

3534

BUREAU HASTINGS PARK

OFFICE OF THE CUSTODIAN
JAPANESE SECTION

FILE NO.

EXHIBIT No. 279-3DATE 26/5/48To be completed by persons of the Japanese race having no property in ~~unincorporated~~ area.NAME: NAKATANI, TatsumatsuHOME ADDRESS: P.O.Box 419, Steveston, B.C.REGISTRATION No. 03574SEX: Male AGE: 61 MARRIED? YesOCCUPATION AND EMPLOYER: Fisherman, Gulf of Georgia, Steveston, B.C.NAME OF WIFE OR HUSBAND: TomieADDRESS: P.O.Box 419 Steveston, B.C.NAMES OF LIVING CHILDREN: Daiko; Masaharu;ADDRESS: P.O.Box 419 Steveston, B.C.

ADDRESS:

ADDRESS:

I certify that the above information is true and complete and state that I have no property of any kind whatsoever in any unincorporated area in British Columbia.

Dated this 3rd. day of April

1942.

(Signature)

WITNESS:

あなただにたつ松

T. Nakatani

H. B. 1948

FOR DEPARTMENTAL USE

HOW DO YOU PROPOSE TO PAY THESE OFF?
None

None

LIST OF LIABILITIES:

✓ 3534
INFORMATION FROM R.C.M.P.

Date May 5/43.

Full Name NAKATANI Tatsumatsu
(Surname in Block Letters)

Registration No. 03574

Male - Female
(check)

Age Dec. 29, 1880

Former Address

P.O. Box 419, Stenarton, B.C.

Date Evacuated

May 12/42.

Naturalized - Canadian-Born - National
(check)

Present Address

Grand Forks, B.C.

Married - Single
(check)

Name of Wife

Tomi

Tomiye # 04488

Name of Husband

Name of Mother

Name of Father

Names of Children under 16

Eniko (F) # 04260

Masakazu (M) 15604

Jakao (M) # 03439

Mitsuyo (F) 04713

Our File No.

3534

Registered with Custodian
(yes or no)

Requested By

EEJ

Additional Information

Fisherman

Owner Gasboat Lic. # 1648 N.21.

Reg. # N.W. 004-C.

SUMMARY TAKEN FROM VESSELS RECORDS

Date: August 23, 1944
Name: NAKATANI, Tatsumatsu Reg. No. 03574 File: 3534
Boat File No.: Custodian 3534
Name of Vessel: "T.N." 30'x 7'1"x3'5" (1926) Easthope 8 HP (1933)
Lic. or Reg. No.: New Westminster 1648
Naval No.: NW.004-C
Owner's Valuation: \$800.00
JFVDC Valuation: 489.00 Survey #146 NW
Custodian Valuation: 300.00
Date of Sale: December 30, 1942
Purchaser: James McPherson
Signature on Sales Papers: Custodian
Selling Price: \$300.00
Paid to ~~JFVDC~~ or Custodian: 300.00
Supervision Costs: 48.75
Balance due Owner: 259.26
Paid to: Cr. Account of Tatsumatsu NAKATANI
Location of Boat at Sale: Coal Harbour (ex New Westminster)
Claims Against Canadian Govt.:

Claim #525 - James McPherson - \$35.25 (Unpaid) ✓
The items for which claim was paid to purchaser were
not left on the boat by Mr. Nakatani, according to
information supplied to JFVDC by boat-owner's representatives.

*paid Reg. 6892
Apr. 20/45
Custodian
Jm*

Additional Information:

*J. MacLellan
July 11/46*

*#525
Claim paid 26/4/45. See list
of claims. A.M. Discharge on file.*

File No. 3534

PERSONAL PROPERTY SUMMARY

July 11, 1946.

Re: Tatsumatsu NAKATANI, Registration No. 03574

This man signed a declaration to the Custodian on April 3, 1942 in which he reported that he owned no property of any kind in the protected area.

However, our records show that this man was the owner of a vessel "T.M." which was sold through this office and the net proceeds in the amount of \$259.26 were credited to his account. This was remitted to NAKATANI on April 21, 1945 and July 12, 1945.

The account of this man was credited with the sum of \$2.41 received as refund of B. C. Electric Railway Co. security deposit for light. This amount is being remitted to NAKATANI today.

This file reveals no other property of any kind.

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

[Signature]

July 11, 1946.

