationing would have an effect on the sale price of the cars?

A Yes, it would have an effect generally on cars throughout the business, yes. In the case of these cars here -- even today there is a slight lull in the used-car market, and there is a droppihg off of prices right now., but no dealer who has a good clean car on his lot it is not long before he moves it at a good fair price, but in the general run of cars you will have a lull and it will affect the price.

10 Q And putting your mind back to 1942, in view of the circumstances we ahave been discussing, would you agree or disagree with the evidence that has been given the Commissioner that the used car market was overstocked in ,1942?

A Two thousand used cars for the amount of dealers that were here does not seem to be a lot -- an overstocking. As a matter of fact, I think there are a lot more than that today.

Q I think his lordship said 2,000 sales?

20 THE COMMISSIONER: Two thousand used motor vehicles in Vancouver alone.

MR. BRAIDWOOD: Was that sold, my lord, or offered for sale.

THE COMMISSIONER: Available on the used car market.

MR. BRAIDWOOD: Q: Well then, in your opinion, Mr. Ennis, there were not a great many used cars being offered for sale. Am I correct in that?

MR. McQUARRIE: No, he said he did not consider 2,000 considerable.

30 THE COMMISSIONER: That is true. Now what is your next

question.

MR.BRAIDWOOD: Q: Generally speaking in the used car market in the Lower Mainland in 1942, would you think there was a great number of a small number of used cars being offered for sale?

A Will you repeat that question again, I didn't quite get it.

Q From your knowledge of the used car market in the Lower Mainland area, in 1942, would you say there were a great many used cars being offered for sale?

10

A No, I wouldn't say there were a great many used cars being offered for sale.

Q That is from your recollection?

A Yes.

Q Have you any general knowledge of the turn over of used cars in 1942?

A No, not for the trade; no, not for the trade of the Lower Mainland. My knowledge comes mainly from our own business and our own operations, and locally around us.

20

Q What have you to say as to the turn-over of used cars in your business in 1942?

A We had very few. Our great trouble was we had two American agencies which could not be imported and the last new car we had to offer for sale was in 1940 and it was a 1940 car.

THE COMMISSIONER: Q: What cars did you handle?

A Hudson and Studebaker, and we took on the Packard in 1945.

30

MR. BRAIDWOOD: Q: Did you actually engage in the used

car business yourself?

A Yes.

Q And did you appraise any yourself?

A Yes.

Q Did you appraise any of the Japanese cars?

A No sir, I didn't.

Q Did you buy any of the Japanese cars that were for sale?

A No.

10 Q Did you ever attend any of the sales of Japanese cars? A. No.

Q And you don't know in what manner the sales were conducted? A. No, I haven't the slightest idea.

Q Wasn't your firm interested in buying used Japanese cars at that time?

A We certainly were.

Q But you did not attend any of the sales?

20 A We were not notified of any of the sales.

Q Now I propose to leave the general situation. Did you in the meantime have an opportunity to examine the report which his lordship referred to this morning? A. No, I didn't, to tell you the truth.

Q My friend said he looked it over, but he did not digest it.

THE COMMISSIONER: Would you care to look at it now, I have the exhibit here.

30 MR. BRAIDWOOD: Q: Now witness, this is Exhibit 108, which

is a study made jointly by counsel on behalf of claimants and by the Crown.- purporting to be a sale of used motor cars in Vancouver in 1942, and attempting to draw conclusions from the general run of sales in comparison with the cars sold by the Custodian in 1942. Now, Mr. Ennis, having examined that material, have you any opinion as to whether or not that is a suitable method in estimating whether the Custodian sold the Japanese

10 cars at a lower value --

THE COMMISSIONER: I am not concerned with what he thinks was a suitable method. That is my problem.

MR. BRAIDWOOD: Very well, my lord.

Q Do you agree, Mr. Ennis, with the results of that report? A. It still does not clock very clear for me.

Q Now do you agree for example with paragraph 2, on page 2 which purports, I think, to say that the sale on engines were on as is basis rather than by guarantee which made a substantial difference in the price .

20 A In the case of the cars sold from Hastings Park to dealers here in the City of Vancouver on an as is basis did not enter into it. The only thing that would enter into it was the as is basis. If these cars were all up in Prince Rupert and had to be freighted down it would have a great deal of difference, but if these were down in Hastings Park, it was just as easy to go down and pick them up down there as a new car.

30 THE COMMISSIONER: I do not think you understand the

question -- of a car that is sold on an as is and on an as were basis?

A Yes, I understand.

MR. BRAIDWOOD: Q; You told me you think the prices of those cars in the present case were out of line?

A Yes.

Q Now I suggest to you, looking at the 1934 cars -- or trucks, rather -- the material on which this is based -- although not working too much on trucks it does show some truck sales in Vancouver and I suggest one sale by Begg Motors in 1934 of a Ford panel of $225.00. Would you think that was a high or low price? A. I think it is quite a low price if it is a '34 truck, and it might be a fair price too, depending on the condition of that vehicle.

Q It would depend on the condition of the vehicle?

A Yes, it definitely depends on the condition of the vehicle.

THE COMMISSIONER: The assumption is that the cars shown in that document were cars that were in reasonable second hand condition?

A They were? That is the assumption. I see.

MR. BRAIDWOOD: Q: Now referring for a moment to the 1936 Ford truck ,which you say should have had a value of $950.00 to $1,000.00 -- now we have one or two sales of '36 trucks recorded and one 1936 of $975.00 and another one '36 at $575.00 and one of the two-ton cab chassis which was a somewhat smaller car, for $600.00. Would you think those were high or a low

price? A. It depends on their wheel base, and whether they have a two-speed axle and what use they were going to be put to, and things like that.

