X1-530

17

XI-530

INFORMATION FROM R.C.M.P.

Date July 27, 1942.

Our File No. 1.1.530

Full Name UMAKOSHI Zozoji
(Surname in Block Letters)

Registration No. 02300 Male - Female (check) Age May 13, 1888

Former Address 656 E. Cordova St., Vancouver.

Date Evacuated — Naturalized - Canadian-Born - National (check)

Present Address Interned April 21, 1942.

Married - Single (check)

Name of Wife (nee FUJII) Jeru #02301

Name of Husband —

Name of Mother (deceased) Name of Father (deceased)

Names of Children under 16

Yeriko # 15853

Requested by L. Registered with Custodian ____ (Yes or No)

Additional Information Janitor.

owner of property.

6/7/10

March 18, 1948

File No.
XI-530

--SUMMARY --

- REAL PROPERTY --

Tasoji UMAKOSHI, Reg. No. 02300

CATALOGUE NO: Advertised May 20, 1943

JAPANESE NAME: Tasoji UMAKOSHI,

CIVIC ADDRESS: 656 East Cordova Street, Vancouver, B.C.

LEGAL DESCRIPTION: Lot 12, Block 59, District Lot 196, Plan 196, Vancouver, B.C.

CLASSIFICATION: Frame Dwelling,

Registered in the name of: Tasoji UMAKOSHI,

Title: Clear,

Sold to: Cost Tataren for $1035.00
Cash as at Oct. 10, 1943.

Title delivered to: Left in Land Registry Office, Vancouver, B.C., according to Custodian letter November 3, 1943 subject to order of purchaser.
Adjustments completed.

Funds released to account of: Tasoji UMAKOSHI as October 10, 1943

Chattels: None involved in sale

Insurance -Fire - Transferred to Purchaser.

Appraisal -
Johnson, Reeve & Watson - $1000.00

Assessed Value, 1943

Land	-	$550.00
Improvements	-	400.00
Sale Price		$1035.00

The above Summary is certified to be in accordance with the information on file, March 18, 1948.

B.R. Dusenbury

B.R. Dusenbury, Office of Custodian.

	NAME	FILE NO.
32300 V/V/ 4-612	OHASHI, Tamaji	Int. 530

COMPANY	POLICY NO.	AMOUNT	EXPIRATION MONTH	DAY	YEAR	PREMIUM
Orbaine Fire Insurance Co. of Paris, France	Reissued Pol C 38551- Name of Insured 32865	$1,500.00	June	3rd	1943	656 E. Cordova St., Vancouver, B.C
Union Ins. Soc. of Canton, Ltd.	Re-issued Name of Insured & Location 0313861	$1150.	June	3rd	1943	656 E. Cordova St. Vancouver, B. C.

INTERNEE FILE 530

Tasoji UMAKOSHI

656 East. Cordova St.

26th Feb. 1943



MEMORANDUM

File Nos. 12841
Int. 530

June 8th, 1945.

TO: The File

FROM: Mr. G. B. Spain

RE: 656 East Cordova St.
Mr. & Mrs. Taseji UMAKOSHI

The owner of the above property reported to Mr. Moore of Pemberton & Co. that the present tenant intended to leave the premises tomorrow and remove the Hot water tank.

I called and saw the tenant and explained that the tank remains as part of the house fixtures and cannot be removed as it belongs to the landlord.

The files of both the husband and wife indicate their intention to leave a few chattels on the premises, ie., one circulating heater and a box of sundries. The tenant had no knowledge of the heater and I am of the opinion that it was sold by the wife prior to evacuation.

There was a large box of sundries, ninety-nine percent advertisement and one percent junk. This was not worth removing and I allowed it to remain abandoned in the basement.

GBS:LBH

Geo. B. Spain

Noted
8/6/45.

OFFICE OF THE CUSTODIAN—Enemy Section. File No. 530

Name UNEMOTO, Tasuji Reg. No. 02300 P/W/ A-438

Home Address 656 E. Cordova Street, Vancouver, B.C.

SUMMARY OF REAL PROPERTY OR INTEREST THEREIN:

(1) Nature of Interest:

(a) Owner Yes

(b) Part owner or holder of right to purchase

(2) Cert. of Title No. 29938 L. in the name of Tasuji Unekoshi

(3) Deed of Encumbrance Tasuji Unekoshi

(4) Property Address 656 E. Cordova Street, Mun. Vancouver

(5) Legal Description City of Vancouver, Lot 12, Block 59, District Lot 196, Group 1, New Westminster District, Plan 196.

