

Name of Claimant HIGANO, Albert, Kiyoshi

Case 9

Custodian File 11198

<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	Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount	% of Total	Amount	
<u>PERSONAL PROPERTY</u>										
Motor Vehicles			Boats and Boat Gear							
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Recorded Now Missing	45% of amount in next preceding column			
<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			
			46%	92.00	42.32				42.32	
TOTAL RECOMMENDATION									42.32	

CASE NO: 9.

JAPANESE PROPERTY CLAIMS COMMISSION

Kamloops, B. C.,

December 9th, 1947.
December 10th, 1947.

IN THE MATTER OF THE CLAIM OF

ALBERT KIYOSHI HIGANO

PROCEEDINGS AT HEARING.

Original.

CASE NO: 9.

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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Kamloops, B. C.,

December 9th, 1947.

IN THE MATTER OF THE CLAIM OF

ALBERT KIYOSHI HIGANO

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.

G.N.R. UPTON, Esq.,

Official Interpreter.

T.P. HORROBIN, Esq.,

Official Reporter.

30

THE COMMISSIONER: There is one claim on the list for today, that of Higano.

MR. McMASTER: Yes, my lord.

THE COMMISSIONER: He has written in to say that he is not able to attend, but he believes Dr. J.J. Gillis can verify his statement relative to a radio. I presume so far as that claim is concerned, we will have to take the claimant's proof as contained in the declaration.

10 MR. McMASTER: My lord, did he give any reason as to why he could not come, such as for reasons of illness or for some other reason?

THE COMMISSIONER: "I am in receipt of your letter of November 24, in which you inform me that my hearing will be held on Monday December 8th. Also from another accompanying letter, I am aware that anyone who has lost his statement should notify you for a duplicate.

20 "My receipt for the radio which was given me by the R.C.M.P. in Vancouver at the time of evacuation has been lost since. I believe Dr. J.J. Gillis here can verify this statement. He had at that time proposed to buy this radio from me, and before he had sent in my receipt, it seems that he had accidentally misplaced it.

30 "Furthermore as I am unable to attend the hearing, I wish to have

"Dr. Gillis who is aware of my situation thoroughly to present my claims to you through communication with you. I would appreciate very much if you can communicate him over this matter."

MR. McMASTER: My lord, I would take it, then, that the claimant's statement is the proof of his claim, but it might be verified at a later date by further evidence, possibly from Dr. Gillis.

10 THE COMMISSIONER: There is no reason why that should not be done. Perhaps claimant's counsel would get a declaration from Dr. Gillis and we will file it along with the claim and deal with it on that basis.

MR. McMASTER: We can deal with it on that basis.

THE COMMISSIONER: Dr. Gillis is well known to me, and if he verifies that statement, it should be sufficient proof.

20 Is counsel for the Government content with that?

MR. HUNTER: I don't see any objection to that, my lord.

THE COMMISSIONER: Very well, we will deal with it in that way.

Kamloops, B. C.,

December 10th, 1947.

30 MR. McMASTER: My lord, I would like to speak to No. 4 on the list, Case No. 9, the claim of Higano. We dealt with it yesterday. There

was a letter from him put in, you will recall, and you requested that a Statutory Declaration be filed from Dr. Gillis, or some evidence.

THE COMMISSIONER: Yes.

MR. McMASTER: We realized last night that no case number had been assigned to it, and I think a case number should be assigned.

THE COMMISSIONER: We can take it as Case No. 9. What is the name of it again.

10 MR. McMASTER: It is Albert Kiyoshi Higano.

THE COMMISSIONER: May I have the Higano claim for a moment, Mr. Secretary? What disposition do you want to make of it?

MR. McMASTER: I had understood that you had suggested that you would give leave to file an affidavit from Dr. Gillis, whom the claimant had referred to in his letter.

THE COMMISSIONER: The claimant does not wish to appear, and leave was given to file a declaration
20 from Dr. Gillis. You may file that at the opening in Kamloops in January.

MR. McMASTER: Very good, my lord.

THE COMMISSIONER: Incidentally, what was done with the letter yesterday? It should be put in as Exhibit 1. It completes our record in this regard.

MR. HUNTER: That is the letter stating he cannot appear will be Exhibit 1.

THE COMMISSIONER: That is right.

30

(LETTER MARKED EXHIBIT NO. 1)

(Proceedings adjourned until January Session)

Certified a correct transcript.

