

6429

I
Steveston, B. C.
OFFICE OF THE CUSTODIAN
JAPANESE SECTION

FILE No. 6429

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

PERSONAL INFORMATION

NAME: OYE, Nobu (Mrs. Yasukichi)
HOME ADDRESS: 672 4th Ave., Steveston, B. C. Box 28.
REGISTRATION NUMBER 05523 SEX: Female AGE: 32
OCCUPATION: Housewife

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

EMPLOYER: none
MARRIED? yes
NAME OF WIFE OR HUSBAND: Yasukichi
ADDRESS OF WIFE OR HUSBAND: 672 4th Ave., Steveston, B. C.
NAMES OF ANY LIVING CHILDREN: Kaname (M) Yasuji (M) Masanobu (M)
Shiro (M)

EXHIBIT No. 313-5
DATE 4 June 1948
FILLED BY Crown

ADDRESS OF CHILDREN: 672 4th Ave., Steveston, B. C.
AGE OF CHILDREN: 9, 6, 5, 2.

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

1. LOCATION AND DESCRIPTION: none
2. BUILDINGS AND OTHER IMPROVEMENTS: none
3. INSURANCE (Give particulars; state where policies are) none
4. TAXES (Amount and where payable) none
5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed) none
6. OCCUPANCY AND LEASES (If vacant so state) none

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: 6 room 2 storey frame house at 672 4th Ave., Steveston, B. C.
2. LANDLORD'S NAME AND ADDRESS: husband, Yasukichi Oye, 672 4th Ave., Steveston, B. C.
3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: No rent.
4. STATE WHEREABOUTS OF LEASE: none
5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) none
6. IF FARM LAND, PARTICULARS OF CROPS SOWN: none
7. STATE WHEREABOUTS OF TITLE DOCUMENTS: none
8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: none
9. IF FARM LAND STATE CROPS SOWN: none

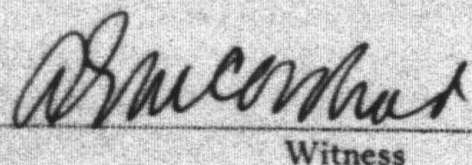
STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS: none
2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS: none
3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY: none

4. INSURANCE CARRIED ON ABOVE PROPERTY: none5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF
OTHERS: none6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom)
none7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)
none8. BANK ACCOUNTS: none9. LIFE INSURANCE: Sun Life. \$1,000.00. Policy NO. 2205569.
Beneficiary, husband, Yasukichi Oye. Policy in owner's possession.10. INTEREST IN ANY ESTATES OR TRUSTS: none11. SAFETY DEPOSIT BOX: none**LIABILITIES:**1. PERSONAL DEBTS: none2. TRADE DEBTS: none

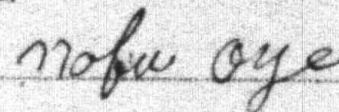
I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

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

Dated this 28th day of April 1942.

Witness

(Signature)



FOR DEPARTMENTAL USE

✓
INFORMATION FROM R.C.M.P.

Date 11/2/43

✓
Full Name Mrs. N. Oye OYE, (Nobu) Mrs. Yasukichi
(Surname in Block Letters)

Registration No. 05523 Male - Female ☒ (check) Age Nov. 5, 1909

Former Address P.O. Box 28, Steveston, B.C.

✓
Date Evacuated May 28/42 Naturalized - Canadian-Born - National ☒ (check)

Present Address Bridge River, B.C.

✓
Married - Single ☒ (check)

Name of Wife _____

Name of Husband Yasukichi

Name of Mother MATSUBA, Tame, Japan Name of Father IKARI, Motokichi
(Japan)

Names of Children under 16 _____

Our File No. ~~NO 111~~ 15153-6429 Registered with Custodian No
(yes or no)

Requested By P. H. Russell

Additional Information Is owner of Lot 1, Block 8, near Gulf of
Georgia Cannery, Steveston. ? According to

R.C.M.P. file. Husband own property - see attached form

P.E.
INFORMATION FROM R.C.M.P.

Date

July 19/43

Our File No.

6429

Full Name

OKE

(Nebu)

Mrs. Vasukichi

(Surname in Block Letters)

Registration No.

05523

Male - Female
(check)

Age

Former Address

Date Evacuated

Naturalized - Canadian-Born - National
(check)

Present Address

Bridge River, B.C.

Married - Single
(check)

Name of Wife

Name of Husband

Name of Mother

Name of Father

Names of Children under 16

Requested by

EC/1

Registered with Custodian

(Yes or No)

Additional Information

August 25, 1949

To: Mr. Good

From: F. Matheson

Case No. 313. Mrs. Nobu Oye. File 6429

Re: Garry Point IV

John Gould's valuation "as is", April 10, 1942, was \$700.00, with an estimated market value of \$950.00.

The sale price was \$1,100.00. That is \$150.00 more than Mr. Gould's top price.

P. S. Ross & Sons letter of August 12, 1942, suggesting payment to the Japanese Fishing Vessels Disposal Committee of the 1% commission, shows that the sale was negotiated by the Committee.

Mr. William C. Gibson, purchaser of the Garry Point IV, purchased other boats through the J.F.V.D.C., and was aware that a claim for recompense for damage or loss would receive consideration.

