Name of Claimant NISHIKAWA, Fred K. Case 997

Custodian File

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~~ actual	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	
5200	260.00 17.37										277.37

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	
232.80	87.00	26.10	37.34%	236.70	88.37	6.00	.72	115.19

TOTAL RECOMMENDATION	392.56

1540

CASE NO: 997.

JAPANESE PROPERTY CLAIMS COMMISSION

Fort William, Ontario,
April 28th, 1948.

IN THE MATTER OF THE CLAIM OF
FRED KOTARO NISHIKAWA.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 997.

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).

Fort William, Ontario,
April 28th, 1948.

IN THE MATTER OF THE CLAIM OF

FRED KOTARO NISHIKAWA.

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.
D.J. HANDFORD, Esq.,	Official Interpreter.
T.P. HORROBIN, Esq.,	Official Reporter.

MR. CHERNIACK: I ask leave to amend, my lord. The real property is not to be amended.

THE COMMISSIONER: Is which?

MR. CHERNIACK: --not to be amended. The personal property should be a claim of $494.50, sale by Custodian of $93.00, and the net claim would be $401.50.

FRED KOTARO NISHIKAWA, the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Mr. Nishikawa, I show you two typewritten lists. Were these prepared in accordance with your instructions? A: Yes, sir.

Q And by yourself? A: Yes, sir.

Q Are these your signatures?

A Yes,

Q Do you swear the contents to be true to the best of your knowledge and recollection?

A Yes, I do.

MR. CHERNIACK: I file as Exhibit 1, my lord, the statement as to the real estate, and on behalf of my learned friend I will file his appraisal.

(STATEMENT MARKED EXHIBIT NO. 1).

(APPRAISAL MARKED EXHIBIT NO. 2).

MR. CHERNIACK: Your Lordship will note from Exhibit 1 that this property was purchased on September 3rd, 1939, for $2400.00. It consisted of one building which was a duplex.

Q Is that correct? A: No, it was a

separate house.

Q Two separate dwellings? A: Yes.

Q And one apartment house? A: Yes.

MR. CHERNIACK: Three buildings in all, my lord. The claimantx sets out extensive work which he did on the buildings, showing his approximate cost at $1500.00 exclusive of his own labour.

Q To what extent did you contribute to the labour on the house, Mr. Nishikawa?

A I can say I worked all through the summer myself and Saturday afternoons and Sundays.

Q What is your present occupation?

A Carpenter and cabinet making.

THE COMMISSIONER: It was bought in 1939?

MR. CHERNIACK: Yes, it was bought in 1939. Your Lordship will note there has been a very substantial work done shingling the roof and shingling all walls with tarpaper between and over the siding.

Q Was that hired labour or your own?

A It was all hired labour.

Q Would you care to indicate which of this was general labour, as I read you the list.

THE COMMISSIONER: Does it make any difference? After all, the claimant's labour is probably worth just as much as the man he hired, perhaps more.

MR. CHERNIACK: He has not included that amount in his estimate.

THE COMMISSIONER: Oh, I see.

MR. CHERNIACK: He has shown the $1500.00, exclusive of his own labour.

Q Replaced stairway outside, new windows, and door casings for outside, 28 windows and 13 doors. I take it that would be hired labour, would it?

A Yes.

Q There is no need to read this list into the record if you could just indicate that which was your own labour. A: I was working on the back verandah, I think I mention here.

Q That is on the house numbered 332-336?

A Yes.

Q Replaced old sidings and new verandah at back.

A Yes, it is the verandah at the back.

Q That would be your own labour? A: Yes.

Q And the fencing? A: And the fencing, all my own labour, and other times , like, I was helping them at the same time like on Saturday a afternoons.

MR. CHERNIACK: Now, as to Exhibit 2, my lord, you will note that this property was appraised on May 4th, 1943, by Johnson & Reeve, at a value set at $5600.00. Your Lordship will note in addition to that letter, included in Exhibit 2, is a revised appraisal, or at least another letter dated August 14th, 1943, from Johnson & Reeve, reducing the value to $5200.00. May I ask my learned friend whether he has any further correspondence between the Custodian and the appraiser which culminated in the final letter?

MR. HUNTER: What is the date of the final appraisal?

MR. CHERNIACK: August 14th, 1943.

MR. HUNTER: Yes, but it refers to a letter in it. I haven't a copy of it. I don't appear to have it, my lord. I think it was probably upon a verbal message or instructions.

MR. CHERNIACK: My lord, you will note that this second letter from Johnson & Reeve, dated August 14th, 1943, refers to an offer received by the Custodian of $5200.00. Could my learned friend file that offer?

MR. HUNTER: Yes. There are two offers, one for $5000.00, then it was raised to $5200.00.

MR. CHERNIACK: These are subsequent to the reduced valuation?

MR. HUNTER: I don't think we have anything other than that, unless it was a verbal offer. June 8th, 1943?

MR. CHERNACK: I don't know. I haven't seen it, but it would be prior to August 14th, 1946. Was the offer referred to there for $5200.00?

MR. HUNTER: The only offer, my lord, we have for $5200.00 is the one which I have already shown my friend and this letter exhibited. He points out the date is subsequent to the new appraisal. If so, there must have been a verbal offer prior to that.

THE COMMISSIONER: You are faced, Mr. Cherniack, with the policy that apparently had been laid down for the Custodian that he should not sell at a less price than an appraisal, and apparently they received an offer of $5200.00, but the first

appraisal, standing at $5600.00, the Custodian must have gone back to Mr. Reeve and asked his advise in regard to this offer. That is what I read between the lines in Reeve's second appraisal, because he says, "In these circumstances we are of the opinion that you will be well advised to accept the offer of $5200.00, and recommend that this be done."

MR. CHERNIACK: That is correct, my lord.

THE COMMISSIONER: I do not think you can accomplish anything more.

MR. CHERNIACK: The only point I am making, my lord, is I would like to be able to see any correspondence between the Custodian and Johnson & Reeve where Reeve learned of the fact that there was an offer for $5200.00 at that time.

THE COMMISSIONER: Yes. Are you suggesting that there is any?

MR. CHERNIACK: I don't know, my lord. I don't know.

THE COMMISSIONER: I understood from counsel there was not any. There was a verbal conversation, apparently, between Reeve and the Custodian.

MR. CHERNIACK: Yes, then I asked since Reeve refers to this offer of $5200.00, that it be produced.

THE COMMISSIONER: You have counsel's statement on it. Counsel has only just finished saying that the only letter containing an offer is that dated subsequent to the second appraisal.

MR. CHERNIACK: Yes, that is correct.

THE COMMISSIONER: What are you worrying about?

MR. CHERNIACK: I would like to point out, my lord, that this offer of $5200.00 is 14 months after the letter from Reeve, that is all.

THE COMMISSIONER: 14 months after?

MR. CHERNIACK: October 7th, 1944, is the offer for $5000.00; October 13th, 1944, is an offer for $5200.00; and this letter from Reeve is August 14th, 1943.

THE COMMISSIONER: Your point is well taken. What was the date of sale, Mr. Hunter?

MR. HUNTER: November 16th, 1944.

THE COMMISSIONER: It is quite obvious that the $5200.00 offer referred to in Reeve's letter marked Exhibit 2 cannot relate to the same offer which was ultimately accepted.

MR. HUNTER: I do not follow that at all, my lord.

THE COMMISSIONER: You see, Reeve referred to an offer that obviously had been made before the 14th of August, 1943, for $5200.00 in Exhibit 2.

MR. HUNTER: Yes, my lord.

THE COMMISSIONER: Then the sale takes place a year later, or 18 months later.

MR. HUNTER: Yes, my lord, but it would have to be re-offered for sale.

THE COMMISSIONER: Re-advertised.

MR. HUNTER: Yes, it was re-advertised in 1944. Just on the basis of this appraisal, that was not authority to automatically accept it. Since there was a new valuation, it was only fair to the general public to re-advertise it, which was

done. Whether it is the same offer, I can't say, but I have no reason to believe it would not be.

MR. CHERNIACK: The fact is my friend hasn't produced any offer.

MR. HUNTER: I say I haven't any.

MR. CHERNIACK: I am not finding fault with it.

THE COMMISSIONER: I think as far as we can go now is to ask the Custodian to examine his file more closely at a later date with a view to determining just what offers were made.

MR. CHERNIACK: May I ask my learned friend to produce a copy of a report from William Wills , dated January 26th, 1942.

MR. HUNTER: Are you going to call Mr. Wills?

MR. CHERNIACK: I think I will ask my learned friend to callhim.

MR. HUNTER: I am not calling him. Why should I?

THE COMMISSIONER: Let us get on with it. Do you want to put in the report from Wills?

MR. CHERNIACK: I would like to put this in, my lord.

THE COMMISSIONER: Proceed.

MR. CHERNIACK: Thank you, sir. This is a typewritten memorandum taken from the Custodian's file, dated January 26th, 1942, which states that "Mr. Wills, of our Protection Department, called at the above address and has submitted the attached report which speaks for itself." The report is brief, my lord. It is also typewritten, dated January 26th, 1942. "Mrs. Guertin", who was the tenant, "received a complaint from a Mrs. Poulin

(a tenant living in a Rear Building of these premises) 'that the water was seeping through the ceiling of her room, and she was afraid that the roof might fall in'.

"This is a husky building, in very good shape. Although the roof is flat, there is no danger of a cave in."

The "no" is underlined.

"I explained to both parties that nothing could be done before the remaining snow melted; that they then apply to the agent to have the roof tarred to stop the leaks."

I will file that, my lord. I don't know whether this point will be brought up again, my lord, but it is my submission we could obtain this material on cross-examination.

THE COMMISSIONER: Very well.

(REPORT MARKED EXHIBIT NO. 3).

MR. CHERNIACK: Now, a letter from the city dated April 7th, 1943, and two tenders. The letter is in relation to plumbing, and there are two tenders received June 26th, 1943, for this property.

My lord, I produce from the Custodian's file a letter from the chief sanitary inspector of the City of Vancouver to the Custodian's office referring to this property. That date is April 7th, 1943. "The District Inspector has reported an inspection of the above premises, which indicates that, with the exception of

bathing facilities, these premises were found in a satisfactory condition and equipped with sufficient sinks and toilets. Following is his report:" Nos. 7 and 10, consisting of three rooms, each in the lower rear, "Common sink and toilet in hall. No vermin." Nos. 8 and 9, three rooms each, "upper rear. Common sink and toilet in hall. No vermin." "No. 5, unable to gain entry, believe private plumbing. Nos. 1 and 4", consisting of three rooms each, lower front, "Common sink and toilet in hall. No vermin." Nos. 2 and 3, upper front, "Storage for Jap owners' furniture, etc. Closed. House on lot (street front) full plumbing - Operator."

I don't know what that means. Then he states, "Three baths or showers are required in order to comply with the Lodging House By-law.

"I trust some arrangement can be made to have these premises comply with the Lodging House By-law".

Next, my lord, is a letter to the Custodian's agent, H. Hargreaves, from W.D. Wallace & Son, builders and contractors, dated June 9th, 1943, referring to this address, my lord.

"We hereby tender to carry out the following repairs at above address.

"Install a group of three cold water showers in basement of cabins at rear of above property. It will first be necessary to remove the existing wooden arrangement of bathtub Japanese style. Erect frame walls and doors so as to form three

showers each three feet by five feet with necessary metal trays and plumbing connections.

"The above for the sum of $315.00."

Then, my lord, a letter to Mr. H argreaves, the Custodian's agent, from Fred H. Allan, dated June 20th, 1943.

"Dear Sir: I hereby tender to carry out the following work at 332 West 5th Avenue.

"Build frame walls and panel doors so as to form space for three cold water showers. Remove existing wood tub arrangement. Install necessary plumbing for three showers with cold water attached and connections left for hot water at a later date.

"Our price is $108.00 for each shower or a total of $324.00 for a group of three."

I tender those three letters, my lord, as Exhibit 4.

(LETTER MARKED EXHIBIT NO. 4).

THE COMMISSIONER: It is clear we are going to take a little longer, so I think we better adjourn now and come back again.

MR. CHERNIACK: My lord, may I make one point in connection with that? I would like to point out that Mr. Reeve's appraisal refers to a necessary expenditure of $1500.00.

THE COMMISSIONER: Yes, I observed that.

MR. CHERNIACK: That is my answer to that.

THE COMMISSIONER: Is 2:30 satisfactory to counsel?

MR. HUNTER: That is satisfactory, my lord.

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

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

FRED KOTARO NISHIKAWA, resumed the stand, testified further as follows:

THE COMMISSIONER: The last matter you were dealing with was the sanitary inspector's letter of April 7th, 1943.

MR. CHERNIACK: That is correct, my lord, and I pointed out the discrepancy between Mr. Reeve's estimate of the cost of repairs at $1500.00, and the estimate of a little over $300.00.

In regard to the realty, my lord, there is not very much more I would like to add except on my learned friend's file there was a letter from the Pemberton Realty to the Custodian, dated July 7th, 1942. This letter, my lord, is a report to the Custodian of an inspection of the property, but there is no estimate given other than for rental values, I thought it should probably be on your Lordship's file simply because it is the earliest report on the premises.