Q And referring to the Nash, 1937 coupe -- we have two sales listed for that -- both from Stonehouse Motors in 1942,-- one for $675.00 and one for $995.00 would you say those were high prices in your opinion?

A I would really have to look at these cars first. There are easily two to three hundred dollars difference in value of two identical cars of the same year and model, depending on their condition and it costs money to fix them up and recondition them, and if you do that, you have to add that to the price of the car and sell it as is, and with a small guarantee of thirty days, and the average car will usually run 30 days without breaking down.

Q Now on the two 1935 Nash sedans, you were willing to pay $1,000 for them?

A Yes.

Q Would you be surprised to know in 1942 we had a sale by Stonehouse motors of $375.00?

A No.

Q That is bearing in mind these are cars in average condition? A. Yes, but I believe there are three models of Nash -- three different sizes, and although it states in here that some of the places did not have a medium sized Buick or a big Buick, they all run different in their retail

price when they are depreciated and naturally it runs the same way for resale value.

Q Well anyway you were willing to pay $625.00 more for these particular cars each?

A Yes, for these two particular cars I would certainly pay $1,000.00.

Q Don't you think your estimates are really high?

A In this case the three cars which we were particularly interested in -- the Nash sedans and the Nash coupe, no, they were really good cars and were kept up really well, and there is no doubt in my mind and that of other people who had anything to do with those cars, they were that price, and if you had to buy them for resale , you would not even have to Simonize them.

Q And the fact that they were used for taxi cars did not depreciate them?

A No, because each car had one driver only, and they were owned by the drivers.

Q Where did these taxis run from?

A I think their biggest run was from Sunbury down by Ladner and to Westminster -- and to these Japanese farms. I know they took Japanese fishermen down a couple of times to Sunbury and so on.

Q In regard to the 1935 Nash car, at what amount of mileage do you think the car would begin to depreciate very rapidly?

A Depreciate or need work done on it?

Q Depreciate? A. The mileage can enter into it in two ways. These cars I know had

done anyway from 80,000 to 90,000 miles. I know that personally and that does, to possibly the ordinary layman, make him think that the car is practically worn out, but when they are kept up in top shape at all times and it does not rattle and when they probably need new pistons put in them, which can easily be put in, your mileage does not really enter into into it and it is very hard for anybody to actually say just how far that car has gone and can go when it is kept up that way, but if there is no work done to it outwardly or inwardly, it certainly enters into it in a big way and just by looking at it you say, well, that car has taken an awful beating.

Q Would you not say 90 to 100 thousand miles is a pretty fair mileage?

A No.

THE COMMISSIONER: Can you give me the price for a 1935 and 1937 Nash coupe?

A No, I can't.

Q Can you give me a rough estimate?

A A 1937, I am not sure of. The 1935 with their equipment on ran about $1300.00. I am not sure of that. Possibly Mr. Nishiguchi could give you the price he paid for the cars.

MR. BRAIDWOOD: Q: Do you know the new price for a DeLuxe Ford panel half-ton car?

A No, I don't know the price of any of those.

THE COMMISSIONER: Can you get me those prices?

MR. McQUARRIE: I am sure Mr. Ennis gan get them for me.

THE COMMISSIONER: Does your client know.

MR. McQUARRIE: I have just asked him and he is trying to find out, my lord. The two Nash taxis Mr. Nishiguchi says he paid $2032.00 each for them, but he forgets about the others, but I could have someone phone the Ford Company to find out, if you like.

THE COMMISSIONER: It might be helpful if you do that, or possibly Mr. Ennis can get you the information from some of the local dealers. Thank you, Mr. Ennis.

MR. McQUARRIE: Do you mind doing that?

A The new car prices?

MR. McQUARRIE: Yes.

A Yes.

(Witness aside)

ANGUS RONALD McFEE, a witness called on behalf of the claimant, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McQUARRIE:

Q Your occupation, Mr. McFee?

A I am an automobile mechanic.

Q And I understand you are the manager of United Auto Limited? A. Yes.

Q And how long have you been in that business as an automobile mechanic?

A Since 1914.

Q Have you had anything to do with the selling of cars?

A Well I have had a little to do with it off and on, but mostly mechanical.

Q Now you have heard the evidence given this afternoon about the cars that belonged to the Nishiguchi Company Limited?

A Yes.

Q And do you know these cars? There were three Nash and several trucks. Do you recognize any of them?

A I know them, but I had nothing much to do with the taxis, but I did with the trucks.

Q What did you have to do with the trucks?

A We kept them up in repair.

Q O ver what period of time?

A Well, Ihad the Ford Agency when they got them and I know the trucks.

Q Do you know anything about the price of them?

A No, I cannot recall it, but I think the two-ton truck was something around $1400 or $1500 at the time, but the others I cannot remember.

Q But you say you were the foreman of the Ford place where they were bought and you had looked after them ever since? A. Yes.

Q Now first of all dealing with the taxis, what do you know about the condition of them?

A Well, I don't know anything about the taxis, but the rest of Mr. Nishiguchi's cars were in good shape.

Q Have you ever had them in your garage, the taxis?

A No, we just looked after the Ford trucks.

Q Well let us get onto the trucks then? Generally speaking of all the trucks, what was the condition of them would you say?

A Well, after we were through with them they were very good. We completely overhauled them, especially the little ones -- the small Fords.

