

542

Powell St., Branch
OFFICE OF THE CUSTODIAN
JAPANESE SECTION

FILE NO. 5427
EXHIBIT NO. 1-2-3-4-5-6-7
DATE NOV 8 - 1943
FILLED BY *[Signature]*

To be completed by persons of the Japanese race having property in any protected area. The administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATION

NAME: HA/YASHIDA, Tatsukura

HOME ADDRESS: 1033 Royal Ave., New Westminster, B.C.

REGISTRATION NUMBER 08205 SEX: Male AGE: 60

OCCUPATION: Storekeeper

In his the Togo Hayashida Fish Market? No file for this Sept 19/43
(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Self

MARRIED? Yes

NAME OF WIFE OR HUSBAND: Sumo

ADDRESS OF WIFE OR HUSBAND: 1033 Royal Ave., New Westminster, B.C.

NAMES OF ANY LIVING CHILDREN: Misao (F); Hidekazu (M); Tomiko (F);

Sumiko (F); Gitsuo (M); Tatsue (F)

ADDRESS OF CHILDREN: 1033 Royal Ave., New Westminster, B.C.

AGE OF CHILDREN: 16; 14; 12; 10; 5; 3.

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

1. LOCATION AND DESCRIPTION: None

2. BUILDINGS AND OTHER IMPROVEMENTS: None

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

4. TAXES (Amount and where payable) None

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

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

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: None
8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: None
9. IF FARM LAND STATE CROPS SOWN None

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: 1033 Royal Ave., New Westminster, B.C.
Building 4 rooms above the Hayashika Fish Co.,
2. LANDLORD'S NAME AND ADDRESS: Name of landlord unknown; rent paid at
1034 Royal Ave., New Westminster, B.C.
3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: \$15.00 paid
up until the end of March, 1942, in monthly installments.
4. STATE WHEREABOUTS OF LEASE: None
5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) None

6. IF FARM LAND, PARTICULARS OF CROPS SOWN: None

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS: 1 Singer Sewing Machine; 2 stoves; china; pots and pans; gramophone;
tables and chairs; knives and cutlery; 4 beds; 1 chest drawers; table lamps; 2 ice-
boxes; tables; 2 scales; baskets; knives and grinding stones; 2 clocks; automobile tools;
wood-estimated total-\$650.00, stored at 1033 Royal Ave., New Westminster, B.C.

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS None

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY None

4. INSURANCE CARRIED ON ABOVE PROPERTY: None

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF
OTHERS: None

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom)
None

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)
None

8. BANK ACCOUNTS: None

9. LIFE INSURANCE: None

10. INTEREST IN ANY ESTATES OR TRUSTS: None

11. SAFETY DEPOSIT BOX: None

LIABILITIES:

1. PERSONAL DEBTS: None

2. TRADE DEBTS: None

REMARKS: None

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

Dated this 30th day of March 1942.

(Signature)

B. Hayashita

Witness

FOR DEPARTMENTAL USE

INFORMATION FROM R.C.M.P.

DATE August 24, 1943

File No. 542

11 Name NAYASHIDA, Tatsunaga *Deceased*
(Surname in Block Letters)

Registration No. 08205

Male - Female
(Check)

Age July 5, 1880

Former Address 1033 Royal Ave., New Westminster, B.C.

Date Evacuated May 16/42

Naturalized - Canadian-Born - National
(Check)

Present Address Kaslo, B.C.

Deceased
Died Jan. 11/46 at Kelowna City

Married - Single
(Check)

Name of Wife *(HORI)* Suyama #08389

Name of Husband

Name of Mother Dec'd

Name of Father Dec'd

Names of Children under 16 Wissao (F) Jan. 2, 1927 #15896

Hidaka (F) Feb. 1, 1929 Tamiya (F) Oct. 24/31 Sumiko (F) Oct. 6/34

Takao (M) Apr. 9/37 Tatsuya (F) Sept. 6/39

Requested by GM

Registered with Custodian
(Yes or No)

Additional Information Storekeeper.

Ch. Feb 21/47
207.76
-Hess 80: Sept 11/47

Ended.

File No. 543

CLAIMS DEPARTMENT

July 29th, 1943.

Tatsuhara HAYASHIDA - Reg. No. 08205

CREDITORS:-

1. M. Nishiguchi Co. Ltd.....\$232.32

/SD

CHATTEL SUMMARY

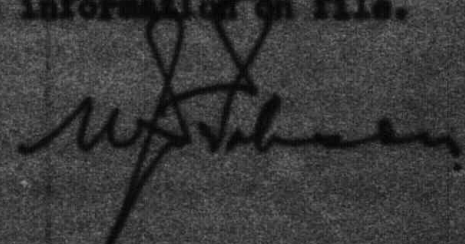
File 342

June 21st, 1946.

