

16700 [PT. 1.3] DEEP BAY LOGGING CO.

16700 [PT. 1.3]

NAME

Deep Bay Logging Co. Ltd

No.

16700

vol. 1 B

NAME

Deep Bay Loaning Co. Ltd

No.

16700 vol. I B

Continuation of vol I A

16700 vol I B.

16700 vol I B

LE

D

187 Aug 10/54 sub/ER

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

December 28th, 1955.

F. G. Shears, Esq.,
4615 West 9th Avenue,
Vancouver, B.C.

Dear Mr. Shears:

Referring to my letter of December 23rd
I enclose herewith copy of letter dated July 14th, 1954,
from Mr. T. G. Norris, also copy of my memorandum for file
dated July 13th, 1954.

This for your information.

Yours very truly,

K. W. Wright,
Chairman of the Administration Board
and Chief Counsel.

KWW/G
Encl.

CONFIDENTIAL

URGENT

Ottawa, December 21st, 195

BY HAND

MEMORANDUM

FOR THE ASSISTANT UNDER SECRETARY OF STATE
AND ADVISORY COUNSEL.

Reference is made to your memorandum of 18th instant enclosing list of references in Hansard for 1953-54 and 1955.

This has been checked and the only opposition charge relating to the Custodian's Office was reported on June 16, 1954 on pages 6095-98.

Mr. Angus MacInnis, M.P., referred to the award made by The Bird Commission (established under the Inquiries Act by Order in Council P.C. 1810 July 18, 1947) in favour of the Deep Bay Logging Co. and the Chief shareholder Ekichi Kagetsu, a Japanese who was evacuated from the prohibited area of British Columbia.

Mr. MacInnis claimed that the award was too low and should be reviewed by the Exchequer Court.

At page 6098 Honourable Mr. Pickersgill explained that he had reviewed the case and had interviewed Mr. Kagetsu when Mr. MacInnis was present. Honourable Mr. Pickersgill also stated that before he became a member of the Government, the Cabinet approved the recommendations of the Commission and that he had no intention of asking the Cabinet to review the matter.

Incidentally in July 1954 the amounts awarded were paid to Mr. Kagetsu and we obtained his formal release from all actions, claims and demands.

K. W. Wright,
Chairman of the Administration Board
and Chief Counsel.

KWW/G

Ottawa July 19th, 1954.

MEMORANDUM FOR FILE

Re: Deep Bay Logging Company Limited
E. Kagetsu.

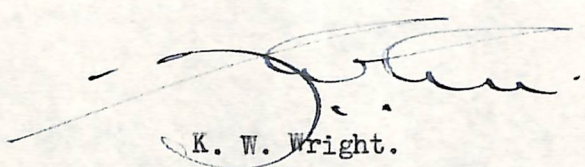
The following is an excerpt from the Minutes of Meeting of the Administration Board today, July 19th, 1954.

Reference was made to the approval of the requisitions for cheques covering the release of the award made to E. Kagetsu by Mr. Justice Bird. Cheques for \$51,440.00 and \$483.75 were forwarded to Mr. Kagetsu on July 14th, 1954.

The Chairman presented a letter from Mr. John Osborne of Gowling, Mactavish, Osborne & Henderson together with copy of letter from Colonel Norris.

The Board approved the requisition for cheque for \$2,587.50 covering expenses of presentation of the Kagetsu case to the Bird Commission. This cheque was forwarded to Mr. Kagetsu on July 16th, 1954.

Mr. Kagetsu has acknowledged receipt of all three cheques."



K. W. Wright.

KWW/G

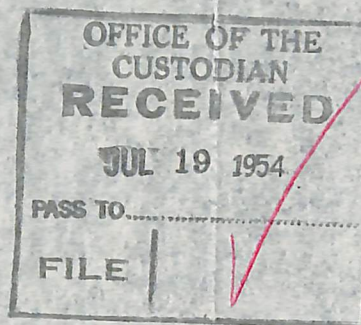
CABLE ADDRESS
"STEGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

July 17, 1954.

The Office of the Custodian,
Department of the Secretary of
State,
Victoria Building,
7 O'Connor Street,
Ottawa 4, Canada.



Attention: Mr. L. Legault:

Dear Sirs:

This is to acknowledge your three cheques, namely,
\$483.75, \$2,507.50 and \$51,440.00.

I wish to sincerely thank those concerned for
the money. As you may know the sums for the most part
represent my life's accumulation in the way of material
wealth. I was very pleased to see the cheques so soon
after the execution of documents.

very truly yours,

E. Kagetsu

16700
I.B.

16700 Vol. IB
LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

July 16, 1954.

Dear Sir,

Reference is made to the last paragraph
of my letter of the 14th instant.

In this connection, I enclose herewith
the Custodian's cheque No. A-26124, dated July 16, 1954,
in your favor in the amount of \$2,587.50, in full and
final settlement of all claims. This amount represents
an award made by the Secretary of State to cover expenses
of presentation of your claim to the Bird Commission.

Kindly acknowledge receipt of this cheque.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO 9,
Ontario.

11-5111

DEPARTMENT OF SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
REQUISITION FOR CHEQUE

OTTAWA, July 16, 1954.

FILE No. 16700 and 55165

SECTION

CHEQUE PAYABLE TO E. Kagetsu

RE

ADDRESS

CHEQUE TO BE FORWARDED TO E. Kagetsu (Name)

8 Mountview, Toronto 9, Ontario. (Address)

IN THE AMOUNT OF { CAN. \$ 2,587.50
U.S. \$
£

PARTICULARS In payment of an award made by the Secretary of State for expenses of presentation of Kagetsu's Claim to the Bird Commission.

CHARGE TO Administration.

Please print on face of cheque - IN FULL AND FINAL SETTLEMENT OF ALL CLAIMS.

(Requisitioned by)

BALANCE OF ACCOUNT { CAN. \$
U.S. \$
AS AT £

CERTIFIED CORRECT:

DATE July 16, 1954.
(Accountant in Charge)

APPROVED FOR PAYMENT:

DATE 16/7/54
For the Assistant Secretary (Custodian)

CASHIER'S MEMO.