Q Now you say you completely overhauled all of these trucks? A. Well, we overhauled the two '34's and we put a new motor in the two-ton truck.

Q When was that?

A That was very shortly before they had to give them up.

Q Well how shortly before, a week?

A Well, the last one was pretty close to when they declared war, because I remember when I took the bill over to collect it -- I can remember that.

Q Well, would it be in 1941 or 1942?

A I imagine it was in '41.

Q And was it the first part of the year or the last part of the year, do you remember it?

A Well, I think it was in the summer. I remember it was warm weather.

Q And what work did you do on them?

A Well, he gave them a complete mechanical overhaul and started from the front and went right to the back.

THE COMMISSIONER: Q; That was shortly before Pearl Harbour Day, was it?

A That is right. It wasn't a question of money to fix

them up. That was what he wanted done, and he got it.

MR. McQUARRIE: Q: And what do you say as to the care that was taken of these cars from time to time?

A Oh, the care, it couldn't be better, because they always looked after them well. He was very fussy and very particular and if you did not do the thing right you would sure hear about it.

Q Now can you give his lordship the value of the trucks in 1942? A. Well, I could give an approximate value. I thought the little one would be worth $600.00 after it was overhauled.

THE COMMISSIONER: Q; $600.00 for the '34's?

A Yes, for the panel delivery, and the two-ton truck was in very good shape and I figured it was easily worth $1,000. I know even at that time the car was in good shape and you could always sell it.

Q Now you have heard ~~the~~ same evidence as to the condition of the market then. How did that affect the value you have given?

A Well, I don't think it would affect it much, becauss the cars were in good shape.

Q Well during this period around '42, '43 and '44, would you have any difficulty in disposing of trucks that were in such condition as these trucks were?

THE COMMISSIONER: Did you have?

MR. McQUARRIE: No, would you have.

THE COMMISSIONER: This man I understand was dealing in them.

THE WITNESS: No.

Q Is that not correct? A. No, we were not dealing

in them we were just taking care of them in the garage.

THE COMMISSIONER: If he has any particular knowledge I would like to have it, otherwise I will take his opinion for what it is worth, because that is all it comes down to.

MR. McQUARRIE: Yes.

THE WITNESS: Well up to 1938 I was foreman of the Ford Agency and I had a good idea of secondhand cars.

10 MR. McQUARRIE: Q: And in 1942 did you have much knowledge of the market?

A No, not very much, because the market kind of fell to pieces at that time and I forgot about it.

THE COMMISSIONER: The market fell to pieces in 1942, did it?

A Yes, for a short time it did.

MR. McQUARRIE: Q: And in giving these values are you taking that into consideration?

A Y es.

20 Q I don't think you mentioned the one-ton panel truck?

A Well, I had the same orders on that.

Q What was the value of that?

A Well, I figured it was worth $200.00 more than the other.

Q Soyour valuation of that would be $800.00?

A Yes.

Q That was at the end of 1942?

A Yes.

Q Did you know anything about the condition of the tires

30 on all these trucks?

A Well I cannot recall them all, but I know they always had good tires on their cars.

THE COMMISSIONER: In the absence of any other evidence, we have already had it that these tires were in good condition, and I take it the government has no evidence as to what condition they were in.

MR. BRAIDWOOD: There is evidence as shown in the price, my lord.

THE COMMISSIONER: Of the tires?

10 MR. BRAIDWOOD: Yes, there was one car with three tires good and another with two good and there is also evidence that some cars had no spare tires.

THE COMMISSIONER: Yes, I noticed that.

MR. McQUARRIE: I think that is all, my lord.

CROSS EXAMINATION BY MR. BRAIDWOOD:

Q Your valuation of these cars is somewhat less than Mr. Ennis' valuation, isn't it?

THE COMMISSIONER: Do you want him to increase it?

20 THE WITNESS: Well, I am just giving you my opinion.

MR. BRAIDWOOD: Q: Can you tell me, witness, whether or not mileage is an important factor in the sale price of a car?

A Well, mileage is an indication of what a car will do when you sell it. It depends on how it is fixed up. If the car is in good condition mileage means nothing from a sale point of view.

Q Well, how about from a customer's point of view?

A Well, he might have a different point of view.

30 Q A customer might have a different idea of a car

with high mileage?

A He might.

THE COMMISSIONER: I have been under the impression, Mr. McFee that the market price of a car falls annually, is that a correct conclusion?

A Well, it has been so of course, up until the last few years.

Q Now referring to the period of 1942, is it correct to say that a car one year old will have probably 20 to 25% taken off the new price?

10

A I don't know that it would be that much.

Q Have you ever heard it said that the moment one takes delivery of a new car and takes it away from the shop that it has immeidately depreiciated 25%.

A Well, I guess they say that. I have heard them say that they lost $25.00 when they drove around the block.

Q Is that a fair statement?

A Yes, in past days it was.

20

Q And does the same depreciation exist year by year?

A No, not so much, but it drops to some extent.

Q So that a car seven to eight years old will be worth probably less than half of the new price?

A Well, I would say a car that was seven or eight years old, if it was in good condition, it would be worth half the price of a new car.

Q And the market value -- we are talking of the market value -- is its market value affected by the amount of overhaul, or the degree of care that has been given a car?

30

A Oh, most assuredly. A car that has been well taken care of, will always bring more money.

Q Is there any difference between the market price of a car that has been indifferently taken care of and one that has been well taken care of?

A Oh, yes.

Q How much -- 10 or 15%?

