

3283

BUREAU HASTINGS PARK
OFFICE OF THE CUSTODIAN
JAPANESE SECTION

EXHIBIT No. Case 16-4

DATE 11 Dec 1947

FILED BY
J.A. McLennan

PERSONAL INFORMATION:

NAME: NABATA, Heitaro

HOME ADDRESS: 356 Powell St., Vancouver, B.C.

REGISTRATION NUMBER 02618 SEX: Male AGE: 48

OCCUPATION: Shoemaker

EMPLOYER: Self

MARRIED: Yes

NAME OF WIFE OR HUSBAND: Sue

ADDRESS OF WIFE OR HUSBAND: 356 Powell St., Vancouver, B.C.

NAMES OF ANY LIVING CHILDREN: Takeo (M)
Atsushi (M)
Ryoji (M)

ADDRESS OF CHILDREN: As above

AGE OF CHILDREN: 14, 12, 10

STATEMENT OF ALL REAL PROPERTY

none.

STATEMENT OF REAL PROPERTY OCCUPIED:

1. LOCATION AND DESCRIPTION: 356 Powell St., Vancouver, B.C. Rents
ground floor of house. Store in front, living quarter at back.
2. LANDLORD'S NAME AND ADDRESS: Mr. Oheri Wataru,
Powell St., (600 Block)
3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:
\$35.00 per month - paid up-to-date.
4. STATE WHEREABOUTS OF LEASE: 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:
Left at the Shoe Store, 356 Powell St., Vancouver, B.C. Furniture
and stock as per attached List.
4. INSURANCE CARRIED ON ABOVE PROPERTY: \$1,000.00 - Fire Insurance.
Premium paid to Mr. Uchida, Agent, Name of Co. & Policy No. unknown.
Policy in own possession.

INFORMATION FROM R.C.M.P.

Our File No. 3283.

Date

August 18/42

Full Name

NABATA, Hatazo

(Surname in Block Letters)

Registration No. 02618

Male - Female
(check)

Age

July 13, 1892

Former Address

356 Powell St. Vancouver, B.C.

Date Evacuated

Apr. 10/42

Naturalized - Canadian-Born - National
(check)

Present Address

Maple Bay, B.C.

Married - Single
(check)

Name of Wife

Yasuda, Suze #02619

Name of Husband

Name of Mother

Japan

Name of Father

Japan

Names of Children under 16

Takes (M) 17/1/28 Otomaki (M) 11/2/28

Ryoko (M) 2/4/32

Requested by

J. M.

Registered with Custodian

(Yes or No)

Additional Information

She shops.

Dept Labour say "Self supporting"
not on the list.

PERSONAL PROPERTY SUMMARY

File No. 3283

April 25, 1947

Re: Heitaro NABATA, Reg. No. 02618

This man signed a declaration to the Custodian on April 10, 1942. He was evacuated on April 10, 1942.

NABATA reported ownership of no real property and none is revealed by his file.

The file of Nobuo NABATA, File 15120, wife of this man, reveals neither assets nor liabilities of any kind.

Heitaro NABATA operated a shoe store, at 356 Powell Street. He declared furniture and stock, on which he placed a valuation of \$4,175.95. He reported Accounts Receivable, which are dealt with later in this summary, and Trade Debts, which are dealt with in the Liability Summary. His affairs were placed in the hands of the Canadian Credit Men's Trust Ass'n for investigation, and a report was received showing assets and liabilities as at May 8, 1942. This report values the stock and fixtures as follows:

Merchandise Stock \$3,733.72
Furniture & Fixtures 306.70 (Amended to \$506.70 on June 13/42)

On May 20, 1942, the CCMTA reported that the premises at 356 Powell Street had been broken into on April 17, May 8 and May 10, 1942, and goods to the value of \$120.59 had been taken. They recommended that the stock and fixtures be advertised for sale immediately to prevent further loss and avoid further expense. On June 1, 1942, the Custodian instructed that the goods be offered for tender. On June 13, 1942, the CCMTA reported on tenders received and recommended the acceptance of the offer of the Army & Navy Department Stores Ltd. On June 15, 1942, the Custodian agreed to this recommendation and confirmed the acceptance of this offer. Report of the CCMTA dated September 17, 1942, contains statement showing that the goods were sold for the total sum of \$2,629.74. Expenses were \$26.21. Liabilities in the amount of \$2,174.85 were settled, and cheque for \$428.68 representing the balance of the proceeds was sent to this office, and placed to the credit of Heitaro NABATA.

In addition to the stock and fixtures of the store, the CCMTA reported household equipment valued at \$28.00 (presumably CCMTA's valuation). These goods were removed to storage on August 3, 1942. The saleable items were sold at auction on October 25, 1944, for the total sum of \$31.65. The net proceeds were \$22.63, which were credited to the account of Heitaro NABATA.

On December 23, 1942, Denby Bros. & Co. Ltd. reported that shoe-repair equipment belonging to Heitaro NABATA was stored with them. On this equipment they held a lien of \$110.94, and they offered to purchase the equipment for \$213.00. This offer was refused by NABATA, who instructed this office on March 4, 1943, to pay off this \$110.94 from his funds. Payment was made to Denby Bros. & Co. Ltd. on March 11, 1943. On November 29, 1944, NABATA instructed this office to sell this equipment at public auction. The goods were therefore sold on January 11, 1945, for the net sum of \$270.83, which was credited to the account of Heitaro NABATA. See Chattel Schedule.

xx List attached to JP, actually covers stock in trade only. NABATA's value is \$4,175.95. No list of furniture or fixtures appears to have been supplied by NABATA.

x List of goods stolen sent to NABATA June 3/42

PERSONAL PROPERTY SUMMARY - File 3283 Continued

Heitaro NABATA reported fire insurance in the amount of \$1,000.00, name and policy number unknown. On May 20, 1942, the Canadian Credit Men's Trust Ass'n reported that as they were unable to find any details of the coverage, they had placed temporary coverage on the stock and fixtures of the store. This is referred to in statement of expenses in connection with sale of the goods, also. Apparently no record of fire insurance coverage by NABATA was found as there is no mention of this on file.

ACCOUNTS RECEIVABLE:

1. Yosuya HORI, File 3358 - \$20.60 HORI denied this claim and NABATA was so informed.
2. Kosuke KITAMURA, Main Street - \$15.65 - File X.I.989. Repatriate with liabilities but no assets.
3. Tsuruichi OIKE, 456 E. Cordova (File 1971) - \$4.70 - OIKE has not acknowledged this or any of his many liabilities. Small credit balance in account.
4. TAKAGI - \$4.50 - Not sufficient information to identify debtor.
5. Magosuburo TAMIZAWA - \$40.47, (X.I.899) Repatriate. No assets, Other liabilities.
6. Ichiso TOKAIRIN, 198 W. 6th - \$32.80 (File 8457) - Claim not acknowledged. No assets. NABATA was advised to deal direct.

Heitaro NABATA reported \$30.00 in War Savings Certificates in the names of his three children. He reported a \$150.00 Victory Bond, and a Sun Life Assurance Company policy. All in the possession of declarant. None of these items were brought under the control of the Custodian. Payments totalling \$150.00 were made to the Sun Life Assurance Company to apply on arrears of premium.

In addition to the life insurance declared, the file reveals a Monarch Life Insurance policy on the life of Heitaro NABATA, Policy #95861. On October 15, 1943, a premium of \$62.10 was paid on this policy at NABATA's request.

At the request of NABATA we paid from his funds the following insurance premiums

Monarch Life Assurance Co. Policy #P95861 (Eichi NABATA)	Nov. 21/44	\$29.69
(son)	Nov. 6/45	30.94
	Oct. 1/46	21.80
Monarch Life Assurance Co. Policy #111275 (Isotsugu NABATA)	Nov. 3/44	\$51.80
(son)	Apr. 3/44	49.15
	May 2/45	39.10
	Apr. 3/46	49.15

This file reveals no other property of any kind.

Statement of the account of this man is on file behind summaries.

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

J. MacLellan
April 26, 1947

15

SUMMARY

File No. 3283

Re: NABATA, Heitaro #02618

December 2, 1947

Claim

Appraisal of Canadian Credit Men's Trust Association,
acting for Custodian, April 28, 1942

Stock: \$4,175.95	\$3,734.02 (Basis: laid-down	Copy of Inventory
Findings: 125.00	120.29 (wholesale cost	on file.
Fixtures: 1,062.00	506.70 (Basis: replacement cost	

NABATA declared stock only, valued at \$4,175.95. Method of pricing not given. Breakin at store April 17/42, may be cause of some of the discrepancy in valuations of stock. Loss by theft between April 28 and May 8, 1942 - \$120.59 (CCMTA valuation)

Advertised for sale by tender by Canadian Credit Men's Trust Ass'n on instructions given by Custodian on June 1, 1942. CCMTA, June 13, 1942, reported tenders received and recommended acceptance of best tender (67 cents on dollar for stock; 30 cents on the dollar for fixtures), that of the Army & Navy Dept. Stores Ltd. Sale approved by Custodian June 15, 1942.

Note: Inventory value, less loss by theft would be: Stock (& findings) \$3,733.72
Fixtures 506.20

On the basis of tender (67% of valuation on stock - 30% of valuation on fixtures) the sale price would be: Stock: \$2,501.59
Fixtures: 152.01
2,653.60

The amount realized from sale was \$2,629.74. Discrepancy: \$23.86. No explanation is given on file for this discrepancy.

CCMTA Statement of September 17, 1942:	Sale of Stock & Fixtures	\$2,629.74
	Advertising & Insurance	26.21
		2,603.53
	Accounts Payable	2,174.85
	Net Credit to NABATA	\$ 428.68

Claim

Received from Denby Bros. & Co. and
Sold at request of Nabata (Nov. 29/44)
at Auction, January 11, 1945

Shoe Repair Equipment: \$710.00 Total: \$329.25 Expenses: \$58.42 Net: \$270.83

These goods were reported to the Custodian by Denby Bros. & Co. (Importers & Jobbers of shoe machinery and shoe store supplies) in whose care NABATA had left this equipment. (As indication of value: Denby Bros. & Co. offered to purchase this equipment at price of \$213.00 - see letters Dec. 23/42 and Feb. 26/43) Denby Bros. & Co. held lien and promissory note on following:

x 1 secondhand McKay Stitcher	- purchased Nov. 4/37 at price of \$200.00
x 1 secondhand Ideal Stitcher	
1 secondhand Star Finisher	} purchased Jan. 5/34 at price of \$300.00
with motor	
1 second hand patcher	

x 1 American Sole Cutter & Skiver (Believed to be those sold at auction.)