THE COMMISSIONER: Yes.

MR. CHERNIACK: It goes into some detail. I note that there is no mention of any work necessary on this property, and I assume from that that it was in pretty good shape at that date. This is a lengthy letter and I don't propose to read it into the record, my lord, but I would like to file it and ask Mr. Shears if possible when they are making copies to let us have a copy of it.

THE COMMISSIONER: What is the date of the letter?

MR. CHERNIACK: July 7th, 1942, my lord.

THE COMMISSIONER: That will have been prior to the letter received from the sanitary inspector. Yes, that was April 7th of 1943.

MR. CHERNIACK: This is 1942, my lord. It was prior to that. Yes, it is prior to the appraisal. This is, I believe, the first report that the Custodian had on this property, and as such I thought it would be advisable to file it.

THE COMMISSIONER: Put it in as Exhibit 5.

(LETTER MARKED EXHIBIT NO. 5).

MR. CHERNIACK: The comment on Exhibit 1, my lord, summarizes the revenue from the property with a statement as to what he believes to be the value and it concludes with his own statement that his net revenue in 1941 was approximately a thousand dollars.

My lord, I tender now as Exhibit 6 the personal chattels statement already identified by the claimant.

(STATEMENT MARKED EXHIBIT NO. 6).

MR. CHERNIACK: Your Lordship will note that attached to the printed form is a three page itemized list of the chattels showing in some cases the date of purchase, but in all cases the estimated cost price and the estimated value. In the items, my lord, where the date of purchase is not shown, the claimant has considered that these articles were either new or were not of the type

that depreciates to any large extent, and since it was a lengthy list, he found it practically impossible to show the date ofpurchase in some of the cases. In the final column on each page, my lord, he has shown the Custodian's sale price. This is based on his own investigation of the Custodian's reports as to the sale price and although we do not believe this is an error, there may be some discrepancy with my learned friend's statement which I have not as yet been shown.

THE COMMISSIONER: There are certain entries showing articles abandoned. Does that refer to abandonment by the Custodian, or abandonment by the claimant?

MR. CHERNIACK: I believe that refers to abandonment by the claimant, not of the article but of the claim, in view of the fact he found it hadn't been declared. That is why no amount is shown opposite it. This is a revised statement, after considering the Custodian's analysis sheet.

THE COMMISSIONER: Yes, I appreciate that.

MR. HUNTER: It is submitted, my lord, that the real property was sold for its fair market value. It is submitted that the personal property sold was sold for its fair market value. It is submitted that the prices claimed for property not sold by the Custodian are exorbitant. It is submitted that the personal property was left under the custody, control or management of some person other than the Custodian, appointed

by the owner, and accordingly only that property which came under the custody, control or management of the Custodian is within the terms of reference.

CROSS-EXAMINATION BY MR. HUNTER:

Q Is that your signature (producing)?

A Yes, sir.

Q And in your J.P. form you declared no personal property? A: That is true, sir.

Q When you are here on this claim, is it that you are acting for your wife, who declared the property, or did she declare property which belonged to you? A: She declared property which belonged to me. I gave her a power of attorney just prior to my evacuation.

Q So this property that she declared in her J.P. form is really your property? Is that it?

A That is true, sir.

Q And that is your wife's signature (producing)?

A That is true.

THE COMMISSIONER: Let me follow that one step further.

Q Was it your intention or that of your wife, that she should declare the chattel property of the family? A: Yes, because I was leaving. I had to evacuate before she, that is why I gave her the power of attorney.

MR. HUNTER: I file these two J.P. forms as one exhibit, if it is in order.

THE COMMISSIONER: Yes.

(J.P. FORMS MARKED EXHIBIT NO. 7).

MR. HUNTER: The claimant's own J.P. form, my lord, is dated the 11th of April, 1942, and the wife's the 9th of September, 1942, my lord. It will be noted, my lord, that in his wife's J.P. form she says, "These things have been left in suite 3 and t the keys of the suites will be given to the agent Mr. H. Hargreaves, 2601 Main Street, Vancouver."

Q Mr. Nishikawa, what is that a photograph of?

A That is my house.

Q And which is which? Describe them so the reporter can take it down and someone reading the transcript can understand what you are talking about.

A Well, it is kind of hard to describe a picture.

Q Let us put it this way; the house on the extreme right, what is that? A: That is No. 336.

Q West 5th Avenue? A: Yes.

Q And the house next to that, on its left, is which? A: 332 West.

Q 332 West 5th Avenue. What is this building behind the houses? A: That is a sort of apartment building.

Q And the building on the extreme left?

A Well there is two buildings together, disconnected, like. The centres join.

Q In other words, these are two parts of the same building on the left? A: This is all one building itself (indicating). There is no

gap in between. There is only like a recess.

Q Sort of a light well? A: There is a recessed place. You can go into one suite from there.

Q What appears to be two buildings is all one building? A: Yes, all one building, 334.

Q 334 West 5th Avenue? A: Yes, sir.

MR. HUNTER: I tender that as Exhibit 8, my lord.

(PHOTOGRAPH MARKED EXHIBIT NO. 8).

MR. HUNTER: I would like to file a letter, my lord, from H. Hargreaves to the Custodian dated July 10th, 1942, in which he says, "We have yours of July 9th re the above",-and to the above refers to "P/W P-1538, Nishikawa, Fred Kotara,"-"and wish to confirm the fact that we were appointed agents for Nishikawa some time ago."

Then he goes on to various other things in connection with the rent and so forth, my lord.

(LETTER MARKED EXHIBIT NO, 9).

MR. HUNTER: The next document, my lord, is a letter from the Department of Health of the City of Vancouver, to the Custodian, dated October 7th, 1942, from G.A. Rogers, chief sanitary inspector.

"Re 334 West 5th Avenue - T. Nishikawa.

The above premises have been inspected by the District Inspector and found to be badly infested with cockroaches.

"Will you have the necessary order given to clean up this condition."

MR. CHERNIACK: Is that for information?

MR. HUNTER: Yes.

(LETTER MARKED EXHIBIT NO.19).

MR. HUNTER: A letter of November 12th, 1942, from H. Hargreaves to the Custodian re P/W A-1438 - Nishikawa, Fred K. After giving certain information about rents and questions of management, they say: "We have been in touch with the Vancouver Fumigating Company and are awaiting a full report from them with two propositions - one, immediate extermination of cockroaches from not only this building but also other buildings belonging to the same person; this would be in our opinion too costly. Secondly - a gradual extermination, i.e. monthly applications which would cut the cost in half. We have been awaiting this report. hence the delay in replying to your letters. As soon as we are in receipt of report we will advise you and forward copy for your information.

"Trusting the above is satisfactory, we are".

MR. HUNTER: I think the next letter, my lord, might go with the last one. It deals with the fumigating, so if Mr. Watson can hold that last one until he gets this one, it can be attached as part of the exhibit. This is another letter from Hargreaves dated the 13th of November, merely enclosing a copy of a report of the Vancouver Fumigating Company Limited.

The report of the Vancouver Fumigating Company, Limited, 325 Howe Street, Vancouver, is

dated 12th November, 1942, and addressed to Mr. Hargreaves. It says:

"With reference to the proposed fumigation of 334 W. 5th Avenue, we inspected this building as requested and beg to report as follows:

"It appears from our observation that it would probably be useless to fumigate 334 without also doing 332, 336, as cockroaches are reported in all three buildings and on account of the nearness of each building to the other, the insects are bound to get through all the buildings.

"To fumigate these buildings with HCN gas, would cost for No. 334, $35.00; Nos. 332, 336, $20.00 each.

"On account of the fact that it is not feasible to fumigate the basements, which are apparently only used for firewood, etc., and are somewhat open, it is more than probable that we would have to follow the fumigation with a spray as there would be, undoubtedly, cockroaches in the basements, which would find their way upstairs sooner or later. The cost of this work would depend on how much there would be required, but in all event, it would not amount to very much.

"There is another alternative to the above, namely; by using a spray only. In this event we would have to service the buildings, giving them a treatment every three or four weeks, which would gradually get rid of the cockroaches. We would of course have to obtain access to all the apartments at these times. This we could do for

$12.00 a treatment and would probably require 4 to 6 applications depending on the extent of the infestation."

(LETTERS MARKED EXHIBIT NO. 11).

That is put in largely, my lord, to show that the later report of the building inspector showing that there was no infestation was as a result of the premises having been already treated.

MR. CHERNIACK: I think that was a prior report. You might check your dates.

MR. HUNTER: I beg your pardon?

MR. CHERNIACK: According to my records, the date shows that the report as to no insects was prior to this.

MR. HUNTER: I am sorry, the date of Exhibit 4?

MR. CHERNIACK: It is the blue sheet. It is attached to the blue sheet.

THE COMMISSIONER: It was not Exhibit 4.

MR. HUNTER: The building inspector's report was Exhibit 4, was it not?

MR. CHERNIACK: Isn't that Wills' letter you are speaking of?

MR. HUNTER: No.

THE COMMISSIONER: Exhibit 4?

MR. CHERNIACK: That is April 7th, 1943.

THE COMMISSIONER: Exhibit 3 is the letter about the leaky roof.

MR. HUNTER: Exhibit 4 was the building inspector's report, as I understood it.

THE COMMISSIONER: Yes, that is right.

MR. HUNTER: What was the date of that?

MR. CHERNIACK: April 7th, 1943.

THE COMMISSIONER: He states here, "no vermin". Had the building been treated in the interval between November, 1942, and the spring or April 1943?

MR. HUNTER: Yes. After these negotiations were carried on, it was treated. I haven't pulled that correspondence off the file but if my friend wishes it, I can.

THE COMMISSIONER: It is quite obvious the treatment took place between the date of Exhibit 11 and the date of Exhibit 4.

MR. CHERNIACK: The only information I would like, my lord, is how much was paid and if that amount was charged to the claimant's account.

THE COMMISSIONER: Will that have been done by Hargreaves?

MR. HUNTER: It may have, my lord. It would be some time after November 13th, 1942.

I tender a copy of the first advertisement, my lord, which was published in the "Vancouver Sun" on April 17th, 1943, the samedate in the "Province", and in the "News-Herald" on April 19th, 1943.

(ADVERTISEMENT MARKED EXHIBIT NO. 12).

MR. HUNTER: The first appraisal, as your Lordship will recall, was on May 4th of 1943. In response to the first advertisement, we received a number of offers which may be filed if my learned friend wishes them to be filed, but which I just propose

to give the names and amounts: April 30th, 1943, for $3,025.00 from S.W. File was rejected; $3100.00 on April 30th, 1943, from Moore & Moore, Vancouver, which was rejected; $3410.00, on May 10th, 1943, from Moore & Moore, which was rejected; $4700.00 on May 21st, 1943, from my learned friend's friend, Peter Hem, which was rejected;

MR. CHERNIACK: Mr. Shears' friend.

MR. HUNTER: $5,004.00 on June 1st, 1943, from E. Gerrard, which was rejected; and later on in the year, on November 9th, 1943, $4,000.00 from Tara Singh K., which was rejected.

THE COMMISSIONER: The highest offer was $5000.00?

MR. HUNTER: $5,004.00, my lord. Now, with regard to this mysterious bid for $5200.00, I can only say, my lord, if there was such a bid there is no bid in writing. That was prior to the second appraisal.

THE COMMISSIONER: That is you refer to the Reeves' letter which mentions the $5200.00 bid?

MR. HUNTER: Yes, my lord. A large number of people were shown through these premises in addition to those who actually made a written tender, and it may be there was some conversation with someone about whether a bid of $5200.00 would be acceptable, because certainly it was referred to the advisory committee, and they stated, "While we cannot establish a precedent by setting a price on a property before a bona fide bid is received", so, obviously, a formal bid had not

been received, --"still in this particular instance we can assure you that if an offer of $5200.00 were submitted, it would receive favourable attention from the committee. We hope to receive a definite offer on this property from you in due course."

THE COMMISSIONER: What was the personnel of the advisory committee at that time?

MR. HUNTER: This is from Mr. Durkee. Mr. Justice Sidney Smith was head of the committee and Mr. Durkee was the secretary.

THE COMMISSIONER: The same committee then as the fishing boat committee, was it?

MR. HUNTER: Only as far as the appraisals were concerned, my lord.

The memorandum is dated March 7th, 1944.

Then there was a second advertisement appearing in Vancouver newspapers on March 23rd, 24th, and 25th, 1944. I would tender this as the next exhibit.

(ADVERTISEMENT MARKED EXHIBIT NO. 13).

THE COMMISSIONER: I think it is worthy of comment in regard to the personnel of that committee to point out that Mr. Justice Sidney Smith then was and still is a Judge of the Court of Appeal of British Columbia. Mr. Jones, who is referred to, is the current Mayor of Vancouver. Mr. Durkee was employed as the secretary to the committee. Was there a third member of the committee?

MR. SHEARS: Yes. There was a Mr. Kamura, Japanese,

but he had resigned before this.

THE COMMISSIONER: What was the date of the minute of the committee? Was it April, 1943?

