

<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	
											500.00
<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			
<u>NETS</u>											
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing		Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price		
<u>MISCELLANEOUS CHATTELS</u>											
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price				
											500.00
TOTAL RECOMMENDATION										500.00	

(L)

CASE NO: 13.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B. C.,

December 10th, 1947.

IN THE MATTER OF THE CLAIM OF

SHIGEJI KAMACHI.

PROCEEDINGS AT HEARING.

Original.

S. Kamachi.
(Discussion).

MR. McMASTER: Can I have the claim form, please,
Mr. Watson? We will require the Interpreter in
this case, my lord.

SHIGEJI KAMACHI, the Claimant herein,
being first duly sworn, testified
through the Interpreter as
follows:

MR. HUNTER: My lord, before any evidence is heard in
this case, I have a preliminary motion to make.

THE COMMISSIONER: All right.

10 MR. HUNTER: It is our submission, my lord, that the
house for which the claimant is claiming compen-
sation was not owned by him, as he built it on
land owned by another person. Accordingly it
became part of the real property, and unless
there is some agreement between the owner and
himself whereby he could remove it for which we
could get no acknowledgment from the owner of
the land, the property belongs to the holder of
the land.

20 THE COMMISSIONER: Have you the claim form?

MR. McMASTER: Yes, I have it.

THE COMMISSIONER: .Would you hand it up, unless you
want to use it?

MR. McMASTER: I will want to use it after, but we
had better dispose of this matter first.

MR. HUNTER: I might add, purely for your information,
my lord, this property was sold together with
other property of the owner of the land, and
the proceeds for everything were credited to
30 this other chap Sasaki.

S. Kamachi.
(Discussion).

THE COMMISSIONER: Well, did I understand you to say that the owner of the land did not concede that any bargain had been made between him and Kamachi?

MR. HUNTER: Not to us he didn't.

THE COMMISSIONER: Did he repudiate the suggestion there was any such agreement?

MR. HUNTER: We were just unable to get any information from him, my lord.

10 MR. McMASTER: I might ask my learned friend as to whether there is any letter on file in the Custodian's file in which they sought to obtain that information.

MR. HUNTER: I don't think there is, my lord.

As far as I know we have nothing to show Kamachi owned the property. The legal title showed it was in the name of Sasaki and the Custodian proceeded on that assumption.

20 MR. McMASTER: That is a different statement from what my learned friend made before. I took it from his first statement he had sought to ascertain from Sasaki as to whether he acknowledged this man Kamachi owned the house, or didn't own the house and whether there was any arrangement. Now I take it there is nothing on file to show any attempts had been made by the Custodian to ascertain that fact. I would like to know where I stand.

30 THE COMMISSIONER: I would like you to make the position clear, Mr. Hunter, not that I am saying that there is any obligation on the Custodian to

S. Kamachi.
(Discussion).

have made such an investigation.

10 MR. HUNTER: All I can say at the present time, and I am sorry if I have misled the Court, because I must admit I assumed there was some correspondence, but when I look into it I find no correspondence, and I rather doubt if there is any on file back in Vancouver. I think they must have assumed from the title in the Registry Office -- the title was in Sasaki's name, and they must have assumed the house was his, it being part of the realty.

THE COMMISSIONER: It would appear reasonable unless some express agreement was made between Kamachi and Sasaki that Kamachi owned the house. It is reasonable that the Custodian would proceed on the assumption that the owner of the house was the owner of the land.

20 MR. HUNTER: I shouldn't like the Court to be misled, my lord. In his J.P. form he did claim that a four room wooden bungalow on the Riverside Post Office Box 970, Dyke Road, Richmond, B.C., belonged to him and that the declarant built this house himself at a cost of \$1025.00, but when we come over to the statement of real property occupied, it merely describes the location again and says, "is built on land belonging to", and then under landlord's name and address it says Mr. Suasi Sasaki, who it recites as residing on the same lot of land, and then it says, "Particulars of lease and rent". It says,

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S. Kamachi.
(Discussion).

"Lease none", and then it says, "Ground rent
\$12.00 per annum paid up to date".

THE COMMISSIONER: Now, as I understand it, the
Custodian did sell the land on which this house
stood.

MR. HUNTER: And the house, my lord.

THE COMMISSIONER: And the house with it.

MR. HUNTER: Yes, my lord.

10 THE COMMISSIONER: And accounted to the owner of the
land?

MR. HUNTER: Correct.

THE COMMISSIONER: I will hear you now, Mr. McMaster.

20 MR. McMASTER: My lord, I wonder in the circumstances,
I haven't had an opportunity to see all the
material filed, and I wonder whether it would be
wise to stand this case down until we sit in
Lillooet to give the Custodian an opportunity
to produce the file to me and give me an oppor-
tunity to get in touch with Sasaki and see what
he has to say.

THE COMMISSIONER: I think that is desirable. We can
stand it down to the next hearings in Kamloops.

MR. McMASTER: I think this claimant lives in Lillooet.
Oh, I am sorry, he is in Kamloops.

THE COMMISSIONER: There is no inconvenience for him to
come again?

MR. McMASTER: No. The only inconvenience is for him
to wait, but I am sure he would rather do that
and have the matter clarified.

30 THE COMMISSIONER: He will have to do that, anyway.

S. Kamachi.
(Discussion).

Is that satisfactory to you, Mr. Hunter?

MR. HUNTER: Yes, my lord.

(PROCEEDINGS ADJOURNED SINE DIE)

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

J. P. Horrobin

"T.P. Horrobin"

Official Reporter.

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Case no 13

DEC - 2 1947

9 Dec

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.

3612

Kamloops

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

(1) NAME KAMACHI SHIGEJI (RCMP) Reg. No. 05487
(Print) Surname Given Name

(2) Pre-Evacuation Address P.O. Drawer 970 New West'r B.C.

(3) Present Address Box 405 Kamloops B.C.

(4) REAL ESTATE

(a) Street Address (if any) 1072 Wyke Rd. Richmond B.C.
City or Municipality Province

(b) Legal description (lot number, block number, section number, etc.)

3 room house
20 x 24 approx.

(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.) sole owner

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

- (i) Land - - - - - \$ ~~1025~~ rented property
- (ii) Buildings - - - - - \$ 1025
- (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 - - - \$ No accounting from Custodia

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 1025.00

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation _____

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) _____

(c) How stored or packed at time of evacuation _____

(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")

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

- | | | | |
|-----|-------|--------------------|-------|
| 1. | _____ | Estimated Value \$ | _____ |
| 2. | _____ | Estimated Value \$ | _____ |
| 3. | _____ | Estimated Value \$ | _____ |
| 4. | _____ | Estimated Value \$ | _____ |
| 5. | _____ | Estimated Value \$ | _____ |
| 6. | _____ | Estimated Value \$ | _____ |
| 7. | _____ | Estimated Value \$ | _____ |
| 8. | _____ | Estimated Value \$ | _____ |
| 9. | _____ | Estimated Value \$ | _____ |
| 10. | _____ | Estimated Value \$ | _____ |

TOTAL CLAIM FOR PROPERTY LOSS \$ _____

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) - - - - - \$ 1025.00

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

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)
 Prov of *B.C.*)
 TO WIT:)

I, *Shigeo Kawachi* of the *British Columbia*
 of *Kamloops* in the *Province of B.C.*
 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 *Prov.* of *B.C.*)
 this *17th* day of *Nov.*)
 A.D. 1947.)

S. Kawachi
 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.