Name of Claimant KAGETSU, Eikichi (personal Case 1389

Custodian File 12787

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	
4300.00	215.00 12.50										227.50

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	
1025.	256.25							256.25

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	483.75

CASE No. 1389

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

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

Vancouver, B.C.

10 November 12th, 1948.

IN THE MATTER OF THE CLAIM OF

Eikichi KAGETSU

PROCEEDINGS AT HEARING

APPEARANCES:

J.W.G. HUNTER, Esq., appearing for the Dominion Government.

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R. B. BALDWIN, Esq., appearing for the Claimant.

A. WATSON, Esq., Secretary,

MRS. SMITH, Official Interpreter.

D. F. CHRISTIAN, Esq., Official Reporter.

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MR. BALDWIN: My lord, there are only two items involved in this personal claim: the house and lot No.5286 M cKenzie Street in the City of Vancouver, contained on Item No. 6 of the amended claim --

THE COMMISSIONER: That is on the amended corporate claim?

MR. BALDWIN: Yes, my lord.- which is valued by Mr. Kagetsu at $5500.00, sold by the Custodian for $4300.00. The loss claimed in respect of this is $1200.00. The property was sold on the 18th August,1943.

10

THE COMMISSIONER: Have you a statement of the claim? You know the procedure we have adopted in these personal claims, do you not. We have allowed the claimants to file a memorandum along with the evidence they have in support of their claims.

MR. BALDWIN: I was not familiar with that, my lord, no.

THE COMMISSIONER: Well, is there any need to examine the claimant?

MR. BALDWIN: I don't think so, my lord. It would be pretty general evidence; it wouldn't be specific.

20

The other item is No. 7, a Pontiac sedan valued by the claimant at $1,396.00 and sold by the Custodian for $1,025.00 in August 1942.

THE COMMISSIONER: The McKenzie Street premises were Kagetsu's residence, were they?

MR. BALDWIN: No, my lord.

THE COMMISSIONER: A residence anyway?

MR. BALDWIN: It is a residential property, yes, my lord.

THE COMMISSIONER: Is there any question about title, Mr. Hunter, in respect of either matters, the house or

30

the car?

MR. HUNTER: No, my lord, not that would affect this claim. This property wasn't registered in his name. There was an agreement of sale and so on, but that is immaterial.

THE COMMISSIONER: Yes.

MR. HUNTER: There is one cthing I should like to have, my lord, if Mr. Kagetsu is present, I would like to have him signify if he disagrees with the appraisal of Johnson, Reeve and Watson, in any particulars, so that I will know what I have to meet.

THE COMMISSIONER: Perhaps it would be well to swear him.

MR. BALDWIN: I suppose my friend means the description.

MR. HUNTER: The description set out in the appraisal. I presume he disagrees with the amount of the appraisal.

THE COMMISSIONER: Will you call Mr. Kagetsu then.

MR. BALDWIN: I was going to call the other witnesses first, my lord, and let them get away.

THE COMMISSIONER: That is quite all right. What is the date of sale of these premises again, August 1943, wasn't it?

MR. HUNTER: August 18, 1943, my lord.

SIDNEY LEONARD JOHNSON, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BALDWIN:

Q What is your occupation, Mr. Johnson?

A Sales Manager Bowell McDonald Motor Company.

Q And they are dealers in what sort of cars?

A Cadillac, Buick and Pontiac.

Q And were you in that occupation in 1942?

A I wwas with them in 1942.

Q I show you a sold note. Will you tell his lordship what it is?

A This is the sale of a 1942 Pontiac sedan model 22-19 , sold on January 22nd, 1942. The price was actually $1529.00, the license $15.92 and there was a trade-in of a 1937 Ford Coupe for which we allowed $400.00, making a total of $1143.92 which was paid to us January 22nd, 1942.

THE COMMISSIONER: Is that a car bought?

MR. BALDWIN: This is the invoice for the Pontiac, the car in question , bought from Mr. Johnson's firm Bowell McDonald Motor Company, by Mr. Kagetsu.

THE COMMISSIONER: You are putting that in.

MR. BALDWIN: Yes, my lord.

(BOWELL MCDONALD INVOICE MARKED EXHIBIT No. 1389/1)

Q Now, Mr. Johnson, what would be the fair market value of this car in the month of March, 1942?

A It would be about, I would say in the neighborhood of $1300.00.

Q In the neighborhood of $1300.00?

A Yes.

Q And that figure -- I don't know if my learned friend will object. I intend to lead a little here to speed it on.

THE COMMISSIONER: Go ahead.

MR. HUNT ER: I do object, my lord. This is no place when

he is getting down to the question of fair market value.

THE COMMISSIONER: If that is the subject of your examination, I would prefer that you do not lead. Let us get the information as the witness has it.

Q Was this a new car when you sold it in January, 1942? A. Yes, your lordship.

MR. BALDWIN: Q: On the assumption of a mileage of 1800 miles would your figure still be the same?

10 A Yes.

Q And would that figure also include any extra equipment? A. That same amount includes the extra equipment.

CROSS EXAMINATION BY MR. HUNTER:

Q In 1942, Mr. Johnson, what was your occupation with Bowell McDonald?

A At that time I was a salesman.

Q And were you selling new cars or used cars?

20 A New cars and used, mostly new.

Q Were you doing a large quantity of used car business at that time? A. Well, there was a kind of a drop-off a little. We were doing a fair amount of used car business.

Q How were you arriving at the sale price for your used cars; how were you arriving at that figure?

A Well, you are talking about this particular car?

Q I am not talking of March 1942, I am talking of the summer of 1942, when the car was actually

30 sold. Let us get this clear. My learned friend

was talking of March 1942. I am talking of July and August 1942? At that time how did you arrive at the prices which you set for selling your used car? A. It was based on the condition of the car, the mileage, and you might say a six months percentage.

Q Were you using any used car dealers list?

A Up to a point, yes.

Q Up to what point, Mr. Johnson?

10 A Well, at that time we were under the jurisdiction, -- yes we were. Now I remember. At that time we were under the jurisdiction of the Wartime Prices & Trade Board.

Q And in what particular way were you under that jurisdiction?

A We were covered by their price list.

Q Their price ceiling are you talking about?

A Yes.

20 Q For used cars? A. Yes.

Q And at that time were these cars selling for the price ceiling? A. By us, yes.

Q Every used car you sold was sold for the price ceiling? A. Yes.

Q I would just like you to think about that, Mr. Johnson, and be absolutely sure. You are absolutely sure that every car you sold in the summer of 1942 sold for its price ceiling? The reason I ask the question is other dealers say they didn't get the price ceiling, and I would like you

30 to be quite sure.

THE COMMISSIONER: What is the date of sale?

MR. HUNTER: My file says July 1942 and my learned friend says he thinks it is August 1942.

A I wouldn't like to be absolutely sure of that until I get some further information from our office.

Q Perhaps we could check your sales and let my learned friend know whether that is true?

A Yes.

Q When you gave this price of $1300.00 which is approximately a little over $200.00 less than the sale price originally, were you referring to the price which you would have set on that car in March or would that also apply to the summer time at the end of July 1942?

A I was setting it in March.

Q Would it be someone less or more in the summer of 1942? A. Well, that all depends on the car. If the car hadn't been run or the condition of the car was about the same I don't think in a few months it would have changed very considerably. It does depend so much on condition.

Q Had the market changed in 1942 from say, March until the summer; was there a difference in the market or do you recall?

A I can't quite recall that.

Q How was the market generally in 1942, as compared with other years?

A Well, there was a time when I would say people were a little skeptical. They didn't know what to

do; whether a good time to purchase . Others thought it was a good time.

Q Had gasoline rationing come in at that time?

A I believe it had.

Q And didn't that tend to depress the market?

A Well, up to a point it did, yes, but there were still a lot of people believed they could still drive cars.

Q Let me put it this way. I have been advised by other dealers that 1942 was an all time low for used cars as far as their being any market. Would you agree or disagree with that?

A I would be inclined to think it was at a low ebb but I don't think it was the lowest.

Q When do you think the lowest was?

A The lowest would be around 1943.

Q You think it would have been lower the next year, do you? A. Yes, I do.

Q And could you say how much lower?

A Well we might say --

Q Are you just giving your own impression or giving something you have checked?

A Just my own impression.

Q You haven't checked that?

A No.

THE COMMISSIONER: Q: Could you get the information if you checked your records?

A Yes, sir.