CHEQUE No. 26124

DATE JUL 16 1954

BANK C of C

(Cashier's Initials)

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL. D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

E. GORDON GOWLING, Q.C., LL.D.
DUNCAN K. MacTAVISH, Q.C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

July 16, 1954

K. W. Wright, Esq.,
Office of the Custodian,
7 O'Connor Street,
Ottawa 4, Ontario.

Dear Mr. Wright,

Re E. Kagetsu (Your File No. 16700)

Further to our telephone conversation this morning, I am enclosing herewith a copy of a letter from Colonel Norris which has just been received and which I believe is self-explanatory.

Yours very truly,

Mary J. Hollowaty

(Miss M. J. Hollowaty)
Secretary to Mr. Osborne.

Encl.

OFFICE OF THE CUSTODIAN RECEIVED	
JUL 16 1954	
PASS TO	MR. Legault
FILE	

C O P Y

NORRIS & CUMMING
BARRISTERS AT LAW, SOLICITORS
BANK OF NOVA SCOTIA BUILDING
602 HASTINGS STREET WEST
VANCOUVER 2, B.C.

July 14th, 1954.

J.C. Osborne, Esq.,
c/o Messrs. Gowling, MacTavish, Osborne
& Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
OTTAWA 4, Canada.

Dear John:-

I have your letter of July 12th.

I certainly think that the cheque for
expenses should be sent to Kagetsu direct. Will you please
write to the Custodian's office accordingly?

With kind regards.

Yours faithfully,

TGN:ej.

"T.G. Norris"

16700
LL/EMI

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

July 14, 1954.

Dear Sir,

I acknowledge receipt of your letter of the 9th instant enclosing our Release Forms duly executed.

In this connection, I enclose herewith the following cheques:

No. A-26121, dated July 14, 1954, in your favour
in the amount of \$51,440.00,

No. A-26122, dated July 14, 1954, in your favour
in the amount of \$483.75.

With reference to the payment of an amount of \$2,587.50, which was authorized by the Secretary of State, a further communication will be forwarded to you in the course of the next few days.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO 9,
Ontario.

LL/EM

DEPARTMENT OF SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
REQUISITION FOR CHEQUE

OTTAWA, July 13, 1954

FILE NO. 16700

SECTION

CHEQUE PAYABLE TO E. Kagetsu

RE

ADDRESS

CHEQUE TO BE FORWARDED TO E. Kagetsu

(Name)

8 Mountview Avenue, Toronto 9, Ontario

(Address)

IN THE AMOUNT OF

CAN. \$51,440.00

U.S. \$

£

PARTICULARS This amount represents the award made to the claimant by Justice Bird, appointed under Part I of the Inquiries Act, re Deep Bay Logging Company Limited and E. Kagetsu & Co. Limited. E. Kagetsu is the shareholder of 4,903 shares of Deep Bay Logging Company Limited and 530 shares of Kagetsu & Co. Limited.

CHARGE TO Administration

(Requisitioned by)

BALANCE OF ACCOUNT

AS AT

CAN. \$

U.S. \$

£

CERTIFIED CORRECT:

JUL 13 1954

DATE

(Accountant in Charge)

APPROVED FOR PAYMENT:

DATE

JUL 13 1954

For the

(Assistant Deputy Custodian)

CASHIER'S MEMO

CHEQUE NO. 26121

DATE

JUL 14 1954

BANK

(Cashier's Initials)

DEPARTMENT OF SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
REQUISITION FOR CHEQUE

OTTAWA, July 13, 1954.

FILE No. 55165

SECTION

CHEQUE PAYABLE TO E. Kagetsu

RE

ADDRESS

CHEQUE TO BE FORWARDED TO E. Kagetsu

(Name)

8 Mountview, Toronto 9, Canada.

(Address)

IN THE AMOUNT OF

CAN. \$ 483.75

U.S. \$

£

PARTICULARS This amount represents the award made to the claimant by Justice Bird,
appointed under Part I of the Inquiries Act, in connection with a
dwelling and motor car owned by claimant.

CHARGE TO Administration.

Requisitioned by)

BALANCE OF ACCOUNT

AS AT

CAN. \$

U.S. \$

£

CERTIFIED CORRECT:

JUL 13 1954

DATE

(Accountant in Charge)

APPROVED FOR PAYMENT:

JUL 13 1954

DATE

For the

(Assistant Deputy Custodian)

CASHIER'S MEMO

CHEQUE No.

26122

DATE

JUL 14 1954

BANK

C of

(Cashier's Initials)

Ottawa, July 13, 1954.

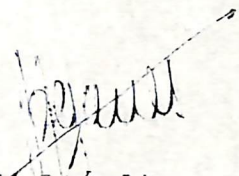
MEMORANDUM FOR Mr. J. E. LEBLANC.

Re: Tomekichi Maikawa.

Part of the award of \$51,750.00 which Mr. Justice Bird made to the shareholders of Deep Bay Logging Company and Kagetsu & Co. Limited is payable to this person. The file discloses that he owns 70 shares of Kagetsu & Company Limited. Since he is a Japanese national, his share of the award is to be retained by this office under Article 14 of the Treaty of Peace with Japan.

Would you kindly open an account in the Enemy Section of your Japanese Ledgers.

*Rec. # 36940
310⁰⁰
14/7/54 mm/b*


L. Legault.

File No. 55165.
LL/EMM.

DEPARTMENT OF SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
REQUISITION FOR CHEQUE

OTTAWA, July 13, 1954.

FILE No. 55165

SECTION

CHEQUE PAYABLE TO The Custodian

RE Tomekichi Maikawa

ADDRESS Japan

CHEQUE TO BE FORWARDED TO The Custodian, Cash Section.

(Name)

(Address)

IN THE AMOUNT OF

CAN. \$ 310.00

U.S. \$

£

PARTICULARS This amount represents the share of the award made to Tomekichi Maikawa by Justice Bird, appointed under Part I of the Inquiries Act, re Kagetsu & Co. Limited. Since this person is considered a Japanese national, his share of the award is to be retained by this office under Article 14 of the Treaty of Peace with Japan.