Auction advertised in Province, Sun & News-Herald, Jan. 10/45. Auctioneer: W.G. Willard. Auction attended by D.A. Smith, Custodian representative.

SUMMARY

December 2, 1947

Claim: Accounts Receivable - \$118.65

Yosoya HORI, 427 Powell St.	\$20.60 (Denied)
Kosuke KITAMURA, Main St.	15.65 (No assets)
Tsuruichi OIKE, 456 E. Cordova	4.70 (Ignored)
TAKAGI	4.50
Magosuburo TANIGAWA, 983 W. 7th	40.47 (No assets)
Ichizo TOKAIRIN, 198 W. 6th Ave.	32.80 (Ignored)

As shown, one alleged debtor denied claim. One could not be identified. The others ignored letters or had no assets from which claim could be paid, as far as the Custodian was aware. NABATA advised to deal direct with HORI, OIKE and TOKAIRIN. Advised that Internees KITAMURA and TANIGAWA had no assets.

Claim: Goodwill - \$500.00

Property was not sold as a business by Custodian

Household effects - \$125.00

Declared as "furniture" by NABATA, April 10/42. No details or valuation given by NABATA. Appraised as "furniture" by CCMTA, April 28, 1942, at \$28.00. Removed to Storage by Custodian August 3, 1942. No record of condition of goods at time of removal. Sold at Auction, October 25, 1944

List of Goods to Storage
August 3, 1942

Bamboo Bookcase
1 Centre Table
1 Dresser
1 Electric Iron
3 Kitchen Chairs
Copper Boiler

Bamboo Shelf	1.25
1 Table & Metal Stand	1.00
1 Dresser	4.50
1 Electric Iron	4.50
6 Kitchen Chairs	2.00
Copper Boiler & contents	1.50
(Dishpan, Crockery, Tools)	1.40
(Glassware, Trays, Dishes)	
(Utensils)	15.40

1 Small Table - 1 Table broken, no value abandoned Oct. 25/44 by auctioneer.
1 Centre Table
1 Kitchen Table No record of sale or abandonment of other articles.
1 Wall Cabinet
2 Bed-springs
1 Lounge
1 Wringer

File gives no explanation of the identifying as NABATA's property of goods no shown on list of goods removed to storage.
Total realized at auction: \$31.65 Expenses: \$9.02 Net: \$22.63
Auction advertised in Sun, Province and New-Herald, Oct. 24/44. Auctioneer: W. G. Thompson & Co. Auction attended by Custodian representative, W. Willis.

SUMMARY

File 3283 - Page 3

December 2, 1947

Claim: Carpenter Tools - \$10.00

Not declared by NABATA, April 10/42, nor at any time previous to claim. No record of carpenter tools having been found on premises by Custodian representative, nor on list of goods moved to storage.

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

J. M. Harrison

/TM

2629 74
270 83
28 62
2928 10

CHattel Summary

File No. 8283

Re: Heitaro NABATA, Reg. No. 02618

April 25, 1947

On April 10, 1942, this man reported to the Custodian that he had left in his shoe store, 356 Powell Street, furniture and stock as per attached list.

However, the carbon copy of list, attached to his declaration, shows only stock of shoes. On these NABATA placed a value of \$4,175.95. Schedule "A" of the CCMTA report of May 20, 1942, places a value on merchandise stock, as at May 8, 1942, of \$3,733.72. Schedule "D" of that report lists goods stolen during breakin and the stolen goods are valued at \$120.59. This would bring the value of the stock originally inventoried by the CCMTA to \$3,854.31, at CCMTA valuation.

The fixtures of the store were not listed by NABATA, but were inventoried by the CCMTA, and were valued at \$506.70, by the CCMTA.

No copy of the inventory of stock and fixtures taken by the CCMTA is on file.

The stock and fixtures were advertised for sale by tender and were sold for the total sum of \$2,629.74. Disbursements for advertising and insurance were \$26.21, leaving the net sum realized of \$2,603.53.

In addition to the stock and fixtures there were removed from 356 Powell Street furniture and household effects as shown by Inventory 191, August 3, 1942. These goods were stored at 992 Powell Street, and were offered for sale at auction on October 25, 1944. Total sum realized was \$31.65; expenses were \$9.02, the net amount realized was \$22.63. The CCMTA, on May 9, 1942, placed a value of \$28.00 on the household equipment of NABATA; Schedule "A", Report of May 20, 1942. XXXXXX

On December 23, 1942, Denby Bros. & Company Limited reported holding shoe repair equipment belonging to NABATA, which he had asked that company to store for him. This equipment was left in the care of Denby Bros. & Co. Ltd. until NABATA requested the Custodian to sell the goods at auction, (letter received December 4, 1942). These goods were sold at auction on January 11, 1943, for the total sum of \$329.25. Expenses were \$58.42, leaving a net amount of \$270.83. In February, 1943, Denby Bros. & Co. Ltd. had offered to purchase the equipment for the total sum of \$213.00.

XXXXXX The following articles listed on Inventory of household effects removed from 356 Powell Street have not been accounted for by sale or in any other manner:

1 Wall Cabinet
2 Bed Springs
XXXXXX

1 Small Table
1 Winger

1 Lounge

The value of the missing articles is not shown by the file.

G. Matheson

CHATTEL SCHEDULE

File No. 3283

April 25, 1947

Re: Heitaro NABATA, Reg. No. 02618

Inventory #191
Aug. 3, 1942

Auction Oct. 25/44

1 Bamboo Bookcase	1 Bamboo Shelf	1.25	
2 Centre Tables	Table & Metal Stand	1.00	
1 Wall Cabinet			No record
1 Dresser	1 Dresser	4.50	
2 Bed Springs			No record
1 Electric Iron	1 Electric Iron	4.50	
1 Wringer			No record
1 Kitchen Table			1 Table Discarded
1 Small Table			No record
3 Kitchen Chairs	6 Chairs	2.00	
1 Lounge			No record
1 Copper Boiler	Copper Boiler & contents	1.50	
	Dish pan, crockery & tools	1.40	
	Galv. Tub, fry pans, etc.	.90	
	Box dishes	.70	
	2 Trays & Glassware	1.10	
	2 Boxes Crockery	1.75	
	Carton Crockery	1.25	
	2 Plates	2.50	
	Saucepan & crockery	1.25	
	Carton Crockery, etc.	1.80	
	Box of Kitchen Utensils	4.25	

It would appear that the crockery and utensils, etc. were packed in the cabinet and dresser. There are 3 chairs extra, but as other goods is unaccounted for and the value is small, the funds from this sale are being left in the account.

Request for Sale
of Equipment, Nov. 29/44

Reported by Denby Bros.
Nov. 3, 1943

Auction Jan. 11/45

1 Only Motor			
1 Masta McKay Stitcher	1 Masta McKay Stitcher	x	\$191.00
1 Champion Ideal Stitcher	1 Champion Ideal Stitcher	x	87.00
1 Paragon Press	1 Paragon Press	x	23.00
1 Combination Sole Cutter & Skiver	1 Combination Sole Cutter	x	25.00
1 Progressive Dandy Stand	1 Shoe Jack	x	3.25
1 Lot of Lasts for Paragon Press & Dandy Jack			

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

Matthewson

April 25, 1947

/FM

LIABILITY SUMMARY

File No. 3003

April 26, 1947

Re: Heitaro NABATA, Reg. No. 02618

This file reveals the following claims:

1.	B. C. Electric Railway Co. Ltd.	3.92	
2.	B. C. Telephone Co.	11.77	
3.	Children's Shoe Co.	124.08	
4.	Dumont Leland & Co.	5.18	
5.	Dominion Rubber Co. Ltd.	77.10	
6.	Gault Shoe Co.	23.02	
7.	J. Leckie Co. Ltd.	1,003.08	
8.	A. Lafave	63.75	
9.	MacFarlane-Lafave Co.	67.42	
10.	J. F. Macdonald	545.26	
11.	Woodstock Rubber Co.	31.67	
12.	Pemberton's Ltd. (rent at \$35.00	140.00	(Mar., Apr. May & June)
13.	Tebbutt Shoe & Leather Co.	77.60	
14.	B. C. Electric Railway Co. Ltd.	1.50	(final bill)
15.	M. Kado Estate (rent & water rates)	73.50	(July and August)
16.	Denby Bros. & Co. Ltd.	110.94	

The first 13 claims were settled by the Canadian Credit Men's Trust Association, when the stock and merchandise were sold, as shown by statement of September 7, 1942.

The remaining three claims were settled in full by the Custodian from funds in the account of Heitaro NABATA.

There are no claims on file against Heitaro NABATA at this time.

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

Maclean

April 26, 1947

(Information supplied by Ins. Co.)

LIFE INSURANCE

Name Nabata Heitaro

File No. 3283

Magna Bay B.C.

Reg. No. *02618*

Company Monarch Life MA 9546

Agency Vancouver

Policy No. 95861

Premium - \$ 30.15

Payable: Annually, Semi-annually or monthly

Month September Day 29

REMARKS:

as at 29th Sept/43 31.95
6m 30.15
662.10

letter sent 8/9/43

(Information supplied by Ins. Co.)

LIFE INSURANCE

Name Mr. Heitaro Nabata

File No. 3283

Magnolia Bay, B.C.

Reg. No. 00361

Company Sun Life

Agency Vancouver Agency

Policy No. 2047931

Premium - \$ 18.49

Payable: ^X Annually, Semi-annually or monthly

Month December Day 1

REMARKS:

*Prem loan
(incl. interest)*

\$250.00 - approx

Letter sent 10/19/43

3283



BRITISH COLUMBIA DIVISION
*The Canadian Credit Men's Trust
Association, Limited*

OFFICE OF THE MANAGER
JOHN EDWAN, M.C.I.