Re: Tatsukura HAYASHIDA-Reg. 08205

This Japanese person declared his effects on March 30th, 1942, and was evacuated May 16th 1942. His declaration included a Singer Sewing Machine and other items of furniture which he valued at \$630.00, evidently a gross exaggeration. His goods were stored, he states, at 1033 Royal Avenue, and although there is what purports to be an inventory on the file, and made by Coulthard, Sutherland Co., it would appear however to be a copy of the declaration and in any event, it is contradictory as it states at the bottom "nothing there". The Custodian's representatives visited at 1033 Royal Avenue prior to our New Westminster auctions of May 17th, and the tenant showed two rooms upstairs where Japanese effects were stored. Very few of the effects, however, were marked with the owners name and it was therefore difficult to identify. Those things that were marked were credited to the ~~declared~~ owners and identity of the balance was obtained through correspondence between the ~~declared~~ parties involved. Additionally certain goods found amongst stored goods in the house at the rear of this property were identified as the property of HAYASHIDA. However, this house had been untenanted and unlocked for an indefinite period and undoubtedly had been ransacked. Of the chattles, these were found in the basement, the chattel schedule showed that a Singer Sewing Machine, knives and cutlery, table lamps, scales, clocks, knives and grinding stones were not found. The salable goods were sold at our New Westminster auction number 3, and 12 and realized the net sum of \$19.69, which was credited to the account of Tatsukura HAYASHIDA.

This summary is certified
to be in accordance with
the information on file.



WJ:ML

CHATTIL SUMMARY

June 21st, 1946.

File 342

Rai Tatsukuru HAYASHIDA, Reg. 08205.

Sold
REMARKS

SOLD

REMARKS
March 30/42

Singer Sewing Machine
2 Stoves
China
Pots & Pans
Gramophone
Tables & Chairs

Range
Box of Dishes
Box of Sundries
Gramophone

17/5/44
17/5/44
17/5/44
17/5/44
4 tables & 4 chairs
May 17/44

Not found
1 stove abandoned

Knives & Cutlery
4 Bala

1 Chest of drawers
Table lamps
2 Ice boxes
Tables
2 Seals
Baskets
Knives & grinding stone
2 Clocks
Auto tools
Wood

Chest of drawers
Medicine cabinet
3 tables

May 17/44
May 17/44
17/5/44 + 31/5/44
17/5/44

Not found
Unsaleable &
abandoned.

Not found
1 old box abandoned

Not found

Not found
Not found

Creel

Pump & tools

26/5/44
31/5/44

Sold to tenant by
Japanese

What Not
Pump & tools
Cross-cut saw
Hat rack
Buggy & contents
Gramophone cabinet
3 trucks & toys

17/5/44
31/5/44
17/5/44
17/5/44
17/5/44
26/5/44 } 26.11.44
27/5/44

Net sales proceeds \$1969.

This summary is certified
to be in accordance with
the information on file.

[Signature]

WJ:ML

Pls. See file

PERSONAL EFFECTS BELONGING TO J. SAWATO, FILE 6924,
Y. SAWATO, FILE 143, YAMURA, FILE 1502, REMOVED FROM HEAD
OF 1027 SOUTH STREET, NEW BRUNSWICK, N. J. MAY 17th, 1944.

4 Boxes metal odds and ends
 1 Box dishes
 1 Tub Sundries
 1 Carton Sundries
 1 H.M. Cabinet
 1 H.M. Wheelbarrow
 1 Birdcage
 3 Chairs
 1 Box iron sundries
 1 Tub " "
 2 Ladders
 1 H.M. Heat Safe
 1 Bed Spring
 1 Oil Stove
 2 Primus stoves
 1 Trunk clothing
 1 H.M. Pump
 Lot of cold frames
 3 Crocks (1 broken)
 1 H.M. Table.
 1 Tin of Dishes
 1 Box Odds and Ends
 4 " " " "
 2 Bamboo what-nots
 1 Bicycle Carrier
 1 Counter Facing (Not sold)

DISCARDED

See

1 Heat Safe
 3 Old beds
 1 Bench
 2 Paper Holders
 Quantity of wooden flower boxes
 1 Rice Block and hammer
 Odds and Ends unclassified

exp. 1/1/45

*We do not know definitely to whom
 these goods belong to you.*

NAME

NATASHIDA, Tatsukage

NOV 2 - 1944

FILLED BY

FILE NO.

REGISTRATION NO.

08305

The following chattels were sold by public

auction at New Westminster, B.C.

on

May 31, 1944

2 Boxes of Engine Sundries
 Pump & tools
 Table

\$ 0.50 T
 1.00 T
 0.50

Transferred from file 6922

May 25, 1944

ag

Total

(Auctioneer's Fee: \$0.20

\$ 2.00

(Advertising: 0.06

Less Expenses:

(Moving: 0.26

\$ 0.50

(Rent of hall: 0.08

Net Proceeds Credited:

\$ 1.40

Members of Custodian Staff Present. Mr. Iverson

Extracted from Auctioneering List No. New Westminster 12.

