

<u>REAL PROPERTY</u>										
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village		Total	
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:	
						% of Total	Amount		% of Total	Amount
<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 & Recorded Now Missing	45% of amount in next preceding column			
					Sold by J.F.V.D.C.,					
<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 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	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
										00
TOTAL RECOMMENDATION										

CASE NO: 120

JAPANESE PROPERTY CLAIMS COMMISSION

Kamloops, B.C.

May 14, 1948

IN THE MATTER OF THE CLAIM OF

MASAO KAMACHI

PROCEEDINGS AT HEARING

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)

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Kamloops, B.C.

May 14, 1948

IN THE MATTER OF THE CLAIM OF
MASAO KAMACHI

PROCEEDINGS AT HEARING

20 APPEARANCES:

T.G. BOWEN-COLTHURST, Esq., appearing for the
 Dominion Government.

A.E. COBUS, Esq., appearing for the
 Claimant.

J.R. COLLEY, Esq., Secretary to Kamloops
 Sub-Commission.

MRS. I.C. SMITH, Official Interpreter

G. HAMBLETON, Esq., Official Reporter

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MR. COBUS: The claim of Masao Kamachi. This is listed under the heading "Rejected Claims."

MASAO KAMACHI, the Claimant herein, being first duly sworn, testified as follows:

10 MR. COBUS: This, your honour, is a claim for a vessel. It was sold by, I take it to be the Custodian, for \$150.00. Therefore, the claim form itself must be amended to show a credit of \$150.00 in place of \$145.00. The amount of the claim: the estimated value remains at \$850.00.

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, I produce to you a statement concerning the vessel for which you are claiming. Did you instruct Mr. McMaster to prepare that statement for you and is that your signature?

A: Yes.

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

A: Yes.

MR. COBUS: I file this statement as the first exhibit.

(STATEMENT MARKED EXHIBIT NO. 1)

30 MR. COBUS: Referring to the statement, your honour, the vessel was known as the "M.K. 1011". It was a gill netter vessel, purchased by the claimant in 1940 in a used condition at a price of \$700.00. It was in good condition when left with the Navy and the claimant states its value to be \$850.00.

M. Kamachi
In Chief

He notes the following improvements which were made to the vessel: He changed the engine in 1941 by putting in a Chrysler 75 H.P. used engine at a cost, after allowing for the sale price of the old engine, of \$120.00. He put on a new net drum in 1940 at a cost of approximately \$135.00 and installed a new self-bailer deck in 1940 at a cost of approximately \$50.00. The boat had all the ordinary gear of such a type of vessel.

10 The facts in this case are rather peculiar, your honour, and I think I had better read into the record the exact wording of the statement.

"Apparently the J.F.V.D. Committee took it upon themselves to purport to sell my boat on June 2, 1942. They wrote me saying that they had sold my boat and enclosing a bill of sale and assignment of claim. I protested the sale. However, they wrote me again indicating they would not send my money unless I signed. I understood I was to get the \$500.00 damage recompense when I signed the bill of sale and the form called assignment of claim. When I signed the latter document, I do not recall the name of J. Markstrom being typed therein. When I did not get my money, I wrote Mr. Sakamoto who had something to do with the disposal of Japanese boats. I do not recall what reply I received from him, but I wrote Mr. Kimura on receipt of his letter and sent him a letter from the J.F.V.D. Committee and Mr. Sakamoto. Mr. Kimura replied in Japanese which I cannot read.

30

M. Kamachi
In Chief

I understand that the essence of his reply is that the purchaser is entitled to the compensation for damages. I certainly never would have signed the bill of sale at the price of \$150.00 for my boat, and I cannot understand under what circumstances the purchaser is entitled both to my boat and \$500.00 by paying \$150.00."

That is the end of the statement of the claimant.

10 Would my learned friend produce the assignment of claim? (Handed to Mr. Cobus)

Q: Witness, I produce to you a document headed "Japanese Fishing Vessels Disposal Committee. Assignment of Claim." It purports to be signed by Masao Kamachi. Is that your signature?

A: I am not sure.

Q: Surely, witness, you would recognize your own signature if you saw it?