OFFICE OF THE CUSTODIAN
JAPANESE SECTION

RECEIVED

MAY 22 1942

May 20th, 1942.

Attention: Mr. C.L. Drewry

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

Dear Sir:

Regn. No. 02618

re: Heitaro NABATA, 356 Powell St., Vancouver, B.C.

Pursuant to your request of April 13th, 1942, our representative proceeded to the above premises and prepared a report on the position of affairs. Resultant details are shown below in the order given in your instructions relative to Agents' reports.

REAL ESTATE AND PERSONAL PROPERTY

Realty:

No real estate was declared by H. Nabata and our investigations have not yet revealed that he is a registered owner of any property of that description.

Personal property:

Personal assets disclosed to date comprise the merchandise, furniture and fixtures located at 356 Powell St., Vancouver, B.C. Relative details are included under the "Business" section.

Particulars of Insurance in force:

Sun Life Assurance Co., Policy No. 2047931, 35 year endowment for \$1000. Beneficiary Sue Nabata (wife). Although we have been unable to obtain definite information from the insurance agents regarding premium payments, it is believed arrears have accumulated since 1939. The policy was written on January 16th, 1930, and is now in our possession.

BUSINESS

1. Location and nature of business:

Location:

356 Powell Street, Vancouver, B.C.

Nature of business:

Shoe store and repair shop.

2. Particulars of ownership:

We have been unable, so far, to definitely establish the status of the title, but judging from information provided by creditors and other interested parties, it is believed that H. Nabata is sole proprietor.

3. Description of financial position:

Schedules relating to the position of affairs, are attached as follows:

1. Statement of Assets and Liabilities, marked "A".
2. List of accounts receivable, marked "B".
3. List of accounts payable, marked "C".

Assets:

It will be noted that the inventory of merchandise forms the greater part of the business assets. Itemized lists prepared by our representative, showing details of the stock, furniture, fixtures, and household equipment, are in our possession and available for inspection by prospective purchasers.

Liabilities:

With respect to rental claimed by the landlord W. O'hore, 641 Powell Street, Vancouver, B.C., it will be observed that no such liability was acknowledged by the declarant in the JP form completed on April 10th, 1942. There are also several other discrepancies affecting accounts payable, which may be observed by comparison between the items included in our schedule marked "C" and those in Nabata's declaration of the 10th ult. The existence of any other debts has not yet been ascertained, although further enquiries in that connection are being made. Letters have also been sent to the Dominion and Provincial Governments requesting clearances with respect to any amounts owing their Departments.

4. Insurance in force:

Fire:

It is reported that the declarant is in possession of an insurance policy in the amount of \$1000 on the stock, etc., located at 356 Powell Street, Vancouver, B.C. As, however, we have been unable to obtain any details of the coverage and in view of the comparatively large stock and extent of trade liabilities involved, temporary protection has been arranged in our name as agent for the Custodian.

5. Contracts affecting business:

No contracts of the above nature have as yet been disclosed.

Re: Heitaro NABATA
Regd. No. 02618

- 3 -

6. Prospect for continued operation of the business:

As the store is located in the Japanese section of Vancouver, it is unlikely a purchaser will be found, willing to continue operations in the same premises.

7. General remarks:

We are advised that prior to the declarant's evacuation he returned a considerable quantity of merchandise in liquidation or reduction of certain of his liabilities.

During the night of April 17th, 1942, several persons, allegedly youths, gained entrance to the premises by breaking and entering through the rear of the building. It was apparent on that occasion that very few items of merchandise were stolen. However, on May 8th and 10th, the store was again entered and a considerable quantity of stock stolen. A copy of the list of stolen goods, totalling \$ 120.59 was provided the Police and an additional copy is included with the schedules attached hereto, marked "B". On the occasion of the robberies further steps were taken to secure the premises and the Police advised of the circumstances. The latter undertook to keep the store under observation. So far as known to date no arrests have been made.

Mr. Copp of the Goodwill Shoe Store, 123 E. Hastings St., Vancouver, B.C. has indicated his interest in possible purchase of the remaining merchandise.

RECOMMENDATIONS

It is suggested an effort be made to contact Mr. Nabata for the purpose of ascertaining details of insurance coverage affecting stock and fixtures located at 356 Powell Street, Vancouver, B.C. He might also be asked to provide addresses of his debtors or to give any other information leading to collection of the book accounts.

It is further suggested that the stock and fixtures be immediately advertised for sale with the objective of avoiding additional carrying charges and any losses that may arise through further burglaries.

Trusting you will let us have your further instructions together with an indication of the method to be followed with regard to distribution of the funds arising from liquidation of the assets, we remain

Yours truly,

THE CANADIAN CREDIT MEN'S TRUST ASSOCIATION LIMITED

John Cunn

Manager

Re: Heitaro NABATA
Regd No. 02618

SCHEDULE "A"

Statement of assets and liabilities
as at May 8th, 1942

Assets

Accounts Receivable as per list marked "B"	118.72
Victory Bond - maturing in 1951	150.00
War Savings certificates <i>Belong to children.</i>	30.00
Merchandise stock	3,733.72
Furniture and Fixtures	306.70
Household equipment	<u>28.00</u>
<u>Total assets</u>	<u>\$4,367.14</u>

Liabilities

<u>Preferred</u>	
W. Ohari (3 mos. rent)	105.00
<u>Ordinary</u>	
Trade creditors as per list marked "C"	<u>2,039.25</u>
<u>Total liabilities</u>	<u>\$2,144.25</u>
<u>Apparent surplus</u>	<u>\$2,222.89</u>

Prepared from information available as
at this date and from records of debtor,
without admitting or disputing any
liability shown herein.

02618
May 1942

Re: Heitaro NABATA
Regd. No. 02618

SCHEDULE "B"

Accounts Receivable

Hori, Y.	Address unknown	20.60
Kitamura K.	" "	15.65
Oike, T.	" "	4.70
Takagi	" "	4.50
Tanigawa H.	" "	40.47
Tokaisin	" "	32.80
		<u>\$118.72</u>

NOTE: as addresses are unknown, these accounts are considered doubtful.

Re: Heitaro NABATA
Regd. No. 02618

SCHEDULE "C"

Accounts Payable

B.C. Electric Railway Co. Ltd.	Vancouver, B.C.	2.28
B.C. Telephone Co. Ltd	"	13.02
Children's Shoe Co. Ltd.	Quebec, P.Q.	124.08 ✓
Daoust-Lalonde & Cie Ltd.	Montreal, Que.	5.18
Denby Bros. & Co. Ltd.	Vancouver, B.C.	110.94
Dominion Rubber Co. Ltd.	"	77.10
Galt Shoe Co. Ltd.	Galt, Ont.	23.02
Leckie & Co. Ltd., J.	Vancouver, B.C.	1003.08
Macfarlane-Lafavre Co. Ltd.	Montreal, Que.	23.26
Mussenden J.F.	Vancouver, B.C.	546.26
Tibbett Shoe & Leather Co. Ltd.	Three Rivers, Que.	79.36
Woodstock Rubber Co. Ltd.	Woodstock, Ont.	31.87 ✓
		\$2,039.25
Rent:		
Ohori, W.,	641 Powell St.,	
Feb-May @ \$35.00	Vancouver, B.C.	
		105.00
		\$2,144.25

All these Paid

Re: Heitaro NARATA
 Regd No. 02618

SCHEDULE "D"

List of goods stolen from premises

Inventory
No.

37	1 pair	884 Boys Blk Blk Blucher size 3 rubber heel	2.25	
52	1 pair	3201 " " " " " "	2.75	
		(stamped 'Columbia by Leckie')		
54	1	3202 " " " " " "	2.60	
82	2	0838x Men's Velour Blu. EEE width	3.85	7.70
		(6 eyelets & hooks		
		Tebbut Shoe - Goodyear welt)		
110	1	1116 Men's Blk Calf Oxfords	3.00	3.00
		(Geneva Brand, Comb'n last)		
116	1	656 Boys Work boots	2.60	2.60
117	2	4055 Men's Blk Box Calf Oxford		
		(Panco Rubber heel)	2.40	4.80
		(Stamped Victory V Aviator Shoe)		
123	2	1108 Men's Blk Box Calf Oxfords	2.75	5.50
127	1	1212 " " " " " Lther Heel	3.00	3.00
		(Stamped Conqueror)		
133	1	1004 " " " " " "		3.75
134	3	1046 " " " " " "	3.90	11.70
138	1	1345 " " " " " "		3.60
143	1	577 " Brown " " " "	2.50	2.50
155	8	214 Boys Blk Blu.	3.40	27.00
157	1	3201 " " " " " "	2.65	2.65
158	1	3257 " Blk " " " "		2.55
160	1	656 " " " " " "		2.50
161	1	2128 Men's Bro Calf Oxfords		3.00
163	4	1131/32 " Blk " " " "	3.10	12.40
384	5	1151/614 Sandals	.90	4.50
565	2	Men's Blk Oxford	2.50	5.00
584	1	Childs Gums size 11 or 12		.93
	2	Insoles	.105	.21
	6	Leather laces	.10	.60
	1 lot	Shoe laces		2.00
	2 only	wrenches	.25	.50
	2	Shoemakers hammers	.30	.60
	1	Cutting tool	.20	.20

\$ 120.52

3283

June 15th, 1942.

Messrs. Canadian Credit Men's Trust
Association Ltd.,
602 W. Hastings St.,
Vancouver, B. C.

Dear Sirs:

Re: Heitare NABATA

We beg to acknowledge, with thanks,
your letter of the 13th instant regarding offers
received for the stock and fixtures of the above.

We agree with your recommendation and
confirm your acceptance of the offer of Army and
Navy Department Store Ltd. at 67¢ on the dollar for
the stock and 30¢ on the dollar for the fixtures
payable in cash.