MR. HUNTER: March 7th, 1944, my lord, and I judge that up until that time there had been no formal tender, although obviously some discussion had gone on about it. In response to the second advertisement, the tender of $3210.00 was received on April 19th, 1944, from Frederick and James Moore, which was rejected. An offer of $5000.00 was received on October 7th, 1944, from H. Hargreaves on behalf of a client and this was rejected. An offer of $5200.00 was received on October 13th, 1944, which was a revised offer from Mr. H. Hargreaves on behalf of G.E. Allen. This was approved by the advisory committee on the 19th of October, 1944, and was accordingly accepted and sold with adjustments as of the 16th of November, 1944.

MR. CHERNIACK: Would you read the last offer?

MR. HUNTER: Yes. The original offer is by a letter from H. Hargreaves on October 7th, 1944, to the Custodian, re "Nishikawa, Fred K., File 12831/2831. In connection with the above premises at 332-6 West 5th. We have taken a deposit on the sale of the said property at a price of $5000.00 cash, subject to your confirmation and also to the present tenancy, plumbing and electric repairs.

Awaiting your attention we beg to remain, yours truly, H . Hargreaves. P.S.: This is in

reply to your requestx as per telephone conversation of recent date."

Then on October 13th, 1944, a letter from the same firm to the Custodian re the same matter. "Enclosed please find cheque for $520.00", and then in pencil, "certified", "being the usual 10% of purchase price, to apply on the purchase of 332-4-6 West 5th Avenue, Vancouver, B.C., F. Kotaro Nishikawa property, File No. 2831/d, at a price of $5200.00.

"As per our conversation over the phone today you will make an effort to get the price down to $5000.00 failing which we are prepared to go ahead on a basis of $5200.00.

"The purchaser's name is George Edward Allen, Commissionaire, of 809 West 10th Avenue, Vancouver, B.C.

"This is subject to present tenancy and present condition of the premises, usually termed 'as is'.

"Thanking you for your past consideration in connection with our past business relations, which have always been very agreeable, we beg to remain".

THE COMMISSIONER: Who writes that letter?

MR. HUNTER: That letter is written, my lord, by H. Hargreaves, but if your Lordship will recall he was also the claimant's agent.

MR. CHERNIACK: Rental employee.

MR. HUNTER: This letter is addressed to P. Douet,

at the office of the Custodian, so whether that person had agreed to get the price down to $5000.00, if possible, I can't say, but, anyway, the price was not reduced to that.

This is a letter dated August 24th, 1943, from the City Electrician's office from L.H. Miller, acting city electrician, referring to the premises in question. This is addressed to the claimant, c/o Enemy Alien Custodian. "We have made a re-survey of the electrical wiring in the above mentioned building, and find that same does not comply with the electrical by-law of the City of Vancouver.

"We should be pleased if you would give this matter your immediate attention".

Then there is a note down below in red typing, "It is necessary that a permit be obtained for the above-mentioned work and reported to this Department when ready for inspection." I put that in next, my lord. You will recall in the final offer which was accepted, it was made subject to electrical repairs.

THE COMMISSIONER: Yes, I follow it. I think that to which you had reference was the fact that you required the purchaser to assume the responsibility of carrying out electrical repairs that you had been directed to have performed.

MR. HUNTER: Yes, that is right, my lord.

THE COMMISSIONER: And he assumed that obligation?

MR. HUNTER: Yes, my lord. I don't know whether my

learned friend wishes the correspondence produced, it is not a very important thing, but the sidewalk was in need of repairs and was repaired by Mr. Hargreaves, the agent.

MR. CHERNIACK: No.

MR. HUNTER: My learned friend says he is prepared to waive it.

MR. CHERNIACK: I didn't say I preferred it.

MR. HUNTER: I said "prepared to". I don't think it is very important except to say that the sidewalk was broken and had to be repaired which might have tended to take some bloom off the peach.

THE COMMISSIONER: Are you through now with the real property phase of it?

MR. HUNTER: Yes, my lord.

THE COMMISSIONER: There are one or two questions I want to ask the witness before you leave the real property feature.

Q Nishikawa, where is the nearest intersecting street to your property? Manitoba or Alberta?

A No, it is Yukon. One block from Cambie.

Q One block east of Cambie, is it?

A One block east of Cambie.

Q And on 5th Avenue? A: Yes, sir.

Q Now, there is one feature of the letter from Hargreaves, which is marked as Exhibit 9, which I wanted to take up with you. He says, "Prior to Nishikawa leaving the city, he advised us that he would take $2500.00 for the property." Is that correct? A: I discussed that

question, but I never mentioned the price at all.

Q You notice he says that you told him you would take $2500.00. You say that is wrong?

A I didn't say that. I discussed the question of selling, but I never mentioned any price at all.

Q Did he subsequently write to you in regard to an offer that had been made to him of $2500.00? That was in 1942. A: You mean to say Hargreaves wrote me, sir?

Q Yes. A: No, sir. I never received any letter from him.

Q This letter is dated July 10th, 1942, but you say while you did talk sale, you never did fix a price? A: No.

Q Then he also says in this letter, "It will be necessary to decorate 332 completely before renting as it is in a very filthy condition". What have you to say to that? Remember, he is speaking as of July, 1942.

A July, 1942. My father was still there when I left in May.

Q Yes. A: Well I had the kitchen repapered and the living room and dining room was still in good condition. The paper was in good condition.

Q You say he is wrong, that 332 was not in a filthy condition in July, 1942.

A It isn't true. We were living in 332 ourselves.

Q All right. You see, these are matters that are raised in the correspondence that has been

filed, and I wanted to give you an opportunity to say what you have to say about it now, because this probably will be the last chance you will get.

A Thank you, my lord.

MR. CHERNIACK: May I ask for the date of that letter, my lord?

THE COMMISSIONER: July 10th, 1942.

MR. CHERNIACK: I wondered, because Pemberton's letter was three days before that.

THE COMMISSIONER: Was it dealing with the same thing? We better run that down.

MR. CHERNIACK: The reason I raised that was because I didn't read the Pemberton letter into the record.

THE COMMISSIONER: Have you the letter there, Mr. Hunter?

MR. HUNTER: It is Exhibit 5, my lord.

THE COMMISSIONER: Yes. They are speaking of 332. They say in regard to 332, "This house is in a reasonably good condition and is occupied by the owner, Mrs. Nishikawa, who expects to be evacuated shortly." And as you say, that is written three days before, so there is a marked discrepancy between H argreaves and Pemberton's. All right.

MR. SHEARS: Would you care for the answer to that question, sir? regarding fumigating? I wouldn't care to give a complete answer without looking at our ledger account, but the only item I can find was the amount of $10.00 which was deducted by Hargreaves from their monthly rental statement.

Whether there was any more, I wouldn't care to say. $10.00 is all I can see.

MR. CHERNIACK: That is in payment for the fumigation?

MR. SHEARS: That was to the Vancouver Fumigating Company. There is quite an amount scattered around, but the only one for the Vancouver Fumigating that I can see is the $10.00. That is in the report for the month of December, 1942.

MR. HUNTER: I tender the analysis of personal property claim, my lord.

(ANALYSIS MARKED EXHIBIT NO. 15).

MR. HUNTER: Your Lordship will observe that Exhibit 6, the personal property statement, is set forth in much the same order as the claim made in the analysis, except that under each heading they have now enumerated the various things included in what is more or less a blanket claim. I have had no time to compare all these things with auction sheets, and so on, but, however, I would say for instance that under No. 10 on the personal property statement or the schedule attached to the personal property statement, one box of paints, enamels, varnish, etc., that those were not declared, that only a half gallon pot of paint was declared, and that in the auction sheets it shows some partly filled tins. I am quite sure if sufficient time was taken over it, other things could be found out about it. I did take the time to go after information on the next page, No. 17, and I found out, for instance, that one of the three

cast-iron rice pots was sold for $1.20. The aluminum double boiler was sold for $1.30, the two aluminum pots were sold for 65¢, the aluminum steamer was sold for 60¢. The three crocks, which are shown as cracked, sold for 50¢.

MR. CHERNIACK: Shown where as cracked?

MR. HUNTER: In the auction sheets. It will also be noticed, my lord, that the lumber for which $25.00 has now been claimed, No. 12, is shown as the last item in the declaration, that is in the J.P. form, as about $15.00 worth of lumber. I have no doubt, my lord, that at a later date I shall be able to point out further discrepancies.

THE COMMISSIONER: Now there was no breaking in here, or theft? No, apparently none.

MR. HUNTER: No, but there is a further problem arises here, my lord, and that is the question of other people's chattels being stored on the claimant's premises, andthere is a great deal of trouble on that right throughout. Considerably more articles of personal property were sold than are indicated here. The claimant has been sent auction sheets and asked to mark those things which were his property. He was even sent extra copies and asked to request the other two people to mark what belonged to them on the auction sheets, but the claimant, by various correspondence here, has on a number of occasions stated they have been unable to do this but the other two people have agreed that if this money is paid to him, they are

agreeable to the distribution which he makes, and the Custodian himself has asked them to furnish letters. In fact, the Custodian himself has written these other people -- written one of the other people, anyway--and asked them to send letters, and the one to whom the letter was written refused on the grounds that this thing was coming up on a Commission and he didn't care to commit himself in any way. So if there is anything that cannot be found on the auction or which cannot be shown as credited to this man, it may be that it is still in the suspense account for that very reason.

THE COMMISSIONER: Q: You appreciate the situation that has developed there, Nishikawa, do you? The Custodian is faced with a difficult task where two or three people's goods are stored in the same place. A: Yes, there are two in there, G. Tehara, and Mr. C. Yamamoto. Mr. Tehara is in Toronto right now and Mr. Yamamoto is now residing in Kaslo, and I wrote to both these people, to Mr. Tehara two years ago and to Mrs. Yamamoto at Lemon Creek, the year before last, and I have discussed it with both these persons and they were willing and said we could take it over and take the responsibility of getting the cash and distributing it.

Q In your own interest I am going to suggest to you that you write to them again now and see if you can work out between yourselves whose goods are those referred to in different auction sheets.

A Well, I did that, sir, roughly, and I showed them the auction sheets I originally got from the Custodian, and I went over the list with Mrs. T. Yamamoto and also G. Tehara and they marked the things they think are theirs. You understand, sir, with these kitchen utensils, pretty nearly every family has pretty nearly everything and it is hard to identify it.

THE COMMISSIONER: Q: All I am going to suggest to you now is if you cannot work that out between your three selves, there is nohope that I can do it.

A If I get confirmation from them and write to the Custodian, is that all right?

THE COMMISSIONER: Yes, you write to them and see if you cannot work it out between your selves, even though this Commission is going on. It willbe very much more simple for you to work out that problem than it will be for me, and at least you may stand some chance of effecting an equitable distribution between your three selves. I am afraid someone would come off very badly if I had to do it because I would only have to guess at it. Is there anything further, Mr. Hunter?

MR. HUNTER: There is one other thing.

Q You refer, Mr. Nishikawa, to certain things left and concealed in an attic at 332 West 5th Avenue, and you are not claiming for those because you, not having declared them, you did not think it fair to claim at that late date. Would any of the things that were missing have been stored there and you

have forgotten about it if they were stored in your own place? A: I haven't put anything in the claim for them at all.

Q Any of the things that were later missing, may they have been left in the concealed place in the attic rather than in a place where the Custodian might have found them?

A No. I haven't listed anything in the present form that was in the attic.

Q You feel very confident of that, do you?

A Yes, because my dad told me what he had upstairs. I was there last year to Vancouver and I saw Mr. Johnson at the Custodian's and I was discussing about it, and after I went to the Coast I went down to see my father. Well he said he wasn't sure what he had there when I came back from Vancouver, and I asked him about it, and at Vancouver they said those things weren't there and he said that those things aren't very valuable. There were family pictures, and so on, and you can forget about it. By the time you stand the expense of sending for them, it isn't worth that much, and I wrote back to Mr. Johnson, "Thanks for the trouble and I will forget about those articles in the attic".

Q You feel quite sure that none of the things you are now claiming for were put up there?

A I am positive.

Q Who put them up there, actually, you or your parents? A: My dad did.

Q Q Then when you say what was up there, or when you say you know what was up there, what you know is what your father told you, is that it?

A Yes.

Q How is his memory? Is it pretty good?

A I think he has a pretty good memory for his age.

Q How old would he be now?

A Seventy-eight, sir.

THE COMMISSIONER: Any re-examination, Mr. Cherniack?

MR. CHERNIACK: Yes, my lord.

RE-DIRECT EXAMINATION BY MR. CHERNIACK:

Q Mr. Nishikawa, in connection with these chattels your statement sets out that your goods were packed and crated in wooden boxes. Who did that?

A The majority of those I did it myself, before evacuation.

Q Could you indicate which you didn't do?

A 17, 18, 19 and half of 10. I put some in a box but I never crated it. The kitchen utensils and those household goods I never crated.

Q So that you packed them all yourself except for 17, 18, 19 and half of 10, you say?

A 10, I never crated, because I wasn't finished.

