Name of Claimant OTSU, Kamekichi Case 944

Custodian File 5056

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
		1456	145.60	00 12.50							158.10

PERSONAL PROPERTY

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

NETS

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

MISCELLANEOUS CHATTELS

Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	
341.60	180.50	54.15	52.63%	55.00	28.94			83.09

TOTAL RECOMMENDATION 241.19

1540

CASE NO. 944

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba,

24th September, 1948.

IN THE MATTER OF THE CLAIMS OF

KAMEKICHI OTSU

PROCEEDINGS AT HEARING

CASE NO. 944

IN THE MATTER OF "THE INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA 1927. CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

SUB-COMMISSION

B E F O R E

(THE HONOURABLE MR. JUSTICE A.G. BUCKINGHAM, SUB-COMMISSIONER)

Winnipeg, Manitoba,
24th September, 1948.

IN THE MATTER OF THE CLAIMS OF

KAMEKICHI OTSU

PROCEEDINGS AT HEARING

APPEARANCES:

F.M. FERG, Esq., Appearing for the Dominion Government.

S.M. CHERNIACK, Esq., Appearing for the Claimant.

G.N.R. UPTON, Esq., Official Interpreter

MARK H. PEARCE, Esq., Sr., Official Reporter.

MR. CHERNIACK: I spoke to this case before the Commissioner in the spring hearing and told him about certain troubles that this claimant had in connection with the boat, which had been seized and for which he never received a rental compensation. I pointed out to the Commissioner that I have tried to investigate and make claim for the rental or the charter of the boat since it was used by the Navy, but I was given what is termed a "run-around". I told him, the Commissioner, I didn't know how I could bring it under the terms of reference, but there seemed to be an injustice done. Mr. Sloan agreed on the surface that there may have been an injustice done and the Commissioner therefore gave me permission to bring this claim before him, give him whatever information I could, and he would see whether something could be done to remedy this injustice, if it was found there was such injustice. And for that purpose I would like to file the correspondence which I have in connection with my attempts to investigate this and just put it on the record and leave it for the Commissioner to deal with. This discussion that we had was transcribed and I notice that my learned friend has a copy of the transcription on file and I imagine, therefore, the Commissioner's file will also have a copy of the discussion. There was no number given, so that I cannot refer it to that number, but the name is shown. Now, the claimant's contention in connection with the boat was, that it was in use by the Navy from December 15, 1941, to March 28, 1942, and he claims

that he is entitled to $5.00 a day for that time, a total of 103 days at $5.00, or $515.00. I would like to file as Exhibit 1 a bundle of correspondence, the total is lengthy and I do not see the need to put it all on the record, but I will summarize the letters filed.

(Bundle of Correspondence, EXHIBIT 1.)

The first is a copy of a letter which I sent to the Custodian on January 13, 1948, setting out the facts roughly as we knew them and asking the Custodian to look into the matter and to advise us as to Mr. Otsu's rights. The next is a letter from the Custodian to me, dated January 24, 1948, stating that the Custodian had no part in this disposal or administration of the funds in connection with this vessel and suggesting that it be referred to the Commissioner. On January 28th I replied to the Custodian, pointing out that it didn't appear to me that this was a matter for the Commissioner, it didn't seem to come within the terms of reference, and asking them to advise us as to which Government office we should write to. The next letter is from the Custodian to me, dated February 11, 1948, referring me to the Naval Service Headquarters at Ottawa. The next is a letter from me to the Naval Service Headquarters at Ottawa, dated February 16, 1948, reciting all the facts and asking them to advise us as to the arrangements which they made. The next is a reply to me from the Naval Service, dated March 4, 1948, stating that the matter is being investigated. The next is a letter to me from the Deputy Minister of the Department of National Defence, dated March 30, 1948, saying that

this claim was referred to the Department of Fisheries and saying, "It has been ascertained this vessel was not used by the Naval Service." The next letter is a letter to me from the Executive Assistant to the Deputy Minister of the Department of Fisheries, dated April 5, 1948, telling me to refer this matter to the Custodian of Enemy Property. I then threw up my hands, since I had completed the circle, and brought the matter to the Commissioner's Department. I might say, although I didn't hear further about this, I learned from my learned friend's file that Mr. Shears of the Custodian's Office attempted to make certain further investigation, but just how far they got I do not know. But there was reference made to the effect that they couldn't find this vessel was used by the Navy. I, therefore, propose to call the claimant and his brother, both of whom say they actually saw the vessel in use by the Navy and leave the matter rest with that. Shall I do so now, as we have started the hearing, and then proceed with the claim?

THE COMMISSIONER: Yes, all right.

KAMEKICHI OTSU, one of the claimants herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Mr. Otsu, I believe you were the owner of a fishing vessel named "Queen Elizabeth", Registration No. 2497, Naval Registration, New Westminster, 098E; is that correct? A Yes.

Q When did you turn this fishing vessel over to the Navy?

A About the 15th of December, 1944.

Q Now, where was the vessel kept by the Navy?

A In New Westminster.

Q Did you have occasion to see this boat after it was taken over by the Navy? A No.

Q Have you never seen the boat in use after the Navy took it over? A I saw it for four or five days, but after I delivered it to the Navy on the 15th I didn't see it after that.

Q You didn't see it? A No.

Q I understood the claimant had seen it -- How do you know it was used by the Navy?

A Because I took it there for the purpose of the Navy using it.

Q I understand this boat, after it was taken over by the Navy, was kept at Steveston for a few years?

A Yes.

Q And during that time did you see it in use?

A I know that the Navy used my boat for four or five days. I had sold the boat and I asked the Navy for it, but they told me I couldn't have it because they were using it.

Q When was this? A On the 28th of March.

Q Was this a conversation, or was this by mail?

A This was by mouth.

Q So you were informed in March that you couldn't sell it because they were using it? A I didn't hear it, but the person I sold the boat to heard this.

THE COMMISSIONER: Somebody told him that.

BY MR. CHERNIACK:

K. Otsu,
In Chief.

Q In the few days that the boat was at Steveston, did you personally see the boat in use by the Navy?

A Yes.

Q And then the boat went to New Westminster?

A Yes.

Q And I understand that persons of Japanese origin were not allowed to go to New Westminster at that time; is that correct? A I think they could not go to New Westminster.

THE COMMISSIONER: Do you want to cross-examine him, that apparently doesn't come within the terms of settlement?

MR. FERG: I might be in a bundle of letters; I won't read the file, just this, the covering reference is this: regarding fishing vessel "Queen Elizabeth", Registration No. 2497, Naval Registration No. NW 098E. All correspondence held at this office is attached hereto. Now, the correspondence is as follows.

MR. CHERNIACK: I have a copy of that, it doesn't need to go in the record.

MR. FERG: It is the letter from myself to the Custodian in Vancouver and continues to give a history of the matter back and forth from my learned friend to the Custodian, from the Custodian to the various Departments of Naval Service and National Defence and the Department of Fisheries, and this bundle of letters which I will file is copies of all the correspondence in connection with the boat, with the advantage that attached to the documents is a summary taken from the vessel's record itself. This vessel, the owner's

valuation was $1,800.00. It was sold on the 26th of March, 1942, to the H. Bell Irving Company Limited. The claimant signed the sale papers and the sale price was $1,500.00 and there was paid to the Japanese Fishing Vessel Disposal Committee $1,550.00, of which $20.50 was used as supervision costs and the balance paid to the owner on March 27, 1942.

(Bundle of Correspondence, EXHIBIT 2.)

CROSS EXAMINATION BY MR. FERG:

Q Your whole claim here then, Mr. Otsu, is that this vessel was used while it was in the custody of the Navy? A Yes.

Q And, of course, you have no personal knowledge that the vessel ever was used by the Navy?

A Yes, I have knowledge.

Q Except your knowledge is what somebody else told you? A Yes, I know when the Navy used it.

Q How do you know when the Navy used it?

A I saw them use it when I took the boat over there.

Q When did the Navy take possession of the boat?

A I think the 15th of December.

Q Of what year? A 1941.

Q Did you take the vessel to the wharf yourself?

A Yes, I took the boat to the Navy.

Q And how long were you on the wharf, or allowed to remain on the wharf, or the Naval premises, at the time you delivered the boat?

MR. UPTON: Mr. Cherniack, you heard the question asked him just now whether he took the boat to New Westminster.

MR. HIRAYAMA: The Navy took the boat at Steveston and they had the Headquarters down at the Scottish Canadian Cannery.

THE COMMISSIONER: What is the matter with this witness, Interpreter?

MR. UPTON: Well, either I am wrong or he is, or he doesn't understand me.

THE COMMISSIONER: It seems to be most difficult to get an answer from him. He already told Mr. Cherniack that he saw the boat for four or five days in the possession of the Navy.

MR. CHERNIACK: He told me he saw it for four or five days in Steveston and then it went to New Westminster.

MR. UPTON: I asked him whether he had delivered the boat to the Navy in New Westminster and he said yes.

MR. CHERNIACK: Can we just check with him?

THE WITNESS: It was Steveston.

BY MR. FERG:

Q That is where the boat was delivered by you?

A Yes.

Q Did you leave it at Steveston? A Yes.

Q And that is, you saw the Navy use your boat at Steveston?

A Yes, I saw them use it four or five days at Steveston.

Q Have you any idea what use they were making of the boat? A They were taking it to and fro and towing it.

Q How long was the boat at Steveston?

A Four or five days.

Q Did you see your boat leave Steveston for New Westminster?

A Yes.

Q And you never saw it again? A After the Navy had given it back and the vessel had been sold I saw it.

Q But not until after the vessel was sold had you seen the vessel again? A Yes.

Q Do you know of your own knowledge if the Navy used the boat at all when it was in New Westminster?

A Only by what I heard from other people.

Q Can we narrow your claim down to the four or five days use by the Navy of this boat of yours?

MR. CHERNIACK: Is my learned friend trying to make a settlement?

MR. FERG: I am leaving it to the Commissioner.

THE WITNESS: No, because I consider that the Navy used it after that.

BY MR. FERG:

Q What proof have you got of that? A I know from what I was told, that the Navy used it after it had gone from Steveston.

Q It is only from what you are told that you are saying that? A It is from what I heard and then when the boat was sold. The cylinder head was black, as the result of use by the Navy.

BY THE COMMISSIONER:

Q He didn't see the cylinder head. A Yes, I saw it myself.

BY MR. FERG:

Q How long after the boat was sold was it before you saw the boat again? A On the 28th of March.

MR. FERG: That is all.

MR. CHERNIACK: From Exhibit 2, the summary taken from vessel records, indicates that the boat was sold on March 26, 1942, which would be two days prior to the claimant's last statement as to when he saw the boat. I would like to call the claimant's brother.

THE COMMISSIONER: Just with regard to the boat?

MR. CHERNIACK: We are in a position where apparently Japanese persons were not allowed to go to New Westminster at that time and that will explain why they were unable to see it.

GENJI OTSU, one of the claimants herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Do you remember your brother's boat "Queen Elizabeth"?

A Yes.

Q Do you remember when it was taken over by the Navy?

A I think the 15th of December.

Q And this was at Steveston? A Yes.

Q And I understand later it was taken to New Westminster?

A Yes.

Q How long was it in Steveston from the time the Navy took it until it was taken to New Westminster?

A I think up to a week.

Q And during that time did you have occasion to see the boat? A Yes.

Q And did you see it in use? A I saw it in use by the Navy.

Q By the Navy? A Yes.

Q Did you see for what purposes they were using it?

A They were using it for the purpose of taking other fishing vessels to New Westminster, towing.

Q And you would see them return from New Westminster?

A They would tow vessels to New Westminster and come back, to and fro.

Q And after it went to New Westminster you never saw the boat, is that correct? A No.

Q And you never went to New Westminster yourself?

A No.

Q You were not allowed to go? A Yes, it was Government instruction.

THE COMMISSIONER: Now bring the other man back.

KAMEKICHI OTSU (Recalled)

RE-EXAMINATION BY MR. CHERNIACK:

MR. CHERNIACK: I ask leave to amend this claim showing the value of the real property at $2,300.00, the Custodian's sale price $1,456.00 and the loss $844.00. The personal chattels value $400.60, the sale price $180.50 and the loss $220.10.

Q I show you two typewritten statements, were these prepared in accordance with your instructions?

A Yes.

Q And are these (indicating) your signatures?

A Yes.

Q And you swear the contents to be true to the best of your knowledge and recollection? A Yes.

MR. CHERNIACK: I tender these as Exhibits 3 and 4.

(Real Estate Statement, EXHIBIT 3.)

(Personal Chattels Statement, EXHIBIT 4.)

MR. CHERNIACK: And on behalf of my learned friend I will file as Exhibit 5 the Real Estate Appraisal, and as Exhibit 6 the Custodian's Analysis.

(Real Estate Appraisal, EXHIBIT 5.)

(Custodian's Analysis, EXHIBIT 6.)

MR. CHERNIACK: You honour will find from Exhibit 3 that this property, consisting of 66 x 120 feet, was purchased in 1935, the lots cost $180.00. After the purchase, the claimant built a house 28 x 24, full cement basement, shingled sides and roof, papered on the inside and some places painted, and linoleum on the floor. He estimates the cost of material and hired his own labour at $2,600.00, in addition to which he planted about 10 ornamental shrubs and 3 mixed fruit trees and made a lawn. My learned friend has on his file a photograph of the house, which could be filed at this time.

Q I show you a photograph, do you recognize the house in that photograph? A Yes, that is my house.

Q And is that the one for which you are now claiming?

A Yes.

(Photograph, EXHIBIT 7.)

MR. CHERNIACK: I would like to indicate for the record that in Case No. 947 which will be heard, I will be filing photographs showing several houses, of which this is one, and I think since that photograph shows the street much more fully, I would like to direct your honour's attention to it now.

THE COMMISSIONER: Oh, yes, they are together.

MR. CHERNIACK: There is the next door neighbour's and it includes both houses. The appraiser, your honour,

describes this house as being in good condition, floors in good condition, house well constructed and of good material. Indicates it is a very attractive bungalow on a nice lot and shows the value at $1,456.00. The comment by the claimant is, this house is in the best residential district and specifies a very good dwelling, as described by the Appraiser. In view of this he cannot understand the low valuation. In his opinion, the value was at least $2,300.00. I believe the sale was made in June 1944. My learned friend can confirm that if it is correct, and I find that on April 28, 1944, the Custodian received an offer for $1,000.00 from A. W. Clarke.

