

5251

**OFFICE OF THE CUSTODIAN
JAPANESE SECTION**

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

PERSONAL INFORMATIONNAME: HAMADA, Chiye (Mrs. Tetsuzo)HOME ADDRESS: 93 Moncton St., Steveston, B. C.REGISTRATION NUMBER 04117 SEX: Female AGE: 28OCCUPATION: Barber

(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: SelfMARRIED? yesNAME OF WIFE OR HUSBAND: Tetsuzo (deceased)ADDRESS OF WIFE OR HUSBAND: noneNAMES OF ANY LIVING CHILDREN: Masako (F)ADDRESS OF CHILDREN: 93 Moncton St., Steveston, B. C.AGE OF CHILDREN: 5**STATEMENT OF ALL REAL PROPERTY** (Each parcel must be mentioned and particulars given)1. LOCATION AND DESCRIPTION: none

EXHIBIT No. 811-3
DATE 8 April 1948
FILED BY J. W. G. Hunter

2. BUILDINGS AND OTHER IMPROVEMENTS: none3. INSURANCE (Give particulars; state where policies are) none4. TAXES (Amount and where payable) none

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

none6. 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: 5 room frame house at 93 Moncton St.,
Steveston, B. C.
2. LANDLORD'S NAME AND ADDRESS: Mr. Kisaku Hirai, Steveston, B. C.
3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:
\$15.00 per month paid up to March 31, 1942.
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:
Barber shop mirror, barber's chair, barber's sink, 6
chairs, 2 tables in owner's possession at 93 Moncton St.,
Steveston, B. C. and when declarant is evacuated she will
lock the above articles at the present address and the
key will be turned over to the owner, Mr. Kisaku Hirai,
Steveston, 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

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

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

Dated this 23rd day of April 1942

Wm. McArthur

Witness

(Signature)

George Barnum

FOR DEPARTMENTAL USE

INFORMATION FROM R.C.M.P.

Date May 19/43.

File No. 3251

All Name HAMADA (Chiye) Mrs. Tetsuzo
(Surname in Block Letters)

Registration No. 04117 Male - Female
(check)

Age Dec. 15, 1913.

Former Address P.O. Box 159, Steveston, B.C.

Date Evacuated Apr. 30/42. Naturalized - Canadian-Born - National
(check)

Present Address #9 Grayson St. 7/10/47
Manoju Park, Y.B.C.

Widow
Married - Single
(check)

Name of Wife

Name of Husband

Name of Father

Name of Mother (nee) Teru
(Japan)

Names of Children under 16

Masako (F) 22/2/37

Requested by

ECP

Registered with Custodian

(Yes or No)

Additional Information

Barker

File 30.6/45

Removal from
Cor Barber Shop

1 Oil Store

1 Heater.

1 Chair

1 Wall Mirror.

One to remove from the files of
the Robinsons. Stenographer.

10/11/45
Harris is
investigating
for health
advice
will
have
been
sent

Greenwood, B. C.,
February 17, 1944.

EVACUATION SECTION	
Rec'd	FEB 21 1944
File No.	5251
Ans.	2 PM
Referred	MacKestie

Office of the Custodian
506 Royal Bank Bldg.,
Vancouver, B.C.

Dear Sirs:

While in Steveston, B. C., I was a barber and had my shop on 93 Moncton Street. Upon evacuation I left all my equipments in the shop, and registered them with you before leaving Vancouver.

If by any chance any of your men be going to Steveston I would be very grateful if you could drop into the above house and find out if the equipments are still there.

I would esteem it a great favour if you will give this letter your kindest consideration.

Thanking you in anticipation, I remain,

Yours truly,

Chiye Hamada
Chiye HAMADA
Reg. #04117

EXHIBIT NO. 811-4
DATE 8 APR 1948
FILED BY *[Signature]*

ROSE, JOHNSON & MOORE
BARRISTERS & SOLICITORS

W. H. ROSE, K. C., CROWN PROSECUTOR
LEROY JOHNSON, K. C.
BENJAMIN MOORE, LL.B.

OFFICES: SUITE 408 WALTER SCOTT BUILDING
MOOSE JAW, SASK.
CANADA

October 7th, 1947.