CHARGE TO Administration

(Requisitioned by)

BALANCE OF ACCOUNT

AS AT

CAN. \$

U.S. \$

£

CERTIFIED CORRECT:

DATE

JUL 13 1954

(Accountant in Charge)

APPROVED FOR PAYMENT:

DATE

JUL 13 1954

For the

(Assistant Deputy Custodian)

CASHIER'S MEMO

CHEQUE No.

26123

DATE

JUL 14 1954

BANK

C of

(Cashier's Initials)

Ottawa, July 13th, 1954.

MEMORANDUM FOR FILE

Re: Deep Bay Logging Company Limited
E. Kagetsu

The following is an excerpt from the Minutes of Meeting of the Administration Board Tuesday, July 13th, 1954.

"A communication dated 9th instatn enclosing two of our regular Release Forms signed by Eikichi Kagetsu, were presented.

The first one covers the release of \$51,440.00 and the second \$483.75 (both in accordance with the awards made by Mr. Justice Bird).

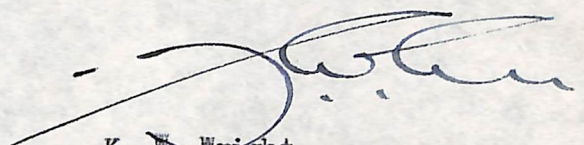
In his letter Mr. Kagetsu asked for \$2,587.50 which was granted by the Miniter to cover certain expenses other than legal fees. The Chairman reported that he had talked with Mr. John Osborne of Gowling, Mactavish, O sborne and Henderson, and that Mr. Osborne intimated that he had been paid his fees and was not interested in receiving the cheque. Mr. Osborne promised to write Colonel Norris in Vancouver, to ascertain his attitude and let us have a report in the course of the next week. If Colonel Norris is not interested we will release to Kagetsu, but if the cheque is made to Colonel Norris we must have an authorization duly signed by Eikichi Kagetsu to this effect.

The following requisitions were approved:-

Cheque for \$51,440.00 - representing the award made to the claimant by Justice Bird appointed under Part I of the Inquiries Act, re Deep Bay Logging Company Limited and E. Kagetsu & Co. Limited. E. Kagetsu is the shareholder of 4,903 shares of Deep Bay Logging and 530 shares of Kagetsu & Co. Limited.

Cheque for \$483.75 - representing the award made to the claimant by Justice Bird, appointed under Part I of the Inquiries Act, in connection with a dwelling and Motor car owned by the daimant.

Cheque for \$310.00 - representing the share of the award made to Tomekichi Maikawa by Justice Bird, appointed under Part I of the Inquiries Act, re Kagetsu & Co. Limited. Since this person is considered a Japanese national, his share of the award is to be retained by this office under Article 14 of the Treaty of Peace with Japan."


K. W. Wright.

ADDRESS
"EGAK"

E. KAGETSU
8 MOUNTVIEW AVENUE
TORONTO 9, CANADA

TELEPHONES
MURRAY 5023
ORCHARD 7571

July 9, 1954.

Office of the Custodian,
Department of the Secretary
of State,
Victoria Building,
7 O'Connor Street,
Ottawa 4, Canada.

Attn: Mr. L. Legault

Dear Sirs:

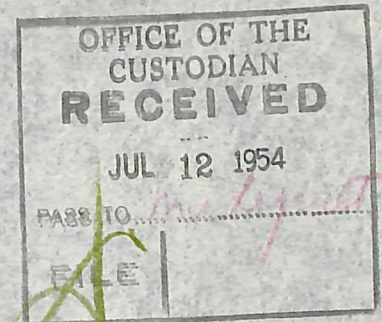
As required, please find herewith two duly
executed Release Forms.

I gather that a release form is not required
for your award of \$2,587.50 which I am to further receive,
since that was through special authorization.

I would very much appreciate your concluding
this matter at your earliest opportunity.

Yours very truly,

E. Kagetsu



55765

In the matter of EIKICHI KAGETSU and of the
DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu of the DEEP BAY LOGGING COMPANY LIMITED was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th, 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall for the purpose of protecting the interest of the owner or any other person, be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943);

AND WHEREAS the records of the Deep Bay Company Limited show that the shares of the Company were owned by:

Eikichi KAGETSU	4,903 shares
-----------------	--------------

AND WHEREAS the shares of Kagetsu & Company Limited were owned by persons of the Japanese race as follows -

Eikichi KAGETSU	530 shares
Tomekichi MAIKAWA	70 "
	<u>600 shares</u>

AND WHEREAS all the said shares were vested in the Custodian;

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P. S. Ross & Sons, Chartered Accountants, in the City of Vancouver, B.C., to supervise the affairs of the Deep Bay Logging Company Limited;

AND WHEREAS the Custodian further appointed Frederick Field, Chartered Accountant, a representative of P. S. Ross & Sons, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944;

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936, Cap. 42;

AND WHEREAS THE Company has been wound up as aforesaid and the proceeds of liquidation of the Company have been distributed to the persons entitled to receive same.

AND WHEREAS certain property belonging to the said Company together with property belonging to Eikichi Kagetsu, was disposed of by the Custodian and/or through the said Liquidator and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the said Company and Eikichi Kagetsu suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act, has recommended that the sum of \$51,750 be awarded in respect of such loss

Fifty-one thousand seven hundred and fifty dollars.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

AND WHEREAS the Custodian has now paid to

Eikichi KAGETSU	\$51,440.00
Tomekichi MAIKAWA	310.00
	<u>\$51,750.00</u>

herein called the Releasors, the amounts set opposite their respective names; save only that the amount set opposite the name of Tomekichi MAIKAWA HAS BEEN HELD as Enemy Funds such person being resident in Japan at the outbreak of war.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sums so paid by the Custodian the Releasors hereby release Her Majesty The Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal property of the said Company and Eikichi Kagetsu and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasors' property or in respect of any of the matters above recited.

IN WITNESS THEREOF the Releasors have affixed their respective hands and seals this 9th day of July 1954.