Q 10 is the one relating to the paints to which Mr. Hunter has referred? A: Yes.

Q I will show you your wife's J.P. form, Exhibit 7, and I indicate to you this list, "5 one-gallong cans, 2 half-gallon cans, one half-gallon pot of possibly paint".

A That is supposed to be all paint.

Q Have you shown these "pans" in any other way on your claim? A: There is the paint in there. I claim there is paint there.

Q You think that is what was referred to?

A And the wife was saying that when she went to the Custodian on that date in Vancouver, that she gave it as one box of paint, and this girl working for the Custodian asked what was in it and she wasn't quite sure and she gave a rough estimate of what was in there, that is all.

MR. CHERNIACK: Your Lordship will note in the analysis sheet of the Custodian a reference to the lumber. I don't need to go into detail about it, it is a small item, sir, but I think my learned friend could confirm that on September 13th, 1944, the Custodian's office wrote to the tenant saying the tenant could make use of whatever lumber was found on the premises. They may have referred to odds and ends of lumber, but it is there, and that may be the reason for the remark "some lumber abandoned".

MR. HUNTER: The reason is given on a memorandum here, my lord, or a sheet certified by the auctioneer W.G. Willard. He says, "I have examined the undermentioned articles and consider that they have no value", and he puts down below, "odd lumber, no value". It is dated September 1st, 1944.

MR. CHERNIACK: One other question of my learned friend

and that is whether there is any record of an estimate being received in regard to the necessary repairs for electrical work which has been discussed, and how much money was spent on repairs to the sidewalk which was also brought out by my learned friend.

MR. HUNTER: I am pretty sure, my lord, no estimate was obtained for the electrical work. I think the Custodian was trying to sell subject to the purchaser having to make the repairs. As far as the sidewalk is concerned, I think I could find it if I were given a moment.

THE COMMISSIONER: All right. Is it the sidewalk on the main street or is it the sidewalk on the property?

MR. HUNTER: I think it was the sidewalk leading into the apartment house. The main street would be a civic responsibility.

THE COMMISSIONER: That is what I was thinking.

MR. CHERNIACK: Then, my lord, there was one statement made to the effect that these goods were probably in the custody or control --

THE COMMISSIONER:--of an agent.

MR. CHERNIACK: Yes. In that connection, and this again is not the time to argue it, but I would like to say it will be our submission that the Custodian was made aware as to where the chattels were and howto obtain access thereto.

Again I don't know whether it is necessary to file these, my lord, but I think my learned friend

could confirm that there are several letters and memorandums on his file to indicate that neither Hargreaves nor the tenant would assume the responsibility of moving any of these chattels which were in separate suites without the direction of the Custodian, and that the Custodian gave a direction to the tenant, and either the Custodian's agent or someone else moved the goods and enabled the tenant to have more space to rent. I think I am trying to state it as completely from memory as I can, and I think that is quite true and not exaggerated. I would like my learned friend to confirm it.

MR. HUNTER: I want to be absolutely clear on what my friend wants me to confirm.

MR. CHERNIACK: May I find the letters?

THE COMMISSIONER: What it comes down to is this, as I understand it, that the Custodian authorized the tenant to move certain of the chattels from one place to andher.

MR. HUNTER: No, my lord, at the request of the tenant they were removed from one apartment to another, not by the tenant.

MR. CHERNIACK: No.

THE COMMISSIONER: Was it done by the Custodian?

MR. CHERNIACK: Yes, my lord, and my point is that neither the tenant or this man Hargreaves would assume the responsibility of moving these chattels without first referring to the Custodian.

THE COMMISSIONER: That is a matter for argument.

MR. CHERNIACK: I meant that, sir, as an indication from the file. If my learned friend desires, I will have to file them, but there is a definite indication on the file to that effect.

THE COMMISSIONER: You better put the factual material in then.

MR. CHERNIACK: Very well, sir. There is a memorandum on file from Mr. Douet to Mr. Green, dated the 8th of September, 1943, referring to Fred Kotara Nishikawa. This reads:

"With reference to our conversation last week, Mrs. Guertin, the tenant at 332-4 West 5th Avenue, advised that in the tenement building (334 West 4th Avenue) there are two rooms which are boarded up and contain furniture, etc., belonging to, I understand, the above Japanese. Mrs. Guertin is under the impression that all this furniture could be placed in one room, and as she is very anxious to rent one of the two rooms in question, will you be good enough to see what can be done to meet her wishes?

"I advised her that this property will probably be sold in the near future but she said that in any event she would have the use of the room for six months, so would like something to be done if possible.

"The file is attached."

It is initialled by Douet and there is an ink handwritten note underneath starting out, "G.B.S.

Please have inspection made; if this can be reasonably done, please so arrange." And there are some initials which I can't make out, my lord. I will file that as an exhibit, my lord.

(MEMORANDUM MARKED EXHIBIT NO. 16).

MR. CHERNIACK: Again the Custodian's file indicates that subsequently this was done, and the tenants' rent was raised.

MR. HUNTER: If you just give me a moment, my lord. I think actually what happened was something a little different. There are two further memorandums. We might as well have all the memorandums and get the picture. There are two further memorandums, and one of them is dated October 20th, 1943. This is from the administration department to Mr. H.F. Green. "Re: Fred Kotaro Nishikawa - 334 West 5th Avenue. With reference to the apartment building at the above which is rented by the Guertins, and referring to our conversation with Mr. Green this morning, Mrs. Guertin called in yesterday to know if we could remove the furniture in No. 3 suite to storage so that she could rent same. I reminded her that we had only recently cleared the furniture from No. 2 suite so that she could rent this, and that at the moment it was not opportune to make any further removals and had she told us at the time that she also required No. 3 suite, we would no doubt have placed all the furniture in storage.

"We give you the above information just as a matter of record, and possibly at a later date you may consider removing all the furniture to storage." Signed P. Douet. The next, my lord, is a memorandum dated November 23rd, 1943, from Mr. Spain to "File". "Re Fred Kotaro Nishikawa - 334 West 5th Avenue. In order to suit the convenience of the tenant we moved the chattels from Suite 2 to Suite 3 where they had better remain as long as possible.

"Mr. D. A. Smith reports the chattels of an inferior quality, mostly home-made articles, and if moved to Custodian Storage would cause difficulties. This was a rooming house and the Japanese failed to mark their chattels with their names and identification is impossible."
And below that, dated March 9th, 1944, "We have now received a letter from Mr. Chikao Yamamoto, File 12357, saying that he left his stuff at 2001 Yukon Street", and there is an "x" alongside of Yukon Street, which is crossed out and changed to 332/4 West 5th. "No details are given and Mr. Chikao Yamamoto is being advised that in the absence of further particulars we shall have to credit everything to his brother's account."
Then there is some handwriting saying, "This is rather confusing. The brother lived at 2001 Yukon but Chikao Yamamoto moved his things from there to 332/4 West 5th. We may equally have difficulty in identifying them there."

The next is from the Administration Department to the Protection Department, dated August 19th, 1944, re the same matter. "You will doubtless recall that according to your memorandum of November 23, 1943, all the chattels at this tenement dwelling were placed in Suite No. 3 and it was decided to wait some months before finally removing these goods.

"The tenant, Mrs. Guertin, has requested that if possible these chattels be now removed that she may rent this suite, and we shall be glad to know if this can be arranged at an early date.

"When your staff representative visits this building, the writer would be glad to go along with him as some recent repairs done on the premises should be inspected.

"Will you, therefore, please advise the writer accordingly".

Then a memorandum of September 6th, 1944, from Mr. Spain to "files" re the same matter.

"All chattels were removed from Suite 3 to Willard's Auction Room where they were included in Vancouver Auction No. 508 under the name of Nishikawa.

"There were supposed to be articles belonging to Chikao Yamamoto, file 12357, and Genitaro Tehara, file 2236, but the mixed condition of the chattels and complete absence of identification marks made it quite impossible to find anything belonging to these last mentioned persons". Then there is a

handwritten notation, "hold funds pending further correspondence or attempt at identification". That is about as much as we can find on that.

MR. CHERNIACK: My lord, I didn't know I had started a landslide.

Q Mr. Nishikawa, are any of the goods for which you have made claim now --do any of them belong to anyone other than yourself?

A No, they all belonged to ourselves.

MR. HUNTER: My lord, my learned friend asked about the cost of the sidewalk and I can't say what it was. There are so many repair items, and the accounts don't show the details. All I can find is a letter of June 20th, 1944, from Mr. Hargreaves saying, "We would advise you that the sidewalk was in such a bad state of repair that it necessitated a lot of new sills, and covered a large area.

"However this work has been inspected and has been completed to our satisfaction." We will have to check as far as the details are concerned and let you know again.

THE COMMISSIONER: Thank you; that is all, Nishikawa.

(Witness aside)

(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.

Case 997 NOV 28 1947

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

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

7881 ACKNOWLEDGED

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

(1) NAME NISHIKAWA, Fred Kotaro (RCMP) Reg. No. 08755
(Print) Surname Given Name

(2) Pre-Evacuation Address 332-336 West 5th Ave., Vancouver, B.C.

(3) Present Address 708 McKenzie St., Fort William, Ontario.

(4) REAL ESTATE

(a) Street Address (if any) 332-334-336 W. 5th Ave., Vancouver, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)

Lot 5 Block 13 D.L. 302

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

(i) ~~Farm~~
(ii) Residence Type of business Apartment Buildings
(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 - - - - - - - - - - - - - - - - - $
(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) - $ 6535.00
(v) Amount at which Custodian sold property and credited your account - - $ 5200.00

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1335.00

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation
334 West 5th Ave., Vancouver, B.C.

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
In the house locked and all windows screened.

(c) How stored or packed at time of evacuation Crated in wooden box and identified
Other tenants personal property also stored each with their marking.

(over)

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

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

1. As per attached list — Estimated Value (Loss) $ 647.00
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 $ 647.00

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

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - $ 1982.00

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

(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 Ontario)
TO WIT:)

I, Fred Kotaro Nishikawa of the city
of Fort William in the Ontario

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 Fort William)
in the Province of Ontario)
this 22nd day of November)
A.D. 1947.) 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.

CHATTELS OF FRED KOTARO NISHIKAWA

2	Steamer Trunks--Contents Clothings	$ 125.00	
4	Boxes of English & Japanese Books	45.00	
1	Set of Books of Knowledge	40.00	
1	Set of World Encyclopedea	15.00	
2	Sets of Japanese Festival Dolls	45.00	
1	Box of Toys (New and old)	15.00	
40	Records	20.00	
1	Box of Picture frames with glasses	20.00	
1	Budda Cabinet (Lacquerd) and its accessories	120.00	
1	Box Paints, Enamels, and Varnish	45.00	
1	Box Jap. Flower arrangement vases and stands(metal)	30.00	
	Dressed Lumbers && Shingles	25.00	
1	Box Hardware (nails, hinges, etc.)	15.00	
40	Ft. Water Pipe	5.00	
1	Box Household tools	10.00	
3	Kitchen tables and 7 chairs	22.00	
1	Box of Pots and pans	25.00	
1	Box of Kitchen dishes	40.00	
1	Box of Lacquer-ware & Japanese plates	25.00	
1	Box Miscellaneous Household goods	25.00	
1	Box Automobile spot-lite, fog-lite, and horns	35.00	
		$ ~~747.00~~	494 50
Re: Auction Sales: Auction was conducted together with other tenants' personal property and was credited with $169:00 to my account, of which my share was approximately $100.00.		100.00	93 -
Net Loss		$ ~~647.00~~.	401 50

amends

NISHIKAWA, Fred Kotaro
(Claimant's Name)

REAL ESTATE
(Other than farm)

08755
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
332 - West 5th Ave., Vancouver, B.C. (1 1/2 story) 18 x 32	6 rooms (3 up and 3 down) - 2 piece bath	Frame, Post on concrete blocks, no basement, outside wall siding, shingle roof, board, cloth & papered inside, fir floors.	Dwelling	50 x 122	1939	Sept 3
336 - West 5th Ave., Vancouver, B.C. (1 1/2 story) 18 x 32	6 rooms (3 up and 3 down) - 2 piece bath	"	"			
334 - West 5th Ave., Vancouver, B.C. (2 story) 32 x 66	8 - 3 room suite and 1 - 2 room suite 5 toilets and 5 sinks	Cedar walls on top of siding, cement foundation, full basement, sand & gravel roof, inside some rooms V joint, some papered.	Apartment house			

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Residential, near light industrial district. Mixed both Occidental & Oriental.	$2400.00		$6535.00

House No. 334 - Shingled (18") all walls with tarpaper between and over the siding.
Replaced stairway (outside)
New windows and door casings for outside 28 windows and 13 doors.
Replaced Gutter - 5 x 5 - 66'
Replaced basement posts.
Shingle stained, all walls and painted all trimmings and doors. & windows.

House No's.332 & 336 - Replaced old sidings and new verendah (back) - new gas line to both houses - new board fence front of lot 50' and 30' on side.
New foundation posts on #332 and replaced post on #336. Completely redecorated inside on #336 - Painted exterior #332 and #336 - 3 coats of paint each. Approximate cost - hired labour and bought materials for all of the above $1500.00
Own labour extra.