/MM

Claim: "T.N.1136", NW.0040- Cod-boat built 1926 \$700.00
Easthope gas engine 8 HP cost in 1926 600.00
Gear: 1 Battery
2 Compasses
5 Sets of Wrenches
2 Anchors
2 Oil Tanks
1 Gas Tank
2 Ropes
1 General Light
1 Row-boat
1 Roller
1 Back Roller
Purchased 1926-1928 at \$86.50
Est. value at time of evacuation-\$50.00
(See original claim for gear stated to have been left at Gulf of Georgia net house)

Gross Claim(boat & gear) - \$800.00 ,

Sale: Date: December 30, 1942
Location: Coal Harbour
Purchaser: Jas. McPherson
Sale Price: \$300.00
Expenses: 40.74 (proportionate share)
Net Credit: 259.26

Valuations: Phillipson: \$425.00 (JFVDC price: \$489.00 -15% above appraisal)
Gould: 300.00 (Est.Mkt.Value: \$340.00)

Equipment: Claim of \$35.25 paid to purchaser. Boat sold at Gould's "as is" valuation.
No record of equipment actually on boat when impounded.
List of missing essential boat gear as at Aug.1/42 was basis of claim paid.
See list on same file of equipment owner reported, in Spring of 1942, had been left on boat.
Although revised claim lists equipment left on boat, as above, the original claim filed by this man stated this gear had been left at Gulf of Georgia net house. No explanation by claimant of why gear shifted from Gulf of Georgia net house to boat, in revised claim.
Possible explanation- boat gear not reported to Custodian and not found by Custodian- hence not good for claiming purposes, at net house.

Age: According to claim, boat and hull 16 years old at time of sale.
Licence New Westminster 1648 was issued to Nakatani on March 12, 1928.

Transcript "maintenance work - scraping & painting 3 times a year"
Page 3, See Phillipson's report "needs extensive repairs-has been neglected."
L.26-30

Expenses: Probable actual expenses higher than \$40.74.

E/TM

NET SCHEDULE

April 8, 1948

File: 1067

Re: NAKATANI, Takao, Reg. No. 03439

Declared Apr. 2/48
to be left at Gulf
of Georgia Cannery

Found at Gulf of
Georgia Cannery
"T. Nakatani"

Disposition

1 Net & 125 Fath.
1 Net - 240 Fath.
1 Net - 200 Fath.
Lead Line 200 Fath. XX
Cork Line 170 Fath.
6 300 Corks

#243- 5 Edles Corks	Sold - \$15.00
#244- Edle Net-no lines	" - 15.00
#245- 1 Small Net - no lines	" - 5.00
#246- Edle. Net - no lines	) Notation on net card "no good" See entire net sold below.
#247 -Edle. Net - no lines	
	" #244A - Net \$25.00
	" #245A - Corks \$5.05

XX- There is no record of lead line being found.

/T

1 Boat Mattress found at T. Nakade's house, tagged "T. Nakatani"
was sold for \$3.00, which was credited to the account of this man.

NET STATEMENT

NAKATANI, Takao
Registration No. 03439
File No. 1067

January 26, 1944

<u>Custodian No.</u>	<u>Description</u>	<u>Sale Price</u>
843	(5 Bundles of Corks	\$ 15.00
844	Ex Gulf of (1 Bundle of Net - no lines	15.00
844A	Georgia (Net	25.00
845	Cannery (Small Net without lines	5.00
845A	(Corks	5.05
2448	Boat Mattress (ex.Y.Nakade's house)	3.00
		<u>\$68.05</u>

EXHIBIT No 273-5
DATE 26/5/49
FILLED BY Crown

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

RELEASE AND DISCHARGE

FISHING VESSEL: "T.H."
REG. or LIC. No.: New Westminster 1648
NAVAL No.: NW.004-C
CLAIM PAYABLE TO:

James McPherson

CLAIM No.: 525-C
Owner at Time of Impounding:
Tatsumatsu NAKATANI, #03574,
File 3534.
Present Owner:

James McPherson

This vessel was sold to James McPherson, on December 30, 1942, by the Secretary of State of Canada acting in his capacity as Custodian as vested owner of the interest of Tatsumatsu NAKATANI, and as a condition of sale all interest in claim for the loss and/or damage referred to herein was assigned to the purchaser.

While in the custody of the Royal Canadian Navy, this vessel suffered loss to the value of \$35.25, as assessed by the surveyor for Naval Service, which sum is approved by the undersigned and accepted as adequate compensation.