MR. FERG: Yes.

MR. CHERNIACK: And on June 3rd raised his offer to the exact amount of the appraisal, $1456.00, replying to a letter of the Custodian's dated May 30th, and I would ask my learned friend to produce the letter which they sent to Clarke on May 30, 1944. I would like to file this. This is a copy of the letter from the Custodian to Mrs. A. W. Clarke, dated May 30, 1944, and setting out that they had received an offer from Mrs. Clarke for $1,000.00 and saying that at the present time they are not able to accept a tender. The property was independently appraised and if you are prepared to increase your tender to $1,456.00, subject to prior sale, we would then be in a position to consider recommending acceptance of such an offer.

(Letter dated May 30, 1944, EXHIBIT 8.)

MR. CHERNIACK: The reason I file this is to show the

Custodian revealed the appraisal price and named a price and I submit that this takes it out of the category of properties offered for tender, writing for the higher offer. I have on my file, and I am showing it to my learned friend, Certificate of Title No. 111160E, dated May 16, 1935, in the name of the claimant for which the claim is made. I also have on file, and will show to my learned friend, two insurance policies showing the insurance of $1,500.00 on the dwelling and $1,000.00 on the furniture. Dealing now, your honour, with the chattels, your honour will note from Exhibit 4 that all chattels for which claim is made are shown on this exhibit, as to the approximate date of purchase, the price paid, the estimated value at the date of evacuation and the Custodian's sale price, with the exception of a wheelbarrow which was shown as abandoned, and a winch and slides shown as "Declared not found." If your honour would look at Exhibit 6, the Custodian's Analysis, you will note that a larger number of items were originally claimed for. Now, it was found when we interviewed Mr. Otsu that quite a number of goods were stored by Mr. Otsu in the attic of the house and were concealed, and he didn't notify the Custodian until quite some time later. We have withdrawn the claim for these items which were stored in the attic and the new claim doesn't include those. That is why your honour will find all goods for which we are claiming, except the winch and slides, were inventoried and were actually found by the Custodian and were sold except for one item that was abandoned, so I don't think there is

any need to go into detail as to any of the other goods. Now, your honour will note that the three-piece chesterfield was valued at $95.00, platform scale valued at $80.00, and the kitchen stove valued at $70.00. These are larger matters and I would like to ask my learned friend whether he has any record as to whether these items were appraised before sale.

MR. FERG: The stove was appraised, I have the appraisal, Thompson & Company, September 18th, 1944.

MR. CHERNIACK: Was that sale made?

MR. FERG: Sale by tender.

(Letter from Thompson & Co., EXHIBIT 9.)

MR. FERG: I have no record as to the other articles being appraised.

BY MR. CHERNIACK:

Q Mr. Otsu, you are claiming for a winch and slide which you say you bought for $80.00 in 1941? A Yes.

Q Could you give us an idea as to the size of this winch and slide? A About two to three feet high and about one foot across the top, that is, the diameter was one foot.

Q And the height is about two to three feet?

A Yes.

Q And one foot in diameter at the top? A Yes, it is a circular thing.

Q The whole thing is circular? A Yes.

Q What about the slide? A The slide is something for putting the wire on the drum of the winch.

Q It is not a very large item? A It is quite large, about five feet high.

Q Where was this winch kept, or where did you leave the winch? A In the basement.

Q In the basement of the house? A Yes, at 19 Broadway.

MR. CHERNIACK: Your honour will note in connection with this winch and slide, in Exhibit 6, the Custodian's Analysis, that the winch and slide is referred to in the J.P. Form, that would be Column 1 of Exhibit 6, and is also referred to in the first portion of Column 2, which sets out, "Inventory. Taken by Lease Inventory. D/2 April 1942," so that I don't know that that means it was inventoried by the Custodian's representative or was not. I am assuming the Custodian claims it was not inventoried otherwise it would be shown in the column, "Declared Not Found." I would like my learned friend to advise us when the Custodian inventoried the contents of the house.

MR. FERG: Your honour, this is one of these cases where the tenant leased this property and leased the chattels and he stored and concealed in the attic considerable of his goods.

MR. CHERNIACK: We are not claiming for that.

MR. FERG: But this winch was leased to tenant Hepworth and is listed on the list of the chattels accompanying the lease. Now, it wasn't until Hepworth vacated the property, after it was sold, so the winch disappeared while it was in possession of the tenant, that is all we know about it.

MR. CHERNIACK: Our submission is this, and I want my learned friend to correct me if I am wrong, I say that I am right because it is shown in column 1 of the

Analysis and that is at the date the J.P. Form was declared and included in that form was a statement of the goods, including the winch, and the information was also give at the same time that Hepworth was in possession of this winch and slide. The question I directed to my learned friend, and which I would still like to have answered, is when did the Custodian send a man down to checkthese goods to see if they were there.

MR. FERG: On the 16th of August, 1944.

MR. CHERNIACK: So it would appear until the 16th of August, 1944, the Custodian made no effort to check on the goods of which the Custodian was aware should have been in the house. Now, the Analysis indicates in connection with this winch and slide that the lessee stated it was stolen. May I ask my learned friend what investigations were launched by the Custodian's Office that there was an attempt to trace the winch and slide and an attempt to protect the claimant either as against the tenant or against the other party who had stolen it.

MR. FERG: The file reveals correspondence from the claimant to the Custodian, a report of the winch being stolen. The Custodian approached the tenant and it appears from the correspondence that the claimant in his correspondence to the Custodian accused the tenant of stealing the winch and the tenant was approached and denied all knowledge of it and insisted he knew nothing about it. There is no record of what further action was taken from then on.

MR. CHERNIACK: Have I the right to assume that the Custodian made no effort to collect the value of this

winch and slide from the tenant?

THE COMMISSIONER: Apparently he didn't know anything about it.

MR. CHERNIACK: I think my learned friend means he claims to know nothing of what happened to it, in that the tenant claims he didn't know they were there, because I believe he has a receipt from Hepworth, has a receipt for that winch and slide.

THE COMMISSIONER: He says it was in his house and it was rented and it disappeared.

MR. CHERNIACK: Yes, while under his control.

THE COMMISSIONER: Yes.

MR. CHERNIACK: Am I right in assuming from what my learned friend says that the Custodian made no effort to collect the value from the tenant?

MR. FERG: I cannot assist my learned friend on that statement, I do not know.

MR. CHERNIACK: Then I will be correct to say that there is nothing to show, my learned friend hasnothing on file to show they did.

MR. FERG: Nothing in my records.

MR. CHERNIACK: I said my learned friend had a receipt from the tenant, I must correct that and say he had a copy of the list including the fixtures, in which the winch and slide was said to be. On the Analysis Sheet, Exhibit 6, I note that the three-piece chesterfield, which was claimed by the claimant, has not been indicated at all by the Custodian. I have checked the Custodian's file over and have confirmed the sale price of $65.00 for that chesterfield suite. In connection

with this, your honour, I think that my learned friend could confirm that they received a letter from the claimant, or the Custodian did, about the time of the sale of the property, I think it was after the sale, and I would like to know the date, where he notifies the Custodian he wouldn't like the property sold for less than $2,300.00.

MR. FERG: That is correct, your honour.

MR. CHERNIACK: Could we have the date?

MR. FERG: July 14, 1944. Your honour, it is submitted that the real property sold at fair market value. It is submitted that the price claimed for articles sold, or that the articles sold were sold at their fair market value and the price claimed for articles declared not found and abandoned is excessive and unreasonable, and I would like to file, your honour, the offer of Mrs. Clarke for the property and I will file the Assessment Notice of the Corporation of the Township of Richmond for the year 1942, which shows the value of the land at $180.00 and the value of the improvements at $950.00.

(Offer of Mrs. Clarke, EXHIBIT 10.)

(Assessment Notice, EXHIBIT 11.)

MR. CHERNIACK: Can I suggest 1944 be filed?

MR. FERG: I haven't got it.

MR. CHERNIACK: There are two lots in this but it is one property. I do not know whether that shows both lots.

MR. FERG: The total assessment of the land was $180.00 and the improvements $950.00.

RE-CROSS-EXAMINATION BY MR. FERG:

Q Mr. Otsu, you haven't had an independent valuation made of your real property? A No.

MR. FERG: I would ask my learned friend to produce the claimant's copy of his letters made between the claimant, as landlord, and Hepworth, as tenant.

Q I show you a lease, a document, is that your signature (indicating) at the foot? A Yes.

Q And the signature - were you present when Mr. Hepworth signed the lease? A Yes.

Q And that is your lease with Hepworth? A Yes.

Q And also attached is a list of furniture and fixtures?

A Yes.

Q And that is the signature (indicating) of Mr. Hepworth at the foot of the lease? A Yes.

(Lease, EXHIBIT 12.)

MR. FERG: This lease covers Lots 3 and 4, Block 30, Plan 249, District New Westminster and includes all buildings and erections, together with furniture and fixtures according to inventory attached, and which is hereby made part of this agreement, and this lease is from the date of evacuation from Steveston of the Lessor on order of the Government of Canada for the duration of the war with Japan or until the return of the Lessor to Steveston and payable by Five Dollars on the third of each and every month commencing on the evacuation of the Lessor from Steveston. Said sum to be deposited to the credit of the Lessor in the Royal Bank of Canada, Steveston, B.C. This is signed by A. G. Hepworth and the list of furniture and fixtures is

marked, "These left in care of Mr. Alfred Hepworth," and included in this list is the winch and slide and numerous other articles of which the claimant is claiming for loss.

Q Now, you place these property chattels and fixtures that you have listed here in the custody and possession of Mr. Hepworth, the tenant? A Yes.

Q What did you do with the rest of your furniture and furnishings? A I left them all in the attic.

Q And you sealed the attic up?

THE COMMISSIONER: Everything he put in the attic that time was sealed. I don't think there is anything to be gained by going into that.

MR. FERG: I just want to clear up all his remaining chattels were left with Hepworth.

THE COMMISSIONER: The three-piece chesterfield suite is first, the ice box, that is also in the Hepworth lease, scales, that also was in the lease, desk, that also is in the lease, dresser and mirror, that is in the lease, fire extinguisher, that is in the lease, four fancy flower potstands, that is in the lease, two pictures of the King and Queen and frames, that is in the lease, wheelbarrow, that is in the lease, kitchen stove and winch and slide, they are all in the lease.

MR. FERG: Very well, your honour.

Q Mr. Otsu, when were you first informed that the winch and slide was missing? A When I received the statement from the Custodian regarding the sale of the house.

Q I show you a letter, is that your letter? A Yes.

Q Written to the Custodian? A Yes.

MR. FERG: I will file this letter dated March 12, 1945, from the claimant to the Custodian's Office.

(Letter dated March 12, 1945, EXHIBIT 13.)

" 511 Pacific Ave., Winnipeg, Man.,
March 12th, 1945.

G. D. Milson, Esq.,
Administration Department,
Office of Custodian,
506 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sir: File No. 5056.

Acknowledge receipt of your letter of Feb. 21st instant informing me the chattels in care of Mr. Hepworth. From your information you have stated that Mr. Hepworth has advised you that the winch and slide have been stolen. Since Mr. Hepworth was our tenant before and was living at our former residence I think he would not let any one enter his premises and carry the chattels away. Moreover the winch and slide is a thing that cannot be carried out so readily because of their weight. I also think that he will report of such a thing has happen to my chattels when he was residing there.

I think that Mr. Hepworth has sold them on purpose or have stolen it himself so I would like you to get the sufficient amount of funds for the articles from him.

I hope that you would not let the matter like this, pass after hearing from Mr. Hepworth that the

" said articles have been stolen.

Yours truly,

(Sgd.) Kamekichi Otsu.

Kamekichi Otsu.

Reg. No. 04910. "

Q Now, these articles, Mr. Otsu, when you left them with Mr. Hepworth he was to take care of them, they were in his custody and he was to return them to you after the war? A Yes.

Q When did you purchase the platform scales?

A 1941.

Q Did you buy them new? A Yes.

Q Who did you purchase them from? A Fairbanks-Morse.

Q How did you pay for them? A $105.00 cash.

Q What was the size of the scales or the capacity of them? A Up to one thousand pounds.

MR. FERG: No further questions.

THE COMMISSIONER: Are you through, Mr. Cherniack?

MR. CHERNIACK: I would just like to point out one thing, your honour will note that the duration of the lease is from date of evacuation, for the duration of the war with Japan or until the return of the Lessor to Steveston. The rental is $5.00 a month. I would like to indicate that in other cases the Custodian, after consulting legal counsel, declared leases in these indefinite terms to be invalid and this will be subject to correction in Vancouver. I am under the impression that leases of this kind are invalid and the Custodian saw fit to ignore these leases,

possibly did so in this case at the time of this sale, otherwise they would be unable to sell. I am indicating that to show that the Custodian was aware of the lease and the chattels which went with the lease prior to the date of evacuation, that is, on the date of the completion of the J.P. Form and it is our submission that under the Orders-in-Council the Custodian became seized of these goods, as of the date they were declared to the Custodian, and the Custodian had an opportunity to inventory them, especially in a case of a lease of this nature, which could have been invalidated and the chattels could have been seized at any time had the Custodian so wished.

THE COMMISSIONER: All right, thank you, witness.

(PROCEEDINGS ADJOURNED SINE DIE)

Certified to be a true and accurate transcript.

MARK H. PEARCE, Sr.,
OFFICIAL REPORTER.

CERTIFICATE

I, the undersigned Sub-Commissioner, hereby certify that the foregoing 24 pages of typewritten matter contain a true and accurate record of the Sub-Commission held in the Law Courts Building, Winnipeg, Manitoba, at the time and date first above mentioned.

SUB-COMMISSIONER.

IN THE MATTER OF THE "INQUIRIES ACT"

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

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

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

Winnipeg, Manitoba,

April 14th, 1948.

IN THE MATTER OF THE CLAIM OF

K. OTSU.

PROCEEDINGS AT HEARING.

APPEARANCES:

J.W.G. HUNTER, Esq.,	appearing for the Dominion Government.
S.M. CHERNIACK, Esq.,	appearing for the Claimant.