Mr. Gibson took delivery of the Garry Point IV on July 31, 1942. On July 31, 1942, the Naval Surveyor reported, "This boat was surveyed and the claim for missing inventory noted as follows:"

This indicates that before taking delivery of the boat Mr. Gibson protected himself by having a survey made. Mr. Gibson filed claim on the basis of information obtained at the time of the survey.

It seems evident that in making his offer of \$1,100.00 for the Garry Point IV, Mr. Gibson was taking into consideration the fact that any essential equipment missing at the time the boat was released would be supplied or paid for by the Government, and that any recent damage would be repaired.

Mr. Gibson's offer was not "as is". Claimant has already, in the sale price, received the \$99.00 allowance for missing equipment. An additional allowance appears to be unjustified.

/FM

F. Matheson

D.T.B.

I think the above sets out the case very fairly, and that the final paragraph sums up the argument correctly.

4/10/49.

[Signature]

~~XXXXXXXXXXXX~~ 506 Royal Bank
~~XXXXXXXXXXXX~~ Building.

11th August 1949.

A.J. Munster, Esq.,
Royal Bank Building,
Barnsley, E.C.

Dear Sir,

Case no. 313 - Mrs. Robt. Cyn

With regard to the above mentioned case, the contention has been raised that the evidence in this matter indicates that this was an enemy owned boat. You will note that in our discussions some consideration was given to this matter, particularly with respect to charges. I would appreciate your considering your position on the evidence and advising me.

Yours very truly,

July 21st, 1949

MEMORANDUM

TO: MR. F. G. SHEARS

FROM: MR. B. GOOD

Re: Claim # 313, Mrs. Nobu OYE

In this case the claim is for \$2,000.00 for a Fishing Vessel sold by P. S. Ross & Sons for \$1,100.00.

On reading the file you will remember that this vessel was classed as an Enemy-owned vessel as the Foreign Exchange Control Board refused to recognise the transfer.

In the Transcript, page 10, Mrs. Oye's husband insists that she paid \$2,000.00 cash to his brother for the boat although when the owner went to Japan in 1941 the Foreign Exchange Control Board made it a condition of giving him clearance that he should not transfer any of his assets. Also letter of H. P. Wyness (lawyer for Mrs. Oye) dated 29th January, 1942 which you will find on the claim file states that the consideration for the transfer was \$1.00 plus love and affection and services previously performed.

My opinion is that Oye's claim to have paid \$2,000.00 cash to his brother will not stand and that the Custodian was justified in treating the vessel as an Enemy-owned vessel.

It would follow that the proceeds of sale were subject to the charges made as these were actual disbursements on an Enemy-owned asset, even if the Custodian decided after the cessation of hostilities to release the balance of funds to Mrs. Oye.

The natural assumption would then follow, that this claim should be disallowed in toto, thus cancelling the award sheet rather than increasing it by \$99.00 as written by Mr. Braidwood.

Would you like to discuss the matter with him and let me know the result.

BG:EK

See Trans. Page 11.
line 20

"Paid \$1000. in March"

What year? and how? if owner in Japan
and the war on?

Must be 1942. Because she bought the boat 25 Oct 1941
Trans. page 9 line 23. and Page 10 line 22

Foreign Exchange Control Board

Vancouver, B. C.

December 22, 1941.

WHEN REPLYING
PLEASE GIVE THIS REFERENCE

VAN 3.

G. W. McPherson, Esq.,
Authorized Deputy for the Secretary of State
and/or Custodian,
Room 1012, Royal Bank Bldg.,
VANCOUVER, B. C.

EXHIBIT No.

313-3

DATE

4 June 1949

FILLED BY

Crown

Dear Sir:

With reference to the statement of assets of Japanese Nationals resident in Japan handed to you in this office on December 17, will you please note that the estimated value of Fishing Boat referred to in connection with Yonekichi Kawabata (fourth name on page 2) is \$1,500. Canadian.

The Manager of the Royal Bank of Canada, Steveston, B. C. has ascertained that this boat cost approximately \$3,000. eight years ago when built, and that the current value is estimated at \$1,500.

Yours very truly,

For Foreign Exchange Control Board

D. Dewar

Douglas Dewar

get file and re-approve

52
JOHN GOULD
Marine Surveyor and Appraiser
Vancouver, B.C.

EXHIBIT No. 313-4
DATE 4 June 1948
FILLED BY Crown

CABLES:
"GOULD," VANCOUVER, B.C.
TELEPHONE:
SEYMOUR 2871

M.V. "Garry Point No. 4".

Survey Report

To whom it may concern:

Official No.	154971.	Type. Fish Packer.
Owner.	Yonekichi Kawabata.	Vancouver, B.C.
Built by.	Japanese.	Steveston, B.C. Age. 1928.
Dimensions.	L. 34.4 ft. B. 9 ft. D. 4.2 ft.	
Tonnage.	Gross. 10 Tons. Net 7 Tons.	Draft 4 ft.
Material.	Wood.	Construction. Medium.
Masts & Sails.	1 Mast, Boom & Gear.	
Superstructure.	Pilothouse & Living Quarters Aft.	
Engines.	Gasoline.	Aux Nil.
Horse & H.P.	2 cyl Enterprise	20 H.P.
Built & Inst.	1928.	
Fuel. No. of Tanks.	Gasoline.	2
Location.	P & S side	Engine room aft.
Material. Capacity.	Galv Iron.	200 Gals.
Filled. Vented.	From Deck.	
Carburetors.	2 Schebler, no trays.	
Tailshaft.	2" dia inclosed in iron tube.	
Propeller.	3 bladed brass.	Protected by Skeg.
Pumps.	1 off Main Engine & 1 hand Pump	on deck.
Fuel line to Eng.	Copper & Iron	
Shutoff Valves.	on Tanks.	
Lighting.	Electric.	Driven off Main Engine.
Batteries.	None.	
Wiring.	Common.	Condition. Good.