With regard to the accounts payable
we beg to advise you that we have submitted a list
of these accounts to Mr. Nabata as shown in your report
with the change of the Macfarlane-Lafaire Co. Ltd. from
\$23.26 to \$67.42 and an additional account of A. Lafaire
Ltd. of \$63.75. We authorize the payment of all claims
which you are certain are due and payable. The balance
remaining after payment of claims and expense of sale
you will kindly remit to this office.

Yours truly,

R. P. Alexander
Assistant Manager

GHP:MD



BRITISH COLUMBIA DIVISION
*The Canadian Credit Men's Trust
Association, Limited*

OFFICE OF THE MANAGER
JOHN COWAN, M.C.I.

July 9th, 1942.

Attention: Mr. F.G. Shears

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

Dear Sir:

re: Hitaro NABATA - your file No. 3283

With reference to yours of the 15th ult., we note that you have submitted a list of liabilities for confirmation of Mr. Nabata, after changing the account of McFarlane, Lefaivre Co. from \$23.26 to \$67.42, and adding the additional account of A. Lefaivre in the amount of \$63.75. There have since been one or two alterations and these, together with the above changes are indicated in the new list amounting to \$2,176.61 attached hereto.

We believe the accounts indicated are due and payable, but before issuing cheques to cover we should be glad to have your confirmation as possibly you have by now received Mr. Nabata's acknowledgment and, we understand, you formerly required all claims to be filed in your office. In view of the latter feature you will no doubt be able to verify the items shown on our list.

As there appears to be ample from the proceeds of the sale to satisfy all the claims, we should be glad to receive your acknowledgment by return as certain of the local creditors are anxious to have their accounts paid as soon as possible.

You do not give the address of A. Lefaivre Ltd. in your communication of June 15th, 1942; this would be appreciated at your early convenience.

Yours truly,

THE CANADIAN CREDIT MEN'S TRUST ASSOCIATION LIMITED

John Cowan

Manager

M: D
Enc

OFFICE OF THE CUSTODIAN
JAN 10 1942
RECEIVED

Re: Hitaro NABATA
 Your file No. 3283

List of Creditors

B.C. Electric Railway Co. (Nabata), Vancouver	✓	✓	.92
B.C. Electric Railway Co. (final)	"	✓	3.00
B.C. Telephone Company	"	✓	11.77
X Children's Shoe Co. Ltd.	Quebec, Que.	✓	124.08 ✓ 124.08
Daoust Lalonde & Cie Ltd.	Montreal, Que.	✓	5.18
(Denby Bros. & Co. Ltd. (report paid in full) Vancouver			?
X Dominion Rubber Co. Ltd.	Vancouver	✓	77.10 ✓ 77.10
JP Galt Shoe Co. Ltd.	Galt, Ont.	✓	23.02 ✓ 23.02
X Leckie & Co. Ltd., J.	Vancouver	✓	1003.08 ✓ 1017.43
X Lafalvre A. Ltd.	Montreal	✓	63.75
X Macfarlane-Lafalvre Co. Ltd.	Montreal	✓	67.42
JP Mussenden J.F.	Vancouver	✓	546.26 ✓ 546.26
JP Tibbett Shoe & Leather Co. Ltd.	Three Rivers Que.	✓	79.36 ✓ 79.36
31/3 Woodstock Rubber Co. Ltd.	Woodstock, Ont.	✓	31.67 ✓ 31.67

Pemberton's Ltd. (landlord)
 Mar-June 42 inclusive at \$35.00

140.00

\$ 2176.61

Agents' Statement of Receipts and Disbursements

Re: Heitaro NABATA - File No. 3283

Sale of stock and fixtures

\$ 2,629.74

Less:

Expenses:

Advertising

12.30

Insurance

13.91

26.21

2,603.53

Payment of Claims:

B. C. Electric Railway Co. Ltd.

3.92

B. C. Telephone Co.

11.77

Children's Shoe Co.

124.08

Daoust Lalonde & Cie

5.18

Dominion Rubber Co. Ltd.

77.10

Gault Shoe Co.

23.02

J. Leckie Co. Ltd.

1,003.08 ✓

A. Lefavre

63.75

Macfarlane-Lefavre Co.

67.42

J. F. Mussenden

546.26

Woodstock Rubber Co.

31.67

Pemberton's Ltd.

140.00

Tebbutt Shoe & Leather Co.

77.60

2,174.85

Cheque herewith

\$ 428.68

Vancouver, B. C.,
September 17, 1942

THE CANADIAN CREDIT MEN'S TRUST ASSOCIATION LIMITED

*66 MPA. bill on this re. 13257
Before distributing monies should there
a portion of it be charged against Nabata.*

W. A. DENBY
PRESIDENT

M. S. DENBY
SECRETARY

S. A. DENBY
DIRECTOR

Denby Bros. & Company Limited

Importers and Jobbers of

LEATHER, SHOE FINDINGS, SHOE MACHINERY AND SHOE STORE SUPPLIES



163 PENDER STREET WEST

VANCOUVER, B.C.

BRANCHES AT
VICTORIA & PRINCE RUPERT

Dec 23 / 42

Department of the Secretary of State,
Office of the Custodian
506 Royal Bank Bldg,
City.

EVACUATION SECTION
Rec'd DEC 28 1942
File No. 3283
Attn. *[Signature]*
Delivered *[Signature]*

Dear sir;-

Re Heitaro Nabata,
356 Powell St,

In accordance with your request we enclose statement of our claim against the above Japanese.

Previous to this party being evacuated, he was obliged to close his shop, and being unable to dispose of his equipment without sacrificing it, and being in debt to us as per enclosed statement, he requested that we take over same and store it for him, until such times as he would be released by the authorities, which we agreed to do.

His equipment is as follows.,
1 Champion Curved Needle Stitcher.
1 Masta McKay

Trusting that our actions in the above is in order.

Yours truly.,

Denby Bros & Co Ltd.,

W. A. Denby

No demand 25

110

Paragon 10

15

3

3-13

EXHIBIT NO. Case 16-5
DATE 11 Dec 1947
FILED BY J. W. G. Hunter

3283

February 26, 1943

Mr. Heitaro NABATA,
Reg. No. 02618,
Magna Bay, B. C.

Dear Sir:

In settling your affairs, the Canadian Credit Men's Trust Assoc. overlooked the payment to Messrs. Denby Bros. & Co. Ltd. of \$110.94. We understand that they have liens on certain equipment which you returned as security for this debt, and they have now offered to purchase these articles at the following prices:

1 Champion Curved Needle Stitcher	\$75.00
1 Haste McKay	110.00
1 Paragon Press	10.00
1 Combination Sole Cutter	15.00
1 Defective Progressive Jack	3.00
	<u>\$213.00</u>

*on hand
Denby's*

Will you kindly advise us if you will accept Messrs. Denby Bros.' offer and allow them to deduct the sum of \$110.94 from the proceeds of the sale, or would you prefer to keep these goods and have us pay the above Company from the balance you have with us?

Yours truly,

G. D. Milson
Administration Department

GDM/GH

MEMORANDUM

File No. 3283

November 17th, 1943

To: Mr. Green

From: Mr. Green

Re: Heitaro SABATA

Here is a case potentially similar to that of file 12493 which I have sent you today. In brief, Messrs. Denby Bros. are storing for this Japanese some shoe-making equipment for which there is at present a good market. There are no charges against it except some small ones for storage and fire insurance which the Japanese could meet from his credit balance with us.

He recently refused an offer from Messrs. Denby Bros. on the grounds that he was "anxious to start the shoe repair business after" meaning, presumably, after the war and I am now wondering what attitude we should adopt. If this were personal property and he cared to pay storage on it, we would not insist on selling and I think the same should apply to a man's tools of trade. The fact that there may be a good market now does not, I think, enter into the question. I consider this equipment should be stored at Messrs. Denby Bros. as long as they are willing to keep it and so long as the Japanese has funds to pay for its storage.

WFG:IF

See up also a memo to

By

C
O
P
Y

Chambers

DEWEY BROS. & COMPANY LIMITED

163 Pender Street West
Vancouver, B. C.

November 3, 1943.

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

Attention: A. McAllister, Esq.,
Claims Department.

Dear Sirs:

As per our telephone conversation with you we give
you herewith particulars of all machinery in our possession
owned by Japanese who were evacuated in 1942.

T. HIROSE

1 Champion Universal Stitcher	
15 years old--Present Valuation	\$300.00

Our claim against the above \$201.26

Hertwe

H. NABATA

file 3253

1 Hesta McKay Stitcher	
12 years old -- Present Valuation	\$110.00
1 Champion Ideal Stitcher	
25 years old--Present Valuation	75.00
1 Paragon Press	
8 years old-- " "	10.00
1 Combination Sole Cutter	
10 years old--Present " "	15.00
1 Shoe Jack	
10 years old-- " "	3.00

\$213.00

Our only claim against this equipment
is Storage \$5.00 and Fire Insurance \$3.00

We have

Rec'd 10-12-43

Dept. of Secretary of State
Office of Custodian.

11952.

C. FUGINO

1 Champion Combination Stitcher	
30 years old--Present Valuation	\$50.00
1 American Finisher	
15 years old-- " "	75.00
2 Singer Patching Machines	
20 years old--Total Present Valuation	50.00
1 Skiver	
15 years old--Present Valuation	<u>1.50</u>
	\$176.50

Our account for goods supplied	\$76.17
Storage	5.00
Fire Insurance	<u>3.00</u>
	\$84.17

E. IKESAMI

1 Champion Ideal Stitcher	
25 years old--Present Valuation	75.00
1 Finisher and Motor	
30 years old--Present Valuation	50.00
1 Patching Machine	
20 years old-- " "	25.00
1 Repair Jack	
10 years old-- " "	10.00
1 Sole Cutter	
15 years old-- " "	<u>10.00</u>
	\$170.00

Our account for goods supplied	\$135.88
Storage	5.00
Fire Insurance	<u>3.00</u>
	\$143.88

We would be prepared to pay cash for the above-mentioned equipment less our claims. That is we would forward you a cheque for \$424.19 in full payment provided we have a free hand in setting our selling prices, for the simple

- 3 -

Dept. of Secretary of State
Office of Custodian

reason that the majority of those machines, no doubt, would be sold on a time payment plan and it would be necessary to overhaul each machine and replace worn parts when they can be procured, and they will have to be guaranteed in each case for a reasonable time; but if it is left to the Wartime Prices and Trade Board to set the prices at which we are allowed to sell each machine, we would not be prepared to commit ourselves as to what we would offer.