L.R.O. Vancouver

(6) Vested in the Custodian 35031

(7) Type of Property Six room dwelling.

(8) ASSESSED VALUE: LAND $ 550.00 IMPROVEMENTS $ 400.00

(9) Appraised Value: Land $ Land & Improvements $ 1,000.00

Appraised by Johnson & Reeve (D.H. Reeve) Date 29th May, 1943

(10) Taxes: Current $ 39.06 (1943) Arrears $ Nil

(11) Encumbrances None

(12) Leased to J. Kilbride Amount $ 20.00 per mo.

(13) Particulars of Liquidation:

(a) Advertised for Sale May 20, 21st and 22nd, 1943 - no tenders received

(b) Tenders Received Pemberton Realty Corporation Ltd. for Mr. Cost Interen - $1035.00

(c) Sold to Cost Interen Date 22nd Sept., 1943

(d) Amount Realised: $ 1,035.00

DATED this 28th day of August, A.D. 194 5

COMPILED BY D. Graham

JUN 29 1942

OFFICE OF THE CUSTODIAN
JAPANESE SECTION
RECEIVED
JUN 30 1942

REPORT FOR CUSTODIAN

Japanese Evacuation Section

REAL ESTATE & PERSONAL PROPERTY

Registration No. _____

Name T. UMAKOSHI

Internee file 530

Address: 656 East Cordova Stfeet

Type of Property: Residence

Description of Land and Buildings: This is a six room two storey frame house consisting of dining room, living room, and kitchen downstairs. Three bedrooms upstairs. There is a toilet but no bathroom.

Inventory of Contents: We understand that no personal effects will be left on the premises.

Insurance

Amount	Company	Number	Type	Premium	Expiry	Agent
1500.00	Urbaine Fire	32265	Fire	10.50	June 3/43	A.S. Mathews

Name of Mortgagor CLEAR TITLE Address _____

Name of Mortgagee _____ Address _____

Amount of Mortgage _____ Int.Rate _____ Payable _____

Dates Int.Payable _____ Principal Repayments _____

Mortgage Due _____

Recommendations: We have a letter of authority from the owner to act as his agent for the management and collection of rent on his property and we would recommend that the Office of the Custodian appoint Pemberton Realty Corporation Limited as agent in this connection.

PEMBERTON REALTY CORPORATION LIMITED.

G.R. Johnston

530
Legal Department

912 Royal Bank Bldg.,
Vancouver, B. C.
September 20th, 1943.

G. W. McPherson, Esq.,
Executive Assistant,
Office of the Custodian,
Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario.

Dear Mr. McPherson: Re: P/W A-612, UMAKOSHI, Taeoji and 656 East Cordova Street.

Attached hereto you will find Transmission application and Conveyance in duplicate in favor of Mr. Cost Tataren, for execution by the Deputy Custodian.

These documents relate to property known as 656 East Cordova Street, which was advertised for sale by tender on May 20th, 21st and 22nd. No bids were received.

According to Mr. Reeve's report of May 29th, 1943, the house is a one and one half storey frame building at least 35 years old, and contains six rooms. The plumbing is old and may have to be renewed. The basement has a plank floor in poor condition and the exterior siding is in disrepair. A new roof is required. It is a poor residential district and may suffer from vacancies and reduced rents. Mr. Reeve valued the property at $1,000.00.

Vesting certificate has been filed. There are no encumbrances.

Messrs. Pemberton Realty Corporation Limited have submitted an offer of $1035.00 and are willing to accept commission of $35.00. The full amount of the purchase price has been received and we recommend acceptance.

Your kind attention, please.

Yours truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/W
Attachs.

912 Royal Bank Building,
Vancouver, B. C.
November 24th, 1943

330
Legal Department

The B. C. Security Commission,
Mck Building,
360 Homer Street,
Vancouver, B. C.

Re: P/W A-612, Tsumii UNAKOSHI

Gentlemen:

This is to advise you that the property owned by the above named Internee has been sold, and we have a balance to his credit at present amounting to $1057.34.