In consideration of the payment of the sum of **THIRTY-FIVE DOLLARS AND TWENTY-**

FIVE CENTS ----- (\$ 35.25)

(of lawful money of Canada) (the receipt of which is hereby acknowledged), we, the undersigned, being the owners and/or mortgagees, shipyard repairers and all others having any interest, claim or demand against the said motor vessel registered at the Port of **New Westminster, B. C.** Official or License No. **1648** DO HEREBY RELEASE and forever discharge His Majesty the King, as represented by Royal Canadian Naval Service or any patrol or auxiliary service, acting through or under the authority of Royal Canadian Naval Service, and all boards, commissions or departments of His Majesty's Canadian Government of and from claims which we may now have or which hereafter may arise and which now could or at any time hereafter be made in consequence of damage sustained or any alleged damage sustained, to the above-named motor vessel while in custody of His Majesty's Royal Canadian Naval Service or any auxiliary patrols, commissions, boards or departments hereinbefore named.

AND FURTHER, we covenant that we are the owners and/or mortgagees, shipyard repairers and all others having any interest, claim or demand against the said vessel and are the only parties or persons having any interest, claim, lien, demand or charge over the above-named motor vessel, and should any claim hereafter be made by or through any parties whatsoever, we hereby agree to indemnify and save harmless His Majesty the King as represented by any of the naval services, boards, patrols, departments, or commissions hereinbefore referred to.

AND FURTHER, that this discharge and release enures to the benefit of and is binding upon all the parties hereto, their respective heirs, executors, administrators, assigns, successors and representatives.

Quathiaski Cove
DATED at Vancouver, British Columbia, this **16th** day of *April* **1945**

WITNESS:

James McPherson
Quathiaski Cove
B.C.

James McPherson
Quathiaski Cove
B.C.

*No time here can be used as
will-netter or Cold Trapping*

Name of Vessel (船名)		T. H.		Official Number NW 1684 (登録番号)		Naval Control Number NW 004 0 (管理番号)	
Port of Registry (登録港名)		New Westminster		Date of Registry (登録期日)			
Length (長さ)		30'		Width (幅)		7'1"	
Depth (深さ)				Depth (深さ)		3'5"	
Make of Engine (Present) (機械ノ名) (現在ノ)		Easthope		Date When Re-Installed (若シ入替ヘキ場合ニ其ノ期日)		1933	
Horse Power (馬力)		8		Knot (Speed) (速力)			
When Hull Built (船体建造期日)		1926		When Hull Rebuilt (若シ改造ノ場合ニ其ノ期日)			
Type of Vessel (船ノ種)		Seiner ☐ Packer ☐ Gill-Netter ☒ Troller ☒ Trawler ☐ Other ☐					
Formerly Used as (従来ノ用途)				Value (Replacement) (価値) (代替ニキ場合)			
Date When Surveyed Last (最近ノサマセキサマ期日)				Value (Present) (価値) (現在ノ)		\$ 600.00	
Place of Operation (使用海域)		Fraser River and Coast of Vancouver Island (英領)		Value (Insured) (価値) (保額)			
Charter Rate: 1940 (船賃料金率)		1941		Chartered To: 1940 (借船先)		1941	
Amount of Mortgage, If Any (抵当額ノ金額)				Mortgaged To: (抵当額借入先)			
Registered Owner's Name (登録船主名)		Nakatani, Yatsumatsu		Actual Owner's Name (実質所有者名)		Nakatani, Yatsumatsu	
ADDRESS (住所)		Steveston, B. C.		ADDRESS (住所)		Steveston, B. C.	

② Please refer to "Certificate of British Registry" in filling this blank special attention is required in cases of "Length" "Width" and "Depth"
凡「形式」新記入時「長さ」「幅」「深さ」は「登録」に「注意」を要ス

JOHN GOULD
Marine Surveyor and Appraiser
VANCOUVER, B. C.

GARLES!
"GOULD" VANCOUVER, B. C.
TELEPHONE:
PACIFIC 9046

No. 19. AA
"T.N. 1136".
Survey Report

To whom it may concern:

Name	"T. N. 1136"		
Official No.	N D O 4 E	Type	Wet Cod
Owner	Nakatani Tatsumatsu.		
Dimensions	L. 30 ft. B. 7.1 ft. D. 3.5 ft.		
Engines	Gasoline. Easthope.		
Horsepower	8 B.H.P.		
Fuel	Gasoline.		
Tank Capacity	60 Gallons.		
Pumps	None.		
Lighting	Electric	Drive	Off main engine.
Anchors	None.		
Chains	None.	Rope	None.
Compass	None.		
Stoves	None.		
Fire Extinguishers	None.		
Valuation	Three Hundred (\$300.00) dollars.		
Estimated Market Value	Three Hundred forty (\$340.00) dollars.		