A Oh, I think it would be more.

Q Anything further? Does counsel wish to pursue the subject that I have been taking up with the witness.

MR. McQUARRIE: No, that is all the evidence I have.

(Witness aside)

THE COURT: That is all you have got?

MR. McQUARRIE: Yes, Mr. Ennis is trying to get those figures and prices for me.

THE COMMISSIONER: Well I don't propose to deal with this immediately in any case. I want to get this additional information from Mr. Ennis and if not, I would like to get the government price.

MR. BRAIDWOOD: That is if Mr. Ennis is unsuccessful?

THE COMMISSIONER: Yes, and if Mr. Ennis is not able to get it, I would like you to do so, Mr. Braidwood, and let your friend know, and we willput it in as the next following exhibit, Mr. Watson.

THE SECRETARY: Yes, my lord.

MR. BRAIDWOOD: There is a small amount of difficulty there. There is the question of a small amount of extra equipment that comes on these cars.

THE COMMISSIONER: I think you had better confine it to the bare car. There is nothing in the claim

to indicate there was special equipment.

MR. BRAIDWOOD: Well there was some evidence there were spare tires and the radio, and I don't whether it equalizes it.

THE COMMISSIONER: Well I see no claim made for radios.

MR. BRAIDWOOD: Well, I think the claim was made for the car itself.

THE COMMISSIONER: You had better get the information on the car as they normally deliver it without special equipment. All right, we will adjourn this hearing to get this additional information. Do you want to proceed now with the next one?

MR. McQUARRIE: Yes.

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing to be a true and accurate report of the said proceedings.

Deputy Official Stenographer

Case 1399

ACKNOWLEDGED

10197
10198
10201

NOTIFIED

CANADA

DEPARTMENT OF SECRETARY OF STATE

6A

TO:

THE HONOURABLE MR. JUSTICE HENRY IRVINE BIRD, A JUSTICE OF THE COURT OF APPEAL FOR THE PROVINCE OF BRITISH COLUMBIA,

A Commissioner appointed by His Excellency the Governor General in Council of the Dominion of Canada pursuant to Order-in-Council, P. C. 1810, dated the 18th. day of July, A.D. 1947, as amended by Order-In-Council, P. C. 3737 dated the 17th. day of September, A.D. 1947, under the Inquiries Act, R. R. C. 1927, to inquire into and report upon the claim of persons of the Japanese Race, who were evacuated from the protected area of the Province of British Columbia and resident in Canada as at the 18th. of July, A.D. 1947

THE PETITION AND CLAIM OF M. NISHIGUCHI COMPANY, LIMITED, a body corporate, duly incorporated pursuant to the laws of the Province of British Columbia and having its registered office at 35 Sixth Street, in the City of New Westminster, in the Province of British Columbia, HUMBLY SHEWETH:-

$3797.30

1. That all the shares in the capital stock of the above-named Petitioner Company were and are solely owned by persons of the Japanese Race on all days and dates material to the claim of your Petitioner and the said persons who are the sole owners of the Petitioner Company are persons of the Japanese Race who were evacuated from the protected area of the Province of British Columbia and resident in Canada as at the 18th. day of July, A.D. 1947.

2. Your Petitioner and Claimants were, on all days and dates material to this Petition and Claim owners of the motor vehicles and trucks hereinafter set forth and described which were delivered to the Custodian in charge of the Japanese property at Hastings Park, Vancouver, British Columbia and the said motor vehicles and trucks were sold and disposed

of by the Department of Secretary of State on the days and dates hereinafter set forth at a net loss to your Petitioner of the sum of $3797.30 particulars of which are as follows;

PARTICULARS

new price

Sold on	YEAR	MAKE	SOLD FOR	NET	SHOULD BE WORTH	CLAIMS
April 8/42	1937	Nash Coupe	$320.00	$264.17	$850.00	$585.83
Sept.17/42	1935	Nash Sedan 1800 (Twin Ignition)	$325.00	$297.79	$1000.00	$702.21
Sept.25/42	1935	Nash Sedan 1800 (Twin Ignition)	$325.00	$297.56	$1000.00	$702.44
Sept.21/42	1934	Ford DeLux Panel ½ ton	$200.00	$172.79	$ 650.00	$477.21
Sept.23/42	1934	Ford DeLux Panel 1 ton (T117)	$150.00	$122.79	$ 850.00	$727.21
June24/42	1936	Ford DeLux 2 tons (T118)	$420.00	$397.60	$1000.00	$602.40
			1740 -	1552 70		
Net Claim against Custodian on 6 cars and trucks						$3797.30
				43 34		

WHEREFORE YOUR PETITIONER PRAYS:

1. That your Petitioner's claim for the said sum of $3797.30 be allowed and paid.

2. And for such further and other relief as the nature of the claim may require.

AND YOUR PETITIONER, as in duty bound will ever pray etc.,

DATED at the City of New Westminster in the Province of British Columbia this 15th day of November, A.D. 1947.

M. NISHIGUCHI COMPANY, LIMITED

per. M. Nishiguchi

President

PETITIONER AND CLAIMANTS

THIS PETITION is fyled on behalf of the Petitioner, whose address is at 35 Sixth Street, New Westminster, B. C. by Harry Garvin Johnston, K.C., Solicitor for the Petitioner, whose place of business and address for service is 35 Sixth Street, New Westminster, British Columbia.