A. WATSON, Esq.,	Secretary.
G.N.R. UPTON, Esq.,	Official Interpreter.
T.P. HORROBIN, Esq.,	Official Reporter.

MR. CHERNIACK: Before I proceed with the list this morning, my lord, I would like to speak briefly to a case set down on the long list and adjourned to the sub-Commission. It is No. 90, my lord, on the long list -- no, I am sorry, 100 -- page 4 of the list, K. Otsu. Now in preparing this claim the claimants asked me about a claim which he felt he had for the use of his boat by the Navy. I told him that I felt this didn't come within the terms of reference, and I therefore did not include it in the claim, and I wrote to the Custodian asking for some advocate or some person to whom to turn to in trying to investigate whether he was entitled to it or not. The Custodian referred me to the Naval Department and the Naval Service Headquarters then referred meto the Department of Fisheries, and I have a letter from the Department of Fisheries referring me to the Custodian, and I can't go on that way indefinitely.

I discussed this matter with Mr. Shears and he told me you had heard some claim of this nature, without prejudice, as I understand it, and I would just like to have a word from your Lordship as to whether I might ask for leave to amend my claim to include it so it might be heard by the sub-Commissioner and possibly a recommendation might be made.

THE COMMISSIONER: What happened in this instance? The man's vessel was commandeered?

MR. CHERNIACK: The man's veseel was commandeered by the

Navy.

THE COMMISSIONER: Was anything said at that time about charter?

MR. CHERNIACK: No, my lord.

THE COMMISSIONER: No mention of a charter at all?

MR. CHERNIACK: As far as I know there was none. They made use of it for something like three months, and then it was sold through the Fishing Vessels Disposal Committee.

THE COMMISSIONER: There was one claim before me in which there was some correspondence between the claimant and a Department of Government, I have forgotten which one, but there some reference was made to a charter fee being established at a later date, but there is nothing whatever of that kind in your claim.

MR. CHERNIACK: Not to my knowledge.

THE COMMISSIONER: What are your views, Mr. Hunter?

MR. HUNTER: My views have always been, my lord, that it doesn't come within the terms of reference, though purely on the grounds of equity it does seem that some adjustment should be made, or even on the grounds of quantum meruit or something of that kind they should be entitled to some compensation for the boat. It was the Department of Munitions and Supply that handled that and it was succeeded by the Department of Reconstruction. Where all the records would be, I am dashed if I know now.

MR. CHERNIACK: Well, I haven't been in touch with that

Department yet.

THE COMMISSIONER: I imagine you would have no opposition to the proposal to allow the amendment and at least hear what was said about it, though I might or might not make a recommendation, even though I have excluded it from the terms of reference.

MR. HUNTER: I can't see any objection to it, my lord. This matter was taken up with the Custodian in considerable correspondence with Munitions and Supply, and in the correspondence they were particularly referring to those cases where they stated that later the details of a charter party would be arranged, but they had now purchased the boat and had done nothing about the charter party which they had been previously talking about, and Munitions and Supply came back and said in their opinion it would be most inequitable if they should at the same time buy the boat and pay the charter party when some months later they could buy the boat at the price they were now buying it at. There was something in the argument but not a great deal, I thought.

THE COMMISSIONER: I will give you leave to amend, Mr. Cherniack.

MR. CHERNIACK: Yes, if my friend would make a note of it, that I can amend.

THE COMMISSIONER: That is of course on the clear understanding that it now appears you are outside of the terms of reference.

MR. CHERNIACK: Oh yes, I understand that.

THE COMMISSIONER: Mr. Secretary, would you be good

enough to note on the list going to His Honour Judge Buckingham that leave has been given in Claim No. 100 to amend by adding the further claim in relation to a charter which is alleged to have been made between the claimant and a Department of Government in respect of a vessel. What is it, a motor vessel?

MR. CHERNIACK: I believe so, my lord; I am not certain.

THE COMMISSIONER: Most of them were.

MR. CHERNIACK: Yes, it had a Studebaker motor.

THE COMMISSIONER: And if counsel who is appointed to the sub-Commission would be good enough to inform Judge Buckingham as to what I have done?

MR. HUNTER: Yes, my lord, we will do that.

(PROCEEDINGS ADJOURNED SINE DIE)

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

T. P. Horrobin

"T.P. HORROBIN"
Official Reporter.

NOV 28 1947

Case # 944

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

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

ACKNOWLEDGED

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

(1) NAME OTSU (Print) Surname Kamekichi Given Name (RCMP) Reg. No. 04910

(2) Pre-Evacuation Address 19 Broadway Street, Steveston, B.C.

(3) Present Address 513 Pacific Avenue, Winnipeg, Manitoba.

(4) REAL ESTATE

(a) Street Address (if any) 19 Broadway Street, Steveston, B.C. (City or Municipality, Province)

(b) Legal description (lot number, block number, section number, etc.)
R.M. of Richmond - Lots 3 and 4, Block 30, Section 3
Block 3, North Range 7, West, Map 249, New Westminster, B.C.

(c) Type of Real Property (cross out words which do not apply):
(i) ~~Farm~~
(ii) Residence Type of business
(iii) ~~Business~~
(iv) ~~Any other type of property~~ (describe)

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) sole owner

(e) Fair market value at date of sale (estimate this to the best of your ability):
(i) Land - - - - - - - - - - - - - - - - $ 200.00
(ii) Buildings - - - - - - - - - - - - - - - - $ 2300.00
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - - - - - - - - - - - - $ --
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $ 2500.00 - 2300
(v) Amount at which Custodian sold property and credited your account - - $ 1456.00 1456
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1044.00 844

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation
19 Broadway Street, Steveston, B.C.

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
house

(c) How stored or packed at time of evacuation not packed

(over)

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

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

			Proceeds from Sale		Loss
1.	Items sold by auction by Custodian, May 12, 1944	Estimated Value $	105	42.47	63.53
2.	3 pc. Chesterfield Suite sold June 30, 1944	Estimated Value $	95	49.82	45.18
3.	Items sold by Auction by Custodian Sept. 1, 1944	Estimated Value $	43	21.87	21.13
4.	Items sold by auction by Custodian Sept. 30, 1944	Estimated Value $	60	25.59	34.51
5.	Kitchen stove	Estimated Value $	90	40.00	50.00
6.	Winch and slide	Estimated Value $			55.00
7.	2 lamp stands and table lamp (1)	Estimated Value $			19.00
8.	record player	Estimated Value $			15.00
9.	lawn mower	Estimated Value $			9.00
10.	socket wrench set	Estimated Value $			28.00
	miscellaneous				15.00
		TOTAL CLAIM FOR PROPERTY LOSS $			355.35

220.10

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

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - $ 1399.35

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

(b) Do you require the services of an interpreter at the hearing? Yes or no Yes

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

DOMINION OF CANADA)
Province of Manitoba)
TO WIT:)

I, Kamekichi Otsu of the City of Winnipeg in the Manitoba

DO SOLEMNLY DECLARE THAT:

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

DECLARED before me at the City)
of Winnipeg)
in the Province of Manitoba)
this 5th day of November)
A.D. 1947.)

Kamekichi Otsu

A BARRISTER AT LAW ENTITLED TO PRACTISE IN THE PROVINCE OF MANITOBA. A Commissioner &c.

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

To be attached to Claim of OTSU, Kamekichi, #04910, formerly of 19 Broadway St., Steveston, B.C.

Items sold May 12, 1944	Estimated Value
Cross Cut Saw	$ 2.50
Cross Cut Saw	2.50
Axe	.50
Small table	1.50
2 Flower Stands	3.00
Ice Box	15.00
Platform scale	80.00
TOTAL	105.00

Items sold September 1, 1944	
End Table	1.00
End Table	1.00
Desk	10.00
Dresser and mirror	20.00
Kitchen table and 4 chairs	11.00
	43.00

Of the items sold September 30, 1944, all items except the following were sold at a satisfactory price of $28.40

Fire Extinguisher	22.00
4 fancy flower pots	4.60
pictures	5.00
	$60.00

Miscellaneous	
1 wheelbarrow	4.00
1 vise	3.00
Carpenter's level	4.00
punch and chisel	1.00
2 can oilers	1.50
Carpenter's axe	1.50
[illegible]	15.00

At the time Claim was made the kitchen equipment was omitted in error.	
Itemized list is lost but value is	$150.00
Less amount realized	14.75
Net Loss	135.25

This amount should be added to Claim.

DO NOT WRITE ABOUT MORE THAN ONE SUBJECT IN THE SAME LETTER

ADDRESS REPLY TO
DEPUTY MINISTER
AND QUOTE
NO.

792-17-1

CANADA

DEPARTMENT OF FISHERIES

OTTAWA, April 5th, 1948.

Cherniack & Cherniack,
Barristers and Solicitors,
31-460 Main St.,
Winnipeg, Man.

Your letter of February 16th, with regard to a fishing vessel formerly owned by Kamekichi Otsu, has just been referred to this Department by the Department of National Defence.

While a committee had originally been established at the instance of this Department for disposal of vessels owned by Canadian citizens of Japanese origin, and which were taken into custody at the outbreak of the war in the Pacific, the unfinished business of the committee was placed with the Custodian of Enemy Property, with effect from August 1st, 1942.

In the circumstances, the correspondence is being passed on to that officer for his consideration.

Mr Justice Bird gave us permission to amend this claim to include rental.

J. J. Lamb,
Executive Assistant.

EXHIBIT No. 944-1
DATE Sept. 24/48.
FILLED BY
Claimant.

CANADA

QUOTE NO. N.S. 8020-8(N.Sec.)

Department of National Defence

Ottawa, Canada.

30th March, 1948.

Dear Sir:

Japanese Fishing Vessel - "QUEEN ELIZABETH"

Reference is made to the Naval Secretary's letter of 4th March, 1948, acknowledging receipt of your claim on behalf of Mr. K. Otsu for the use of his fishing vessel "QUEEN ELIZABETH" between the period 15th December, 1941, and 28th March, 1942.

This claim has been referred to the Department of Fisheries under whose jurisdiction the Japanese Fishing Boat Disposal Committee operated. You will no doubt hear from that Department in due course.

It has been ascertained that this vessel was not used by the Naval Service.

Yours truly,

(W. Gordon Mills)
DEPUTY MINISTER.

Cherniack & Cherniack,
Barristers and Solicitors,
31-460 Main Street,
WINNIPEG, Man.

CANADA

Department of National Defence

Naval Service

OTTAWA, Ontario, 4th March 1948

OUR FILE N.S.8020-8 Vol.1(N.Sec.)

YOUR FILE

Dear Sirs:

Receipt is acknowledged of your letter of 16th February, 1948, File No. 24290 forwarding a claim of Mr. Kamekichi Otsu for the use of his fishing vessel "Queen Elizabeth" between the period 15th December, 1941 and 28th March, 1942.

This matter is being investigated, and you will be advised further in due course.

Yours truly,

A.O. Dolan

DEPUTY NAVAL SECRETARY.

Cherniack & Cherniack,
Barristers and Solicitors,
31-460 Main Street,
WINNIPEG, Man.

H.Q. 1010 D
500—10-43 (2163)
N.S. 815-7-1010

24290

February 16th, 1948.

Naval Service Headquarters,
OTTAWA, Ontario.

Dear Sirs:

We have been consulted by Kamekichi Otsu, formerly of 19 Broadway St. Steveston, B.C.

Mr. Otsu advised us that his fishing vessel known as "Queen Elizabeth" registration No. 2497, Naval Registration No. NW098E was taken over by the Navy on or about the 15th of December 1941 and was used by the Navy until March 28th, 1942.

It is Mr. Otsu's contention that he is entitled to a rental of a minimum of $5.00 a day for the period for which it was used.

We would appreciate your attention to this matter and your advising us as to the arrangements which have been made in regard to such use of boats by the Navy.

Yours truly,

CHERNIACK & CHERNIACK

per.

SMC/y

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO 5056
FILE NO.

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

February 11,1948

Messrs. Cherniack & Cherniack,
Barristers & Solicitors,
31-460 Main Street,
Winnipeg, Manitoba.

Dear Sirs:

Re: Kamekichi Otsu, Reg. No. 04910

With reference to your inquiry of January 28th, we wish to inform you that the Custodian has no knowledge of any arrangements made by Naval Service to pay compensation to the owners for the use of their vessels during the period the vessels were under Naval guard.

In your letter of January 13th, you stated that the vessel owned by Mr. Kamekichi Otsu was used by Naval Service between the date of her surrender, December 15,1941, and the date of her release, March 28, 1942. The Custodian has no knowledge of this.

We would suggest that you address your inquiry to Naval Service Headquarters, Ottawa, Ontario.

Yours truly,

F. Matheson

F. Matheson,
Office of the Custodian.

/FM

24290

January 28th, 1948.

Office of the Custodian,
506 Royal Bank Bldg.,
Hastings & Granville,
VANCOUVER, B.C.

Dear Sir:

Re: Kamekichi Otsu, Reg'n. No. 04910.
Your file No. 5056

We acknowledge receipt of your letter of the 24th instant in the above matter, and note your reference to the effect that the vessel referred to in our letter to you of the 13th instant, was sold on the 26th of March, 1942, and your recommendation that we refer this matter to the Commissioner.

It appears to us that since the Custodian was not appointed until after the date of the sale of the vessel, we would not be justified in making a claim to the Commissioner. Nor did we plan on making a complaint to you in our letter. We wrote to you because we are not aware of the manner in which the Navy handled the vessels and what type of compensation was paid for the use of same.

Since you no doubt are fully familiar with what was done in the past, we would appreciate your letting us have particulars of same and advise us of the proper office to which to address our inquiries.

Yours truly,

CHERNIACK & CHERNIACK

per.

SMC/P
Dict.

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO. 5056

24th January, 1948.

Messrs. Cherniack & Cherniack,
31-460 Main St.,
Winnipeg, Man.

Dear Sirs,

RE: Kamekichi OTSU
Regn No: 04910

We beg to acknowledge receipt of your communication of the 13th inst.

For your information the vessel described in your above-mentioned letter was sold by the Japanese Fishing Vessels Disposal Committee on 26 March, 1942. The Custodian had no part in the disposal or administration of the funds in this connection.

It is suggested that referral to the Commissioner might be the most appropriate action.

Yours truly,

J. Cuming
OFFICE OF THE CUSTODIAN

JC/..

24290

January 13th, 1948.

Office of the Custodian,
Royal Bank Building,
Hastings & Granville,
VANCOUVER, B.C.