Comments re upkeep of premises:
In addition to improvements noted opposite, all ordinary repairs were looked after as necessary.

Comments re Appraiser's report not covered above:
The roofs were in good shape when I left. I re-oiled old shingling in 1941 and partly re-tarred lodging house roof.
I believe the original appraisal at $5600.00 and a reduced appraisal (3 months later) by the same appraiser's at $5200.00 to be very considerably below a fair value for this property.

COMMENTS: Considering the rental revenue for the lodging house ($73.00 per month as given by the Custodian's appraiser) and the rents of $20.00 per month each for the dwelling houses (as given by the Custodian's appraiser) in his revised appraisal dated August 14, 1943 - for a total gross annual revenue of $112.00 per month, also taking into consideration the improvements I had made from 1940 up until evacuation, and the over all good condition of repair in which I left the building, I believe that they would be worth at the least, the sum of $6535.00 (which is $1000.00 in excess of the municipal assessment for 1943), when sold by the Custodian as of November 16, 1944 for $5200.00. I bought this property very reasonably in 1939 from F. Makawa a friend, who was returning to Japan and who discounted the price he was asking in ordder to obtain a cash sale. My net revenue return from this property, after deducting taxes, insurance, maintenance and upkeep for the year 1941 was approximately $1000.00.

EXHIBIT No. 997-1
DATE 28 apl 1948
FILED BY Em. Chemnitz

Fred Kotaro Nishikawa
Signature

DOUGLAS W. REEVE, F.S.I.
CHARTERED SURVEYOR AND VALUER

TELEPHONE MARINE 8264
CABLE ADDRESS "JONREE" VANCOUVER

JOHNSON AND REEVE

ESTATE AGENTS
VALUATIONS, ARBITRATIONS, INSURANCE, REAL ESTATE, MORTGAGES
MEMBERS VANCOUVER REAL ESTATE EXCHANGE

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

14th. August, 1943.

EVACUATION SECTION
Rec'd AUG 16 1943
File No.
Ans.
Referred

The Custodian's Office,
506 Royal Bank Building,
Vancouver, B. C.

Attention of Mr. Milsom.

File No. 649

Dear Sir:- re P/W. A-637 Nishikawa,
332-334-336 West 5th. Avenue,
Lot 5, Block 13, D.L.302.

Referring to our report of 4th. May, 1943, on this property, we have given further consideration to our appraisal at $5600., in view of the offer you have received of $5200.

The rental arrangements made by the owner are not very satisfactory. The two houses are rented at $20., per month each and the tenement at the rear at $37.50 per month. On this basis after deducting current expenses for taxes, insurance, water rates, licence, repairs and collections there is only a surplus of $400 per year.

The rack rentals of the tenement are $73., per month, so that the lessee is making a good profit. Until this arrangement can be terminated there is not sufficient revenue to justify our appraisal. This was made on the basis of a higher surplus which could be obtained under new management.

A change of ownership or tenancies might be the occasion of the enforcement of the City By-laws, upon which no action has been taken by the Health Authorities. The cost of installing additional plumbing and bathrooms might be $1500., as mentioned in our report.

In view of the fact that you do not desire to undertake this expenditure, it would hardly be advisable for you to terminate the present tenancies and make new arrangements.

In these circumstances we are of the opinion that you will be well advised to accept the offer of $5200., and recommend that this be done.

Yours faithfully,

JOHNSON, REEVE & WATSON,
per. D.W. Reeve

DWR:

EXHIBIT No. 997-2
DATE 28 Apl 1948
FILED BY
J.W.G. Hunter.

DOUGLAS W. REEVE, F.S.I.
CHARTERED SURVEYOR AND VALUER

TELEPHONE MARINE 8264
CABLE ADDRESS "JONREE" VANCOUVER

JOHNSON AND REEVE
ESTATE AGENTS
VALUATIONS, ARBITRATIONS, INSURANCE, REAL ESTATE, MORTGAGES
MEMBERS VANCOUVER REAL ESTATE EXCHANGE

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

4th May, 1943.

Rec'd MAY 6 1943
File No.
Ans. ✓ MR Peen

The Custodian's Office,
Room 912,
Royal Bank Building,
675 West Hastings Street,
Vancouver, B.C.

File No. 649
Legal Department

Attention of Mr. K.W. Wright

Dear Sir: re P/W A-637, NISHIKAWA, Fred Kotaro
332-334-336 West 5th Avenue
Lot 5 Block 13 District Lot 302

In accordance with your instructions, we have inspected this property and beg to report as follows.

The location is an industrial area where there is now and would usually be a demand for cheap housing accommodation.

The buildings comprise two wood frame houses, Nos. 332 and 336 with 6 rooms and bath on two floors in each. The houses have no basements and the foundations are concrete blocks. The exteriors are in fairly good condition with siding walls, and roofs apparently reshingled within the last 10 or 15 years. There is no plaster in the interiors, the ceilings and walls being papered on wood. These require redecorating. The chimneys are built on wood brackets which is now not allowed. According to the records at the City Hall these houses were built in 1908, and they have been well maintained.

There is also at the rear of the lot a two storey wood frame tenement building with shingled walls and flat roof. There is a basement originally floored with plank which is now in poor condition. There is a concrete footing wall foundation and concrete footings for the posts. This building contains 8 housekeeping units of three rooms, each pair of which shares a sink and w.c., and 1 unit of 4 rooms on two floors with a sink and w.c. The interior walls and ceilings are lined with V-joint.

According to the building department at the City Hall, the building permit for this structure was issued in 1908, but it was first assessed for taxes in 1916, which creates some doubt as to its age. It has been well maintained and is in good condition except that some decorating would be desirable.

According to the Health By-laws, three baths or showers could be demanded, as you are aware. Because of the plan of the building five baths or showers would be necessary to provide for all the occupants, four of them for 8 units. When installing these the present 4 sinks in these 8 units might have to be moved into a room in each of 4 units and new sinks provided for the other 4 units. The cost of this work, with the necessary enclosures would probably be at least $1,500., but we have not obtained an estimate.

DOUGLAS W. REEVE, F.S.I.
CHARTERED SURVEYOR AND VALUER

TELEPHONE MARINE 8264
CABLE ADDRESS "JONREE" VANCOUVER

JOHNSON AND REEVE

ESTATE AGENTS
VALUATIONS, ARBITRATIONS, INSURANCE, REAL ESTATE, MORTGAGES
MEMBERS VANCOUVER REAL ESTATE EXCHANGE

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

The Custodian's Office,
VANCOUVER, B. C.

4th May, 1943.

The policy of the City is to let the occupancies continue as at present, without requiring baths, as long as the building is kept sanitary, so that this is only a contingent expense, which a buyer would have to bear in mind.

We have estimated the gross and net revenue which might be derived under a change of management which a buyer might effect. We understand that the present arrangements with tenants were made by the absent owner.

We are of the opinion that the market value of this property is Five thousand six hundred dollars, ($5,600).

Yours faithfully,

JOHNSON, REEVE & WATSON

per D W Reeve

DWR

Rec'd
File No. JAN 28 1943
Ans.
Filed

MEMORANDUM

File No: 649 January 27th, 1943

To: Mr. Wright

From: Mr. Spain

Re: NISHIKAWA, Kotaro (Fred)
332 West 5th Avenue

Mr. Wills of our Protection Department called at the above address and has submitted the attached report which speaks for itself.

Geo. B. Spain

Enc.
GBS:IF

EXHIBIT No. 997-3
DATE 28 apl 1948
FILED BY
S. M. Chrimes

C O P Y

Re: Mrs. J. GUERTIN----332 W. 5th Ave.
(Not Braaten)

Mrs. Guertin received a complaint from a Mrs. Poulin (a tenant living in a Rear Building of these premises) "that the water was seeping through the ceiling of her room, and she was afraid that the roof might fall in."

This is a husky building, in very good shape. Although the roof is flat, there is NO danger of a cave in.

I explained to both parties that nothing could be done before the remaining snow melted; that they then apply to the Agent to have the roof tarred to stop the leaks.

Wm. Wills

Jan. 26 - 42

EXHIBIT No. 997-4
DATE 28 apl 1948
FILED BY
D. M. Chernisch

4866 Rupert St
Vancouver B.C.
June 20th 1943.

Mr H.Hargreaves
2601 Main Street
Vancouver B.C.

Dear Sir,

I hereby tender to carry out the following work at 332 West 5th Ave.

Build frame walls and panel doors so as to form space for three cold water showers. Remove existing wood tub arrangement. Install necessary plumbing for three showers with cold water attached and connections left for hot water at a later date.

Our price is $108.00 for each shower or a total of $324.00 for a group of three.

Yours sincerely

Fred. H. Allan

EVACUATION SECTION
Rec'd JUN 26 1943
File No.
Ans.
Referred

See June 24/43.

TELEPHONE BAYVIEW 0172

W. D. WALLACE & SON

BUILDERS AND CONTRACTORS

3281 WEST TWENTY-SIXTH AVENUE
VANCOUVER, B. C.

EVACUATION SECTION
Rec'd JUN 26 1943
File No.
Ans.
Referred

June 9th 1943.

Mr H.Hargreaves
2601 Main Street
Vancouver B.C.

Dear Sir,

Re 332 West 5th Ave, Vancouver B.C.

We hereby tender to carry out the following repairs at above address.

Instal a group of three cold water showers in basement of cabins at rear of above property.
It will first be necessary to remove the existing wooden arrangement of bath tub Japanese style.
Erect frame walls and doors so as to form three showers each three feet by five feet with necessary metal trays and plumbing connections.

The above for the sum of Three Hundred and Fifteen Dollars ($315.00).

Yours very truly

W.D.Wallace & Son

Per, W D Wallace

See June 24/43.

HEALTH DEPARTMENT

STEWART MURRAY
M.D., D.P.H.
MEDICAL HEALTH OFFICER

EVACUATION SECTION
Rec'd APR 8 1943
File No.
Ans.
Referred MR Peers

TELEPHONE FAIRMONT 27

VANCOUVER, B. C.

April 7th, 1943.

Rec'd APR 8 1943
File No.
Ans.
Referred MR Peers

R. P. Alexander, Esq.,
Assistant Manager,
Custodian of Alien Property,
506 - 675 West Hastings St.,
Vancouver, B. C.

Dear Sir:-

Re: 332-34 West 5th Avenue,
Owner - Kotaro Nishikawa (P/W A-1438)
File No. 649.

The District Inspector has reported an inspection of the above premises, which indicates that, with the exception of bathing facilities, these premises were found in a satisfactory condition and equipped with sufficient sinks and toilets. Following is his report:

#7 - 3 rooms #10 - 3 "	lower rear	Common sink & toilet in hall. No vermin.
#8 - 3 rooms #9 - 3 "	upper rear	Common sink and toilet in hall. No vermin.
#5 - unable to gain entry.		Believe private plumbing.
#1 - 3 rooms #4 - 3 "	lower front	Common sink & toilet in hall. No vermin.
#2 - #3 -	upper front	Storage for Jap owners' furniture, etc. Closed.

House on lot (street front) Full plumbing - Operator.

Three baths or showers are required in order to comply with the Lodging House By-law.

I trust some arrangement can be made to have these premises comply with the Lodging House By-law.

Respectfully yours,

G. A. Rogers

GAR:EM

CHIEF SANITARY INSPECTOR.

ESTABLISHED 1887

Pemberton Realty Corporation Limited

TELEPHONE PACIFIC 8241

418 HOWE STREET
VANCOUVER, CANADA

EXHIBIT No. 997-5
DATE 28 apl 1948.
FILED BY -
D.M. Abernack

Rec'd JUL 8 1942
File No. 649
Ans.
Referred

July 7, 1942.

Department of the Secretary of State,
Office of the Custodian,
501 - Royal Bank Building,
Vancouver, B. C.

Re - P/W P-1438, NISHIKAWA, Fred Kotara
File # 649

Dear Sirs:-

We inspected the above property in accordance with your instructions and beg to report as follows:-

332 W. 5th Avenue. This is a six room frame residence consisting of living room, dining room, kitchen, three bedrooms and bathroom downstairs. No basement or furnace. This house is in a reasonably good condition and is occupied by the owner, Mrs. Nishikawa who expects to be evacuated shortly. The rental value is $20.00 per month.

336 West 5th Avenue. This is a six room frame residence consisting of living room, dining room, kitchen, three bedrooms and bath upstairs. No basement or furnace. Rented to a Mr. Braaken at $20.00 per month. The rent is paid to June 30, 1942. Mr. H. Hargreaves at 2601 Main Street is rental agent.

334 West 5th Avenue rear. Frame two storey building with basement made into individual storerooms for use of cabins. The upper two storeys consist of eight, three room cabins and one, two room cabin. These cabins are occupied by Japanese tenants paying their rent direct to Mrs. Nishikawa. The rental for each cabin is $7.00 per month plus $1.00 per month for electric light. The building has five toilets and one Japanese community bath in the basement.