DOMINION OF CANADA Province of British Columbia To Wit:	IN THE MATTER OF THE Claim of M. NISHIGUCHI COMPANY, LIMITED, filed with the Honourable Mr. Justice Henry Irvine Bird, pursuant to notice directed to persons of the Japanese Race who were evacuated from the protected area of British Columbia and resided in Canada as at July 18th. A.D. 1947.

I, Arthur Nishiguchi, of the City of Ashcroft, in the Province of British Columbia, Manufacturer, DO SOLEMNLY DECLARE THAT

1. I am President of the M. Nishiguchi Company, Limited, the Petitioner named in the annexed Petition and as such have full knowledge of the matters therein referred to.

2. That the various facts, matters and things in the annexed Petition contained and set forth are true in substance and in fact to the best of my knowledge, information and belief and so far as I have been able to ascertain them.

3. That I am a person of the Japanese Race.

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 New Westminster, in the Province of British Columbia, this 15th day of November A.D. 1947.

A. Nishiguchi

~~A Notary Public in and for the Province of British Columbia~~
A Commissioner for taking affidavits within British Columbia

DATED November 12th. A.D. 1947

IN THE MATTER OF ORDER-IN-COUNCIL
P. C. 1810, DATED THE 18th. day
OF JULY, A.D. 1947

AND

IN THE MATTER OF M. NISHIGUCHI
COMPANY, LIMITED

PETITION AND CLAIM

HARRY G. JOHNSTON, K.C.,
Barrister and Solicitor,
35 Sixth Street,
New Westminster, B. C.

DAN McLEAN MOTOR CO. LTD. Nash MARINE 2277

B.C. DISTRIBUTORS
NASH CARS . . 1148 WEST GEORGIA STREET . VANCOUVER, B.C.

May 19th.1949.

To whom it may concern:

This is to certify that Mr.M.Nishiguchi formerly of 837 Columbia St.,New Westminster ,B.C. spent the sum of$439.34 during the year 1940 and $307.79 during the year 1941 , with this firm , on his two Nash Automobiles Model 3520 Serial numbers R 303014 and R-303015.

Included in these amounts were complete paint jobs also complete motor overhauls on each of the two automobiles as decribed above.

Yours very truly,

DAN McLEAN MOTOR CO.LTD.

C W Ronald

ACCOUNTANT.

WR/

EXHIBIT No. 1399-1
DATE 17 June 1949
FILED BY
G. McKinnie

THE CONSOLIDATED MOTOR COMPANY, LIMITED

March 10th, 1943

DETAILED REPORT
CUSTODIAN CARS

#60 1937 Nash LaFayette Business Coupe

Mileage	35,000 on Speedometer, but sure this is not correct	
Accessories	Cheap Radio	
Tires	4 Good Tires, but no spare tire or wheel	
Upholstery	Absolutely no good	
Body	Fair	
Approximate Government Price Ceiling	$600.00	
Retail Selling Price		$600.00
Selling Commission 20%	$120.00	
Estimated Reconditioning Cost, including New Battery & 1943 License..	$200.00	$320.00
Net Balance to Custodian		$280.00

Comment..... Undesirable car.

I hereby certify that the foregoing words are a true copy of the appraisal report of Consolidated Motor Company, Limited, March 10, 1943, the original of which is contained in Custodian File G-96-C.

July 10, 1948

J Mackison

C. O. 198-2500-2-40

USED CAR APPRAISAL RECORD

NAME T 117

ADDRESS

Paint	$ 7	00	Make
Tires 5 - 3 good	$		Ford
Body & Fenders	$ 5	00	
Glass	$ ✓		
Top	$ 3	00	Body Style
Nickelling	$ ✓		Panel
Radiator	$ 8	00	Del
Running Boards	$ ✓		
Mats & Kick Pads	$ 4	00	Year
Upholstery	$ 16	00	34
Hardware	$ 3	00	
Motor Expense	$ ✓		License
Transmission	$ ✓		
Rear Axle	$ ✓		6U599
Universal Joints	$ ✓		41.
Clutch	$ ✓		Serial
Steering	$ ✓		616BBG
Brakes	$ ✓		2089
Tighten Up	$ 10	00	
Muffler	$ ✓		Mileage
Sundries Generator	$ 16	00	51583
Wash & Clean Motor	$ ~~2~~	~~50~~	
Clean Interior	$ ~~2~~	~~00~~	Remarks
Oil & Grease, Change Oil & Check Over	$ ~~4~~	~~50~~	
Total	$ 72	00	650X20

Mod. interested in

Selling price $ 135.00

Salesman

Less Repairs $

Date

Appraised By H. Green

Allowance $

For immediate acceptance only.

REDIFORM - PATENTED - BURT BUSINESS FORMS LIMITED 9136

On March 26, 1942, Mr. Cruise, of Consolidated Motor Company Limited, made an appraisal of Japanese cars at Hastings Park. Among the cars appraised were the following cars belonging to M. Nishiguchi Co. Ltd.:

RCMP SEIZURE NO.	VALUATION
60	$ 600.00
61	400.00
86	400.00

(See Appraisal for Insurance Purposes of Japanese Cars at Hastings Park - G-96-C)

F Mathison

E. O. 198-2500-2-40

USED CAR APPRAISAL RECORD

NAME T 418

ADDRESS fair condition

Paint	$ ✓		
Tires 6 good.	$		
Body & Fenders	$ ✓		
Glass	$ ✓		
Top	$ ✓		
Nickelling	$ ✓		
Radiator	$ ✓		
Running Boards	$ ✓		
Mats & Kick Pads	$ 5	H	
Upholstery	$ 6	H	
Hardware	$ ✓		
Motor Expense	$ 50	H	
Transmission	$ ✓		
Rear Axle	$ ✓		
Universal Joints	$ ✓		
Clutch	$ ✓		
Steering	$ ✓		
Brakes	$ 15	H	
Tighten Up	$ 30	H	
Muffler	$ 12	H	
Sundries	$		
Wash & Clean Motor	$ ~~2~~	~~50~~	
Clean Interior	$ ~~2~~	~~00~~	
Oil & Grease, Change Oil & Check Over	$ ~~4~~	~~50~~	
Total	$ 104	20	

Make: Ford.