Dear Sirs:

re: Kamekichi OTSU - 04910 formerly
of 19 Broadway St. Steveston, B.C.

The above party has requested us to write you in regard to a fishing vessel known as "Queen Elizabeth", Registration No. 2497, Naval Registration No. NW098E. This Boat which is 38' in length with a 10' beam and powered by 120 H.P. Studebaker motor was taken over by the Navy on or about the 15th of December, 1941 and was used by the Navy until March 28th, 1942.

Mr. Otsu contends that he is entitled to a rental of at least $5.00 a day for the period for which it was used.

As we have no knowledge of the arrangements made with the Navy, we would appreciate your looking into this matter and advising us of Mr. Otsu's position in this regard.

Yours truly,

CHERNIACK & CHERNIACK

per.

SMC/y

944-2
EXHIBIT No.
DATE Sept. 24/48
FILED BY Crown

23 July, 1948.

FISHING VESSEL "QUEEN ELIZABETH"

Regn. No 2497,

Naval Regn No NW098E

ALL CORRESPONDENCE HELD AT THIS OFFICE

IS ATTACHED HERETO.

Cherniack		to	Custodian Vanc	13 Jan 48
Custodian Vanc			Cherniack	24 Jan 48
Cherniack			Custodian Vanc	28 Jan 48
Custodian Vanc			Cherniack	11 Feb 48
Cherniack			Naval HQ Ottawa	16 Feb 48
Dept. Natl. Def.			Dept. of Fisheries	30 Mar 48
Dept. of Fisheries			Custodian Ottawa	5 Apr 48
Custodian Ottawa			Custodian Vanc	8 Apr 48
Custodian Vanc	Memo		Custodian Vanc	12 Apr 48
Custodian Vanc			Custodian Ottawa	16 Apr 48

Summary of Vessel Records d/30 Mar 44

No further information held by
Custodian Vanc

JC/..

ATTACHED TO THIS EXHIBIT IS CARBON
COPY OF SAME

I hereby certify the foregoing words
to be a true copy of the original
whereof they purport to be a copy.
Jan. 18/49

Attached to Exhibit 944-2

CHERNIACK & CHERNIACK
Barristers & Solicitors

31-460 Main Street
Winnipeg
Canada

CUSTODIAN SECTION
JAN 16 1948
505 6

Please Refer
To File No. 24290

January 13th, 1948.

Office of the Custodian,
Royal Bank Building,
Hastings & Granville,
VANCOUVER, B. C.

Dear Sirs:

re: Kamekichi OTSU - 04910 formerly
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As we have no knowledge of the arrangements made with the Navy, we would appreciate your looking into this matter and advising us of Mr. Otsu's position in this regard.

Yours truly,

CHERNIACK & CHERNIACK

per. "S.M.C.".

SMC/y

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49

24th January, 1948.

Messrs. Cherniack & Cherniack,
31-460 Main St.,
Winnipeg, Man.

Dear Sirs,

RE: Kamekichi OTSU
Regn No: 04910

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It is suggested that referral to the Commissioner might be the most appropriate action.

Yours truly,

"J.C."

J. Cuming
OFFICE OF THE CUSTODIAN

JC/..

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49

Attached to Exhibit 944-2

CHERNIACK & CHERNIACK
Barristers and Solicitors

31-460 Main Street

Winnipeg

Canada

EVACUATION SECTION
Rec'd JAN 31 1948
File No. 5056
Ans.
Entered Cumming

January 28th, 1948.

Please Refer
To File No. 24290

Office of the Custodian,
506 Royal Bank Bldg.,
Hastings & Granville,
VANCOUVER, B. C.

Dear Sir:

Re: Kamekichi Otsu, Reg'n. No. 04910.
Your file No. 5056

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Since you no doubt are fully familiar with what was done in the past, we would appreciate your letting us have particulars of same and advise us of the proper office to which to address our inquiries.

Yours truly,

CHERNIACK & CHERNIACK

per. "S.M.C.".

SMC/P
Dict.

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49 S. Mac

Attached to Exhibit 944-2

5056

February 11, 1948

Messrs. Cherniack & Cherniack,
Barristers & Solicitors,
31-460 Main Street,
Winnipeg, Manitoba.

Dear Sirs:

Re: Kamekichi Otsu, Reg. No. 04910

With reference to your inquiry of January 28th, we wish to inform you that the Custodian has no knowledge of any arrangements made by Naval Service to pay compensation to the owners for the use of their vessels during the period the vessels were under Naval guard.

In your letter of January 13th, you stated that the vessel owned by Mr. Kamekichi Otsu was used by Naval service between the date of her surrender, December 15, 1941 and the date of her release, March 28, 1942. The Custodian has no knowledge of this.

We would suggest that you address your inquiry to Naval Service Headquarters, Ottawa, Ontario.

Yours truly,

F. Matheson,
Office of the Custodian.

/FM

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/48

Attached to Exhibit 944-2

COPY

Cherniack & Cherniack
Barristers & Solicitors

31-460 Main Street,
Winnipeg, Canada

Please Refer
to File No. 24290

February 16th, 1948

Naval Service Headquarters,
Ottawa, Ontario.

Dear Sirs:

We have been consulted by Kamekichi Otsu, formerly of 19 Broadway St., Steveston, B. C.

Mr. Otsu advised us that his fishing vessel known as "Queen Elizabeth" registration No. 2497, Naval Registration No. NW098E was taken over by the Navy on or about the 15th of December, 1941 and was used by the Navy until March 28th, 1942.

It is Mr. Otsu's contention that he is entitled to a rental of a minimum of $5.00 a day for the period for which it was used.

We would appreciate your attention to this matter and your advising us as to the arrangements which have been made in regard to such use of boats by the Navy.

Yours truly,

Cherniack & Cherniack

Per S.M.C.

SMC/y

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49

Attached to Exhibit 944-2

COPY

Quote No. N.S.8020-8 (N.Sec.)

Department of National Defence

Ottawa, Canada

30th March, 1948

Dear Sir:

Japanese Fishing Vessel - "Queen Elizabeth"

Attached is a claim received from Messrs. Cherniack & Cherniack, Barristers, Winnipeg, Manitoba, on behalf of Mr. Kamekichi Otsu of Steveston, British Columbia. Mr. Otsu is claiming compensation for his fishing vessel "Queen Elizabeth" which he states was taken over by the Naval Service in December, 1941.

In response to enquiry, the Commanding Officer Pacific Coast states that the records at Esquimalt show that a fishing boat by the name of "Queen Elizabeth" Registration No. 2497, Naval Registration No. NW098E, Engine 90 Chrysler, Owner - K. Otsu was one of those seized in the Vancouver area. This vessel was amongst those impounded by the Royal Canadian Navy at Annacis Island. It appears in the List of Japanese Vessels at Annacis Island and at Prince Rupert, B. C., dated 10th March, 1942, a copy of which list was furnished by the Commanding Officer Pacific Coast on 13th March, 1942, to Mr. Justic Sydney Smith, Japanese Fishing Vessels Disposal Committee, Marine Building, Vancouver, B. C. No record can be found which would indicate that this vessel was ever used by the Naval Service.

As the Japanese Fishing Boat Disposal Committee operated under the jurisdiction of your Department, this claim is referred to you. Messrs. Cherniack & Cherniack have been advised of its disposal.

Yours truly,

W. Gordon Mills,
Deputy Minister.

The Deputy Minister,
Department of Fisheries,
OTTAWA.

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49

Attached to Exhibit 944-2

COPY

Department of Fisheries, Ottawa

April 5, 1948

The Custodian of Enemy Property,
Department of the Secretary of State,
Ottawa, Ont.

A communication from the legal firm of Cherniack & Cherniack of Winnipeg, with regard to a fishing vessel owned by a citizen of Japanese origin, which had been taken over at the outbreak of the war in the Pacific, has been referred to this Department by the Department of National Defence. I attach a copy hereto, as well as the covering letter by the Deputy Minister of National Defence.

The whole matter is being referred to you as one which is in the character of unfinished business of the Committee, which had originally been established as the instance of this Department.

"Stewart Bates"
Stewart Bates"
Deputy Minister.

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49 F. May

Attached to Exhibit 944-2

COPY of letter from Office of the Custodian, Ottawa

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

April 8, 1948

F. G. Shears, Esq.,
Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Re: Kamekichi Otsu,
Japanese Fishing Vessel
"Queen Elizabeth"

Dear Mr. Shears:

We enclose herewith communication received from the Deputy Minister, Department of Fisheries, under date of the 5th instant in connection with the above.

It would be appreciated if you would communicate direct with Messrs. Cherniack & Cherniack, Winnipeg, and forward copy of your report to this office.

Thanking you for your co-operation herein, we are

Yours very truly,

"K.W. Wright"
K.W.Wright
Counsel to the Custodian.

Encls.

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49

Attached to Exhibit 944-2

File: 5056

April 12, 1948

To: Mr. Good

From: F. Matheson

Re: Kamekichi OTSU & M.V. "Queen Elizabeth"

JFVDC Ledger Folio and Boat File No. 197 concerns the vessel "Elizabeth" Naval Reg. No. NW 098E, licensed at Port of New Westminster, No. 2497.

List of Vessels Licensed at Port of New Westminster, supplied by the Registrar of Shipping at that Port, shows that License 2497 was issued to K. Otsu, Box 426, Steveston, on May 25, 1939, for a vessel named "Elizabeth".

Naval Catalogue No. 11 of Japanese Fishing Vessels was supplied to the Japanese Fishing Vessels Disposal Committee on February 21, 1942. This list of vessels was prepared as soon as the boats had been moved to the morrings prepared for them near Annacis Island. On this list the vessel "Queen Elizabeth", New Westminster Licence No. 2497, Naval No. NW098E, owned by K. Otsu, is shown as being moored at Mooring "C" - Row 3. On this list some boats instead of having a location at the moorings are marked "duty boat"., presumably being used by Naval Service.

Naval List of Japanese Fishing Vessels at Annacis Island & Prince Rupert, believed to be the one referred to in the letter from the Deputy Minister of National Defence, March 30, 1948, shows the "Queen Elizabeth" as being among the impounded vessels at Annacis Island. This list was supplied to the Committee March 18, 1942.

It is evident that the "Queen Elizabeth" and the "Elizabeth" are one boat, as the Licence No. and Naval No. are the same.

The "Elizabeth" was sold by K. Otsu to H. Bell-Irving & Co. Ltd. on March 24, 1942, for $1,550.00. The Committee approved the transfer on March 26, 1942.

The vessel was released to the purchaser on or around March 30, 1942, from the control of Naval Service.

Mr. Kamekichi Otsu received from the Committee on March 28, 1942, the sum of $1529.50. This being the purchase price of $1,550.00, less the Committee's charge of 1% and the $5.00 survey charge (amounting in all to $20.50.)

I can find no record to show that the vessel owned by Mr. Kamekichi Otsu was used by Naval Service.

"F. Matheson"

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/48 [signature]

Attached to Exhibit 944-2

506 Royal Bank Bldg.,
Vancouver, B. C.
April 16, 1948.

5056

K. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Bldg.,
7 O'Connor St.,
Ottawa, Ont.

Dear Mr. Wright:

This is to acknowledge your letter of April 8th addressed to Mr. Shears, and in reply, I am sending you a copy of a memo which Miss Matheson has made covering all details known to this office.

I am also sending you a copy of the letter which Miss Matheson sent to Messrs. Cherniack and Cherniack on the 11th February last in which she directed them to apply to Naval Service Headquarters, Ottawa, for any further information.

I think under the circumstances, it would be better if you would reply to Messrs. Cherniack and Cherniack so they may see that this matter has been thoroughly gone into by Ottawa, as we really have no further information to give them.

Yours truly,

B. Good,
Comptroller.

BG/GN

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49 [signature]

SUMMARY TAKEN FROM VESSELS RECORDS

Date: March 30, 1944

Name: OTSU, Kamekichi Reg. No. 04910 File: 5056

Boat File No.: JFVDC 197

Name of Vessel: "Elizabeth" 34'x10'x6' (1938) Studebaker 129 HP

Lic#. or Reg. No.:	NEW WESTMINSTER 2497
Naval No.:	NW. 098-E
Owner's Valuation	$1,800.00
JFVDC Valuation:	None
Custodian Valuation:	None
Date of Sale:	March 26, 1942
Purchaser:	H. Bell-Irving & Co. Ltd.
Signature on Sales Papers:	K. Otsu
Selling Price:	$1,500.00
Paid to JFVDC ~~or Custodian~~	$1,550.00
Supervision Costs:	20.50
Balance due Owner:	1,529.50
Paid to:	Kamekichi OTSU, on March 27, 1942
Location of Boat at Sale:	New Westminster
Claims Against Canadian Govt.:	None

Additional Information:

"F. Matheson
Aug 14, 1946"

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49 F. May Jr. Ltd.

OTSU, Kamekichi
(Claimant's Name)

REAL ESTATE
(Other than farm)

04910
Reg. No.

Type of Premises (e.g. House, Store, etc.)	No. of Rooms	Type of Finish	Use of Premises	Size of Lot	When Purchased	Date of Purchase
Residence Bungalow	4 rooms	painted, shingle outside inside papered	dwelling	Lots 3 & 4 66 x 120	1935	

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Residential	cost of lots 180.00	In 1936 constructed house 28 x 24 full cement basement, shingled sides and roof, papered inside and some places painted, linolium on floor	2300.00
		Estimated cost of material & hired & own labour -	2600.00
		Planted about 10 ornamental shrubs and 3 mixed fruit trees and made lawn	

Comments re upkeep of premises:

kept it in good condition

Comments re Appraiser's report not covered above:

My house was in the best residential district in Steveston. A very good dwelling as described by the appraiser. In view of this I cannot understand his low valuation. In my opinion the fair market value of this property at date of sale was/least 2300.00
at

EXHIBIT No. 944-3
DATE Sept-24/48
FILLED BY Claimant.