August 1942.
Vancouver, B. C.

John Gould.
Marine Surveyor

269 Powell St.
Vancouver, B.C.

3534

Phone TRinity 009

KOMURA BROS.

GENERAL MERCHANTS

Sold to M.

T. Nakafumi
Box 419, St. Vincent

June 1st 1942

様

To Mr. Nakafumi

707

24th October, 1942.

Mr. Tatsumatsu NAKATANI,
Reg. No. 03574,
GRAND FORKS, B. C.

Dear Sir:

RE: T. N. 1136.

We have received an offer of
\$315.00 for your boat.

Will you kindly let us know
by return mail whether this offer is
acceptable.

Yours truly,

(FISHING VESSELS DEPARTMENT).

MS/mf

DEPT. OF COSTODIAN OFFICE.
VANCOUVER, B.C.

Re: T.N. 1136.

Dear Sirs;

As I received your kind report according
to my boat, I am not satisfy with your price.

yours truly;
D. Martoni

J. L. Martoni
R.R. 101,
Grand Forks, B.C.
Oct., 27th 1942.

EVACUATION SECTION	
JUL 31 1945	
No.	103490
Ad.	
Received	Letter from Sub. Div.

July 26/49

Dear Sir:-
 I received your cheque some
 8.7.07 on July 2nd. I acknowledge
 this cheque with thank to please
 cancelled the claimed of Thomas
 Brothers Ltd.

Yours sincerely
 J. L. M. M. M.
 No. 103579

3534

April 21, 1945.

Mr. M. L. Brown,
British Columbia Security Commission,
Vancouver, B. C.

Dear Sir:

Re: Tatsumatsu HAKATANI
Reg. No. 03574

As requested in your letter of April 14th,
we are sending to him the enclosed letter and cheque
for the sum of \$252.19.

His credit balance from the sale of the M.V.
"T.H.", HW.1648, was \$259.26, but because of a claim
for \$7.07 filed against him by Komura Brothers Ltd.
we must hold sufficient funds to cover the claim.

We have written to Mr. Nakatani on two pre-
vious occasions in regard to this claim, but we be-
lieve that he is unable to read English, and this
no doubt is the reason he has not replied to our
letters. Any assistance your Department can give us
in obtaining confirmation of the correctness of the
claim and authorization to pay it, or, if the claim
is denied, some evidence to support Mr. Nakatani's
denial of this debt, will be appreciated.

Yours truly,

Enclosures (4)

F. Matheson,
Specified Articles Department.

1648

August 12, 1943

Mr. Tatsumatsu NAKATANI,
Registration No. 03574,
Grand Forks, B. C.

Dear Sir:

This is to advise you of the sale of your vessel "T.N." BW.1648 for the total sum of \$300.00. This was the value placed on this boat by an experienced and independent marine surveyor.

No commission or administration costs were charged, but charges were made to cover such expenses as, wharfage, watchmen's wages, expert valuation, fire insurance, etc. These expenses amounted to \$40.74.

The balance of \$259.26 has been placed to your credit in our trust account.

Yours very truly,

F. Matheson,
Specified Articles Department.

DEPARTMENT OF
LABOUR



CANADA

EVACUATION SECTION

Rec'd AUC 6 1945

File No. 3534

Ans.

Referred *Peters*

BRITISH COLUMBIA SECURITY COMMISSION

360 Homer Street,
Vancouver, B. C.
August 4th 1945

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

Attention Mr G. Peters

Dear Sir,

Re: Tatsumatsu NAKATANI #03574
Custodian File #3534

Referring to your letter of July 12th
the above named man has now been interviewed by
Corporal Durnin of the R. C. M. Police, and for
your information we enclose a copy of his report.

Yours truly,

M. L. Brown

\$

M. L. Brown
Office Manager.

MS
enc

COPY

ROYAL CANADIAN MOUNTED POLICE

Grand Forks, B.C.
July 26th, 1945

Mr. C. L. Cowdrill,
B. C. S. Commission,
Greenwood, B.C.