Body Style: Platform & Sider.

Year: 36

License: 6X555

Serial: 6184 BB 1106.

Mileage: 37438.

Remarks: no spare 750x20 fit 825x18 rear

Mod. interested in

Selling price $ 420.00

Salesman

Less Repairs $

Date

Appraised By H. Grace

Allowance $

For immediate acceptance only.

REDIFORM - PATENTED - BURT BUSINESS FORMS LIMITED 9136

EXHIBIT No. 1399 - 2
DATE June 17/49
FILED BY D.T.Braidwood

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT

Detachment
Seizure No. T 118
For use when applicable

Detachment File No. E 269-G-13-3
Sub-Division File No.
Division File No. E 269-G-13-3
Headquarters File No.

Detachment
Sub-Division
Division "E"
Date March 11th. 1942.

RE:- N. Nishiguchi Co. Ltd., 837 Columbia St., New Westminster, B. C.

On March 11th, 1942, I H. F. Price RCMP

Came into possession of the following goods by:-

came into possession surrender under O.I.C. P.C. 1486

State Briefly Authority,etc.,Whether by search warrant, etc.

No. of Pkgs.	Capacity or Size	Description of Contents Details to be given in full

LICENSE NO. (42) CX 555 TIRE NUMBERS 6
MAKE & MODEL 36 Ford truck
SERIAL NO. C18YBB1106
SPEEDOMETER READING 37437
CONDITION appears fair

EXTRA EQUIPMENT box built on rear

DESCRIPTION & CONDITION
VERIFIED

"N. Nishiguchi"
Signature of Owner
Japanese Registration No. #08685

Handed over to representative of
Custodian whose signature in receipt
thereof appears hereunder.

"S. F. Cruise"

DATE March 11/42

"H. F. Price"
Signature of Member Submitting Report.

Detachment
Seizure No. 60
For use when applicable

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT

Detachment File No.	Detachment
Sub-Division File No.	Sub-Division
Division File No.	Division
Headquarters File No.	Date 19

RE:- M. NISHIGUCHI LTD. 837 Columbia St., New Westminster, B.C.

On Mar 10 1942, I Goodfellow, K. E.

Came into possession of the following goods by:-

State Briefly authority, etc., whether by search warrant, etc.

No. of Pkgs.	Capacity or Size	Description of Contents Details to be Given in full

LICENSE NO. (42) 51076 TIRE NUMBERS 4
MAKE & MODEL Nash 37
SERIAL NO. L66689
ENGINE NO. L E 66189
SPEEDOMETER READING 35746
CONDITION Fair

EXTRA EQUIPMENT Radio & aerial

DESCRIPTION & CONDITION VERIFIED Seats Worn Fender & right Side Dented

"A. Nishiguchi" 08682
Signature of Owner
Japanese Registration No.

Handed over to representative of Custodian whose signature in receipt thereof appears hereunder.

"S. F. Cruise"

DATE: Mar 10/42.

"K. E. Goodfellow"
Signature of Member submitting report.

Detachment
Seizure No. 61

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT

Detachment File No.	Detachment
Sub-Division File No.	Sub-Division
Division File No.	Division
Headquarters File No.	Date 19

RE:- M NISHIGUCHI CO LTD 837 Columbia St., New Westminster, B.C.

On Mar 10 1942, I Goodfellow, K.E.

Came into possession of the following goods by:-

State briefly authority, etc., whether by search warrant, etc.

No. of Pkgs.	Capacity or Size	Description of Contents Details to be given in full

LICENSE NO. (42) 51074 TIRE NUMBERS 4
MAKE & MODEL Nash 35
SERIAL NO. R303014
ENGINE NO. E54414
SPEEDOMETER READING 97613
CONDITION Fair

EXTRA EQUIPMENT Radio & Heater

DESCRIPTION & CONDITION VERIFIED

Dents in Fender
Seats Worn

"K. Nishiguchi"
Signature of Owner
Japanese Registration No. 08682

Handed over to representative of Custodian whose signature in receipt thereof appears hereunder

"S. F. Cruise"

DATE: Mar 10/42

"K. E. Goodfellow"
Signature of Member submitting report.

Detachment
Seizure No. 86

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT

Detachment File No.		Detachment	
Sub-Division File No.		Sub-Division	
Division File No.	E269-G-13-3	Division	(E)
Headquarters File No.		Date	Mar 11th 1942

RE:- M. NISHIGUCHI Co. Ltd. 837 Columbia St., New Westminster, B.C.

On Mar 11th 1942, I Goodfellow, K. E.

Came into possession of the following goods by:-

Surrender Under Provision of O.I.C. P.C.1486

State Briefly Authority, etc., whether by search warrant, etc.

