CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 16700 Vol. IA

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 5, 1954.

Dear Sir,

Re: E. Kagetsu.

I acknowledge receipt of your letter of March 29, 1954.

I enclose herewith a statement of Receipts and Disbursements with reference to your father's personal account.

Similar statements will be forwarded to you, in due course, regarding the Deep Bay Logging Co. and Kagetsu & Co. Ltd.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

STATEMENT OF ACCOUNT

DEEP BAY LOGGING COMPANY LIMITED

Account No. 13524.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1942				
Dec. 28	P. S. Ross & Sons - Fees for conducting affairs of company	305.00		
1943				
Mar. 11	Proportion of wages due	200.00		
Apr. 9	Proportion of wages due	200.00		
June 4	Paid to W. S. Murray balance of wages May 31, 1943	1,107.83		
July 8	Firemans' Insurance on Policy No. L-1227 A.	500.00		
	No. L-1227 B.	120.00		
	No. SSP-11296	67.95		
Sept. 1	Wages for June and July	355.64		
Dec. 11	Paid to W. S. Murray wages and board all from August 1 to October 31, less certain deductions	455.49		
" 20	Wages for October and November paid to Charles Morrison	250.77		
	Paid to M. Brown fees and expenses for looking after company's property	51.40		
1944				
Feb. 2	Received from Lake Logging Co. - payment of Speeder		2,500.00	
" 10	Tax deductions from payroll to January 31, 1944	521.87		
	Wages to Charles Morrison from December, 1943 to January, 1944	251.64		
" 17	Lease - Rental Right-of-Way due September, 1943.	250.00		
Mar. 2	Paid to Imperial Oil Co. Limited supply of oil to company	10.35		
" 23	Transferred from E. Kagetsu Personal Account		998.02	
Apr. 10	To King's Printer payment of account	5.00		
	Empress Garage - payment of account	18.75		
	Imperial Oil	1.84		
	British Columbia Telephone Company	12.05		
	J. H. Robertson	5.20		
	Royston Motor Company	15.29		
	Charles Morrison wages	253.50		
	Receiver General of Canada	106.50		
May 6	British Columbia Telephone Company (2 months)-	20.00		
" 24	Received from P. S. Ross & Sons to cover disbursements made from account		1,588.05	
Aug. 9	To Registrar of Victoria, British Columbia	1.00		
Oct. 20	Travelling expenses re Company's affairs to K. W. Wright	15.35		
	Received from P. S. Ross & Sons to cover two previous accounts		16.35	
Nov. 2	Sale of rural mail box		2.97	
	Balance of funds to P. S. Ross & Sons	2.97		

STATEMENT AUDITED ON THIS PAGE DUPLICATED ON ALL DEBITS ON THIS FENCE

STATEMENT OF ACCOUNT

DEEP BAY LOGGING COMPANY LIMITED

Account No. 13524.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1945				
May 29	Received from P. S. Ross & Sons to cover cost of administration of Company $1,600.00; $1,600.00 and $79.21		4,079.21	
" 30	Paid to P. S. Ross & Sons for supervising affairs of company July, 1942 to February, 1944 March, 1944 to March 1945 Plus expenses	1,600.00 2,400.00 79.21	ALREADY CHARGED HENCE	
1946				
May 18	Proceeds of liquidation of Deep Bay Logging Company Limited		1,973.39	
June 13	To P. S. Ross & Sons - services rendered from April, 1945 to April, 1946	575.33		1,398.06
1947				
July 21	Sale of wire rope to C. Philp & Co. Ltd.		75.00	
Sept. 5	Examination of Fanny Bay operation by Eustace Smith	150.00		
Oct. 3	Paid to J. J. Gibbons Ltd - re Advertisibg equipment	27.68		1,295.38
1948				
Jan. 8	Paid to P. S. Ross & Sons for services rendered and winding up the affairs of the company to November, 1947	290.25		
Dec. 22	Paid to Mr. Stewart and N. C. Kliman full settlement of account rendered	133.86		871.27
1949				
Jan. 29	Expenses of General Meeting and filing fees	11.00		860.27
1950				
Jan. 25	Canada Daily News - final distribution by liquidator		57.29	917.56
1951				
Jan. 16	Proceeds of 2 Steam Donkey Engines, Fanny Bay		200.00	
Feb. 2	To. N. C. Kilman - Legal fees	12.50		

STATEMENT OF ACCOUNT

DEEP BAY LOGGING COMPANY LIMITED

Account No. 13524.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1952				
Mar. 14	To N. C. Kliman - Legal fees	40.00		
" 25	Final distribution to Creditors of Deep Bay Logging Company			
	(E. Kagetsu)	472.37		
	Kagetsu & Company Limited	517.69		
June 14	Paid to P. S. Ross & Sons balance of fees for services rendered re liquidation	75.00		
		$ 11,490.28	11,490.28	ø

File No. 16700.
Ottawa 4, Ontario.
April 8, 1954.
LL/EMM.

STATEMENT OF ACCOUNT

DEEP BAY LOGGING CO.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1942				
May 31	Cash on hand		10.62	10.62
	Note receivable and interest re Bug Creek Logging Co. Ltd.		3,579.04	
	Proceeds of sale of timber and camp buildings		40,000.00	
	Sale of Railroad equipment		14,500.00	
	Sale of Gas Donkeys		9,500.00	
	Sale of Tractors and Compressors		3,500.00	
	Sale of Lines		4,256.13	
	Sale of Blocks		1,679.30	
	Sale of Straps and Speeders		310.50	
	Sale of Falling and Bucking Tools		3,894.94	
	Sale of Pipe		536.00	
	Sale of Boom Chains		633.00	
	Less commission paid on sales	219.77		
	Proceeds of sale of truck		450.00	
	Sale of Pontiac Car		998.02	
	30% dividend to J. Suzuki		345.00	
	Recoveries from Taxes and Insurance		1,527.56	
	Sale of parts of Tractor		100.00	
	Sundries		4.01	
	Interest on Bonds		787.50	86,391.85
Dec. 28	P. S. Ross & Sons - Fees for conduction affairs of company	305.00	42234.46	
1943				
Mar. 11	Proportion of wages due	200.00		
Apr. 9	Proportion of wages due	200.00		
June 4	Paid to W. S. Murray balance of wages - May 31, 1943. 1507.83 355.64 757.66 250.00	1,107.83		
July 8	Firemans' Insurance on Policy No. L-1227 A.	500.00		
	No. L-1227 B.	120.00		
	SSP-11296	67.95		
Sept. 1	Wages for June and July	355.64		
Dec. 11	Paid to W. S. Murray wages and board all from August 1 to October 31 - less certain deductions	455.49		
	Wages for October and November paid to Charles Morrison	250.77		
	Paid to M. Brown fees and expenses for looking after company property	51.40		
1944				
Feb. 2	Received from Lake Logging Company - payment of Speeder		2,500.00†	
" 10	Tax deduction from payroll to January 31, 1944	521.87		
	Wages to Charles Morrison from December, 1943 to January, 1944	251.64		
" 17	Lease - Rental Right-of-Way due September, 1943	250.00		
Mar. 2	Paid to Imperial Oil Company Limited - supply of oil to company	10.35		
" 23	Transferred from E. Kagetsu's personal account		998.02†	
Apr. 10	To King's Printer - payment account	5.00		
	Empress Garage - payment account	18.75		
	Imperial Oil	1.84		85,216.34

THESE APPEAR AGAIN ON 1946 ENTRIES HENCE REVERSED BY 3 CREDIT ENTRIES MARKED WITH ASTERIK

STATEMENT OF ACCOUNT

DEEP BAY LOGGING CO.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1944				
Apr. 10	British Columbia Telephone Company	12.05		
	J. H. Robertson	5.20		
	Royston Motor Co.	15.29		
	Charles Morrison wages	253.50		
	Receiver General of Canada	106.50		
May 6	British Columbia Telephone Company (2 months)	20.00		
" 24	Received from P. S. Ross & Sons to cover disbursements made from account		1,588.05 †	
Aug. 9	To Registrar, Victoria, British Columbia	1.00		
Oct. 20	Travelling expenses re Company affairs to K. W. Wright	15.35		
	Received from P. S. Ross & Sons to cover two previous accounts		16.35	
Nov. 2	Sale of rural mail box		2.97	
	Balance of funds to P. S. Ross & Sons	2.97		86,391.85
1945				
May 29	Received from P. S. Ross & Sons to cover cost of administration of company - $1,600.00; $2,400.00 and $79.21		4,079.21	
" 30	Paid to P. S. Ross & Sons for supervising affairs of company			
	July, 1942 to February, 1944	1,600.00		
	March, 1944 to March, 1945	2,400.00		
	Plus expenses	79.21		
1946				
May 18	Watchman's wages	7,085.14		
	Telephone accounts	457.20		
	Car and Truck storage	130.09		
	Right-of-ways-rentals	2,021.00		
	Foreshore rentals	170.00		
	Taxes	3,213.36		
	Fire Insurance	1,438.40		
	Auditor's Fees	25.00		
	Receipts and disbursements from C. M. Stewart for E. Kagetsu	624.46		
	Workmens' Compensation Board	5,336.95		
	Forest Branch - Penalty re Slash Burning on Blocks 274 - 504 and 566	2,115.00		
	Taxes re Forest protection	372.24		
	To A. R. William Machinery Co.	337.40		
	Income Tax	2,034.93		
	E.N.N. Railway balance on Timber	6,194.55		
	Expense for handling material	1,000.80		
	Appraisals	550.00		
	Advertising	284.41		
	Repairs	51.21		
	Gas and Oil	62.89		
	Exchange	31.89		
	Controller's Fees see Dec 28/42 & May 30/45	4,384.21		
	Unemployment Insurance	63.81		
	Paid to C. M. Stewart - Fees	1,250.00		
	Paid to Locke, Lane, Gukld & Sheppard - Legal fees and disbursements in connection with Deep Bay Logging Co. Ltd.	831.28		
	Purchase of Victory Bonds on behalf of E. Kagetsu	30,000.00		
	Kagetsu & Co.	9,314.34		7,011.29

REVERSED BY CREDIT ENTRIES WITH ASTERIK

REVERSED

CHARGED AGAIN MAY 18/46

STATEMENT OF ACCOUNT

DEE BAY LOGGING CO.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1946				
May 18	Purchase of Victory Bonds re Kagetsu & Co. Ltd.	5,000.00		
	Safekeeping charges	37.90		
June 13	To P. S. Ross & Sons services from April, 1945 to April, 1946	575.33		
1947				
July 21	Sale of wire rope		75.00	1,473.06
Sept. 5	Examination of Fanny Bay operation to Eustace Smith	150.00		
Oct. 3	Paid to J. J. Gibbons re Advertising Equipment	27.68		
1948				
Jan. 8	Paid to P. S. Ross & Sons for services re winding up the affairs of Company to November, 1947	290.25		
Dec. 22	Paid to Mr. Stewart and N. C. Kliman full settlement of account rendered	133.86		
1949				
Jan. 29	Expenses re General Meeting and Filing fees	11.00		860.27
1950				
Jan. 25	Canada Daily News - final distribution to Liquidator		57.29	
1951				
Jan. 16	Proceeds of 2 Steam Donkey Engines - Fanny Bay		200.00	
Feb. 2	To N. C. Kliman - Legal Fees	12.50		
1952				
Mar. 14	To N. C. Kliman - Legal Fees	40.00		
" 25	Final distribution to Creditors of Deep Bay Logging Co. (E. Kagetsu)	472.37		
	Kagetsu & Co. Ltd.	517.69		
June 14	Paid to P. S. Ross & Sons balance of fees for services rendered re Liquidation	75.00		
		96,128.51	96,128.51	ø

File No. 16700.
Ottawa 4, Ontario.
April 15, 1954.
EL/EMM

Sept. 2/43 Examining and Advertising Bk 195	452.29
Nov. 18/43 P.S. Ross & Sons re sale of "	650.00
Aug 9, 11/44 North Vancouver Property sale	19.00
Oct. 11/44 Fee for services re affairs	20.00
Oct. 15/47 Charges for shipping bonds	16.65
	$1,497.84

Extracted from P.S. Ross & Sons File 13524 or Exhibit 45 of Bird Commission Hearings.

