Name of Claimant NAGATA, John Shiuji Case 107

Custodian File 5337

REAL PROPERTY											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% there-of	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount		% of Total	Amount	

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	
		200.		57.00				57.00

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

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

TOTAL RECOMMENDATION	57.00

1540

CASE NO: 107.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B.C.

May 11th, 1948.

IN THE MATTER OF THE CLAIM OF

JOHN SHIUJI NAGATA.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 107.

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION.

B E F O R E

(HIS HONOUR JUDGE J. R. ARCHIBALD, SUB-COMMISSIONER.)

Kamloops, B.C.

10 May 11th, 1948.

IN THE MATTER OF THE CLAIM OF

JOHN SHIUJI NAGATA.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

T. G. BOWEN-COLTHURST, Esq.,	appearing for the Dominion Government.
R. J. McMASTER, Esq.,	appearing for the Claimant.

J. R. COLLEY, Esq.,	Secretary to Kamloops Sub-Commission.
MRS. I. C. SMITH,	Official Interpreter.
MRS. M. TONKS,	Official Reporter.

30

MR. McMASTER: The next claim is that of John Shiuji Nagata, No. 107. It is No. 103 on the original list.

I will call Kamazuo Nagata, your Honour, as witness to this claim.

He may consider he is still sworn.

THE COMMISSIONER: I think he had better be sworn again.

KUMAZO NAGATA, being first duly sworn, testified on behalf of the Claimant herein, through the Official Interpreter.

10

DIRECT EXAMINATION BY MR. McMASTER:

Q Witness, how are you related to the Claimant, John Shiuji Nagata?

A He is my son.

Q I produce to you witness, a document signed by John Shiuji Nagata on May 8th, 1948, is that his signature? A Yes.

MR. McMASTER: I would file this document your Honour, which is authorization for the witness, Mr. Kumazo Nagata, to act on behalf of the undersigned John Shiuji Nagata.

20

(AUTHORIZATION MARKED EXHIBIT NO: 1.)

Q Witness, are you familiar with the subject matter of this claim? A Yes.

MR. McMASTER: I would ask leave, your Honour, to amend the claim, which is for personal property only. We are claiming for the gasboat, a gill netter, only. The value for that remains $500.00, the remainder of the claim is being abandoned. The Custodian is credited with $200.00 for the sale of this boat,

30

leaving a net claim of $300.00.

Q Witness, I produce to you a statement concerning the boat in question, did you instruct Mr. Leckie to prepare that statement and is that your signature? A Yes.

Q Are the statements contained therein true to the best of your knowledge and recollection? A Yes.

MR. McMASTER: I would ask to file that statement as the next exhibit.

10 (STATEMENT MARKED EXHIBIT NO: 2.)

Referring to the statement concerning this chattel, a gill net gasboat, known as Edith Point, thirty foot boat, which was purchased in 1936 as a used boat for a price of $450.00. It was scraped and painted anually and its condition was good when handed over to the Navy. The witness for the Claimant estimates its value at $500.00.

Q Witness, you have taken over this claim with your son's consent I presume, and the $500.00 estimate

20 is that of your son, is it? A Yes.

MR. McMASTER: In 1940 the Claimant says that he purchased and installed a Chrysler 60hp. engine at a cost of $200.00 and he says further that normal gear was with the boat when it was turned over to the Navy in December 1941 at Mayne Island. The witness then goes on to say that the hull of this boat was built in 1935, my son bought the boat in 1936, equipped with a 6 hp. automatic marine engine and normal gear. Depreciation has been allowed for

30 as noted above. It is considered that the valuation

of $225.00 made for the Custodian and the sale by the Custodian in January 1943 for $200.00, weren't representative of a fair market value for this vessel. The vessel should have been worth at least $500.00 at the date of sale. My son is in hospital at Vancouver and I am representing him as to this claim. I have full knowledge as to this vessel. I would ask my learned friend to admit that the boat was sold on January 13th, 1943 by the Custodian.

10 MR. COLTHURST: That is correct, your Honour.

MR. McMASTER: I have, your Honour, a document which is a licence issued concerning the gasboat in this claim which I am asking to file.

Q Witness, I produce to you a document, is that a licence for the boat Edith Point, which was owned by your son? A Yes.

MR. McMASTER: I file then, this document purporting to be Licence 6510, issued in Vancouver and signed by the Collector of Customs and Excise.

