

Name of Claimant **NOGAMI, Hiroshi**

Case.....**154**.....

Custodian File **1102**

<u>REAL PROPERTY</u>											Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village				
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Total	Sale Price	Total Award 125% of all Sale Prices: % of Total			
<u>PERSONAL PROPERTY</u>											Total
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				
		881	251.08								251.08
<u>NETS</u>											Total
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 CHATELS</u>											Total
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				
TOTAL RECOMMENDATION										251.08	

CASE NO: 154.

JAPANESE PROPERTY CLAIMS COMMISSION.

Vernon, B. C.,
February 17th, 1948.

IN THE MATTER OF THE CLAIM OF
HIROSHI NOGAMI.

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

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

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Vernon, B. C.,

February 17th, 1948.

IN THE MATTER OF THE CLAIM OF
HIROSHI NOGAMI.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.G. HUNTER, Esq.,

appearing for the
 Dominion Government.

R.J. McMASTER, Esq.,

appearing for the
 Claimant.

A. WATSON, Esq.,

Secretary.

D.J. HANDFORD, Esq.,

Official Interpreter.

G. HAMBLETON, Esq.,

Official Reporter.

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H. Nogami,
In Chief.

MR. McMASTER: No. 43 on the list, H. Nogami.

HIROSHI NOGAMI, the claimant herein, being
first duly sworn, testified as
follows:

MR. McMASTER: Might I have the claim form, please.

(Handed to Mr. McMaster).

DIRECT EXAMINATION BY MR. McMASTER:

- 10 Q Witness, is that your signature on the claim form,
and did you swear that declaration?
- A Yes, I did.
- Q Did you instruct Mr. Leckie to prepare this statement
w with regard to your boat?
- A Yes, I did.
- Q Would you be good enough to sign it, please?
- A (Witness complies).
- Q Are the statements therein contained true to the
best of your knowledge and recollection?
- A Yes.
- 20 Q And this supplementary statement, did you instruct
Mr. Leckie to prepare that also?
- A Yes, I did.
- Q Would you be good enough to sign that?
- A (Witness complies).
- Q And are the statements in that true also to the
best of your knowledge and recollection?
- A Yes.
- MR. McMASTER: I file those together, my lord, as
Exhibit 1.

H. Nogami,
In Chief.
Discussion.

MR. McMASTER: I might refer to Exhibit 1, my lord.

I don't think the Court Reporter needs to take this down. (Reading).

THE COMMISSIONER: Was it a new engine when installed?

MR. McMASTER: No, I believe it was a used engine.

THE COMMISSIONER: A used engine?

THE WITNESS: Used engine.

MR. McMASTER: Now, my lord, I would like to refer to this supplementary statement. (Reading).

10 THE COMMISSIONER: When you say he agreed to the sale --

MR. McMASTER: He consented by a wife, my lord.

THE COMMISSIONER: And accepted the price or offer?

MR. McMASTER: Well, he agreed to the sale at that price, my lord, yes. It was sold for \$881.00. (Continues reading). Your witness.

MR. HUNTER: It is submitted, my lord, that this vessel was sold for its fair market value. It is further submitted that the claimant consented to the sale at this value and after consenting to the sale at that value can hardly with clean hands come in here and claim a larger value.

20

I file an analysis of claim, my lord.

(CLAIMS ANALYSIS MARKED EXHIBIT NO. 2).

THE COMMISSIONER: Incidentally, the value of the gear is included in the total sale price, is it?

MR. McMASTER: That is correct -- in the sale price?

Well, I presume so, my lord.

30 CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Nogami, did you receive a copy of that telegram

H. Nogami,
Cross-Exam.

or the original? Is that a copy of a telegram which you received?

A Yes, that is right.

Q And is this your answer?
right.

A: That is

MR. HUNTER: I file these as Exhibit 3, my lord. The first one reads, "We have offer Eight Hundred Eight One for your Boat 'Golden Wing' stop Please wire if accepted". The answer says: "Will sell cash 'Golden Wing' \$881.00".