X Kagetsu
(WITNESS)

Eikichi Kagetsu

AFFIDAVIT OF WITNESS

PROVINCE OF Ontario

IN THE MATTER of a claim of

TO WIT:

Eikichi Kagetsu of Toronto
& Deep Bay Logging Co Ltd.

I, Rejime Kagetsu of the City of Toronto,
County of York, Merchant DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

AND I make this solemn declaration conscientiously believing it to be true, and knowing 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 Toronto
this 9th day of July A.D. 1954.

W. A. W. W. W.

A Commissioner etc.

RELEASE

Reg. No. 00014

WHEREAS during the war EIKICHI KAGETSU

now residing at 8 Mountview Avenue, Toronto, Ontario.

(hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy 1943;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of the Inquiries Act has recommended that the Releasor be awarded the sum of \$483.75;

Four Hundred and Eighty-three Dollars and Seventy-five cents.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases Her Majesty the Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this

9th day of July 1954.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Eikichi Kagetsu

Eikichi Kagetsu

AFFIDAVIT OF WITNESSPROVINCE OF Ontario

IN THE MATTER of a claim of

TO WIT:

Eikichi Kagetsu of Toronto

I, Najim Kagetsu of the City of Toronto

County of York Merchant DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

AND I make this solemn declaration conscientiously believing it to be true, and knowing 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 Toronto

THIS 9th day of July A.D. 1954

W. A. M. M. M.
A Commissioner etc.

Eikichi Kagetsu

Ottawa, July 8th, 1954.

MEMORANDUM FOR MR. LEGAULT

Re: Deep Bay Logging Company Limited
E. Kagetsu.

The following is an excerpt from the Minutes of Meeting of the Administration Board Thursday, July 8th, 1954.

"A memorandum from Mr. Legault dated July 6th, 1954, together with letter dated March 19th, 1954, from Mr. F. G. Shears and copy of breakdown of the award, copy of letter dated June 15, 1954, from E. Kagetsu, copy of Release Form and copy of a further release Form, were read. Mr. Legault attended the meeting.

The wording in the release forms signed by Kagetsu were altered by the claimant and the Board agreed that this man should comply with our requirements and sign the form that was approved a considerable time ago by the Deputy Custodian for all claimants who received awards pursuant to the Bird Commission Report and subsequent Order in Council.

Mr. Legault is to redraft these and forward a letter to Mr. Kagetsu as soon as possible and endeavour to complete this matter without further delay.

It was agreed that Tomekichi Kaikawa who resides in Japan is ^{entitled to} due \$310.00. This amount should be retained by deducting same from the amount of the award.

As to the expenses amounting to \$2587.50, the Chairman endeavoured to reach Mr. Osborne of Gowling, MacTavish, Osborne & Henderson, but he is out of the City for a day or two, and the Chairman agreed to ascertain from Mr. ^{Gowling} as to whether or not this cheque should be made payable to Colonel Norris or the firm of Gowling and Company as if and when the proper release forms are received from Kagetsu."

I attach the above numbered file and would request that you kindly give this matter your attention.


K. W. Wright.

KWW/G
Attach.

16700 Vol. IB.
LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

July 8, 1954.

Dear Sir,

Reference is made to the second paragraph
of your letter of June 15, 1954.

I enclose herewith revised Release Forms
for your signature.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

In the matter of EIKICHI KAGETSU and of the
DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu of the DEEP BAY LOGGING COMPANY LIMITED was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th, 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall for the purpose of protecting the interest of the owner or any other person, be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943);

AND WHEREAS the records of the Deep Bay Company Limited show that the shares of the Company were owned by:

Eikichi KAGETSU	4,903 shares
-----------------	--------------

AND WHEREAS the shares of Kagetsu & Company Limited were owned by persons of the Japanese race as follows -

Eikichi KAGETSU	530 shares
Tomekichi MAIKAWA	<u>70</u> "
	600 shares

AND WHEREAS all the said shares were vested in the Custodian;

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P. S. Ross & Sons, Chartered Accountants, in the City of Vancouver, B.C., to supervise the affairs of the Deep Bay Logging Company Limited;

AND WHEREAS the Custodian further appointed Frederick Field, Chartered Accountant, a representative of P. S. Ross & Sons, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944;

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936, Cap. 42;

AND WHEREAS THE Company has been wound up as aforesaid and the proceeds of liquidation of the Company have been distributed to the persons entitled to receive same.

AND WHEREAS certain property belonging to the said Company together with property belonging to Eikichi Kagetsu, was disposed of by the Custodian and/or through the said Liquidator and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the said Company and Eikichi Kagetsu suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act, has recommended that the sum of \$51,750 be awarded in respect of such loss

Fifty-one thousand seven hundred and fifty dollars.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

AND WHEREAS the Custodian has now paid to

Eikichi KAGETSU	\$51,440.00
Tomekichi MAIKAWA	310.00
	<u>\$51,750.00</u>

herein called the Releasors, the amounts set opposite their respective names;

save only that the amount set opposite the name of Tomekichi MAIKAWA HAS BEEN HELD as Enemy Funds such person being resident in Japan at the outbreak of war.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sums so paid by the Custodian the Releasors hereby release Her Majesty The Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal property of the said Company and Eikichi Kagetsu and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasors' property or in respect of any of the matters above recited.

IN WITNESS THEREOF the Releasors have affixed their respective hands and seals this _____ day of _____ 1954.

AFFIDAVIT OF WITNESS

PROVINCE OF _____) IN THE MATTER of a claim of
TO WIT: _____) _____ of _____

I, _____ of the _____ of _____

DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

AND I make this solemn declaration conscientiously believing it to be true, and knowing 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 _____
this _____ day of _____ A.D. 1954.)

A Commissioner etc.

WHEREAS during the war EIKICHI KAGETSU

Reg. No. 00014

now residing at 8 Mountview Avenue, Toronto, Ontario.

(hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy 1943;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of the Inquiries Act has recommended that the Releasor be awarded the sum of \$483.75;

Four Hundred and Eighty-three Dollars and Seventy-five cents.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases Her Majesty the Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this

_____ day of _____ 1954.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

)
)
)
)

AFFIDAVIT OF WITNESS

PROVINCE OF _____) IN THE MATTER of a claim of

TO WIT: _____)

of _____

I, _____ of the _____ of _____

DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

AND I make this solemn declaration conscientiously believing it to be true, and knowing 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 _____)

THIS _____ day of _____ A.D. 1954)

A Commissioner etc.

Ottawa, July 8th, 1954.

MEMORANDUM FOR MR. LEGAULT

Re: Deep Bay Logging Company Limited
E. Kagetsu.

The following is an excerpt from the Minutes of Meeting of the Administration Board Thursday, July 8th, 1954.

"A memorandum from Mr. Legault dated July 6th, 1954, together with letter dated March 19th, 1954, from Mr. F. G. Shears and copy of breakdown of the award, copy of letter dated June 15, 1954, from E. Kagetsu, copy of Release Form and copy of a further release Form, were read.

Mr. Legault attended the meeting.

The wording in the release forms signed by Kagetsu were altered by the claimant and the Board agreed that this man should comply with our requirements and sign the form that was approved a considerable time ago by the Deputy Custodian for all claimants who received awards pursuant to the Bird Commission Report and subsequent Order in Council.

Mr. Legault is to redraft these and forward a letter to Mr. Kagetsu as soon as possible and endeavour to complete this matter without further delay.

It was ^{entitled to} agreed that Tomekichi Kaikawa who resides in Japan is due \$310.00. This amount should be retained by deducting same from the amount of the award.

As to the expenses amounting to \$2587.50, the Chairman endeavoured to reach Mr. Osborne of Gowling, MacTavish, Osborne & Henderson, but he is out of the City for a day or two, and the Chairman agreed to ascertain from Mr. ^{Gowling} as to whether or not this cheque should be made payable to Colonel Norris or the firm of Gowling and Company as if and when the proper release forms are received from Kagetsu."

I attach the above numbered file and would request that you kindly give this matter your attention.


K. W. Wright.

KWW/G
Attach.

Ottawa, July 6, 1954.

MEMORANDUM FOR THE ADMINISTRATION BOARD.

Re: Deep Bay Logging Company Limited.

Mr. Justice Bird has recommended the payment of \$51,750.00 to the claimants of this company. To it should be added the sum of \$483.75. The Commissioner made this recommendation in respect of the dwelling and motor car owned by E. Kagetsu.

Mr. F. G. Shears, on March 19, 1954, submitted a breakdown of the award. It is attached hereto (marked "A") together with a copy of his letter.

This file discloses that:

200 shares Deep Bay Logging Company Limited, in the name of Tsuratoro Kagetsu, were transferred to E. Kagetsu on September 8, 1945. A

200 shares Deep Bay Logging Company Limited, in the name of Sadanori Kikuchi, were transferred to E. Kagetsu on December 7, 1951. A

50 shares Deep Bay Logging Company Limited, in the name of Sawachi Irizawa, were transferred to Mrs. T. Kagetsu on October 10, 1939. On February 9, 1952, Mrs. T. Kagetsu transferred these shares to E. Kagetsu. A

100 shares Deep Bay Logging Company Limited, in the name of Manji Ushizawa, were transferred into the name of Mrs. T. Kagetsu on September 5, 1939. In a declaration dated June 26, 1954, Mrs. Toyo Kagetsu declares that her shares of Deep Bay Logging Company Limited are now payable to E. Kagetsu. A

Tomakichi Maikawa, holder of 70 shares of E. Kagetsu & Co., is a Japanese national residing in Japan. According to the breakdown, this person is entitled to \$310.00. This represents his share of the award and should be retained by this office.

I attach hereto (marked "B") copy of a letter dated June 15, 1954 and signed by E. Kagetsu. To this letter was attached a release form duly executed by E. Kagetsu (marked "C"). This document is herewith submitted for approval as to form. I attach hereto a copy of our own release form in order to facilitate the comparison.

On June 24, 1954, I wrote to Mr. E. Kagetsu furnishing him with a copy of Mr. Shears' breakdown (marked "A"). I also advised him that according to this statement his share of the award (\$51,750.00) would be \$51,440.00. This office would retain the sum of \$310.00 in the name of Tomakichi Maikawa (Enemy).

Your attention is directed to the fact that the Government has authorized the Secretary of State to pay an amount of \$2,587.50 to compensate the claimant for the expenses of presentation of the claim to the Bird Commission.

This matter is submitted to the Board for consideration.


L. A. Gault.

File No. 16700 Vol. I B.
LL/BNH.

8 Mountview Avenue
Toronto, Ont.
June 26, 1954.

Office of the Custodian,
Department of the Secretary of State,
Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

Attn: Mr. L. Legault

Dear Sirs:

Am enclosing an executed affidavit making
Eikichi Kagetsu the beneficial owner of the shares
concerned. I trust this will comply with your requirements.

Thank you for the contents of yours of 24th
instant.

Yours very truly,

H. Kagetsu
H. Kagetsu.

OFFICE OF THE
CUSTODIAN
RECEIVED

JUN 28 1954

PASS TO.....*L. Legault*

FILE ☒

16700
T.A.

TO WHOM THIS MAY CONCERN

This is to confirm that I, Toyo Kagetsu, the undersigned, for consideration received, have assigned and transferred one hundred shares of the Deep Bay Logging Company Limited (which shares were formerly held by Manji Ushizawa) to Eikichi Kagetsu. Therefore, any monies that were or may be due to me from those shares of the above named company are now payable to Eikichi Kagetsu.

X. Takahashi
.....
Witness

Toyo Kagetsu
.....
Toyo Kagetsu

8 Mountview Avenue
Toronto, Ont.
June 26, 1954.

16700 Vol. 1
LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

June 24, 1954.

Dear Sir,

I acknowledge receipt of your letter of the 15th instant with enclosures as stated.