GRAND TOTAL $19,193.10

From May 31/42 to March 31/46

Commission for sale of Deep Bay Machinery	$ 219.77
Watchman's Wages	7,085.14
Telephone	457.20
Car & Truck Storage	130.09
Auditor's Fee	25.00
Expenses for Handling Material	1,000.00
Appraisals	550.00
Advertising	284.41
Controller's Fees	4,384.21
Retainer	1,250.00
Legal Fees-Locke, Lane, Guild, Sheppard	831.28
Safekeeping Charges	37.90
June 13/46 Liquidation Service	575.33
Sept.5/47 Examination of Fanny Bay	150.00
Oct. 3/47 Advertising Equipment	27.68
Jan. 8/48 P.S. Ross & Sons Wind-up affairs	290.25
Jan. 29/49 Meeting and Filing Expenses	11.00
	$17,309.26

(B) CHARGED TO KAGETSU & COMPANY

Extracted from P.S. Ross & Sons File 15722.

April 19/45 Investigation Fee	50.00
Nov. 26/46 P.S. Ross & Sons	225.00
Jan 8/48 " " "	100.00
Jan 29/49 General Meeting & Filing	11.00
	386.00

(C) CHARGED TO EIKICHI KAGETSU

Extracted from P.S. Ross & Sons File 12787.

Feb. to Aug. 1943 Land Registry Office	8.50
Sept 1/43 Legal Fees Locke et al	331.40
Sept. 2/43 Examining and Advertising Bk 195	452.29
Nov. 18/43 P.S. Ross & Sons re sale of "	650.00
Aug 9, 11/44 North Vancouver Property sale	19.00
Oct. 11/44 Fee for services re affairs	20.00
Oct. 15/47 Charges for shipping bonds	16.65
	$1,497.84

GRAND TOTAL $19,193.10

DEEP BAY LOGGING COMPANY "OVERHEAD"

AFTER EVACUATION

Only major items shown-extracted from P.S. Ross & Sons File No. 13524.
From 31st May, 1942 to 31st May, 1946.

Right-of-way rentals	$2,021.00
Foreshore Lease	170.00
Taxes	3,213.36
Fire Insurance	1,438.40
Workman's Compensation Bd.	5,336.95
Forest Branch dues	2,487.24
	$14,666.95

2115.00
372.24
2487.24

For ALL FORCED SHUT-DOWN OPERATIONS!

STATEMENT OF ACCOUNT

KAGETSU, E. No. 12787

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1942				
Dec. 18	Rent collected		150.00	
	" "		150.00	
	" "		90.00	
	" "		550.00	
	Mortgage Account Principal	142.50	940.00	
	Interest	65.15		
	Commission re Collections	7.50		
	Repairs and Maintenance	179.56		
	Interest	480.06		65.23
" 24	Rent Statement by Carl M. Stewart	250.00		184.77
		1124.77		
" 28	Transfer from Car Account. Dodge(552.77) Pontiac (998.02)		1,550.79	1,366.02
	This entry reversed March 23/44 & March 12/45			
1943				
Feb. 8	Certificate of Encumbrance	2.00		
Mar. 8	Transfer of Car Balance (Ford)		522.20	1,886.22
" 10	3 Certificates of Encumbrance	3.00		
" 24	To Registrar re Release of Conditional Bill of Sale	1.50		
June 23	Registration of Quit Claim Deed and Mortgage on Lots 8, 9 and part of "A" of Lot 10, Reg. Plan No. 9026, Block 1, D. L. 772	16.00		
" 25	Certificate of Encumbrance	1.00		
" 26	Paid to D. A. Cramer fee for registering Parcel "A" of Lot 10, Ref. Plan No. 2096, Block 1, D. L. 772	2.50		
July 3	Paid to City of Vancouver 1943 Taxes	132.96		
	" " " " " " "	126.26		1,603.00
" 9	Refund Registering Quit Claim Deed		18.50	1,621.50
Aug. 5	Certificate of Encumbrance	1.00		
" 11	Paid to J. H. Whittome & Co. balance owing on Block 195	16,816.33		
" 12	Received from H. R. McMillan Export Co. Purchase of Block 195, Cowichan Lake District		93,000.00	77,804.17
Sept. 1	Paid to Lake, Lane Guild & Co. for Legal Services	331.40		
" 2	Paid to Eustace Smith service re examining property	297.00		
	Paid to J. J. Gibbons for advertising for tenders	155.29		
" 24	Water rates for January, June and July to December for 5285 McKenzie Street	16.80		77,003.68
Oct. 8	25% Div. re Claim re Dr. Hori		625.00	
Nov. 8	Appraisal Fee	7.50	?	
" 16	Received from Norman D. Bischoff re closing adjustment on 5286 McKenzie Street		99.57 ?	77,720.75

STATEMENT OF ACCOUNT

KAGETSU, E. No. 12787

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A2765B

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
Nov. 17	Cost of Transfer and Assignment re Lots 47 and 48	9.10 ?		
" 18	Paid to P. S. Ross & Son for services rendered March - August 1943 re sale Block 195 Cowichon Lake District	650.00 ✓		
Dec. 2	Commission re sale of 5286 McKenzie Street	215.00		
" 6	Purchase price of 5286 McKenzie Street		4,300.00	
	Less Mortgage assumed by Purchaser	2,300.00		78,846.65
1944				
Mar. 11	Metropolitan Life Insurance percentage allowed in consideration of Premiums paid in at the Company's Office		10.92 ✓	
" 23	Transferred to Deep Bay Logging Co.'s Account (PONTIAC)	998.02 ✓		77,859.55
April 11	Reversing all Debit entries dated December 18 and 24, 1942		1,124.77	
	Reversing Credits December 18, 1942	940.00 ✓	✓	78,044.32
" 27	Paid to Johnson, Reeve, Watson - Valuation Fee	7.50 ✓		
May 16	Paid to Nordwest Mortgage Co. additional amount to clear Mortgage	124.50 ✓		
June 16	Received from Horne Taylor & Co. refund of rental re sale of 5286 McKenzie Street		42.75 ✓	
July 20	Registration Fee re 2867 - 37th Avenue	15.45 ✓		
Aug. 9	To The Registrar of Victoria, B. C. - Fees paid	5.00 ✓		
" 11	North Vancouver Realty Co. - Fees	5.00 ✓		
" 22	Advertising	12.00 ✓		
" 25	Pemberton Realty Corp'n - Valuation Fees	5.00 ✓		77,912.62
" 29	Paid Receiver General of Canada re Income Tax for 1940 and 1942 Assessment	5,735.79 ✓		72,176.83
" 30	To District of North Vancouver 1940-1941 Taxes plus interest	2,524.08 ✓		
Sept. 1	City of Vancouver - 1944 Taxes	129.75 ✓		
	City of Vancouver Water rates - July to December, 1944	8.20		69,514.80
" 6	Sale of 2867 - W. 37th Avenue		4,341.21	73,856.01
" 9	Paid to Simpson, MacPherson Ltd. Commission re sale of 2867 - W. 37th Avenue	211.25 ✓		
Oct. 11	Fees re Services rendered - P. S. Ross & Son	20.00 ✓		
" 13	To Royal Bank of Canada for the personal use of Mr. E. Kagetsu	2,000.00 ✓		
" 27	Receiver General of Canada purchase of 5 x $5,000.00 Victory Bonds	25,000.00 ✓		
Nov. 7	Payment of claim to Yokohoma Specie Bank	28,191.72 ✓		
Dec. 21	To Mr. E. Kagetsu for personal use	256.15 ✓		18,176.89

STATEMENT OF ACCOUNT

KAGETSU, E.

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1945				
Jan. 22	To Metropolitan Life Insurance Company Semi-Annual Premium on Policy No. 58,503	145.65		
" 31	To Registration Fees	8.00		
" 31	Tax arrears for 1944 and interest	53.79		
Feb. 1	Received from Canada Daily News		549.84	18,519.29
" 14	To Metropolitan Life Insurance Semi-Annual Premium Policy No. 58,901.	145.65		
Mar. 1	Registration Fee	6.70		
" 10	To Mr. E. Kagetsu for personal use	5,000.00		13,366.94
" 12	Transferred to Kagetsu & Co. Ltd. - The proceeds of the sale of Dodge Sedan sold to Campbell Motors	552.77		
" 19	Refund to Canada Daily News re overpayment of claim	9.60		
	Transferred to Kagetsu & Co. Ltd. - Debt due by Canada Daily News	240.24		
" 24	Commission re sale of property	3.75		
" 26	Sale of Property		75.00	
April 5	Sale of Lots 1-13 and Lots 18-21, Block D. L., North Vancouver		12,000.00	
	Discharge of Mortgage	9,750.00		
" 7	1942, 1943 and 1944 Taxes on Lots 1, 7, 8, 13, 18 and 21	2,453.75		
" 11	Cost of auction	70.25		
	Proceeds of sale of property		439.30	
" 16	Taxes on Lot 13, 1942 - 1944	233.66		
" 19	Registration Fee re Lots 1-13 inclusive and 18-21 inclusive	34.75		
May 17	Registration Fee re Lots 1-13, 18-21 inclusive	.50		
	Insurance premium on furniture re Policy No. 32499	12.00		12,519.97
" 23	Transferred to Kagetsu & Co. Ltd.	439.30		
	Reversing entries dated April 11, 1945		70.25	
June 8	Adjustment re sale of property Lots 1-13 and 18-21		38.90	
Aug. 4	Certificate of Encumbrance	1.00		
Sept. 11	Paid to E. Kagetsu for personal use	5,000.00		
" 27	Coupons re Dominion of Canada Bonds - 5 x $112.50		562.50	
Oct. 18	Refund of deposit B. C. Electric Light & Gas		3.00	
" 19	Dividend of 14% re Claim Dr. Hori		350.00	8,104.32

STATEMENT OF ACCOUNT

KAGETSU, E. No. 12787

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1946				
Jan. 16	Paid to E. Kagetsu for personal use	7,500.00		
Feb. 1	Interest on 7 Victory Loan Bonds		450.00	
" 11	5 Coupons Victory Bonds (5 x $75.00)		375.00	
May 2	Payment agreement for Sale due April 1, 1945 - District of North Vancouver - Principal		1,000.00	
	Interest		490.17	
Aug. 3	Interest one-half year on Dominion of Canada Bonds		450.00	
" 26	Interest one-half year on Dominion of Canada Bonds (5 x $75.00)		375.00	
Nov. 6	Paid to E. Kagetsu for personal use	3,500.00		244.49
1947				
Jan. 30	Telephone to Toronto	2.92		
Feb. 3	One-half year Interest Dominion of Canada Bonds		450.00	
Mar. 22	One-half year Interest Dominion of Canada Bonds		375.00	
Aug. 1	One-half year Interest Dominion of Canada Bonds		450.00	
" 8	One-half year Interest Dominion of Canada Bonds		375.00	
Sept. 3	Paid to E. Kagetsu for personal use	1,800.00		
Oct. 15	Cost of shipping Bonds to Ottawa	16.65		
" 24	Telephone charges	.57		74.35
1948				
Feb. 2	One-half year Interest on Bonds		450.00	
" 10	Paid to E. Kagetsu for personal use	3,000.00		
" 13	Distribution of $20.00 per share (529 shares) of Kagetsu & Co.Ltd.		10,580.00	
Aug. 2	Interest on Dominion of Canada Bonds		450.00	
Oct. 28	Paid to E. Kagetsu for personal use	3,000.00		
Nov. 2	Paid to E. Kagetsu for personal use	5,000.00		554.35
1949				
Jan. 7	Paid to E. Kagetsu for personal use	554.35		ø
Feb. 1	Interest on Dominion of Canada Bonds		450.00	
" 2	Paid to E. Kagetsu for personal use	450.00		ø

STATEMENT OF ACCOUNT

KAGETSU, E. No. 12787

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1950				
Jan. 28	Final distribution from Canada Daily News		49.82 ✓	
Feb. 4	Paid to E. Kagetsu for personal use	49.82 ✓		ø
Nov. 4	Balance of No. 2 Savings Account of E. Kagetsu with Yokohama Speci Bank		28,191.72	
	Less cost Attorney General, Washington D.C., U.S.A.	19,000.00		
	Less cost Custodian Administration Fee	387.75		8,803.97
" 4	Paid to E. Kagetsu for personal use	8,803.97		ø
" 8	Distribution of $5.00 per share (529 shares) Kagetsu & Co. Ltd.		2,645.00 ✓	
" 8	Paid to E. Kagetsu for personal use	2,645.00 ?		ø
1952				
Mar. 25	Partical distribution by C. M. Stewart re 1 share. Claim no beneficial interest.		25.00	
	Final distribution to creditors re Deep Bay Logging Co.		472.37	
	Kagetsu & Co. Ltd. payment of final distribution to shareholders as well as part of a distribution owned by Kagetsu & Co. Ltd.		2,970.30 4.07	3,471.74
July 10	Paid to E. Kagetsu Balance of Account	3,471.74 ?		ø
				ø

Ottawa,
April 2, 1954.
LL/EMM.