Dept. of the Secretary of State,
Office of Custodian,
Japanese Evacuation Section,
506 Royal Bank Bldg.,
VANCOUVER, B.C.

EVACUATION SECTION	
Rec'd	OCT 9 1947
File No.	5751
Ans.	
Refused	<i>[Signature]</i>

Dear Sirs:

Re: 04117 Mrs. C. Hamada - now
Mrs. C. Tsuchiya

The above Japanese lady, Mrs. C. Tsuchiya, has consulted us with reference to certain property of hers which was taken into the possession of the Custodian in the year 1942.

Mrs. C. Hamada formerly resided at 93 Monkton St., Steveston, B.C., and was the operator of a beauty parlor. She was moved to Greenwood, B.C., on or about May 30th, 1942, and she states her property was placed under the control of the Custodian.

Mrs. Hamada is now carrying on business in the City of Moose Jaw, and has remarried, her present name being Mrs. C. Tsuchiya.

Our client states that she has written to you several times asking for a statement concerning the disposal of her property, but to date has received no reply.

We would appreciate it very much if you would furnish us with a statement showing the property which was taken under your control from Mrs. Hamada, and what disposal has been made of the same. Your early attention to this matter will be appreciated inasmuch as we may enter a claim on behalf of our client under authority of Order-in-Council P.C. 1810.

Yours truly,

ROSE, JOHNSON & MOORE

[Signature]
per:

BM/MW

no BLS

5251

24th October, 1947.

Messrs. Rose, Johnson & Moore,
Ste. 409 Walter Scott Bldg.,
Moose Jaw, Sask.

Dear Sirs,

RE: Mrs. Chiye HAMADA
Regn. No. 04117

We beg to acknowledge receipt of your letter of the 7th inst. in regard to property left in the protected area by Mrs. Hamada, now Mrs. Tsuchiya.

The only record of any letter received from Mrs. Hamada was dated February 17th, 1944, and this did not call for any specific answer as it merely referred to her previous declaration at the time of registration.

The actual articles declared at that time by Mrs. Hamada were:

Barber Shop mirror
Barber Shop chair
Barber Shop sink
2 Tables
6 Chairs

Under a Government policy of liquidation, the following were sold at public auction for the sum of \$16.60:

1 Barber Shop mirror	\$ 7.00
1 Barber Shop chair	5.00
1 Barber Shop sink	4.60
	<u>\$16.60</u>

*in error
sold by
tender - PM*

At the present time we are unable to account for the items referred to in the declaration other than the above.

We trust this will be the information you require and for your convenience we are enclosing a duplicate copy of this letter for Mrs. Hamada's records.

Yours truly,

J. Cumming

Office of the Custodian

JC/..
c.c. Hamada (att)

P.S. Upon receipt of Mrs. Hamada's address, we will be pleased to forward funds as described.

10 October, 1947.

MEMORANDUM

TO: Mr. F.G. Shears

FROM: Mr. J. Cuming

RE: (Mrs) Chiye HAMADA
 Regn. No. 04117
 File No. 5251
 Also Mrs. C. Tsuchiya

In response to a letter dated 7 Oct 47 received from Messrs. Ross, Johnson & Moore in regard to chattels which the above-mentioned Japanese claimed as having been left in the Protected Area, investigation of files connected with this case has revealed the following:-

Kisaku HIRAI (file 1552) owned a building at 93-5 Moncton St., Steveston, B.C. This building was divided into two stores of which Chiye HAMADA (file 5251) tenanted No. 93 and engaged in business as a Barber, Hirai living in the other store.

Mrs. HAMADA tenanted Hirai's premises until her evacuation on 30 Apr 42, and in her Form JP dated 23 Apr 42 declared that all her chattels (itemised) were stored at 93 Moncton St.

No agent's inventory of the above chattels is contained in the file, but various articles undeclared by Hirai (1552) or his daughter (file 11992) (who also left goods on the premises), were removed from the premises to Storage on 9 Mar 45 and were obviously the property of Mrs. Hamada, as they were all Barber Shop equipment.

On being sold at auction, the proceeds derived from the sale of these articles were wrongfully credited to Hirai (1552) and were paid to him prior to his repatriation on 17 Jun 46.