Anchors.	1 Stock.	Weight 50 lbs.
Chains.	2 fms $\frac{1}{4}$ ".	Rope. None.
Compass.	None.	
Boats.	None.	
Tow winch.	Bitts. Line drum driven off Main Engine and one wood Bitt Aft.	
Exhaust location.	Up through Pilothouse, water cooled.	
Clear of work.	Yes.	
Stoves & Heaters.	Oil cook stove in Pilothouse and 2 pothole coal stove in after cabin.	
E.R.Ve-tilation.	Side Ports & Companionway.	
Fire Extinguishers.	None.	Fire Hose. None.
Sea Connections.	One Brass Flexible.	
Valuation.	Seven Hundred (\$700.00) dollars.	
Estimated Market Value.	Nine Hundred fifty (\$950.00) dollars.	

John Gault.
Marine Surveyor.

April 10th, 1942.
Vancouver. B. C.

DEC 23 1947

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

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

6429

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

(1) NAME OVE NOBU (MRS) (RCMP) Reg. No. 05523
(Print) Surname Given Name

(2) Pre-Evacuation Address Box 28 FORTH AVENUE STEVESTON B.C.

(3) Present Address MIDWAY 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 _____ Type of business _____
(iii) Business _____
(iv) Any other type of property (describe) _____

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

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

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

(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 _____
(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) _____
(c) How stored or packed at time of evacuation _____

(over)

Re: Garry Point No.4

Age of Boat at Time of Sale: 14 years - See Exhibits #1 & #2 (Built & Reg. 1928)
This agrees with information in List of
Shipping. (Built at Steveston, 1928)

Valuation: Exhibit #3 ltr. Dec.22/41 quotes Manager, Royal Bank, Steveston, who is
alleged to have ascertained boat cost approx.\$3,000.00 when built 8 years
before, and current value was estimated at \$1,500.00.

If original cost was \$3,000.00 (in 1928) normal depreciation in the 14
years would reduce value considerably.

/FM Re: Administrative costs: This boat was treated as an enemy boat. Costs on these
higher. (Evacuee boats were not charged with full cost
and in case of evacuee boats Custodian concerned only after
August 1/42, while Custodian ~~has~~ expenses re enemy boats
covered longer period), also understand that full expenses
incurred were charged to enemy boats.) Ledger will show costs

/FM

Get file

SUMMARY TAKEN FROM VESSELS RECORDS

Date: March 17, 1944

Name: Nobu OYE, (Mrs. Yasukichi)

Reg. No. 05523

File: 6429

Boat File No.: JFVDC Released Boats See Custodian Enemy Boat 283-52

Name of Vessel: "Garry Point #4" 34.4'x9'x4.2' (1928) Enterprise 16 HP

Lic. or Reg. No.: NEW WESTMINSTER 154,971

Naval No.: V.019-C

Owner's Valuation: \$2,500.00

JFVDC Valuation: None

Custodian Valuation: 700.00

Date of Sale: AUGUST 11, 1942

Purchaser: W. F. Gibson & Sons

Signature on Sales Papers: Custodian Sale - Enemy Boat

Selling Price: \$1,100.00

Paid to ~~Custodian~~ Custodian: 1,100.00

Supervision Costs: 150.60 245.10

Balance due Owner: 941.40 854.90

Paid to: Credited to the Account of Yonekichi YAMABATA (Japan)
File 283-52

Location of Boat at Sale: New Westminster

Claims Against Canadian Govt.:

Inventory Claim #416 - Wm.C.Gibson - \$90.07 (Paid)

*Appt. of Bakerie
Gm*

Additional Information Letter on File 283-52 from Nobu OYE states that this boat was transferred to her on October 29, 1941. The official transfer would appear to have taken place earlier as the boat appears in the name of Mrs. Yasukichi OYE in the 1941 List of Shipping. In order to get in the 1941 book, the transfer would have to be made in July or earlier.

*Out of
Sale and
copy to 313
dated Oct 29/41*

Mrs. Yasukichi OYE/Nobu OYE, Reg. 05523, File 6429

J. Macdonald

File No. 6429.

CLAIMS DEPARTMENT

August 23rd, 1944.

(Mrs. Yasukichi) Nobu OYE - Reg. No. 05523

CREDITORS:

NO CLAIMS ON FILE

/DE

P. S. Ross & Sons

CHARTERED ACCOUNTANTS

MONTREAL TORONTO WINNIPEG
CALGARY VANCOUVER

MAJ. GEN. J. G. ROSS, C.M.G.	G. E. HOULT.
J. W. ROSS, LL.D.	S. B. PECKHAM.
S. R. CAMPBELL.	W. G. JEPHCOTT.
J. A. GRANT.	H. S. HAWTHORNE.
W. L. GATEHOUSE.	F. E. H. GATES.
G. M. HAWTHORN.	J. A. ROSS.
T. A. ROSS.	F. A. COFFEY.
R. I. ROSS.	G. G. HARRIS.
G. M. SMITH.	