Re: Tatsumatsu NAKATANI, #03574.

Dear Sir:

Embodied hereunder is a statement taken from the above noted subject regarding the account claimed against him by Komura Bros. in Vancouver. In accordance with present instructions, an official report, containing the statement, has been submitted to our Division Headquarters.

"BEGINS"

Grand Forks, B.C. 17-7-45.

Statement of Tatsumatsu Nakatani - #03574

With reference to the account of \$7.07 which Komura Bros. claim against me, I state that I do not acknowledge this account, or any part of it, as being owing by me to that company.

I moved to Grand Forks, B.C. from Steveston (Gulf of Georgia Cannery) arriving here on May 13th, 1941. Komura Bros. claim two purchases by me as listed on their statement on May 23rd, 1941 and July 25th, 1941. As I was in Grand Forks at that time I could not have made any such purchases.

I did do some business with Komura Bros. whilst in Steveston but promptly paid up my account every month. I cannot recall, nor can my wife, the last time we had dealings with this company, as prior to our leaving Steveston, we destroyed all receipts and business papers.

Interpreter - M. Nakatani
#15604

(Sgd.) T. Nakatani

Witness - R. McKernan, Cst.

ENDS"

(Sgd.) W.J. Durnin Cpl.

I/C Grand Forks Detachment.

How come?

Tatsuratsuo NAKATANI

File No. 3534

Case No. 273

Memo: This claimant did not declare any property. He signed a "No Property" declaration, April 3, 1942. Exhibit No. 3. His son, Takao NAKATANI, declared all the Nets and Lines, except the Cod fish lines, which the claimant now alleges belonged to both him and his son, (Trans. p.9, line 18), and for which the claimant now claims. The claimant's counsel concedes the Custodian a credit of \$65.05 derived from the sale of some of these Nets and Lines, which sum was credited and forwarded to the claimant's son, Takao NAKATANI. According to information obtained in this office, the claimant's son, Takao NAKATANI, has not filed a claim.

PERSONAL PROPERTY CLAIMS

(All claims shown are Gross)

1. Boat Claim

\$800.00

Appraised at

\$340.00

Sold for

\$300.00

Witness: 1. John Gould, Marine Surveyor,
Appraiser. Exhibit No. 2.
August 1942.

2. Nets and Lines Claim

\$400.00

Sale Price

(a) Net & Cork valued by
claimant at \$270.00

\$65.05

Witness: 1. C.C. Robinson, who supervised
the majority of this type of
sales. See: Memo (infra).

(b) Cork line valued by
claimant at \$30.00

Declared by his son,
Takao NAKATANI.

Witness: 1. F.G. Shears - to prove son's
J.P. Form, dated 3rd April, 1942.
To be filed.
Also Net Statement, Exhibit No. 5.

(c) Cod Fish lines valued by
claimant at \$100.00

No record at any time.

Witness: 1. F.G. Shears - as above in 2 (b).

Ref. Trans. p.2, line 16 - Claimant's counsel apparently
eliminated the claim for this item, no. 7.

<u>Summary of Defence</u> <u>Witnesses</u>	<u>Where</u> <u>Required</u>	<u>Summary of Documents</u> <u>to be filed</u>	<u>Witness Proving</u> <u>Same</u>
John Gould	1		
C.C. Robinson	2 (a)		
F.G. Shears	2 (b)(c)	Takao NAKATANI'S J.P. Form, dated 3rd April 1942.	

HAC/mw

From: Mr. F.G. Shears.

MEMORANDUM

October 9, 1950.

Case 273

File 3534

Rai Tatsunetaru NAKATANI

An award has been recommended in connection with fish nets. The question raised is to whom should the award be paid.

The father who made the claim, declared that the nets belonged to himself and his son. The son did not make claim for any nets before the Commission. The award was made to the father as claimant and we will pay to him as the Releasor.

F. G. Shears.

FGS/GW

O.K. for payment

Name of Claimant

NAKATANI, Tatsuzo

Case

273

Custodian File

3534

REAL PROPERTY										Total
Greater Vancouver		Rural (except V.L.A.)		V.L.A. (except Mission Village)		V.L.A. Mission Village		Total Award 125% of all Sale Prices: % of Amount 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	
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			
		300		85.50	35.25					120.75
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
							270.00 30.00			65.05
144.95										
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	Applica- tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
TOTAL RECOMMENDATION										265.70

3534

October 12th, 1950.