The property is insured with J. Whalen and Company. The back building with the New Hampshire Company, 110159 for $2000.00 expiring December 27, 1944. The two houses are in-

sured for $1000.00 each with the United Fireman Company, policy # 6545 and 6546. Both expiring December 27, 1944.

The cabins are not plastered but finished in V joint and we would recommend that the entire rear building be rented to one tenant who would sub-let at a rental of approximately $35.00 to $40.00 per month and in this manner an agent would be better able to supervise the property.

As Mr. Hargreaves has been acting for the owner and the owner has appointed him as agent, we would recommend that he be allowed to carry on.

Yours very truly,

PEMBERTON REALTY CORPORATION LIMITED,

G.H.Johnston.

Rental Department.

GHJ:BH

NISHIKAWA, Fred Kotaro
(Claimant's Name)

PERSONAL CHATTELS

08755
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
All articles claimed are set out in itemized list attached to personal property form.					

Description of Storage of Goods: All goods were packed and crated in wooden boxes and each with identification on it and stored in rooms 2 and 3 of 334 West 5th Ave., Vancouver, B.C. All doors were locked and windows screened.

General Statement as to Chattels not Described above: All chattels claimed are set out above.

EXHIBIT No. 997-6
DATE 28 apl 1948
FILED BY
J. M. Chernjack

Additional Comments, if any: I have allowed for depreciation on all articles claimed.

Fred K Nishikawa
Signature

FRED K. NISHIKAWA J.R. 08755

---- REVISED CHATTEL LIST ------

Index	Quantity	Article	Estimated Cost Price		Total Est. Value	Custodian Sale Price
(1)	2 only	Steamer Trunks; (contents clothing --not claimed)			15.00	13.75 (1)
(2)	2 boxes	English & Japanese Books; (2 boxes abandoned) claim				
	2	English & Japanese Dictionaires	7.00			
	3	English Dictionaires	6.00			
	5	Japanese Dictionaires	12.00			
	30	Volumes English & Japanese books and novels	25.00	---	22.50	not found
(3)	1 set	"Book of Knowledge".	(abandoned) claim			
(4)	1 set	"World Encyclopidia". (1939)	25.00	---	15.00	6.00
(5)	2 sets	Japanese Festival Dolls;				
	1 set (17pcs)	for Girls (1937 to 41)				
	5	large Dolls for Girls " ")	30.00			
	8	Festival Dolls for Boys (1939 to 41)	35.00	---	45.00	2.00
(6)	1 box	of Toys (new and used)	30.00	---	15.00	4.40
(7)	40	Records (English only)			20.00	not found
(8)	1 box	Picture Frames with Glasses;				
	1	Circular (18" diameter) with picture	5.00			
	1	Oblong (12x 18 Approx) " "	12.50			
	1	13 x 15	2.00			
	1	17 x 21	3.50			
	1	13 x 34	2.50			
	8	Assorted small frames with picture	5.00			
	10	" larger " " "	10.00			
			40.50	---	20.00	2.05
(9)	1	Budda Cabinet and Accessories (1933)	150.00	---	75.00	not found
(10)	1 box	Paints, Enamels, Varnish etc;				
	5 - 1	gal. cans House paint	17.50			
	2 - ½	" " " "	3.50			
	8 - 1	qt. " Paint & Enamel	8.00			
	10 - 1	pt. " " "	4.00			
	4 - 1	qt. " Varnish	7.60			
	½	Gal Paint Oil	1.75			
		Paint brushes (assorted)	8.00			
	1	Kalsomine brush	1.50			
	1	Paperhanging brush, cutter & rollers	4.00			
	½	Gal. Turpentine	1.50			
		Used cans of Paint	- -			
			56.35	---	45.00	4.80
(11)	1 box	Japanese Flower Arrangement Sets;				
	1 set	Metal Vase with Hardwood Stand	12.00			
	1 "	" " " Metal Stand	15.00			
	1	Metal Vase (round)	8.00			
	1	Flower bowl (chinaware)	2.50			
	1	Bamboo Vase	2.50			
	1	Flower Vase (chinaware)	2.00			
			42.00	---	30.00	9.10

not decided as this sheets show poorly filled in

Index	Quantity	Article	Estimated Cost Price		Total Est. Value	Custodian Sale Price
(12)		Lumber and Shingles; (new-at cost)				
	2	bundles Shingles	2.00			
	1M	ft. shiplap				
		2x4 - 2x6 Dimension common fir	25.00			
	500	ft. 1x6 Clear fir sidings	12.00			
	200	ft. 1" Clear dressed fir	10.00			
	200	ft. Mouldings	2.00			
			51.00	---	25.00	6.00
(13)	1	box Hardware (nails, hinges etc);				
	50	lbs. assorted nails	2.00			
	2	Inside door sets (new)	5.00			
	2	Door hinges (3x3) (")	3.50			
	2	"C" clamps	4.00			
		Assorted wood screws (in boxes)	3.00			
	1	Brace and bit	3.50			
	10	Corner braces	2.50			
			23.50	---	15.00	2.05
(14)	40	feet Water pipe, Coupling, Nipples;	7.00	---	5.00	not found
(15)	1	box Household Tools;				
	2	axes (long handle)	4.00			
	2	Hand axes	2.00			
	1	Spade, 1 Hoe, 2 Shovels	5.00			
	1	Pickaloon	1.50			Cust. credit
	1	Slegehammer	2.00			included in
	1	bundle Wire	1.50			index # 20.
			16.00	---	10.00	---
(16)	3	Kitchen Tables & 7 Chairs				
	3	Tables @ 5.00 for 2 & 7.50 for 1	17.50			
	7	Chairs @ 2.00	14.00			
			31.50	---	22.00	5.90
(17)	1	box of Pots and Pans;				
	1	Aluminum tea kettle	2.50			
	3	Cast iron Rice pots	10.00			
	1	Aluminum Double boiler	2.00			
	4	Frying pans	3.00			
	2	Aluminum pots	2.50			
	2	Enameled pots	2.00			
	1	Roaster-	2.75			
	5	Pie plates	1.00			
	1	Aluminum Steamer	2.50			Cust. credit
	1	"Suki-yaki" frying pan	3.00			inclused in
	3	Crocks	5.00			index # 18.
			36.25	---	25.00	---
(18)	1	Box Kitchen Dishes & China;				
	3	doz. Rice bowls	4.50			
	3	" Japanese Tea cups	3.60			
	3	" Plates (medium size)	3.00			
	3	" Plates (small size)	3.00			
	3	" Plates (6 in.)	4.80			
	1	- Oblong platter	3.00			
	1	- Round platter	3.00			
	2	sets Japanese Tea Set (8pcs. set)	12.00			
	1	doz. Glasswares (bowls and dishes)	10.00			
	1	" Chinawares (bowls with covers)	4.50			
	1	" Glass tumblers	2.50			
	32	pcs. Breakfast set	8.50			
	17	" Tea Set for 6	4.50			# 17 & 18
	1	doz. Wine glasses	3.00			"K"
			69.90	---	40.00	12.90

Index	Quantity	Article	Estimated Cost Price		Total Est. Value	Custodian Sale Price
(19)	1 Box	Lacquerware & Japanese Platter;				
	1 doz.	Lacquer bowl with cover	4.50			
	3	" trays (square)	7.00			
	1	" tray (round)	2.50			
	1 set	" 3 tiers box with cover	2.50			
	1 "	Japanese bowls (3 pcs)	4.50			
	1 "	" platters (2 pcs)	6.00			
	2	Oval platters	3.50			
	1	Lacquer tray (decorative)	7.50			
			38.00	---	25.00	4.95
(20)	[redacted]	Miscellaneous Household Goods;				
	1	China cabinet (1932)	35.00			
	3	Ladders	6.00			
	1	Step-ladders	3.00			
	1	4-drawer Tool cabinet	10.00			
	2	Washtubs	2.50			
	1	Bookcase	5.00			# 15 & 20
	1	Ash tray with stand (new)	5.50			"H.H."
			67.00	---	25.00	19.10
(21)	1 box	Auto Accessories; Spot-lite, fog-lite, horns, etc. (abandoned)	--		---	
					$ 495.50	$ 93.00

TOTAL ESTIMATED VALUE	$ 495.50
Less CUSTODIAN SALE PRICE	93.00
NET CLAIM	402.50

FORM "JP"

BUREAU HASTINGS PARK

FILE No.

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

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

PERSONAL INFORMATION

NAME: NISHIKAWA. Kotaro, Fred.

HOME ADDRESS: 332 West 5th. Ave. Vancouver, B.C.

REGISTRATION NUMBER 08755 SEX: Male AGE: 32

OCCUPATION: Millworker.

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: B.C. Fir & Cedar Company, Ltd. Vancouver, B.C.

MARRIED? Yes.

NAME OF WIFE OR HUSBAND: Kimiye. Address 332 - W. 5th Ave. Reg # 18754

ADDRESS OF WIFE OR HUSBAND: Same as abpve.

NAMES OF ANY LIVING CHILDREN: Miyoko Dorothy (F) Tsuneo Robert (M) Takao James (M) George (M)

ADDRESS OF CHILDREN: Same as above.

AGE OF CHILDREN: 7 5 2 3Months.

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

1. LOCATION AND DESCRIPTION: None.

EXHIBIT No. 997-7
DATE 28 April 1948
FILED BY J. W. G. Kinnear.

2. BUILDINGS AND OTHER IMPROVEMENTS: None.

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

4. TAXES (Amount and where payable) None.

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

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

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: None.

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: None.

9. IF FARM LAND STATE CROPS SOWN None.

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: 332 West 5th . Ave. DDwelling house.

2. LANDLORD'S NAME AND ADDRESS: None.

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

None. This house in his wifes name, and he lives there.

4. STATE WHEREABOUTS OF LEASE: None.

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid)

None.

6. IF FARM LAND, PARTICULARS OF CROPS SOWN:

None.

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

None.

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS

None.

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

FORM "JP" FILE No.

4. INSURANCE CARRIED ON ABOVE PROPERTY: None.

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

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

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

8. BANK ACCOUNTS: Royal Bank of Canada, Cambie & Broadway Joint account about $200.00 on deposit.

9. LIFE INSURANCE: Sun Life Assurance Company, Vancouver, B.C. Policy No.653 965 Amount $1,000.00 Payable to his Father Tsunejiro Nishikawa.

10. INTEREST IN ANY ESTATES OR TRUSTS. None

11. SAFETY DEPOSIT BOX: None.

LIABILITIES:

1. PERSONAL DEBTS: None

2. TRADE DEBTS: None.

REMARKS:

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

Dated this 11th. day of April. 1942.

(Signature) K. Nishikawa

R C Broadwood
Witness

FOR DEPARTMENTAL USE

PERSONAL

BUREAU POWELL STREET

FORM "JP" FILE No. 12831

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

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

PERSONAL INFORMATION

NAME: ~~X~~ NISHIKAWA Kimiye (Mrs. Kotaro Fred)

HOME ADDRESS: 332 W. 5th Ave., Vancouver, B.C.

REGISTRATION NUMBER 08754 SEX: Female AGE: 26

OCCUPATION: Housewife

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: none

MARRIED? yes

NAME OF WIFE OR HUSBAND: Kotaro Fred 2881. Internee

ADDRESS OF WIFE OR HUSBAND: Petawawa, Ont.

NAMES OF ANY LIVING CHILDREN: Dorothy Miyoko (F) Robert ~~X~~ Tsuneo (M)
James Takao (M) George (M)

ADDRESS OF CHILDREN: 332 W. 5th Ave., Vancouver.

AGE OF CHILDREN: 7, 5, 2 yrs. 4 mons.

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

1. LOCATION AND DESCRIPTION: none

2. BUILDINGS AND OTHER IMPROVEMENTS: none

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

4. TAXES (Amount and where payable) none

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

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

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: none

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: none

9. IF FARM LAND STATE CROPS SOWN

none

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: 332 W. 5th Ave., Vancouver, B. C.
6 room, 2 storey, wooden house.

2. LANDLORD'S NAME AND ADDRESS:

Husband, Kotaro Fred, owns the house.

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

none

4. STATE WHEREABOUTS OF LEASE: none

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid)

none

6. IF FARM LAND, PARTICULARS OF CROPS SOWN:

none

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

334 W. 5th Ave., Vancouver, B. C. 1 box books, etc 1 box rubber shoes, skates, 1 box suits and shirts, 1 box records, 1 china cabinet 1 small table, 1 toilet chair, 1 rice box, 1 box books, 1 set of Japanese girl's festival dolls, 8 boxes boy's festival dolls, 1 box toys, 1 box nails, 1 box Japanese shrines, 1 bookcase, 2 wash tubs, 2 trunks, 1 box kitchen utensils, 7 chairs, 1 step ladder, 1 shoe box, some linoleum, 2 bundles of shingles, 2 axes, 1 box Japanese dishes, 3 water pipes, 1 flower vase, About $15.00 lumber, 1 box Japanese flower vases, 5 1-gal. pans, 2 ½-gal.pans, 8 small pans, ½ gal pot of paint 4 paint brushes, 1 clothes bag, 1 box picture frames, 1 box of kimonos, 1 basket of new clothes These things have been left in suite 2 of the apartment house at the above address.
2 beds, 1 baby bed, 1 sofa bed, 1 gas stove, 6 chairs, 1 kitchen cupboard 2 tables, 3 boxes kitchen utensils, 1 bureau. These things have been left in suite 3. and the keys of the suites will be given to the agent Mr. H. Hargreaves, 2601 Main St., Van.