We would be glad to have your decision in the matter as we understand you are anxious to have it cleaned up at an early date.

Yours truly,

DENBY BROS. & CO. LTD.

Per. W. A. Denby, President.

original mailed to Nabata March 26th 1945

NAME NABATA, Heitaro

REGISTRATION NO. 02618

FILE NO. 3283

The following chattels were sold by public
auction at 1047 Seymour St., Vancouver, B. C. on January 11, 1945.

✓ "McKay" Stitcher	\$ 191.00
✓ "Paragon" Press	23.00
✓ Shoe Jack	3.25
✓ "Ideal" Stitcher	87.00
✓ Combination Sole Cutter	25.00

Total

\$ 329.25

Less Expenses: (Auctioneer's Fee: \$32.92
(Advertising: 13.50
(Moving: 12.00

\$ 58.42

Net Proceeds Credited:

\$ 270.83

Members of Custodian Staff Present. Mr. Smith

Extracted from Auctioneering List No. Vancouver 523

Remarks. Goods received from Denby Bros. & Co. and sold at request of Heitaro NABATA.

NAME MABATA, Heitare

REGISTRATION NO. 02618

FILE NO. 3283

The following chattels were sold by public
auction at 992 Powell Street, Vancouver on October 25, 1944.

- Copper boiler and contents ✓	\$ 1.50
Dish pan, crockery and tools ✓	1.40
Galv. tub and fry pans etc. ✓	0.90
Box dishes ✓	0.70
Electric Iron ✓	4.50
Box Kitchen utensils	4.25
2 Trays and glassware ✓	1.10
2 Boxes crockery ✓	1.75
Carton crockery ✓	1.25
2 Plates ✓	2.50
Saucepan and crockery ✓	1.25
Carton crockery etc. ✓	1.80
1 Bamboo shelf ✓	1.25
- Dresser ✓	4.50
- Table and metal stand ✓	1.00
- 6 Chairs	2.00

Total

Less Expenses:

(Auctioneer's Fee: \$ 3.17
(Advertising: 0.73
(Moving: 5.12

\$ 31.65 ✓

\$ 9.02

Net Proceeds Credited:

\$ 22.63

Members of Custodian Staff Present.

Mr. Wills

Extracted from Auctioneering List No.

Vancouver 34, Nam

Remarks.

Thompson

November 16th, 1945.

Mr. Heitaro NABATA,
Reg. No. 02618,
NAGHA BAY, B.C.

Dear Sir:

In reply to your letter of the 6th instant, we have paid the Monarch Life Insurance Company \$30.94. This leaves a cash balance in your account of \$223.42.

With reference to your request that we pay the Sun Life Assurance Company \$50.00, we will be pleased to do so.

The Sun Life Assurance Company have addressed us on the subject of your policy No. 2047931, and given us the following information:

Automatic premium loan - Dec.1/44	\$273.99
Net premium due Dec.1/44	13.16
Premium due June 1/45	18.49
Interest payable on above at 5% per annum	

Yours truly,

G. B. Spain
Protection Department

GBS:LEB

3283

Registered

April 26, 1947

Mr. Heitaro NABATA,
Reg. No. 02618,
MAGNA BAY, B. C.

Dear Sir:

As requested by you, we enclose a statement of your account with this office. We enclose also Custodian cheque for the sum of \$52.47, which represents all the funds standing to your credit with this office.

As you will see by the statement, the stock and fixtures of your store at 356 Powell Street were sold for the total sum of \$2,049.74. The stock and fixtures were advertised for sale by tender and the highest offer was accepted. Payments made to creditors are shown in the statement, as are also the expenses for advertising and insurance in connection with the handling of these goods.

On December 4, 1944, household effects removed from 356 Powell Street were sold at auction for the net sum of \$22.63.

On March 1, 1945, at your request, we sold at auction the equipment which you had stored with Denby Bros. & Company Ltd. The net proceeds of this sale amounted to \$270.83.

From your funds, at your request, we have made payments to the Sun Life Assurance Company and the Monarch Life Insurance Company of premiums on policies on your own life and on the lives of your sons; Isotaugu and Eichi.

In regard to the list of Accounts Receivable, which you supplied to this office, the following is revealed by our records:

1. Yosoya HORI - \$20.60 - Mr. Hori denied this claim, as we previously informed you.
2. Kosuke KITAMURA - \$15.65. This man has been repatriated to Japan. As far as this office is aware he has no assets.
3. Tsuruichi OIKE - \$4.70. This man has not acknowledged any of the claims filed against him.
4. TAKAGI - \$4.50. This was not sufficient to enable us to identify the person concerned.
5. Magesuburo TANIZAKA - \$40.47. This man has been repatriated. As far as this office is aware, he has no assets.
6. Ichizo TOKAIRIN - \$32.80. Mr. Tokairin did not acknowledge this claim, as we previously informed you.

3283

Mr. Heitaro HABATA

-2-

April 26, 1947

It would appear that we have accounted for all the property of every kind left by you in the protected area, which came under the control of the Custodian. In order that you may confirm this and acknowledge the enclosed cheque, we are attaching a stamped, addressed envelope.

Yours truly,

/FM
Enclosures (2)

F. Matheson,
Office of the Custodian.

May 14, 1947

Mr. Heitaro HABATA,
 Reg. No. 02618,
 Nagua Bay, B. C.

Dear Sir:

Thank you for your letter of May 8th, acknowledging receipt of Custodian cheque and statement.

In regard to the payment made to Pemberton's Ltd., we wish to advise that this covered rent on the premises at 356 Powell Street. According to our records the building belonged to the Estate of M. Kado. Mr. Watari Ohori was executor of the Estate of M. Kado, and Pemberton Realty Corporation Limited are rental agents appointed by Mr. Ohori. The total rental payments were as \$213.50, made up as follows:

Rental for March, April, May, June	\$210.00
July and August at \$35.00	
Water Rates	3.50
	<u>\$213.50</u>

The statement sent to you shows the sum of \$140.00 paid to Pemberton Realty Corporation Limited, and the sum of \$73.50 paid to the Estate of M. Kado. These two sums make up the total paid to the Estate of M. Kado.

We trust this explains the payment of \$140.00 shown on your statement.

Yours truly,

F. Matheson,
 Office of the Custodian.

/FM

3283

October 29, 1947

Mr. Heitaro NABATA,
Reg. No. 0261E,
MAGNA BAY, B.C.

Dear Sir:

Your letters of October 13 and October 26, 1947, have been received.

In reply to your inquiry, we wish to inform you that the premises at 356 Powell Street, were reported to have been broken into on May 8 and May 10, 1942, and goods to the value of \$120.59 were reported missing following these break-ins. This information and a list of the goods missing were sent to you on June 3, 1942.

Yours truly,

F. Matheson,
Office of the Custodian.

/FM

November 27, 1947

The Canadian Credit Men's Trust Association, Ltd.,
602 West Hastings Street,
Vancouver, B. C.

Attention: Mr. John Cowan

Dear Sirs:

Re: Heitaro NABATA, 356 Powell Street, Vancouver, B. C.

On April 13, 1942, the Custodian appointed your organisation to investigate and take control of the property of the above-named person.

On May 20, 1942, you reported a breakin and theft of some of the goods of Heitaro Nabata, 356 Powell Street, and you suggested the sale of the stock and fixtures of this shoe repair shop. You sent us a list of the goods stolen and the values of the stolen articles.

On June 13, 1942, you reported that the inventory valuations of the material, which had been offered for sale, was as follows:

Merchandise stock	\$3,733.72
Furniture & Fixtures	506.70

You reported on the tenders received for this material, and recommended that the tender of the Army & Navy Department Store Ltd. be accepted.

On September 17, 1942, you sent us a statement of receipts and disbursements.

On October 9, 1942, you sent us the original inventory of the goods of Heitaro NABATA. This inventory was returned to you on October 13, 1942. We find that this original inventory is required for our records, and we would appreciate receiving same as soon as possible.

Yours truly,

F. Matheson,
Office of the Custodian.

/FM

NOTARIAL CERTIFICATE

CANADA

PROVINCE OF BRITISH COLUMBIA

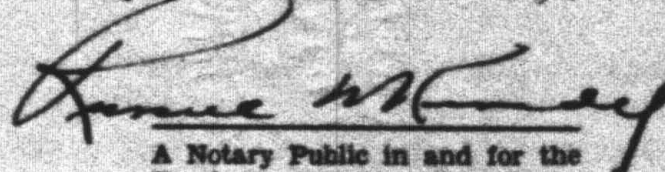
TO WIT:

I, **Russell William Kennedy**, Notary Public in and for the Province of British Columbia, by royal authority duly appointed, residing in the City of Kamloops in the said Province, do hereby certify that the paper writing hereto annexed and initialled by me is a true copy of a document produced and shown to me and purporting to be

Letters of Administration of Estate of Heitaro Nabata

the said copy having been compared by me with the said original document, an act whereof being requested I have granted under my notarial form and seal of office to serve and avail as occasion shall or may require.

DATED at the City of Kamloops in the Province of British Columbia, this 2nd day of October 19 50



A Notary Public in and for the
Province of British Columbia.

B.C.L.S.

FORM C.

\$2.00

Kamloops
Sep 21 1950
Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

Kamloops Registry.

BE IT KNOWN that on the 12th day of September,
1950, Letters of Administration of all the estate which
by law devolves to and vests in the personal represent-
ative of

Heitaro Nabata, late
of Magna Bay, B. C., deceased,
who died on the 20th day of August, 1950,
at Kamloops, B. C.
intestate, were granted by the Supreme Court of
British Columbia to
Sue Nabata
the lawful Widow
of the said intestate.

Estate sworn under - - \$10,336.58
Probate Duty - - - - -
Succession Duty - - - - -

Given under the Seal of the said Court this
19th day of September, A.D. 1950.

Seal.

"Frank J. Sell"

D. District Registrar.

Extracted by Cornwall, Kennedy & Colthurst

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.