Remarks.

NAME NAVAMITH, Taino FILED BY R. D. B. 112

DATE NOV 2 - 1947

REGISTRATION NO. 06205

FILE NO. 542

The following chattels were sold by public
 auction at New Westminster, B.C. on November 26, 1947,

filed 2/5/48

Gramophone cabinet
 3 Trunks & bags

*Transferred from file
 6426. SAMATH, Taino.
 May 25, 1946. C.G.*

3.00
 3.00

Total

(Auctioneer's Fee: \$0.60

\$ 6.00

Less Expenses:

(Advertising: 0.30

\$ 1.48

(Moving: 0.32

(Rent of hall: 0.26

4.92

Net Proceeds Credited:

Members of Custodian Staff Present.

Mr. Iversen

Extracted from Auctioneering List No.

New Westminster 3.

Remarks.

EXHIBIT 1020-9

DATE NOV 8 - 1940

FILED BY

NAME KAWASHIMA, Tatsuzo

REGISTRATION NO. 08208

FILE NO. 242

The following chattels were sold by public
 auction at New Westminster, B. C. on May 17th, 1944.

1 Chest of Drawers		\$ 3.50	
Table		.75	
Table		.50	
Table		.25	
Gramophone		1.00	
1st dishes		2.00	
Table & 4 Chairs		2.00	
Bed Room		1.25	
Table & Book Rack		3.50	
Box of Sundries		1.50	
2 Tables		.25	
1 Walnut	} Transferred from file 6926. May 25, 1946.	1.00	T
1 Cross cut saw		1.00	T
1 Crawl		1.00	T
Medicine chest	} Transferred from file 1592, TERAMURA, Sotojiro - June 26, 1946. a.g.	0.75	F
Range		17.00	Spec.
Buggy & contents		1.50	

Total

Less Expenses: (Auctioneer's Fee) \$ 3.00 3.00
 (Advertising) 1.00 1.00
 (Bidding) 5.00 5.00
 (Banks) 1.55 1.55

Net Proceeds Credited:

23.75
10.00
11.50
27.57

Members of Custodian Staff Present.

Mr. W. J. Iverson

Extracted from Auctioneering list No.

New Westminster B.C.

Remarks.

MEMORANDUM

To: File 542

March 30, 1944.

From: Specified Articles Department

Re: HAYASHIDA, Tatsukuro - Reg. 08205

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>APPRAISED VALUE</u>
TRUCK	1938 International No. T84 License No. (42) CX 193	\$255.00

Sold to: Lee's Transport.

Date: August 24, 1942.

Selling Price: \$200.00

Harker

ROYAL CANADIAN MOUNTED POLICE

Detachment

Seizure No.

FOR USE WHEN APPLICABLE

EXHIBIT REPORT

EXHIBIT No. 1260-5DATE NOV 8FILLED BY R. D. Christie

Detachment

Sub-Division

Division

Date

19

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

RE: **MAYASHIDA Tatsukuro 1033 Royal Ave. New Westminster, B.C.**

NAME OF FILE

On **March 10th, 1942, 1** **H.P. Price RCMP**

MEMBER'S NAME

Came into possession of the following goods by:-

STATE BRIEFLY AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.

NO. OF PAGES	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS DETAILS TO BE GIVEN IN FULL
	LICENSE NO. MAKE & MODEL SERIAL NO. ENGINE NO. SPEEDOMETER READING CONDITION	(42) CX 105 35 International light delivery truck D22633 HD21551149 73067 appears fair condition
	EXTRA EQUIPMENT	box built on
	DESCRIPTION & CONDITION VERIFIED	Tatsukuro Mayashida 408205 Signature of Owner Japanese Registration No. Handed over to representative of Custodian whose signature in receipt thereof appears hereunder H.P. Price March 10/42
	DATE:	H.P. Price SIGNATURE OF MEMBER SUBMITTING REPORT

IN THE MATTER OF THE "INDIAN ACT"
PART I. INDIAN ACTS OF CANADA 1957, CHAPTER 19.

CANADIAN INDIANITY CLAIMS COMMISSION

REPORT

HIS HONOUR, JUSTICE H. A. HALL, SUB-COMMISSIONER.

Toronto, Ontario,
November 5, 1948.

IN THE MATTER OF THE CLAIM OF
WILLIAM HAYWARD

PROCEEDINGS AT HEARING.

APPEARANCES:

H. A. HALL, Esq., K.C.	appearing for the Dominion Government.
G. W. GUTH, Esq.,	appearing for the Claimant.

A. GUTH, Esq.,	Secretary.
D. J. HENDERSON, Esq.,	Official Interpreter.
J. B. HENDERSON, Esq.,	Official Reporter.

Witnesses

MR. JONES: I am told she goes with every time she travels. There has been a lot of talk about a ruling in this matter, and I would like to see that.