THE COMMISSIONER: I think we had better stand Mr. Johnson

down and give an opportunity to check this information. The problem I am faced with here is this, Mr. Johnson. This car was sold at a certain price by the Custodian. Now the claimant comes in and says the fair market value was substantially greater than the price the Custodian realized. I am depending on you to a large degree as to what the market conditions were. You see I get it from the evidence you have given, that you are somewhat doubtful now that these other questions are raised by government counsel. For that reason I prefer that you instruct yourself and come back again.

A I could do that, your lordship.

THE COMMISSIONER: Is that satisfactory to counsel?

MR. HUNTER: Yes, my lord.

MR. BALDWIN: Yes, my lord.

MR. HUNTER: I think I should have announced previously that it is submitted that this vehicle was sold for its fair market value.

THE COMMISSIONER: I do not think counsel is taken at any disadvantage in that respect. I will excuse you in the meantime. Could you get this information fairly quickly?

A Yes. You want it this morning?

THE COMMISSIONER: If you could do it.

A Yes.

THE COMMISSIONER: Very well. You come back when you are ready any time before 12.30. We will excuse you in the meantime.

(Witness stood down)

ROBERT ALFRED POUND, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BALDWIN:

Q What is your occupation, Mr. Pound?

A Real Estate broker.

Q And you do business where?

A At Broadway and Burrard.

Q What is the nature of the area in which you concern yourself mostly?

10 A Primarily the western portion of the city.

Q How long have you been in the real estate business?

A Seventeen years.

Q And in the course of your real estate business, what have you had occasion to do. Have you had occasion to do anything else than merely sell houses?

A I sell and appraise houses.

Q Are you familiar with the property at 5286 McKenzie Street, in the City of Vancouver?

A I am.

20 Q What do you know about it. What do you know about it as to its condition in 1942?

THE COMMISSIONER: We are concerned with August 1948, are we not.

MR. BALDWIN: Yes, my lord, 1943.

A Are you referring to the physical condition or the market condition?

Q The physical condition? A. The house was in a state of neglect as regards decorating and painting at that time, otherwise it was a modern house in a good part of the city.

30 Q It is in a good residential district?

A I figure it is in a good residential district.

Q Were you doing business as realtor in 1943?

A Yes.

Q What would you say about the fair market value of this property in August 1943?

A I would figure at that time it would be $5500.00.

Q What do you base that on, Mr. Pound. Do you know of any sales of similar property in that neighborhood? A. Yes, that is the only basis

10 we can arrive at similar values, by comparison with similar sales at the time.

Q Could you give his lordship any specific instances of comparative sales?

A Y es, I have a memorandum of two. In October 1943, No. 3126-33rd Avenue, sold for $5800.00. That house was limited to five rooms and it needed a considerable amount of expense on it. In other words, it was very comparable and at the same time it was a lower valued house than the McKenzie

20 property. In April 1943, property at 2741 West 32nd, was sold. Both these houses are in the same area and the same type of surroundings. This house was five rooms and a dinette. It too, needed some decorating and improvement to the exterior of the house. It was a lower valued house and it sold for $6200.00.

THE COMMISSIONER: These were sales made by you, were they? A. No. The second sale was made by our office and the first sale was

30 not.

MR. BALDWIN:Q: What waa the source of your information on the first sale?

A From the purchaser.

Q I show you Exhibit 7 in the general evidence. Do you recognize that?

A Yes, I am very familiar with that.

MR. HUNTER: What is it?

MR.BALDWIN: That, my lord, is just a sample of the advertisement inserted by the Custodian in the
10 press for the sale of real property by tender.

CROSS EXAMINATION BY MR. HUNTER:

MR. HUNTER: It is submitted, my lord, that this real property was sold for its fair market value. This property was appraised by Mr. D. W. Reeve on the 19th July 1943. He states that the location is a good class residential neighborhood in the Kerrisdale District (Reading). I tender that as Exhibit 2.

20 (LETTER JOHNSON, REEVE & JOHNSON, 19th JULY 1943, MARKED EXHIBIT No. 1389/2)

MR. BALDWIN: Does my learned friend propose to prove that. Is he calling Mr. Reeve?

THE COMMISSIONER: Yes, Mr. Reeve will be called.

MR. HUNTER: We are not putting in our defence now, you know.

Q You have been 17 years in this real estate business?

A Yes.

Q How old are you now?

30 A Forty-one.

Q You have been appraising. Could you give us some idea of how many appraisals you make in a year?

A I am not a professional appraiser. I am primarily a valuator for selling purposes, and I have been doing such valuating all that time.

Q You would be advising clients as to what price they should get if they sold, is that it?

A Yes.

Q And your commission is based on the sale price, I presume? A. Yes. I do appraise for estate purposes and mortgage loans in addition to sales.

Q I presume that when you are appraising for the purpose of advising clients what sale price they should get, you put the maximum you think they can get? A. That is always our duty.

Q And you are inclined to be a bit optimistic if possible? A. We should be.

Q On these comparable sales, Mr. Pound, what detail did you go into?

MR. BALDWIN: With a view to comparison, you mean?

MR. HUNTER: Yes.

A Well, my valuation is that of a practical selling office and we compare only those features of a house which have a bearing on its sale to the average buyer, the physical aspects and the necessary repairs are gone into, but we do not write down to the point of valuing it in great detail, the original time the house was built, because one house might be ten years different in age and still you

get a larger price because of certain features. This particular house had features of finish and so on far over an ordinary house of this type.

Q Which particular type of house?

A The McKenzie Street house.

Q Let's take first of all this 333rd Avenue house. It obtained $5800.00 in O ctober 1943. Do you remember the size of the lot there?

A Yes, 50 by 120.

10 Q Do you remember the dimensions of the house?

A No. The house would be approximately 32 by 24.

Q Was it a two-storey?

A No, one-storey.

Q A bungalow? A. Yes.

Q How many rooms did you say?

A Five.

Q A basement? A. Yes.

Q What heating? A. Hot air furnace,

20 coal and wood.

Q I presume there were laundry tubs and that type of thing? A. Yes.

Q I am not too familiar with Vancouver. I presume this is in the same Kerrisdale neighborhood?

A Yes, about four or five blocks away.

Q In a better or poorer location?

A A similar district. It is quite a uniform area for a great many blocks.

Q And have you been selling properties in that area?

30 A Yes, continuously.

Q I presume that your firm had a copy of the catalogue that was sent out by the Custodian?

A Yes, we received them all.

Q And you were interested in selling those properties?

A That particular property we never interested ourselves in, but we had the listings of them all.

Q You would have been very happy to sell any of them?

A We made no effort to sell any of them.

Q If a client came in I presume you wouldn't turn

10 him down? A. No.

Q You have given a value of $5500.00 on this house but you never had anybody come in and ask for information from your firm about it?

A No, not at the time it was on the market.

Q And you never made any effort to sell it to anybody?

A No.

Q So that when you put that $5500.00 on it you are going entirely by comparable sales, is that it?

A Yes.

20 Q But you yourself never tried to sell the house?

A No.

Q Did you go through it? A. Yes, I have been through it many times.

Q When? A. About 1942, was the last time.

Q You went through it in 1942?

A Yes.

Q How was that? A. Because I was an acquaintance of the tenant at that time. I have

30 known the house since it was a few years old. I have

printed lists made a very ready source for them.

Q When you say you weren't interested, was that because you had so much business otherwise, you didn't need to handle this?

A We preferred not to involve ourselves with detail needed to sell those houses. It wasn't a very satisfactory type of dealing so far as we were concerned. A normal listing is placed on the market subject to a price being received or an

10 offer. In those particular cases there was no price made available to the agent for quoting. He had to ask the client to make a bid, and the client was doing that without proper direction from the agent or owner. Therefore it was very unsatisfactory as far as we were concerned.

Q Couldn't you give him directions?

A No, because we had no means of knowing upon which basis the bids were being accepted.

20 Q You could have advised your successor as to the fair market value? A. Definitely, yes.

Q Wouldn't that be the bid to make?

A No, because our experience with those bids was the normal market price didn't necessarily control the price. In other words the Custodian was of necessity limited to consider those bids received by him rather than being able to widen his scope to the average buyer. The average buyer, may I say, at that time was a man who understood real estate. He wasn't a normal buyer.

30 Q In 1942? A. Yes. I am referring

to the properties sold by the Custodian.

Q Wait a minute. You say the people who bought Custodian property were not normal buyers?

A No, they were experienced real estate buyers or sellers as a rule.

Q How do you know that?

A From my own experience only.

Q When you make a general statement like that wouldn't it be correct only in so far as a few houses were

10 concerned? A; Only so far as the houses where I knew the circumstances.

Q How many would that be roughly?

A Not more than a dozen.