He also owned a paid-up Endowment Policy with the Monarch Life for $1065.00, maturing June 4th, 1959, which had a cash value, at June, 1943, amounting to $6 9.00. His wife is the beneficiary of this Policy.

He also has chattels of small value stored in Vancouver.

If this man's family has been supplied with maintenance by you, we will be pleased to give consideration to payment of your account.

We would be pleased to have your suggestions as to what monthly remittance should be made to this man's family.

Yours truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

GWF/JF

File No. 330 September 28th, 1943

MR. COST TATAREN

IN ACCOUNT WITH: THE CUSTODIAN OF ENEMY PROPERTY

STATEMENT OF ADJUSTMENTS
as at October 10th, 1943

RE: Lot 12, Block 89, D.L. 196,
Group 1, NWD, Plan 196, known as
656 East Cordova Street, Vancouver, B.C.

	DEBIT	CREDIT
Purchase Price	$1035.00	
By cheque received		$1035.00
Adjustment of Taxes		
82/365 of 1943 Taxes of $37.50	8.43	
Water Rates		
See letter Sept. 27, to Pemberton's	$	
Insurance		
Union Insurance Society of Canton		
$1000.00 on dwelling, & contents #313881	4.88	
Registration Fees	3.50	
Balance		16.81
	$1051.81	$1051.81
Balance	$ 16.81	

CHP/JF

STATEMENT RE SALE OF: Name: Tasoji UMAKOSHI

Catalogue No: File No: XI 530

Street Address: 656 E. Cordova St. Vancouver, B. C. Reg. No. 02300

Legal Description: Lot 12, Blk 59, D.L. 196, Gp 1, NWD, Plan 196

Date of Sale and Adjustments ..... 10th October, 1943

Sale Price		$ 1,035.00
Real Estate Agents Commission	$ 35.00	
Charge for Valuation	5.00	
Charge for Advertising	9.66	
Land Registry Office Transmission Fee	6.35	
Encumbrances:		
Unpaid Vendor		
Mortgage		
Arrears of Taxes		
Other Charges		
Adjustments:		
Fire Insurance		4.88
Taxes		8.43
Water		
	56.01	1,048.31
		$ 992.30

Net Proceeds credited to your account

Date: March 1st, 1948 .....

Accounting Department

Compiled by: .....

EXHIBIT No. 989 - 2

DATE 27 Apl. 1948

FILED BY S. M. Cherniack

JOHNSON & REEVE

Estate Agents

602 W. Hastings St.,
Vancouver, B. C.

May 29th, 1943.

The Custodian's Office,
Room 812 - Royal Bank Building,
675 West Hastings Street,
Vancouver, B. C.

File No. 530,
Legal Department

Attention of Mr. L. H. Bright

Dear Sirs Re: Umakoshi, Tasaji, P/W A-612
Lot 12 Block 59, District Lot 196
666 East Cordova Street

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

The neighbourhood is fully built up mostly with old houses. It is a poor residential district, and in hard times, from a renting viewpoint, will suffer from vacancies and reduced rents.

The size of the lot is 25 feet by 122 feet.

The house is a one and a half storey frame building at least 35 years old, with a low concrete wall foundation and a basement, and contains six rooms, and a bathroom at the back, off the kitchen. The ceilings and walls are plastered and the halls and four rooms have been redecorated. The plumbing is old and the wash basin is broken; the piping may have to be renewed. There are two brick chimneys on wood brackets. The basement has a plank floor in poor condition.

The exterior siding is in poor condition and a new roof is required.

We appraise this property at One Thousand Dollars ($1,000.00)

Yours faithfully,

JOHNSON, REEVE & WATSON

per "D. W. Reeve"

DWR

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.
June 18, 1948.

C. McClughen

701 → Internee File 530.

November 2nd, 1943.

MEMORANDUM

TO: Mr. F. H. Russell

FROM: Mr. D. A. Cramer

Tenoji UMAKOSHI
Lot 12, Blk. 59, D.L. 196,
Group 1, N. W. D. Plan 196.

With reference to the above property which was recorded in the Vancouver Land Registry Office, October 7th, 1943, we enclose herewith the following documents in connection therewith.

1. Copy of application number 91969-L dated October 7th, 1943, registering the property in the name of the Custodian. (Transmission).

2. Copy of application number 91970-L dated October 7th, 1943, registering the property in the name of Cost Tataren, (Deed).