ROYAL BANK BUILDING
300 ST. JAMES STREET

MONTREAL, QUE.

Vancouver, B. C.

12th August, 1942.

REC'D	AUG 13 1942
File No.	_____
Ans.	_____
Referred	_____

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

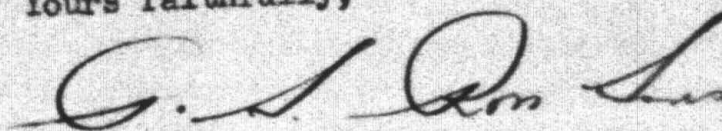
Dear Sirs:

Re: M. V. "Garry Point #4"

The above vessel, the property of Y. Kawabata, has been sold to William Clark Gibson for the sum of \$1,100.00, and we enclose herewith a cheque from W. F. Gibson and Sons, for that amount.

We presume you will pay the 1% to the Japanese Fishing Vessels Disposal Committee.

Yours faithfully,



Enclosure:

201

1404 Royal Bank Bldg.,
Vancouver, B. C.,
February 5, 1942.

Harvey P. Wyness, LL.B.,
Barrister and Solicitor,
207 Hastings Street West,
Vancouver, B. C.

Dear Sir:

Re: Yonekichi Kawabata & "Garry Point No. 4"

I have your letter of January 29th.

It would appear that the Foreign Exchange Control Board does not recognize the transfer of the above vessel to Mrs. Nobu Oye by the above party who was given non-residence status and made the transfer for \$1.00.

The Custodian will not object to Mrs. Oye negotiating for the sale or charter of this vessel provided any funds received, or to be received, are deposited in a blocked account subject to his control until the rights of all parties can be determined.

Yours truly,

(G. W. McPherson)
Authorized Deputy of the
Secretary of State and/or
Custodian.

GWMcP/TC.

HARVEY P. WYNESS, LL. B.
BARRISTER AND SOLICITOR

NOTARY PUBLIC

ELIZABETH W. GRANT, B. A.

1114 DOMINION BANK BUILDING

207 HASTINGS STREET WEST

VANCOUVER, B. C.

PHONE: PACIFIC 5549

January 29th, 1942

RECEIVED
JAN. 30. 1942

G.W. McPherson Esq.,
Custodian's Office,
1404 Royal Bank Bldg.,
Vancouver, B.C.

Answered.....

Dear Sir:

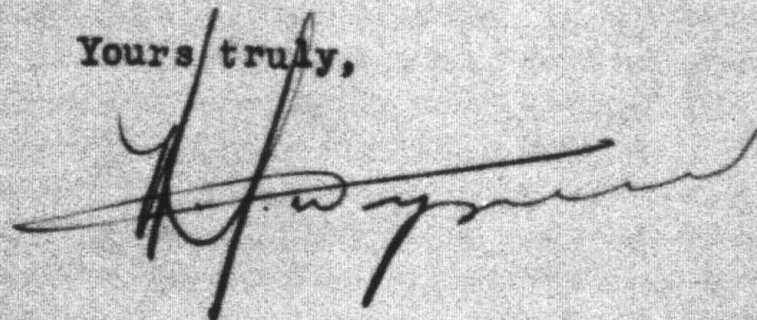
Re: Yonekichi Kawabata - Transfer of Boat
"Garry Point No. 4" to Mrs. Nobu Oye
re: Kamekichi Koyama - transfer of boat
"K.K." to Fujio Koyama

In each of these cases the correspondence indicates that the above boats were transferred for a consideration of affection due to the relationship between the Transferees and the Transferors and in addition services previously performed. It seems to me that the services previously performed coupled with the love and affection existing between the parties would be a sufficient consideration for the transfer of these vessels, particularly as the previous owners by re-assuming Japanese citizenship lost their status of British subjects and put it beyond their power to again become owners of a British ship. This would appear to negative any suggestion of a trusteeship between the parties as the previous owner by appropriate documents transferred all his interest to the Transferee.

I shall be glad if you will reconsider your decision that the Custodian is entitled to the ownership of these boats.

The above remarks apply also to transfers from Bunkichi Yokota of the fishing boat "B.Y." to his son Shigeo Yokota, and the transfer from Mankichi Nishi of the fishing boat "K.N." to his nephew Kameo Nakatsu.

Yours truly,



W:G

F-1-13
list

no
claims

1409 Royal Bank Bldg.,
Vancouver, B. C.

17th January, 1942.

201
Mrs. Nobu Oye,
P. O. Box 28,
Steveston, B. C.

Dear Madam:

Re: Yonekichi Kawabata

I have your letter of January 14th. I know that this boat was transferred but the point I am interested in is whether or not you paid for same or are you merely holding it for the above party.

As I understand it at the time that he left for Japan he certified to the Foreign Exchange Control Board that he was the owner of the boat and he was advised that he could not dispose of it. Would you kindly let me have full information in this regard at your earliest convenience. Your co-operation will be appreciated and in the meantime the Custodian will hold you responsible to see that the Regulations are complied with.

Yours truly,

(G. W. McPherson)
Authorized Deputy of the Secretary
of State and/or Custodian

GWMOP:LF

*App called re this today
to write me a letter
He claims Bob insisted
they transfer boat ship leaving
21/1/42*

P. O. Box 28,
Steveston, B. C.

January 14th, 1942.

RECEIVED
JAN 16 1942

Answered.....

Mr. G. W. McPherson,
1409 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sir:

Re: Yonekichi Kawabata.