Kamekichi Otsu
Signature

OTSU, Kamekichi
(Claimant's Name)

PERSONAL CHATTELS

04910
Reg. No.

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid	Condition when Evacuated	Estimated value at Date of Evacuation	
						sold for
1 3 piece chesterfield suite	1937	new	140.00	good	95.00	65.00
1 ice box	1937	new	25.00	"	15.00	9.00
1 platform scale	1941	"	120.00	"	80.00	42.00
1 desk	1937	"	20.00	"	10.00	5.00
1 dresser & mirror	1935	"	35.00	"	20.00	12.00
1 fire extinguisher	1939	"	25.00	unused	22.00	4.25
4 fancy flower pots	1937	"	9.00	good	4.60	2. 25
2 pictures & frame	1939	"	10.00	"	5.00	1.00
1 Wheelbarrow	1936	"	7.50	good	4.00	abandoned
kitchen stove	1937	"	125.00	"	90.00	40.00
winch & slide	1941	"	80.00	"	55.00	not found
					400.60	180.50
					180.50	
				Loss -	220.10	

~~Description of Storage of Goods:~~

General Statement ~~as to Chattels not Described above:~~

All goods were left at my home at 19 Broadway, Steveston and were reported to Custodian.

Additional Comments, if any:

I have depreciated the values according to age and use.

EXHIBIT No. 944-4
DATE Sept. 21/48
FILED BY Claimant.

Kamekichi Otsu
Signature

COULTHARD, SUTHERLAND & CO., LTD.
ESTATE AND INSURANCE AGENTS
CAR FINANCING

TELEPHONE 106

609 COLUMBIA STREET,
NEW WESTMINSTER, B. C.

790

4

22nd.April,1944.

Catalogue #790

File #5056

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

Re: Lots 3 and 4, Block 30, Sec.3,
B3N/7W, Map 249,Steveston Townsite

Dear Sir:-

This property being #19 Broadway Street consists of a four room bungalow.Interior-shiplap and felt paper which has been painted over, well done and in good condition.This bungalow is 28 x 24', not plastered, living room, dining-room, bed room, cabinet kitchen, sink, basin and toilet (no bath tub), fir floors in ~~fair~~ good condition. Exterior- Shingles painted brown. City light and water.

This house has a full cement basement, home made hot air furnace. The house is well constructed and of good materials.

There are two 33 x 120' lots, nice garden, shrubs, lawn, rasberry canes and three fruit trees. This is a very attractive bungalow on nice lot. Street is not open for traffic. Rented to A. G. Howard

VALUATION:

House $1156.
Lots 300.
$1456.

Yours very truly,

COULTHARD,SUTHERLAND & CO. LTD.

F.H.Coulthard.

EXHIBIT No. 944-5
DATE Sept. 24/48
FILLED BY Claimant.

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 5056 EXHIBIT No.

NAME Kamekichi OTSU REG. No. 04910

DATE	INVENTORY	DETAILS OF CLAIM			SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
Declaration 16 Apr 42	Taken by LEASE INVENTORY D/2 APRIL 1942				AUCTION	TENDER &c		
Evacuation 28 May 42	Date	ESTIMATED VALUES GIVEN:						
3 pc Ches'fd $95.	3 pc Ches'fd suite	ITEMS SOLD 12 May 44:						
1 desk (walnut finish)	Desk	Cross Cut saw		2 50	75			
1 table (walnut finish)	Radio	Cross Cut saw		2 50	1			
2 lamp stands (1 table lamp)	Kitchen table 4 chairs	Axe	(1)	50	10			
2 end tables (walnut finish)	End table	Small table		1 50	25			
2 straw chairs	Lino 9x9 (liv.&din.rm)	2 flower stands		3	50			
Curtains for 4 rooms	Lino 12 yds (Kitchen)	Ice box		15	9			
1 bearskin rug	Lino 27x5½ yds (hall)	Platform scale		80	42			
2 lino 9x9 (living & dining room)	Dresser	ITEMS SOLD 1 Sep 44:						
	Kitchen stove	End table		1	1 85			
lino 12 yds (kitchen)	Furnace	End table		1	2 10			
lino 27x5½ yds (hall)	13 blinds (8 fancy)	Desk	(2)	10	5			
1 dble Bed, 1 Dresser $60	16 curtain rods	Dresser & mirror		20	12			
1 Kitchen stove $90	2 picture frame (king	Kitch. table & 4 chairs		11	9			
1 Furnace stove $75.	& Queen) (Mt.Fuji)	ITEMS SOLD 30 Sep 44:						
13 blinds (8 fancy blinds)	4 Flower pot stand (1	Fire extinguisher		22	4 25			
16 curtain rods	enamel-3painted)	4 fancy flower pots	(3)	4 60	2 25			
2 picture frames (King & Queen) (Mt. Fuji)	1 scale and box	pictures		5	1			
	1 winch. 1 slide	MISCELLANEOUS:						
4 flower pot stands	1 fire extinguisher	1 wheelbarrow		4				
(1 enamel) (3 painted)	1 wheelbarrow	1 vise		3				3
4 flower pots	1 lawnmower & grass	carpenter's level	(4)	4				4
1 scale, 1 box (large	catcher	punch & chisel		1				1
size) $80	8 elec light shades	2 can oilers		1 50				1 50
1 wrench, 1 slide $55	10 globes	carpenter's axe		1 50				1 50
1 fire extinguisher $22	1 ice box	Value of kitchen equipment		150		)	No Kitchen utensils were lease	
garden quipment		less amount credited		14 75		)	those ITEMIZED in Otsu's inven	
1 shovel, 1 hoe, 1	THESE LEFT IN CARE OF	ALLEGED LOSS	(5)	135 25		)	auction and either listed by n	
wheelbarrow, 2 axes	MR. ALFRED HEPWORTH							
(1 big, 1 small) 1	[redacted]	Kitchen stove		90		40		
lawn mower, 1 grass	Inventory forwarded 25	Winch & slide		55				55
catcher	May 1943 to Cstdn and	2 lamp stands & 1 table lamp		19				19
1 iron (elec)	listed items hidden in	record player	(6)	15				15
1 clock (elec)	attic of house.(Prev-	lawn mower		9	19			
8 elec. light shades &	iously undeclared) :	socket wrench set		28				28
14 globes	1 record player	[redacted]						
1 ice box	1 lamp stand and shade							
1 Singer Sewing Machine	1 bear skin							
(treadle) $95	1 flower pot							
Kitchen equipment $150	1 picture & frame						ITEMS in the FIRST GROUP we	
1 CCM Bicycle $ 55	1 picture & round frame						do SECOND GROUP	
Carpenter eqpt and	1 suitcase; 1 glass fruit (bowl						do THIRD GROUP	
tools $ 50	4 damask ??? 6 saucers						[redacted] The FOUETH GROUP [redacted]	
	4 cushions;							
SOME FURNITURE, ETC. TO	5 bxs handkerchief						The FIFTH GROUP	
BE USED BY NEW TENANT, &	5 rolls brown paper							
REMAINDER TO BE STORED	1 leather hand bag						The SIXTH GROUP	
IN ONE ROOM OF HOUSE.	1 wall mirror							
KEY TO BE LEFT WITH	1 lawn sprinkler							
TENANT, MR. A. HEPWORTH.	3 flower pots							
	1 2burner elec hotplate							
	1 kitchen clock						TOTAL SALES: (Gro	
	1 pressure cooker							
	2 cast iron pots							
	2 tea kettles							
JC/..	1 crock & lid							
	2 aluminum pots							
	3 trays ,18 Jap.rice bowls							
	1 coffee pot,2 teapots							
	7 doz fruit/jelly jars							
EXHIBIT No. 9446	1 silver candy dish							
DATE Sept. 24/48	1 lacquer tea set							
FILLED BY Claimant.	2 bowls							
	2 roast pans							
	2 pie dishes							
	3 cookie cutters							
	6 lge floral design dishes							
	approx.2 doz glasses & cups							
	misc. other kitch utensils							

FILE No. 5056 EXHIBIT No. CASE No.

REG. No. 04910 VENUE

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NOT ACCOUNTED FOR THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
75								
1								
10								
25								
50								
9								
42								
1 85								
2 10								
5								
12								
9								
4 25								
2 25								
1								
					4			Deteriorated to point of no value.
			3					Decl. 25/4/43 to be in attic -- not found by Cstdn.
			4)					
			1)					Decl. 25/4/43 to be in attic -- not found by Cstdn.
			1 50)					
			1 50)					
								) No Kitchen utensils were leased with the premises (Claimant letter 25/5/43), and the only items of kitchenware listed were
								) those ITEMIZED in Otsu's inventory of 25 May 43. These definitely were not worth $150. All items found were sold at
								) auction and either listed by name or sold as "Sundries" -- these amounts totalling $17.55. All these removed from attic.
40								Sold at appraised valuation.
			55					Stated by Lessee as having been stolen from premises.
			19					
			15					Never found by Cstdn or Lessee
19			28					Decl. 25/4/43 -- not found

ITEMS in the FIRST GROUP were sold at prices shown and Claimant has quoted his estimated value
do SECOND GROUP do
do THIRD GROUP do
The FOUETH GROUP is comprised of articles not sold -- either abandoned or by reason of being hidden in the attic and not declared until a year after evacuation, not found by the Custodian.
The FIFTH GROUP is a claim for kitchenware (not itemized) . The only kitchenware declared was itemized in Claimant's list of 25 May 43 and stated to be hidden in attic.
The SIXTH GROUP is composed of items either previously declared, or, as in the case of the tools, one year after evacuation and as being hidden in the attic.

TOTAL SALES: (Gross) Auction $205.75
Sale 40.00
245.75

2

OTSU, Kamekichi
19 Broadway, Steveston, B.C.
Evac. File 5056



Picture Taken April 13, 1943

EXHIBIT No. 944-7
DATE Sept. 24/48
FILLED BY Claimant

5056

May 30, 1944.

Mrs. A. W. Clarke,
Steveston, B. C.

Dear Madam:

Re: Catalogue No. 790,
19 Broadway St., Steveston.

Your letter of April 28th, 1944, enclosing cheque for $100.00 and offer to purchase the above property for the sum of $1000.00 has been received and considered.

At the present time we are not able to accept a tender for this amount. This property has been independently appraised and if you are prepared to increase your tender to $1456.00, subject to prior sale, we would then be in a position to consider recommending acceptance of such an offer.

Kindly reply by return advising us whether you wish to revise your offer and in the meantime we are retaining your deposit cheque of $100.00.

Yours truly,

F. G. Shears,
Director.

FGS:AS

EXHIBIT No. 944-8
DATE Sept. 24/48
FILLED BY Claimant.

EXHIBIT No. 944-9
DATE Sept. 24/48
FILED BY Crown

THOMPSON & COMPANY

Auctioneers and Appraisers

Royal Trust Building
626 Pender Street West,
Vancouver, B. C.

September 18th. 1944.

Department of the Secretary of State.

Office of the Custodian.

Royal Bank Bldg.

City.

EVACUATION SECTION
Rec'd SEP 18 1944
File No. 5056
Ans.
Referred McKedie

Dear Sirs: Re K. Otsu. Your file # 5056.

As per request of your Mr. Harris the writer personally inspected: 1-Century 4 Hole Enamel Coal & Wood Range: belonging to the above party and in our opinion the sum of $40.00 is a fair & just valuation at the present market.

Yours Truly,

THOMPSON & COMPANY.

"W. G. B. Thompson"

W.T. - M.B.

EVACUATION SECTION
Rec'd Sept 18 1944
File No.
Ans.
Referred

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49 F. May
Y. Y.

Attached to Exhibit 944-9

THOMPSON & COMPANY

Auctioneers and Appraisers

Royal Trust Building,
626 Pender Street West,
Vancouver, B. C.

September 18th. 1944.

Department of the Secretary of State.

Office of the Custodian.

Royal Bank Bldg.

City.

STATEMENT RE APPRAISAL K. OTSU. YOUR FILE #5056.

To our costs appraisaing 1-Century 4 Hole Enamel Coal &

Wood Range :- $2.50

HOWARD SMITH
GENOA BOND

I hereby certify the foregoing words
to be a true copy of the original
whereof they purport to be a copy.
Jan. 18/49

EXHIBIT No. 944-10
DATE Sept. 24/48
FILED BY Crown

File No. 5056

Steveston, B. C.
June 3, 1944.

Dear Sir.

Re: Catalogue No. 790,
19 Broadway St. Steveston

In reply to your letter of May 30, I hereby revise my offer of $1000.00 and raise it to $1456.00 as tender on above property.

Thank you for your consideration.

Yours truly,

"Mrs. A. W. Clarke"

EVACUATION SECTION
Rec'd JUN 5 1944
File No.
Ans.
Referred

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49

Cash Register Figures Below Constitute Official Receipt.

1--015.41 D11397 NOV 16 42

Taxpayers' Copy

3

PAID Corp. of Richmond, B.C.

The Corporation of the Township of Richmond

Richmond Town Hall, Brighouse, B.C.

TAX NOTICE, 1942

TO K Olsen

#5056

Take notice that the following lands in the Municipality of Richmond, for which you are liable for taxes for the year 1942 as follows:

Roll No.		Lot	Block		Sec.	Block North	Range West	Map	Value of Land	Value of Improve'nts	Taxable Value
5424 S	3	4	30		3	3	4	249	180	950	655

are subject to the following taxes which are due on and from 1st January, 1942, and are now due and payable at the Town Hall, Brighouse, B.C.

READ CAREFULLY

Cheques to be certified and payable at par at Vancouver or Steveston and to be drawn in favour of The Corporation of the Township of Richmond. Proper value of stamps must be attached (3c on all cheques up to $100.00 and 6c on cheques over $100.00).

Both Notices to be returned when paying rates. DO NOT DETACH.

	PAYMENTS			
1942 Rates Bylaw	14	41		
DRAINING and DYKING BYLAWS				
Sea Island Dyke				
Sea Island Drainage				
Lulu Island Dyke				
No. 8 Road Drainage				
Amalgamated D. & D. Dist.				
Steveston Local	1			
Local Improvement District No.				
TOTAL for 1942	15	41		
Penalty				
Arrears of Taxes for 1941				
" Water for 1941				
Interest				
Delinquent Taxes for 1940				
" Water for 1940				
Interest				
TOTAL				

RECEIVED AT CLERKS OFFICE NOV 13 1942 TOWN HALL BRIGHOUSE

PENALTY: Add 10% to total for 1942 if not paid on or before Nov. 16th, 1942.

INTEREST at the rate of 6% per annum from December 31st in the year of levy must be added when ... and delinquent taxes are paid.

R. C. PALMER, Collector.

16.00

EXHIBIT No. 944-11

DATE Sept. 24/48

FILED BY Crown

M

EXHIBIT No. 944-12

DATE Sept. 24/48

FILED BY Crown

THIS INDENTURE

Made in duplicate the Second day of April in the year of Our Lord one thousand nine hundred and forty two.