From pencilled notations appearing on a memorandum dated 21 Feb 44 and a letter dated 17 Feb 44, it would appear that the Steveston office loaned various articles of a nature declared by Hamada to:

- a) a Barber Shop at 1306 Wishart (Steveston)
- b) Wm. McMartin
- c) a Pool Room

A pencilled note on Hamada's file (5251) dated 30 Jun 45 and minuted as having been removed from Steveston office files, substantiates the above assumption, as it lists a number of articles declared by Hamada on her Form JP, and states that they are to be removed from a "cor. Barber Shop".

No further information is on file in regard to the removal of these articles, and perusal of auction lists, Bills of Lading, Storage lists and files connected with this case, does not divulge final disposition.

J. Cuming
 J. Cuming
 Admin. Dept.

23rd October, 1947.

MEMORANDUM

To: Mr. Cuming

From: Mr. F.G. Shears

Re: Mrs. (Tetsuzo Chiye HAMADA)

You asked me to read your letter to Messrs. Rose, Johnson & Moore before mailing.

I think the letter from this firm calls for a little more specific reference to the goods declared and not sold and I am suggesting reference to this might be made somewhat as follows:

" We beg to acknowledge receipt of your letter of the 7th instant in regard to property left in the protected area by Mrs. Chiye Hamada, now Mrs. C. Tsuchiya.

The only record of any letter received from Mrs. Hamada was dated February 17th, 1944, and this did not call for any specific answer as it merely referred to her previous declaration at the time of registration.

The actual articles declared at that time by Mrs. Hamada were:

Barber Shop mirror
Barber Shop chair
Barber Shop sink
6 Chairs
2 tables

Under a Government policy of liquidation, the following were sold at public auction for the sum of \$16.60:

1 Barber Shop mirror	\$7.00
1 Barber Shop chair	5.00
1 Barber shop sink	4.60
	<hr/>
	\$16.60

At the present time we are unable to account for the other items referred to in the declaration.

We trust this will be the information you require and for your convenience we are enclosing a duplicate copy of this letter for Mrs. Hamada's records."

5251

REGISTERED

20th December, 1948.

Mrs. Chiye TSUCHIYA,
Regn No 04117,
#9 Grayson Block,
14 High Street,
Moose Jaw, Sask.

EVACUATION SECTION	
Rec'd	DEC 28 1948
File No.	3251
Ans.	
Referred	J. Cuming

Dear Madam,

In view of the ruling by Mr. Justice H.I. Bird to the effect that the acceptance by a Japanese of any outstanding credit balance would not affect his or her claim as submitted for hearing before the present Royal Commission, it was considered by this office that you would prefer having the use of your funds rather than leave same lying idle at this office.

We have therefore closed your account as of this date and the attached cheque in the amount of \$16.60 represents your total credit balance.

In order that we may be assured of your receipt of the above-mentioned cheque it is requested please that you sign, date and return the duplicate copy of this letter in the stamped, self-addressed envelope enclosed for your convenience.

Yours truly,

J. Cuming
J. Cuming
OFFICE OF THE CUSTODIAN.

JG/..

Encl: Ck \$16.60
Dupl.
Envl.

RECEIPT OF THE ABOVE CHEQUE IS ACKNOWLEDGED.

.....1948
Chiye Tsuchiya
Chiye TSUCHIYA
formerly Chiye HAMADA

File 5251

February 21, 1944

To: Mr. Harris

From: Mr. R. B. Mackenzie

MEMORANDUM

Enclosed is a copy of letter received from the above.

The following is a list of what is declared on her J. P. Form:

✓ Barber shop mirror	✓ 6 Chairs
✓ Barber's chair	2 Tables in owner's possession at 93 Moncton St.
✓ Barber's sink	

Will you please let me know the present position of the effects and who the tenant is of 93 Moncton Street.