In reply to your letter of the 20th of December,
I would state that my brother-in-law, Yonekichi Kawabata
transferred the fish packer "Garry Point No. 4" on the
29th day of October, 1941 to the undersigned. The said
boat is now registered at the port of New Westminster,
and official number 154971.

Yours truly,

Nobu Oye
(Mrs.) Nobu Oye.

1404 Royal Bank Bldg.,
Vancouver, B. C.,
February 5, 1942.

201

Japanese Fishing Vessels Disposal Committee,
1528 Marine Building,
Vancouver, B. C.

Dear Sirs:

Re: Japanese Boat - "Garry Point No. 4",
#154971 New Westminster

The former registered owner of this boat was, I am informed, Yonakichi Kawabata. This party was given special permission by the Foreign Exchange Control Board to leave Canada early in November last, on the understanding that he could not transfer any assets he might have in Canada prior to his leaving. In spite of this it appears that he transferred title to the above vessel to Mrs. Nobu Oye for the nominal sum of \$1.00.

The Custodian refuses to recognize that the transfer is bona fide but is prepared to permit the chartering or sale of the vessel as between Mrs. Nobu Oye and any other party that your committee may approve on the understanding that any payment resulting from such a chartering or sale will be placed in a blocked account for the Custodian.

Yours truly,

(G. W. McPherson)
Authorized Deputy of the
Secretary of State and/or
Custodian.

GWMcP/TC.

6/4/42
G

MONTREAL 360 ST. JAMES STREET
TORONTO ROYAL BANK BUILDING
WINNIPEG 309 ELECTRIC CHAMBERS
CALGARY LANCASTER BUILDING
VANCOUVER ROYAL BANK BUILDING

ESTABLISHED 1858

CABLE ADDRESS PHILROSS

P. S. ROSS & SONS

CHARTERED ACCOUNTANTS, TRUSTEES & LIQUIDATORS

MAJ. GEN. JAMES G. ROSS,
C.M.G., C.A., F.C.A. (CAN.)
A.F.C. ROSS,
C.A., F.C.A. (CAN.), F.S.A. (ENG.)
JOHN W. ROSS,
LL.B., C.A., F.C.A. (CAN.)
GORDON W. SCOTT, C.A.
S.R. CAMPBELL, C.A.
JOHN A. GRANT, C.A.
S.B. PECKHAM, C.A.
GUY E. HOULT, C.A.
W.L. GATHEHOUSE, C.A.
W.G. JEPHCOTT, C.A.
H.S. HAWTHORNE, C.A.
F.E.H. GATES, C.A.
G.M. HAWTHORN, C.A.
IAN A. ROSS, C.A.

ROYAL BANK BUILDING

360 ST. JAMES STREET

MONTREAL, QUE.

Vancouver, B. C.,
December 23, 1941.

Office of the Custodian,
Department of the Secretary of State,
7 O'Connor Street,
Ottawa, Ontario.

Attention: Mr. McPherson.

Dear Sirs:

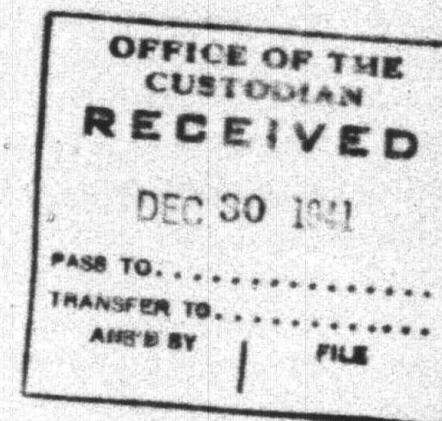
Re: Yonekichi Kawabata

In connection with the above party's affairs,
we enclose herewith a copy of a letter received from
the Foreign Exchange Control Board, dated 22nd December,
and copy of original request to Mrs. Nobu Oye, dated
20th December.

Yours truly,

P. S. Ross

MH/FC.



C
O
P
Y

1012 Royal Bank Bldg.,
Vancouver, B. C.

December 20, 1941.

Mrs. Nobu Oye,
P.O. Box 28,
Steveston, B. C.

Dear Madam:

Re: Yonekichi Kawabata

Information which the Custodian has indicates that the above party has a fishing boat which he left in your care. In view of the fact that he has returned to Japan, the Custodian will expect you to report immediately full details concerning this boat, its place of registry and its name. The boat must be considered as the property of the Custodian and you will be held responsible for its preservation.

Yours truly,

(G. W. McPherson)
Authorized Deputy of the
Secretary of State and/or
Custodian.

GWMcP*FC

January 28, 1948.

REGISTERED

Mrs. Nobu Oye,
Registration No. 05523,
Midway, B.C.

Dear Madam:

We are enclosing Custodian's cheque
in the amount of \$854.90, representing all the funds
standing to your credit, and being the proceeds from the
sale of your vessel the m.v. "Garry Point #4", Official
Number 154,971.

Yours truly,

F. Matheson,
Office of the Custodian.

FM/vj
Enc. ck.

MEMORANDUM

Files 5261 and 6429.

TO: Mr. Ian Macpherson.

FROM: D. A. Davidson.

June 3rd, 1943.

Re: OYE, Tomi (Mrs. Masakichi) Widow - No. 04679.
OYE, Nobu (Mrs. Yasukichi) - Reg. No. 05523.