STATEMENT OF ACCOUNT

E. KAGETSU and DEEP BAY LOGGING COMPANY

Joint Account.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1942				
May 18	Balance on hand		3,608.06	3,608.06
	Stumpage		4,758.78	8,366.84
" 27	Paid to E. Kagetsu	90.00		8,276.84
" 31	Adjustment - E. and N. R.R. Contract		2,667.00	10,943.84
1944				
Dec. 31	Receipts and Disbursements held by C. M. Stewart	624.46		10,319.38
1945				
Mar. 15	Due to E. Kagetsu - Sale of Lots 504 - 566		14,000.00	
	Sale of Donkey Engines and Tractors		9,000.00	33,319.38
1946				
Feb. 9	Purchase of Victory Bonds to E. Kagetsu	30,000.00		3,319.38
	Transferred to Custodian, Ottawa, interest on Victory Bonds for account of E. Kagetsu	450.00		2,869.38
	Paid to E. Kagetsu by A. Simpson for Boom chains	1,000.00		1,869.38
	Collected by C. M. Stewart from Lynnmour Creek Sawmills	632.08		1,237.30
1947				
Nov. 5	Balance due to E. Kagetsu & Co.	1,237.30		ø
		34,033.84	34,033.84	

1952
MAR 25

472.37

Bal due → 764.93

File No. 16700.
Ottawa 4, Ontario.
April 15, 1954.
LL/EMM.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 16700 Vol. IA.

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 8, 1954.

Dear Sir,

Re: Kagetsu & Company Limited.

Further to my letter of April 5, 1954, I enclose herewith a statement of receipts and disbursements with reference to the above named company.

A similar statement will be forwarded to you, in due course, regarding the Deep Bay Logging Company.

Yours very truly,

L. Legault,
Administration Board.

9314.34
5,000.00
517.69

15,445.33
14,432.03
913.30

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

checked.

STATEMENT OF ACCOUNT

KAGETSU & COMPANY LTD.

Account No. 15722

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1945				
Mar. 13	Proceeds of sale of Dodge Sedan Model "D"		580.00	
	Expenses re sale of car	27.23		552.77
" 19	30% of $800.80 paid by Canada Daily News on claim (TAKEN FROM E.K. ACCT.)		240.24	793.01
Apr. 19	Investigating fees - P. S. Ross & Son	50.00		
May 23	Proceeds of Auction Sale		439.30	
	Disbursements re Auction Sale	70.25		1,232.31
1946				
Jan. 24	Credit balance transferred to P. S. Ross & Son	1,112.06		
May 18	Balance of funds on hand re liquidation of Kagetsu & Co. Ltd.		10,591.17	
Aug. 26	Interest on Dominion of Canada Bonds		75.00	
Nov. 26	Paid to P. S. Ross & Sons for services rendered for April, 1942 to June, 1946	225.00		10,441.17
1947				
Feb. 12	Interest on Dominion of Canada Bonds		75.00	
Aug. 6	Interest on Dominion of Canada Bonds		75.00	
" 8	Proceeds of sale of $5,000.00 Dominion of Canada Bonds together with interest (5 x $1,000.00)		5,234.12	
Sept. 29	Payment of claim by J. Kivruazaya		123.86	15,949.15
1948				
Jan. 8	Paid to P. S. Ross & Son for services rendered to wind up the company	100.00		15,849.15
Feb. 12	Distribution of $20.00 per share to T. Maikawa (70 shares)	1,400.00		
	Paid to C. M. Stewart $20.00 per share (1 share)	20.00		
	Paid to E. Kagetsu $20.00 per share (529 shares)	10,580.00		
Dec. 22	Paid to C. M. Stewart and N. C. Kliman in full settlement of account	133.86		3,715.29
1949				
Jan. 29	Expense re General Meeting and filing fees	11.00		3,704.29
Nov. 22	Payment of debt owing to Kagetsu & Co. by Hompa Buddist Temple		2,144.79	5,849.08

STATEMENT OF ACCOUNT

KAGETSU & COMPANY LTD.

Account No. 15722.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
1950				
Jan. 28	Final distribution Canada Daily News		39.90	5,888.98
Nov. 8	Distribution of $5.00 per share of Kagetsu & Co. Ltd. to			
	E. Kagetsu (529 shares x $5.00)	2,645.00		
	To C. M. Stewart (1 share x $5.00)	5.00		
	To Mr. Maikawa (70 shares x $5.00)	350.00		2,888.98
1952				
Mar. 14	Paid to N. C. Kliman legal fees winding up the company	40.00		
" 25	Final distribution to creditors by Deep Bay Logging Co.		517.69	
	Transferred to Custodian, Ottawa, for account of T. Maikawa (In Japan)	392.30		
	To Mr. E. Kagetsu account (Transferred)	2,970.30		
	To Mr. E. Kagetsu account (Transferred)	4.07		ø
		20,136.07	20,136.07	

File No. 16706.
Ottawa, Ontario.
April 7, 1954.
LL/EMM.

Japanese Losses Claim No. 1388 Schedule of expenses incurred by Eikichi Kagetsu in respect of the claims of Deep Bay Logging Company Ltd. and the said Eikichi Kagetsu.

Professional Services:

Allison, W.J., logger and mill operator witness at the hearing	$14.00
Arikado, H.S., former bookkeeper of Mr. Kagetsu, services rendered in assisting in preparation of claim, travelling from the East and living expenses, 38 days	832.55
Brown, Fred B., logger, witness at hearing, one day	7.00
Brewin, F.A., Barrister & Solicitor, travelling and living expenses of attendance at hearing, 15 days (Solicitors fees of $1800.00 not charged)	423.60
Byers, William, consulting forester and timber broker witness at hearing and general adviser	822.06
Campbell & Pound Ltd., real estate agents, valuation and compilation of comparative sale evidence	37.50
Clement, J.W., agrologist, witness at hearing, service rendered in surveying agricultural land	203.00
Gardiner, Harold, forest engineer, witness at hearing and adviser, one day	15.00
Ito, S., interpreter for counsel, travelling from the East and return and living expenses, 21 days	638.50
Johnson, Sidney L., witness at hearing	7.00
Kagetsu, E., Mr. Kagetsu's personal expenses in coming from Ontario to attend and give evidence at the hearing, travelling and living expenses for 59 days	839.05
Kagetsu, H., forest engineer, organizing evidence and technical advice, travelling from Ontario and return, and living expenses	938.10
Leckie, James, preliminary clerical work in briefing data from files of T.G. Norris and Custodian	100.00
Marguilese, Florence M., searching Forestry Department and Land Registry files in Victoria Fee $ 180.00 Disbursements $ 131.70	311.70
Peat, Marwick, Mitchell & Co., accountants, advising and preparing statements	35.00
Pretty, Charles N., timber broker, witness at hearing, one day	7.00
Carried Forward	5231.06

	Brought Forward	5231.06
Swanson, R.E., chief inspector, Department of Railways, witness at hearing, one day		7.00
Schultz, C.D., forest engineer, considerable services rendered in cruising and mapping on Vancouver Island		7739.54

Miscellaneous

Exchange	1.87	
Express	2.32	
Forest Service	38.00	
Land Registry Office	.50	
Maps & Blueprints	11.75	
Proportionate expense of trip to Toronto by Mr. Norris in preparation for hearing	56.25	
Registrar of Companies	1.50	
Telephone and telegraph	41.42	156.63

Liquidation expenses charged by the Custodian SVB 13,13423

To Deep Bay Logging Company Ltd.	17,162.38
To Eikichi Kagetsu	1,497.84
	$31,794.45
+ Legal Not claimed →	9,935
	$41,729

I confirm the above as the total of disbursements for which I wish to claim.

E. Kagetsu

Eikichi Kagetsu

May , 1951.

Ottawa, March 10, 1954.

MEMORANDUM FOR THE CHAIRMAN,

ADMINISTRATION BOARD AND CHIEF COUNSEL.

Re: Deep Bay Logging Co. Ltd.

"I therefore recommend payment to the claimants the sum of $51,750.00, being the aggregate of the excess of the estimates here made of fair market from the sale price, summarized as follows:

Block 195	$18,000.00
Deep Bay	7,500.00
Deep Bay felled and bucked	8,000.00
5,500 acres immature timber	8,250.00
40 buildings, Deep Bay	1,000.00
Railway	1,000.00
Logging equipment	8,000.00
	$51,750.00

To this amount should be added (the sum of $483.75 being) the aggregate of the overall recommendations in respect of the dwelling and motor car.

March 24, 1950.