REM:JS

*See Barber
Proctor & Wicks
McMasters
Barber chair in pool room*

*This is taken from the files of
C. C. Robinson - New York.*

DEC - 2 1947

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

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

5251

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

- (1) NAME Tanuchiya, Chiya (Mrs.) Formerly Hamada. (RCMP) Reg. No. 04117
(Print) Surname Given Name
- (2) Pre-Evacuation Address 93 Monkton St., Steveston, B.C.
- (3) Present Address 49 Grayson Blk., 14 High St. W., Moose Jaw, Sask.
- (4) REAL ESTATE
- (a) Street Address (if any) 93 Monkton St., Steveston, B.C. City or Municipality Province
- (b) Legal description (lot number, block number, section number, etc.)
not available.
- (c) Type of Real Property (cross out words which do not apply):
(i) ~~Farm~~
(ii) Residence Type of business Barber shop
(iii) Business
(iv) ~~Any other type of property (describe)~~
- (d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) Leasehold.
- (e) Fair market value at date of sale (estimate this to the best of your ability):
(i) Land - - - - - \$
(ii) Buildings - - - - - \$
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - \$ 500.00
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$
(v) Amount at which Custodian sold property and credited your account - - - \$
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 500.00
- (5) PERSONAL PROPERTY
- (a) Place or places at which property was left by the claimant at date of evacuation
93 Monkton St., Steveston, B.C.
- (b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
House
- (c) How stored or packed at time of evacuation
In locked premises and small items in boxes.
(over)

- (d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care")

In no one's care except Custodian.

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

1.	Barber shop mirror	Estimated Value \$	150.00
2.	Barber shop chair	Estimated Value \$	200.00
3.	Barber shop sink	Estimated Value \$	35.00
4.	2 - electric clippers	Estimated Value \$	70.00
5.	6 - straight razors	Estimated Value \$	21.00
6.	1 - hand clipper	Estimated Value \$	4.50
7.	1 - instrument case	Estimated Value \$	15.00
8.	Barber supplies - whisk broom, combs etc.	Estimated Value \$	6.10
9.	1 carpet, 1 stove, 1 sofa, 12 chairs,	Estimated Value \$	
10.	2 tables, 1 bed	Estimated Value \$	158.00
	Credit - \$16.60		
		TOTAL CLAIM FOR PROPERTY LOSS \$	643.00

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

- (f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - - - - - \$ 1143.00

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

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

DOMINION OF CANADA,

Province of Saskatchewan

TO WIT;

I, Chiye Tsuchiya
of Moose Jaw

of the City
in the Province of Saskatchewan, housewife

DO SOLEMNLY DECLARE THAT:

The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

DECLARED before me at the City
of Moose Jaw

in the Province of Saskatchewan

this 17th day of November

A.D. 1947.

George Tanaka

A Commissioner for oaths in and for the Province of Saskatchewan
being a solicitor.

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

IN THE MATTER OF THE "INQUIRIES ACT"
PART I. REVISED STATUTES OF CANADA 1927. CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

BEFORE

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

10

Moose Jaw, Saskatchewan,
April 8th, 1948.

IN THE MATTER OF THE CLAIM OF
(MRS.) CHIEF TSUCHIYA.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.G. HUNTER, Esq.,

appearing for the
Dominion Government.

P.G. MAKAROFF, Esq., K.C.,

appearing for the
Claimant.

A. WATSON, Esq.,

Secretary.

G.H.R. UPTON, Esq.,

Official Interpreter.

H.M. LANGFIELD, Esq.,

Official Reporter.

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Mrs. C. Tsuchiya,
In Chief.

MR. MAKAROFF: No. 7 on the list, my lord, Mrs. Chiye Tsuchiya.

THE SECRETARY: No. 811, Mrs. Chiye Tsuchiya.

(MRS.) CHIYE TSUCHIYA, the claimant herein,
being first duly sworn, testified
through the Interpreter as follows:

DIRECT EXAMINATION BY MR. MAKAROFF:

Q Mrs. Tsuchiya, you live in Moose Jaw now?

A Yes.

10 Q And you have re-married since you came from the
Coast? A: Yes.

Q You married in Moose Jaw, did you?

A Yes.

Q And what was your name, your surname before you
re-married, and while you were living at the Coast?
What was your name before?

A Chiye Hamada.

MR. MAKAROFF: H-a-m-a-d-a. And you lived at Steveston,
British Columbia? A: Yes.