J. P. Horrobin
"T.P. Horrobin"
Official Reporter.

base no 9 Kari loops 10th Dec 1947
IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

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

NOV 20 1947

File No 11198

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

(1) NAME HIGANO ALBERT KIYOSHI (RCMP) Reg. No. 14239
(Print) Surname Given Name

(2) Pre-Evacuation Address 819 1/2 PRIOR ST., VANCOUVER, B.C.

(3) Present Address Box 1639, MERRITT, 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 _____

IN THE HANDS OF THE R.C.M.P.

(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")

UNDER THE CARE OF R.C.M.P.

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

- | | | | |
|-----|-----------------------------------|--------------------|--------------|
| 1. | <u>R.C.A. VICTOR MANTEL RADIO</u> | Estimated Value \$ | <u>92.00</u> |
| 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 \$ 92.00

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

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

- (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

Kamloops

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

DOMINION OF CANADA)
of)
TO WIT:)

I, Albert Kiyoshi Higano of the City of Vancouver
of BC 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 Vancouver)
in the Province of B.C.)
this 14 day of Nov.)
A.D. 1947.)

J. J. Green J.P.

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.

EXHIBIT No. Case 9-1
DATE 10 Dec 1947
FILED BY a. Watson
secy
h

Box 1639,
Merritt, B.C.
November 29, 1947.

Japanese Property Claims Commission
Court House
Vancouver, B.C.

Gentlemen:
Attention of Mr. Watson:

I am in receipt of your letter of November 24, in which you inform me that my hearing will be held on Monday December 8th. Also from another accompanying letter, I am aware that anyone who has lost his statement should notify you for a duplicate.

My receipt for the radio which was given me by the R.C.M.P. in Vancouver at the time of evacuation has been lost since. I believe Dr. J.J. Gillis here can verify this statement. He had at that time proposed to buy this radio from me, and before he had sent in my receipt, it seems that he had accidentally misplaced it.

Furthermore as I am unable to attend the hearing, I wish to have Dr. Gillis who is aware of my situation thoroughly to present my claims to you through communication with you. I would appreciate very much if you can communicate him over this matter.

If my previous letters of communications with the custodian are necessary I shall be just too glad to forward them to you. I am sincerely hoping that you can understand my situation and grant me this privilege.

Yours very truly,

Albert Sigano

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER

A. W. FISHER
R. J. McMASTER

A. J. F. JOHNSON

A. E. COBUS

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B. C.

OUR FILE NO.

March 7th, 1949.

The Honourable Mr. Justice H. I. Bird,
Commissioner,
Japanese Property Claims Commission,
Court House,
Vancouver, B. C.

EXHIBIT No. 9-2

DATE 17 Mar 1949

FILED BY R. J. McMaster

Dear Sir:

Re: Albert K. Higano.
Case No. 9, Kamloops.

In this case the claimant was given leave to file a letter or statement from Dr. J. J. Gillis. We have now received a letter from Dr. Gillis, dated February 28th, 1949, and would ask leave to file the same on behalf of the claimant.

Yours truly,

CAMPBELL, BRAZIER, FISHER & McMASTER,

Per: R. J. McMaster

McM:MM
encl.

cc. J.W.G. HUNTER, Esq., K.C.
& enclosure.



VICTORIA

February 28, 1949

Campbell, Brazier, Fisher & McMaster,
Barristers & Solicitors,
Royal Bank Building,
Vancouver, B. C.

Re: Japanese Cooperative Committee and
Japanese Property Claims Commission.

Dear Sirs:

I have just received a letter from Albert K. Higano, enclosing your letter to him of February 8, regarding the above.

Now it is quite true that I did have the receipt of this radio, and called at the Commissioner's office in Vancouver some years ago about it, and he was very courteous, and willing to explain to me all that he knew, but regretted to say that he felt that this particular radio had been stolen. If I remember correctly, he said that it had been stored away along with many more, and that when they went to look for this one, they found that this particular one had been taken.

I do not know the exact value placed on this radio, but I do know that this family is quite reliable. They worked for me for several years, and I found them honest and conscientious.

As far as the receipt is concerned, I not only saw it, but had it in my possession when I spoke to the Commissioner, and showed it to him, but of course, I could not even describe it now.

Yours sincerely,

J. J. Gillis, M.D., C.M., M.L.A.

JJG/JLM