THE HON. JUDGE: As far as the ruling is concerned, I don't want to differ, of course, but for the life of me I cannot see any justification for my own action. I cannot see why this is not the case as my case is where the plaintiff can prove the case by what evidence he has. If he leaves out evidence you would expect him to bring, it weakens his case, but why should he be dictated to as to the proven facts?

MR. CHRISTIE: That is covered in the Terms of Reference, that was argued in Vancouver and that decision was made.

THE HON. JUDGE: I do not understand it unless there is something in the Terms of Reference.

MR. CHRISTIE: You see, your honour, what happened in these cases is this -- originally Mr. Jones sent out notices to all claimants. Counsel for the defendants came along and said that was not satisfactory because they might want to bring out of these people here, and as a special concession to counsel for the defendants we permitted them to notify these people. Now we are put in the position we do not know how many people have good reasons for not coming or not. Unless there is a good reason, such as an account of illness, and that is substantiated, I have no objection to this procedure.

THE HON. JUDGE: Call your witness. You say the witness is dead and his wife is unable to

4.
(Discussion)

MR. CHASE: That is what I am told, your honor. Apparently the chassis belonged to the deceased man and his wife is making the claim. My point is that the witness is just as concerned with these details as she is.

THE JUDGE: You understand, of course, the decision was made by the Commissioner, and if the Commissioner is not satisfied with the evidence, is even at the claimant not being here, that is a risk you are running.

MR. CHASE: I understand that, your honor. I was wondering if the Secretary has a copy of that decision. There has been a great deal of talk about it.

MR. CHASE: I am a little surprised at my friend making observations like that.

MR. CHASE: There is no reflection whatever on anyone; it is merely for my own information.

MR. CHASE: If my friend is taking that attitude I would take strong objection, and I would refuse to hear this claim unless the claimant is here in person.

THE JUDGE: I am dismissing the evidence; go ahead.

MR. CHASE: I would like to file as Exhibit 1 a letter from Mrs. Haysman, authorizing her son to appear.

THE JUDGE: AUTHORIZATION MARKED EXHIBIT NO. 1)

1. H. H. H. H. H.
2. H. H. H. H. H.

3. H. H. H. H. H.

4. H. H. H. H. H. You can cross-examine
5. this fellow, and he has authority to appear for his
6. mother and signing his name is binding on his mother.

7. H. H. H. H. H. You have told us you are here
8. representing your mother, and you identify this
9. authority -- this is your mother's signature?

10. A. Yes, sir.

11. Q. You are Hideohara Hideohara?

12. A. Yes.

13. Q. You have just signed another form entitled
14. "Personal Statement", and you are signing on behalf
15. of your mother, and that is your signature?

16. A. Yes.

17. Q. Do you have a full knowledge of the
18. matters contained in this form?

19. A. Nearly I know.

20. Q. Have you considered a copy of this form at
21. home?

22. A. Most of the things I have been taking
23. up with her.

24. H. H. H. H. H. What did he say?

25. H. H. H. H. H. He has taken up the case with her.

26. H. H. H. H. H. I don't think that is
27. enough. If he gets evidence from his mother he is
28. getting that as well as opportunity for cross-examination.

29. H. H. H. H. H. Do you know of your own knowledge
30. about these matters; the truck, the stove, automobile
31. train, and a large ice box? Do you know of your
32. own knowledge about these matters?

Q. Now, do you know anything about the International Truck? Do you know what model it was?

A. It was a 1939 model, sir.

Q. I notice it is stated here it is a 1939?

A. It was bought on December 22nd, 1939.

Q. When was it bought, in 1939 or 1940?

A. It is a 1939 model, it was bought in 1939.

Q. A 1939 model International truck? A. Yes.

Q. Do you know what weight the truck was?

A. It was a half ton, but after the body was put on it was one ton.

Q. Now, I tender as Exhibit 8 the R.C.M.P. Report.

(R.C.M.P. REPORT DATED MARCH 10, 1940)

Q. Now, that truck running, do you know? A. It was in good condition, sir.

Q. Was it used of anything in any way?

A. No, sir.

Q. And do you know what your father paid for that truck, was it over \$1,000?

A. He paid \$700 when it was new, that is just for the engine and chassis like.

Q. And did he pay for the body of the truck?

A. Yes, plus carpenter's fees.

Q. Would the figure of \$1,000 be about right?

A. Yes, sir.

Q. Do you know whether or not your father ever told the Constable he was leaving certain articles in the care of Mr. Walker? A. He filled it in, but I don't know if he put it in.

Q. Now, did he tell the Custodian about these
articles?

A. When the filing occurred at Glens, when he reported all these in.

Q. What date would that be, do you remember?

A. It would be about 1944.

MR. CHAMBERLAIN: I tender as Exhibit 5 the ~~Examination~~
Motor Appraisal.