H. I. Bird,
Commissioner."

The records of the Deep Bay Logging Co. Ltd. show that the shares of this company were owned by persons of the Japanese race, as follows:

	"A"	"B"
Eikichi KAGETSU	3,853 shares	3,950 shares
KAGETSU & CO. LTD.	500 "	500 "
Tsurataro KAGETSU	200 "	200 "
Sadanori KIKUCHI	200 "	200 "
Sawaichi IRIZAWA	50 "	50 "
Manji USHIZAWA (Enemy)	100 "	100 "
TOTAL NUMBER OF SHARES	4,903	5,000

The records of Kagetsu & Co. Ltd. show that the shares of this company were also owned by persons of the Japanese race, as follows:

Eikichi KAGETSU	530 shares
Tomekichi MAIKAWA (Enemy)	70 "
TOTAL NUMBER OF SHARES	600

The award of $51,750.00 is, therefore, payable as follows:

Eikichi KAGETSU (re Block 195 - personally owned)				$18,000.00

"A"

Deep Bay Logging Co. Ltd.	(Eikichi KAGETSU	3,853 shares	x $6.8835	$26,522.30
	(KAGETSU & CO. LTD.	500 "	x $6.8835	3,441.75
	(Tsurataro KAGETSU	200 "	x $6.8835	1,376.70
	(Sadanori KIKUCHI	200 "	x $6.8835	1,376.70
	(Sawaichi IRIZAWA	50 "	x $6.8835	344.20
	(Manji USHIZAWA	100 "	x $6.8835	688.35
TOTAL NUMBER OF SHARES		4,903	x $6.8835	$33,750.00

"B"

Deep Bay Logging Co. Ltd.	(Eikichi KAGETSU	3,950 shares	x $6.75	$26,662.50
	(KAGETSU & CO. LTD.	500 "	x $6.75	3,375.00
	(Tsurataro KAGETSU	200 "	x $6.75	1,350.00
	(Sadanori KIKUCHI	200 "	x $6.75	1,350.00
	(Sawaichi IRIZAWA	50 "	x $6.75	337.50
	(Manji USHIZAWA	100 "	x $6.75	675.00
TOTAL NUMBER OF SHARES		5,000	x $6.75	$33,750.00

The distribution of the amount of $3,441.75 due to KAGETSU & CO. LTD., according to Item "A", is as follows:

"A"

Eikichi KAGETSU	530 shares	x $5.7362	$ 3,040.20
Tomekichi MAIKAWA	70 "	x $5.7362	401.55
TOTAL NUMBER OF SHARES	600	x $5.7362	$ 3,441.75

The distribution of the amount of $3,375.00 due to KAGETSU & CO. LTD., according to Item "B", is as follows:

"B"

Eikichi KAGETSU	530 shares	x $5.625	$ 2,981.25
Tomekichi MAIKAWA	70 "	x $5.625	393.75
TOTAL NUMBER OF SHARES	600	x $5.625	$ 3,375.00

Hereunder is a breakdown of the share payable to Mr. Eikichi KAGETSU, according to Item "A" -

"A"

Block 195 (personally owned)			$18,000.00
Deep Bay Logging Co. Ltd.	3,853 shares	x $6.8835	26,522.30
His interest in KAGETSU & CO. LTD.	530 "	x $5.7362	3,040.20
		TOTAL	$47,562.50

"B"

Hereunder is a breakdown of the share payable to Mr. Eikichi KAGETSU, according to Item "B" -

Block 195 (personally owned)		$18,000.00
Deep Bay Logging Co. Ltd.	3,950 shares x $6.75	26,662.50
His interest in KAGETSU & CO. LTD.	530 " x $5.625	2,981.25
	TOTAL	$47,643.75

The file of the Deep Bay Logging Co. Ltd. discloses that Mr. Manji USHIZAWA, holding 100 shares of Deep Bay Logging Co. Ltd., is a Japanese national who left for Japan in 1939. Prior to his departure he transferred his share holdings into the name of Mrs. E. Kagetsu. Such transfer was never presented to the company, nor recorded on the company's books.

The file of Kagetsu & Co. Ltd. discloses that Tomekichi MAIKAWA, holder of 70 shares in this company, is a Japanese national residing in Japan.

Since Manji USHIZAWA and Tomekichi MAIKAWA are Japanese nationals, their award is subject to Article 14 of the Peace Treaty with Japan.

Naturalized Canadian in Japan during War

L. Legault.

File No.
LL/EMM.

① Establish shares.
② We will prove all ours Deep Bay & K Co.
∴ Total award ours.
② If above not acceptable you will have to determine (A) Split of Timber all asset between DeBay & K
(B) distribute D.B. asset to shareholders

COPY

8 Mountview Avenue,
Toronto, Ont.
March 12, 1954.

Mr. C. Stein, Q.C.,
The Under Secretary of State,
Ottawa, Canada.

Sir:

With respect to Claim No. 1388, this is to comply with the letter, dated February 25th, 1954, from your office to Mr. J.C. Osborne.

Whereas a request for extention of the date of reply (March 15, 1954) has been rejected by your Department: and whereas the reply to a request, to the Minister of Justice to make available a tribunal to assess new evidence, has not yet been received (on March 6th, the Secretary of State was advised of such request by the Evacuation Losses Compensation Committee): and whereas your Department has declared that failure to accept the Government's offer within the specified date, will result in complete withdrawal of all awards, including that recommended by the Bird Commission: and whereas the volume of timber actually logged has already, far exceeded the volume allowed by the Bird Commission: I hereby agree to accept, with protest and without any prejudice to this claim, the following:-

1) The sum of Fifty-two Thousand, Two Hundred Thirty-Three and 75/100 dollars ($52,233.75), being the aggregate of the excess of Mr. Justice Bird's estimates of fair market value over the sale price, and being about 11% of the claim submitted:
2) The sum of Two Thousand, Five Hundred, Eighty-seven and 50/100 dollars ($2,587.50), being less than 5% of item 1); as an award to defray about 8% of the expenses incurred in preparing my claim and presenting same before the Bird Commission:
3) Nil for the many thousands of dollars I have had to pay for forced liquidation and control (accounting) costs:
4) Nil for the substantial losses in other forms, monetary and otherwise, through no fault of my own:

the foregoing being the Government's offer of full and final settlement.

Further, this letter is written with the full under-

standing between the Government and myself, that the contents herein will have no bearing whatsoever, on my (our) accounts with the Custodian (more specifically known as File Nos. 12787, 13524, 15722, 12787 & 13524) or on any other monies that may already be forthcoming to me from the Government.

I submit this letter, with the greatest of respect to all.

Sincerely yours,

(Signed)

Eikichi Kagetsu

c.c. Mr. John C. Osborne.

COPY

8 Mountview Avenue,
Toronto, Ont.
March 12, 1954.

Mr. C. Stein, Q.C.,
The Under Secretary of State,
Ottawa, Canada.

Sir:

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2) The sum of Two Thousand, Five Hundred, Eighty-seven and 50/100 dollars ($2,587.50), being less than 5% of item 1); as an award to defray about 8% of the expenses incurred in preparing my claim and presenting same before the Bird Commission:
3) Nil for the many thousands of dollars I have had to pay for forced liquidation and control (accounting) costs:
4) Nil for the substantial losses in other forms, monetary and otherwise, through no fault of my own:

the foregoing being the Government's offer of full and final settlement.

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standing between the Government and myself, that the contents herein will have no bearing whatsoever, on my (our) accounts with the Custodian (more specifically known as File Nos. 12787, 13524, 15722, 12787 & 13524) or on any other monies that may already be forthcoming to me from the Government.

I submit this letter, with the greatest of respect to all.

Sincerely yours,

(Signed)
Eikichi Kagetsu

c.c. Mr. John C. Osborne.

8 Mountview Avenue,
Toronto, Ont.
March 15, 1954.

The Custodian's Office
Department of the Secretary of State
7 O'Conner Street
Ottawa 4, Canada.

Attn: Mr. K.W. Wright

Dear Sirs:

Re: Deep Bay Logging etc.

Mr. Legault's memorandum of March 10th has now been examined by us. As we agreed on March 11th, the best approach both for your office and ourselves seems to be to hold matters in abeyance until we can show that all shares of both Deep Bay Logging Co. and Kagetsu Co. Ltd. are held by Eikichi Kagetsu.

Be that as it may, I wish to draw your attention to the fact that both Ushizawa and Maikawa were not and are not enemy aliens but naturalized Canadian citizens, which no doubt you have means of verifying. Both happened to be residing temporarily in Japan during the war.

Furthermore, please be advised that the standing timber and the logged-over lands were in part the outright property of Eikichi Kagetsu, which if necessary we can prove. It is most regretful that from the very beginning the Custodians made no effort to make this distinction. In short, among the many parcels of timber and land the records now in your office will show that all property at Fanny Bay(Deep Bay) were not held entirely by the Company. Consider for example the stumpage dues the Company was regularly paying to Eikichi Kagetsu. I am afraid the wide gap between your views and ours has often hinged on crucial facts such as the above.

Consequently, you will find that the felled and bucked timber came off of blocks (timber parcels) wholly owned by Eikichi Kagetsu. Some of this timber had been "yarded & swung" so that the "cold-decked piles" may or may not have been on the original blocks.

Some of the costliest of the logging equipment also can be shown to have been the outright property, personally of the claimant. Ledger will show rentals paid to ownerto mention but

one source of evidence.

You can see therefore, to apportion the award will be arduous and these complications are being pointed out to you now because we feel both parties might avoid unnecessary work.

We will proceed then to gather evidence to show that Eikichi Kagetsu should be the recipient to all the awards.

No doubt you have been advised by the Under Secretary of State that the claimant has agreed to accept the Government's offer of settlement, with protest and without prejudice to the case.

A copy of this letter is being sent to our counsel.

With regard to our several standing accounts, Mr. Legault has kindly consented to sending us a complete reproduced statement. We wish therefore to reserve our comments until receipt of the statements.

Sincerely yours,

H. Kagetsu.

c.c. Mr. J.C. Osborne

C
O
P
Y

LETTERHEAD

OF

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

March 17th, 1954.

Attention: Mr. Osborne.

Messrs. Gowling, MacTavish, Osborne & Henderson,
Barristers, Solicitors,
88 Metcalfe Street,
Ottawa 4, Ontario.

Dear Sirs:

Re: E. Kagetsu and
Deep Bay Logging Company Limited.

I enclose, for your information, copy of a letter dated 15th instant received from H. Kagetsu.

You are aware that a letter dated 12th instant was sent to the Under Secretary of State by Mr. Kagetsu, wherein he agreed to accept the award herein and $2,587.50 additional with respect to expenses.

You will recall that during the meeting in my office last Thursday, Mr. Kagetsu undertook to surrender certain duly endorsed certificates of stock and establish that he was entitled to the full amount of the award.

I have received specific instructions from the Deputy Custodian to complete this matter and secure unconditional releases. To this end I enclose two copies of draft of the type of releases we will require to have signed prior to payment. The forms were drawn prior to the meeting referred to and will need to be amended as to stock ownership if the evidence referred to is produced.

Will you be kind enough to take such steps as are necessary to close this matter without delay.

Yours very truly,

"K. W. Wright"
K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KWW/G
Encls.

GOWLING, MacTAVISH, OSBORNE & HENDERSON
BARRISTERS & SOLICITORS

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

COUNSEL
LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

March 18, 1954.

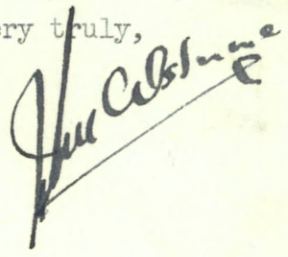
E. Kagetsu, Esq.,
8 Mountview Ave.,
Toronto 9, Ontario.

Dear Mr. Kagetsu:

I am enclosing herewith a copy of a letter that I have received from Mr. Wright of the Custodian's Office dated March 17 and I am also enclosing the two copies of the draft of the type of releases that he has sent to me. You will find Mr. Wright's letter self-explanatory and you will particularly note that he has specifically asked that such steps that are necessary to close this matter be taken without delay.

Since you are in direct communication with the Custodian's Office you will, no doubt, wish to respond to Mr. Wright's letter yourself.

Yours very truly,



JCO:BAW
Encl.

8 Mountview Avenue,
Toronto, Ont.
March 29, 1954.

Mr. L. Legault,
The Custodian's Office,
Department of the Secretary of State,
7 O'Connor Street,
Ottawa 4, Canada.

Dear Sir: Re: Deep Bay Logging etc.

As we agreed we are endeavouring to gather as much evidence as possible to show that Eikichi Kagetsu is entitled to the full amount of the award. Communications to B.C. have delayed matters somewhat but presently we will send our evidence.

Last March 15th we sent a letter to your office to the attention of Mr. Wright, which please note as to contents.

Last March 17th Mr. Wright sent out affidavits of release which we have been withholding pending settlement as to distribution and also in view of the clause pertaining to proceeds of liquidation having been distributed.

With regard to the latter, we await your sending us complete official reproductions of Files No. 12787, 13524 & 15722, as well as a special file No. 12787-13524, all of which commence from early 1942. We are of the opinion that considerable funds are yet available from these accounts.

We realize that you have been away for some time. Trusting you to be now back, we will be most grateful to have you attend to the foregoing as early as possible.