20 Q At the time of your evacuation, And what were you
doing there? A: Barber
shop.

Q Operating a barber shop of your own?

A Yes.

Q And when did you go into the business?

A 1939.

Q And when you were evacuated you left your business,
your barber shop there? A: Yes.

30 Q Undisposed of? Now, I show you a statement here
of personal property relating to the business.

Is that your signature here?

A Yes.

Q Did you read over this statement? A: Yes.

Q As it is amended here? A: Yes.

Q And what do you say? Is the information contained in this statement given to the best of your knowledge, information and belief? Is that correct?

A Yes.

MR. MAKAROFF: I tender this in evidence, my lord.

10 (STATEMENT MARKED EXHIBIT NO. 1).

MR. MAKAROFF: I would like my learned friend to produce then the analysis of personal property. And I tender as Exhibit 2 analysis of personal property claim in this case produced by my learned friend.

THE COMMISSIONER: Yes.

(ANALYSIS MARKED EXHIBIT NO. 2).

MR. MAKAROFF: Q: Now when you put in your claim to the Custodian for the equipment of the barber shop, you placed certain valuations on these different goods and chattels, on this equipment?

20

A Yes.

Q And on what basis did you value them? On the basis of their original purchase price when they were new, or is that their value at the time you were evacuated?

A: These are the prices that I paid originally.

Q Originally, for these articles, in their new state?

A Yes, new.

Q Now that has been revised there, my lord. You will observe there are two columns here.

30

Mrs. C. Tsuchiya,
In Chief.

THE COMMISSIONER: So I observe.

MR. MAKAROFF: Then it tapers off into a single grouping here just below that and opposite the first column in the first grouping are the revised valuations and these values total \$500.00.

THE COMMISSIONER: Yes.

MR. MAKAROFF: Q: That is the value you placed on the barber shop, equipment, at the date of your evacuation, is that right?

A: Yes, these

10

were the prices at which I bought them originally and these are the prices as at evacuation, if I sell.

Q And they were valued at a thousand dollars?

A Yes.

Q You did not own the premises, the shop itself?

A No, I was renting.

Q And when you evacuated where did you leave your belongings or equipment?

A: The barber

20

shop and a house, the immovable things like the sink and the mirror and the remainder of the things were taken away and put in a room.

Q And where were they put?

A: The room

next to the kitchen.

Q In the same building?

A: Yes,

same building.

Q And who had the key to that?

A: I gave the

key to the owner, Mr. Hirai.

Q H-i-r-a-i, of what address?

A: Steveston.

Q Hirai of Steveston.

A: Yes.

30 Q You had been in business continuously from 1939 until

you evacuated, is that right?

A Yes.

Q And what sort of business, what success did you have with your business, a going concern all right?

A It was a good business.

Q What value would you place on the business as a going concern if you were selling the business and shop along with your right to run the place?

10 Customers and patronage? How much would you say that business was worth including the equipment?

A \$500.00 for the equipment and \$500.00 for the business.

Q For the goodwill, is that it? How much altogether?

A About one thousand dollars.

Q Yes. Now, Mr. Hirai was your landlord. Could you have remained in that business in that shop indefinitely? Could you have kept on renting the premises there?

A: Yes, yes, I could.

MR. HUNTER: This was not sold as a going concern.

20 MR. MAKAROFF: Well it should have been. I wondered if the barber shop still operated?

THE COMMISSIONER: Well, were your barber customers of the Japanese race or persons of Occidental race?

A Chiefly Japanese, but both.

MR. MAKAROFF: About what percentage would you say were Occidentals and what percentage Oriental?

A About 90% Japanese.

Q About 90%. And you think that's all?

MR. HUNTER: It is submitted, my lord, that these

30 chattels which were sold were sold for their fair

market value. It is submitted that the goodwill is not within the terms of reference as there was no sale as a business. It is submitted that the sums claimed for property not sold by the Custodian are exorbitant. It is further submitted that the majority of things claimed were not declared and were not found.

CROSS-EXAMINATION BY MR. HUNTER:

10 Q Is that your signature on this J.P. form?

A Yes.

Q And is the information given in that J.P. form information which was supplied by you?