(APPRaisal ABOVE REFERRED TO MARKED EXHIBIT 5)

MR. CHAMBERLAIN: This appraisal in Exhibit 5 indicates that the truck had a selling price of \$2000.

Speaking about the truck, would it have needed a paint job?

A. No, sir.

Q. Did it need body and fender work?

A. Well, it needed a little bit, that is about all, sir.

Q. The wire grille radiator with this truck?

A. Yes, sir.

Q. And were the fenders dented in at all?

A. It was a little.

Q. A little bit?

A. Yes, sir.

Q. What about the radiator, what shape was it in?

A. It was in good condition, sir.

Q. And the upholstery?

A. That was in good condition too.

Q. And how was the motor running?

A. It was running real good, sir.

Q. Do you remember whether there had been a tune up of the motor recently?

A. No, sir.

Q. I've don't remember that?

A. No.

E. Thompson,
Ex. 101.

Q. Now did it steer; did you ever drive it?

A. Yes, sir, once in a while.

Q. Now did it steer?

A. It steered

real good, sir.

Q. Was it handy?

A. Yes, sir.

Q. That is all, thank you.

I hereby certify the foregoing pages 1 to 10 to be a true and accurate transcript of the proceedings herein.

J. B. McGraw
J. B. McGraw,
Official Reporter.

REMARKS: The evidence to conclusion reported by J.B. McGraw, Official Reporter.

CROSS-EXAMINATION BY MR. CHRISTIAN:

Q. I am producing here a J.P. Form, dated March 20, 1942. Do you know whose signature that is?

A. That is my father's signature.

MR. CHRISTIAN: I file the J.P. Form as Exhibit 7. (J.P. Form, MARKED EXHIBIT NO. 7)

Q. How old were you at the time of execution?

A. Fifteen, sir.

Q. How old? A. Fifteen.

MR. CHRISTIAN: Q. What did your father go before execution?

A. He went to go around selling fish.

Q. Selling fish? A. Yes, sir.

23
E. Reynolds,
Wm.

2 Father's J.P. Form, and you are claiming for one. Have
3 you any explanation for that?

4 A. There was one large ice-box at our place at
5 1933 and the other was left in the care of A.R. Mathew,
6 sir.

7 Q. For which one are you claiming? You are only
8 claiming for one. For which one are you claiming?

9 A. It is on the large ice-box, sir.

10 Q. Where was that left? A. 1933, sir.

11 THE SUB-COMMISSIONER: They are claiming for
12 two telephones. The second item and the last item, is
13 that for which they are claiming.

14 MR. CHRISTIE: Yes, your honour. That is right,
15 sir.

16 Q. Where was this large ice-box purchased?

17 A. We made it, sir.

18 Q. It was home-made? A. Yes, sir.

19 Q. Did you see it made? A. No, sir.

20 Q. Perhaps I missed it, but I do not seem to
21 see a wheel in the J.P. Form. Do you know why this
22 wheel was not listed in your father's J.P. Form?

23 A. No, sir.

24 Q. What kind of wheel was it?

25 A. It must be connected with an automobile,
26 sir.

27 Q. Do you know of your own knowledge?

28 A. I do not think my mother knew that either,

29 sir.

30 Q. You do not think your mother knew?

A. No, sir; she does not know.

25
E. Reynolds,
G.M.

Q. What about the beds, themselves?

How old were they? A. They must be about five or
six years, sir.

Q. Do you know where they were bought?

A. No, sir.

Q. Do you know how much was paid for them?

A. No, sir.

Q. Would your mother know that? A. I do
not think she would.

Q. You do not think she would have any knowledge
of that? A. No, sir.

THE SUB-COMMISSIONER: Q. You say the beds were
five or six years old? A. Yes, sir.

Q. Do you remember them being bought?

A. No, sir.

MR. CHAMBERLAIN: He would be 10 years of age then,
your honor.

THE SUB-COMMISSIONER: Q. The beds were always
there, as far as you know?

A. Yes, sir.

Q. You do not know anything about when they
were bought. Is that right? A. Yes, sir.

Q. Why do you say five or six years?

A. I just wanted to give the approximate year
of that, sir.

Q. Do you know anything at all about when they
were bought, approximately, or anything else?

A. No, your honor.

Q. Is there a mistake in your claim that the
date of purchase is 1955, and that should read 1957?

A. It should read 1955, sir.

Q. Who got that down, was that your mother or
yourself?

A. That was written by Ray B. when
we had the interview in London.

Q. Now you proceed? A. Yes, sir.

Q. You give this information, your mother or
yourself?

A. I gave it to him, sir.

Q. That is a mistake, then. I think you ought
to make a note that it is changed since it came here.

THE HONORABLE MEMBER: I do not think you should
be changing that claim, Mr. Gower.