3. Duplicate of Transmission dated September 22nd, 1943.

4. Duplicate of Deed dated September 22nd, 1943 - Secretary of State to Cost Tataren.

5. Post Card acknowledgment dated October 30th, 1943, from the Vancouver Land Registry Office No. 91970-L. Certificate of Title is being held in Land Registry Office to Order of the Owner.

D. A. Cramer

DAC:AT

509 Royal Bank Building,
Vancouver, B. C.
November 14th, 1944

530
Legal Department

The Camp Commandant,
Angler, Ontario

Re: P/W A-612, UMAKOSHI, Taeoji

Dear Sir:

Our letter of October 31st, 1944, given below, written under this file, was incorrectly headed Hirokichi ISOMURA instead of Taeoji UMAKOSHI. We regret our error.

"With reference to the above noted Internee's Prisoner of War Business Letter of the 23rd instant, we presume that he is referring to his Monarch Life Policy #P64690, which was converted to a paid up policy amounting to $1065.00, maturing on June 4th, 1959. We are informed by the Insurance Company that there will be no dividends on this policy up to the time of maturity.

At the time of conversion of this policy a balance of the dividend fund amounting to $11.30 was remitted to the Custodian by the Company, and this amount was forwarded to you for the Internee's credit on September 11th, 1942".

Yours truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

CHP/JF

Rec'd Aug 1 - 1949
File No.
Ans.
Entered x 1 330 Sheet

618 Simpson Street,
Fort William, Ontario,
July 30, 1949.

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

C
O
P
Y

Dear Sir:-

According to the letter I received last March, the Custodian is holding the sum of $1,067.24 is credit to my father. I wish to know how my dad can claim this sum of $1,067.24. If there are any forms or applications to be filled out by my dad, please mail it to us at your earliest convenience.

Thanking you, I remain,

Yours very truly,

"K. UMAKOSHI"

XI/530

September 15, 1949.

Mr. K. UMAKOSHI,
618 Simpson Street,
Fort William, Ontario.

Dear Sir; Re: Tasoji UMAKOSHI

It would appear that no reply has been made to your letter of July 30th.

However, as you are aware, when you presented a claim before Commissioner Justice Bird at Fort William on April 27th, it was indicated that your father was incapacitated. The Commissioner, you will recall, suggested that you discuss this matter with your Solicitor, as it might be necessary for application to be made for the appointment of a Committee to your father's estate. The matter to which you refer is therefore being held in abeyance for further action along these lines.

Yours truly,

F.G. Shears,
Director.

FGS/GN

(226)

File No. XI 530
Reg. No. 02300

Taeoji UMAKOSHI

Date	Particulars	Debit	Credit	Balance
1942 June 26	Dividend Monarch Life Assurance Co.		$ 11.30	
September 12	Cheque to you	11.30		
December 23	Rents collected		80.00	
	Agent's commission	4.00		
	Repairs	5.50		
	Water rates	7.75		
			20.20	
1943 January 7	War Savings Certificates redeemed		10.00	
April 20	Cheque to you	39.06		
	Taxes 1942	38.22		
June 25	Taxes 1943	6.48		
	Fire Insurance premium	1.00		
	Land Registry Office - Certificate of Encumbrance	25.00		
September 28	Cheque to you		180.00	
October 10	Rents collected		9.00	
	Agent's commission	59.50		
	Repairs	10.45		
	Water rates		992.30	
	Credit re Sale of Property			
1944 November 27	Cheque to you	10.00		
	B. C. Electric Railway - refund security deposits $3.00 & $5.00		8.00	
1946 July 9	Balance from Angler Internment Camp		12.70	
		$ 237.26	$1,304.50	
				CR $ 1,067.24

Accounting Department
March 1st, 1948

DAK

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.

X1/530

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

(1) NAME UMAKOSHI, Tasuji (RCMP) Reg. No. 0.1560
(Print) Surname Given Name

(2) Pre-Evacuation Address 656 Cordova Street East, Vancouver, B.C.