IN PURSUANCE OF THE "SHORT FORM OF LEASES ACT"

BETWEEN:

KAMEKICHI OTSU of Steveston in the Province of British Columbia, Fisherman,

Insert full Names, Addresses and Occupations of Parties.

hereinafter called the "Lessor" of the First Part:

And

ALFRED GEORGE HEPWORTH of Steveston, in the Province of British Columbia, Electrician.

hereinafter called the "Lessee" of the Second Part:

WITNESSETH, the said Lessor doth demise unto the said Lessee, his executors, administrators and assigns, ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Municipality of Richmond, Townsite of Steveston, in the Province of British Columbia, and more particularly known and described as:

Lots Three (3) and Four (4) BLOCK THIRTY (30) of Section Three (3) Block Three (3) North Range Seven (7) West Map Two Hundred Forty-nine (249) in the District of New Westminster.

TOGETHER with all buildings thereupon erected, or hereafter during the term hereby granted, to be erected, and also with all ways, paths, passages, waters, water courses, privileges, advantages and appurtenances whatsoever to the said premises belonging or otherwise appertaining. Together with Furniture and Fixtures according to Inventory attached and which is hereby made part of this agreement.

FROM the date of the evacuation from Steveston of the Lessor on order of the Government of Canada for the term of the duration of the war with Japan or until the return of the Lessor to Steveston.

YIELDING during the said term therefor the rent of Five Dollars ($5.00)----Dollars, per month---------- ----------

of lawful money of Canada, payable on the following days and times that is to say:

Five Dollars ($5.00) on the Third of each and every month commencing on the evacuation of the Lessor from Steveston. Said sum to be deposited to the credit of the Lessor in the Royal Bank of Canada, Steveston, B. C.

the first payment to be made on the day of 194

THAT the said Lessee covenants with the Said Lessor to pay rent; and to pay taxes; and to pay rates for water, electric light, gas and telephone.

AND to repair; and to keep up fences; and not to cut down timber;

AND the said Lessor may enter and view state of repair, and that the said Lessee will repair according to notice.

AND will not assign without leave; and will not sublet without leave.

AND that he will leave premises in good repair;

AND that he will not carry on any business that shall be deemed a nuisance on the premises.

PROVISO for re-entry by the said Lessor on non-payment of rent, or non-performance of covenants.

PROVISO for re-entry on seizure or forfeiture of the said term.

The said Lessor covenants with the said Lessee for quiet enjoyment.

Proviso for re-entry on the return of the Lessor to Steveston on giving one calendar months notice (30 days) by the Lessor to the Lessee.

OTSU KAMEKICHI

FURNITURES AND FIXTURES

1 Three piece chesterfield suite

1 Desk----------(walnut finish)

1 Radio----------(RCA Victoria Model a 4. #1715)

1 Kitchen table. 4 chairs

2 End table----------(walnut finish)

2 Linoleum (9x9) living and dinning room

Linoleum (12 yds) kitchen

Linoleum (27x5½) hall

1 Dresser----------(walnut finish)

1 Kitchen stove----------(enamel finish)

1 Furnace

13 Blinds (8 fancy blinds)

16 Curtain rods

2 Picture frames (King and Queen) (Mt. Fuji)

4 Flower pots stand (1 enamel finish) (3 painted)

1 Scale and box (large size)

1 Winch. 1 Slide

1 Fire Extingusher (large size)

1 Wheelbarrow

1 Lawn mower and grass cutter

8 Electric light shades

10 Gloves

1 Ice box

(These left in care of MR. ALFRED HEPWORTH.)

"A. G. Hepworth"

AND ALSO that if the term hereby granted shall be at any time seized or take in execution or in attachment by any creditor of the Lessee, or if the Lessee shall make any assignment for the benefit of creditors, or becoming bankrupt or insolvent, shall take the benefit of any act that may be in force for bankrupt or insolvent debtors, the then current rent shall immediately become due and payable and the said term shall immediately become forfeited and void.

AND IT IS HEREBY DECLARED AND AGREED that in case the premises hereby demised or any part thereof shall at any time during the term hereby granted be burned or damaged by fire or tempest so as to render the same unfit for the purpose of the Lessee then the rent hereby reserved or a proportionate part thereof according to the nature and extent of the injuries sustained, and all remedies for recovering the same shall be suspended and abated until the said premises shall at the option of the Lessor have been repaired or made fit for the purpose of the Lessee.

Provided always and it is hereby agreed by and between the parties hereto that if the said Lessee shall hold over after the expiration of the term hereby granted and the Lessor shall accept rent, the new tenancy thereby created shall be a tenancy from month to month and not a tenancy from year to year, and shall be subject to the covenants and conditions herein contained so far as the same are applicable to a tenancy from month to month.

Wherever the singular or the masculine are used in this Indenture, the same shall be deemed to include the plural or the feminine, or the body politic or corporate; also the heirs, executors, administrators, successors and assigns of the respective parties hereto and each of them, (where the context or the parties so require).

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals the day and the year first above written.

SIGNED, SEALED AND DELIVERED)
IN THE PRESENCE OF)
)
Signature of Witness "Thomas C. King") "Kamekichi Otsu"
)
Street Address 78 Georgia Street) "Alfred G. Hepworth"
)
City or Town Steveston, B. C.)
)
Occupation A Commissioner Etc.)
)

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 19/48 F. May

DATED April 2nd, 1942

KAMEKICHI OTSU.

- TO -

ALFRED GEORGE HEPWORTH.

STATUTORY LEASE

SHORT FORM

Thos. C. King
78 Georgia St. - Phone 138
Steveston, B.C.

EXHIBIT No. 944-13
DATE Sept. 24/48
FILED BY Crown

17

511 Pacific Ave.,
Winnipeg, Man.
March 12th 1945.

EVACUATION SECTION
Rec'd MAR 16 1945
File No.
Ans.
Referred

G. D. Milsom, Esq.,
Administration Department.
Office of Custodian,
506 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sir: File No. 5056.

Acknowledge receipt of your letter of Feb. 21st instant informing me the chattels in care of Mr. Hepworth. From your information you have stated that Mr. Hepworth has advised you that the winch and slide have been stolen. Since Mr. Hepworth was our tenant before and was living at our former residence I think he would not let any one enter his premises and carry the chattels away. Moreover the winch and slide is a thing that cannot be carried out so readily because of their weight. I also think that he will report if such a thing has happen to my chattels when he was residing there.

I think that Mr. Hepworth has sold them on purpose of have stolen it himself so I would like you to get the sufficient amount of funds for the articles from him.

I hope that you would not let the matter like this pass after hearing from Mr. Hepworth that the said articles have been stolen.

Yours truly,

"Kamekichi Otsu"

Kamekichi Otsu
Reg. No. 04910.

I hereby certify the foregoing words to be a true copy of the original whereof they purport to be a copy.
Jan. 18/49

September 10th 1948.

K. D. Deans, Esq.,
Secretary, Japanese Property Claims
Sub-Commission,
Court House,
Winnipeg, Man.

Dear Mr.Deans,

We enclose herewith copy of transcript dealing with the case of Kamekichi OTSU No.100 on the original list of Winnipeg claims. Kindly hand this to His Honour Judge Buckingham, so that he may be in a position to allow an amendment to the claim.

Yours very truly,

A. WATSON
Secretary.

Enc.
AW/W.

Name of Claimant HIROSE, Akira Case 945

Custodian File 4890

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
					55.00						100.00

PERSONAL PROPERTY

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

NETS

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

MISCELLANEOUS CHATTELS

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

TOTAL RECOMMENDATION	100.00

CASE NO. 945

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba,
24th September, 1948.

IN THE MATTER OF THE CLAIMS OF

AKIRA HIROSE

PROCEEDINGS AT HEARING

CASE NO. 945

IN THE MATTER OF "THE INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA 1927. CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

SUB-COMMISSION

B E F O R E

(THE HONOURABLE MR. JUSTICE A.G. BUCKINGHAM, SUB-COMMISSIONER)

Winnipeg, Manitoba,

24th September, 1948.

IN THE MATTER OF THE CLAIMS OF

AKIRA HIROSE

PROCEEDINGS AT HEARING

APPEARANCES:

F.M. FERG, Esq.,	Appearing for the Dominion Government.
S.M. CHERNIACK, Esq.,	Appearing for the Claimant.

G.N.R. Upton, Esq., Official Interpreter.

Mark H. Pearce, Esq., Sr., Official Reporter.

AKIRA HIROSE, the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

MR. CHERNIACK: When this claim was made, your honour, we showed the value, or estimated value, of $375.00 and the Custodian's sale price is shown as $16.00. This is the net amount received, the gross sale price was $35.00 and in accordance with the Commissioner's ruling we must credit the full $35.00 so that our net claim is therefore $340.00.

Q Mr. Hirose, I show you this typewritten statement, was this prepared in accordance with your instructions?

A Yes.

Q Is that (indicating) your signature? A Yes.

Q You swear the contents to be true to the best of your knowledge and recollection? A Yes.

MR. CHERNIACK: I tender this as Exhibit 1, your honour, and on behalf of my learned friend I will tender as Exhibit 2 the S.S.B. Appraisal.

(Real Estate Statement, EXHIBIT 1.)

(S.S.B. Appraisal, EXHIBIT 2.)

MR. CHERNIACK: Your honour will note from Exhibit 1 that the claimant sets out in 1935 this property was purchased for $135.00. At that time it was uncleared. The property consists of something over 3-1/2 acres of land and the claimant states that he stumped the whole area except for the borders.

Q That means to say, all the stumps were taken out?

A Yes.

Q Except for a few stumps in the borders of the land?

A Yes.

Q A case is shown here that it was partially his own labour, which is not estimated, and you hired labour and the stump machine, that was rented, was it?

A It is the same person, the machine and the operator of that.

Q That was rented? A Yes.

Q You didn't actually buy it? A No.

THE COMMISSIONER: You have there the cost of machine.

MR. CHERNIACK: That is why I want to bring it out.

Q You are showing that for hired labour and stump machine, the cost was about $150.00? A Yes.

Q That means you rented the use of the machine with a worker to operate it? A Yes.

Q And that the cost was about $150.00? A Yes.

Q The other indication is that powder and other supplies cost you about $50.00? A That is true.

Q These figures, $150.00 and $50.00, that total $200.00, why was this, when you had your own labour and that of your father? A That is only the money expended for the powder, stump puller machine and the operator. My own labour and my parent's labour and my brother's are not in that at all.

Q So $200.00 represents only your out-of-pocket expenses?

A Yes.

Q And in addition to that was your own labour, your father's and your brother's? A Yes.

Q And you have not estimated that? A No.

Q Have you any idea what length of time that was spent on the clearing of that land, or the partial clearing

of it? A It took over a month anyway.

Q You set out further you constructed about 1,000 feet of cedar covered ditching? A Yes.

Q Was that done by yourself or your father?

A My father and my brothers that was done by.

Q And this estimate of 1,000 feet, is it your own or your father's? A My father's estimate.

Q Can you say whether you yourself know it was a pretty accurate estimate, or have you any idea?

A I believe it is fairly accurate, I was on the property at the time they were making the ditchings and I know exactly where they put the thing.

Q And you are satisfied there is about 1,000 feet of ditching in? A Yes.

Q I don't know if you can answer this question, maybe your father knows more about it; you mentioned cedar covered ditching three feet deep, is that different to the usual type of cedar ditching?

A Well, in order to explain that, I believe when we took over that property and when my parents, my father and mother, have their property adjacent to the property I bought, they took quite a lot of trouble to dig deep ditches thinking they would have better results in the growing of better berries. It all depends on the soil conditions, but in some places you have to dig away deeper ditches than in the other places. In the district of Pitt Meadows or Mission they do not require any ditches at all, but in the Municipality of Surrey it is another story.

Q Therefore, you feel these three-foot deep ditches were

of importance to the land? A Yes.

Q That is deeper than the ditches most people dig?

A That is a thing I am not sure of.

Q You indicate there that the cost of material alone was $22.00; do you mean by that the cedar?

A When this ditch was made at the time of evacuation, when the order came through, the night after Japan burned Pearl Harbour, we were not certain whether we would be evacuated or not, but we had to plant strawberries before a certain period. Although we didn't know whether we were going to be evacuated, all the farmers in that district thought it would be the best thing to get the work done quick. Because of the evacuation and the confusion a lot of time has been taken and usually we used our own cedar ditchings, but at that time, because of this confusion and loss of time, I thought we had to buy lumber from the sawmill, only to use it in the ditches.

Q So that the cedar you used for covering these ditches was purchased lumber? A $20.00 worth of it.

Q $22.00 worth? A Yes.

Q But normally you would have got your own lumber?

A Right.

Q And did you actually get lumber for use in these ditches in addition to what you bought? A Yes.

Q So the $22.00 you show is only for the portion you found you had to buy in order to do it in a hurry?

A Yes.

Q Did you get around to planting any crop at all on this section? A No.

Q Can you give us an estimate of the area of land which was covered by these ditches, I mean by that, was it the whole parcel, or what area?

A I believe I submitted a plan.

Q I have a diagram of ditching in connection with your father's property, was yours also included in that?

A Yes.

Q Who actually prepared this plan? A My father.

Q Were you present when he prepared it?

A No, I wasn't present, but father he drew the thing up and we went through it.

Q You went over it with him? A Yes, actually it covers the whole of that cleared and uncleared portion, because the uncleared portion the ditching runs through.

MR. CHERNIACK: I don't just know whether to file this plan in this case or the next, of the father.

THE COMMISSIONER: You are calling him next?

MR. CHERNIACK: Yes.

THE COMMISSIONER: Well, you can indicate it will be used on his case too.

(Plan, EXHIBIT 3.)

BY MR. CHERNIACK:

Q Let's try and distinguish yours and your father's?

A This portion here covers my portion (indicating).

Q Take a pen and just draw a line which will include your own parcel, I think I have a green pencil.

A Yes, that will show.

Q I think you can use this green pencil and that will show up. You are now indicating with green in a wavy line that area which is yours? A Yes.

Q And from this it would appear your ditching extended throughout the whole area of your land?

A Yes.