MR. GOWER: That is right.

MR. GOWER: Now I ask him a question and say I
have made certain changes, are those changes correct?

THE HONORABLE MEMBER: That is the claim which
he made in the first place and he has been cross-exami-
ned on it. If the Commissioner believes his evidence,
and it is in evidence, all well and good. If he does
not believe it, that is what the evidence is for.

You have no right to change the claim after it is
signed, unless an amendment is made and allowed.

MR. GOWER: I would like to ask your honor, --

THE HONORABLE MEMBER: I do not think an amendment
is necessary. In regard of the claim as taken with
his evidence, the evidence is quite self-explanatory,
if accepted.

The Commissioner should weigh this witness'
evidence by its sources or otherwise compared with this

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Q. Now, I believe usually it is a typewriter
that goes in the office. In the original claim he
claims for a 1937 International truck, something
transported these figures. They simply transported them.
I do not think that there is a great deal which hinges
on that. However, if you know what it is I will
change it.

Q. Now, let it go in in the form
in which it was in originally. The explanation is
in the witness.

Q. Now, I had better file the copy
which are not even all completed up. This was done
as signed by him, was it in the same way as I showed
him.

Q. Already in Exhibit A.

Q. Do you know what mileage was
on this truck when it was purchased?

A. By whom, sir?

Q. This truck you told the Commission was
purchased in 1938, what mileage was already on this
truck when you bought it?

A. He told us it was bought in 1938, in
January.

Q. In 1938. It was bought new? A. Yes, sir.

Q. Forded? A. No, sir.

Q. So, this is the mileage on the original

claim, is that right? A. No, sir. I do not

know how many miles would have been put on it.

O
A

Q. It would be it was bought in 1933, is

Q. Yes, sir.

Q. In 1933, is that correct?

A. Yes, sir.

Q. Now, this is the same as the original

Q. No, this is the same as the original

Q. Yes, sir. I do not

Q. I do not know whether this was the same as

Q. No, this is the same as the original

Q. Yes, sir. I do not

Q. I do not know whether this was the same as

Q. No, this is the same as the original

Q. Yes, sir. I do not

Q. I do not know whether this was the same as

Q. No, this is the same as the original

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Q. Yes, sir. I do not

Q. I do not know whether this was the same as

Q. No, this is the same as the original

Q. Yes, sir. I do not

Q. I do not know whether this was the same as

17
E. J. [unclear]
[unclear]
[unclear]

Q. What does [unclear] mean?

A. The ice-box and International truck.

Q. Why did you put \$50. on the large ice-box?

A. It was in good condition, sir.

Q. I know, but it was [unclear]. How did you
[unclear] of the \$50.?

A. Well, labor and things
like that, sir.

Q. Did you go out and look at any other ice-
boxes in the store?

A. This is a different kind
of ice-box altogether, sir.

Q. What kind of ice-box is it?

A. About 10 feet square and about three feet in
depth.

Q. There would not be any comparable ice-boxes
to be purchased in the stores. Is that what you are
trying to tell me?

A. Yes, sir.

Q. All right; thank you.

RE-EXAMINATION BY MR. [unclear]

Q. When did your father die?

A. In 1942, January 11.

Q. January 11, 1942? A. Yes.

RE-EXAMINATION BY MR. [unclear]:

Q. Can you drive a car? A. A little bit.

Q.

Q. Could you drive a car at the time of exami-

tion? A. Yes, sir, I did a little bit.

22
J. J. [unclear]
[unclear]
[unclear]

Q. When you were 20? A. Yes, sir.

EXHIBIT EXAMINATION BY MR. COWLEY:

Q. Are you sure of that date, January 11, 1944?
You were arrested in 1944. Take a minute and get
the correct date. A. 1944.

Q. January 11, 1944. Is that correct?

A. I mean, two years --

Q. Do you not remember the date of his death?

A. It is 1944.

Q. Do you remember the date of the death?

A. It was January 11.

Q. January 11.

MR. COWLEY: Is there any letters-privates,
or any evidence? Is my friend furnishing this same
evidence with any letters-privates or letters of Administra-
tion, so we will know who is entitled to have this
evidence?

MR. COWLEY: No. I have no letters-privates,
that is all.

MR. COWLEY: I tender as Exhibit 9 the Auction-
eer's receipt.

(Auctioneer's receipt, marked Exhibit 9.9)

I think that concludes the exhibits, your
honors.

It is submitted, your honors, that these
articles of personal property which were sold at auction
the one which was sold at tender, was sold at their

and other value.

It is submitted further in respect of these articles of personal property which were left in the custody of a person other than the Canadian prior to execution and of which the Canadian had no report and which were not sold by him the Canadian is not responsible.

(RECOMMENDATION APPROVED BY THE JURY)

I hereby certify the foregoing to be a true and correct statement of the proceedings herein.