In Internee file 873 there is a Certificate of Encumbrance dated March 24th, 1943, which shows that Masayoshi OYE is the registered owner of property as follows:

Lot 1, West part of Block 8, Section 10, Block 3 North, Range 7 West, N.W.D., Map 6392 (in Richmond).

The Internee file above-mentioned contains a letter dated March 19th, 1943, from the Canadian Fishing Company, who make a tender of \$600.00 on what they describe as Lot 1, Block 8, belonging to Mrs. Oye. The Canadian Fishing Company, in a later letter received, dated March 25th, 1943, changed the description to Lot 1, West part of Block 8, Section 10, etc.

It would be appreciated if you would ascertain whether Lot 1, West part of Block 8, Section 10, Block 3 North, Range 7 West, Map 6392, is the same as the following:

1. Lot 1 of Block 8 near the Gulf of Georgia Cannery.
2. Lot 1, re-sub. Lots 10, 11, 12, 13A, 13B, 14A, 14B, 15A, 15B, 16, 17 and 18, Block 8, Section 10, Block 3 North, Range 7 West, N.W.D.

DAD/P.

D.A.D.

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 M.M. COLQUHOUN, SUB-COMMISSIONER)

Grand Forks, B.C.

June 4, 1949

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IN THE MATTER OF THE CLAIM OF
(MRS) NOBU OYE

PROCEEDINGS AT HEARING

20 APPEARANCES:

HAROLD W. McINNES, Esq.,

appearing for the
Dominion Government

A.E. COBUS, Esq.,

appearing for the
claimant.

L.A. DODD, Esq.,

Secretary to Grand
Forks Sub-Commission

MRS. I.C. SMITH,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter

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MR. COBUS: The case, your honour, of Mrs. Nobu Oye, which is No. 113 on the Secretary's list. That will become Case No. 313, Mr. Secretary, I take it.

THE SECRETARY: Case No. 313, yes.

YASUCHI OYE, a witness called on behalf of the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

10 MR. COBUS: I ask leave, your honour, to amend the claim, which is a claim made by Mrs. Nobu Oye with respect to a fishing vessel, by altering Item 5 (e) by showing a credit to the Custodian of \$100.00. No credit was shown on the claim as filed. That leaves a net claim for the vessel of \$900.00

THE COMMISSIONER: Amendment allowed.

DIRECT EXAMINATION BY MR. COBUS:

20 Q: Witness, I produce to you a claim form which purports to be signed by Nobu Oye. Whose signature is that? A: That is my wife's.

Q: Your wife's signature. And you are appearing for your wife with respect to this claim, is that correct? A: Yes.

Q: Witness, I produce to you a statement concerning the fishing vessel for which your wife is making a claim. Did your wife instruct Mr. Leckie to prepare this statement and is that your wife's

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signature?

A: Yes.

Q: You, of your own knowledge, know the matters concerning this boat, do you?

A: Yes.

Q: And the information that your wife has given here is true to the best of your knowledge and recollection, is it?

A: Yes.

MR. COBUS: I would ask leave to file the statement of Nebu Oye with respect to the vessel for which claim is being made, your honour.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: Referring to the statement, your honour, the vessel was a fish packer which was purchased in October, 1941 as a used vessel which had been built in 1928. The engine installed in the boat was a 16 H.P. Enterprise gas engine. The price paid for the vessel was \$2000.00. The usual maintenance work of scraping and painting three times a year was done, and when surrendered to the Navy, the statement indicates that its condition was good. The claimant estimates its value at \$2000.00. There was a complete overhaul of the engine and clutch which was done by the former owner just before the claimant purchased the vessel, so she says the engine was in good shape when the boat was surrendered. She indicates that the former owner also installed a new winch in 1941. The engine repairs and the new winch she estimates would cost about \$500.00. All the gear and

equipment on the boat was left on it when it was turned over to the Navy and it was turned over to the Navy at Vancouver in December of 1941. The claimant says that she considers the valuation of John Gould, that is, the estimated market value, in April, 1942, for \$950.00 and the sale by the Custodian in August, 1942, for \$1100.00 were both materially below a fair market value for the vessel. The bill of sale to the claimant shows only a nominal consideration of \$1.00, but the price paid was \$2000.00. The boat was never used from October, 1941, that is the date of purchase, until surrendered to the Navy, and the claimant says it was in good condition at that date, and says it would be worth \$2000.00 when it was sold.

Q: Witness, do you have in your possession now the bill of sale transferring the vessel to your wife?
A: Yes.

20 Q: Would you produce it, please?

A: (Witness produces document)

MR. COBUS: The witness has produced a bill of sale, your honour, covering the vessel known as the "Garry Point No. 4" which is the vessel for which claim is being made. The vendor is named as Yonekichi Kawabata, and the purchaser, Nobu Oye.

MR. McINNES: What consideration is shown?

MR. COBUS: I am looking for that, Mr. McInnes. The bill of sale reads: "In consideration of the sum of one dollar and other valuable consideration."

Y. Oye
In Chief

MR. McINNES: Are you going to file that?

MR. COBUS: I think so.

Q: Witness, do you know how much money your wife
paid for this vessel? A: She

paid \$2000.00.

Q: \$2000.00? A: Yes.

MR. COBUS: I would ask leave to file the bill of
sale, your honour, as an exhibit.