No.of Pkgs.	Capacity or Size	Description of Contents Details to be given in full

LICENSE NO. (42)51075 TIRE NUMBERS 4
MAKE & MODEL Nash 35
SERIAL NO. R303015
ENGINE NO. E55145
SPEEDOMETER READING 08621
CONDITION Good

EXTRA EQUIPMENT Radio & Heater

DESCRIPTION & CONDITION VERIFIED Front Seat Worn
Dent in Left Fender

"K. Nishiguchi"
Signature of Owner
Japanese Registration No. 08685

Handed over to representative of
Custodian whose signature in receipt
thereof appears hereunder

"S. F. Cruise"

DATE; Mar 11/42.

"K. E. Goodfellow"
Signature of member submitting report.

Detachment
Seizure No. __ T 85 __

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT

Detachment File No.	Detachment
Sub-Division File No.	Sub-Division
Division File No.	Division
Headquarters File No.	Date 19

RE:- M. NISHIGUCHI Co. Ltd., 837 Columbia St., New Westminster.

On March 10th 1942, I H. F. Price RCMP.

Came into possession of the following goods by:-

State briefly authority, etc., whether by search warrant, etc.

No.of Pkgs.	Capacity or Size	Description of Contents Details to be Given in Full

LICENSE NO. (42) CX 553 TIRE NUMBERS 4
MAKE & MODEL 34 Ford panel delivery truck
SERIAL NO. C18E3873
ENGINE NO.
SPEEDOMETER READING 70529
CONDITION appears fair, left fender cracked

EXTRA EQUIPMENT NONE

DESCRIPTION & CONDITION
VERIFIED

"A. Nishiguchi" #08685. brought in by
Signature of Owner Kahei NISHIGUCHI
Japanese Registration No.

Handed over to representative of
Custodian whose signature in receipt
thereof appears hereunder

"S. F. Cruise"
DATE: Mar 10/42

"H. F. Price"
Signature of Member Submitting Report.

Detachment
Seizure No. _ _T_117_ _

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT

Detachment File No.	Detachment
Sub-Division File No.	Sub-Division
Division File No. E269-6-13-3	Division (E)
Headquarters File No.	Date 19

RE:- M NICHIGUCHI Co. 237 Columbia St., New Westminster, B. C.

On Mar 11 1942, I Goodfellow, K. E.

Came into possession of the following goods by:-

Surrender Under Provision of O.I.C. P.C. 1486

State Briefly authority, etc., Whether by Search Warrant, etc.

No. of Pkgs.	Capacity or Size	Description of Contents Details to be given in full

LICENSE NO. (41) CU599 TIRE NUMBERS 5
MAKE & MODEL Ford Truck 34
SERIAL NO. C18BBG2089
ENGINE NO. "
SPEEDOMETER READING 51583
CONDITION Fair

EXTRA EQUIPMENT Nil

DESCRIPTION & CONDITION
VERIFIED R F Broken R R Fender Bent

"M. Nishiguchi" #08682
Signature of Owner
Japanese Registration No.

Handed over to representative of
Custodian whose signature in receipt
thereof appears hereunder.

"S. F. Cruise"

DATE:- Mar 11/42.

"K. E. Goodfellow"
Signature of Member submitting report.

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

August 16, 1949. G. Hyde

EXHIBIT No. 1399 - 3

DATE ~~June 17/49~~

FILED BY D.T.Braidwood

USED CAR APPRAISAL RECORD

Name T 85

Address fair

Paint	$10.00	Make
Tires4. 2good-2fair	$	Ford
Body & Fenders	$ 4.00	
Glass	$ ✓	Body Style
Top	$ ✓	
Nickelling	$ ✓	Panel
Radiator	$ ✓	Del.
Running Boards	$ ✓	
Mats & Kick Pads	$ ✓	Year
Upholstery	$ 7.00	34
Hardware	$ ✓	
Motor Expense	$ ✓	License
Transmission	$22.00	
Rear Axle	$ ✓	CX 553
Universal Joints	$ ✓	Serial
Clutch	$ ✓	C18E
Steering	$ ✓	3873
Brakes	$ 6.00	
Tighten Up	$10.00	
Muffler	$ ✓	Mileage
Sundries	$ ✓	70529
Wash & Clean Motor	$ ~~2.50~~	
Clean Interior	$ ~~2.00~~	Remarks
Oil & Grease,Change)		
Oil & Check Over)	$ ~~4.50~~	
Total	$59.00	205.00

Mod. interested in

Selling price $205.00

Salesman

Less Repairs

Date "H. Grone"

Appraised by Allowance

For immediate acceptance only.

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

August 16, 1949.

S Hyde

P. O. Box 1826,
Ashcroft, B. C.,
January 29, 1948.

The Honourable Mr. Justice H. I. Bird,
Japanese Property Claims Commission,
Court House,
Vancouver, B. C.

RE: Claims of M. Nishiguchi Co. Ltd.,
and Arthur, Kahei, and Magojiro
Nishiguchi.

Dear Sir:

Thank you kindly for your letter of 26th. inst. in answer to mine of January 24th, with reference to the above matter.

We would like to have the hearing of Arthur, Kahei and Magojiro Nishiguchi at Vancouver, later in the year, at the same time as the hearing of M. Nishiguchi Co. Ltd.

Trusting this will meet with your approval.

Yours very truly,
M. NISHIGUCHI COMPANY LIMITED,
ARTHUR, KAHEI, MAGOJIRO NISHIGUCHI.

Per. A. Nishiguchi

AN:B.

January 26th 1948.

M. Nishiguchi & Co.Ltd.,
P.O.Box 1826,
Ashcroft, B.C.

Dear Sirs,

Re claims of M. Nishiguchi & Co.Ltd. and Arthur, Kahei and Magojiro Nishiguchi

Referring to your letter of January 24th,- Due to a change in the itinerary of the Commission, the above claims will not be heard at Kamloops on February 16th next.

