

12253

PERSONAL

BUREAU POWELL STREET

FILE NO. 12253

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

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

PERSONAL INFORMATION

NAME: MATSUMOTO Kune^{ie} (Mrs. Kingo)
HOME ADDRESS: 501 Powell Street, Vancouver, B. C.
REGISTRATION NUMBER 03226 / SEX: Female AGE: 48
OCCUPATION: Storekeeper, 501 Powell Street, (Confectionary Store).

(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: Kingo
ADDRESS OF WIFE OR HUSBAND: Slocan
NAMES OF ANY LIVING CHILDREN: none

ADDRESS OF CHILDREN: none
AGE OF CHILDREN: none

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

1. LOCATION AND DESCRIPTION: 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: 501 Powell Street, Vancouver, B. C.

One store with 2 rooms at back and 1 small room upstairs in 2 storey wooden building.

2. LANDLORD'S NAME AND ADDRESS: Declarant states that the house belongs to her husband but not the land. The land belongs to a Mr. F. Nye, 503 Powell St.

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:

Husband, Kingo, pays the rent for the land.

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:

501 Powell Street, Vancouver, B. C.

1 counter, 2 showcases, 1 heater, 1 round table, 6 chairs,

1 scale, 1 cash register. These things have been left in the store at the above address. (If not sold)

1 sofa, 1 bed & spring, 1 desk, 1 kitchen table, 3 chairs. These things have been left in the rooms at the above address, and the house key will be given to Mr. F. Nye, the owner of the land, who has promised to look after the furniture left in the rooms.

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: Prudential Insurance Co. \$500.00. Policy in ^{husband's} ~~my~~
possession, number unknown. Beneficiary husband, Kingo.

10. INTEREST IN ANY ESTATES OR TRUSTS: _____

none

11. SAFETY DEPOSIT BOX: _____

none

LIABILITIES:

1. PERSONAL DEBTS: _____

none /

2. TRADE DEBTS: Declarant owes E. A. Morris Ltd., 435 W. Hastings St.,
\$100.00 for tobacco & cigarettes ^{none} ~~none~~ bought for the grocery store. /
Owing since March, 1942.

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 8th day of October 1942.

(Signature)

松本同枝

D. M. Clape
Witness

FOR DEPARTMENTAL USE _____

INFORMATION FROM R.C.M.P.

April 24/43.

Date Jan. 12/43.

Full Name MATSUMOTO, (Kunio) Mrs. Kingo
(Surname in Block Letters)

Registration No. 03226

Male - ☒ Female
(check)

Age Aug. 12, 1893

Former Address 501 Powell Street, Vancouver, B.C.

Date Evacuated Oct. 28/42

Naturalized - ☒ Canadian-Born - National
(check)

Present Address

Slocan Extension B.C. Dec. 1944
Nov. 21/47

Married - ☒ Single
(check)

Name of Wife Kingo

Name of Husband Kingo - 03225

Name of Mother Deceased

Name of Father Deceased

Names of Children under 16

Our File No. 12253

Registered with Custodian Yes
(yes or no)

Requested By Spain

Additional Information Storekeeper - store business Powell St. address.

PERSONAL PROPERTY SUMMARY

File No. 12253

December 19, 1946

Re: Kuneo MATSUMOTO, Reg. No. 03226

Mrs. Matsumoto signed a JP declaration on October 8, 1942. She was evacuated on October 28, 1942.

In her declaration she reported that the building occupied by herself and her husband was owned by her husband. Her husband reported that the building was owned by his wife. The building was on land owned by a Mr. F. Nye, and was situated at 501 Powell Street, Vancouver.

Mrs. Matsumoto reported one counter and 2 show-cases which would be left at 501 Powell Street, if not sold. On November 9, 1942, Custodian representative removed from 501 Powell one counter, 2 show-cases and two stools. The two wire stools and one show case were sold at auction on October 14, 1943, for \$5.50, and the net proceeds of the sale, \$4.70 were credited to the account of Mrs. Kuneo Matsumoto. One counter and one show-case were discarded by the auctioneer, W. G. B. Thompson, September 24, 1943.