Sincerely yours,

H. Kagetsu.

Dear Sirs:

Re: Deep Bay Logging Company etc.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 16700

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 8, 1954.

Dear Sir,

Reference is made to the first paragraph of your son's letter of March 19, 1954.

As we are anxious to settle this matter without further delay, I would appreciate being advised if you are now in a position to produce the required evidence showing that you are entitled to the full amount of the award.

An early reply in this connection will be greatly appreciated.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 16700 Vol. I

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 9, 1954.

Dear Sir,

Re: Deep Bay Logging Company Limited
Account No. 13524.

Further to my letter of April 8, 1954, I enclose herewith a statement of receipts and disbursements with reference to the above named company.

According to this statement, you will note that the Custodian is not in possession of any funds belonging to your father.

Reference is made to an entry, dated October 27, 1944, in connection with E. Kagetsu's account. The 5 x $5,000. Dominion of Canada Bonds were forwarded to your father on October 15, 1947.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

Carbondale #11 - 200 to Tomoo Kageton (3704-3903) Jan 2/31
#15 - 50 - To S. Ikeuchi - (4204-4253) Jan 2/31
Transfered to Tokyo Oct 10/38
" " EK Feb 9/52

#9 - 200 S. Ikeuchi (3304-3503) Jan 2/31
Transfered to EK Dec 7/51

8 Mountview Avenue,
Toronto, Ont.
April 12, 1954.

Office of the Custodian,
Department of the Secretary
of State,
Victoria Building,
7 O'Connor Street,
Ottawa.

Attn: Mr. L. Legault.

Dear Sirs:

Thank you for the reproductions of Account No's. 15722, 13524 & 12787. These explain there being no balance remaining.

As for Account No. 12787, there is a Dec. 6/43 entry re Mortgage of $2,300.00. The entries of Dec. 18/52 showing sizable ($480) interest payment arouses my curiosity. Will you please explain? Over 20% interest rate is indicated.

Also on same account item of April 5/45, another Mortgage of $9,750.00. Only one payment towards this has been received. Your Vancouver Office has failed to collect a principal outstanding of $8,750, not to mention substantial sums for interest.

No doubt from these accounts your office is fully aware that cumulative cost of liquidation has resulted in a loss to my father of over $20,000.00 almost all of this for service charges, forced upon him.

Will you now be good enough to send me a copy of an account labelled 12787 & 13524, being a mutual account between E. Kagetsu and the Deep Bay Logging Company. On this account I think you will find a substantial sum still owing to E. Kagetsu.

It is almost unbelievable that a firm which has paid substantial income tax, after liquidation of its assets finds itself in the red, with nothing left to distribute to stockholders. Strangely, $50,000.00 of Capital Stock became less than worthless in the hands of the Custodian. I am of course refering to the Deep Bay Logging Company.

Now, E. Kagetsu, as an individual privately owned Blocks 566, 504, 274 & 198 in the Fanny Bay Area together with some big pieces of equipment. I find no credit entiies for these, on #12787.

BIRD COMMISSION HAS ERRED!

Long before the war with Japan, certian Canadians had been victims of cial discriminations. The outbreak of war caused some 23,000 of these citizens to be rcibly uprooted from their homes on very short notice. This was for purposes of curity, although the Prime Minister said they were "guilty of no crime or even of any l intention." All property that could not be carried away by the evacuees had to be rriedly placed in custody of various authorities. Subsequently, the Department of the ecretary of State adopted a policy, not of custodianship but of mass liquidation.

In 1947, thanks to the efforts of the Co-operative Committee on Japanese Canadians, other groups and individuals, the Government finally authorized Mr. Justice Henry Bird to act as a Royal Commission. His duties were to probe into, not all forms of losses but only those where the fair market value could be shown to exceed the sale price. Broader terms of reference were refused. At the hearings before the Commissioner the arguments of the alaimants were rebutted by Custodian's counsel.

By 1950, the Bird Commission had proved that property of claimants including war veterans, had been sold at great undervaluation. This revealed the inaccuracy of the opinions held by many sincere Canadians.

The counsel for the Co-operative Committee said, " There have been inquiries into the value of very extensive properties by judicial commissions....Never before, however, has it been necessary to inquire into the value of many different sorts of properties lost to a large group of Canadian residents scattered over the whole of Canada." This was unique in the history of Canadian jurisprudence, yet the Government placed this gigantic task on the shoulders of one man. There were close to three thousand claimants involved, about ten thousand exhibits, and well in excess of twenty-five thousand pages of evidence. No matter how competent, this task was well nigh impossible for one judicial mind. Thus, glaring evidences of error have since become apparent.

For example, one claimant who owned timber limits, can at this date prove that twice the volume of timber existed than was allowed by the Commissioner. Unshakable B.C. Government Scale Records of timber actually removed from his limits from the date of sale to the present, is weighty new evidence, not available in 1948 to the Commissioner. The logging of these limits still continues. The Under Secretary of State has rejected this new evidence on the patently irrevelent grounds that the claimants management was inefficient, which contention conflicts with the Commissioner's findings. Factors such as closer utilization fail entirely to reconcile the wide disparity. But a review has been denied. $1.50 an acre for vast lands, $1,000 for 41 housing units are further examples of erroneous valuation by the Commissioner.

It would appear that the Government's behaviour towards certain Canadians in 1954 is not unlike war years. The above attitude can only be founded on: (a)) The defendant of a case has powers of a tribunal to reject new evidence; (b) The false premise that one judicial mind is infallible; (c) The object of the Government was not full and just compensation but merely a rough limited adjustement for losses.

A new tribunal to assess new evidence and to study appeals is more than indicated. To you legistlators with shining records of protecting human rights, this appeal is being sent to respectfully solicit active support.

EVACUATION LOSSES COMPENSATION COMMITTEE
8 Mountview Avenue,
Toronto 9, Ontario.
March 15, 1954.

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EVACUATION LOSSES COMPENSATION COMMITTEE
8 Mountview Avenue,
Toronto 9, Ontario.
March 15, 1954.

The only conclusion that I can draw is that E. Kagetsu received credit for them from the Deep Bay Logging. If such be the case will you please advise as to the basis for valuation of them. As you know both timber and equipment were sold in bulk so that the value of the parts must have been arbitrary. If my premise is correct, the Deep Bay Logging Company sold property which in fact they did not own at the time.

These points naturally concern us a great deal. I have presented them bluntly to avoid verbosity, with no intent to be offensive. Your cooperation will be much appreciated.

Now, to uphold my end, as promised, please find herewith the following:-share certificates initially made out to Tsurutaro Kagetsu, S. Irizawa and S. Kikuchi. Signed affidavits have been obtained from these principals to further substantiate the rights of E. Kagetsu. Will you please acknowledge documents?

I apologize in the delay, but you will notice that my submisssion to you is not yet complete in the matter of Manji Ushizawa. I would appreciate the particulars as to his specific ownership, as you see it. My father has no doubts about his owning those shares. I believe I can prove him to be correct. I am waiting also for a letter from British Columbia, which may provide what I am looking for.

We gather that you are anxious to close this matter as early as possible. I think that there is no need for me to say that we are in need of funds, so that an early conclusion is very much our concern as well. Please appreciate, however, that it is only natural that we wish to clarify doubtful points before finalizing this matter.

Yours very truly,

H. Kagetsu.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 16700

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 15, 1954.

Dear Sir,

I acknowledge receipt of your letter of April 12, 1954, together with enclosures as stated.

I enclose herewith a statement of account re: E. Kagetsu and Deep Bay Logging Co., also an ammended statement regarding the Deep Bay Logging Company. Would you kindly disregard the previous statement enclosed with our letter of April 9, 1954 in connection with this company.

In connection with the statement regarding the Joint Account, you will notice an entry for the sale of Lots 504 - 566, as well as, the sale of certain machinery and equipment.

Would you kindly disregard the entries dated December 18, 1942 regarding the personal account of your father. You will note that on April 11, 1944 there are entries reversing all the debits and credits, dated December 18, 1942.

According to our records Mr. Manji Oshizawa, a Japanese national, was the registered owner of 100 shares Deep Bay Logging Co.

I hope the enclosed statements will clarify certain comments made in your letter of April 12, 1954.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

CERTIFICATE OF POST OFFICE REGISTRATION

This receipt is necessary if enquiry is desired

DATE

No. 23

P.A.

Postmaster



STAMP

FEE if more than 20c. | c. |

Against LOSS ONLY | 1

MAXIMUM INDEMNITY PAYABLE

CANADA—20c. fee $25; 30c. fee $50; 35c. fee $75; 40c. fee $100; for loss, rifling or damage.

GREAT BRITAIN—$8.17 for loss or rifling.

UNITED STATES—$25.00 for loss only.

OTHER COUNTRIES—Information may be obtained at the Post Office.

50B.—500M Sheets—22-9-52

BK 214

Mrs. Fred Clark

201 Belgravia

Ave

8 Mountview Avenue,
Toronto, Ont.
April 19, 1954.

Office of the Custodian,
Department of the Secretary of State,
7 O'Connor Street,
Ottawa.

Attn: Mr. L. Legault.

Dear Sirs:

Thank you for contents of yours of 15th instant.

Frankly, I am experiencing difficulty in finding conclusive proof of Ushizawa's transfer of shares to E. Kagetsu. Consequently, it may result that the latter cannot have the benefit of those shares. If such be the stand of your office I am afraid some sort of settlement will have to be made with regard to the following:-

(1) Since the Commissioner's recommendations are for awards to the rightful owners at the time of sale we will have to agree as to the splitting of compensations for equipment sales
b) cut-over lands
c) timber
d) felled & bucked logs.

I think that we will agree that there were at Fanny Bay essentially four major blocks of timber, namely, 504, 566, 274 & 617, of which the former three belonged to E. Kagetsu. With the aid of Smith's map or any other map it can be easily established that all the felled and bucked logs belonged to E. Kagetsu, as further attested by his regular collection of stumpage dues from the Deep Bay Logging. In addition to the said blocks there is one other, namely, 198, completely logged over early in the 30's . Thus roughly half the immature timber and three-quarters of the standing timber would belong to E. Kagetsu.

(2) Having established sums due to Deep Bay Logging, one will have to pay its creditors. The joint account just received shows a balance due to E. Kagetsu in an amount in excess of $1,000. That sum will have to be increased for credits overlooked. For example, I have a document of conveyance which will prove that Block 274 was definitely E. Kagetsu's. Further, the latter has not been credited by Deep Bay Logging for felled and bucked logs which was appraised by Smith at $4,500.00. And lastly, the 1945 entry on the joint account appears to be strictly arbitrary and ultra-conservative, both for tenders & equipment, not mentio

PACIFIC TRADING CO.

IMPORTERS AND EXPORTERS

CABLE ADDRESS "USTRADING"

COUNTY NEW AVE.

TORONTO 9, CANADA

TELEPHONE Murray 0023

ing the complete overlooking of the value of immature timber.

I am enclosing said document re Block 274, on good faith, for your purusal.

Now, coming to your revised account of Deep Bay Logging, I notice that all debit entries from Dec. 28, 1942 to May 24, 1944 inclusive

ing the complete overlooking of the value of immature timber.

In good faith, I am enclosing said document for Block 274.

Now, with regard to your revised account of Deep Bay Logging, I notice that all debit entries from December 28, 1942 to May 24, 1944 inclusive have been reversed with three credit entries , namely, $2,500.00, $998.02, and $1,588.05. This of course is correct as the charges reappear under May 1946. However, the speeder sold to Lake Logging Company, is a credit which I fail to find elsewhere. Hence, it appears that the account should be credited with $2,500.00.