In your letter, dated April 22, 1954, you state that the Registrar of Companies, Victoria, B. C., has confirmed that his records show that 100 shares of Deep Bay Logging Co. were transferred, in 1941, from M. Ushizawa into the name of Mrs. T. Kagetsu. I would appreciate receiving documentary evidence showing that the beneficial owner of 100 shares Deep Bay Logging Co., now registered in the name of Mrs. T. Kagetsu, is Mr. E. Kagetsu.

I attach hereto a breakdown of the proposed distribution of the award of \$51,750.00.

According to this statement your share of the award (\$51,750.00) would be \$51,440.00. This office will retain the sum of \$310.00 in the name of Tomekichi Maikawa (Enemy).

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

8 Mountview Avenue
Toronto, Ont.
June 15, 1954.

Registered

Department of the Secretary of State
Office of the Custodian
Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

OFFICE OF THE CUSTODIAN RECEIVED	
JUN 17 1954	
PASS TO.....	
FILE	

Attention: Mr. L. Legault

Dear Sirs:

Thank you for yours of June 1st, and I take due note of the last paragraph therein. Thus re the accounts may I just say 1944 entries of Feb. 2, Mar. 23 and May 24 were used to reverse all debit entries from Dec. 28/43 to May 6/44 inclusive, the debits being duplicated elsewhere and embraced in figures of May 18/46. This confusing practice was repeated from Aug 9/44 to May 30/45.

I was rather expecting you to send us revised release forms. To comply with your letter please find herewith the executed releases in order to proceed with the payments.

The distribution as we find it is as follows:

	To <u>Deep Bay Logging</u>	To <u>Eikichi Kagetsu</u>
Block 195		\$18,000 ✓
Standing Timber (45.8%-54.2% split)	\$3430	4,070
Felled & Bucked Timber		8,000
Immature Timber (60.7%-39.3% split)	5000	3,250
Buildings	1000	
Railway	1000	
Logging Equipment (74%-26% split)	5920	2,080
	<u>\$16,350</u>	<u>\$35,400</u>
Less 500/5000th to Kagetsu Co	1,635	
Balance to Eikichi Kagetsu	<u>14,715</u>	14,715
Kagetsu Company	\$1635	
Less 70/600th	190	
To E. Kagetsu	<u>1445</u>	<u>1,445</u>
		<u>\$51,560</u>

(explanation on next page)

16700

Note 1-re shares

P.S. Ross & Sons letter to Mr. G.W. McPherson, dated March 30, 1942; also Registrar of Companies, Victoria, B.C.; together with documents submitted to you establishes Deep Bay Logging shares as follows:-

Eikichi Kagetsu	4500 shares
Kagetsu Company	500 "
	<u>5000 shares</u>

Of 600 shares of Kagetsu Company, E. Kagetsu held 530 and Tomikichi Maikawa 70 (disposition of latter entirely in your hands)

Note 2-re standing timber & Felled & bucked logs

Smith Report (Exhibit 45 Schedule 8 of Bird Hearing) established following breakdown:-

Block 274	2 million feet b.m.		
" 504	3 "	" "	
" 566	4 "	" "	
Favour E. Kagetsu	<u>9</u> "	" "	or 54.2% of 16.6
Block 617	7.3 "	" "	
" 276	<u>.3</u> "	" "	
Favour Deep Bay	7.6 "	" "	or 45.8% of 16.6

Smith reports Felled & Bucked was in Bk 274 which block document submitted belonged to E. Kagetsu

Note 3.-re immature timber

Commissioner Bird used Schultz Report (Exhibit 61 pages 20 & 21) and acknowledged 5500 acres as immature timber. This figure was made up in part of:-

Block 198	329 acres
" 274	433 "
" 504	1030 "
" 566	<u>369</u> "

2161 acres or 39.3% of 5500 acres

The balance, being 60.7% is in favour of Deep Bay Logging Co.

Note 4-re Logging Equipment

Mutual Account (Joint), P.S. Ross & Sons; or Exhibit 45, April 30/46, establishes that \$9,000 out of \$34,604 (vide Bird Report, page 1) or 26% of equipment concerned in the claim belonged to E. Kagetsu; the balance (74%) to Deep Bay Logging.

Anticipating an early reply,

Yours truly,

H. Kagetsu. *K. Kagetsu*

WHEREAS during the war Eikichi KAGETSU, Reg. No. 00014 now residing at 8 Mountview Avenue, in the City of Toronto, County of York, Ontario (hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942 as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian, and a claim was made for pecuniary losses suffered by said Releasor in respect of such disposal being at less than fair market value;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act has recommended that the Releasor be awarded the sum of \$483.75

Four hundred and eighty-three dollars and seventy-five cents;

AND WHEREAS the Custodian has been duly authorized to carry out the recommendations of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian, the Releasor hereby releases with protest, Her Majesty the Queen in Right of Canada and the Custodian, from actions, claims and demands in respect of losses arising from the disposal at less than fair market value, of real and personal properties of the Releasor.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this ~~fifteenth~~ day of June A.D. 1954.

SIGNED SEALED AND DELIVERED)

IN THE PRESENCE OF:)

Eikichi Kagetsu

A. Kagetsu
AFFIDAVIT OF WITNESS

IN THE MATTER of a claim of Eikichi Kagetsu of 8 Mountview Avenue of the City of Toronto, County of York, Ontario.
PROVINCE OF ONTARIO

TO WIT:

I, *Hajima Kagetsu* of the City of Toronto, County of York do solemnly declare:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

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 Toronto)
in the Province of Ontario)
this ~~fifteenth~~ day of June, 1954.)