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS

none

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY

none

Archives file 2831

4. INSURANCE CARRIED ON ABOVE PROPERTY: none

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

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

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

8. BANK ACCOUNTS: none

9. LIFE INSURANCE: none

10. INTEREST IN ANY ESTATES OR TRUSTS. none

11. SAFETY DEPOSIT BOX: none

LIABILITIES:

1. PERSONAL DEBTS: none

2. TRADE DEBTS: none

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

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

Dated this 9th day of September 1942.

(Signature) Kimiye Nishikawa

D. M. Chope.
Witness

FOR DEPARTMENTAL USE

INTERNEE FILE 649

Kotaro NISHIKAWA

332-334-336 West 5th Aven.

26th Feb. 1943



EXHIBIT No. 997-8

DATE 28 April 1948

FILED BY J. W. G. Hunter.

INTERNEE FILE 649

Kotaro NISHIKAWA

332-334-336 West 5th Aven.

26th Feb. 1943

Internee File #649

Kotaro NISHIKAWA
332-334-336 West 5th Ave.

26th Feb. 1943.

EXHIBIT No. 997-8
DATE 28 April 1948
FILED BY J. W. G. Hunter.

INTERNEE FILE 649

Kotaro NISHIKAWA

##"/##$/##_ West 5th Avenue

PHONE FAIRMONT 3594

MOUNT PLEASANT SPECIALIST

H. HARGREAVES

NOTARY PUBLIC

REAL ESTATE · INSURANCE · LOANS
INVESTMENTS AND ESTATES MANAGED

MEMBER OF
THE SOCIETY OF NOTARIES
PUBLIC OF B. C.

10TH AND MAIN
VANCOUVER, B. C.

File 649

EXHIBIT No. 997-9
DATE 28 apl 1948
FILED BY J.W.G. Hunter

July 10, 1942.

Rec'd JUL 11 1942
File No.
Ans.
Referred

K.W. Wright Esq.,
Deputy of the Secretary of State,
Office of the Custodian,
501 Royal Bank Bldg.,
Vancouver, B.C.

Dear Sir:-

Re P/W P-1438, NISHIKAWA, Fred Kotara.

We have yours of July 9th re the above, and wish to confirm the fact that we were appointed Agent for Nishikawa some time ago.

Mr. Braaken is the tenant at 336 West 5th with rent paid to the end of June at $20.00 per month. We had some funds on hand here which were paid to the City for taxes on this property. There have been no payments made to Nishikawa since May 29th.

We believe the property is all on one Lot, Lot 5, Block 13, D.L. 302, being a fifty foot lot with two small houses in the front and a tenement at the rear.

Prior to Nishikawa leaving the City he advised us that he would take $2500. for the property; the other day a purchaser left a deposit with us, agreeing to purchase same for $2500. cash. If your Department agrees to consider this proposition we will be in a position to complete this transaction from this end, so that your advice in this matter will be appreciated, Otherwise, when the property is vacant, our intention would be to rent the two front houses at $20. per month each, and rent the smaller apartment at the rear to one individual and make him responsible for the whole rent. It will be necessary to decorate 332 completely before renting as it is in a very filthy condition, in order to receive $20. per month; we would also appreciate your advice in this connection.

In closing we might mention that we will be glad to co-operate with your office at any time, and furnish you with any information we are capable of furnishing.

Yours truly,
H. Hargreaves
H. HARGREAVES
Per.

File 649

K.W.Wright Esq.,
Deputy Secretary of State

July 10,1942.

P.S. As soon as we receive from the City, receipt for taxes paid for this property, we will furnish you with a statement showing how the account stands, and forward a cheque for balance on hand. If you have certain forms for these returns, we would be pleased to receive a supply.

HH/F.

HEALTH DEPARTMENT

STEWART MURRAY
M.D., D.P.H.
MEDICAL HEALTH OFFICER

TELEPHONE FAIRMONT 2711

VANCOUVER, B. C.

October 7th, 1942.

OFFICE OF THE CUSTODIAN
JAPANESE SECTION
RECEIVED
OCT 8 1942

Rec'd OCT 9 - 1942
File No.
Ans.
Referred

R. P. Alexander, Esq.,
Assistant Manager,
Custodian of Alien Property,
506, 675 West Hastings St.,
Vancouver, B. C.

Dear Sir:-

Re: 334 W. 5th Avenue - T. Nishikawa

The above premises have been inspected by the District Inspector and found to be badly infested with cockroaches.

Will you have the necessary order given to clean up this condition.

Respectfully yours,

GAR:EM

CHIEF SANITARY INSPECTOR.

EXHIBIT No. 997-10
DATE 28 apl 1948
FILED BY
J. W. S. Hunter

PHONE FAIRMONT 3594

MOUNT PLEASANT SPECIALIST

H. HARGREAVES

NOTARY PUBLIC

REAL ESTATE · INSURANCE · LOANS
INVESTMENTS AND ESTATES MANAGED

MEMBER OF
THE SOCIETY OF NOTARIES
PUBLIC OF B. C.

10TH AND MAIN
VANCOUVER, B. C.

File No. 649

EXHIBIT No. 997-11
DATE 28 April 1948
FILED BY
J.W.G. Hunter

November 12,1942.

Rec'd NOV 13 1942
File No. 649
Ans.
Referred

K.W. Wright Esq.,
Office of the Custodian,
912 Royal Bank Bldg.,
Vancouver, B.C.

Dear Sir:-

Re P/W A-1438 -NISHIKAWA, Fred K.

Further to your letter of17th ulto and 7th instant we would advise you that Mrs. Nishikawa called at this office with the future tenant of 332 and 335 West 5th Avenue. Hereunder please find information received :-

Name of tenant - Mrs. John Guerteer
Rent - $20.00 per month for front house
$37.50 " " " apartments save #2&3 which are used for storage of Japanese properties.
Rent due Nov.1,1942 - paid Nov.1 direct to Nishikawa - permission granted by the Custodian. — ?
Misc. - Tenant to pay water,garbage, light and all interior decorations.

We have been in touch with the Vancouver Fumigating Company and are awaiting a full report from them with two propositions - one, immediate extermination of cockroaches from not only this building but also other buildings belonging to the same person; this would be in our opinion too costly. Secondly - a gradual extermination,i.e. monthly applications which would cut the cost in half. We have been awaiting this report, hence the delay in replying to your letters. As soon as we are in receipt of report we will advise you and forward copy for your information.

Trusting the above is satisfactory, we are,

Yours very truly,
H. HARGREAVES
Per.

F.

912

PHONE FAIRMONT 3594

MOUNT PLEASANT SPECIALIST

H. HARGREAVES

NOTARY PUBLIC

REAL ESTATE · INSURANCE · LOANS
INVESTMENTS AND ESTATES MANAGED

MEMBER OF THE SOCIETY OF NOTARIES PUBLIC OF B. C.

10TH AND MAIN
VANCOUVER, B. C.

Rec'd NOV 16 1942
File No.
Ans.
Referred

OFFICE OF THE CUSTODIAN
JAPANESE SECTION
RECEIVED
NOV 14 1942

November 13,1942.

File No. 649

K.W. Wright Esq.,
Office of the Custodian,
912 Royal Bank Bldg.,
Vancouver, B.C.

Dear Sir:-

re 332-6 W. 5th Ave.

Herewith please find report from the Vancouver Fumigating Co. as per our letter of 12th instant.

Thanking you for your advice, we are,

Yours truly,

H. HARGREAVES
Per J. Trenton

F.
emcl.

TELEPHONE MARINE 8035

Vancouver Fumigating Company, Limited

325 HOWE STREET
VANCOUVER, B. C.

12th November 1942.

Mr. H. Hargreaves,
2601 Main St.,
Vancouver, B. C.

Dear Sir:

With reference to the proposed fumigation of 334 W. 5th Avenue, we inspected this building as requested and beg to report as follows:

It appears from our observation that it would probably be useless to fumigate 334 without also doing 332, 336, as cockroaches are reported in all three buildings and on account of the nearness of each building to the other, the insects are bound to get through all the buildings.

To fumigate these buildings with HCN gas, would cost for No. 334, $35.00; Nos. 332, 336, $20.00 each.

On account of the fact that it is not feasible to fumigate the basements, which are apparently only used for firewood, etc., and are somewhat open, it is more than probable that we would have to follow the fumigation with a spray as there would be, undoubtedly, cockroaches in the basements, which would find their way upstairs sooner or later. The cost of this work would depend on how much there would be required, but in all event, it would not amount to very much.

There is another alternative to the above, namely; by using a spray only. In this event we would have to service the buildings, giving them a treatment every three or four weeks, which would gradually get rid of the cockroaches. We would of course have to obtain access to all the apartments at these times. This we could do for $12.00 a treatment and would probably require 4 to 6 applications depending on the extent of the infestation.

Yours very truly,

VANCOUVER FUMIGATING CO. LIMITED

C B Freeman
Director

CBF:OS

File No. 649

Also Province on April 17th/43
and News Herald on April 19th/43

Vancouver Sun - April 17th, 1943

5-17-4-43

REAL ESTATE
FOR SALE BY TENDER

The Authorized Deputy of the Secretary of State of Canada and/or Custodian offers for sale by tender the following properties situated in Vancouver:

Lot 3, Block 56, District Lot 196, Group 1, Plan 196, District of New Westminster, known as **304 East Cordova Street**, being a four-room single storey frame dwelling;

Lot 12, Block 4, District Lot 196, Group 1, District of New Westminster, known as **235 Powell Street**, being a two-storey frame building with store in front and lodging quarters on the second floor;

Lot 13, Block 4, District Lot 196, Group 1, District of New Westminster, known as **237-237½ Powell Street**, being a two-storey frame building with store front. On ground floor at rear there is a large tile bath house. Living quarters on second floor;

Lot 21, Block 57, District Lot 196, Group 1, District of New Westminster, known as **459 East Hastings Street**, being a two-storey frame building on concrete footings. Store premises on ground floor with five-room apartment on second floor;

Lot 25, Block 15, Subdivision "A," District Lot 182, Group 1, District of New Westminster, Plan 355, known as **1149 Keefer Street**, being a six-room, two-storey frame dwelling and garage;

Lot 5, Block 13, District Lot 302, Group 1, New Westminster District, Plan 5832, known as **332-334-336 West 5th Avenue**. (To be sold en bloc). **332 West 5th Avenue** being a six-room frame dwelling; **334 West 5th Avenue** being a two-storey frame building with eight three-room cabins and one two-room cabin; **336 West 5th Avenue** being a six-room frame house;

Lot 10, Block 229, District Lot 526, Group 1, District of New Westminster, known as **1652 West 2nd Avenue**, being a two-storey frame store with three-room suite.

Lot 9, Block 229, District Lot 526, Group 1, District of New Westminster, known as **1658 West 2nd Avenue**, being a two-storey frame building with store and tenement at rear;

Lot 16, Block 544, District Lot 526, Group 1, District of New Westminster, known as **7 West 19th Avenue**, being a seven-room frame dwelling;

Lots 6 and 7, Block "R," District Lot 139, Group 1, New Westminster District, Plan 5532, known as **2993 West 23rd Avenue**, being a six-room one and one-half storey frame dwelling.

ALSO

Block 10, Section 9, Block 4 North, Range 6 West, Plan 302, save and except the right of way of the Vancouver and Lulu Island Railway Co., as shown on Sketch No. 5381F, situate in Municipality of Richmond on Interurban line between Brighouse and Garden City, known as **343 Granville Road**. This property is comprised of approximately nine acres and is desirably located. The residence was recently destroyed by fire. There is also a fair sized barn on this property.

Parcel "A," of Lot 134, Quadra Island, Sayward Land District. This property is situated near Quathiaski Cove and is comprised of approximately one acre of land with shack.

Tenders for the individual parcels will be received by and should be addressed to the office of the Custodian, 912 Royal Bank Building, marked "Tender for Real Estate," up to Noon, Daylight Saving Time, on the first day of May, 1943, and must be accompanied by a certified cheque, payable to the Custodian, for ten percent (10%) of the amount tendered.

The assets are offered for sale without any warranty whatsoever on the part of the undersigned as to condition or state of repair of such assets, and are subject to existing leases, if any.

Neither the highest nor any tender will necessarily be accepted. Further particulars may be obtained during office hours any day up to Noon on the 30th day of April, 1943, and arrangements made with the undersigned to inspect the said premises. DATED at Vancouver, B.C., this 17th day of April, 1943.

THE CUSTODIAN OF JAPANESE PROPERTY,
912 Royal Bank Building,
Vancouver, B.C.