(BILL OF SALE MARKED EXHIBIT NO. 2)

10 MR. COBUS: Q: Do you know how much money your
wife actually received as proceeds from the sale
of this vessel?

(Interpreter to witness)

MR. COBUS: Well, if he doesn't know --

A: It is about \$800.00 odd dollars.

Q: Witness, I produce to you a letter from the
Office of the Custodian addressed to Mrs. Hobu
Oye at Midway, B.C., dated January 28, 1948,
and it is signed by F. Matheson, office of the
20 Custodian. Do you know whether this letter was
received by your wife?

A: Yes.

MR. McINNES: What is the date of that letter?

MR. COBUS: January 28, 1948. I would like to know
if my learned friend would like to admit that
the amount received as net proceeds from the
sale of this vessel was \$854.90.

MR. McINNES: Well, first the boat was sold for \$1100.00 .

I will see if there is a statement on that.

30 THE COMMISSIONER: Well, in your amendment you show

a credit of \$1100.00.

MR. COBUS: That is correct, your honour, that is the gross. We must give the Custodian credit for the gross amount.

THE COMMISSIONER: Yes, I see.

MR. McINNES: I don't seem to have a copy of the letter my friend is producing, so I would suggest, for his own protection, he file that one, because I don't see it.

10 MR. COBUS: I am afraid someone has done a good deal of scribbling over the letter, your honour, in pencil.

THE COMMISSIONER: It will be obvious that the pencil notations have nothing to do with the original writing on the letter.

MR. McINNES: Well, perhaps this would suffice: Here is a statement of it. Would that suit you better?

MR. COBUS: Well, if you would admit that the net proceeds from this sale was eight hundred and --

20 MR. McINNES: Yes, that is the amount of the cheque that was sent to her. The boat was sold for \$1100.00 and the cheque sent to Mrs. Nobu Oye was \$854.90.

MR. COBUS: Yes. I would take that statement.

THE COMMISSIONER: If that is conceded, you don't need to file the letter.

MR. COBUS: I simply point out that the difference between \$1100.00 and \$854.90 is \$245.10, which is covered by a term "administrative costs."

30 Would my learned friend produce from his

file a letter to the Custodian from the Foreign Exchange Control Board dated December 22, 1941?

MR. McINNES: I most certainly will if you are anxious to have that on the record.

MR. COBUS: We guessed as much.

I am producing a letter addressed to G.W. McPherson of the Custodian's Department from the Foreign Exchange Control Board dated December 22nd, 1941. Filed on behalf of the Crown, your honour.

(LETTER MARKED EXHIBIT NO. 3)

MR. McINNES: Would you read the letter, please.

MR. COBUS: Would you like it on the record?

MR. McINNES: Yes.

MR. COBUS: Would you like all of it on the record, Mr. McInnes?

MR. McINNES: Yes.

MR. COBUS: The letter is dated at Vancouver, B.C., December 22nd, 1941 on the stationery of the Foreign Exchange Control Board. It is addressed to G.W. McPherson, Authorized Deputy for the Secretary of State and/or Custodian at Vancouver, B.C.

"Dear Sir: With reference to the statement of assets of Japanese Nationals resident in Japan handed to you in this office on December 17, will you please note that the estimated value of fishing boat referred to in connection with Yonekichi Kawabata (fourth name on page 2) is

Y. Oye
In Chief

\$1500.00 Canadian.

"The Manager of the Royal Bank of Canada, Steveston, B.C., has ascertained that this boat cost approximately \$3000.00 eight years ago when built, and that the current value is estimated at \$1500.00. Yours very truly,"

It is signed by one Douglas Dwar for the Foreign Exchange Control Board.

Your witness.

10 MR. McINNES: Did you want the appraisal on this vessel?

MR. COBUS: Yes, I am sorry.

MR. McINNES: I thought perhaps you had better have it. My friend requests I produce the survey report of John Gould dated the 10th of April '45.

MR. COBUS: Thank you, Mr. McInnes. I ask that this be filed on behalf of the Crown, your honour. I would like to draw particular attention to the last two lines of the report; under the heading "Valuation," appears "Seven Hundred dollars," and under the heading "Estimated Market Value,"

20 "Nine Hundred fifty dollars."

(APPRAISAL MARKED EXHIBIT NO. 4)

MR. McINNES: It will be submitted, your honour, this vessel was sold for its fair market value, and above the appraisal value which, as indicated, was a valuation of \$700.00 and an estimated market value of \$950.00 as set out in the report of John Gould filed as Exhibit No. 4.

CROSS EXAMINATION BY MR. McINNES:

Q: Would you look at this signature on this J.P. form and tell us whether or not that is your wife's signature.

A: Yes, it is my wife's signature.

MR. McINNES: Thank you. I file that J.P. form as Exhibit No. 5.

(J.P. FORM MARKED EXHIBIT NO. 5)

10 Q: Now, on the 25th of October, 1941, the owner of this vessel, Mr. Y. Kawabata gave this bill of sale to your wife?

A: Yes.

Q: What relation is Kawabata to your wife?

A: Kawabata is my brother, this gentleman's brother. That is, the wife's brother-in-law he would be.

Q: This Kawabata is your -- ?

A: His brother.

Q: Y. Kawabata is your brother?

A: Yes.

20 Q: And therefore your wife's brother-in-law?

A: Yes.

Q: Now, if you will notice, although your wife got this boat on the 25th of October, 1941, she did not mention it in her J.P. form signed on the 28th day of April, 1942. You see that, don't you?