(3) Present Address New Denver B.C. but is mentally incapacitated and claim is being made on his behalf by Kazuhisa Umakoshi his son 618 Simpson St., Fort William

(4) REAL ESTATE

(a) Street Address (if any) 656 Cordova Street East, Vancouver, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
Vancouver, Lot 12, Block 59, District Lot 196.
Group 1, New Westminster

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

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

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

(i) Land - - - - - - - - - - - - - - - - - $
(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) - $4000.00 2500.00 1035.00
(v) Amount at which Custodian sold property and credited your account - - $ not known
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ $1465.00

(5) PERSONAL PROPERTY- No claim

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

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

(c) How stored or packed at time of evacuation

(over)

File No.
XI- 530

March 18, 1948

ANALYSIS OF CLAIM

REAL PROPERTY SECTION

Tasoji UMAKOSHI,
Reg. No.02300

REAL PROPERTY,

656 East Cordova Street,
known as
Lot 12/59/196/196,
Vancouver, B.C.

Advertisement - May 20, 1943

Tasoji UMAKOSHI makes claim
for - Gross - $4000.00

Sale price (Gross) 1035.00

Appraisal -
Johnson Reeve & Watson -$1000.00

Advertisement - May 20, 1943

Not sold and property was listed
with Pemberton, August 24, 1943
for the purpose of securing a
purchaser.

Tender -
(a) Cost Tataren
(through Pemberton) -$1035.00
Acceptance of tender (a) 1035.00

Assessed Value, 1943,

Land -	$550.00
Improvements	400.00

RECAP:

Gross amount of claim	-	$4000.00
" " of sale	-	1035.00

NOTE: Tasoji UMAKOSHI is reported as mentally incapacitated and claim is being made on his behalf by his son, Kazuhisa UMAKOSHI.

B.R. Dusenbury,
Office of the Custodian.

E. Hashimi,
In Chief.
Discussion.

KAZUMASA UNAEOSHI, a witness called on behalf of the claimant, being first duly sworn, testified as follows:

THE COMMISSIONER: Has there been any declaration in this case, according to the comment at the head of the claim?

MR. CHERNIACK: Not to my knowledge, my lord.

THE COMMISSIONER: No committee appointed.

MR. CHERNIACK: Not to my knowledge, my lord. This is a particularly important case to the family, my lord. The father is in New Denver. He is one of that group who have stood up for their rights, in their opinion, and haven't come East in accordance with the Government's Orders. We can bring out from the son or the wife, who is here, that they have made various attempts to have the father come here and he is adamant.

THE COMMISSIONER: After all it negatives the statement in the claim.

MR. CHERNIACK: To the effect he is mentally incapacitated?

THE COMMISSIONER: Yes.

MR. CHERNIACK: That is the statement, my lord, that he is mentally incapacitated.

THE COMMISSIONER: That is the point. How can the wife or son present a claim on his behalf unless they have been appointed as his committee, assuming the facts to be as stated?

MR. CHERNIACK: We don't know whether he has been so declared. I say not to my knowledge. We do know that they find they can't deal with him, and they are hoping as a result to prove to him that his

K. Kashashi,
In Chief.
Discussion.

KAZUHARA MASAOKI, a witness called on behalf of the claimant, being first duly sworn, testified as follows:

THE COMMISSIONER: Has there been any declaration in this case, according to the comment at the head of the claim?

MR. CHERNIACK: Not to my knowledge, my lord.

THE COMMISSIONER: No committee appointed.

MR. CHERNIACK: Not to my knowledge, my lord. This is a particularly important case to the family, my lord. The father is in New Denver. He is one of that group who have stood up for their rights, in their opinion, and haven't come East in accordance with the Government's Orders. We can bring out from the son or the wife, who is here, that they have made various attempts to have the father come here and he is adamant.

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MR. CHERNIACK: To the effect he is mentally incapacitated?

THE COMMISSIONER: Yes.

MR. CHERNIACK: That is the statement, my lord, that he is mentally incapacitated.

THE COMMISSIONER: That is the point. How can the wife or son present a claim on his behalf unless they have been appointed as his committee, assuming the facts to be as stated?

MR. CHERNIACK: We don't know whether he has been so declared. I say not to my knowledge. We do know that they find they can't deal with him, and they are hoping as a result to prove to him that his

property is being reconsidered and he is getting a fairplay in this respect and that this might bring him home to them. The wife is here and she can give evidence if your Lordship would like to hear her to the effect that she has spoken to him and he has been difficult to follow and she is hoping that this proceeding might bring about the desired result.

THE COMMISSIONER: Mr. Hunter, what have you to say?