A: Yes, but if I

20 did sign, I never noticed this word "Markstrom" here -- "J. Markstrom."

Q: Yes. Just answer my question, will you? Is that your signature?

A: Yes.

Q: You sign your name by printing it, do you? Do you always print your signature?

A: No.

Q: Did you print your signature on that document?

MR. BOWEN-COLTHURST: Well, my learned friend has the answer. He says that is his signature.

THE COMMISSIONER: He doesn't seem to know whether it is or not.

30 MR. COBUS: Q: Well, assuming that you signed a docu-

M. Kamachi
In Chief

ment of that sort, do you recall the name "J. Markstrom" appearing upon the form?

A: No.

Q: Did you read the form? A: Yes.

Q: What did you understand the form to mean?

A: I understood that I was to get \$500.00 on top of the \$150.00, because the boat had been sold without my consent.

10 Q: When you say the boat was sold without your consent, did Mr. Sakamoto never inform you of the sale of your boat? A: He informed me

after the boat was sold.

Q: Who informed you? A: Mr. Sakamoto, and the Navy Disposal Committee told me before Mr. Sakamoto.

MR. COBUS: Your witness.

20 MR. BOWEN-COLTHURST: In this case, your honour, it will be contended that the boat was disposed of by the Disposal Committee prior to August 1st, 1942, and, accordingly, it doesn't come under the Terms of Reference, that point having already been ruled on by the Commissioner, Mr. Justice Bird. As far as the facts as outlined by my learned friend are concerned, I must concede that they should be proved to be true. They certainly do appear to be unusual. It will be contended that they are not the responsibility of the Custodian.

30 I have no cross-examination. I think this assignment of claim form should go in as an

exhibit, though.

(ASSIGNMENT OF CLAIM MARKED EXHIBIT NO. 2)

MR. COBUS: That is all, your honour.

THE COMMISSIONER: Very good.

(Witness aside)

MR. BOWEN-COLTHURST: Just one further word, your honour. Should it be held in this case that the claim does come under the Terms of Reference, then the contention will be that the boat was sold
10 for its fair market value.

(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 a true and accurate record of the evidence adduced before me.

20

J.R. Archibald
J.R. Archibald,
Sub-Commissioner.

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Case #
157D

Rejected

CASE No.
120
MAY 14 1948
Kamloops B.C.

CASE No.
120 MAY 14 1948

Noted
APR 15 1948

EXHIBIT NO.
FILED

December 23rd 1947.

Mr. Masao Kamachi, Reg.No.05510,
P.O.Box 405,
Kamloops, B.C.

Dear Sir,

Your claim filed with the Japanese Property Claims Commission is made in respect of a fishing vessel which was sold through the auspices of the Japanese Fishing Vessel Disposal Committee, of which Mr. Justice Sidney Smith was Chairman.

The Commissioner is not authorized to investigate claims arising in connection with any sales which were made by the Disposal Committee.

I am therefore directed by the Commissioner to advise you that your claim cannot be considered.

Yours truly,

A. WATSON
Per.

SECRETARY.

HIB/W.

SHERIFF'S OFFICE
RECEIVED
MAR 15 1948
KAMLOOPS, B. C.

2

56 Wednesday Feb 4

DEC - 2 1947

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

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

ACKNOWLEDGED

13937

Kamloops

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

(1) NAME KAMACHI, Masao (RCMP) Reg. No. 05510
(Print) Surname Given Name

(2) Pre-Evacuation Address P. O. Drawer 970, New Westminster, B. C.

(3) Present Address P. O. Box 405, Kamloops, 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 fishing
- (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 _____

Taken over by the naval patrol

(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)

(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")

Taken over by the naval patrol and subsequently by Custodian.