The revised account is very much appreciated as it provides me with better-break-downs. It is of course essentially the same as the other. Payment of $5,336.95 was paid to Workmen's Compensation Board when in fact all the workmen had been laid-off. Do you suppose there would be any chance of the Board making a refund? Also right-of-way rentals were paid when such were not used. And, $2,115.00 was paid to the Forest Branch for penalty re slash burning a matter habitually attended to during May. Evacuation made this impossible so that would not the Forest Branch excuse the slash and refund the penalty? These were encountered during the Custodian management so that it would be very much appreciated if you would be so good as to make efforts to recover some of these losses.

My letter of April 12 discussed mortgage receipts not collected resulting in a loss of $8,750. Also in excess of $20,000.00 for service charges re care and liquidation. Will you please advise if any reimbursement to the claimant is possible for such losses? The Deep Bay Logging Capital Stock initially worth $50,000.00 is still shown to be worthless is your revised account, which merely confirms the magnitude of the various losses and charges, which please take due note.

A cummulative sum of close to $3,000.00 has been turned over to C.M. Stewart to whom I. Kagetsu had been making private settlements. It will be impossible to recover this loss.

With no offense intended, it appears clear that your office pursues an unsound policy of paying all billsreceived whether or not strictly payable. On the other hand little effort is made to collect bills due, e.g. Lynmour Sawmill account. I suggest a revision of regulations is indicated, for benefit of future accounts.

May I hear from you soon?

Yours sincerely,

H. Kagetsu.

the sale price. Broader terms of reference were refused. At the hearings before the Commissioner the arguments of the claimants were rebutted by Custodian's counsel.

By 1950, the Bird Commission had proved that property of claimants including war veterans, had been sold at great undervaluation. This revealed the inaccuracy of the opinions held by many sincere Canadians.

The counsel for the Co-operative Committee said, " There have been inquiries into the value of very extensive properties by judicial commissions....Never before, however, has it been necessary to inquire into the value of many different sorts of properties lost to a large group of Canadian residents scattered over the whole of Canada." This was unique in the history of Canadian jurisprudence, yet the Government placed this gigantic task on the shoulders of one man. There were close to three thousand claimants involved, about ten thousand exhibits, and well in excess of twenty-five thousand pages of evidence. No matter how competent, this task was well nigh impossible for one judicial mind. Thus, glaring evidences of error have since become apparent.

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A new tribunal to assess new evidence and to study appeals is more than indicated. To you legistlators with shining records of protecting human rights, this appeal is being sent to respectfully solicit active support.

EVACUATION LOSSES COMPENSATION COMMITTEE
8 Mountview Avenue,
Toronto 9, Ontario.
March 15, 1954.

8 Mountview Avenue,
Toronto, Ont.
April 22, 1954.

The Office of the Custodian,
Department of the Secretary of State,
7 O'Connor Street,
Ottawa.

Attn: Mr. L. Legault.

Dear Sirs:

This is further to mine of 19th instant.

I have finally found the information which I seeked regarding Ushizawa's shares. The Registrar of Companies, Victoria, B.C. confirms that the records show 100 shares being transferred from Ushizawa to Mrs. E. Kagetsu (Toyo Kagetsu) about the end of 1941. I have also found a letter addressed to Mr. G.W. McPherson, dated March 1942 from P.S. Ross & Sons. You no doubt have in your files the original of this letter, which amply corroborates the transfer. The same letter also verifies that 97 shares were issued by the Company to E. Kagetsu on January 2, 1931, which the records in Victoria will clearly show. With the documents already sent in and Stuart's share certificate enclosed we are of the opinion that the division of Deep Bay Logging assets should be as follows:-

Eikichi Kagetsu	4,500 shares
Kagetsu & Co.Ltd.	500 "
	5,000 "

Now, as for Tomekichi MAIKAWA, who died last year, if further evedence is required, it appears that one will have to communicate with his heir or executor. Maikawa was in Toronto just prior to his death at which time he promised to write to your office, assigning all his interests in the Kagetsu Company to Eikichi Kagetsu. Maikawa was a Naturalized Canadian of long standing. That assignment should be at Ottawa if the assignor kept his promise. 70 out of 600 shares is involved, as you know. Would I be correct in assuming that the $25 per share already distributed has been turned over to Maikawa or to his estate?

I am hoping that your office will now appreciate that the above are the type of things which have prevented my quick action.

Sincerely yours,

H. Kagetsu.

BIRD COMMISSION HAS ERRED!

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EVACUATION LOSSES COMPENSATION COMMITTEE
8 Mountview Avenue,
Toronto 9, Ontario.
March 15, 1954.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

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FILE No. 16700

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 27, 1954.

Dear Sir,

I acknowledge receipt of your letter of the 19th instant.

Matters referred to in this letter are receiving attention and a further communication will be forwarded to you in due course.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

8 Mountview Avenue
Toronto, Ont.
May 19, 1954.

The Office of the Custodian,
Department of the Secretary of State,
Victorai Building,
7 O'Connor Street,
Ottawa 4, Canada.

Attn: Mr. L. Legault

Dear Sirs:

Re: E. Kagetsu Claims

We have not heard from you since yours of the 27th ultimo. Would you be so kind as to post us as to latest developements in your department regarding our matter? When the initiative was ours, we found that this was a time consuming matter. Therefore, we fully appreciate that you in your turn require ample time. However, it is now going on to four weeks since my revealing to you our findings so may we hear from you soon?

Yours very truly,

H. Kagetsu.

CANADA

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ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 16700

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

June 1, 1954.

Dear Sir,

Reference is made to my letter of April 27, 1954.

According to our records, it would appear that the Custodian was not involved, insofar as any responsibility for collecting the mortgage from Lynmour Saw Mills Co. Ltd., since all documents connected with this transaction were signed by you. Furthermore, you had given a general Power-of-Attorney to Mr. Carl Stewart and, in such circumstances, our policy was not to interfere with any administration. Our only requirements were that we should be kept informed by Mr. Stewart from time to time.

In regard to payments made to the Workman's Compensation Board and the Forestry Branch of the Province of British Columbia, I am inclined to believe that such payments cannot be refunded.

In connection with the sale of a Speeder, to the Lake Logging Company, kindly refer to the account of Deep Bay Logging Company entry dated February 2, 1944.

A review of our files does not disclose that the Custodian was duly informed of the personal payments made by you to Mr. C. Stewart. You will readily understand that this office had no control over such payments.

As previously advised, the Custodian is anxious to settle your case. Therefore, we would appreciate receiving our release form duly executed in order to proceed with the distribution of the award.

Any additional inquiries will not alter, in any way, the award made by Mr. Justice Bird.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

That Release UNacceptable to Gov't.

Case 1310

In the matter of EIKICHI KAGETSU and of the DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu and certain shareholders of the Deep Bay Logging Company Limited were evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th, 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943)

AND WHEREAS the shares of the Deep Bay Logging Company Limited were owned by, transfered or assigned to persons of the Japanese race as follows:

EIKICHI KAGETSU	4500 shares
KAGETSU & CO. LTD.	500 "
	5000 shares

AND WHEREAS the shares of the Kagetsu Company Limited were owned by persons of the Japanese race as follows:-

EIKICHI KAGETSU	530 shares
TOMEKICHI MAIKAWA	70 "
	600 shares

AND WHEREAS all the said shares were vested in the Custodian

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P.S. Ross & Sons, Chartered Accountants, in the City of Vancouver, B.C., to supervise the affairs of the Deep Bay Logging Company Limited

AND WHEREAS the Custodian further appointed Fredrick Field, Chartered Accountant, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936 Cap. 42

AND WHEREAS certain properties belonging to the said Company (Companies)together with properties belonging to Eikichi Kagetsu, were disposed of by the Custodian and/or through the said Liquidator and a claim was made for pecuniary losses suffered by said Company (Companies) and by said Eikichi Kagetsu, in respect of such disposal being at less than fair market value

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act has recommended that the sum of FIFTY ONE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS ($51,750) be awarded in respect of such losses

AND WHEREAS the Custodian has been duly authorized to carry out the recommendations of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

AND WHEREAS the Custodian has now paid said Eikichi Kagetsu $51,750.00 less sum entitled to Tomekichi Maikawa, the latter being entitled to $200 more or less

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian, said Eikichi Kagetsu hereby release, with protest, Her Majesty the Queen in Right of Canada and the Custodian, from actions, claims and demands in respect of losses arising from the disposal at less than fair market value, of real and personal properties of said Company (Companies) and Eikichi Kagetsu.

IN WITNESS THEREOF Eikichi Kagetsu has fixed his hand and seal this ~~FIFTEENTH~~ sixteenth day of June, A.D. 1954.

SIGNED SEALED AND DELIVERED IN THE PRESENCE OF:

K. Kagetsu

Eikichi Kagetsu

AFFIDAVIT OF WITNESS

PROVINCE OF ONTARIO IN THE MATTER of a claim of DEEP BAY LOGGING COMPANY LIMITED and EIKICHI KAGETSU of 8 Mountview Avenue of the City of Toronto, County of York.

TO WIT:

I, Hajime Kagetsu ....of the City of Toronto, County of York do solemnly declare:

1. That I was personally present and did see the within release duly signed, sealed, and executed by the Releasor therein named.

2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensations mentioned in the within release.

3. That I am a subscribing witness to the said release.

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.

K. Kagetsu

SWORN BEFORE ME AT Toronto, County of York, in the Province of Ontario, this ~~fifteenth~~ sixteenth day of June A.D. 1954.

Wm

Wanamaker

Commissioner.

Case 1310

In the matter of EIKICHI KAGETSU and of the
DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu and certain shareholders of the DEEP BAY LOGGING COMPANY LIMITED were evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall for the purpose of protecting the interest of the owner or any other person, be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943)

AND WHEREAS the records of the Deep Bay Company Limited show that the shares of the Company were owned by persons of the Japanese race as follows:

EIKICHI KAGETSU	3,853	SHARES
Kagetsu & Co. Ltd	500	"
Tsurataro KAGETSU	200	"
Sadanori KIKUCHI	200	"
Sawaichi IRIZAWA	50	"
Manji USHIZAWA	100	"
	4,903	shares

VOID

AND WHEREAS the shares of Kagetsu & Company Limited were owned by persons of the Japanese race as follows,-

Eikichi KAGETSU	530	shares
Tomekichi Maikawa	70	"
	600	shares

AND WHEREAS all the said shares were vested in the Custodian;

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P.S.Ross & Sons, Chartered Accountants, in the City of Vancouver B.C. to supervise the affairs of the Deep Bay Logging Company Limited;

AND WHEREAS the Custodian further appointed Frederic Field, Chartered Accountant, a representative of P.S.Ross & Sons, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944;

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936, Cap. 42;

AND WHEREAS the Company has been wound up as aforesaid and the proceeds of liquidation of the Company have been distributed to the persons entitled to receive same.

AND WHEREAS certain property belonging to the said Company together with property belonging to Eikichi Kagetsu, was disposed of by the Custodian and/or through the said Liquidator and/or was ~~lost, stolen or destroyed while in the care~~, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the said Company and Eikichi Kagetsu suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act has recommended that the sum of $51,750 be awarded in respect of such losses arising from

Fifty one thousand seven hundred and fifty dollars.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

10,600

AND WHEREAS the Custodian has now paid to

Eikichi KAGETSU	$47,562.50
Teuratoro KAGETSU	1,376.70
Sandanori KIKUCHI	1,376.70
Sawaichi IRIZAWA	344.20
Manji Ushizawa	688.35
Tomekichi MAIKAWA	$ 401.55
	$51,750.00

herein called the Releasors, the amounts set opposite their respective names;

save only that the amounts set opposite the names of Manji USHIZAWA and Tomekichi MAIKAWA HAVE BEEN HELD AS Enemy Funds such persons being residents in Japan at the outbreak of war.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sums so paid by the Custodian the Releasors hereby release Her Majesty the Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal property of the said Company and Eikichi Kagetsu and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasors' property or in respect of any of the matters above recited.