A. J. With

A. J. With,
Official Reporter.

I, H. H. Miller, Deputy Commissioner, appointed to lead a Commission to investigate claims of Canadian Canadian law property loss, do hereby certify the foregoing to be a true copy of the original held at the within value.

H. H. Miller

H. H. Miller,
Deputy Commissioner.

DEFENCE BRIEF

Suemo HAYASHIDA, Widow
Tatsukura HAYASHIDA, deceased

Toronto, Ontario
Nov. 8, 1948.

Files 7983 and 542

Case No. 1220

This is a case where a widow is claiming on behalf of a deceased husband. The Widow, according to her Counsel, is not appearing in the case because she gets sick when she travels. Mrs. HAYASHIDA, signed Claim Form filed with Custodian but her son, Hidekazu, signed the Claim Form filed by Counsel, on her behalf at Hearing.

Mr. J.M. Streight, Official Administrator, New Westminster, wrote the Office of the Custodian, Vancouver, on June 5, 1946, as follows:

"I herewith enclose a list of the assets in the above Estate. I can see no reason to probate the Estate unless you have other assets on hand."

As the only asset of the deceased appeared to be \$207.76, it was decided to pay \$135.00 funeral expenses and pay the balance of funds to the Widow.

Mr. HAYASHIDA had died on January 11, 1946, subsequent to disposition of his Personal Property by sale or otherwise.

The above mentioned son, Hidekazu HAYASHIDA, appeared at the Hearing in Toronto on behalf of his mother, and the Sub-Commissioner ruled that anything the son said was binding on his mother. Transcript Page 6, Lines 3-5, and 11-14.

The son, Hidekazu, being duly sworn, stated he was 15 years of age at evacuation. Trans. Page 10, Lines 24-26.

The Royal Canadian Mounted Police, however, reported to the Office of Custodian on August 24, 1943, that he was born on Feb. 1, 1929. This information was confirmed on Feb. 28, 1949, and, further, we were informed that when he registered at Kaslo, B.C. on March 13, 1945, he produced Birth Certificate No. 9120, issued at New Westminster, giving his birth date as Feb. 1, 1929, which made him 13 years of age at time of Evacuation.

Also see mother's registration card (Exhibit No. 8) - Age shown as 13.

During Hearing, (Transcript P. 16, Lines 22 & 23), he said he was 12 in 1938 when the Truck was purchased. This would make him 16 years of age at Evacuation, whereas he was actually 13.

His mother, in Form accompanying letter dated Feb. 25, 1946, stated his age was 17 at that date, which would make him 13 at Evacuation.

PERSONAL PROPERTY CLAIM

1. 1938 International Truck

<u>Claim</u>	<u>Appraised at</u>	<u>Sold for</u>
\$500.00	\$255.00	\$200.00

Witness: H. Grone, Appraiser

Mr. Hidekazu HAYASHIDA stated the above-mentioned half ton light delivery truck was purchased by his father on Dec. 23, 1938, but that it was a 1939 Model. Trans. Page 8, lines 1-9.

The Appraiser, however, stated it was a 1937 model. See his Appraisal (Exhibit)

Approximate date purchased (on Claim Form) changed from 1939 to 1938. Trans. Page 17, lines 1-3.

Hidekazu HAYASHIDA stated his father paid \$750.00 for the truck, without the body (box), but with the box it would cost approx. \$1050.00 making \$300.00 for the box. (It is reported by Mr. H. Grone, that a box for a 2-ton truck at that time

would cost approximately \$150.00).

The box on this truck was built by Mr. TERAMURA (Page 19, Line 20) who is Mr. Sotojiro TERAMURA, 1027 Quebec St., New Westminster, former landlord of Mr. HAYASHIDA.

Hidekazu was 12 years of age when truck was purchased. Trans. Page 16, lines 19-23. He stated under Cross-examination he didn't know how much Mr. Teramura charged for the box. Trans. P. 19 lines 19-22.

The mileage on truck speedometer when turned in to R.C.M.P. was 73,067 miles. Mr. HAYASHIDA used the truck for peddling fish, but he was not a fisherman. Page 10, lines 27-30; Page 11, lines 1-4.

2. Household effects, etc.

Note: Transcript Page 7, Lines 12-14.

Q. "And what about the other items there; do you know about them of your own knowledge?"

A. "Yes, sir."

Transcript Page 19, Lines 19-28

Extract

Q. "And you had nothing to do with estimating these values."

A. "No."

Letter on Claim File dated Nov. 1, 1942, signed by Mr. Tatsukura HAYASHIDA reads as follows:

"I have received the letter you have send us, about our belonging we left before evacuation. We have our belongings in Mr. Teramura's place. The address to is is 1027 Quebec St. We put it together with Mr. Teramura's belonging." Nothing was mentioned about A.R. McPhee.