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

- 1. Gillnetter--length 30ft Estimated Value \$ 850.00
- 2. Bean 7ft. 6in. Estimated Value \$ _____
- 3. engine Chrysler 72 H.P. Estimated Value \$ _____
- 4. _____ Estimated Value \$ _____
- 5. _____ Estimated Value \$ _____
- 6. _____ Estimated Value \$ _____
- 7. _____ Estimated Value \$ _____
- 8. _____ Estimated Value \$ _____
- 9. _____ Estimated Value \$ _____
- 10. Custodian's price Estimated Value \$ 145.00

TOTAL CLAIM FOR PROPERTY LOSS \$ 705.00

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - - - - - \$ 705.00

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

Kamloops

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, Masao Kamachi of Kamloops 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 Kamloops)
in the Province of B.C.)
this 18th day of Nov)
A.D. 1947.)

M. Kamachi
A Commissioner &c.

N.B.— THIS FORM FULLY COMPLETED AND SWORN BEFORE A COMMISSIONER SHOULD BE MAILED BY REGISTERED MAIL TO THE COMMISSIONER, c/o THE OFFICE OF THE CUSTODIAN, ROYAL BANK BLDG., VANCOUVER, B.C., BEFORE NOVEMBER 30th, 1947. IF YOU CANNOT MAIL IT BEFORE THIS DATE SET OUT BELOW REASONS FOR THE DELAY.

MASAO KAMACHI
(Claimant's Name)

PERSONAL PROPERTY
(Fishing vessels, gear and equipment)

85510
Reg. No.

NETS: Type Size Mesh Fathoms Age at Evacuation Original Value Estimated value at Evacuation

EXHIBIT No. 120-1
DATE MAY 14 1948
FILED BY Mr. Colburn

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
MK-1011		Sloop	1940	used	\$700 ⁰⁰	Kept swept + painted	good	havy	\$850 ⁰⁰

Improvements to Vessel since date of purchase: Type Date Cost

changed the engine in 1940 - put in a Chrysler 75 H.P. (used) cost after allowing for sale price old engine \$120
 new web drum in 1940 - cost approx 135⁰⁰
 " self boiler disk in 1940 - " " 50⁰⁰

OTHER GEAR: Description Date Purchased New or Used Price Paid Condition when Evacuated Estimated value at date of evacuation

Had all the ordinary gear on the boat.

Apparently the J.F.V.D. Committee took it upon themselves to ^{purport to} sell my boat on June 2 1942. They wrote me saying that they had sold my boat and enclosing a bill of sale + assignment.

Arrangements made for storage when evacuated:

I protested the sale. However, they wrote again indicating they would not send my money unless I signed. I understood I was to get the \$500 damage recompense when I signed the Bill of Sale and the form called "assignment of claim".

Additional Comments, if any:

When I signed the latter document I do not recall the name of J. Markstrom being typed therein. When I did not get my money I wrote Mr. Sakamoto who had something to do with the disposal of Japanese boats. I do not recall what reply I received from him, but I wrote Mr. Kimura on receipt of his letter & sent him a letter from the J.F.V.D. Committee & Mr. Sakamoto. Mr. Kimura replied in Japanese which

Mas. Kamachi
SIGNATURE

I cannot read. I understand that the essence
of his reply is that the purchaser is
entitled to the compensation for damages.

I certainly never would have signed
the Bill of Sale at the price of \$150⁰⁰ for
my boat, and I cannot understand under
what circumstances the purchaser is
entitled both to my boat and \$500⁰⁰ by
paying \$150⁰⁰.

120/1

EXHIBIT No. 120-2,
DATE MAY 14 1948
FILED BY Mr Callwood

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

ASSIGNMENT OF CLAIM

Whilst in Naval Custody, my boat...."M.K." 1011..NW.054D
Official No...NW.054D.....suffered damage as set forth
in the surveyors' report.

If the Dominion Government will allow me \$ 500.00.....
to make good that damage, including missing inventory, I agree
that I shall not make further claim of any nature whatsoever
against the Dominion Government, and hereby authorize the
Japanese Fishing Vessels Disposal Committee to pay the sum so
allowed to....J. Markstrom.....

MASAO KAMACHI...
(Boat Owner)

The damage claim of \$ 500.00.....is fair and just.

.....
Surveyor for Japanese Fishing
Vessels Disposal Committee.

.....
Surveyor for Naval Service.

DATED at Vancouver, B. C.
.. July 18th1942.