IN WITNESS THEREOF the Releasors have affixed their respective hands and seals this

_____day of_____1954.

SIGNED,SEALED AND DELIVERED)
IN THE PRESENCE OF:)
)
)
)

AFFIDAVIT OF WITNESS

PROVINCE OF_____) IN THE MATTER of a claim of
)
TO WIT:)_____of_____
)

I,_____of the_____of_____

_____DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.

2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.

3. That I am a subscribing witness to the said release.

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_____)
)
this_____day of_____A.D. 1954)
)
)
)
)
_____)
A Commissioner etc.

RELEASE Case No. 1389

WHEREAS during the war KAGETSU, Eikichi Reg. No. 00014

now residing at _____

(hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of the Inquiries Act has recommended that the Releasor be awarded the sum of $483.75

Four hundred and eighty-three dollars and seventy-five cents.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases His Majesty The King in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this

_____ day of _____ 1954.

SIGNED, SEALED AND DELIVERED)
IN THE PRESENCE OF:)
)
)
)
)

AFFIDAVIT OF WITNESS

PROVINCE OF _____) IN THE MATTER OF a claim of
)
TO WIT:) _____ of _____
)

I, _____ of the _____ of _____

_____ DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.

2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.

3. That I am a subscribing witness to the said release.

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 _____)
)
this _____ day of _____ A.D. 1954)
)
)
_____)

A Commissioner etc.

RELEASE Case No 1389

WHEREAS during the war Eikichi KAGETSU, Reg. No. 00014 now residing at 8 Mountview Avenue, in the City of Toronto, County of York, Ontario (hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942 as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian, and a claim was made for pecuniary losses suffered by said Releasor in respect of such disposal being at less than fair market value;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act has recommended that the Releasor be awarded the sum of $483.75

Four hundred and eighty-three dollars and seventy-five cents;

AND WHEREAS the Custodian has been duly authorized to carry out the recommendations of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian, the Releasor hereby releases with protest, Her Majesty the Queen in Right of Canada and the Custodian, from actions, claims and demands in respect of losses arising from the disposal at less than fair market value, of real and personal properties of the Releasor.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this ~~fifteenth~~ Sixteenth day of June A.D. 1954.

SIGNED SEALED AND DELIVERED)
IN THE PRESENCE OF:) Eikichi Kagetsu

K. Kagetsu)

AFFIDAVIT OF WITNESS

IN THE MATTER of a claim of Eikichi Kagetsu of 8 Mountview Avenue of the City of Toronto, County of York, Ontario.

PROVINCE OF ONTARIO
TO WIT:

I, Hajime Kagetsu of the City of Toronto, County of York do solemnly declare:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

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 Toronto)
in the Province of Ontario)
this ~~fifteenth~~ Sixteenth day of June, 1954.)
)
)
Wawruck)
.....)
Commissioner.

K. Kagetsu

okay to sign.

RELEASE

Case No. 1389

WHEREAS during the war KAGETSU, Eikichi Reg. No. 00014

now residing at _____

(hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of the Inquiries Act has recommended that the Releasor be awarded the sum of $483.75

Four hundred and eighty-three dollars and seventy-five cents.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases His Majesty The King in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this

_____ day of _____ 1954.

SIGNED, SEALED AND DELIVERED)
IN THE PRESENCE OF:)
)
)
)

AFFIDAVIT OF WITNESS

PROVINCE OF _____)
)
TO WIT:)
)

IN THE MATTER OF a claim of

_____ of _____

I, _____ of the _____ of _____

_____ DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.

2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.

3. That I am a subscribing witness to the said release.

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 _____)
)
this _____ day of _____ A.D. 1954)
)
_____)

A Commissioner etc.

8 Mountview Avenue
Toronto, Ont.
June 15, 1954.

Department of the Secretary of State
Office of the Custodian
Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

Attention: Mr. L. Legault

Dear Sirs:

Thank you for yours of June 1st, and I take due note of the last paragraph therein. Thus re the accounts may I just say 1944 entries of Feb. 2, Mar. 23 and May 24 were used to reverse all debit entries from Dec. 28/43 to May 6/44 inclusive, the debits being duplicated elsewhere and embraced in figures of May 18/46. This confusing practice was repeated from Aug9/44 to May 30/45.

I was rather expecting you to send us revised release forms. To comply with your letter please find herewith the executed releases in order to proceed with the payments.

The distribution as we find it is as follows:

	To Deep Bay Logging	To Eikichi Kagetsu
Block 195		$18,000
Standing Timber (45.8%-54.2% split)	$3430	4,070
Felled & Bucked Timber		8,000
Immature Timber (60.7%-39.3% split)	5000	3,250
Buildings	1000	
Railway	1000	
Logging Equipment (74%-26% split)	5920	2,080
	$16,350	$35,400
Less 500/5000th to Kagetsu Co	1,635	
Balance to Eikichi Kagetsu	14,715	14,715
Kagetsu Company $1635		
Less 70/600th 190		
To E. Kagetsu 1445		1,445
		$51,560

(explanation on next page)

Protected Area of British Columbia belonging to any person of the Japanese race, shall for the purpose of protecting the

Note 1-re shares

P.S. Ross & Sons letter to Mr. G.W. McPherson, dated March 30, 1942; also Registrar of Companies, Victoria, B.C.; together with documents submitted to you establishes Deep Bay Logging shares as follows:-

Eikichi Kagetsu	4500 shares
Kagetsu Company	500 "
	5000 shares

Of 600 shares of Kagetsu Company, E. Kagetsu held 530 and Tomikichi Maikawa 70 (disposition of latter entirely in your hands)

Note 2-re standing timber & Felled & bucked logs

Smith Report (Exhibit 45 Schedule 8 of Bird Hearing) established following breakdown:-

Block 274	2	million	feet	b.m.	
" 504	3	"	"	"	
" 566	4	"	"	"	
Favour E. Kagetsu	9	"	"	"	or 54.2% of 16.6
Block 617	7.3	"	"	"	
" 276	.3	"	"	"	
Favour Deep Bay	7.6	"	"	"	or 45.8% of 16.6

Smith reports Felled & Bucked was in Bk 274 which block per document submitted belonged to E. Kagetsu

Note 3.-re immature timber

Commissioner Bird used Schultz Report (Exhibit 61 pages 20 & 21) and acknowledged 5500 acres as immature timber. This figure was made up in part of:-

Block 198	329	acres
" 274	433	"
" 504	1030	"
" 566	369	"
	2161	acres or 39.3% of 5500 acres

The balance, being 60.7% is in favour of Deep Bay Logging Co.

Note 4-re Logging Equipment

Mutual Account (Joint), P.S. Ross & Sons; or Exhibit 45, April 30/46, establishes that $9,000 out of $34,604 (vide Bird Report, page 1) or 26% of equipment concerned in the claim belonged to E. Kagetsu; the balance (74%) to Deep Bay Logging.

Anticipating an early reply,

Yours truly,

H. Kagetsu.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 16700 Vol. 1

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

June 24, 1954.

Dear Sir,

I acknowledge receipt of your letter of the 15th instant with enclosures as stated.

In your letter, dated April 22, 1954, you state that the Registrar of Companies, Victoria, B. C., has confirmed that his records show that 100 shares of Deep Bay Logging Co. were transferred, in 1941, from M. Ushizawa into the name of Mrs. T. Kagetsu. I would appreciate receiving documentary evidence showing that the beneficial owner of 100 shares Deep Bay Logging Co., now registered in the name of Mrs. T. Kagetsu, is Mr. E. Kagetsu.

I attach hereto a breakdown of the proposed distribution of the award of $51,750.00.

According to this statement your share of the award ($51,750.00) would be $51,440.00. This office will retain the sum of $310.00 in the name of Tomekichi Maikawa (Enemy).

Yours very truly,

L. Degault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

Eikichi Kagetsu & Deep Bay Logging Company Limited

Amended Breakdown of Commissioner's award of $51,750.00

E. Kagetsu (Block 195 - personally owned)	18,000.00
Deep Bay Company	33,750.00
	51,750.00

Breakdown of Kagetsu's personal proportion of Deep Bay

E. Kagetsu on basis 23%	7,750.00
Deep Bay Company	26,000.00
	33,750.00

Breakdown of Deep Bay amount of $26,000
equivalent to $5.3 per share on 4903 @ 5.30 on 5,200 shares

E. Kagetsu	3,853 shares		20,425.00
Kagetsu & Co.	500 "		2,655.00
Tsuratoro Kagetsu	200 "	(trans. to E. Kagetsu)	1,065.00
Sadanori Kikuchi	200 "	(trans. to E. Kagetsu)	1,065.00
Sawaichi Irizawa	50 "	(trans. to E. Kagetsu)	260.00
Manji Ushizawa	100 "	(trans. to Mrs. T. Kagetsu)	530.00
	4903		26,000.00

Breakdown of Kagetsu & Company amount $2,655
equivalent to $4.42 per share

E. Kagetsu	530 shares		2,345.00
Tomekichi Maikawa	70 "	(Enemy)	310.00
			2,655.00

TOTAL OF EIKICHI KAGETSU'S SHARE AS ABOVE

Block 195 personally owned	18,000.00
Proportion of Deep Bay Co. personally owned	7,750.00
Deep Bay shareholdings	20,425.00
Kagetsu & Co. owned by Kagetsu	2,345.00
Total proportion of award payable to E. Kagetsu	$48,520.00

790

8 Mountview Avenue
Toronto, Ont.
June 26, 1954.

Office of the Custodian,
Department of the Secretary of State,
Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

Attn: Mr. L. Legault

Dear Sirs:

Am enclosing an executed affidavit making Eikichi Kagetsu the beneficial owner of the shares concerned. I trust this will comply with your requirements.

Thank you for the contents of yours of 24th instant.

Yours very truly,

H. Kagetsu.

TO WHOM THIS MAY CONCERN

This is to confirm that I, Toyo Kagetsu, the undersigned, for consideration received, have assigned and transferred one hundred shares of the Deep Bay Logging Company Limited (which shares were formerly held by Manji Ushizawa) to Yikichi Kagetsu. Therefore, any monies that were or may be due to me from those shares of the above named company are now payable to Yikichi Kagetsu.

.....
Witness

.....
Toyo Kagetsu

9 Mountview Avenue
Toronto, Ont.
June 26, 1954.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE No. 16700 Vol. IB.

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

July 8, 1954.

Dear Sir,

Reference is made to the second paragraph of your letter of June 15, 1954.

I enclose herewith revised Release Forms for your signature.

Yours very truly,

L. Lagault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

CABLE ADDRESS
"USTEGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

July 9, 1954.

Office of the Custodian,
Department of the Secretary
of State,
Victoria Building,
7 O'Connor Street,
Ottawa 4, Canada.

Attn: Mr. L. Legault

Dear Sirs:

As required, please find herewith two duly executed Release Forms.

I gather that a release form is not required for your award of $2,587.50 which I am to further receive, since that was through special authorization.

I would very much appreciate your concluding this matter at your earliest opportunity.

-6-2

Yours very truly,

RELEASE

Case No. 1389

WHEREAS during the war EIKICHI KAGETSU Reg. No. 00014

now residing at 8 Mountview Avenue, Toronto, Ontario.

(hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy 1943;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of the Inquiries Act has recommended that the Releasor be awarded the sum of $483.75;

Four Hundred and Eighty-three Dollars and Seventy-five cents.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases Her Majesty the Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this

9th day of July 1954.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

H Kageta

Eikichi Kageta

AFFIDAVIT OF WITNESS

PROVINCE OF Ontario
TO WIT:

IN THE MATTER of a claim of Eikichi Kageta of Toronto,

I, Hajime Kageta of the City of Toronto County of York, Merchant DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.

2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.