Mr. Tatsumatsu NAKATANI,
Sherman P. O.,
West Vancouver, B. C.

Dear Sir:

Re: Japanese Property Claims Commission

Case No. 273

We have received from the Co-Operative Committee
on Japanese Canadians, our form of Release which has been
executed by yourself covering the award recommended under
the above Claims Commission for the sum of ... \$265.70.

Cheque in your favour is enclosed for \$250.33
and we have paid the Co-Operative Committee .. \$ 15.37
for legal fees as authorized by you.

Yours truly,

F.G. Shears
Director

FOS/js
1 encl.

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

(HIS HONOUR, JUDGE ERIC P. DAWSON, SUB-COMMISSIONER)

10

Grand Forks, B.C.

May 26, 1948

IN THE MATTER OF THE CLAIM OF
TATSUMATSU NAKATANI

PROCEEDINGS AT HEARING

20 APPEARANCES:

HAROLD W. McINNES, Esq.,

appearing for the
Dominion Government.

A.E. COHNS, Esq.,

appearing for the
Claimant.

L.A. DODD, Esq.,

Secretary to Grand
Forks Sub-Commission

G.H.R. UPTON, Esq.,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter

30

MR. COBUS: The claim, your honour, of Nakatani, Tatsumatsu, No. 63 on the Secretary's list, which becomes, Mr. Secretary, I take it, No. 273.

THE SECRETARY: That is right, 273.

TATSUMATSU NAKATANI, the claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. COBUS: I would ask leave, your honour, to amend the claim. The claimant shows his claim for a boat on the title side of the claim form, which will be left as is; that is, the boat value remains at \$800.00 and the Custodian credit, \$300.00, leaving a net claim for the boat of \$500.00. As to the claim for articles listed under the itemized description of personal property, we have eliminated items 7, 8, 9 and 10, which are, in fact, gear on the vessel. In other words, the boat claim remains at \$800.00, but we have eliminated a separate claim of \$86.50 for boat gear.

THE COMMISSIONER: The \$86.50 includes these four items, does it?

MR. COBUS: It does, your honour. That leaves, for the items one to six, a total of \$400.00, and a credit to the Custodian for sales against the nets and lines of \$66.05, it leaves a net personal property claim of \$334.95.

THE COMMISSIONER: That is against the \$400.00. The total of those other items is \$400.00, isn't it?

MR. COBUS: That is correct, your honour.

THE COMMISSIONER: The balance is the difference.

MR. COBUS: \$534.95 is the balance. The total claim becomes \$834.95.

DIRECT EXAMINATION BY MR. COBUS:

10 Q: Witness, I produce to you a statement concerning nets and lines and a fishing vessel. Did you instruct Mr. Leckie to prepare this statement and is that your signature -- or your mark?

A: Yes.

Q: Are the statements contained therein true to the best of your knowledge and recollection?

A: Yes.

MR. COBUS: I would ask to file the statement concerning nets, lines and the vessel as the first exhibit, your honour.

(STATEMENT MARKED EXHIBIT NO. 1)

20 MR. COBUS: Referring to the statement, your honour, the claimant has listed three nets, two sockeye nets and one a Japanese net, and one lead line and a cork line and a codfish line. The values in the final column are shown to total \$400.00.

30 As to the vessel, it was known as the "TH 1156". It was a codfisher type vessel, built for the claimant in 1926. He paid \$700.00 for the hull. He notes that the maintenance work done on the vessel whilst it was in his possession consisted of scraping and painting three times a year. It was in good condition when it

was surrendered to the Navy and he estimates the value to be \$800.00, including the gear, which is then listed in the statement under the heading "other gear." The cost of that gear, he says, is \$86.50, and he estimates that its value is \$80.00. However, the claim is being made for \$800.00 only inclusive of the gear listed in the statement.

10 THE COMMISSIONER: What about the engine, was the engine included in the \$700.00?

MR. COBUS: The \$700.00 was for the hull only, your honour.

THE COMMISSIONER: Not the engine.

MR. COBUS: The \$800.00 item there refers to what I omitted to go over in dealing with the statement. The \$600.00 item refers to the Easthope gas engine, 8 H.P., which was installed in 1928 in a new condition.

THE COMMISSIONER: Yes.