MR. HUNTER: Well I don't wish to stand in the way of a legitimate claim, my lord, but it does seem to me that until evidence is shown that the man is incapacitated, that the claim should be brought by him.

THE COMMISSIONER: That is what disturbs me. Would you be disposed to allow the claim to proceed on the undertaking of Mr. Chernack that the family will cause an application to be made to the Courts of British Columbia under the "Lunacy Act" for the appointment of a committee? After all, no one can speak as to this property but the owner himself.

MR. HUNTER: No one can certainly make the claim, my lord. These people, I suppose, are giving evidence in connection with his claim.

THE COMMISSIONER: Yes, but I would not have power to even make a recommendation to the Government unless someone with legal authority were to represent the claimant here, and as I understand the situation neither the son, who has been sworn, nor his mother have any legal right. The only suggestion I can

make is that I should proceed to hear the evidence on the understanding that I cannot make any recommendation until such time as the son who is now sworn is appointed as committee under the "Lunacy Act" of British Columbia for his father's person and estate, or estate alone.

MR. MUNTER: I would have no objection to that, my lord. I don't know whether my learned friend could give such an undertaking.

THE COMMISSIONER: I do not ask for an undertaking, but let it be on the understanding I cannot deal with it until such a thing is done. I do not think you would argue to the contrary, Mr. Cherniack.

MR. CHERNIACK: No, since you have also stated you would not ask for an undertaking, which of course I couldn't give, my lord. May I ask that you consider that either the son should be appointed the committee or, as I say, this is in the hope that we can reason with this man and he himself signs a claim form or makes a claim. What I have in mind, my lord, is that I am hoping that after the hearing if his wife writes to him and tells him what has transpired, he himself may do so.

THE COMMISSIONER: In face of the statement made in the claim, how am I to recognize any claim made by the owner of the property as made by a competent person? I am not conjuring up difficulties, but I see so many.

MR. CHERNIACK: This statement is made by his son.

THE COMMISSIONER: Let us leave it that way. Do you

speak English, Kazuhusa? A: Yes.

Q I will try and explain my difficulty to you. Your father is the legal owner of this property?

A Yes.

Q Now until he has been declared by the Courts as an incompetent person by reason of mental incapacity, that is, he is not capable of handling his affairs, the Court will make an Order on proper proof appointing either you or your mother to represent the estate, but until that is done I cannot make any Order that would have any effect. Is that clearly understood by you? A: Yes.

THE COMMISSIONER: So what I suggest you should do is discuss this matter with your solicitor after you are through here and have him instruct a lawyer, preferably in Nelson, which will be the closest place to New Denver, with the idea that the lawyer will make an application for the appointment of a committee of your father's estate. Now it may not be possible to appoint you because of the fact you are now living in Ontario. It may be necessary to appoint the Official Administrator, or some Provincial Government official in British Columbia, but your lawyer will be able to advise you on that. In the meantime I am going ahead to hear your evidence but there is no purpose in it at all and it has no value until you are here speaking for the property. I think that is as far as I can go. I will hear him now.

MR. CHERNIACK: Thank you, my lord.

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Mr. Umikoshi, I show you a typewritten statement. Was that prepared in accordance with your instructions?

A Yes.

Q Is that your signature? A: Yes.

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

A Yes.

(STATEMENT MARKED EXHIBIT NO. 1).

MR. CHERNIACK: Your Lordship, I haven't given you the amendment.

THE COMMISSIONER: Yes. Who filedthe claim, the father himself or the boy?

MR. CHERNIACK: The boy. If the father had filed it, sir, we would have been able to proceed.

THE COMMISSIONER: Assuming authority, yes.

MR. CHERNIACK: The value is estimated at $2500.00, sir. The sale price is now known to be $1035.00. The net would be $1465.00. On behalf of my learned friend, my lord, I will file the appraisal of Johnson & Reeve, dated May 29th, 1943.

(APPRAISAL MARKED EXHIBIT NO. 2).

MR.CHERNIACK: The witness sets out, my lord, in Exhibit 1 that the property was purchased in 1939 for about $2000.00, and that they put improvements into it to the extent of installing a new toilet and tub and repairing the bathroom floor and other repairs which are noted in Exhibit 1, my lord. The witness points out several features of the appraisal with which he is in disagreement and

E. Nakuchi,
In Chief.
Discussion.

states that he believes one thousand dollars is too low. He states himself, my lord, that he has had no experience in estimating values for real estate, but believes that $2500.00 would be a fair market value.