3. That I am a subscribing witness to the said release.

AND I make this solemn declaration conscientiously believing it to be true, and knowing 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 Toronto
THIS 9th day of July A.D. 1954

H Kageta

W Armstrong
A Commissioner etc.

Case No. 1310.

Claim 1388

In the matter of EIKICHI KAGETSU and of the
DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu of the DEEP BAY LOGGING COMPANY LIMITED was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th, 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall for the purpose of protecting the interest of the owner or any other person, be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943);

AND WHEREAS the records of the Deep Bay Company Limited show that the shares of the Company were owned by:

Eikichi KAGETSU 4,903 shares

AND WHEREAS the shares of Kagetsu & Company Limited were owned by persons of the Japanese race as follows -

Eikichi KAGETSU	530 shares
Tomekichi MAIKAWA	70 "
	600 shares

AND WHEREAS all the said shares were vested in the Custodian;

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P. S. Ross & Sons, Chartered Accountants, in the City of Vancouver, B.C., to supervise the affairs of the Deep Bay Logging Company Limited;

AND WHEREAS the Custodian further appointed Frederick Field, Chartered Accountant, a representative of P. S. Ross & Sons, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944;

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936, Cap. 42;

AND WHEREAS THE Company has been wound up as aforesaid and the proceeds of liquidation of the Company have been distributed to the persons entitled to receive same.

AND WHEREAS certain property belonging to the said Company together with property belonging to Eikichi Kagetsu, was disposed of by the Custodian and/or through the said Liquidator and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the said Company and Eikichi Kagetsu suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act, has recommended that the sum of $51,750 be awarded in respect of such loss

Fifty-one thousand seven hundred and fifty dollars.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

AND WHEREAS the Custodian has now paid to

Eikichi KAGETSU	$51,440.00
Tomekichi MAIKAWA	310.00
	$51,750.00

herein called the Releasors, the amounts set opposite their respective names;

save only that the amount set opposite the name of Tomekichi MAIKAWA HAS BEEN HELD as Enemy Funds such person being resident in Japan at the outbreak of war.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sums so paid by the Custodian the Releasors hereby release Her Majesty The Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal property of the said Company and Eikichi Kagetsu and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasors' property or in respect of any of the matters above recited.

IN WITNESS THEREOF the Releasors have affixed their respective hands and seals this 9th day of July 1954.

H Kagetsu (WITNESS)

Eikichi Kagetsu

AFFIDAVIT OF WITNESS

PROVINCE OF Ontario

TO WIT:

IN THE MATTER of a claim of Eikichi Kagetsu of Fort Alexander Bay Logging Co. Ltd

I, Hayime Kagetsu of the City of Toronto in the County of York, merchant DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.

2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.

3. That I am a subscribing witness to the said release.

AND I make this solemn declaration conscientiously believing it to be true, and knowing 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 Toronto

this 9th day of July A.D. 1954.

H Kagetsu

W. Warnock

A Commissioner etc.

Norris & Cumming

BARRISTERS AT LAW, SOLICITORS
NOTARIES PUBLIC

T. G. Norris, Q.C.
George S. Cumming
Joan Snape

TELEPHONE PACIFIC 5254
CABLE ADDRESS "NORRIS"
VANCOUVER, CANADA

BANK OF NOVA SCOTIA BUILDING
602 HASTINGS STREET WEST
Vancouver 2, B.C.

July 14th, 1954.

E. Kagetsu, Esq.,
8 Mountview Avenue,
TORONTO, Ontario.

Dear Sir:-

I enclose to you copy of a letter from Mr. Osborne dated July 12th and copy of my reply of today's date.

You will note what Mr. Osborne says about the execution of the releases.

I have read with very great interest the statement made by Mr. MacInnis in the House of Commons and Mr. Pickersgill's very weak answer.

I hope that you and yours are all well. Kind regards.

Yours sincerely,

T. G. Norris.

TGN:ej.
encs.

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July 14th, 1954.

J. C. Osborne, Esq.,
c/o Messrs. Gowling, MacTavish, Osborne
& Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
OTTAWA 4, Canada.

Dear John:-

I have your letter of July 12th.

I certainly think that the cheque for expenses should be sent to Kagetsu direct. Will you please write to the Custodian's office accordingly?

With kind regards.

Yours faithfully,

TGN:ej.

(COPY)

GOWLING, MACTAVISH, OSBORNE & HENDERSON

Barristers & Solicitors

88 Metcalfe Street

OTTAWA 4,
Canada.

July 12, 1954.

Colonel T.G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver 2, B.C.

Dear Colonel Norris:

re: Kagetsu

Ken Wright of the Custodian's office telephoned to me today. He tells me that he has been corresponding with Mr. Kagetsu Jr. in connection with the execution of the Releases and has had some trouble in having them signed without reservations. However, that is not a matter with which we need concern ourselves although Mr. Wright has pointed out that if they are not executed in satisfactory form shortly, there is a danger that the Government's offer will be withdrawn. The specific question that Mr. Wright asked is with respect to the disposition of the allowance for expenses. Assuming that the Releases are ultimately signed and accepted by the Custodian, is the cheque for expenses to be sent to Kagetsu, to your office or to our office? I told Mr. Wright that as far as I am concerned the cheque could be quite properly sent to Mr. Kagetsu. I imagine that you will have no objection to this procedure but before I write to the Custodian's office authorizing it, would you let

me know if, by any chance, you would like to have the cheque sent to you?

With kindest personal regards.

Yours very truly,

"J. C. Osbarne"

JCO:MS

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO. 16700

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

July 14, 1954.

Dear Sir,

I acknowledge receipt of your letter of the 9th instant enclosing our Release Forms duly executed.

In this connection, I enclose herewith the following cheques:

No. A-26121, dated July 14, 1954, in your favour in the amount of $51,440.00,

No. A-26122, dated July 14, 1954, in your favour in the amount of $483.75.

With reference to the payment of an amount of $2,587.50, which was authorized by the Secretary of State, a further communication will be forwarded to you in the course of the next few days.

Yours very truly,

L. Dagault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO 9,
Ontario.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL COMMUNICATIONS TO THE CUSTODIAN'S OFFICE

PLEASE REFER TO

FILE NO. 16700 Vol. IB

LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

July 16, 1954.

Dear Sir,

Reference is made to the last paragraph of my letter of the 14th instant.

In this connection, I enclose herewith the Custodian's cheque No. A-26124, dated July 16, 1954, in your favor in the amount of $2,587.50, in full and final settlement of all claims. This amount represents an award made by the Secretary of State to cover expenses of presentation of your claim to the Bird Commission.

Kindly acknowledge receipt of this cheque.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO 9,
Ontario.

July 17, 1954.

The Office of the Custodian,
Department of the Secretary of
State,
Victoria Building,
7 O'Connor Street,
Ottawa 4, Canada.

Attention: Mr. L. Legault:

Dear Sirs:

This is to ackowledge your three cheques, namely, $483.75, $2,587.50 and $51,440.00.

I wish to sincerely thank those concerned for the money. As you may know the sums for the most part represent my life's accumulation in the way of material wealth. I was very pleased to see the cheques so soon after the execution of documents.

Very truly yours,

July 17, 1954.

Mr. T. G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Dear Mr. Norris:

I have now received three cheques, namely, $483.75 for McKenzie St. house and Potiac car; $51,440.00 for Vancouver Is properties of my own, Kagetsu & Co's and Deep Bay Logging's but not including T. Maikawa's interests which came to$$10.00 and which were withheld as enemy property; $2,587.50 for expenses, or a total of $54,511.25. It therefore appears that this matter is now closed as far as Ottawa is concerned.

I also ackowledge yours of 14th instant with thanks.

I must say that I am relieved to have this all over, even though our efforts were in vain. Your diligent efforts all these past years leaves me very much indebted to you. Please rest assured that I am fully cognizant of your invaluable assistance. It may also be added that such men as yourself and Mr. MacInnis form the element not only of Canada but of the whole world on whom rests every individuals hope for survival of democracy. You championed this cause because I was your friend but also because you knew they were making a travesty of justice.

The very best regards to all.

Yours very sincerely,

July 17, 1954.

Mr. Wm. Byers,
P.O. Box 56,
Ganges, B.C.

Dear Mr. Byers:

Since I have been so much indebted to you, I wish at this time to advise you that my claim for evacuation losses has finally been wound up. As you well know I have battled it out with Ottawa all these many years and very much regret that I and, what is far more important, the carriage of justice both have lost to human limitations.

As you may recall my claim was for $464,134, a sum we considered to be conservative. At long last I have realized Commissioner Bird's award of $51,750 less a small portion Ottawa is keeping as property of an enemy aliem. As you may have guessed I had to fight for every dollar of even Bird's award as Ottawa was reluctant to recognize my shares in the Deep Bay Logging Co.

This claim has cost me well over $30,000, not in terms of war losses, but merely to fight for my rights. Ottawa has awarded me $2,587 in lieu of this expense.

This then is pretty much what remains of my life's work as far as material wealth is concerned.

Had I been at all successful with my Ottawa efforts my intentions were to generously thank you in a concrete way, being fully cognizant of your invaluable assistance. Alas, as matters turned out, I can only thank you from the bottom of my heart, in terms of brief words.

This matter is now closed after receiving consideration by Cabinet level. The matter was recently discussed in parliament by Mr. Angus MacInnis, also.

The very best regards to you and yours, and trusting you are in good health as I find myself,

Yours very sincerely,

August 31, 1954.

Mr. T.G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Dear Mr. Norris:

I trust that you are having a good summer.

No doubt you were relieved to learn that my evacuation claims were finally closed. There is not much more that I will be bothering you with but the contents herein is a matter I would like you to attend to.

Enclosed are two documents re Fisherman's Cove property - one gives title of property to wife of Carl Stewart, the other a mortgage taken back.

At the time of evacuation we all naturally thought that after a short time the war would be over and that the Japanese would be able to return to the Coast. Stewart argued that this would be the case too. Prior to evacuation he was in need of living quarters so I rented him this property which was my summer cottage. Soon after evacuation Stewart approached me with the proposition that it would be in my best interest to transfer title to the name of Ida Stewart, thereby affording the Stewarts to protect my property, without interference from the Custodians. As further protection for me, and to make the matter perfectly legal he offered to be a party of a nominal mortgage, the payments of which would be something in lieu of rental which was due me in any case. The understanding was that when the war ceased, the same property would be transferred back to me.

This is but another example of Stewart's irresponsibility, because he failed to make any payments to me. He did, however, improve the house considerably to suit the whims of himself and his spouse.

PHONE: MURRAY 5023

8 MOUNTVIEW AVE.
TORONTO 9. ONT.

E. KAGETSU

August 31, 1954.

Mr. T. G. Norris, Q.C.,
Bank of Nova Scotia Building,
602 Hastings Street West,
Vancouver, B.C.

Dear Mr. Norris:

I trust that you are having a good summer.

You no doubt were relieved to learn that that evacuation claims were finally closed.

This matter was not brought to your attention for several reasons, namely, my affairs were overly complicated as it was without my adding one more complication for you, an old friend of mine advised against it suggesting that Stewart was best left out of my affairs entirely otherwise he may go to the opposite camp in matters of my evacuation claims, initially I had enough to ponder over myself.

Whether Stewart still lives at this property, is a matter I do not know. In any case I would ask that you realize whatever that is possible for me.

I have no qualms about foreclosing on the property if such should be necessary. As you know, when I turned the property over, it was worth considerably more than the $3,000. Interest of course is substantial too.

As you know, Stewart has not been at all fair to me so that you have my approval to press him to the full.

This is an old matter but I do hope much can be still done.

The very best to all.

Yours very truly,

CABLE ADDRESS
"USTEGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

Library and Archives Canada
395 Wellington Street
Ottawa, ON K1A 0N4

Bibliothèque et Archives Canada
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