20 I would call attention to the fact, your Honour, that the engine is described as a Chrysler engine 60 hp. engine.

LICENCE 6510 MARKED EXHIBIT NO: 3.)

I would ask my learned friend to produce the Survey Report concerning this boat, dated August 1942.

MR. COLTHURST: (Producing).

MR. McMASTER: I would file this on behalf of my friend your H onour, and draw attention to the fact that on this survey report the horsepower is described as 35 horsepower.

30 (SURVEY REPORT MARKED EXHIBIT NO: 4.)

CROSS-EXAMINATION BY MR. COLTHURST:

This case is entirely a matter of values, your Honour. We contend that this ship in question was sold for a fair market value. Q: The ship at the time of purchase had a good engine I suppose and it became necessary after running it for four years to replace it, is that correct witness?

A It was in very good condition.

Q But after running the engine for four years it finally became advisable to replace it with this Chrysler engine, is that correct?

A It wasn't a case of the bad condition but the power was so small that I wanted to increase the power.

Q It had been satisfactory for four years though?

A Yes, but I wanted to increase the power.

Q The engine that was put in was a truck engine?

A Yes.

Q That is, it wasn't a marine engine was it?

A The Chrysler isn't a marine engine.

MR. McMASTER: I would ask my learned friend to admit that the form of the Japanese Fishing Vessel Disposal Committee on his file, describes the engine as a 60 horsepower Chrysler engine.

MR. COLTHURST: I have the summary taken from the vessel's records which states that the horsepower was 60 hp. and I have another form on my file in which the same thing is set out but just what that form is, I couldn't say.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

CASE NO: 107.

J. S. NAGATA.

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

M Tonks

"M. Tonks"
Official Reporter.

I hereby that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

10

J R Archibald

"J. R. Archibald"
Sub-Commissioner.

20

30

CASE No. 107 MAY 11 1948 DEC - 2 1947 NOTIFIED APR 15 1948

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

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

ACKNOWLEDGED

5337 Kamloops

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

(1) NAME NAGATA JOHN SHIUJI MR. (RCMP) Reg. No. 14222
(Print) Surname Given Name

(2) Pre-Evacuation Address MAYNE ISLAND BC.

(3) Present Address TAPPEN. BC.

(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 receivable) - - - - - - - - - - - - - - - - $ _____

(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 MAYNE ISLAND BC.

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) FISHING GEAR left in shed at above; Radios etc. ~ Forced sale.

(c) How stored or packed at time of evacuation hung on rack in above shed.

(over)

CASE No. 107 MAY 11 1948 DEC - 2 1947 NOTIFIED APR 15 1948

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(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 receivable) - - - - - - - - - - - - - - - $ _____

(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 MAYNE ISLAND BC.

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) FISHING GEAR left in shed at above; Radios etc. ~ Forced sale.

(c) How stored or packed at time of evacuation hung on rack in above shed.

(over)

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

Sold by Custodian

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

1.	GAS-BOAT. :- Gillneller	Estimated Value $ 500.00
2.	FISHING GEAR :- (Grayfish line)	Estimated Value $ 100.00
3.	Radios	Estimated Value $ 100.00
4.	Radio Repair Equipment & Supplies	Estimated Value $ 100.00
5.	TOTAL PERSONAL PROPERTY	Estimated Value $ 800.00
6.		Estimated Value $
7.	TOTAL AMT Recd. THRU. SALES $225.69	Estimated Value $
8.		Estimated Value $
9.		Estimated Value $
10.		Estimated Value $

TOTAL CLAIM FOR PROPERTY LOSS $ 574.31

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) - $574.31

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

(b) Do you require the services of an interpreter at the hearing? Yes or no No.

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

DOMINION OF CANADA)
Province of B.C.)
TO WIT:)

I, JOHN SHIUJI NAGATA of the
of Tappen 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 18 day of November)
A.D. 1947.)

John Shiuji Nagata

H. W. Scales
A Commissioner &c.

A NOTARY PUBLIC IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

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.

May 8th 1948

EXHIBIT No. 107-1
DATE MAY 11 1948
FILED BY Mr Coburn

This is to authorize the bearer ~~Mr.~~ Kumazo Nagata to act on behalf of the undersigned in all matters; that is to say legally in signatures or any course of the undersigned's business.