Mrs. Matsumoto reported one heater, one round table, 6 chairs, one scale and one cash register, which would be left at 501 Powell Street, if not sold. These articles were not found by Custodian representative.

Mrs. Matsumoto reported one sofa, one bed and spring, one desk, one kitchen table and 3 chairs which were to be left in the living rooms above the store, in the care of Mr. F. Nye, owner of the land. These articles were not found.

On January 14, 1943, Mrs. Matsumoto was informed of the goods found at 501 Powell Street. She was told that we assumed that the balance of her goods had been disposed of by herself. She did not reply to our letter.

Mrs. Matsumoto reported a Prudential Life policy for \$500.00 in the possession of her husband. This policy was not brought under the control of the Custodian.

On August 15, 1942, the sum of \$52.00 was received from Mr. Samuel A. Moore, Official Administrator, being residue of the Estate of Seiji TAKEYAMA. This sum was paid to Mrs. Matsumoto by Custodian cheque on September 17, 1942.

This file reveals no other property of any kind.

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

Mathison
December 19, 1946.

/FM

File 13253

EXHIBIT SCHEDULE

November 27, 1947.

Re: MATSUMOTO, Kameo, (Mrs. King)
 Reg. No. 03226

<u>Goods Declared</u> (if not sold)	<u>Goods Inventoried</u> <u>Nov. 9/42</u>	<u>Disposition</u>
1 counter	1 counter	Discarded as worthless
2 showcases	2 shoe cases	1 shoe case discarded
		1 shoe case sold
1 hunter		
1 round table		
5 chairs		
1 scale	Not found and Mrs. Matsumoto
1 cash register		informed of this on January
1 sofa		14, 1943. No reply to our
1 bed & spring		letter assume these articles
1 desk		disposed of by herself.
1 kitchen table		
3 chairs	2 wire stools	2 stools sold

It would appear that Mrs. MATSUMOTO disposed of most of her goods prior to evacuation. See letter Jan 14, 1943.

Emathison

NAME WATSON, James (Mrs. King)

REGISTRATION NO. 03226

FILE NO. 12253

The following chattels were sold by public
auction at Vancouver, B.C. on October 14th 1943.

Shoe Case
2 Stools

\$ 3.50
2.00

Total:

(Auctioneer's Fee: \$ 0.55
Less Expenses: (Advertising: 0.25
(Moving: -----

\$ 3.50
0.80

\$ 2.70

Net Proceeds Credited:

Members of Custodian Staff Present. Mr. Villa.

Extracted from Auctioneering list No. 3.

Remarks. Auction took place at 922 Powell St.

12405
4703
6

12253

October 13th, 1948.

Mrs. Kunee MATSUMOTO,
Registration No. 03226,
Sloan City, B. C.

Dear Madam:

We are presently making final distribution of all funds in this office, which were derived from the sale of Real and Personal properties, and we are accordingly enclosing, herewith, our cheque in your favor for the sum of \$4.70.

Acceptance by you of this cheque does not prejudice in any way, your claim for loss which you may feel you sustained in the sale of your property, as the Commissioner, the Honourable Mr. Justice Henry I. Bird, has made a ruling to this effect.

Please acknowledge receipt of this cheque at your earliest convenience.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ:NB

Encl. (cheque)

12253

December 19, 1946.

Mrs. Kunee MATSUMOTO,
Reg. No. 03226,
HOGAN, B. C.

Dear Madam:

Enclosed is Custodian cheque for the sum of \$4.70,
representing all the funds standing to your credit with the
Custodian.

These funds were received as net proceeds of saleable
chattels found at 501 Powell Street.

As no property identified as belonging to you remains
under the control of the Custodian, your account with this
office is being closed.

Yours truly,

F. Matheson,
Office of the Custodian.

/FM
Enclosure

File No. 12253
Reg. No. 03226

Mrs. Kunio MATSUMOTO

<u>Date</u>	<u>Particulars</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
1942 August 15	Official Administrator Estate of Suejo Takayima	\$	\$ 52.00	
September 15	Cheque to you	52.00		
1943 October 25	Proceeds Auction Sale		4.70	
1946 December 20	Cheque to you	4.70		
1947 March 3	Cheque returned and recredited to account		4.70	
		<u>\$ 56.70</u>	<u>\$ 61.40</u>	
				CR \$ 4.70

Accounting Department
March 3rd, 1948

C O P Y

Vancouver, B.C.
August 11th, 1942.