A A Japanese girl did this for me and I can't speak English. Do you want me to translate it?
(Interpreter to the witness).

THE INTERPRETER: She says that she told them to put down general barber shop equipment as there were a number of small things for which there was not space to put in here.

20

Q Did she read it over to you before you signed it?

A No, not read it over.

Q I see. ^{who} And was this Japanese girl?

A I don't know who she was.

Q Oh. Where was the form completed? At Hastings Park?

A: No, at

Stevenson down-town hall.

Q And at any time did you notify the Custodian of items other than those shown on the J.P. form?

30 A I sent a letter.

Q Yes, and did you in the letter give any details?

A I did not. I sent to the Custodian and told them generally with regard to my professions and I wanted to know what would happen.

Q Is that the letter which I present to you now?

A This was written by somebody who is working in the Commission. I signed this.

MR. HUNTER: I will file this J.P. form now.

(J.P. FORM MARKED EXHIBIT NO. 3).

10 THE INTERPRETER: I sent a letter on three occasions, but I got not reply.

MR. HUNTER: Q: And did you in any of your letters ever give any details about your equipment?

A No. No, I spoke generally with regard to my -- to the equipment in general terms.

Q Is this the first letter you wrote?

A No, I have sent letters previous to this.

Q This is dated February 17th, 1944, and it says, (reading).

20 (LETTER MARKED EXHIBIT NO. 4).

Q When your J.P. form was made out, did you ask the girl to read it to you before you signed it?

A No, I did not.

Q This barber chair which I believe you bought in 1938?

A: I made a mistake, it was

1939.

MR. MAKAROFF: And it should have been corrected.

MR. HUNTER: And it was a used chair when you bought it?

A It was a new chair when I bought it.

30 Q And who did you buy it from?

8
Mrs. C. Tsuchiya,
Cross-Exam.

A There was a Japanese who was about to go into the barber business but he died before he was able to commence operations and I bought them from him. Or from the estate.

Q And how do you know it was a new chair?

A The house owner of the man who was about to open up this barber shop told me. The owner of the house.

Q And the mirror, did you buy that from the same place?

A Yes, the sink and the mirror.

10 Q And you paid \$200.00 for this chair, did you?

A Yes.

Q You don't know the make of it?

A No.

Q What type of a barber chair was this?

A It was an ordinary barber chair.

Q The kind that you can elevate and --?

A Yes, one that you could elevate and depress.

Q And that revolves? A: Yes.

Q And has a head rest that you could put in it?

20 A Yes.

MR. HUNTER: I don't know, it seems extraordinary, my lord, that if the chair is in the condition it is stated, that it was or would sell for \$5.00. It doesn't seem to add up.

THE COMMISSIONER: You have not anything to show that an appraisal was obtained.

MR. HUNTER: I have not on this file. I will look at it in the general file when I get an opportunity to. There seems to be an awful discrepancy here.

30 THE COMMISSIONER: Yes. Certainly if the chair was as

described, the sale was a very poor one.

MR. HUNTER: What type of barbershop sink was it? One of these pedestal arrangements or sink against the wall?

A: It was a round sink.

Q Did it have a pedestal underneath it or was it attached to the wall?

A It was attached to the wall.

Q Do you understand the distinction between a basin and a sink, and, if so, was this a sink or a basin?

10 A I can't describe a basin exactly. It was quite a large-sized sink and it was attached against the wall.

Q I guess that is as much as we can get of that, my lord. I would like to have a chance to examine the master file in this, my lord, and see if anything explains why the prices are so different from the claimant's value.

THE COMMISSIONER: Would you ask the witness if it would be convenient for her to return here at 2:30 this afternoon?

20 THE INTERPRETER: Yes, she could return at 2:30.

(Discussion re adjournment)

(PROCEEDINGS ADJOURNED TO 2:30 P.M.)

(2:30 P.M. PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE SECRETARY: Mrs. Chiye Tsuchiya.

(MRS.) CHIYE TSUCHIYA, resumed the stand, testified further as follows:

MR. HUNTER: The master file in this case is about as
30 slim as the claim file. However, there is somebody

writing a letter saying that some of this has been loaned to the barbershop at the corner. Then over on another page, "one barber chair in poolroom". And I judge from the file that some of this equipment anyway was loaned and that the property must have deteriorated.