W. J. W. W. W.
.....
Commissioner.

In the matter of EIKICHI KAGETSU and of the
DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu and certain shareholders of the Deep Bay Logging Company Limited were evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th, 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943)

AND WHEREAS the shares of the Deep Bay Logging Company Limited were owned by, transferred or assigned to persons of the Japanese race as follows:

EIKICHI KAGETSU	4500 shares
KAGETSU & CO. LTD.	500 "
	<u>5000 shares</u>

AND WHEREAS the shares of the Kagetsu Company Limited were owned by persons of the Japanese race as follows:-

EIKICHI KAGETSU	530 shares
TOMEKICHI MAIKAWA	70 "
	<u>600 shares</u>

AND WHEREAS all the said shares were vested in the Custodian

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P.S. Ross & Sons, Chartered Accountants, in the City of Vancouver, B.C., to supervise the affairs of the Deep Bay Logging Company Limited

AND WHEREAS the Custodian further appointed Fredrick Field, Chartered Accountant, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936 Cap. 42

AND WHEREAS certain properties belonging to the said Company (Companies) together with properties belonging to Eikichi Kagetsu, were disposed of by the Custodian and/or through the said Liquidator and a claim was made for pecuniary losses suffered by said Company (Companies) and by said Eikichi Kagetsu, in respect of such disposal being at less than fair market value

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act has recommended that the sum of FIFTY ONE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$51,750) be awarded in respect of such losses

AND WHEREAS the Custodian has been duly authorized to carry out the recommendations of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

AND WHEREAS the Custodian has now paid said Eikichi Kagetsu \$51,750.00 less sum entitled to Tomekichi Maikawa, the latter being entitled to \$200 more or less

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian, said Eikichi Kagetsu hereby release, with protest, Her Majesty the Queen in Right of Canada and the Custodian, from actions, claims and demands in respect of losses arising from the disposal at less than fair market value, of real and personal properties of said Company (Companies) and Eikichi Kagetsu.

IN WITNESS THEREOF Eikichi Kagetsu has fixed his hand and seal this ~~FIFTEENTH~~ day of June, A.D. 1954.

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
.....
Eikichi Kagetsu
.....

AFFIDAVIT OF WITNESS

PROVINCE OF ONTARIO IN THE MATTER of a claim of DEEP BAY LOGGING COMPANY LIMITED and EIKICHI KAGETSU of 8 Mountview Avenue of the City of Toronto, County of York.

TO WIT:

I, *Hajima Kagetsu*.....of the City of Toronto, County of York do solemnly declare:

1. That I was personally present and did see the within release duly signed, sealed, and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensations mentioned in the within release.
3. That I am a subscribing witness to the said release.

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.

SWORN BEFORE ME AT Toronto, County of York, in the Province of Ontario, this ~~fifteenth~~ day of June A.D. 1954.

[Signature]
.....
Commissioner.



16700
LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

June 1, 1954.

Dear Sir,

Reference is made to my letter of April 27,
1954.

According to our records, it would appear that the Custodian was not involved, insofar as any responsibility for collecting the mortgage from Lymour Saw Mills Co. Ltd., since all documents connected with this transaction were signed by you. Furthermore, you had given a general Power-of-Attorney to Mr. Carl Stewart and, in such circumstances, our policy was not to interfere with any administration. Our only requirements were that we should be kept informed by Mr. Stewart from time to time.

In regard to payments made to the Workman's Compensation Board and the Forestry Branch of the Province of British Columbia, I am inclined to believe that such payments cannot be refunded.

In connection with the sale of a Speeder, to the Lake Logging Company, kindly refer to the account of Deep Bay Logging Company entry dated February 2, 1944.

A review of our files does not disclose that the Custodian was duly informed of the personal payments made by you to Mr. C. Stewart. You will readily understand that this office had no control over such payments.

As previously advised, the Custodian is anxious to settle your case. Therefore, we would appreciate receiving our release form duly executed in order to proceed with the distribution of the award.

Any additional inquiries will not alter, in any way, the award made by Mr. Justice Bird.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

DEPARTMENT

OF

JAN

Mr Wright

Kindly hand to Mr Legault

LDG.
XXX
ANVILLE

4615 West 9th Avenue
Vancouver, B.C. 8
May 10th 1954

Mr. L Legault
Administrative Officer
Office of the Custodian,
Ottawa.

16700
55165-11
Your File 12787 LL/EMM

OFFICE OF THE
CUSTODIAN
RECEIVED

MAY 17 1954

PASS TO

MR L E Legault

FILE

Dear Mr Legault,

The following in reply to your letter of the 3rd instant. Your letter indicates that you have access to the File we had so that I am not sure whether I can add anything to what may be disclosed therein. However I have a general recollection of this particular matter and in the first place I would like to suggest that in a very positive manner Kagetsu should be informed that in regard to this particular property the Custodian was not involved in so far as any responsibility for administration was concerned. Kagetsu owned the land on which the Lynmore Sawmills erected buildings and this land was I believe leased by Kagetsu to Lynmore, before the war.

Prior to or at the time of evacuation Kagetsu appointed Mr Carl Stewart as his agent and gave him a general Power of Attorney. Our policy in such circumstances was not to interfere with any administration that had been arranged by the Japanese owner so long as either Japanese or White creditors were not prejudiced, but we required that we should be kept informed by the agent from time to time.

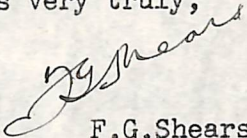
I believe that the lease which Kagetsu had made expired and the Lynmore people in order to protect their interest in the buildings they had erected, would either require a renewal of the lease or to purchase the land. Carl Stewart advised us that the Lynmore Sawmills had approached him with an offer to purchase. We merely advised him that a policy of liquidation of Japanese Real Property was now effective, so that it would be in order for Kagetsu to make any deal he wished. An Agreement for Sale was entered into and a Mortgage given for the balance owing. All of these documents will I feel sure have been signed by Kagetsu himself and not by the Custodian. A payment was received by us, which was credited to Kagetsu's account. In September 1947 we noticed in a Vancouver newspaper that a fire had completely destroyed the plant and lumber stocks. Mr Stewart was of course aware of this and we also wrote Kagetsu giving him this information.

As a result of the fire which destroyed the buildings, there remained very little security for the Mortgage and the person or persons who were operating under the name Lynmore sawmills had very little or no financial backing. I think I recollect that the Federal Government were having difficulty in collecting taxes and I think, but am not quite certain, that a Sheriff was put in

by them and that the property was sold at a Tax sale, presumably to collect the Federal account, and that nothing was left over to apply on the mortgage.