Q Let's take this second house on West 32nd Avenue. Was that a bungalow too?

A A semi-bungalow.

Q One and a half-storeys?

A Yes; one room upstairs.

Q You don't know who sold it?

A We sold the second house.

20 Q Did you personally sell it?

A No.

Q What was the dimension of the lot now?

A The same size as the other, 50 by 120.

Q And you don't know the dimensions of the house?

A They would be approximately 34 by 24.

Q What was the exterior of the house?

A Stucco.

Q And the roof? A. Shingle.

30 Q What kind of shingle? A. Ordinary cedar shingle.

Q And heating? A. Hot air; a sawdust burning furnace.

Q How many rooms do you say that has?

A Five and a dinette.

Q And when you gave this opinion of $5500.00 for the fair market value of the house, is that an optimistic estimate? A. No, I woul d say that is a conservative estimate.

Q And when Mr. Reeve gave his opinion as $4250.00, you are saying he is wrong?

10 A There is that difference between two valuators in this case.

Q But you are saying you are conservative, therefore he was wrong? A. Mr. Reeve has based his opinion on the physical condition of the house more than I did because Mr. Reeve's opinion is that of an appraiser and not a seller.

Q How do you know he has based it on the physical condition? A. I know the way he appraises.

20 Q You are prepared to tell us what goes on in his mind? A. Mr. Reeve --

THE COMMISSIONER: That is hardly a fair question.

MR. HUNTER: I am sorry, my lord.

THE COMMISSIONER: The witness if I understand him, draws that conclusion by the phraseology used by Mr. Reeve as well as his knowledge of Mr. Reeve's operation.

A That is right, sir. His system doesn't change.

30 MR. HUNTER: Q; In other words you are saying that yours

is a salesmans appraisal and his is an appraiser's appraisal? A. That's right.

Q Is there a distinction between an appraisers appraisal and a salesman's appraisal?

A Yes.

Q What would that distinction be?

A An appraiser is interested in the property from the standpoint of its value some years in advance, because his business is primarily that of appraising for mortgage loan purposes, and he must anticipate what that building would be worth in say, ten years time. A broker is only interested in what the market will pay at the time.

Q Then if an appraiser is told to establish the fair market price, what does he establish? Does he still try to establish a long-term point of view?

A I would suggest his opinion would ordinarily be based along the lines to which he was accustomed. It could have the effect of depressing the value or decreasing it.

Q But you don't know whether it did or didn't?

A No.

Q But yours is a salesman opinion and you say $5500.00 is conservative?

A That's right.

Q You believe you could have sold it for more?

A I would say I could have sold it for $5500.00.

THE COMMISSIONER: Q; At that time?

A At that time.

MR. HUNTER: Q; But you didn't try?

A No.

Q And that is an opininn. You don't know whether you could or you couldn't have?

A That is correct.

Q Have you anything else that would lead you to believe this house was worth $5500.00 at that time?

A Well, the only means we have of establishing is a value, is a comparison with other property. That house, as Mr. Reeve describes it, has a number of
10 features which puts it above the ordinary. It had solid mahogany trim, double plumbing, air condition furnace; all of which features are not found in that type of house. It was set on an attractive corner lot with very good grounds, all of which would affect its sale.

Q What about the exterior not being attractively designed. Do you agree with that?

A The house is the standard type of construction generally found in Vancouver .

20 Q Do you say that in real estate property varies in value from spot to spot?

A Yes.

Q Do you know of any sales in the same block as this during that period?

A No. The two I named were the only two I could put my finger on as being sold in the comparative time and the areas are very similar.

Q But they are four or five blocks away?

A Yes, in two different directions.

30 Q And you don't know what property would have actually

sold for in that block; you have no comparable sales? A. No. There might have been other sales in that area at that time.

Q And for some reason properties change in value from block to block?

A Yes.

Q I suppose that is because of fashion or view, or what is it? A. Surrounding areas generally are the predominate feature.

10 THE COMMISSIONER: There are one or two questions I would like to ask the witness before you undertake your re-examination.

Q Mr. Pound, I take it that the other comparable sales which went through your office took place in September, was it?

A It was April 1943.

Q Was there another one in September 1943?

A In October 1943.

Q Had you on your listing book at the time parties
20 who were inquiring of houses of the type of this Kagetsu house?

A Yes.

Q I observe it was sold for $4200.00. Would it not have been advantageous to your client to show him that house if he could effect a saving below the real market value of $1200.00?

A The type of property we normally dealt with -- we wouldn't know what he could buy that house for, and as a result we never at any time quoted houses
30 offered by the Custodian for that reason.

Q The point I am endeavoring to put to you is this, that if you have parties for whom you were acting who desired to find a house of this particular character, would it not have been advantageous to them to have you show them that house when they could buy it at what you believe was substantially below the market?

A The only answer there is, we didn't have a listing on the house, because we didn't put them on our listing. To begin with the house was rented and we weren't interested in showing rented houses at that time.

Q And were the Rental Controls in effect at that time?

A Yes. It required six months notice of tenancy.

Q Would that be advantageous from the point of view of selling?

A No, it depressed the price.

Q Were these other two houses available for immediate delivery? A. Yes, they were owner occupied.

Q So that would make a difference?

A Yes.

Q In the summer and fall of 1943, was there a substantial demand for houses of this type?

A Yes, the market was very sound at the time.

Q It is fair to say there was good demand?

A Yes; there was a short supply.

THE COMMISSIONER: It will be open to both counsel to pursue the subject I have questioned the witness upon.

REDIRECT EXAMINATIONBY MR. BALDWIN:

Q Mr. Pound,had you seen Mr. Reeve's appraisal as read by my learned friend before you came to the conclusion as the $5500 being the fair market value in August 1943 of this property?

A You mean the price?

Q No, the condition as described?

A Yes, I had seen that.

10 Q But you had not seen, I understand the appraisal which had been put on it by Mr. Reeve?

A Not until now.

Q And in arriving at your price you would take into account the fact there was a tenant in possession?

A I would.

Q My learned friend asked you about the variance in price for real estate between one block and another? Was there any difference from the point of giew of the desirability for residential property between the blocks in which these comparable sales

20 were? A. No, I very carefully chose the two examples as being in comparable locations.

THE COMMISSIONER: Anything further from Mr. Hunter?

MR. HUNTER: Yes, my lord.

THE COMMISSIONER: I would like you to limit your further examination to the questions I raised.

RECROSS EXAMINATION BY MR. HUNTER:

Q Possibly, Mr. Pound, you could explain what you

30 mean by comparable areas or locations?

You say you limited your comparable sales examples to comparable areas?

A Yes. I wouldn't have given you a sale on a street very much better or worse or that had more conveniences to offer than this one had. The facilities of transportation, schools and surrounding homes and so on were all similar.

Q Is it your submission or contention that in that case prices are the same?

10 A Prices are the same only as they are being compared. The houses themselves weren't similar values.

Q Then are you saying that in areas with the same facilities and the same conveniences prices are the same? A. Depending on the features of the house itself.

Q But you are saying if the houses were the same and were in the same type of area as far as facilities, you say the price would be the same?

A Yes.

20 Q My impression would be different. Why do you say that? A. When we say the same type of area , unless there was a drawback to any particular lot they would all be the same and the benefits to the owner would be the same.

Q And where do you get areas that are the same? My impression is no two houses are identical and no areas are identical. How do you arrive at whether they are the same or comparable?

A We can't pin ourselves down to the fact they are all the same, but this is described by Mr. Reeve

30 as a good residential area. The whole of that

area is with the exception of certain blocks. This particular block has all good properties on it.

Q But you can't say one street is the same as another, can you? A. No.

THE COMMISSIONER: This might be a good time to recess for a few minutes. During the recess you might find out if Mr. Johnson has got his information met.

10 (Witness aside)

(PROCEEDINGS RESUMED AFTER SHORT RECESS)

MR. BALDWIN: I call Mr. Kagetsu.

THE COMMISSIONER: I see Mr. Johnson at the rear of the room. Perhaps we could dispose of him.

MR. BALDWIN: Yes.

SIDNEY LEONARD JOHNSON, resumes.

DIRECT EXAMINATION BY MR. BALDWIN RESUMED:

Q You are still under oath, Mr. Johnson?

20 A Yes.

MR. BALDWIN: My lord, would you like to pursue the trend of those questions?

THE COMMISSIONER: No, counsel can proceed. Perhaps it would be better, as Mr. Hunter was on cross-examination when Mr. Johnson stood down, for Mr. Hunter to go on, and if there is any re-examination you can cover it.

MR. BALDWIN: Very well, my lord.