THE COMMISSIONER: When you say "loaned", by whom?

MR. HUNTER: By the Custodian's representative out at Steveston.

10 THE COMMISSIONER: That seems a rather extraordinary procedure.

MR. HUNTER: I don't understand it myself. But even going on the fair market value, that the fair market value was obtained at the time, if this equipment was of the type stated by the claimant, it would seem rather unjust that she should suffer by the use of it and consequent deterioration.

20 THE COMMISSIONER: I entirely agree. Well that is a matter that the Government will be called upon to explain later. I take it you have no instructions lately.

MR. HUNTER: No, we will have to inquire into it. We are not able to find any of it at this late date; even if it turns up that the fair market value is that, a special recommendation might go up.

30 THE COMMISSIONER: Well, as presently advised I certainly would be disposed to recommend favourably to the claimant in the circumstances that you outline. But I appreciate that you are guessing at the present time. You will have to wait till the

11
Mrs. G. Tsuchiya,
Cross-Exam.

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case
Government/comes in to find out what the situation
is. Without explanation it is obvious that this
claimant's claim calls for some recommendation
favourable to the claimant. Interpreter, you tell
this woman, the claimant, that the Government has
not sufficient information on its file to give me
any help as to what transpired in regard to these
goods and that the matter will be investigated
later and ultimately I will have to consider the
question of a favourable recommendation in terms of
money to her.

(Interpreter to the witness)

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

H. E. Langfield

"H. E. LANGFIELD"
Official Reporter.

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30

Defence Brief

(Mrs.) Chiye TSUCHIYA

File No. 5251

Case No. 811

MOOSE JAW
8 April 1948

PERSONAL PROPERTY CLAIM

(All Claims shown are Gross)

Claim 1 Household Goods & Shop Equipment

Claim

\$500.

Sold by Auction for

\$16.60

Claimant operated a barber shop of her own at Steveston. She stated that she left all her goods in a room of her house and gave the key to the owner, Mr. HIARI of Steveston.

(a)	Goods valued by claimant at	\$305.	Sold by auction for	\$16.60.
(b)	"	"	"	36.
(c)	"	"	"	159.
				<u>\$500.</u>

It was submitted that those chattels which were sold were sold for their fair market value.

Claim 2 Goodwill

Claim

\$500.

This business was not sold as a going concern.

It was submitted that the Goodwill is not within the terms of reference as there was no sale as a business.

Summary of Defence Witnesses

Thompson & Co.

Mr. Harris

Where required

1 (a)

Auctioneers

1 (a)

Staff

NOTE

Memo on file states that the Barbers Chair was loaned to a barber shop at the corner and this should be confirmed and reason given.

Commissioner stated that this claimant's claim calls for some recommendation favourable to claimant. (Trans. Page 11)

Further explanation is required from the Government as to the disposal of these goods.

BMP/mw

Name of Claimant **TSUCHIYA, Chiyo (Mrs)**Case **611**Custodian File **5251**

<u>REAL PROPERTY</u>										Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Amount Total	Sale Price	Total Award 125% of all Sale Prices % of Amount Total		
<u>PERSONAL PROPERTY</u>										
Motor Vehicles		Boats and Boat Gear								
Sale Price	25% thereof	Sale Price	Nelson Bros, 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column			
<u>NETS</u>										
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	
<u>MISCELLANEOUS CHATTELS</u>										
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			
			46%	500.00	230.00					
TOTAL RECOMMENDATION										230.00

October 10th, 1950.

Mrs. Chiye TSUCHIYA,
14 High Street West,
Moose Jaw, Sask.

Dear Madam:

Re: Japanese Property Claims Commission
Case No. 811

We have received from the Co-Operative Committee on Japanese Canadians, Release executed by yourself covering the award recommended under the above Commission, for the sum of \$230.00.

Cheque for \$216.70 is enclosed herein, and the sum of \$13.30 has been paid to the Co-Operative Committee on Japanese Canadians for legal fees as authorized.

Yours truly,

F. G. Shears,
Director.

FGS/js
1 encl.