MR. HUNTER: It is submitted, my lord, that this real property was sold for its fair market value.

It is submitted that the owner of this property is not mentally incapacitated. This is put in Mr information and it can be verified if necessary, my lord. It is a copy of the advertisement and the advertisement of this particular property is marked with a red check. It shows it was advertised in the "Sun" on May 20th, 1943, the "News-Herald" May 21st, 1943, and the "Province" May 22nd, 1943.

(ADVERTISEMENT MARKED EXHIBIT NO. 3)

MR. HUNTER: I wonder if I could obtain from my learned friend when this man is supposed to have become mentally incapacitated?

THE COMMISSIONER: Perhaps Mr. Shears can help us. Have you any information in your file with regard to the man's condition?

MR. SHEARS: No, my lord. He did write letters or he signed letters from the internment camp giving instructions to us to pay certain funds to his canteen account and so forth.

THE COMMISSIONER: As recently as when?

MR. SHEARS: It wouldn't be recent.

MR. HUNTER: The most recent letter, I think, is from the Commandant of the internment camp in 1944.

THE COMMISSIONER: If there had been any question about his mental capacity, I would have expected that the medical officer at the camp would have caused a proper examination to have been made.

MR. HUNTER: This letter doesn't give the impression that he was incapacitated. It gives the impression he was somewhat belligerent.

MR. CHEEMIACK: My lord, I am not in a position to make a statement as to the date. I would say though that neither probably my learned friend or I are in a position to judge whether a man is incapacitated or not by the letters he writes.

THE COMMISSIONER: Of course on that score the onus is on you.

MR. CHEEMIACK: I realize that, sir.

MR. HUNTER: Q: I judge your father is a Japanese citizen, is he? A: Yes, he is.

MR. HUNTER: He has settled everything through the Japanese Government at the end of the war, according to this letter.

THE COMMISSIONER: We are concerned only with persons resident in Canada at a certain date.

MR. HUNTER: Yes, that is right. It is purely a question of value, my lord. There are no questions.

THE COMMISSIONER: Mr. Umekoshi, I would like you to realize that everything will be done that can be done both by Government counsel and by myself to solve your difficulty. However, I cannot make any promise to you.

THE WITNESS: Thank you, sir.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

Certified a true and accurate transcript.

"E.P. Herrubin",
Official Reporter.

Fort William, Ontario,

April 27th, 1948.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COMMISSIONER: The Director of the Custodian's Office, Vancouver, has advised me since the adjournment this morning that the credit to the claimant being the proceeds of sale of his Cordova Street property amounting to $1,067.24 is apparently now retained at his credit in the Custodian's account. Mr. Shears is not able to say definitely that this is the case, but believes it to be so. Under the circumstances I throw out the suggestion to Government counsel that it might be advisable to hold this money in the meantime, more particularly in view of the evidence which was given before me this morning in regard to the possible mental incapacity of the claimant.

(PROCEEDINGS ADJOURNED SINE DIE)

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

"MARK H. PEARCE"
Official Reporter.

FORT WILLIAM, ONT.
27 April 1948.

DEFENCE BRIEF

Taseii UMAKOSHI

File No. KI/530

Case No. 989

REAL PROPERTY CLAIMS

1. Real Property Claim	Appraised at	Sold for
$2,500.00	$1,000.00	$1,035.00

Witness:- D. W. Reeve, appraiser.

Transcript 2 to 5 - Commissioner can make no order until someone appointed committee under Lunacy Act.

Exhibit 1 - Real Estate statement

Exhibit 2 - Appraisal Johnson & Reeve dated 29/5/43.

Exhibit 3 - Advertisement of property.

Sold for fair market value. Submitted that owner not mentally incapacitated.

GWL/mm

Name of Claimant UMAMOTO, Toseji Case 989

Custodian File XI 530

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
1035	51.75 12.50										64.25

PERSONAL PROPERTY

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

NETS

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

MISCELLANEOUS CHATTELS

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

TOTAL RECOMMENDATION	64.25

1540

This cheque is accepted by me in full satisfaction of the claim of Senjuro SAITO and Kinya HINATSU as Trustees for Pitt Meadows Japanese Farmers' Association, Senjuro SAITO the other Trustee, being incapacitated and unable to act.