It has been decided to transfer the claim of M. Nishiguchi & Co.Ltd. to Vancouver for hearing later in the year, and in due course you will be advised of the date of the hearing.

If you so wish, the claims of Arthur, Kahei and Magojiro Nishiguchi can be heard at Vancouver at the same time as the claim of M.Nishiguchi & Co.Ltd., or they can be heard at Kamloops on a date to be announced later when the Kamloops schedule is arranged.

Please let us know what you wish to be done in this connection.

Yours truly,

SECRETARY

AW/W.

P. O. Box 1826,
Ashcroft, B. C.,
January 24, 1948.

The Honourable Justice Mr. Henry Irvine Bird,
Court House,
Vancouver, B. C.

RE: The claims of M. Nishiguchi Company Limited, Arthur Nishiguchi, Magojiro Nishiguchi, and Kahei Nishiguchi.

Dear Sir:

We have been advised by Mr. Harry G. Johnston, our lawyer, that our case will be heard on February 16, 1948, at Kamloops, B. C.

During my telephone conversation with Mr. McMaster at Lytton, B. C. in connection with the claims of Cowichan Saltery Company Limited, Renzo Suzumoto, and Tanaka & Co., I have been informed that their case will be heard sometime later on, at Vancouver, B. C., due to the fact that they are Companies and not individuals. This has been substantiated by the notice in writing.

Would you be kind enough to let us know if our case will be heard on the above mentioned date and place, or will be postponed similarly as the Cowichan Saltery Company Limited?

Thank you for your kind attention.

Yours truly,

M. NISHIGUCHI COMPANY, LIMITED.

A. Nishiguchi

Per.

President.

September 22nd 1949.

Harry G. Johnston, Esq., K.C.,
35 - 6th St.,
New Westminster, B.C.

Dear Sir,

Re Cases 1399 - M. Nishiguchi Co.Ltd.
1400 - Nishiguchi, Asajiro et al.

We have to advise that decision in the above cases will be handed down by the Commissioner, in the Court House, Vancouver, on Monday, the 26th inst., at 10 A.M.

Yours truly,

A. WATSON
Secretary.

AW/W.

April 23rd 1949.

Harry G. Johnston, Esq., K.C.,
35 - 6th St.,
New Westminster, B.C.

Dear Sir,

NISHIGUCHI COMPANY LTD.
NISHIGUCHI Asajiro
Kahei
Magojiro

The Commissioner directs me to inform you that the above claim has been placed on the list to be spoken to on Tuesday, April 26th, at 10 A.M., the hearing to be held in the Appeal Court Room.

Claims not spoken to at that time will be taken to have been abandoned, and will be struck out.

Yours truly,

A. WATSON

Secretary

AW/W.
Cpy to Mr.Braidwood.

January 26th 1948.

H. G. Johnston, Esq., K.C.,
Columbian Block,
35 - 6th St.,
New Westminster, B.C.

Dear Sir,

Re claims: Nishiguchi M.Co.Ltd.
Nishiguchi, Asajiro, Kahei & Magojiro

Due to alterations in the itinerary of the Commission, the above claims will not be heard at Kamloops on February 16th next, as advised in our letter to you of the 23rd December last.

It is at present proposed to hear the claim of M.Nishiguchi & Co.Ltd. at Vancouver later in the year, but no date has yet been fixed for the hearing of the Vancouver claims.

If you so wish, the personal claims of Arthur, Magojiro and Kahei Nishiguchi will be heard either at Vancouver when the company claim is heard, or at Kamloops at a date to be fixed later when the schedule is arranged.

Please let us hear from you in this connection.

Yours truly,

SECRETARY

AW/W.

December 23rd 1947.

Harry G. Johnston, Esq., K.C.,
Columbian Block,
35 Sixth St.,
New Westminster, B.C.

Kamloops

Dear Sir,

Re: M. Nishiguchi Company Limited
Re: Asajiro Nishiguchi, Kahei Nishiguchi
and Magoiro Nishiguchi

We have to advise that the above claims will be heard at the Court House at Kamloops B.C. on Monday, February 16th next, and the claimants have been notified to appear on this date to give evidence in support of their claims.

It is not the intention at the present time that the claims will be heard in Vancouver and, as the above claimants are resident in the Kamloops area, their claims will be heard at that point. We trust this will be satisfactory to you.

Yours truly,

A. WATSON

Per.

SECRETARY.

AW/W.

Harry G. Johnston, K.C.
Barrister & Solicitor
Notary Public etc.

TELEPHONE 710
P. O. BOX 335

Law Offices
Columbian Block
35 Sixth Street

New Westminster, British Columbia
Canada

November 25th. 1947.

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

Monday Feb. 16th
Kamloops

10197
10198
10201

Dear Sir:

Re: M. Nishiguchi Company, Limited
Re: Asajiro Nishiguchi, Reg. No. 01920, Kahei Nishiguchi, Reg. No. 08685, and Magojiro Nishiguchi, Reg. No. 08682

I herewith enclose in duplicate, Petition and Claim of the M. Nishiguchi Company, Limited and Petition and Claim of the Nishiguchi Brothers.

The above parties are desirous of the hearing being held at Vancouver, British Columbia and an interpreter will not be required.

Trusting you will find the enclosed in order, I am

Yours truly,

HARRY G. JOHNSTON

Per. FB.

FB/BE
Enc.