30

CROSS EXAMINATION BY MR. HUNTER RESUMED:

Q Have you had time to examine your records of sales in 1942 and 1943?

A I haven't exactly examined the records of sales but I have got what I consider information pertaining to the question asked. Might I say that in 1942 we didn't sell one used 1942 Pontiac.

Q Have you been able to find out whether your sales in that year were all up to ceiling price or

10 whether some of them were below?

A They were covered at that time by the ceiling prices.

Q But you haven't been able to check the individual sales? A. No.

Q Can we go a step further. Have you been able to find out whether the low period for your sales was 1942 or 1943?

A Well I have been talking to three of my employees down there and they think they would say 1943 would be the low period.

20 Q Are you able to give a percentage or some indication of how much lower or higher than 1942?

A No.

Q But you haven't had a chance to compare your sales with ceiling prices?

A No.

Q Were you able to determine just what the condition of the market was in 1942?

A If anything, in 1942 it was getting to a low ebb. It wasn't at the lowest ebb though I would say.

30 Q Could we get some basis for comparison?

How much lower would you say it was than 1941, say? 1942 market how much lower was it than 1941?

A I would say 1942 was probably 10% lower. 1942 would be lower than 1941.

Q In 1942 as the year went on did it get progressively more difficult to sell?

A We were doing such a small business just at that time that we sold all our stuff just as soon as we could get rid of it.

10 Q Perhaps you could explain what you mean by that?

A At that time we had very few used cars in our place and we would sell them off as soon as we could. In the early 1942 and later 1941 we didn't want to take in anything we could help.

Q Why was that? A. Because of the condition of the world affairs I would contribute it to.

Q Do you mean you were afraid the market would go lower? A. We were skeptical

20 of the market.

Q In other words you thought it might go lower?

A There was the possibility.

Q And you didn't want to take the gamble?

A We weren't taking any gamble.

Q When you say you had very few used cars, do you mean that over all you had very few used cars or just that you kept few on your lot?

A Over all we had very few.

Q Was that because you weren't making many sales?

30 A There were no sales. We weren't getting cars in 1942.

They were pool cars.

Q That is you got your allotment?

A We were only allowed to draw them as they were designated for certain people for certain work.

Q There were priorities on them?

A Yes.

Q So that the only new cars you were selling were priority cars?

A In the early part of 1942 we sold a few on priority.

10 Q And as a result of selling few new cars you got few used cars in?

A Very few. They weren't all trades, in other words.

Q You were buying used cars?

A Not if we could help it.

MR. HUNTER: Is there anything else, my lord?

THE COMMISSIONER: Nothing further I want.

REDIRECT EXAMINATION BY MR. BALDWIN:

Q Assuming you had 1800 miles on a car new in January,

20 what would be the market for that kind of car as opposed to a car that was two or three years old?

A Well, basing it on a yearly percentage we used to check off anywhere from 25% to 30% on a car one year old. This car being about six months, I would say 50% of it.

THE COMMISSIONER: Q; Did I hear you correctly. Did you say 50%? A. 50% of the deduction.

Q That would be 12½% off the new price?

A Yes.

30 MR. BALDWIN:Q: Would it be easier or otherwise to dispose

of a relatively new car as opposed to a really old car? A. It would be easier to sell, I would say, a brand new car at that time, than one three or four years old.

Q By a brand new car, do you mean --

A There were so few buyers actually.

Q Would it have been easier to sell this car than a car that was three or four years old?

A Yes.

10 Q It would? A. Yes.

Q I believe you have with you a Wartime Prices & Trade Board order setting the ceiling for used cars in 1942? A. I managed to discover an old order dated May 29, 1942, giving the Wartime Prices & Trade Board valuation or the way they determined the valuation of used cars.

Mr. BALDWIN: For your assistance, possibly, my lord, I am going to put in this extract from the Gazette. Paragraph 4 is entitled, "Maximum retail delivered

20 price of used passenger motor vehicle."Sub-paragraph 1, of that order reads,(Reading). In the lefthand columnunder " Time elapsed from date of beginning of model year", the first line reads " Up to and including six months", and in the righthand column,"Percentage of retail delivered price 100%."

THE COMMISSIONER: I do not follow what that means. Does that mean that the new price would apply to the car six months old?

30 MR. BALDWIN: That is the interpretation I would put on it,

my lord. Over six months and not more than one year, 95%. That is dated the 12th May,1942.

(ORDER IN COUNCIL REFERRED TO MARKED EXHIBIT No.1389/3)

THE COMMISSIONER:Q: In view of the evidence you have given, what price would you estimate could have been realized on the sale of this car in the summer of 1942?

A I would say about $1300.00.

Q You think a market could have been found for it at $1300.00?

A I think so, yes.

MR. HUNTER: I wonder if that order shouldn't go in as a general exhibit rather than a specific exhibit because possibly we may be referring to it quite a number of times.

THE COMMISSIONER: I think if it would be much better if it were filed along with the general evidence. Mr. Watson, while we will treat it as an exhibit on this particular claim, would you also show it as an exhibit in the general evidence and file it in the general evidence. What number will it be in the general evidence.

THE SECRETARY: It will be No. 55.

(ORDER IN COUNCIL MARKED EXHIBIT No. 3 IN THIS CASE ALSO MARKED EXHIBIT No. 1389/55 GENERAL)

THE COMMISSIONER: Does counsel require Mr. Johnson any further?

MR. HUNTER: No, my lord.

THE COMMISSIONER: Thank you, Mr. Johnson. I appreciate your assistance.

(Witness aside)

EIKICHI KAGETSU, being first duly sworn, testified as follows:

MR. BALDWIN: My lord, I am informed by Mr. Johnson that it would be a rather serious inconvenience to the records of his office if that Order remains in the Custody of the Court House. I wonder if a true copy could be made of it.

THE COMMISSIONER: Yes. Let Mr. Baldwin have that last document, Mr. Watson, so as to make a copy, and substitute the copy for the original.

10 (EVIDENCE INTERPRETED BY MRS. SMITH)

DIRECT EXAMINATION BY MR. BALDWIN:

Q Mr. Kagetsu, will you tell the Commissioner what that is, please?

A I got information from the Mounted Police on March 12th,1942, that I was to bring all these belongings in this list to the Hastings Park.

THE COMMISSIONER: This is the Mounted Police exhibit.

MR. BALDWIN: This is the Mounted Police report, my lord. (Reading).

20 Q Is this your signature, Mr. Kagetsu?

A Yes.

Q And you received this from the police?

MR. HUNTER: This is admitted. We are not disputing the R.C.M.P. receipt.

THE COMMISSIONER: No, I thought that. What is the mileage shown for the car on that document?

MR. BALDWIN: 1788 miles; condition good; extra equipment heater; description and condition verified, appears in good shape.

30 (R.C.M.P. EXHIBIT REPORT MARKED EXHIBIT No.1389/4)

Q Now, Mr. Kagetsu ,you were the owner of 5268 McKenzie Street, in the City of Vancouver, were you?

A Yes, I was.

Q What was the condition of the interior of that house? A. I rented it and it was in very good order; kept in good order.

Q What had you done to the property if anything, since purchasing it?

A I renovated the interior of the house, and the
10 outside; the garden, it was in a very delapidated state and being a corner house I put in a fish-pond and new fence and some trees and spent about $1500.00 in the garden.

Q When did you buy this house, Mr. Kagetsu?

A I don't quite remember the date when I bought it. The papers were filed and they were all taken away by the Custodian.

MR. HUNTER: It was purchased the 1st April 1937, my lord., the agreement of sale.

20 MR. BALDWIN: What rent was being paid by the tenant?

A I don't quite remember, but I think about $45.00 to $50.00 a month.

THE COMMISSIONER: Q; Do your documents show the sale price in 1937?

MR. BALDWIN: Yes, $,4650.00; $500.00 cash and the balance monthly payments of $41.50 until the purchase price is fully paid; interest at 6%.

THE COMMISSIONER: Q: The price you paid was $4600.00 was it? A. I can't tell you
30 exactly, as I have no documents, but I think it

was about that.

MR. HUNTER: Q; Mr. Kagetsu, did you examine the appraisal of Mr. Reeve? A. No, I have never seen it.

MR. HUNTER: I thought I was handing it to Mr. Kagetsu, but is it the son.

MR. KAGETSU, JR. There was some conversation, but I don't think it was quite satisfactory.

THE COMMISSIONER: I suppose you want to verify the statements made by Mr. Reeve as to the condition of the house?

MR. HUNTER: Yes. If there is something in here disputed, I would like to know what it is.