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THE COMMISSIONER: What is the date of the telegram?

MR. HUNTER: This first one is August 24, and the reply is August 25th, 1942, my lord.

MR. McMASTER: Are those from and to the Custodian, Mr. Hunter?

MR. HUNTER: Correct, from the Custodian to the claimant and the claimant's reply to the Custodian.

(TELEGRAMS MARKED EXHIBIT NO. 3).

Q Mr. Nogami, how old was this second hand engine you installed in this new boat?

20

A I do not know.

Q I beg your pardon?

A: I do not know.

Q Where did you buy it?

A: At Vivian shop in

Vancouver.

Q Vivian's shop?

A: Yes.

Q Didn't you ask how old it was?

A No, I didn't.

Q I see.

THE COMMISSIONER: Well, Vivian's are manufacturers,

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Mr. Hunter, and I have no doubt, in putting out an

H. Nogami,
Cross-Exam.

engine such as this, it would be a re-fitted engine sold by the factory.

MR. HUNTER: Q: It was a reconditioned engine, was it?

A Yes.

Q Was it right off somebody's boat?

A Well, I do not know. I bought it right at the shop there.

Q I see. Did you buy it, or did your father?

A Well, I was financed at first.

10 Q Pardon? A: I was financed by my father.

Q I see. Did you actually go and buy it or did you--

A I went to the shop myself and bought it, yes.

Q You went to the shop?

MR. HUNTER: That is all, my lord.

MR. McMASTER: No questions, my lord.

THE COMMISSIONER: All right, thank you, Mr. Nogami.

MR. McMASTER: There is just one thing with regard to that, my lord, I wonder whether my friend would
20 advise me whether he intends putting in a valuator's report or putting in a valuator with respect to this boat?

MR. HUNTER: We are prepared to call a valuator, my lord, if it is considered necessary. I don't know what viewpoint your Lordship will take on the question of consent. If your Lordship feels that you would like to hear evidence of value, we are quite willing to lead it.

THE COMMISSIONER: I think Mr. McMaster definitely
30 has the labouring oar on the question of consent.

H. Nogami,
Cross-Exam.
Discussion.

However, I am not going to pre-judge this without having heard argument.

MR. McMASTER: My lord, all that I want to know is whether there is in existence a valuation which my friend intends to refer if I succeed in getting the claim considered.

THE COMMISSIONER: I don't know whether you can answer that or not, Mr. Hunter.

MR. HUNTER: The Japanese Fishing Vessels Disposal
10 Committee had an appraisal of \$900.00. Their suggested negotiating price, which they always upped 15%, was \$1,035.00.

THE COMMISSIONER: I don't understand that.

MR. HUNTER: Well in that memorandum of law, my lord, the memorandum of the fishing vessels that I filed, you will notice there that --

THE COMMISSIONER: I know what their terms are, but I don't follow the figure of the \$900.00 appraisal and what you say about \$1,035.00.

20 MR. HUNTER: They usually upped each appraisal value by 15%.

THE COMMISSIONER: Oh, I see.

MR. HUNTER: To arrive at what they call "a suggested negotiating price". That was a form of self-protection, I believe, to assure that they got their price, and the suggested negotiating price was \$1,035.00. There is something here under, "Custodian's valuation", \$375.00, but that is obviously a mistake. I don't know what it is,
30 I will have to check. I don't see anything else

H. Nogami,
Discussion.

about our valuation.

MR. McMASTER: If my friend would be good enough to undertake to produce to me any valuation that he does have, I presume that if the Fishing Vessels Disposal Committee made a valuation there is a report on that which I might see.

MR. HUNTER: I am not sure whether we have those records or not, Mr. McMaster. I don't think we have.

MR. McMASTER: Are they not available, Mr. Hunter?

10 MR. HUNTER: I should think so; they should be.

MR. McMASTER: I would like to see it, my lord, if I might.

THE COMMISSIONER: If you can get them, Mr. Hunter, they might be made available at some time. There is no hurry about it now.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton
"G. Hambleton"
Official Reporter.