EXHIBIT No. 997-12
DATE 28 apl. 1948
FILED BY
J. W. G. Hunter

Evacuee File No. 2831

EXHIBIT No. 997-13
DATE 28 apl 1948.
FILED BY
J. W. G. Hunter

Advertisement appearing in Vancouver Newspapers March 23rd, 24th and 25th

Department of the Secretary of State of Canada — Office of the Custodian

REAL PROPERTY FOR SALE BY TENDER

The Secretary of State of Canada, acting in his capacity as Custodian, under or by virtue of the Revised Regulations Respecting Trading With The Enemy (1943), hereby offers for sale by public tender such interests as are vested in him in the following commercial, residential and unimproved properties situate in the city of VANCOUVER:

Lot 15, Block 15, D.L. 185, Group 1, New Westminster District, Plan 92, being a **vacant lot,** 66x131 on the North Side of Pender Street West, between Thurlow and Bute Streets.

Subdivisions 1 and 2, Lot 2 of Block 15, D.L. 526, Group 1, New Westminster District, Plan 3187, being **vacant lots** at the South East Corner of East Boulevard and 43rd Avenue.

Lot "D" of Block 23 to 25, of Blocks 3 to 7, D.L. 657, Group 1, New Westminster District, Plan 2947, being **a vacant lot** in the 7300 Block on Fraser Avenue.

Lot 12, Block 3, Subdivision "A", D.L. 182, Group 1, New Westminster District, Plan 176, known as **1254-1256-1260 Powell Street,** being a 6-room frame dwelling and two-storey frame warehouse.

Lot 4, Block 28, D.L. 184, Group 1, New Westminster District, Plan 178, known as **1934 Triumph Street,** being a 2-storey, 12-room frame school building.

Lot 16, Block 249, D.L. 526, Group 1, New Westminster District, Plans 590 and 3863, known as **1626 West Fourth Avenue,** being a 2-storey frame building with store and 2 rooms on the ground floor and 3 rooms above.

Lot 9 of Block 101, D.L. 301, Group 1, New Westminster District, Plan 1888, known as **660 Kingsway,** being a frame store building.

Lots 7 and 8, Block 219, D.L. 526, Group 1, New Westminster District, Plan 590, known as **1668 West First Avenue,** being a 5-room frame dwelling.

North Half of the North Half of Lots 23 and 24, Block 21, D.L. 200A, Group 1, New Westminster District, Plan 197, known as **2028 Columbia Street,** being a 7-room frame dwelling with garage.

West Half of Lot 16, Block 21, D.L. 200A, Group 1, New Westminster District, Plan 197, known as **125 West Fifth Avenue,** being an 8-room frame dwelling and garage.

Lot 5, Block 13, District Lot 302, Group 1, New Westminster District, Plan 5832, known as **332-334-336 West 5th Avenue** (to be sold en bloc), 332 West 5th Avenue being a 6-room frame dwelling, 334 West 5th Avenue being a 2-storey frame building with eight three-room cabins and one two-room cabin; 336 West 5th Avenue, being a 6-room frame house.

Lot 1, Subdivision of Block 65, D.L. 2027, Group 1, New Westminster District, being **unimproved land** in the 3200 Block West 31st Avenue.

Subdivisions 5, 6 and 7 of Lot 2 in the East Half of Block 28, D.L. 391, Group 1, New Westminster District, being **vacant lots** in the 1100 Block East 26th Avenue.

Lot 12, Block 1, North East Quarter of D.L. 336, Group 1, Map 2484, New Westminster District, being a **vacant lot** in the 2600 Block on East 45th Avenue.

Lot 9 of the Resubdivision of Blocks 1, 2 and 3, North East Quarter of D.L. 335, Group 1, Map 2168, New Westminster District, being a **vacant Lot** in the 7000 Block Boundary Road.

Lot 13 (except the E. 33 feet) and Lot 14 (except the W. 33 feet), Block 22, D.L. 200A, Group 1, New Westminster District, Plan 197, known as **49 West 5th Avenue,** being a 6-room frame dwelling.

Lots 19 and 20, Block 5, D.L. 637, Group 1, Map 1192, New Westminster District, being **vacant lots** in the 5100 Block Main Street.

Lot 23, Block 4, D.L. 735, Group 1, Plan 2934, New Westminster District, being a **vacant lot** in the 6800 Block Victoria Drive.

Lot 11, Subdivision "C", Block 154, D.L. 264A, Group 1, Plans 2142 and 1771, being a **vacant lot** in the 1500 Block East 8th Avenue.

AND

Lot 11, Block 23, D.L. 273, Group 1, Map 1063, New Westminster District, being a **vacant lot** on Fourth Street, between Moody and Queensbury Avenues, in North Vancouver.

Tenders for the purchase of such interests in the above described property as are vested in the Custodian will be received subject to the following terms and conditions:

1. Each tender must be for one of the parcels described, but a separate tender may be filed for each of several parcels.
2. A tender offering for parcels in the alternative will be considered an offer only for the parcel first named.
3. A certified cheque payable to the order of the Secretary of State as Custodian for ten per cent (10%) of the amount offered, must accompany each tender. The deposit will be forfeited as liquidated damages if the tender is accepted and not completed by the purchaser immediately upon his being required to do so by the Custodian.
4. Each tender must be in a separate sealed envelope, addressed to The Office of the Custodian, 509 Royal Bank Building, 675 West Hastings Street, Vancouver, B.C., and each envelope must be marked on the outside "Tender for Real Estate."
5. The balance of the purchase price shall be paid in cash.
6. All adjustments shall be made as of the date of conveyance.
7. The property is sold subject to existing leases and encumbrances, if any.
8. The property is offered for sale without any warranty whatsoever by the Custodian as to location or condition of buildings or improvements or the existence or non-existence of any encroachments.
9. The Custodian reserves the right to cancel any accepted tender and to refund the deposit at any time prior to delivery by him of the conveyance or transfer.
10. Neither the highest nor any tender will necessarily be accepted.

Cheques in respect of unaccepted tenders will be returned in due course.

Tenders will be received by the undersigned up to Noon, Pacific Daylight Saving Time on the Twentieth Day of April, 1944. Further particulars may be obtained during office hours any day up to Noon on the Nineteenth day of April, 1944, and arrangements made with the undersigned to inspect the said premises.

DATED at Vancouver, British Columbia, this 23rd day of March, 1944.

THE CUSTODIAN,
509 Royal Bank Building
675 West Hastings Street
Vancouver, B.C.

CITY ELECTRICIAN'S OFFICE

L. H. MILLER
ACTING CITY ELECTRICIAN

TELEPHONE: FAIRMONT 2711

VANCOUVER, B. C.

August 24th, 1943.

EVACUATION SECTION
Rec'd AUG 25 1943
File No. 2831/1
Ans.
Referred Dowet
Out to Alexander

2831

Your FILE NO. 2047.

Mr. Kotaro Nishihawa,
c/o Enemy Alien Custodian,
Vancouver, B. C.

Dear Sir:-

Re:- 332-334-336 West 5th Ave.

We have made a resurvey of the electrical wiring in the above-mentioned building, and find that same does not comply with the electrical By-law of the City of Vancouver.

We should be pleased if you would give this matter your immediate attention.

Yours truly,

L. H. Miller

ACTING CITY ELECTRICIAN.

H/JE.

NOTE:- It is necessary that a permit be obtained for the above-mentioned work and reported to this Department when ready for inspection.

EXHIBIT No. 997-14
DATE 28 apl 1948
FILED BY
J. W. G. Hunter

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 2831 EXHIBIT No.

NAME Fred Kotaro NISHIKAWA REG. No. 08755

DATE — Declaration April 11/42; Interned: May 16/42; ~~EVACUATION~~

INVENTORY — Taken by; Date; New. Values

	INVENTORY		DETAILS OF CLAIM		SALES: AUCTION	SALES: TENDER &c	SOLD WITH REAL PROP.	DECL. NOT FOUND
JP Declaration:			Chattels of F. K. Nishikawa					
	15.00	1.	2 steamer trunks - contents clothing	125.00	13.75 (1)			
Mr. Nishikawa declared "None".	22.50	2.	4 boxes English and Japanese books	45.00				22.50
Chattels, as follows,	~~00.00~~	3.	~~1 set Books of Knowledge~~	~~40.00~~				
were declared by Kimiye	15.00	4.	1 set World Encyclopedia	15.00	6.00			
NISHIKAWA, his wife, on	45.00	5.	2 sets Japanese Festival dolls	45.00	2.00			
Sept.9/42.(She was evacuated October 28/42):	15.00	6.	1 box of Toys (new & old)	15.00	4.40			
	~~20.00~~	7.	40 records	20.00				20.00
334 W.5th Ave.,Vancouver	~~20.00~~	8.	1 box picture frames with glasses	20.00	2.05			
1 box books, etc.								
1 box rubber shoes Skates	75.00	9.	1 Budda Cabinet,lacquered, and its accessories	120.00				75.00 ~~120.00~~
1 box suits & shirts	45.00	10.	1 box paints,enamels & varnish	45.00	4.80			
1 box records								
1 china cabinet	30.00	11.	1 box Japanese flower arrangement vases and stands (metal)	30.00	9.10			
1 small table								
1 toilet chair								
1 rice box	~~25.00~~	12.	Dressed Lumbers & shingles	25.00		6.00		
1 box books	15.00	13.	1 box hardware (nails,hinges, etc.)	15.00	2.05			
1 set Japanese girl's Festival dolls	5.00	14.	40 ft. water pipe	5.00				5.00
8 boxes Boys Festival dolls	10.00	15.	1 box household tools	10.00	Misc.H.H.			
	~~22.00~~	16.	3 kitchen tables and 7 chairs	22.00	5.90			
1 box toys								
1 box nails	~~25.00~~	17.	1 box of pots and pans	25.00	K.			
1 box Japanese shrines	40.00	18.	1 box of kitchen dishes	40.00	K.			
1 bookcase	~~25.00~~	19.	1 box of lacquerware and Japanese plates	25.00	4.95			
2 washtubs								
2 trunks	~~25.00~~	20.	1 box Miscellaneous household goods	25.00	Misc.H.H.			
1 box kitchen utensils								
7 chairs	~~00.00~~	21.	~~1 box Automobile spotlight, foglight and horns~~	35.00				
1 stepladder								
1 shoe box	New Gross Claim	494.50						
Some lino	Sales	93.00		$747.00	55.00	6.00		~~167.50~~ 122.50
2 bundles shingles	Net Claim	401.50						
* 2 axes				65.00	K. 12.90			
1 box Japanese flower vases				35.00	Misc. H.H. 19.10			
5 1-gal.pans					87.00			
2 ½-gal.pans								
8 small pans								
½ gal. pot paint								
4 paint brushes								
1 clothes bag								
1 box picture frames								
1 box kimonos								
1 basket new clothes (above left in Suite 2)								
2 beds								
1 baby bed								
1 sofa bed								
1 gas stove								
6 chairs								
1 kitchen cupboard								
2 tables								
3 boxes kitchen utensils								
1 bureau (above left in Suite 3)								
* (also left in Suite 2)								
1 box Japanese dishes								
3 water pipes								
1 flower vase								
About $15.00 of Lumber								

RECAP. of CLAIM:

372.00
~~$482.00~~ - sold for $93.00
137.50 - declared, not found
~~97.50~~ - no record at any time
~~$747.50~~
$494.50

EXHIBIT No. 99
DATE 2 8 0
FILED BY

(K. - Kitchenware
(Misc.H.H. - Miscellaneous Household Goods

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD		REMARKS
ON	TENDER &c								
3.75	(1)								
			22.50	~~22.50~~ ~~40.00~~					
6.00									
2.00									
4.40									
			20.00						
2.05									
			75 00 ~~120.00~~						
4.80									Partly filled tire.
9.10									
	6.00								Some lumber abandoned - see Sept. 1/44
2.05									
			5.00						
H.									
5.90									
.95									
H.									
H.									
				~~35.00~~					
5.00	6.00		~~167.50~~ 122.50	~~97.50~~					
2.90									
9.10									
7.00									

EXHIBIT No. 997-15
DATE 28 apl 1948
FILED BY
J. W. S. Hunter

E. A. Robertson

September 8, 1943.

MEMORANDUM

EXHIBIT No. 997-16
DATE 28 apl. 1948
FILED BY
R. M. Chernack

TO: Mr. Green

FROM: Administration Department.

Re: File 2831/1 -
Fred Kotaro NISHIKAWA, #08755

With reference to our conversation last week, Mrs. Guertin, the tenant at 332-4 West 5th Avenue, advised that in the tenement building (334 West 4th Avenue) there are two rooms which are boarded up and contain furniture etc. belonging to, I understand, the above Japanese. Mrs. Guertin is under the impression that all this furniture could be placed in one room, and as she is very anxious to rent one of the two rooms in question, will you be good enough to see what can be done to meet her wishes? *

Probably some is Genjiro Teharas (file 2236).

I advised her that this property will probably be sold in the near future but she said that in any event she would have the use of the room for six months, so would like something to be done if possible.

The file is attached.

P. Douet.

PD:BS

* G.B.S. Please have inspection made; if this can be reasonably done, please so arrange

Done Apair 15/9/43