3283

VOV 24 1947

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

- (1) NAME NABATA HEITARO (RCMP) Reg. No. 02618
(Print) Surname Given Name
- (2) Pre-Evacuation Address 356 POWELL ST. VANCOUVER, B.C.
- (3) Present Address MAGNA BAY B.C.
- (4) REAL ESTATE
- (a) Street Address (if any) _____ City or Municipality _____ Province _____
- (b) Legal description (lot number, block number, section number, etc.) _____

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

- ☒ (i) Farm
☒ (ii) Residence
☒ (iii) Business
☒ (iv) Any other type of property (describe)

Type of business

RETAIL SHOES, SHOE REPAIR

FIXTURES & Repair EQUIPMENT

sole owner, life tenant, joint tenant, owner of one half
SOLE OWNER

1. STOCK 3854.31 4175 95
2. REPAIR EQUIPMENT 710 00
3. SHOE FINDING 125 00
4. FIXTURES 930.15 1062 00
5. ACCOUNTS RECEIVABLE 118 65
6. GOODWILL 500 00

this to the best of your ability):

ng concern
s, chattels,
counts re-

TOTAL \$ 6691 60

values for lands and buildings just

ty and credited your account

\$ 6691.60

\$ 2923.20

\$ 3768.40

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

(5) PERSONAL PROPERTY

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

356 POWELL ST VANCOUVER B.C.

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

STORE

(c) How stored or packed at time of evacuation

AS SET

(over)

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

CUSTODIAN'S CARE

On May 1942 Goods to the value of \$120⁵⁹ were stolen

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

1. HOUSE HOLD EFFECTS
2. CARPENTER TOOLS
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Estimated Value \$ 125.00
 Estimated Value \$ 10.00
 Estimated Value \$
 Estimated Value \$
 Estimated Value \$
 Estimated Value \$
 Estimated Value \$
 Estimated Value \$
 Estimated Value \$
 Estimated Value \$

TOTAL CLAIM FOR PROPERTY LOSS \$ 135.00

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)) \$ 3903.40
- (6) (a) Place at which claimant prefers to be heard.
 (Vancouver, Kamloops, Nelson, Lethbridge,
 Moose Jaw, Winnipeg, Toronto or Montreal.)
- (b) Do you require the services of an interpreter at the hearing? Yes or no YES

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

DOMINION OF CANADA,
 Province of B.C.

TO WIT:

I, Heitaro Nabata
 of Nagasaki Bay

in the Province of British Columbia

DO SOLEMNLY DECLARE THAT:

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

DECLARED before me at the city of Salmon Arm

in the Province of British Columbia this 22 day of November

A.D. 1947.

Heitaro Nabata
 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.

1
CASE NO. 16

IN THE MATTER OF THE "INQUIRIES ACT"
PART I. REVISED STATUTES OF CANADA 1927. CHAPTER 92.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

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

20
Kullops, B. C.,
December 12th, 1947.

IN THE MATTER OF THE CLAIM OF
HIKARU HARADA.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.C. HENDER, Esq.,

appearing for the Dominion
Government.

J.A. MacLENNAN, Esq.,

appearing for the
Claimant.

A. WATSON, Esq.,

Secretary.

G.H.M. EPTON, Esq.,

Official Interpreter.

T. P. HERRONIN, Esq.,

Official Reporter.

2
H. Nakata,
In Chief.

MR. MacLENNAN: I would ask to call next the case of Nakata, which is No. 15 on the list. This will be Case No. 16.

My lord, I would like to make an application to amend the claim by reducing it somewhat. The claimant has attached a list of his items showing how he makes up the total of \$6,691.60. I would like to substitute for stock instead of the figure \$4173.95, the figure \$3854.31.

10 THE COMMISSIONER: \$3854.31.

MR. MacLENNAN: Yes, my lord, and repair equipment, I would like to add to that "and shelving" and substitute for the present figure \$425.00.

THE COMMISSIONER: Instead of \$710.00?

MR. MacLENNAN: Instead of \$710.00, yes. Shoe findings, \$125.00, as it is. Fixtures, \$230.15 instead of \$2062.00. All the other items remain the same, the total being \$5,953.11.

20 THE COMMISSIONER: How can you recover goodwill under the terms of reference?

MR. MacLENNAN: My lord, it is a loss which has been sustained by the claimant arising out of the evacuation program. The value of the business has a certain value based on the continuance of the business as a going concern.

THE COMMISSIONER: All I am empowered to deal with is real property or chattel property.

30 MR. MacLENNAN: Yes, my lord, but chattel property has an additional value when it is related to a business, which is goodwill.

5
H. Nakata,
In Chief.
(Discussion).

THE COMMISSIONER: I am afraid I would be against you on that, Mr. MacLennan. The terms of reference appear to me to be very specific, that I am empowered to deal with real property or with chattel property. Unless you can show something more than you have up to the present, I cannot hold goodwill to be a chattel.

10 MR. MACLENNAN: Very good, my lord. Would you give me an opportunity at a later date to argue that question?

THE COMMISSIONER: Very well. In any case you wish the amendment which you have mentioned. Any objection, Mr. Hunter?

MR. HUNTER: No, my lord.

MR. MACLENNAN: And, my lord, I would like to amend the claim for personal chattels by striking out the figure of \$135.00 and substituting \$31.65, acknowledging receipt from the Custodian of \$22.63.

20 THE COMMISSIONER: The figure on receipts again?

MR. MACLENNAN: \$22.63, leaving the claim at \$9.02.

I may say, my lord, that that figure of \$31.65 is the value of the chattels as shown by the Custodian which he sold, shown by the auctioneer's report. The \$22.63 was the net figure received by the claimant. The \$9.02 represents auctioneer's fees, advertising and moving, which are charged to the claimant which we will submit should not be charged to him. In other words, we are not questioning the sale of the chattels except for

30

R. Roberts,
In Chief.
(Discussion).

the deductions that have been made.

THE COMMISSIONER: Very well, proceed.

MR. HURTER: My lord, could I just make a short motion at this point?

THE COMMISSIONER: Yes.

MR. HURTER: On the accounts receivable, it is the submission of the Government that accounts receivable can only be charged where we have received them, and if accounts are difficult to collect or uncollectable or we don't collect them, it is my submission we are not liable for those accounts receivable but only for those we collect.

THE COMMISSIONER: In other words, you say you have no obligation to collect accounts receivable?

MR. HURTER: Even if we had an obligation, if we haven't received the information there is nothing we can do with the account receivable. For instance, in many of these cases with accounts receivable, the information we received was hopeless. They would give some Japanese name with no address, and so on, and in many cases the debtor had been evacuated or had gone back to Japan, and as a result only those that we were able to collect should have to be accounted for.

THE COMMISSIONER: Let me understand you there. I take your position to be that the Custodian did whatever he could to get in accounts receivable?

MR. HURTER: Yes, always. Yes, my lord.

THE COMMISSIONER: Where he was successful, the

5
H. Mahab, Jr.,
In Chief,
(Discussion).

Custodian of the Government is prepared to account.

MR. HENDER: Oh, quite.

THE COMMISSIONER: And has accounted.

MR. HENDER: Yes.

THE COMMISSIONER: But neither the Custodian or the Government assume any obligation to get in accounts receivable?

MR. HENDER: No, my lord.

THE COMMISSIONER: What do you say as to that situation, Mr. MacLennan?

MR. MACLENNAN: My lord, again I submit that the Custodian has such an obligation and where he has failed to take the proper steps and moneys have been lost as a result, I would think it comes within the purview of this Commission.

I would submit that possibly argument on these points which are being raised now might probably be dealt with at the Lillooet sittings and we could continue now and not argue this matter here today but possibly it would save time if, at a later date, some of these points were settled before proceeding with the main bulk of the cases.

THE COMMISSIONER: That is the view I have. I do not want to be covering a lot of ground that may be entirely lost effort. So while I do not wish to put counsel at any disadvantage in dealing with problems such as have been raised immediately, I would expect them to deal with them at an early opportunity. Perhaps it would be as well if we

6
H. Hulse,
(Discussion).

fixed the opening at Lillooet to deal with those
two points that have been raised this morning.

Would that be satisfactory to you, Mr. Hunter?

MR. HUNTER: Yes. Are there any other points we should
deal with at that time?

THE COMMISSIONER: I know of no others at the moment.

MR. MacLENNAN: There is the argument of Mr. Hulsester
in the Lanta case.

THE COMMISSIONER: Yes, that is right. That is the lady
who came back from somewhere in the vicinity of
Salmon Arm and who concurred in or made a sale
which she said was forced upon her by the
emergency of circumstances created by the evacua-
tion.

I would like it, Mr. Secretary, if you would
make a note of these matters to be brought up at
the opening in Lillooet. Incidentally, while we
are dealing with the Lillooet session, counsel
have asked me to give them one additional time.

I can appreciate counsel do require more time for
preparation, and for that reason I propose to open
in Lillooet on the 12th rather than the 5th of
January.

MR. MacLENNAN: Thank you, my lord.

MR. HUNTER: My lord, I would suggest at that time we
might argue out the question of auctioneers'
commission and real estate agents' commission.

THE COMMISSIONER: I think that would be wise. All
right, proceed, Mr. MacLeNNan.

7
H. Nakata,
In Chief.

EDWARD NAKATA, the Claimant herein, being
first duly sworn, testified
through the interpreter as
follows:

DIRECT EXAMINATION BY MR. MacLENNAN:

Q Mr. Nakata, before evacuation did you carry on
a shoe shop and repair business in Vancouver?

A Yes.

Q It was a retail business and shoe repair shop?

A Yes.

10 Q At 356 Powell Street?

A Yes.

Q How long had you carried on business there before
the evacuation?
A From around
1930.

MR. MacLENNAN: I will show this photograph to my
friend.

Q I am showing you a photograph, Mr. Nakata. Is that
a picture of the inside of your shop?

A Yes.

Q When was that taken?

A About 1937.

20 MR. MacLENNAN: I tender that, my lord, as Exhibit 1.

(PHOTOGRAPH MARKED EXHIBIT NO. 1).