SAMUEL A. MOORE.
General Administrator.

(Recd. Aug. 15/42)

The Custodian of Enemy Property,
Royal Bank Building,
Vancouver, B.C.

Dear Sir:

Re: Estate of Kenji Naruse, #2111,
Genkuro Naruse - 568 Powell Street,
Vancouver, B.C.

Incorporated in the enclosed cheque is the amount of \$300.63 being credit balance of the above named Genkuro Naruse. I am still holding here six War Savings Certificates valued at \$30.00. If these are transferred to you I shall require the sum of \$1.50 being Government commission on the transfer of these assets; if however, you wish me to sell them I will do so and take the Government commission out of the proceeds and remit the balance to you. Kindly advise.

Re: Estate of Seiji Takeyama, #2367 ✓ *file*

This man died on the 24th of November 1939, and was living at 378 Cordova Street, Vancouver, the only asset of the estate was the sum of \$61.90 in the Japan and Canada Trust Savings Company and his funeral was paid for by friends, and they consent to Mrs. K. Matsumoto, 501 Powell Street, Vancouver, who paid for the grave-stone, receiving the credit balance herein of \$52.00. I have therefore, included the amount of \$52.00 in the enclosed cheque. Kindly sign the enclosed receipts and return to me. *15253*

Yours very truly,

(Sged.) SAM S. MOORE.

Official Administrator.

Encls.
DB:DE.

9

LIABILITY SUMMARY

File No. 12253

December 19, 1946

Re: James MATSUMOTO, Dec. No. 93226

This file reveals that Mrs. MATSUMOTO reported \$100.00 owing to E. A. Morris Ltd. The file of Kings MATSUMOTO, husband of this woman, shows that E. A. Morris Ltd. filed claim for \$159.22 on April 27, 1942. Credit for goods returned reduced this to \$121.35, as shown by statement filed October 26, 1942. On January 15, 1944, Kings MATSUMOTO stated that before his conviction he had paid \$30.00 in cash and gave all the cigarettes in stock to E. A. Morris Ltd. to settle his indebtedness. Upon reporting this to E. A. Morris Ltd. a third statement was sent to this office, showing the credit of \$30.00, and making the amount outstanding to be \$91.35. This was reported by Kings MATSUMOTO, on February 1, 1944, but no reply has been received from MATSUMOTO. In view of the fact that MATSUMOTO has disputed this claim, the Custodian will take no further action.

No other claims were filed against Mrs. James MATSUMOTO.

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

Frederick

December 19, 1946.

NOV 21 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.

12253

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

- (1) NAME MATSUMOTO Kuniye (Mrs.) (RCMP) Reg. No. 03226
(Print) Surname Given Name
- (2) Pre-Evacuation Address 501 Powell Street, Vancouver, B. C.
- (3) Present Address Slocan City, B. C.
- (4) REAL ESTATE
- (a) Street Address (if any) _____
City or Municipality, Province
- (b) Legal description (lot number, block number, section number, etc.) _____

- (c) Type of Real Property (cross out words which do not apply):
(i) ~~Residence~~
(ii) ~~Residence~~ Type of business Confectionery, Grocery & Glove manufacturing
(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.) _____
- (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 re-
ceivable) - - - - - \$ _____
(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) - - - \$ _____
- (5) PERSONAL PROPERTY
- (a) Place or places at which property was left by the claimant at date of evacuation Vancouver
- (b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
Store
- (c) How stored or packed at time of evacuation Just left it as it was.