MR. CHERNIACK: I have gone into this with a little greater detail than usual because the Appraisal Report makes no indication of any kind of work done on the property whatsoever except a small patch, which is set out on page 3 of Exhibit 2, where mention is made that all that has been done there at that time is a small patch of clearing along the south line. I think the evidence of the witness is very substantial, that is to the amount of ditching that went into it, which improved the value of the land and the stumped area.

Q I notice also in this connection that you show as yours - there is a pencilled dotted line - what does that represent? A That is the portion cleared and these are the borders.

Q What you call the borders is this space between the dotted pencil line and the green line?

A Yes, I would like to explain here that anyone who actually don't know what took place at the time of evacuation, when we cleared this land, when after visiting there about four years later they would think nothing had been done. In 1946 when I came back from overseas, I went to see my property and I, myself, was surprised, because the land was just as bad at the time when I left except the stumps, but there was a lot of willows growing higher than at the time we started to clear it.

Q Did you clear any brush at that time? A Oh, yes.

Q When was that? A 1942.

THE COMMISSIONER:

Q When did you put in your ditching?

A In 1941, in December the clearing started, from 1941 to the time of the evacuation, the fall of 1941 covering up to the time we left some time in May of 1942.

BY MR. CHERNIACK:

Q And your ditching was put in during that time?

A Yes.

Q And your stumps were cleared during that period?

A Yes.

Q It would appear that at the time of the appraisal---

THE COMMISSIONER: The appraisal was made in July 1942.

BY MR. CHERNIACK:

Q In all, several months had transpired since you had done work on the land? A Maybe this would explain it better; after digging these stumps, I believe after hearing about that small patch, you have to take the stumps off entirely first from the whole area, and we started to clear the level. We dug up to about three feet down, we tilled the soil, or cultivated it, well, all of the portions were not cultivated until we had evacuated, but the stumps were taken out and the only thing that was left was the cultivation. I believe that is the reason they mentioned about that small patch.

Q You had already started to clear off the brush and dig up the land? A Yes.

Q Did you say throughout the land you had already taken up the stumps? A Yes.

MR. CHERNIACK: I should bring to your honour's attention that the appraiser values this land uncleared at $10.00 per acre and in spite of the fact he mentioned there is a patch cleared, there is no value given for that portion as anything other than uncleared land.

Q Can you see it if I walk up to your land?

A No. You will note from the diagram most of my ditching in my property runs into my dad's property, so unless you go into my dad's property at the property line of his property where the main ditch goes in, that is where all these small ditches run into, so unless you see that you cannot know there were any ditches at all.

Q You dug down into the earth? A Yes.

Q Did you have any floor at the bottom?

A No, only the side and the top and you cover it with soil.

BY THE COMMISSIONER:

Q You cover the top with earth? A Yes.

Q Well, it would not be noticeable then? A Yes.

BY MR. CHERNIACK:

Q To a man who wouldn't know where he could look for ditching, is that right? A That is right.

MR. CHERNIACK: We have yet to find out that the S.S.B. Appraisers knew enough to be able to look for ditching. We will learn that in due course.

Q The comment at the foot of the exhibit mentions that the cleared patch amounts to over half-an-acre, that is the patch you say you already started to cultivate?

A Yes.

MR. CHERNIACK: In addition the land was dug, ditches put

in and any additional out-of-pocket expenses, total about $250.00, in addition to his own and his father's labour he feels the fair market value at date of sale was at least $375.00.

Q I believe much of this period you were not in Canada?

A Well, I was away from Canada for a while during the war.

Q How long were you away? A From the first part of 1945 to 1946 June.

Q And at that time where were you?

A In India, Burma and Malaya.

Q In the Canadian Army? A Yes.

Q In the Intelligence Corps? A Yes.

Q When did you first know of the sale of your property?

A I cannot quite recollect. The first time I believe I found out was the time when my father received a circular letter of some sort that the Custodian's Office issued stating all the property had been sold under The Veterans' Land Act and I believe that was after I wrote the letter to the Custodian regarding the selling, or the intention of selling my father's property.

Q That was before you joined up, or after?

A That was before I joined up.

Q But I understand you made certain inquiries when you came back from Overseas? A Yes.

MR. CHERNIACK: There was some correspondence, your honour, that went on between the Assistant Judge Advocate of this Military District No. 10 and the Custodian. I don't really know to what extent they are relative,

but I feel the Commissioner should be made fully aware of what went on and of the claimant's intentions. I assume my learned friend has the correspondence and possibly it was filed for the Commissioner's benefit, because it is the intention something should be gained thereby. My learned friend has produced a letter to the Custodian from the Assistant Judge Advocate-General, Major Fletcher, from Winnipeg, dated June 18, 1946, addressed to the Custodian, referring to the properties both owned by the claimant, who was then Sgt. Hirose, and to that of his father's claim, which will be presented immediately after this one. The letter concludes with the fact that Sgt. Hirose enlisted on the 17th of April, 1945, was posted to the Canadian Intelligence Corps and served in Burma and Malaya, and is now in process of being discharged from the Canadian Army. His father, Tokuji, entered Canada from the United States in 1898 and was naturalized in 1901. May it be advised, please, if under these circumstances the land will be re-transferred to the parties concerned.

(Letter, dated June 18, 1946, EXHIBIT 4.)

MR. CHERNIACK: And my learned friend has produced a copy of the reply from the Custodian to Major Fletcher, dated July 5, 1946, to the effect that title to the land has passed to the Director of Veterans' Land Act and this office is not in a position to re-transfer the lands.

(Letter, dated July 5, 1946, EXHIBIT 5.)

Q I think after that, Mr. Hirose, you wrote to the

Department of Veterans' Land Act asking them to sell you the property or return it to you on the basis of you wanting it as a veteran? A Yes.

Q And what answer did you receive?

A I received an answer to the effect - I believe I have the letter there - stating --

Q Here is your file - this letter you produce was a letter given to you by Major Fletcher?

A Yes.

MR. CHERNIACK: I tender this as an exhibit, a letter from the Soldier Settlement and Veterans' Land Act, signed by Mr. I. T. Barnet, the District Superintendent, and addressed to Major Fletcher, replying to the letter.

(Letter dated October 16, 1946, EXHIBIT 6.)

" Department of Veterans Affairs.

W.15-2-48 FD 21(J)
Your File No.
BC/524P
Please quote BC/523P

518 Rogers Bldg., Vancouver, B.C., October 16, 1946.

Major E.A. Fletcher,
Assistant Judge Advocate-General,
Military District No. 10,
WINNIPEG, MANITOBA

Dear Sir: Re: 1835 Hjorth Road, R.R. 3, New Westminster, B.C., Mun. of Surrey: Block "C" of the S½ of Sec. 16, Block 5 North, Range 1 West, Map 5021, Dist. of New Westminster, C. of E. 51481; and Block 12 of the N.E.¼ of Sec. 16, Block 5

" North, Range 1 West, Map 5698, Dist. of New Westminster, C. of E. 50023 (H.45125 - Sgt. HIROSE, Akira)

Your letter of October 7th has been received.

It is my understanding that there has been no change in the original Government order which brought about the evacuation of all people of the Japanese race from what was known as the "Protected Area" on the Pacific Coast.

The property in question comes within that area and I am sorry that under the circumstances your request cannot be entertained.

Yours truly,

(Sgd.) I. T. Barnet

(I.T. Barnet)

ITB*GW District Superintendent "

Q I understand that your request was a request to turnthe land over to you? A Yes.

Q On the basis of you being a veteran? A Yes.

Q And the net result was you received a cheque for what?

A $16.00 and the cheque was made out after we sent out, or Major Fletcher sent out, the letter requesting for the transfer of the properties. After sending that letter, well, the Custodian sent a cheque and the cheque and the post mark was entirely different. I believe there is a letter in my file here stating that apparently the thing was made in some haste and they tried to cover up.

MR. CHERNIACK: Well, that may be, but I do not think it has much relevance in this claim. I might mention, according to the Custodian's file, the assessment in 1943 was $180.00 for the land. I find it of interest to note in 1937 the assessment was $200.00, which to me would indicate that some time between 1937 and 1943 there was a revision made from $180.00, which apparently means that somebody had appraised the land for assessment purposes. I know the Commissioner is interested in assessed value and therefore I have indicated that.

MR. FERG: In doing my duty I submit that the property sold at its fair market value, but off the record I don't believe it. This is a young man in the service and ought to receive every consideration.

THE COMMISSIONER: All right, thank you.

(PROCEEDINGS ADJOURNED SINE DIE)

Certified to be a true and accurate transcript.

MARK H. PEARCE, Sr.,
OFFICIAL REPORTER.

CERTIFICATE

I, the undersigned Sub-Commissioner, hereby certify that the foregoing 14 pages of typewritten matter contain a true and accurate record of the Sub-Commission held in the Law Courts Building, Winnipeg, Manitoba, at the time and date first above mentioned.

SUB-COMMISSIONER

NOV 28 1947

Case # 945.

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

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

4890

ACKNOWLEDGED

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

(1) NAME HIROSE (Print) Surname AKIRA Given Name (RCMP) Reg. No. 07582

(2) Pre-Evacuation Address RR No. 3, New Westminster, B.C. (Surrey, B.C.)

(3) Present Address 68 Kate St., Winnipeg, Man.

(4) REAL ESTATE

(a) Street Address (if any) Surrey (City or Municipality,) B.C. (Province)

(b) Legal description (lot number, block number, section number, etc.)
Municipality of Surrey -- Block 12 of the North East quarter of Section 16, Block 5 North, Range one West Map 5698, District of New Westminster, C. of E. 50023

(c) Type of Real Property (cross out words which do not apply):

(i) Farm
(ii) ~~Residence~~ Type of business
(iii) ~~Business~~
(iv) Any other type of property (describe) Cleared one acre year of evacuation

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) Sole Owner

(e) Fair market value at date of sale (estimate this to the best of your ability):

(i) Land - - - - - - - - - - - - - - - - $ 375.00
(ii) Buildings - - - - - - - - - - - - - - - - $
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - - - - - - - - - - - - $
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $ 375.00 -
(v) Amount at which Custodian sold property and credited your account - - $ 16.00 - 35

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 359.00 - 340.

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)

(c) How stored or packed at time of evacuation

(over)

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

_____

_____

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

1. _____ Estimated Value $_____
2. _____ Estimated Value $_____
3. _____ Estimated Value $_____
4. _____ Estimated Value $_____
5. _____ Estimated Value $_____
6. _____ Estimated Value $_____
7. _____ Estimated Value $_____
8. _____ Estimated Value $_____
9. _____ Estimated Value $_____
10. _____ Estimated Value $_____

TOTAL CLAIM FOR PROPERTY LOSS $_____

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

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - $ 359.00

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

(b) Do you require the services of an interpreter at the hearing? Yes or no No

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

DOMINION OF CANADA,
Province of Manitoba
TO WIT:

I, Akira Hirose of the City of Winnipeg in the Manitoba

DO SOLEMNLY DECLARE THAT:

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

DECLARED before me at the City of Winnipeg in the Province of Manitoba this 8th day of November A.D. 1947.

A Barrister at Law entitled to practise in the Province of Manitoba.

A Commissioner &c.

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

_____

_____

_____

_____

HIROSE AKIRA
(Claimant's Name)

REAL ESTATE
(Farm Land)

07582.
Reg. No.

LAND Uncleared ~~Cultivated not planted~~ ~~Cultivated and not in crop~~ ~~List Crops~~	Acres	Date of Purchase	From Whom	Cost Price	Cleared Uncleared or cultivated at date of Purchase	Improvements at date of Purchase	Estimated value at Date of Sale
Cleared but not cultivated.	Over 3 acres. Over ½ acre.	1935	MacKenzie	$135.00	Uncleared	None	$375.00 ~~Land & Bldg.~~

Total 3.69

IMPROVEMENTS SINCE PURCHASE OTHER THAN BUILDINGS (e.g. cultivation, plants, trees or special equipment)

Description	When Made	Cost
Stumped whole area except for borders.		
partly owned labour - Hired Labour and stump machine cost		$150.00
Powder and other supplies		50.00
Constructed over 1000 ft. of Cedar covered ditching, 3 feet deep, Cost of material alone $22.		

BUILDINGS

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value
NONE								

Comments re Appraiser's report not covered by above information: the appraisal mentions a patch cleared. This amounted to over ½ acre for which no credit was given. In addition the land was stumped and ditches put in. The actual out of pocket expenses of buying and improving total about $350. in addition to my own and my fathers labour. I think the appraisers valuation is ridiculously low. My estimate of fair market value at date of sale by Custodian is at least $375.00.

EXHIBIT No. 945-1
DATE Sept. 24/68
FILLED BY Claimant.

Signature

BC-523-P

BC/523-P Page 1

S.S. Form No. 43
(Sheet 1)

EXHIBIT NO. 945-2
DATE Sept. 24/48
FILLED BY Clement.

Farm Appraisal Report

File No. JL-547

Land Description Block 12-of N.E.¼- Sec -16- Blk.5 N. Range 1 (Surrey)

Containing 3.69 ac Acres

Owner's Name Akira Hirose Post Office Address R.R.3. New Westminster.

Nearest Rail Point Port Mann Distance 2½ miles

Market Town New Westminster Distance 7 miles

Church (give denomination) United on Hjorth Road Distance 1 mile

Nearest School Hjorth Road Distance 1½ miles

State how property was identified: Map and enquiry.

Roads: State whether property has access to main road, the kind of road and its condition.

No it is off any main road back in the bush.

Is this district a good one? no, still in the pioneer stage of development.

Employment opportunity seasonal only, on the land with some possibilities for industrial work at New Westminster.

Predominating Nationality and religion: various nationalities .

Describe Fencing and its condition: nil Value $

Water supply: nil Value $

BUILDINGS ON FARM

4890

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE	x							
	x							
	x							
BARN	x							
	x	There are no improvements on this property.						
BARN	x							
	x							
GRANARY	x							
	x							
	x							
	x							
	x							

Total present day value $

Total Value Buildings add to farm $

Is dwelling habitable without repairs? If not what is your approximate estimate of cost to make it habitable?

$

Describe the basement and chimneys:

No. rooms downstairs? Upstairs? How finished

Are buildings painted? Condition of paint

Distance from nearst bush

Note: Particular care must be taken when examining and reporting on foundations, sills and roofs.

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
			XXXX	Nil		

Area which can be cultivated without cost other than for breaking.

LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL		VALUE PER ACRE
	NIL			

Area which can be cultivated after a reasonable amount of clearing timber, stones, drainage, etc.

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	NATURE OF RECLAMATION NECESSARY	RECLAMATION COST PER ACRE	VALUE PER ACRE	TOTAL
3.69	undulating	6 to 10 inches sandy loam	granular loam	thick Bush and stumps	$100 to $200	$10.00	36.90

Area Unsuitable for Cultivation.

CHARACTER OF LAND E. G. HILLY, SWAMPY, ROCKY.	NATURE OF TIMBER IF ANY AND WHETHER MARKETABLE	VALUE OF LAND PER ACRE

Total value of Land $ 36.90

Total added by buildings to value of farm $ nil

Total fruit trees add to value of farm (for use in orchard districts only) $ nil

Total value of farm $ 36.90

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:

Not applicable

State most suitable type of agriculture for farm bearing in mind the district's limitations, if any.

Noxious weeds: Not an agricultural property in its present state when cleared it is a small fruit or poultyy proposition.

Give approximate detail and amount of all annual taxes and names of Taxing Authorities: Corporation of Surrey Taxes $ 6.35

Date: July 15th 1942

Place: New Westminster B?C.

I certify that the above report is based on a personal examination of the whole farm made on the July day of 13 th 1942

Inspector's Signature .....

Note: (Use Form 43 (Sheet 2) in connection with this form.)

S.S. Form No. 43
(*Sheet 2*)

JL-547 - A. HIROSE

Farm Appraisal Report

Remarks: This Hirose property, is a piece of bush land, that lies immediately north of a parcel owned by the father of the owner.

There are no buildings on the place, and all that has been done toward development is a small patch of clearing along the south n line.

The soil is a very light sandy loam, with some evidence of gravel here and there. The bush covering has a firewood value on

(FOR ORCHARD LANDS ONLY)

REMARKS: re general lie of land, fertility of soil, irrigation, drainage or dyking and reclamation.

ANNUAL COST OF IRRIGATION, DYKING AND DRAINAGE.

ORCHARDS, SMALL FRUITS, ETC. (Give number, age, variety and condition of all tree fruits, condition and area of each kind of small fruits.)

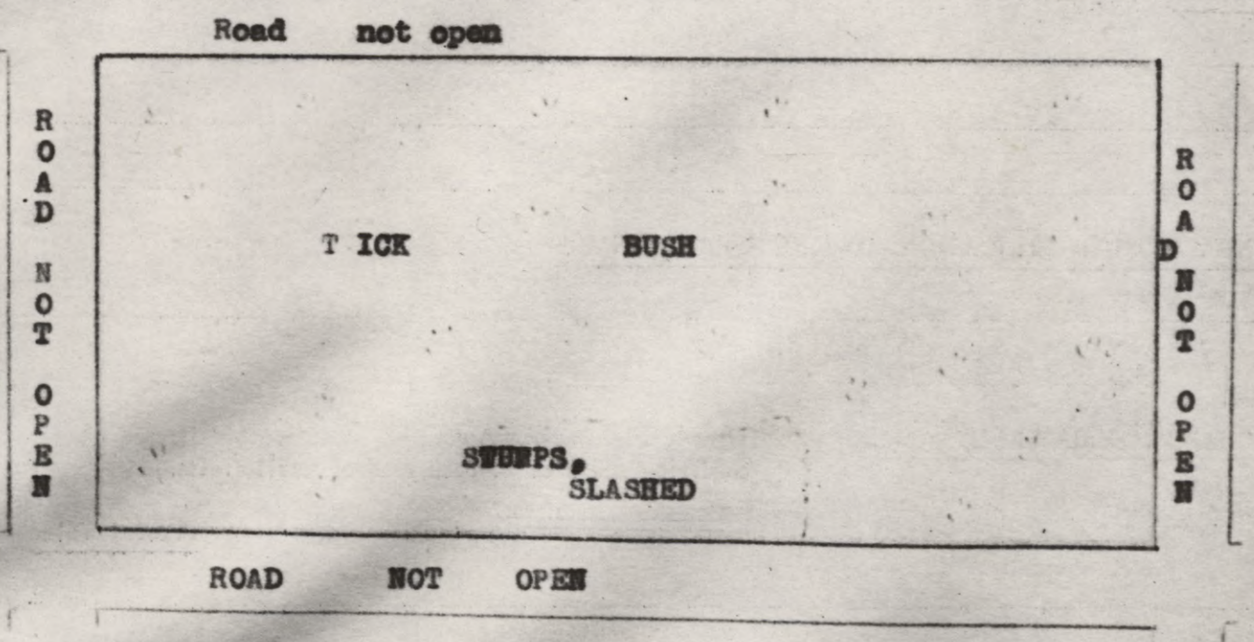
	Present Value
	$
	$
	$
	$
	$
	$
	$
	$
	$
Total	$

Amount fruit trees add to value of farm $

Diagram of Property

Akira Hirose. Blk.12-of N.E.¼ Sec. 16-Blk.5W Range 1.

This property is owned by the son of Tokugi Hirose, whose land lies immediately south of it. The intention was for the two places to to have been worked together. according to a brother of Akira who was picking berries on the older mans place the day I made the inspection.



Following careful review of this appraisal report, it is my opinion that the present value is $ 50.00

Date 21st July 1942.

"I.T. BARNET"
District Superintendent.

EXHIBIT No. 945-3
DATE Sept. 24/48
FILLED BY Claimant.

EXHIBIT No. 946-4
DATE Sept. 24/48
FILLED BY Claimant.

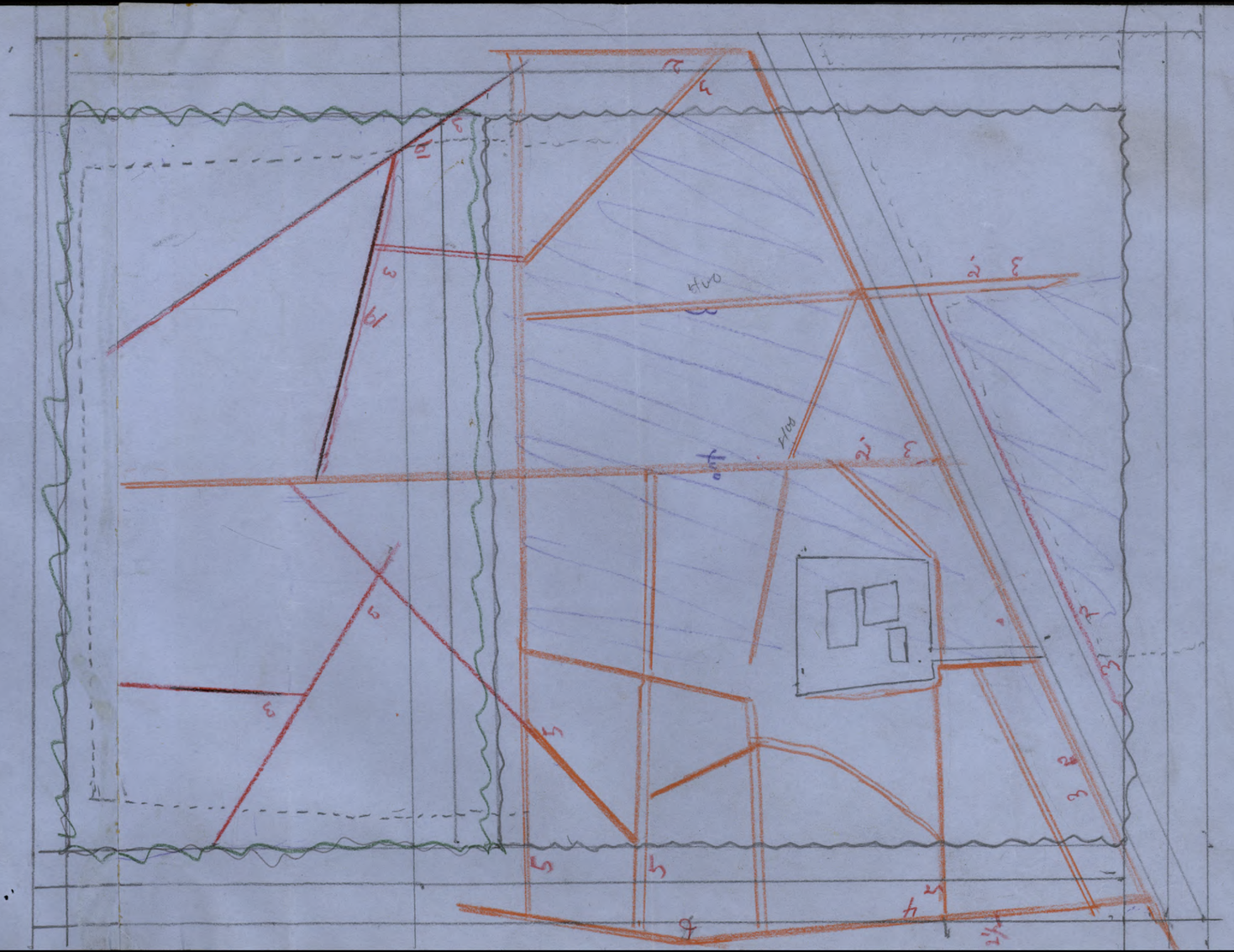


EXHIBIT No. 945 - 4

DATE Sept. 24/48

FILED BY Crown

In Reply Please Quote
No. W. 15 - 2 - 48 (J)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Winnipeg, Manitoba, June 18th, 1946.

EVACUATION SECTION
Rec'd JUN 21 1946
File No. 4890
Ans. 5/7/46 Pzn Wd.
Referred Anderson Heard from 6 out to you

Departmentof the Secretary of State,
Office of the Custodian,
Japanese Evacuation Section,
506 Royal BankBuilding,
Vancouver, B. C.

Dear Sirs: Legal Aid

Reference your file 4940 and your letter of March 6th, 1944, addressed to Mr. Tokuji Hirose, Reg. No. 12160, and also in reference to your file 4890, Mr. Akira Hirose, Reg. No. 07582, No. H.45125 Sgt. Akira Hirose, who will probably be discharged from the Canadian Army today, has asked me to take up with you the following matters:

In a notice issued by your Department, J. L. No. 572, and referring to your files 4940 and 4941, Reg. Nos. 12609 and 12610, addressed to Mr. Tokuji Hirose and Mrs. Chiye Hirose, dated June 19th, 1944, referring to 1835 Hjorth Road, R. R. 3, New Westminster, B. C. Mun. of Surrey, Block "C" of the S. ½ of Sec. 16, Block 5 North, Range 1 West, Map 5021, Dis. of New Westminster, C. of E. 51481, the said parties were advised that $692.92 had been placed to their joint credit in respect to the expropriation of the above mentioned property. In your letter addressed to Mr. T. Hirose, dated May 6th, 1944, you advised him that the property had been sold to the Director, the Veterans' Land Act. Mr. T. Hirose had informed you that he had a cash buyer willing to pay $1500.00.

In your notice J. L. No. 547, file 4890, Reg. No.07582, dated June 7th, 1944, directed to Mr. Akira Hirose, you informed him that the proceeds of the sale of his property in the Municipality of Surrey and being Lot 12 of the North East quarter of Section 16, Block 5 North, Range 1 West, Map 5008, District of New Westminster, C. of E. 50023, amounting to $32,00, had been placed to his credit. This property he paid about $50.00 an acre for, in all about $250.00, and he could have realized on it from $300.0 to $350.00.

Sgt. Hirose enlisted on the 17th April, 1945, was posted to the Canadian Intelligence Corps, and served in Burma and Malaya, and is now in process of being discharged from the Canadian Army. His father, Tokuji, entered Canada from the United States in 1898 and was naturalized in 1901. May it be advised, please, if under these circumstances the Land will be re-transferred to the parties concerned.

Yours truly,

"E. A. Fletcher"

(E. A. Fletcher) Major,
Assistant Judge Advocate-General,
Military District No. 10.

EAF/ MM

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

Jan. 26, 1949.

945 - 5

EXHIBIT No.

DATE Sept. 24/48

FILED BY Crown

4890

Your Ref. W. 15-2-48 (J)

5th July, 1946.

Major E. A. Fletcher,
Assistant Judge Advocate-General,
Military District No. 10,
Department of National Defence,
Winnipeg, Manitoba.

Dear Sir:

Re: Files 4940/1 and 4890

We are in receipt of your letter of June 18th in regard to the above files.

Under a policy of liquidation decided upon by the Government of Canada, the properties referred to were sold and title has passed to the purchasers which in both cases is the Director of the Veterans' Land Act. This office therefore is not in a position to deal with the question raised, namely the re-transfer of these lands back to the original owners.

We are not aware that any change in policy is contemplated in regard to the property formerly owned by Akira HIROSE who enlisted with the Canadian Intelligence Corps and served in Burma and Malaya, and this would be a matter to be dealt with by the Department at Ottawa.

Yours truly,

F. G. Shears,
Director.

FGS/PMH

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

Jan. 26, 1949

DEPARTMENT OF VETERANS AFFAIRS
CANADA

SOLDIER SETTLEMENT AND VETERANS' LAND ACT

W.15-2-48 FD 21(J)
YOUR FILE NO. BC/524P
BC/523P
PLEASE QUOTE

518 Rogers Bldg.,
Vancouver, B.C.
October 16th, 1946.

Major E.A. Fletcher,
Assistant Judge Advocate-General,
Military District No. 10,
WINNIPEG, MANITOBA

Dear Sir:

Re: 1835 Hjorth Road, R.R.3, New Westminster, B.C., Mun. of Surrey: Block "C" of the S½ of Sec.16, Block 5 North, Range 1 West, Map 5021, Dist. of New Westminster, C. of E. 51481; and Block 12 of the N.E.¼ of Sec.16, Block 5 North, Range 1 West, Map 5698, Dist. of New Westminster, C. of E. 50023 (H.45125 - Sgt. HIROSE, Akira)

Your letter of October 7th has been received.

It is my understanding that there has been no change in the original Government order which brought about the evacuation of all people of the Japanese race from what was known as the "Protected Area" on the Pacific Coast.

The property in question comes within that area and I am sorry that under the circumstances your request cannot be entertained.

Yours truly,

(I.T. Barnet)
District Superintendent

ITB/GW

EXHIBIT No. 945-6
DATE Sept. 24/48
FILLED BY Claimant.

V.L.A. 105