Q Was the shop the same at the time of the evacuation
as is shown in that photo, or was there any change?

A He said there were various changes made.

He mended or repaired places. He repaired or
mended places.

Q Did it look the same at the time of the evacuation?

A Yes, if you had a look, generally speaking it was
the same.

30 MR. MacLENNAN: My lord, dealing with the claim for

R. Nabata,
In Chief.

stock, the figure of \$3854.51 is the figure shown by the Canadian Credit Men's Trust Association Limited, who were agents for the Custodian. If my friend will agree that is the value of the stock as shown by them, we don't have to go into it.

THE COMMISSIONER: \$3854.51.

MR. HADGEMAN: Yes. In other words, we are taking the Custodian's valuation of the stock.

10 MR. HUTTON: My lord, I will agree that is the retail value. When I say that is the retail value, I will agree there are the figures which the claimant showed on the boxes containing his shoes as the selling price. That is, those figures were taken by the claimant and by the Canadian Credit Men when they made this valuation.

THE COMMISSIONER: In other words, there was a stock-taking by the claimant along with the Canadian Credit Men's Trust Association?

20 MR. HUTTON: No, my lord. It was made by the Canadian Credit Men right after evacuation, and the figures, which they took and from which this figure is taken, are the figures shown as the selling price of the merchandise.

THE COMMISSIONER: Actually it is not a valuation at all.

MR. HUTTON: It is the value of what he might have got if he had sold them all at that time.

30 THE COMMISSIONER: Really it comes down to this, it is the aggregate selling price of the stock-in-

H. Habata,
In Chief.

value.

MR. HUNTER: It is the marked up value, my lord, at which he may have sold them, I don't know.

MR. MacLENNAN: My lord, I am tendering as Exhibit 2 the Canadian Credit Men's Trust Association limited inventory with prices attached thereto of about 20 pages totalling \$504.51 for the stock. There is also referred to there fixtures and fittings which I am not including in that valuation. The fixtures and fittings are shown separately.

(INVENTORY MARKED EXHIBIT NO. 2).

THE COMMISSIONER: What do you call this document you have just put in again, Mr. MacLeinnan?

MR. MacLENNAN: Inventory of goods and prices.

Q Mr. Habata, you are claiming \$425.00 for repair equipment and shelving?

A Yes.

Q What repair equipment do you speak of?

A A shoe finishing machine, sewing and patching machine.

MR. HUNTER: Is this an addition?

THE INTERPRETER: No. He is being asked, I think, what the machinery was -- the repair machinery.

MR. MacLENNAN: Q: Let's deal with the finishing machine, how old was it?

A 1937. He bought it in 1937.

Q What did you pay for it?

A \$250.00.

Q What valuation have you placed on it for the

H. Evans,
In Chief.

purpose of this claim?

A: \$250.00.

Q What condition was it in when you left or were evacuated?

A: He said

he had been using it up until the time of evacuation and it was in very good condition.

Q Now you mentioned another machine, is it a patch sewing machine?

A A patch sewing machine.

Q How long did you have that?

10 A It was bought in 1936.

Q What did you pay for it?

A: \$125.00.

Q And what value have you placed on it for the purpose of this claim?

A \$75.00.

Q What condition was it in at the time of evacuation?

A Good condition.

Q The other \$200.00 you are claiming is for shelving?

A: Yes.

20 MR. HANLON: Have you a letter, Mr. Rafter, of June 15th, 1942, from the Canadian Credit Men to the Custodian. My lord, I am producing as Exhibit 3 in this case a letter from the Canadian Credit Men's Trust Association, Limited, to the office of the Custodian, under date of June 15th, 1942, which says in part:

"valuations of the material offered for sale in the above matter are as follows:

Merchandise stock	\$5733.72
Furniture and Fixtures	\$ 506.70.

You will note the amount relative to

H. Nakata,
in Chief.

"Furniture and fixtures is \$200.00 higher than that indicated in our report of May 20th, 1942, which is due to the fact the landlord has since indicated certain ^{applying} shelving and equipment thereto is the property of Mr. Nakata."

(LETTER MARKED EXHIBIT NO. 3).

- Q Mr. Nakata, you have placed a claim for shoe findings at \$125.00?
- 20 A Did you say \$225.00?
- Q \$125.00. At \$125.00.
- \$125.00, he says.
- Q How do you make that up? At He says out of that \$125.00, \$45.00 was a lot of small tools.
- Q Small tools. What were they, to the best of your recollection? At Shoe lasts, knife, hammer, shoe stand, pliers, file, and things of that nature which he can recollect.
- 20 Q Assorted tools on which you placed a value of \$45.00? At Yes. He says now they would cost more but these I bought in that condition, that is used.
- Q How is the other \$80.00 of that \$125.00 made up?
- A Nails, laces.
- Q How many nails? At About 40 pounds, he thinks, to the best of his ability, of nails.
- Q What else? At Laces.
- 30 Q What else? At Insoles,

H. Nabata,
In Chief.

Q Socks, thread, sock covers, or stocking covers,
anything else?

A Rubber heels, leather, and things of that nature.

Q And according to the best of your recollection
and the best of your valuation, \$80.00 is the
value of those things?

A He says he is certain that there was that valuation in there.

MR. HUNTER: Q: He says what?

10 A That he is certain there was that valuation there
of \$80.00.

MR. MACKINNAH: Q: Now, Mr. Nabata, you have claimed
for fixtures, \$930.15. Did you have shoe cases
there? A: He had two
shoe cases.

Q We will value one. What did you pay for it?

A He paid \$145.00 for one new.

Q How long ago? A: 1931.

Q And what valuation did you place on it for the
20 purpose of this claim?

A \$80.00.

Q What condition was it in at the time of evacuation?

A It was good.

Q Now, is there any depreciation that you can
see in a shoe case, or was there any in that shoe
case?

A: No, no
depreciation.

MR. HUNTER: Excuse me, my lord, I wonder if we could
find out what he means by no depreciation. Does
30 he mean there is no injury? Things can depreciate

H. White,
in Chief.

without being injured or being scratched.

THE COMMISSIONER: They might go out of style, or something of that sort.

MR. MACLENNAN: I gather he meant no wear and tear.

THE COMMISSIONER: Find out from him.

MR. MACLENNAN: Q Explain the exact condition it was in, Mr. White. I want to find out what you mean by depreciation, or no depreciation.

A From appearance there was no difference. That is actually what he means.

Q No difference to the time he bought it?

A No difference to the time he bought it.

Q Now, dealing with the other shoe case, how old was it?

A How old, did you say?

Q How old?

A 1935.

Q What did you pay for it?

A \$45.00.

Q What valuation have you placed on it for the purpose of this claim?

A \$25.00.

Q Was there any wear and tear on that that you could see?

A No, there was no wear and tear.

Q Did you have some couches on the premises, that is sofas or couches?

A Three.

Q What was the condition of those?

A He says one was worn and damaged slightly, but the other two were all right.

H. Nabata,
In Chief.

Q How big were they? Describe these couches.

A They would seat two people each.

Q Were they upholstered or wood, or what?

A Wood with cushions on them to sit on.

Q When were they bought? At 1931.

Q What did you pay for them?

A Two were \$20.00, and one was \$25.00.

Q And what value did you place on these for the purpose of this claim?

10 A \$25.00.

Q Did you have some shoe stands?

A Yes.

Q How many? At He thinks
he had forty-five. He is fairly certain, that is
what he means.

Q Just what are these, will you explain?

A There were three different kinds.

Q They are made out of metal and glass, are they?

A He had some made of metal and the other made of
20 metal with glass on them.

Q And what was the cost of these forty-five stands?

A He says the prices were between \$1.75 and \$2.50.
I will have to get this over again. He made
an average price of \$2.00.

Q Yes, he averaged them out at a cost of \$90.00.
What value have you placed on them for the pur-
pose of this claim?

A \$45.00.

Q That is a dollar each. Did you have a cash
30 register? At Yes.

H. Roberts,
In Chief.

Q What kind? A: National cash
register, he thinks it was.

Q How old? A: 1931.

Q What did you pay for it?

A \$20.00.

Q And the value you place on it for this claim?

A \$25.00.

Q What condition was it in?

A Good.

25 Q Did you have some counters in the shop?

A Three.

Q Are some of them shown in that photograph,

Exhibit 17? A: Yes.

Q And how long did you have those?

A When he first started his business, which would
be 1930.

Q What did they cost you? A: The planks and
planking, \$20.00, and the carpenter, \$30.00.

Q A total cost of about \$100.00? What value has
25 he placed on those? I am sorry I didn't have an
opportunity to have this made up, my lord.

A \$50.00.

Q Were you still using those at the time of evacua-
tion? A: Yes.

Q And did you have a wall clock?

A Yes.

Q How old? A: About five years
old. He had had it about five years.

Q Did you buy it new or used?

30 A Yes, new.

Re. Exhibit
In Chief.

Q And what was the cost?

A \$15.00.

Q And your value for the purpose of this claim?

A \$15.00.

Q Was it in working order?

As Yes.

Q Did you have a heater stove?

A Yes.

Q How old?

As I bought it

three years ago.

20 Q What did you pay for it?

As \$25.00.

Q What value did you place on it?

A \$15.00.

Q Was it a coal and woodstove?

A Yes.

Q And what condition was it in?

A Good.

Q Did you have some electric light fixtures?

A Yes.

Q Is one shown in the photograph?

20 A Yes.

Q And one like it was on the premises?

A There was one, yes. There was another.

Q Had it been used?

As Yes. He

didn't need it, so he didn't use it very much.

Q He didn't use it at all? It was unused, isn't that so, Mr. Interpreter?

A He said to the question which you put he had used it at times.

Q What did those fixtures cost him?

20 A \$25.00 for the two.

H. Nabata,
In Chief.

Q All right; what value have you placed on them for this claim? At \$12.50.

Q At the time of your evacuation, you had some uncollected accounts which you turned over to the Custodian for collection.

THE COMMISSIONER: If you would simply put in a list of your accounts receivable, you do not need to deal with them any further.

MR. HUCKLEMAN: Yes, my lord. May I have the J.P. form? My lord, I file as an exhibit the J.P. declaration form. I had better have him prove his signature.