(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")

CUSTODIAN

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

1. Three high chairs	Estimated Value \$ 19.50
2. Stove	Estimated Value \$ 14.00
3. Counter, chair, mirror	Estimated Value \$ 25.00
4. Two showcases	Estimated Value \$ 95.00
5.	Estimated Value \$
6.	Estimated Value \$
7.	Estimated Value \$
8.	Estimated Value \$
9.	Estimated Value \$
10.	Estimated Value \$

TOTAL CLAIM FOR PROPERTY LOSS \$ 153.50

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)) - - - - - \$ 153.50

- (6) (a) Place at which claimant prefers to be heard.
(Vancouver, Kamloops, Nelson, Lethbridge,
Moose Jaw, Winnipeg, Toronto or Montreal.)
New Denver, B. C.
- (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,

of

TO WIT:

1. Kinuye Matsumoto
of Stocan

in the province of British Columbia

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 Stocan

in the province of British Columbia
this 15th day of November

A.D. 1947.

Howard Dardis

a Notary Public and for the Province
of British Columbia
Commissioner &c.

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

Name of Claimant **MATSUMOTO, Rumiyo**Case **388**Custodian File **12253**

<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 CHATELS</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	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
36.67	5.50	1.65	15%	23.33	3.50		5.15			
TOTAL RECOMMENDATION										5.15

12253

November 28th, 1950.

Mrs. Kuniye MATSUMOTO,
Sleean City, B. C.

Dear ~~Sir~~ Madam:

Re: Japanese Property Claims Commission

Case No. 388

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 ... \$5.15.

Cheque in your favour is enclosed for \$5.15
and we have paid the Co-Operative Committee .. \$11
for legal fees as authorized by you.

Yours truly,

FCS/js
1 encl.

F.G. Shears
Director

DEFENCE BRIEF

NELSON
15 June 1948

(Mrs.) Kuniye MATSUMOTO

File No. 12253

Case No. 388

PERSONAL PROPERTY CLAIM

(All claims shown are Gross)

Store Equipment

Amended Claim

\$87.50

Sold for

\$5.50

Claimant stated that all her goods were left at 501 Powell St., Vancouver, where she was living and the key of the room was given to the owner.

(a) Goods value	\$38.00	Sold for \$5.50.
(b) " "	\$2.00	Recorded now missing.
(c) " "	\$47.50	Abandoned.
	<u>\$87.50</u>	

One counter and one showcase were discarded by the Auctioneer.

It is submitted that the goods sold were sold for their fair market value and that the goods that are claimed for are claimed for at an exorbitant value.

Summary of Defence Witnesses

Thompson & Co.

Mr. Wills

Where required

(a) (c) Auctioneers

(a) Staff

BMP/mw

IN THE MATTER OF THE "INQUIRY ACT"
PART 1. REVISED STATUTES OF CANADA 1927. CHAPTER 22

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E
(HIS HONOUR, JUDGE ERIC P. DAWSON, SUB-COMMISSIONER)

10

Nelson, B.C.
June 15, 1948

IN THE MATTER OF THE CLAIM OF
(MRS) KUNITA MATSUMOTO

PROCEEDINGS AT HEARING.

20 APPEARANCES:

DONALD MACDONALD, Esq.,

appearing for the
Dominion Government

A.E. COBUS, Esq.,

appearing for the
Claimant.

W.J. STURGEON, Esq.,

Secretary to Nelson
Sub-Commission.

G.N.R. UPTON, Esq.,

Official Interpreter

G. HAMILTON, Esq.,

Official Reporter.

K. Matsumoto
In Chief

MR. COBUS: I think, your honour, I might as well go on with the case of Mrs. K. Matsumoto, which is No. 33 on the Secretary's list; and I am calling Mr. Matsumoto to give evidence.

KUNIO MATSUMOTO, a witness called on behalf of the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

10 MR. COBUS: Q: Witness, I produce to you a claim form bearing the mark of Kuniye Matsumoto. Whose mark is that?

(Interpreter to witness)

Q: Well, do you know whether your wife submitted a claim? A: I don't know exactly.

THE INTERPRETER: That was the answer to the first question.

20 MR. COBUS: Q: Do you know whether your wife submitted a claim? A: Yes.

Q: And does this appear to be the claim submitted by your wife on the 15th of November, 1947 at Slocan City? A: This is my wife's claim.

Q: And you are appearing on behalf of your wife? A: Yes.

Q: And you know the matters relating to the articles for which your wife is claiming? A: Yes.