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Custodian Case No 1574

NOV 25 1947

NOTIFIED

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

1107

Veron

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

(1) NAME Nogami Hiroshi (M.R.) (RCMP) Reg. No. 06723
(Print) Surname Given Name

(2) Pre-Evacuation Address Quathiaski Cove, B. C.

(3) Present Address c/o H. Sigalet & Co. Lumby, B. C.

(4) REAL ESTATE

(a) Street Address (if any) _____
City or Municipality, Province

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

(c) Type of Real Property (cross out words which do not apply):

- (i) Farm _____
- (ii) Residence _____ Type of business _____
- (iii) Business _____
- (iv) Any other type of property (describe) _____

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

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

- (i) Land - - - - - \$ _____
- (ii) Buildings - - - - - \$ _____
- (iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts 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 _____

New Westminster, B. C.

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

Fraser River

(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")

In Custodian's care

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

- | | | | |
|-----|--|--------------------|----------------|
| 1. | <u>Fishing Vessel</u> | Estimated Value \$ | |
| 2. | <u>L--32 Ft. Beam--7Ft. 8 In.</u> | Estimated Value \$ | |
| 3. | <u>Engine: Make--Vivian 8 H.P.</u> | Estimated Value \$ | <u>1500.00</u> |
| 4. | | Estimated Value \$ | |
| 5. | | Estimated Value \$ | |
| 6. | | Estimated Value \$ | |
| 7. | | Estimated Value \$ | |
| 8. | | Estimated Value \$ | |
| 9. | | Estimated Value \$ | |
| 10. | <u>Less amount credited by Custodian</u> | Estimated Value \$ | <u>761.37</u> |

TOTAL CLAIM FOR PROPERTY LOSS \$ 738.63

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) - - - - - \$ 738.63

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

Vernon preferred

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 British Columbia)
TO WIT:)

I, Hiroshi Nogami, c/o H. Sigalet & Co. of the Lumby 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 Vernon)
in the Province of British Columbia)
this 15th day of November)
A.D. 1947.)

H. Nogami
A Notary Public in and for
the Province of British Columbia

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

Hiroshi Nogami
(Claimant's Name)

PERSONAL PROPERTY
(Fishing vessels, gear and equipment)

-06723-
Reg. No.

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

— net —

EXHIBIT No. 152/1
DATE 17/2/48
FILED BY McMaster

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
Golden Wing	NW2719	Codfish	Feb 1940	Built for me in 1940 Barehull & pilot house	1000	on stays & painted twice a year - new boat and yrs did not require old scraping	A1	RCN	\$1500

delivered to navy

Improvements to Vessel since date of purchase:

Type	Date	Cost
Installed used Vivian gas 8 HP engine when hull was completed	Feb 1940	Engine 450 Installation 50.00 \$500.00

OTHER GEAR:

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

See list of new equipment gear purchased & installed in and afloat Feb 1940 - attached hereto - [on back hereof]

I have listed cost prices only of this gear, all of which was in first class condition when boat delivered to navy

TOTAL \$267.75

Arrangements made for storage when evacuated:

Delivered to navy at New Westminster in Dec '41 when it was under 2 yrs old

Additional Comments, if any:

I did not keep my bills for cost of engine & installation or for other gear purchased in Feb 1940. However, the prices stated above for hull & engine are exactly correct. As to the other gear they are approximately correct. In my opinion they would represent a fair market price for the vessel when sold by the Custodian Aug 31/42 - 6 mos afloat I had delivered it to the navy.

SIGNATURE

H. Nogami

P.T.O.