John Shinji Nagata

Mr. K. Nagata

J S Nagata
(Claimant's Name)
represented by father K Nagata -

PERSONAL PROPERTY
(Fishing vessels, gear and equipment)

14322
Reg. No.

NETS:

Type	Size	Mesh	Fathoms	Age at Evacuation	Original Value	Estimateded value at Evacuation
— n/a —						

EXHIBIT No. 107-2
DATE MAY 11 1948
FILED BY

VESSELS SOLD BY CUSTODIAN

NAME	Reg. No.	Type	Date Purchased	New or Used	Price Paid	Maintenance Work	Condition When Evacuated	With whom left	Estimated Value
Adelt Point 30' x 7' x 3'	Vancouver 6510	Gillnet -	1936	used.	$450	scraped and pain. all annually -	good	Navy	$500 (including normal gear)

Improvements to Vessel since date of purchase:	Type	Date	Cost
Purchased and installed ehen ~~stbd~~ 6 H.P. Engine	ear engine -	Sept 15/1940	$200.00

OTHER GEAR:

Description -	Date Purchased	New or Used	Price Paid	Condition when Evacuated	Estimated value at date of evacuation
Normal gear with boat when turned over to navy —					

Arrangements made for storage when evacuated: turned over to navy in September 1941 - at Mayne Island, BC —

Additional Comments, if any: - The hull of this boat was built in 1937. My ~~son~~ bought this boat in 1936 ~~this~~ equipped with a 6 HP automatic marine engine and normal gear. - ~~The~~ Depreciation has been allowed as noted above. It is considered that the valuation of $500 made for the Custodian on the sale by the Custodian in Jan 1943 for no more than a fair market value for this vessel - The vessel should have been worth at least $500.00 at the date of sale - My son is prepared at a moment's notice to swear as to the claim. I will be ready to give the vessel examination when as to the claim.

Ki Nagata
SIGNATURE

EXHIBIT No. 107-2
DATE MAY 11 1948
FILED BY

REG. SH. (C)
Of Schedule to Chap. 44, R.S. of Canada, 1934.

EXHIBIT No. 107-3
DATE MAY 11 1948
FILED BY Mr Cobus

1504
9-39

CANADA

LICENCE

No. 6510

Port of Registry, Vancouver, B. C.

This is to Certify that the Lowboat "EDITH POINT"
Ship or Vessel as the case may be and state her name,
of which the particulars are herein contained, was this day licensed by me, the Collector
Collector or Chief Officer as the case may be
of Customs at Vancouver, B. C. under the provisions of Part I of
Name of Port.
the *Canada Shipping Act, 1934.*

MEASUREMENTS	FEET	INCHES	TONNAGE	NUMBER OF TONS
Length	30	0	Approximate	2
Breadth	7	0	Engine	
Depth	3	0	Chrysler	60 B.H.P.

NAMES OF OWNERS (OR NAME OF OWNER)	NUMBER OF SHARES HELD BY EACH*
John S. Nagata	64
Mayne Island	
B.C.	

* (If the property in the Ship or Vessel is not divided into shares, this column need not be filled up.)

Signature [signature]
Collector of Customs and Excise

Dated this
day of 19

National Revenue Canada
CUSTOMS and EXCISE
SEP 2 1941
Registrar of Shipping
VANCOUVER, B.C.

EXHIBIT No. 107-4
DATE MAY 11 1948
FILED BY Mr Collins

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

CABLES:
"GOULD" VANCOUVER, B. C.
TELEPHONE:
PACIFIC 9046

No. 88A.

"Edith Point".

Survey Report

To whom it may concern:

Name	"Edith Point".		
Official No.	Van 6510	Type	Gillnet.
Owner	John S. Nagata.		
Dimensions	L. 30 ft. B. 7 ft. D. 3 ft.		
Engine	Gasoline. Truck Engine.		
Horsepower	35 B.H.P.		
Fuel	Gasoline.		
Tank Capacity	20 Gallons.		
Pumps	On deck.		
Lighting	Oil.		
Anchors	None.		
Chains	None.	Rope	None.
Compass	None.		
Stove	None.		
Fire Extinguishers	None.		
Valuation	Two Hundred ($200.00) dollars.		
Estimated Market Value	Two Hundred fifty ($250.00) dollars.		

August 1942.

Vancouver, B. C.

Marine Surveyor.