THE COMMISSIONER: Suppose you hand it over to Mr. Kagetsu's son and have him discuss it with his father now.

MR. HUNTER: In the meantime, my lord, this property was handled for sale by catalogue no. 148. In response to the advertisement, an offer was received from George E. Davidson, undated, for $3600.00; an offer from M. Fox and P. Hollenberg through Home Investments, dated 16th July 1943, for $4,000; and an offer from Herman Bishoff through Horne Taylor Company dated July 9,1943, for $4100.00.

THE COMMISSIONER: Apparently some real estate agents interested themselves in these properties. Horne Taylor is a well known local firm.

MR. HUNTER: Your lordship would know better than I.

THE COMMISSIONER: What was the price?

MR. HUNTER: $4100.00. All these offers being below the appraised value were refused and each party was given the opportunity of increasing their offer.

Mr. Bishoff, whose tender had come through Horne Taylor, increased his o ffer to $4300.00 on the 10th August,1943, and that offer was accepted and it was sold to him as of the 18th August, for $4300.00. I presume my learned friend doesn 't want those offers proved. The original lettersand the Custodian's replies are here, and can be filed if necessary, but unless they are disputed those offers were made, it would be encumbering the record.

10 THE COMMISSIONER: There does not seem to be any need for them.

MR. BALDWIN: No.

THE COMMISSIONER: Has claimant's counsel examined these documents?

MR.BALDWIN: Yes, we have had access to them, my lord. We think some of these letters should go in as evidence as indicating the manner in which these bids were arrived at. For example, in one of these letters dated July 31st, 1943, to the Home

20 Investments from the Custodian, Mr. Shears, it is a letter advising that the Custodian is not able to accept a tender of $4,000. (Reading).

In other words these bidders knew the amounts at which this was appraised.

THE COMMISSIONER: I fancy that government counsel will acknowledge that was the practice adopted by the Custodian .

MR. HUNTER: Yes, after a certain time.

THE COMMISSIONER: So you do not need to file the documents.

MR. HUNTER: I think that practice came out in Mr. Shears'

30 general evidence.

THE COMMISSIONER: That is my recollection.

CROSS EXAMINATION BY MR. HUNTER:

Q Mr. Kagetsu, do you agree with Mr. Reeve's description of your property at 5286 McK enzie? as shown in this written letter of his or do you find that some things in there are different from your recollection. I would like to know just what you agree with or disagree with, if anything? A. I know the walls were cracked, and they were patched, in places, and I know the rent was really $45.00 but we charged another $5.00 for putting the heater in and they were paying $5.00 extra a month for that, which brought it up to $50.00.

Q In other words the tenant was buying the stoker, is that correct?

A Yes.

Q What about, " The trim needs paint and the mahogany front door needs refinishing".

A Ordinary houses need painting every three or four years, and of course, that was a condition that needed painting.

Q "The windows are not properly flashed and rain seeps in at several of these". Do you agree with that?

A I don't quite agree with that, because if there has been anything of that sort the tenant would have reported to me immediately.

Q Then you don't know?

A No, I don't know anything about that.

Q "Basin in washroom cracked?" Do you remember that?

A I have never been inside the house since I rented it, so it might have happened during the tenants occupancy, and I don't know anything about it.

Q Do you remember whether the kitchen and one bedroom needed decorating, or was that after you left?

A When I rented the house everything was in good condition, and it was about two years Mr. Reeves' occupied it, so I don't know what happened during
10 that time.

Q When did his tenancy start?

A I think it started about, I think 1940.

Q And you hadn't been around there much since you leased it? A. I see it every day from the outside, but I have never been inside.

Q And generally speaking you agreed with Mr. Reeve's description of the property?

A I can't quite agree with the price of the appraisal.

Q But aside from the price, generally speaking you
20 agree with what he states?

A I don't know what w as happened inside.

MR.HUNTER: That is all, my lord.

THE COMMISSIONER: Any re-examination?

MR. BALDWIN: No, my lord.

(Witness aside)

THE COMMISSIONER: Any further evidence, Mr. Baldwin?

MR. BALDWIN: No, my lord.

THE COMMISSIONER: I suppose the government is not leading any evidence at the moment.

30 MR. HUNTER: No. But probably my learned friend thought

we would dispose of this case completely.

THE COMMISSIONER: I see no reason why it should be disposed completely. It is no different from a hundred others that we have had.

MR. BREWIN: I thought because the claimant happened to be here in Vancouver, which wasn't the case of most of the others, we would have the pleasant experience of dealing with one case at one time. However, if my learned friend isn't ready, that is the situation -- apparently we misunderstood each other.

THE COMMISSIONER: Perhaps if you had asked for that to be done it might have been done.

MR. BREWIN: I thought it was going to be.

MR. HUNTER: I wonder if we could have a conference today as to future procedure to be followed. There seems to be a great deal of confusion on this and I think it should be clarified, so that we would all know definitely what to prepare for.

THE COMMISSIONER: I would be glad to see counsel after lunch in my Chambers.

MR. HUNTER: I think everybody should be there, including Mr. Norris, if he is still interested in any cases, and Mr. McMaster and Mr. McLennan.

THE COMMISSIONER: That is quite satisfactory.

(DISCUSSION)

THE COMMISSIONER: We will adjourn now until ten o'clock Monday morning.

(PROCEEDINGS ADJOURNED TO MONDAY MORNING, NOVEMBER 15th, 1948. 10.00 A.M.)

I hereby certify the foregoing to be a true and accurate report of the said proceedings.

Deputy Official Stenographer

Case 1389

CLAIM

IN THE MATTER OF a Commission to Investigate Claims of Japanese-Canadians for Property Losses Pursuant to Order-in-Council P.C. 1810 - 1947 as amended by P.C. 3737 - 1947.

Copy supplied by Custodian's Office

TO: The Commissioner,
Office of the Custodian,
Royal Bank Building,
VANCOUVER, B. C.

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

(1) SURNAME Kagetsu GIVEN NAME Eikichi

(2) R.C.M.P. Registration No: 00014

(3) Pre/Evacuation Address: 2867 West 37th Avenue, Vancouver, B. C.

(4) Present Address: 33 Howard Street, Toronto, Ontario.

(5) REAL ESTATE

ITEM NO. 1

(a) Street Address: 2867 West 37th Avenue, Vancouver, B. C.

(b) Legal Description: Lot 46 Block 29 District 1.2027

(c) Type of Property Residence

(d) Interest in Property Sole Owner

(e) Fair market value at date of sale:

(1)	Land	$600.00	
(2)	Buildings	5900.00	
(3)	Total Value	6500.00	
(4)	Amount for which Custodian sold property	$ 4103.01	
(5)	Loss		2396.99

Item No. 2

(a) Street Address : 5286 McKenzie Street Vancouver

(b) Legal Description: Lots 47 and 48 Block 29 District 1. 2027

(c) Type of Property: Residence

(d) Interest in Property: Sole owner

(e) Fair market value at date of sale:

(1)	Land	$900.00	
(2)	Buildings	4600.00	
(3)	Total value	5500.00	
(4)	Credited by Custodian	4300.00	
(5)	Loss claimed		$1200.00

Item No. 3

(a) Legal Description: Block 195 Cowichan Lake District

(b) Tupe of Property: Tumber land

(c)	Value	$187,500.00	
(d)	Sold by Custodian	93,000.00	
(e)	Loss claimed		$94,500.00

Item No. 4

(a) Legal Description: Lot 504 Newcastle District, Vancouver Island

(b) Type of Property: Timber Land

(c) Value $7000.00

(d) Sold by Custodian 6000.00

(e) Amount of Loss $1000.00

Item No. 5

(a) Legal Description: Lot 516 Newcastle District, Vancouver Island

(b) Type of Property: Timber Land

(c) Value 9000.00

(d) Sold by Custodian 8000.00

(e) Estimated Loss $1000.00

Item No. 6

(a) Legal Description: Block 40 District 611 North Vancouver

(b) Type of Property Vacant Lot

(c) Value 200.00

(d) Sold by Custodian 75.00

(e) Total loss claimed 125.00

(6) PERSONAL PROPERTY

Item No. 1

(a) Description: Pontiac Sedan 1942 Lic. No. 65445

(b) Estimated Value 1500.00

(c) Sold by Custodian 1025.00

(d) Loss claimed $475.00

Surrender to R.C.M.P. on behalf of Custodian, Hastings Park, Vancouver, March 12th 1942.

Item No. 2

(a) Description: Dodge Sedan 1937 Lic. No. 64690

(b) Estimated Value 750.00

(c) Sold by Custodian 580.00

(d) Loss Claimed 270.00

Surrendered by R.C.M.P. on behalf of Custodian, Hastings Park, Vancouver, March 12th 1942.