LIST OF OTHER GEAR

Approx price paid

stern bearing	—	4.50
stuffing box	—	5.00
12' x 1 1/2" cold rolled steel shaft	—	2.00
11' x 2" brass shaft pipe	—	19.25
brass lock nuts	—	2.00
1 pr coupling	—	4.50
1 pr flanges	—	3.00
anchor + lines	—	30.00
search light	—	20.00
lens + assembly	—	10.00
compass	—	12.00
2 steering wheels + chains	—	20.00
2 lengths 6" pipes	—	2.50
generator	—	10.00
6 volt battery	—	12.00
{ 20 gal fuel tank	—	35.00
{ 10 gal " "	—	
gas pump	—	5.00
stove	—	7.00
tools (wrenches)	—	8.00
hull + assembly	—	50.00
<u>Total</u>		<u>267.75</u>

Supplementary Statement

— H. Sugami —

at the time I agreed to the sale of my fishing boat by the Custodian in Aug 1942, there were living at our home in Killoet, BC (to where we had been evacuated), my father, mother, one brother (24 yrs old), another brother (22 yrs old), myself (20 yrs old), a sister (about 19 yrs old) & another sister (about 14 yrs old) at school. We were living on a place large enough to supply our own vegetables. My father was about 66 yrs old and had no work. None of my sisters worked. My two brothers and myself got occasional work. We had moved to Killoet (a "self-supporting scheme" town) and could not live there and draw subsistence. The only ^{in company} family outside of the occasional earnings mentioned, was rent from our house at the coast (\$15.00 per month, as I recall). As I remember it, at the time, none of us had any credit with the Custodian on which we could draw. I had borrowed money for our living expenses. When the offer came from the Custodian about the \$81.00 offer for my boat, I decided he would sell it anyway and, needing the money badly, I gave him my ~~consent~~ consent. Not receiving any money from the Custodian, I wrote to him later asking for money and received reply that money was being held for a time, subject to claims. I wrote several times but payment was very much delayed. I finally received payment by an original check sum, and subsequently, till paid in full, by monthly \$50.00 instalments secured

— H. Sugami —

EXHIBIT NO. 154/4
DATE 17/2/48
FILED BY Bar Hunter

ANALYSIS OF PERSONAL PROPERTY CLAIM

Case No.

Exhibit No.

Name: NOGAMI, Hiroshi

Reg. No. 06723

Venue: Vernon

JP Declaration
March 26, 1942

Details of
Claim

Details of Sale

1 Motor Boat "H.N."
Value \$1,500.00
in custody at New
Westminster

Fishing Vessel
L: 32 feet
Beam: 7 ft.8 in.
Engine: Vivian 8 HP

M.V. "Golden Wing" , New Westminster Lic. 2719
Licensed Owner: Hiroshi NOGAMI

Offer to purchase at \$881.00 referred to NOGAMI on Aug. 24/42
Offer accepted by NOGAMI, Aug. 25/42. Vessel sold, Aug. 31/42

Estimated Value: \$1,500.00

Custodian Credit 761.37

Total Claim 738.63

Sale Price: \$881.00
Disbursements: 119.63
Net Credit: 761.37

Matthewson
January 30/48

/FM

EXHIBIT No. 154/3

DATE 17/2/48

FILED BY

Filed by "Mr Hunter"

CANADIAN NATIONAL TELEGRAPHS

AUGUST 24 1942

MR HIROSHI NOGAMI
LILLOOET B. C.

WE HAVE OFFER EIGHT HUNDRED EIGHTY ONE FOR YOUR BOAT
GOLDEN WING STOP PLEASE WIRE IF ACCEPTED

EDGAR T READ
GENERAL MANAGER
CUSTODIAN'S OFFICE
506 ROYAL BANK BLDG
VANCOUVER.

B.L.

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

Date. April 5th 1948

M. Sooby

Exhibit No. 154/3
EXHIBIT No.
Date 17/2/48
DATE
FILED BY
Filed by "Mr Hunter"

CANADIANNATIONAL TELEGRAM

152AA 10 VIA ASH

LILLOOET BC 410P AUG 25 1942

EDGAR T READ 955
506 Royal Bank ANS 24th VAN B.C.

WILL SELL CASH GOLDEN WING EIGHT HUNDRED EIGHTY ONE DOLLARS

"H. NOGAMI

424P

B.L.

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

Date: April 5th 1948

M. Sealy