20 MR. COBUS: The vessel was surrendered to the Navy at Steveston in December, 1941. The claimant comments that he considers the market value of \$340.00 estimated by the Custodian's appraiser, Mr. Gould, in August, 1942, and the sale by the Custodian in December, 1942, do not represent the fair value for the vessel. At the time of sale he believes the vessel was worth at least \$800.00. He adds that he has allowed for depreciation on the nets and lines, also on the
30 vessel and gear.

I would ask my learned friend to produce the appraisal on the vessel "TN 1138."

MR. McINNES: That is John Gould's appraisal, is that it?

MR. COBUS: That is right. I have what purports to be a survey report dated August, 1942 at Vancouver and signed by John Gould, Marine Surveyor, respecting the vessel "TN 1138," which I file on behalf of the Crown.

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(APPRAISAL MARKED EXHIBIT NO. 2)

MR. COBUS: Would my learned friend produce the vessel statement from his file? Would my learned friend admit that the date of the sale of the vessel in question was December 30, 1942?

MR. McINNES: Yes.

MR. COBUS: And that it was transferred by a bill of sale signed by the Custodian?

MR. McINNES: That would appear to be so, from this record, your honour.

20 MR. COBUS: And that the selling price was \$300.00?

MR. McINNES: Yes.

THE COMMISSIONER: Well, that was after the Order in Council vesting those vessels in the Custodian, which was August, 1942, wasn't it?

MR. COBUS: That is correct, your honour.

Your witness.

CROSS EXAMINATION BY MR. McINNES:

Q: This boat was built in 1926?

30 A: I think so, although I have forgotten the date when

she was built.

Q: Yes. When did you buy it?

A: I had this boat built for myself, but I am an old man and I do not know the date exactly.

Q: It was built for you? A: Yes, it was built for me.

Q: So that it was about 16 years old when it was sold?

A: I think it was about 16 years old. I think so.

10 Q: Now, you signed a "No Property" declaration, did you not, when you were evacuated?

THE COMMISSIONER: What do you call that, Mr. McInnes?

MR. McINNES: It is a Form "J". It is a "No Property" declaration, that is, that he certifies that he has no property of any kind within the protected area.

MR. COBUS: Your honour, is this being directed to the vessel or to perhaps some other portion of the claim, because, if it is being directed to the vessel --

20 MR. McINNES: The vessel is over and done with. We are finished with that.

MR. COBUS: It seems to be entirely irrelevant.

MR. McINNES: Don't talk absolute nonsense. How could it be directed to the vessel? We have admitted we sold the vessel for \$300.00.

MR. COBUS: I am attacking that particular form, Mr. McInnes. I don't consider the question is nonsensical at all.

30 MR. McINNES: The man is filing a claim here for a

vessel, and then he goes along and claims for gear, and he claims for a lot of nets.

MR. COBURN: Very well, Mr. McInnes, if you are pursuing the nets and lines, I am perfectly satisfied. I merely questioned your bringing that up immediately following a question concerning the vessel.

10 MR. McINNES: Well, your honour, if it is necessary for my learned friend's purposes that I make a direct pause between each question and indicate what I am directing it to, I will do so.

THE COMMISSIONER: You are directing your cross-examination with regard to the nets at the present time.

MR. McINNES: And the gear.

THE COMMISSIONER: And the gear. And you are producing a "No Property" declaration which you are examining on. I think that is within Mr. McInnes' rights.

20 MR. McINNES: Q: That is your signature?

A: Yes, I signed this. I couldn't write English, so I wrote my name in Japanese.

Q: And it appears to be dated the 3rd of April, 1942.

A: I think so.

MR. McINNES: I would like to file that, your honour, as Exhibit No. 3.

(DOCUMENT MARKED EXHIBIT NO. 3)

Q: Have you a son known as Takao — or however you pronounce it?

A: I have a son

30 called Takao.

Q: Did you file a J.P. form at any time?

A: I did not sign any form.

Q: What money did you receive from the Custodian except the money for the boat? A: I didn't receive anything.

MR. McINNES: What credit was it you gave us there?

MR. COBUS: \$85.05.

MR. McINNES: You concede that, although your client says he didn't receive any money?

10 MR. COBUS: Yes.

THE COMMISSIONER: Have you any proof of that money being paid to the claimant, that \$85.05?

MR. COBUS: We were instructed, your honour, that he did receive the \$85.05 and the claimant was willing to credit the Custodian with the amount.