ITEM NO. 3

(a) Description: Dodge Sedan Lic. No. 64691

(b) Estimated Value: 750.00

(c) Sold by Custodian 553.00

(d) Loss Claimed 297.00

Surrender to R.C.M.P. on behalf of Custodian, Hastings Park, Vancouver, March 12th 1942.

Item No. 4

Description: Skagit Yarder with attachments

Place at which property was left by the claimant at the date of evacuation:-

Premises of Deep Bay Logging Company Limited, Fanny Bay, B. C.

Type of Premises in which property left: on flat car on rail siding of Deep Bay Logging Co.Ltd.

How stored or packed at time of evacuation:

Protected by its own roof and tarpaulins

In Whose care was property left at date of evacuation:
In care of Mr G.W.McPherson authorized deputy of Enemy Alien Property.

Estimated Value: $14,000.00

Item No. 5

Description: Cletrac Tractor Model 80 with Issacson Bulldozer and arch and double Drums with attachments.

This tracter and attachments were left in charge of Mr McPherson on the property of Deep Bay Logging Company as set out in Item 4.

Estimated Value $16,000.00

N.B., Custodian sold Items 4 and 5 for $9000.00

Estimated Loss in respect to Items 4 and 5		$21,000.00
Total Estimated Loss of Personal Property	$22,042.00	
Total Estimated Claim for Real Property	$100,221,99	
Total Claim for Real and Personal Property.		$122,263.99

DOMINION OF CANADA)
)
TO WIT)
)
)

IN THE MATTER OF a Commission to investigate claims of Japanese Canadians for Property Losses
AND IN THE MATTER of the Claim of Mr Eikichi Kagetsu of the City of Toronto in the County of York, Retired Logger,

I, Eikichi Kagetsu, of the City of Toronto in the County of York,
DO SOLEMNLY DECLARE THAT:

The information set ut in the claim form hereto 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 under oath, and by virtue of "The Canada Evidence Act."

DECLARED before me at the Ciyt of Toronto)
in the County of York, this 25th day of)
November, A.D. 1947)

"E. Kagetsu"

"F.A.Brewin"
A Commissioner etc.,

IN THE MATTER OF A COMMISSION
to investigate Claims of
Japanese-Canadians for property
losses pursuant to Order-in-
Council P.C.1810-1947

CLAIM

of

E. KAGETSU

CAMERON WELDON & BREWIN
372 Bay Street.
Toronto, Ontario.

TELEPHONE TRINITY 3311

No. .....

BOWELL, McDONALD MOTOR CO., LTD.

615 BURRARD STREET

CADILLAC, LA SALLE, BUICK AND PONTIAC CARS

Vancouver, B.C., January 22nd, 1942 194

EXHIBIT No. 1389-1

DATE 12 Nov 1948

FILED BY R B Baldwin

License No. .....

Mileage .....

Job No. .....

Sold to Mr. Eikichi Kagetsu,
335 Princess Ave.,
City

Address

TO: 1942 Pontiac Sedan, model 22-19 Serial 2221900899 Engine 41205	1529 00	
License, Regis. & Trans.f	14 92	
	1543 92	
BY: 1937 Ford Coupe Serial A16358	400 00	
		$ 1143 92

BOWELL, McDONALD MOTOR CO., LIMITED PAID JAN 22 1942 VANCOUVER, B.C.

Mileage 1700 mi

1700 miles

B 1469

extra Heater 38.00
Spare Tire 28.00

Half New 3 Tire

BOWELL, McDONALD MOTOR CO. LIMITED
PAID
JAN 22 1942
VANCOUVER, B. C.

EXHIBIT No.
DATE Nov.12/48
FILED BY J.W.G.Hunter

JOHNSON, REEVE and WATSON
Estate Agents

Bank of Nova Scotia Building
602 West Hastings Street
VANCOUVER, B.C.

19th July, 1943.

The Custodian's Office,
Vancouver, B.C.

File No. 12787

Dear Sir:

Catalogue No. 148
Lot 47 ex.E 49.4 ft. and Lot 48 Block 29 D.L.2027
5286 Mackenzie Street

We have inspected this property and beg to report as follows:-

Location	Good class residential neighbourhood in the Kerrisdale District.
Land	50' x 125'. In garden with wire fences and iron gates, lawns, fish pond and a few shrubs.
Building	1½ storey frame house 24'6" x 40' plus 2' x 13'6" concrete foundation. Stucco walls. Duroid roof. 1st floor, large hall with open staircase, iron balustrade and mahogany treads and risers. 4 rooms and wash room. 2nd floor, 2 rooms and tiled bathroom. Basement, concrete floor, hot air furnace with air condition unit, laundry room and tubs. Garage space not plastered and a small room with fir floor.
Finish	Mahogany trim in hall and living room. Oak floors in hall, living and dining rooms. Fireplace. Tiled sink.
Note	Coal stoker in use is claimed by the tenant as his own property and removable.
Condition	The exterior is not attractively designed. The house is about 18 years old and the stucco is cracked and patched, the trim needs paint and the mahogany front door needs refinishing. The windows are not properly flashed and rain seeps in at several of these. Basin in wash room cracked. Kitchen and one bedroom need decorating.
Rent	$50. per month. Tenant claims to have a lease.
City Assessment	$4,180 (Land $730 Building $3,450)
Taxes	$132.96
Appraisal	We are of the opinion that the market value of this is $4,250.

Yours faithfully,

JOHNSON, REEVE & WATSON

per "D. W. Reeve"

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

June 30, 1949.

3 Copies

Gen. 55

File with General exhibits

EXHIBIT No. 1389-3
DATE 12 Nov. 1948
FILED BY R B Baldwin

No. 368 EXTRA Vol. LXXV

EXHIBIT No. Gen 55
DATE 12 Nov. 1948
FILED BY R B Baldwin

Not Used

Gen 55

War Time Prices Board

Doc. 8-188

THE CANADA GAZETTE
LA GAZETTE DU CANADA

OTTAWA, FRIDAY, MAY 29, 1942

OTTAWA, VENDREDI 29 MAI 1942

GOVERNMENT NOTICE

DEPARTMENT OF MUNITIONS AND SUPPLY

MOTOR VEHICLE CONTROLLER

Order No. M.V.C. 18

Dated the twelfth day of May, 1942.

UNDER and by virtue of the powers vested in the Motor Vehicle Controller by Order in Council P.C. 1121 dated February 13, 1941, and any other enabling Order in Council or Statute, and with the approval of the Chairman of the Wartime Industries Control Board, and the Concurrence of The Wartime Prices and Trade Board, I do hereby order as follows:—

1. For the purpose of this Order unless the context otherwise requires:—

(*a*) "the Controller" or "the Motor Vehicle Controller" shall mean the person from time to time appointed Motor Vehicle Controller by the Governor General in Council;

(*b*) "consumer" shall mean any person who acquires a passenger motor vehicle for use only, and not for the purpose of selling, giving, exchanging or otherwise disposing thereof to any other person;

(*c*) "motor vehicle" shall mean any vehicle the motive power for which is furnished by any type of internal combustion engine but shall not include any self-tracklaying vehicle, tractor or railway rolling stock, or any implement or machine designed for sowing or cultivating agricultural land or harvesting crops grown thereon;

(*d*) "new passenger motor vehicle price" shall mean the retail price for the same type and make of a passenger motor vehicle of the 1942 model (with standard equipment) fixed by the manufacturer of such passenger motor vehicle and filed by such manufacturer or his

AVIS DU GOUVERNEMENT

MINISTÈRE DES MUNITIONS ET APPROVISIONNEMENTS

RÉGISSEUR DES VÉHICULES AUTOMOBILES

Ordonnance n° M.V.C. 18

Le 12 mai 1942.