A: I see.

Q: Well, now, you knew Mr. Kawabata; being your brother, you knew him quite well, and you knew about his affairs?

A: Yes.

30 Q: And you knew that when he went to Japan he was

Y. Oye
Cross exam

not allowed to sell any assets that he left in Canada.

A: I didn't know that.

Q: Well, now, he applied for permission to go to Japan, you knew that?

A: Yes.

Q: And he told the Foreign Exchange Board that he owned this boat.

A: I don't know about that.

Q: You don't know about that?

A: No.

10 Q: All right. There has been a letter filed here, Exhibit 5, which is a letter from the Foreign Exchange Board to the Custodian in which they state that this boat in question is worth \$1500.00. I suggest to you that they got that value from your brother, Kawabata.

A: I don't know about my brother declaring it.

Q: You don't know very much about this claim.

A: I know that my wife paid \$2000.00, but I don't know anything else.

20 Q: You do know that. Were you ever on the boat?

A: Yes, I have been.

Q: You have been. Are you a fisherman?

A: Yes.

Q: Did you use this boat?

A: Yes, a

long time.

Q: You used it a long time?

A: Yes.

Q: After your wife bought it, or before?

A: Before.

Q: How did your wife pay the \$2000.00?

30 A: She paid it in cash.

Y. Gys
Cross exam

Q: That is what I thought. Where did she pay it in cash?

(Interpreter to witness)

Q: Well, never mind that question, then. Where did she get the cash to pay it, let's get at it that way, do you know?

A: My wife had the money and she paid it to him.

Q: Yes, we know she had the money, but where did she have it? Did she have it hidden in the house or did she have it in the bank like any other person would have it?

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A: She had it in the house.

Q: In the house. And how long had she had it in the house?

A: She paid it in two installments.

Q: Yes, but where did she get the \$2000.00, now, to have in the house?

THE COMMISSIONER: Probably she didn't tell her husband; wives very often are that way.

MM

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A: She paid \$1000.00 in March.

MR. McINNES: Q: That is not what I asked you. I asked you where your wife got this \$2000.00 from, that is what I want to know.

A: Although it was in my wife's name, of course, the money came from me.

Q: The money came from you?

A: Yes.

Q: I see. Did you give your wife \$2000.00?

A: Yes.

Q: Just to keep in the house?

A: No,

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no. I was in the fishing business and I always

had about \$1000.00 in ready cash.

Q: So now we have it that you bought the boat in your wife's name from your brother.

NB A: The money is in joint names in the bank, my wife's and mine.

Q: Yes, but you earned the money. A: Yes.

MR. McINNES: Yes. That is all, thank you.

MR. COBUS: No questions, your honour.

THE COMMISSIONER: That is all, thank you.

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(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 transcript purports to be an accurate record of the evidence adduced before me.

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M.M. Colquhoun
Sub-Commissioner

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DEFENCE BRIEF

Grand Forks,
4 June 1948

(Mrs.) Nobu OYE

File No. 6429

Case No. 313

PERSONAL PROPERTY CLAIM

1. Fishing Vessel Claim

Net claim amended. See p. 2 of Transcript.
Gross claim remains at \$2,000.00.

<u>Claim</u>	<u>Appraisal</u>	<u>Sale Price</u>
\$2,000.00	Valuation - \$700.00 Market Value - \$950.00	\$1100.00

It is suggested that counsel peruse the correspondence in this file before reading the transcript.

The former owner of this vessel was one Ionekichi Kawabata, the brother of the claimant's husband. Kawabata went back to Japan in 1941. He was given clearance by the Foreign Exchange Control Board on the understanding that he could not transfer any of his existing assets in Canada. Despite that fact he purported to transfer his boat to his sister-in-law for \$1.00 and other valuable consideration". The claimant, his sister-in-law, now says she paid \$2,000. for it. (With reference to the question of how much she paid for it, see Mr. McInnes' cross examination of claimant's husband in transcript and see also the letter of Harvey P. Wyness, Solicitor, as it would appear, for the claimant. In that letter he speaks of consideration for "love and affection" etc.

Our strong point would appear to be the fact that there is grave doubt as to whether the claimant ever paid more than \$1.00 for the vessel; and coupled with that is the appraisal. These two factors, strengthened by Mr. McInnes' cross examination of the husband appear to show that our sale price of \$1100. was a very fair price indeed. The claimant has not established financial loss and we should be able easily to establish that a good price was obtained for the vessel.

Witness: John Gould, Appraiser.

On the question of administrative costs, should that point be pursued any further by claimant's counsel; Mr. Shears will be able to explain the policy of the Custodian with regard to charges for administrative costs.

Summary of Witnesses

John Gould.

FRS/mw

Name of Claimant **OYE, Bobu**
 Custodian File **6429**

Case **313**

<u>REAL PROPERTY</u>										Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village			
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			
		1100		313.50	99.00					412.50
<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 CHATTELS</u>										
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
TOTAL RECOMMENDATION										412.50

November 28th, 1950.

Mrs. Nobue OYE,
Box 15,
Midway, B. C.

Dear ~~Sir~~ Madam:Re: Japanese Property Claims Commission

Case No. 313

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 ... \$412.50.

Cheque in your favour is enclosed for \$388.64
and we have paid the Co-Operative Committee .. \$ 23.86
for legal fees as authorized by you.

Yours truly,

FCS/js
1 encl.

F.G. Shears
Director