MR. McINNES: It will be submitted, your honour, that the vessel was sold for its fair market value. As far as the remainder of the claim is concerned, it will be submitted that these nets were
20 never declared by this claimant, and it will be further submitted that his son, Takao, signed -- or filed a J.P. form in which, we submit, the identical nets were claimed for and that he has also filed a claim which will be dealt with. As far as the gear is concerned, we submit that it was sold for its fair market value.

That is all, thank you.

MR. COBUS: Would my learned friend advise if the J.P. form of the son, Takao Nakatani, is in the file
30 of the present claimant?

MR. McINNES: It is.

MR. COBUS: Would my learned friend produce that document?

MR. McINNES: Well, I have what purports to be one.

THE COMMISSIONER: Signed by the son?

MR. McINNES: I will produce what I have here.

THE COMMISSIONER: Yes.

MR. COBUS: Thank you.

10 RE-DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, I produce to you a document known as a J.P. form dated the 3rd of April, 1942, signed by T. Nakatani. Do you recognize the signature?

A: I can't recognize English. It may be the signature of my son.

Q: Do you know whether your son declared your nets or his nets?

A: They were the nets belonging to my son and to myself.

20 Q: And the nets that you are now claiming for, you are claiming on your own behalf?

A: Yes.

Q: Is your son claiming separately from you?

A: I do not know. I haven't heard anything of that nature.

THE COMMISSIONER: What does he mean, Mr. Interpreter — he doesn't know whether his son is claiming, is that what he says?

THE INTERPRETER: He doesn't know whether his son is claiming.

T. Nakatani
Discussion

MR. COBUS: Would my learned friend produce the personal property analysis form?

(Handed to Mr. Cobus)

10 I have what purports to be an Analysis of Personal Property Claim produced from the Custodian's file which I would ask to file on behalf of the Crown, and point out that in the second column, under the heading "Inventory," which is not dated is this note: "Found at Gulf of Georgia tagged "T. Nakatani" bundles of corks and net, without lines. No lead line found." In the first column is a note to the effect that his son, that is, the claimant's son, Takao Nakatani, did in fact declare three nets and certain lines and certain corks. In the final column, under "remarks," this note: "Mr. Takao Nakatani son of claimant declared nets and lines. Nets and corks found tagged "T. Nakatani" were sold and the proceeds were credited to his account. In addition to the nets and corks, a boat mattress was sold for \$3.00, which was credited to Mr. Takao Nakatani."

20 I would ask that that statement be filed on behalf of the Crown.

That is all, your honour.

(ANALYSIS MARKED EXHIBIT NO. 4)

MR. McINNES: Your honour, for the purposes of the record and for the information of my friend, there is in this file the net statement. It is dated 30 January 26, 1944. It is made out to Takao Naka-

21
tani, who apparently is the son of this man.
His registration No. is 03439, his file No. is
1097. It shows that the nets were sold, and a
boat mattress, for a total of \$65.05 which was
credited to Takao Nakatani at the time.

THE COMMISSIONER: Takao Nakatani, that is the son.

MR. McINNES: To the son.

THE COMMISSIONER: This man is Tatsuzatsu.

MR. COBUS: Of course, your honour, the credit has
10 actually been shown on the Analysis of Personal
Property Claim with respect to the present claim-
ant, and those figures, I think, have already
been given.

MR. McINNES: That is all.

THE COMMISSIONER: Are you filing that statement, Mr.
McInnes?

MR. McINNES: I can, if your honour thinks it should
be filed, the net statement.

THE COMMISSIONER: I think it might be just as well,
20 because there is no record on the Analysis of
Personal Property claim about it.

MR. COBUS: Your honour, there is no indication, of
course, on that particular statement that it is
worth any more than appears on the surface. There
is no initial on it, as far as I know, and save
for the fact that it comes out of the Custodian's
file --

THE COMMISSIONER: Well, it is read into the record,
and that is probably sufficient, then.

30 MR. McINNES: I might as well file this, your honour,

for what it is worth.

(SEE STATEMENT MARKED EXHIBIT NO. 5)

THE COMMISSIONER: You have no further examination,
then, Mr. McInnes?

MR. MCINNES: No, your honour.

THE COMMISSIONER: Mr. Cobus, you don't want to ask
anything more?

MR. COBUS: Nothing more, your honour.

THE COMMISSIONER: Very well.

10

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton
G. Hambleton
Official Reporter

I hereby certify that the foregoing trans-
cript purports to be an accurate record of
the evidence adduced before me.

E. F. Dawson
Sub-Commissioner

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