EN vertu et par suite des pouvoirs conférés au régisseur des véhicules automobiles par l'arrêté en conseil C. P. 1121 du 13 février 1941, et par tout autre arrêté en conseil ou statut habilitants, ainsi qu'avec l'approbation du président de la Commission de contrôle des industries en temps de guerre et l'assentiment de la Commission des prix et du commerce en temps de guerre, j'ordonne par les présentes ce qui suit:

1. Aux fins de la présente ordonnance, à moins que le contexte n'exige une autre interprétation, l'expression

(*a*) "le régisseur" ou "le régisseur des véhicules automobiles" désignera la personne nommée, à l'occasion, régisseur des véhicules automobiles par le Gouverneur général en conseil;

(*b*) "consommateur" désignera toute personne qui acquiert un véhicule automobile de tourisme uniquement pour s'en servir et non pour le vendre, le donner, l'échanger ou autrement en disposer en faveur d'une autre personne;

(*c*) "véhicule automobile" désignera tout véhicule dont la force motrice est fournie par un genre quelconque de moteur à combustion interne, mais ne comprendra pas les véhicules ou tracteurs à chemin de roulement ni le matériel roulant de chemin de fer, non plus que les machines ou instruments destinés à l'ensemencement ou à la culture des terres agricoles ou au moissonnage de leurs récoltes;

(*d*) "prix des véhicules automobiles de tourisme neufs" désignera le prix de détail d'un véhicule automobile de tourisme modèle 1942 du même genre et de la même marque (avec les accessoires ordinaires) que le fabricant dudit véhicule automobile de tourisme a fixé, que

War Time Prices & Trade Board
490 Sussex St.
Ottawa Ont

agent with the Controller and concurred in by The Wartime Prices and Trade Board, for delivery of such passenger motor vehicle to the consumer at the factory in Canada of such manufacturer or at the chief place of business of the representative of any manufacturer who has no factory in Canada;

(*e*) "passenger motor vehicle" shall mean a motor vehicle suitable for carrying passengers with seating capacity for ten persons or less;

(*f*) "person" shall include firm, corporation, company, partnership and/or any aggregation of persons;

(*g*) Words in the singular shall include the plural and words in the plural shall include the singular and the masculine shall be deemed to denote the neuter or the feminine or the masculine as the context so requires.

2. *Beginning of the Model Year of Passenger Motor Vehicle.*

For the purposes of this Order the beginning of the Model Year of a passenger motor vehicle shall be taken to be the first day of October of the year which precedes the year by which the model of such passenger motor vehicle is designated.

3. *Maximum Retail Delivered Price of New Passenger Motor Vehicle.*

(1) The price at which any person shall sell or offer to sell a passenger motor vehicle in the first sale of such passenger motor vehicle to a consumer, shall not be higher than the total of the following items:—

(*a*) The new passenger motor vehicle price; (See Section 1 (*d*) for definition of new passenger motor vehicle price and also Section 5.)

(*b*) Transportation charges to the dealer's location for such passenger motor vehicle not exceeding in amount what has been established for a passenger motor vehicle of the 1942 model of the same make and type, by the manufacturer of such passenger motor vehicle (or by the agent of such manufacturer), and approved by the Controller;

(*c*) A charge of Twenty-Five Dollars ($25.00) for which the following services and supplies shall be provided:

Unloading and handling.
Mechanical inspection.
Washing and polishing.
Filling the transmission and differential with oil and greasing generally.
Filling the motor with oil other than gasoline.
Preparing for delivery to the purchaser and all the factory recommended "get ready" and "delivery" preparations.

(*d*) A charge for any accessory or option in addition to what is included in the standard equipment for such passenger motor vehicle, such charge to be not higher than the retail price for a similar accessory or option on a passenger motor vehicle of the 1942 model, where such retail price for such similar accessory or option has been established by the manufacturer of such accessory or option and approved by the Controller, and in all other cases such charge shall not be higher than the retail price fixed by the Maximum Prices Regulations made by Order in Council P.C. 8527 and dated the first day of November, 1941, and any amendments thereto.

ledit fabricant ou son représentant a soumis au régisseur et que la Commission des prix et du commerce en temps de guerre a agréé pour la livraison dudit véhicule automobile de tourisme au consommateur à l'usine canadienne dudit fabricant ou au bureau principal de l'agent de tout fabricant qui n'a pas d'usine au Canada;

(*e*) "véhicule automobile de tourisme" désignera un véhicule automobile de dix places ou moins propre au transport des voyageurs;

(*f*) "personne" comprendra maison, corporation, compagnie, association ou tout groupe de personnes;

(*g*) lorsque le contexte l'exigera, le singulier comprendra le pluriel et inversement, et le masculin comprendra le féminin et inversement.

2. *Commencement de l'année du modèle des véhicules automobiles de tourisme.*

Aux fins de la présente ordonnance, le commencement de l'année du modèle d'un véhicule automobile de tourisme sera fixé au premier octobre de l'année précédant celle qui désigne le modèle d'un tel véhicule automobile de tourisme.

3. *Prix de détail maximum des véhicules automobiles de tourisme neufs, livrés.*

(1) Le prix auquel une personne vendra ou mettra en vente un véhicule automobile de tourisme lors de la première vente dudit véhicule automobile de tourisme à un consommateur, ne devra pas excéder la somme des item suivants:

(*a*) Le prix du véhicule automobile de tourisme neuf. (Voir la définition du prix des véhicules automobiles de tourisme neufs, article 1 (*d*) et aussi l'article 5.)

(*b*) Les frais de transport à l'agence du vendeur dudit véhicule automobile de tourisme jusqu'à concurrence du montant fixé par le fabricant dudit véhicule automobile de tourisme (ou par son représentant) et approuvé par le régisseur pour un véhicule automobile de tourisme modèle 1942 de la même marque et du même genre.

(*c*) La somme de vingt-cinq dollars ($25.00) qui servira à défrayer les fournitures et les services suivants:

Déchargement et manutention.
Inspection mécanique.
Lavage et polissage.
Remplissage de la transmission et du différentiel avec de l'huile, et graissage en général.
Remplissage du moteur avec de l'huile, à l'exclusion de l'essence.
Préparatifs de livraison à l'acheteur et toutes mesures recommandées par l'usine à cet effet.

(*d*) Le prix de tout accessoire ou pièce facultative en plus de ce qui compose les accessoires ordinaires dudit véhicule automobile de tourisme, le prix en question ne devant pas être plus élevé que le prix de détail d'un accessoire ou d'une pièce facultative semblable sur un véhicule automobile de tourisme modèle 1942, si ledit prix de détail dudit accessoire ou de ladite pièce facultative semblable a été fixé par leur fabricant et approuvé par le régisseur; et, dans tous les autres cas, ledit prix ne devra pas excéder le prix de détail établi par les Règlements sur les prix maximums édictés par l'arrêté en conseil C.P. 8527 du 1er novembre 1941, avec ses modifications.

(2) The provisions of subsection (1) of this Section 3 shall not affect the provisions of the Order of the Controller No. M.V.C. 17 and dated the 28th of March, 1942, fixing the maximum price at which a dealer or storing dealer shall sell a reserve passenger motor vehicle to a consumer, or the price which a dealer shall pay to a storing dealer for such a reserve passenger motor vehicle.

4. *Maximum Retail Delivered Price of Used Passenger Motor Vehicle.*

(1) The price at which any person shall sell or offer to sell a passenger motor vehicle which has previously been sold to a consumer, shall not be higher than the following percentage of the retail delivered price of such passenger motor vehicle as determined in accordance with subsection (2) of this Section.

Time elapsed from date of beginning of model year	*Percentage of retail delivered price*
Up to and including 6 months	100%
Over 6 months and not more than 1 year	95%
Over 1 year and up to 2 years	85%
Over 2 years and up to 3 years	75%
Over 3 years and up to 4 years	65%
Over 4 years and up to 5 years	55%
Over 5 years and up to 6 years	50%
Over 6 years and up to 7 years	45%
Over 7 years and up to 8 years	40%
Over 8 years and up to 9 years	35%
Over 9 years	30%

(2) For the purposes of subsection (1) of this Section 4 the retail delivered price of such passenger motor vehicle shall be determined by taking the total of the following items:—

(*a*) The new passenger motor vehicle price; (See Section 1 (*d*) for definition of new passenger motor vehicle price and also Section 5.)

(*b*) A handling charge of $25.00;

(*c*) A charge for any accessory or option in addition to what is included in the standard equipment for such passenger motor vehicle, such charge to be not higher than the retail price for a similar accessory or option on a passenger motor vehicle of the 1942 model, where such retail price for such similar accessory or option has been established by the manufacturer of such accessory or option and approved by the Controller, and in all other cases such charge shall not be higher than the retail price fixed by the Maximum Prices Regulations made by Order in Council P.C. 8527 and dated the first day of November, 1941, and any amendments thereto;

(*d*) An allowance as follows for transportation charges to the place in Canada where such passenger motor vehicle is delivered to the purchaser:

Delivered anywhere in the Province of British Columbia	$190 00
Delivered anywhere in the Province of Alberta	170 00
Delivered anywhere in the Province of Saskatchewan	140 00
Delivered anywhere in the Province of Manitoba	100 00
Delivered anywhere in the Province of Quebec	50 00
Delivered anywhere in the Provinces of Nova Scotia, New Brunswick and Prince Edward Island	60 00
Delivered to Nakina, Longlac and Schreiber in the Province of Ontario and to all points in Ontario west of a line drawn joining Nakina, Longlac and Schreiber and of the extension northerly and southerly of such line	75 00

(2) Les dispositions du paragraphe (1) du présent article 3 ne devront pas porter atteinte aux dispositions de l'ordonnance M.V.C. 17, rendue par le régisseur le 28 mars 1942, qui fixe le prix maximum auquel un vendeur ou un entreposeur vendra un véhicule automobile de tourisme en réserve à un consommateur, ou le prix qu'un vendeur paiera un tel véhicule automobile de tourisme en réserve à un entreposeur.