30 MR. COBUS: I would ask leave, your honour, to amend

the claim by showing item 1, three high chairs, valued at \$10.00; item 2, the stove, at \$10.00; item 3, we have now deleted the chair and mirror, leaving only the counter, \$7.50; and two show-cases, now valued at \$60.00. The total personal property claim is \$87.50, with a credit to the Custodian of \$5.50, leaving a net claim of \$82.00.

10 Q: Witness, I produce to you a statement concerning the personal chattels for which your wife is submitting a claim. Did you instruct Mr. Leckie on behalf of your wife to prepare this statement and is that your signature?

A: Yes.

Q: Is the information contained therein true to the best of your knowledge and recollection?

A: Yes.

MR. COBUS: I ask leave to file the statement concerning personal chattels as the first exhibit.

20 (STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: The statement, your honour, now marked Exhibit No. 1, gives complete details as to all individual items claimed with respect to date of purchase, whether new or used, the price paid and condition when evacuated, and, in the last column, the estimated value at the date of evacuation. The total for the items shown is \$87.50.

30 The goods, the witness says, were left in the house at 501 Powell Street, Vancouver, B.C.

and the key given to Mr. Nye who was the owner of the land. This, your honour, was a case of the claimant having built a building, a house, upon land belonging to another person, and, in the present witness' own claim, Case 587, the claim for the building was abandoned.

THE COMMISSIONER: Yes.

10 MR. COBUS: The witness says that depreciation has been allowed on all articles claimed. He says that he has knowledge of these chattels and is representing his wife as to this claim.

Would my learned friend produce the Analysis of Personal Property Claim?

(Handed to Mr. Cobus)

MR. COBUS: I ask to file the Analysis on behalf of the Crown, your honour.

(ANALYSIS MARKED EXHIBIT NO. 2)

THE COMMISSIONER: I take it that the house 501 Powell Street was where the claimant was living.

20 MR. COBUS: That is correct.

THE COMMISSIONER: They were left right in his own house.

MR. COBUS: Right in his own house.

THE COMMISSIONER: Yes.

MR. COBUS: Referring to the Analysis, your honour, under column 1, which is an extract from the J.P. form, the goods are noted there as having been left at 501 Powell Street, and certain other items were left in the rooms at 501
30 Powell Street. I gather 501 Powell Street was

partly a store and partly living quarters.

As your honour has already seen, we have abandoned certain items shown under "Details of Claim."

For instance, item 4, the chair, and item 5, the mirror, have been abandoned, and we have shown new values, of course, but apart from that, the only comment I can make is with respect to the first item, 3 high chairs. The Analysis, by using an "X" under the column "No record at any time," would appear to indicate that they had never been declared, so I would call your attention to column 1, and the three chairs are declared there, and those chairs happen to be the chairs because they were counter chairs, and were so described as high chairs; your honour knows the type of counter chairs that are common.

THE COMMISSIONER: Yes. What about the stove, now.

The stove is declared there as not found.

MR. COBUS: That is another one, perhaps, your honour.

"Declared but not found," yes. It was declared in the first column as a heater. We have abandoned the mirror marked "No record at any time."

THE COMMISSIONER: I see.

MR. COBUS: We are simply calling attention to what appears to us to be an error with respect to the three high chairs.

THE COMMISSIONER: Very well.

MR. COBUS: The two showcases, I would judge, were abandoned. The witness is claiming \$60.00 for these.

THE COMMISSIONER: Yes, but there appears to have been
a sale of these, doesn't there, the show cases?
"Custodian sale: Show case \$3.50."

MR. MACDONALD: The show cases are dealt with under
"Remarks."

MR. COBUS: Well, the showcases sold for \$3.50.

THE COMMISSIONER: That is probably one of them, and
the other was abandoned.

MR. MACDONALD: That is it.

10 THE COMMISSIONER: There are two showcases; one
is listed as "Showcase abandoned by auctioneer,"
and under "Custodian Sale," a show case is
shown as sold for \$3.50. It looks as if one
was abandoned and the other sold.

MR. COBUS: We have given the Custodian credit for
\$5.50, so that would take care of the two
of them, you see.

THE COMMISSIONER: Yes.