(a) Following goods left with A.R. McPhee according to son, Hidekazu HAYASHIDA Trans. Page 7, lines 19-24.

Article	Claiming	Disposition
Scale	\$100.00	Declared, not found
Ice Box	10.00	Sold at auction for 75¢
Wheel	5.00	No record at any time.
Roll of Tin	5.00	" " " " "

(b) Following goods left at 1025 Quebec St. and 1033 Royal Ave. New Westminster.

Article	Claiming	Disposition
Automobile Tools	\$15.00	Sold at Auction for \$4.50
2 Single and) not found		(Unsaleable and
2 Double Beds) abandoned	\$60.00	(Abandoned
1 Kitchen stove	\$25.00	Sold at Auction for \$17.00
1 Heater not found	3.00	Abandoned - no value.
Chairs and)		Chairs sold at Auction for \$2.00
Large Ice Box)	30.00	Home made Ice Box - Discarded
(2 double beds found in room - not claimed)		- no value.

Summary

Goods valued by Claimant at \$65.00 were sold at Auction for \$24.25
 " " " " \$100.00 were declared but not found
 " " " " 10.00 were not recorded at anytime
 " " " " 78.00 were abandoned.

Total Claim \$253.00

Sales \$24.25

Note: Goods not claimed for by Claimant were sold at Auction for \$22.50
 Total sales \$46.75

Notes from Transcript

Page 13, Lines 23-30. Witness stated he didn't know what kind of a wheel had been left with Mr. McPhee and neither did his mother.

Page 15, Lines 13-25. Witness said beds were 5 or 6 years old; then said he didn't know anything about it.

Subsequent evidence is very indefinite and negative.

Submissions:

It is submitted that the Truck was sold by Tender for its fair market value.

It is submitted that the other articles of personal property sold at Auction were sold for their fair market value.

It is submitted that the Custodian is not responsible for articles left in the custody of a person other than himself prior to Evacuation and of which he had no record and which were not sold by him.

It is submitted that the son who gave evidence at Hearing was 13 years of age at time of Evacuation and not 15 as he stated.

It is submitted that he was not qualified to give evidence as he stated he did not know the values of the various articles.

It is submitted that the values placed on articles which were declared and not found; which were not recorded at any time, and which were abandoned, are excessive.

It is submitted that A.R. McPhee was an Agent of the Claimant.

Witnesses

H. Grone
" "
Sotojiro TERAMURA
R.C.M.P. (Dept. of Labour, Jap. Div.)
W.J. Iverson
Trapp Motors Ltd.
A.R. McPhee
W.J. Iverson
" "
" "
" "

Where Required

1. Appraiser
1. Cost of box on truck
1. Cost of box on truck
- 1 & 2 Age of Hidekazu HAYASHIDA
2. Auction
2. Auctioneer
2. Agent for certain chattels
2. Memo June 7, 1944.
2. Memo Nov. 2, 1944.
2. Chattel Summary and Schedule, June 21, 1944.
2. Abandoned & discarded goods.

WJJ:HA

Name of Claimant

HAYASHIDA, Tatsukuro (decd)

Case

1220

Custodian File

542 & 7983

REAL PROPERTY										Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Amount Total	Sale Price	Total Award 125% of all Sale Prices % of Amount Total		
PERSONAL PROPERTY										
Motor Vehicles		Boats and Boat Gear						SPECIAL	75.00	
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			
200.00	50.00								50.00	
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	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
65.00	24.25	7.27	37.30%	133.00	49.61				56.88	
TOTAL RECOMMENDATION										181.88

1540

Re: Japanese Property Claims Commission

Case No. 1220

				Now Missing			
MISCELLANEOUS CHATELS							
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
65.00	24.25	7.27	37.30%	133.00	49.61		56.88
TOTAL RECOMMENDATION							181.88

1540

Re: Japanese Property Claims Commission

Case No. **1220**

We have received from the Co-Operative Committee on Japanese Canadians, our form of Release which has been executed by yourself covering the award recommended under the above Claims Commission for the sum of ... **\$181.88.**

Cheque in your favour is enclosed for **\$174.36**
and we have paid the Co-Operative Committee .. **\$ 7.52**
for legal fees as authorized by you.

Yours truly,

FUS/js
1 encl.

F.G. Shears
Director

November 21st, 1950.

Mrs. Sumo HAYASHIDA,
18 Craig Street,
Hamilton, Ontario.

Dear ~~Mr~~ Madam:

Re: Japanese Property Claims Commission

Case No. 1220

We have received from the Co-Operative Committee
on Japanese Canadians, our form of Release which has been
executed by yourself covering the award recommended under
the above Claims Commission for the sum of ...

\$181.58.

Cheque in your favour is enclosed for
and we have paid the Co-Operative Committee ..
for legal fees as authorized by you.

\$174.36

\$ 7.52

Yours truly,

F.G. Shears
Director

Fus/js
1 encl.