4. *Prix de détail maximum des véhicules automobiles de tourisme usagés, livrés.*

(1) Le prix auquel une personne vendra ou mettra en vente un véhicule automobile de tourisme antérieurement vendu à un consommateur, ne devra pas excéder le pourcentage suivant du prix de détail dudit véhicule automobile de tourisme livré, tel qu'établi aux termes du paragraphe (2) du présent article.

Temps écoulé depuis la date du commencement de l'année du modèle	*Pourcentage du prix de détail une fois livré*
Jusqu'à 6 mois inclusivement	100%
Plus de 6 mois et moins de 1 an	95%
Plus de 1 an jusqu'à 2 ans	85%
Plus de 2 ans jusqu'à 3 ans	75%
Plus de 3 ans jusqu'à 4 ans	65%
Plus de 4 ans jusqu'à 5 ans	55%
Plus de 5 ans jusqu'à 6 ans	50%
Plus de 6 ans jusqu'à 7 ans	45%
Plus de 7 ans jusqu'à 8 ans	40%
Plus de 8 ans jusqu'à 9 ans	35%
Plus de 9 ans	30%

(2) Aux fins du paragraphe (1) du présent article 4, le prix de détail dudit véhicule automobile de tourisme livré sera établi d'après la somme des item suivants:

(*a*) Le prix du véhicule automobile de tourisme neuf; (Voir la définition du prix des véhicules automobiles de tourisme neufs, article 1 (*d*) et aussi l'article 5.)

(*b*) Des frais de manutention de $25.00;

(*c*) Le prix de tout accessoire ou pièce facultative en plus de ce qui compose les accessoires ordinaires dudit véhicule automobile de tourisme, le prix en question ne devant pas être plus élevé que le prix de détail d'un accessoire ou d'une pièce facultative semblable sur un véhicule automobile de tourisme modèle 1942, si ledit prix de détail dudit accessoire ou de ladite pièce facultative semblable a été fixé par leur fabricant et approuvé par le régisseur; et, dans tous les autres cas, ledit prix ne devra pas excéder le prix de détail établi par les Règlements sur les prix maximums édictés par l'arrêté en conseil C.P. 8527 du 1er novembre 1941, avec ses modifications;

(*d*) Une allocation comme ci-dessous pour les frais de transport à l'endroit du Canada où ledit véhicule automobile de tourisme est livré au consommateur:

Livré n'importe où dans la province de la Colombie-Britannique	$190 00
Livré n'importe où dans la province de l'Alberta	170 00
Livré n'importe où dans la province de la Saskatchewan	140 00
Livré n'importe où dans la province du Manitoba	100 00
Livré n'importe où dans la province du Québec	50 00
Livré n'importe où dans la province de la Nouvelle-Ecosse, du Nouveau-Brunswick et de l'Ile du Prince-Edouard	60 00
Livré à Nakina, à Longlac et à Schreiber dans la province de l'Ontario et à tous les endroits de l'Ontario à l'ouest d'une ligne tracée reliant Nakina, Longlac et Schreiber et à l'ouest de l'étendue septentrionale et méridionale de ladite ligne	75 00

Delivered to Sudbury and Kirkland Lake in the Province of Ontario and to all points in Ontario west of a line joining Sudbury and Kirkland Lake and of the extension northerly and southerly of such line (excepting however, such points as are west of the line drawn joining Nakina, Longlac and Schreiber and of the extension northerly and southerly of such line) ..... $ 50 00

Delivered to any other place in the Province of Ontario..... 25 00

5. *"New Passenger Motor Vehicle Price" Where no 1942 Model of Same Make and Type.*

Where there is no passenger motor vehicle of the 1942 model of the same type and make as the passenger motor vehicle being sold or offered for sale, then, for the purpose of calculating the maximum price under this Order, the new passenger motor vehicle price shall be taken for the passenger motor vehicle of the 1942 model most nearly similar to the passenger motor vehicle being sold or offered for sale.

6. This Order will go into effect on the thirtieth day of May, 1942.

J. H. BERRY,
Motor Vehicle Controller.

Concurred:
D. GORDON,
Chairman, Wartime Prices and Trade Board.

Approved:
R. C. BERKINSHAW,
Chairman, Wartime Industries Control Board.

49-1

OTTAWA—Printed by EDMOND CLOUTIER, Printer to the King's Most Excellent Majesty.

Livré à Sudbury et à Kirkland-Lake, dans la province de l'Ontario, et à tous les endroits de l'Ontario à l'ouest d'une ligne reliant Sudbury et Kirkland Lake et à l'ouest de l'étendue septentrionale et méridionale de ladite ligne (excepté, cependant, les endroits à l'ouest de la ligne tracée reliant Nakina, Longlac et Schreiber et à l'ouest de l'étendue septentrionale et méridionale de ladite ligne) ..... $ 50 00

Livré à tout autre endroit de l'Ontario.. 25 00

5. *"Prix des véhicules automobiles de tourisme neufs" lorsqu'il n'y a pas de modèle 1942 du même genre et de la même marque.*

Lorsqu'il n'y a pas de véhicule automobile de tourisme modèle 1942, du même genre et de la même marque que le véhicule automobile de tourisme en vente ou mis en vente, il faut alors, pour calculer le prix maximum en vertu de la présente ordonnance, établir le prix du véhicule automobile de tourisme neuf d'après celui du véhicule automobile modèle 1942 qui se rapproche le plus du véhicule automobile de tourisme en vente ou mis en vente.

6. La présente ordonnance entre en vigueur le 30 mai 1942.

J.-H. BERRY,
Régisseur des véhicules automobiles.

Agréée:
D. GORDON,
Président, Commission des prix et du commerce en temps de guerre.

Approuvée:
R.-C. BERKINSHAW,
Président, Commission de contrôle des industries en temps de guerre.

49-1

OTTAWA—EDMOND CLOUTIER, Imprimeur de Sa Très Excellente Majesté le Roi.

Ex 1389-3. Order in Connect forming sale parcel of automobiles

Filed with General evidence exhibits as Ex. Gen. 55

Form 246

ROYAL CANADIAN MOUNTED POLICE

Detachment
Seizure No. 118
FOR USE WHEN APPLICABLE

EXHIBIT REPORT

Detachment File No.
Sub-Division File No.
Division File No. E269-G-13-3
Headquarters File No.

Detachment
Sub-Division
Division (E)
Date March 12 1942

RE:- Eikichi KAGETSU 335 Princess Ave Vancouver B C
NAME OF FILE

On March 12 1942, I Goodfellow K E
MEMBER'S NAME

Came into possession of the following goods by:-

SURRENDERED UNDER O.I.C. P.C. 1486

STATE BRIEFLY AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.

NO. OF PKGS.	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS DETAILS TO BE GIVEN IN FULL
		LICENSE NO. (42) 65445 TIRE NUMBERS 5
		MAKE & MODEL Pontiac Sedan 42
		SERIAL NO. 2221900899
		ENGINE NO. 41205
		SPEEDOMETER READING 1788
		CONDITION Good
		EXTRA EQUIPMENT Heater
		DESCRIPTION & CONDITION VERIFIED Appears in Good Shape

1942 Model

E Kagetsu 00014
Signature of Owner
Japanese Registration No.

Handed over to representative of Custodian whose signature in receipt thereof appears hereunder

EXHIBIT No. 1389-4
DATE 17 Nov. 1948
FILED BY R B Baldwin

DATE: March 12/42.

K E Goodfellow
SIGNATURE OF MEMBER SUBMITTING REPORT

ACCESS REVIEWED/DECLASSIFIED:
REVISION D'ACCES/DECLASSIFIE:

RECORD GROUP/GROUPE D'ARCHIVES: 33

ACC.:

VOL/BOX/BOITE: 74

FILE/DOSSIER: 1389

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D PD RC

BY/PAR: KB DATE: 3/4/98

AUTHORITY/AUTORITE: A.T.I.P.