MR. COBUS: Your witness.

20 MR. MACDONALD: I submit, your honour, that the goods
that were sold were sold for their fair market
value, and that the goods that are claimed for
are claimed at an exorbitant value, and that
the other items have not come into the Custodian's
custody; the only items set out in the second
column that came into the custody of the Custodian are accounted for.

Now, my learned friend mentioned these high
chairs as being counter chairs. I presume that
would refer to the two wire stools set out in

the second column. Would that be right?

MR. COBUS: That may be accurate, your honour, only it says "2 wire stools." Three chairs were declared and three chairs are claimed, and we have given credit, your honour, for the sale of two chairs at \$2.00, so one must have been lost.

THE COMMISSIONER: There is nothing in the J.P. form referring to wire stools, apparently.

MR. COBUS: No.

10 MR. MACDONALD: No, it doesn't refer to those unless they would be what is referred to as the high chairs, but there are no chairs referred to as high chairs in the J.P. form either; there are three chairs.

MR. COBUS: Three chairs, yes, your honour. Those are the three high chairs.

MR. MACDONALD: Those are the three high chairs that you are referring to; the other six chairs that are referred to in the J.P. form, I take it, were disposed of.

MR. COBUS: We have abandoned item 4, the chair, in column 3.

MR. MACDONALD: Yes.

CROSS EXAMINATION BY MR. MACDONALD:

Q: Do you know if Mrs. Matsumoto received a letter dated January 14, 1943?

A: To my knowledge she did not receive it as she always used to show any letters to me.

20 Q: She might have received it and you would not know

about it, though.

A: No, because I always went to get the mail.

THE COMMISSIONER: Have you a copy of the letter, Mr. MacDonald?

MR. MACDONALD: I have a copy, your honour.

THE COMMISSIONER: Perhaps if you show him the letter he might know whether he has ever seen the original of it at all.

MR. MACDONALD: Q: Would you explain that to him and see if he knows the contents of it?

A: I am sure I did not receive a letter like that.

Q: That is, his wife did not receive it.

A: I always went for the letters and I am certain that my wife did not receive that letter.

MR. MACDONALD: Well, your honour, this letter advises what was found and asks for a reply, and there is a notation that no reply was received from her. Of course, if she didn't receive it, naturally there wouldn't be a reply. It would be for the Crown to establish that at the proper time.

THE COMMISSIONER: I suppose you could file that letter now subject to it being identified later on.

MR. MACDONALD: I could file it for the benefit of the defense. It is really for your benefit.

MR. COUS: Your honour, I might point out that the letter which my learned friend has in his hand now is referred to in the column of remarks under Exhibit 2, and it appears to cover the situation. The witness here denies that his wife has re-

ceived it. I might make this suggestion: with the abandoned items, there doesn't appear to be a great deal at issue, does there? We are claiming two showcases, \$60.00, the Custodian admits he has abandoned --

MR. MACDONALD: One.

MR. COBUS: Well, let's assume he abandoned one, and he sold one, but we are still claiming \$60.00. With respect to the counter, the counter was found. We are claiming \$7.50; the Custodian has abandoned it.

THE COMMISSIONER: Probably the counter was disregarded; it wasn't sold at auction.

MR. COBUS: Apparently not. With respect to the three high chairs, we say we declared three chairs and we say these were the three counter chairs and we are claiming \$10.00. The Custodian admits having found two wire stools. It seems to me, then, that one should be shown as "No account, theft." I am not suggesting that I am making up the Analysis, but apart from the stove which was declared as a heater on the J.P. form, nothing is additional, and I see very little point in the letter.

THE COMMISSIONER: Well, it is referred to, and I think, Mr. MacDonald, that as it is referred to on the Analysis it gives notice to the claimant in any event and should Counsel for the Crown wish to file it later, they can.

MR. MACDONALD: That is the reason I referred to it.

I have no other questions.

THE COMMISSIONER: All right. Well, that is all for the present on your wife's claim, Mr. Matsumoto, and the matter will be proceeded with later.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

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Carla Hambleton

C. Hambleton
Official Reporter

I hereby certify that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

E.P. Dawson
Sub-Commissioner.

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