Q Is that your signature, Mr. Nabata?

A Yes.

MR. HUCKLEMAN: My lord, I tender as Exhibit 4, J.P. declaration form completed by the claimant here on the 10th of April, 1942, showing money owing to him on accounts outstanding of total of \$110.72.

(J.P. FORM MARKED EXHIBIT NO. 4).

Q Mr. Nabata, you are claiming \$500.00 for goodwill?

A Yes.

Q What were your average monthly earnings for the year 1941 from that business?

A \$150.00.

THE COMMISSIONER: Q: Is that a net or gross figure?

A Yes, net.

MR. HUCKLEMAN: Q: Dealing with the accounts receivable of \$110.05, were those old accounts or recent?

A For accounts of two or three weeks -- two or three months.

H. Sakata,
In Chief,
Cross-Exam.

Q Would the eldest be three months old?

A Yes.

THE COMMISSIONER: Is that everything?

MR. MACLENNAN: That is everything, my lord.

Q Mr. Interpreter, I understand he was asking a question about the shelves. He thought the shelves hadn't been covered, is that so?

A I don't know what he was about to ask me.

MR. MACLENNAN: You might tell him the shelving has been dealt with.

CROSS-EXAMINATION BY MR. HENTON:

Q Mr. Sakata, before you left you took stock. When was that? At About two days.

Yes, two days.

Q Yes, and when you took stock you showed the values opposite the stock. What were those values?

THE COMMISSIONER: You might ask him this question.

Were those figures not his selling price?

A They were the selling price. Yes, those were the selling price.

MR. HENTON: My lord, we have no information regarding the various items shown here for the furniture and fixtures. All we know is that the Canadian Credit Men took stock there. Originally they estimated the value to be \$306.70, and later when they found the shelving and learned friend said belonged to the claimant, they raised the value by \$200.00, giving a

H. Nabata,
Cross-Exam.

valuation of \$506.70. Insofar as these specific items which my friend has dealt with are concerned, we have no knowledge, and we have to go behind the valuation here and get the details from the Canadian Credit Man, providing they have the details at this date.

THE COMMISSIONER: In other words, they did not furnish you with an inventory of the equipment?

MR. HURCH: Not of the furniture, fixtures and equipment, no, my lord.

THE COMMISSIONER: Then I presume you are not sufficiently instructed to cross-examine him, is that the situation?

MR. HURCH: On that I have no knowledge. I can't cross-examine him or deny anything he said. I would have to have more detail.

However, there are some of these things that I should like to go into that I have some knowledge of. Does this man not read English?

It might be hard to get him to identify a letter.

Q This is a letter sent to him on the 26th of February, 1943. I wonder if you could find out whether he ever received that letter and know what its contents were?

A Yes, he received that.

Q He received that letter, did he?

A Yes.

THE COMMISSIONER: And what is the date of it?

MR. HURCH: February 26th, I my lord. I will file

it, but I will read it so you know what it is.

H. Kubota,
Cross-Exam.

"In settling your affairs, the Canadian Credit Men's Trust Association overlooked the payment to Messrs. Densby Bros. & Co. Ltd. of \$110.94. We understand that they have liens on certain equipment which you returned as security for this debt, and they have now offered to purchase these articles at the following prices:

1 Champion Curved Needle Stitches	\$75.00
1 Santa Moley	15.00
1 Foreign Press	10.00
1 Combination Hole Cutter	15.00
1 Defective Progressive Jack	15.94
	<u>\$130.94</u>

Will you kindly advise us if you will accept Messrs. Densby Bros.' offer and allow them to deduct the sum of \$110.94 from the proceeds of the sale, or would you prefer to keep these goods and have us pay the above Company from the balance you have with us?"

(LETTER MARKED EXHIBIT NO. 5).

MR. HENTON: This list I can't really identify. It is of Densby Brothers.

Q Is this your signature? (producing).

A Yes.

MR. HENTON: This is a letter, my lord, dated November 29th, 1944, which I shall file as Exhibit 6. It says,

"In reference to my two stitching machines which is now being held in your custodian storage",

This is after we had paid off Densby's account, my lord, and removed them from Densby's.

H. Roberts,
Crown-Sheriff.

"Will you please have these machines sold at the public auction? I am enclosing a list of machines and repairing equipment."

The list is: "1 only Motor; 1 only Mesta McKay Stitches; 1 only Champion Ideal Stitches; 1 only Paragon Press; 1 only Combination Saw Cutter and Shiver; 1 only Progressive Dandy Stand; 1 lot of Lacks for Paragon Press and Dandy Jack."

10 THE COMMISSIONER: Do your records show what he did about the letter of February 26th? Did he authorize the Custodian on the Dandy proposal?

MR. HADLEYMAN: No, my lord, he did not authorize it. Later he requested the Custodian to sell at auction.

THE COMMISSIONER: Sell at what?

MR. HADLEYMAN: Sell it at auction, and it was sold at auction at his request, and he got the proceeds.

MR. HENDER: He turned down Dandy's offer, my lord.

20 MR. HADLEYMAN: He obtained an increased price through the auction, my lord.

(LETTER IS MARKED EXHIBIT NO. 6).

MR. HENDER: This is a letter, my lord, addressed to the claimant. I will try and have him identify it. It reads as follows:

"On the 3rd of June we wrote to you and asked you for further information about the names and addresses of some of your debtors. You sent back our list with the last known address, but did not

"give your debtors' full names.

As most of these men will now have moved from Vancouver, we cannot trace them without further particulars. We therefore enclose again the list of your debtors, and request you to send us the full names. Without this we cannot make any attempt to collect on your behalf."

10 Q Will you ask the claimant whether he received that letter?

A He said he received it and sent a reply.

Q Is that the reply? (Predicting).

A Yes.

(LETTER MARKED EXHIBIT NO. 7).

MR. BENTON: This will be Exhibit 8, which is the reply.

It is not dated by the claimant but shows as having been received by the Custodian's office on the 6th of July, 1942. This is merely the list sent by the Custodian with certain details which the claimant has put in.

20

(DOCUMENT MARKED EXHIBIT NO. 8).

MR. BENTON: May I see the last exhibit, please?

There are six accounts receivable shown on this, my lord. Of them the first one, the debtor denied owing the money. Of the second one, or at least Kitamura, the second one on the list had no assets, and the third one on the list ignored our correspondence. Of the fourth one, we have no trace because the claimant showed no first name and he showed no address so we couldn't

30

find out who it was. Of the fifth one, he had no account, my lord, and of the sixth one our correspondence was ignored.

There is one thing here, my lord, after the original valuation on selling price was taken at \$500.00, there was a break-in of the store, and the Canadian Credit Man checked again and they found that again on the selling price basis, \$125.00 worth of merchandise was missing. 10 \$125.00 that was stolen, on whatever basis your Lordship sees fit to value compensation, that should be allowed, my lord.

THE COMMISSIONER: Yes.

MR. HUNTER: One other very small item, my lord. When the auctioneer was selling the various articles, he wrote off or rather said, "I have examined the undesignated articles and consider they have no value," and lists, "one table broken N.V." meaning "no value".

20 MR. MacLENNAN: Yes, we haven't claimed for that in the stock and fixtures.

MR. HUNTER: I don't think there is anything more on this point, my lord.

THE COMMISSIONER: Do you wish to re-examine, Mr. MacLeNNan?

MR. MacLENNAN: No, my lord.

THE COMMISSIONER: Nothing further? Thank you, Mr. Mahata.

(Witness aside)

30 (PROCEEDINGS RESUMED AFTER SHORT RECESS).

H. Nabata,
(Discussion).

THE COMMISSIONER: Would you recall the last claimant
for a moment, Mr. Interpreter?

HIYABO NABATA, recalled, testified
further as follows:

THE COMMISSIONER: Q Mr. Nabata, what is your
mark-up on the goods that you were selling in
the shop? A Do you
mean the profit, sir?

10 Q Well I presume that is what it is. I think he
will understand the term "mark-up". Does he
understand that? A You wish
to know how much, is that so?

Q Yes. Perhaps I can approach it a little
differently. You valued your goods at \$3854.52?

A That is correct.

Q How much did those goods cost you? I don't want
the exact figure, but roughly?

A 25%, sir.

20 Q 25% mark-up? A Yes.

MR. BASTIEN: My lord, I am instructed that if your
Lordship wants any further information that he
understands wholesale and retail.

THE COMMISSIONER: Q Yes, put it to him that way.
The figure of \$3854.52 is your retail price?

A Yes.

Q What is the wholesale price of those goods?

A About 25% below that price.

Q About what? A About

30 25% of that amount.

25
E. H. Harte,
(Witness on).

Q About 20% less?

A: Yes.

THE COMMISSIONER: All right, thank you.

(Witness aside)

(PROCEEDINGS ADJOURNED SINCE DEB)

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

J. P. Harte

"J. P. Harte"

Official Reporter.

Name of Claimant **ABATA, Haitaro**Case **16**Custodian File **3283**

<u>REAL PROPERTY</u>										Total
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 Amount Total	Sale Price	Total Award 125% of all Sale Prices: % of Amount Total		
<u>PERSONAL PROPERTY</u>										
Motor Vehicles		Boats and Boat Gear								
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column			
<u>NETS</u>										
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing		Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price	
<u>MISCELLANEOUS CHATELS</u>										Special 967.29
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
456.65	360.90	108.27	7%			152.04	18.24	126.51		
TOTAL RECOMMENDATION										1093.30

November 10, 1950.

Mrs. Sue NARATA,
Hagun Bay, B. C.

Dear Madam:

Re: Japanese Property Claims Commission
Case No. 16.

We have received from Messrs. Cornwall, Kennedy and Colthurst, our form of Release which has been executed by yourself covering the award recommended under the above Claims Commission for the sum of \$1,093.80.

Cheque in your favour is enclosed for \$1,039.68
and we have paid the Co-Operative Committee.. 54.12
for legal fees as authorized by you.

Yours truly,

F. G. Shears,
Director.

FUS/GH
Encl. 1 cheque.

c.c. Cornwall, Kennedy & Colthurst.