As mentioned above, I think it would be well, in a very positive way to say to Kagetsu, that he is aware of the facts concerning his own or his agent's arrangements in regard to this property and that he was advised at the time of the fire, so that he could take any action he desired or give instructions regarding same.

Yours very truly,


F.G. Shears

100-100000

100-100000

100-100000

100-100000

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100-100000

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100-100000

100-100000

File No. 16700.

Ottawa, May 21, 1954.

MEMORANDUM FOR MR. LEGAULT

Re: Deep Bay Logging and Kagetsu

The following is an excerpt from the Minutes of Meeting of the Administration Board, Friday May 21, 1954.

"A communication from Mr. F. G. Shears, dated May 10, 1954, was read.

The Chairman advised that a reply is being prepared to Mr. Kagetsu's recent communications and he is to be informed again that the Custodian requires him to sign the release in settlement of the award made by Mr. Justice Bird herein, without further delay."



K. W. Wright

KWW/K

*OK letter
June 1/54
A*

8 Mountview Avenue
Toronto, Ont.
May 19, 1954.

The Office of the Custodian,
Department of the Secretary of State,
Victorai Building,
7 O'Connor Street,
Ottawa 4, Canada.

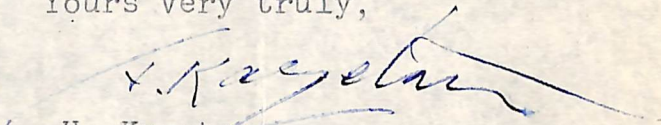
Attn: Mr. L. Legault

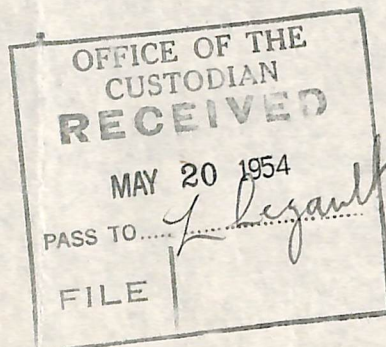
Dear Sirs:

Re: E. Kagetsu Claims

We have not heard from you since yours of the 27th ultimo. Would you be so kind as to post us as to latest developements in your department regarding our matter? When the initiative was ours, we found that this was a time consuming matter. Therefore, we fully appreciate that you in your turn require ample time. However, it is now going on to four weeks since my revealing to you our findings so may we hear from you soon?

Yours very truly,


H. Kagetsu.



CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

4615 West 9th Avenue
Vancouver 8 B.C.
March 19th 1954

K.W.Wright Esq., Q.C.
Chief Counsel
Office of the Custodian,
Ottawa.

Kagetsu & Deep Bay

Dear MR Wright,

I received the copies of recent correspondence you have had concerning the above matter.

I fully agree with Mr Stein in the position he has taken and I think it is essential that the form of Release should be similar to that which has been required from all other claimants, without any reservations.

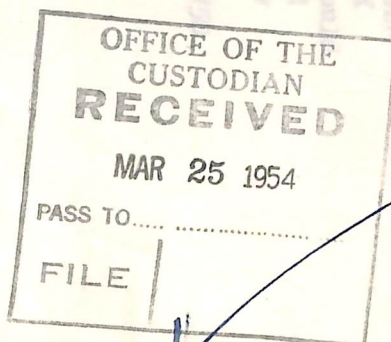
It is conceded that Kagetsu was the owner of some of the assets included in the Deep Bay property. As a matter of fact I am sure that he was given credit in his personal account for Timber Lots 504 and 566 in the amount of \$14,000 and \$9,000 for Gas Donkey & Tractor.

I think it would therefore be in order to take this into consideration when breaking down the award. I suggest that this could be done on the basis I have suggested on the enclosed sheets. The Deep Bay claim was altered, and altered and altered from time to time in a manner that was quite confusing. There was an analysis made of the Deep Bay portion of the claim at the time it was presented; the claim ~~was then~~ for the value of the property was then \$244,000. It got up to \$389,000 before it was through. By comparing the enclosed with my previous figures you will see that there is an advantage to Kagetsu of about a \$1,000, the other shareholders being decreased by this amount. Of course if you accept Kagetsu as the beneficial owner of all the shares the breakdown will not be necessary except ~~insofar~~ in-so-far as what you may consider is the enemy interest.

I trust that you will now be able to complete this matter,

Yours very truly,

F.G. Shears
F.G. Shears



FILE NO.
PLEASE REFER TO
PHONE RYDING 6131

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION
CANADA

VANCOUVER, B. C.
HASTINGS AND GRANVILLE
208 ROYAL BANK BLDG.

	<u>The claim value</u>		<u>The sale price</u>		<u>The award</u>	
	<u>Company</u>	<u>Kegetsu</u>	<u>Company</u>	<u>Kegetsu</u>	<u>Company</u>	<u>Kegetsu</u>
Timber	70,350		26,000			
"		16,000		14,000		
Gas Donkey		14,000		6,000		
Tractor		16,000		3,000		
Various assets	127,710		31,434			
	198,060	46,000	57,434	23,000		
Totals	244,060		80,434		33,750	
Kagetsu's personal claim value is therefore 19 per cent of total claim value			Sale price of Kagetsu's personal property is therefore 27 per cent of total sale price		Using 23 per cent as a mean between 19% and 27% The award would be divided as below	
					26,000	7,750.
					33,750	

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

Eikichi Kagetsu & Deep Bay Logging Company Limited

Amended Breakdown of Commissioner's award of \$51,750.00

E.Kagetsu (Block 195-personally owned	18,000.00
Deep Bay Company	<u>33,750.00</u>
	51,750.00

Breakdown of Kagetsu's personal proportion of Deep Bay

E.Kagetsu on basis 23 %	7,750.00
Deep Bay Company	<u>26,000.00</u>
	33,750.00

Breakdown of Deep Bay amount of \$26,000
equivalent to \$5.3 per share

E.Kagetsu	3853 shares		20,425.00
Kagetsu & Co	500 "		2,655.00
Tsuratoro Kagetsu	200 "	<i>Transf'd to E. Kagetsu =</i>	1,065.00
Sadanori Kikuchi	200 "	<i>Transf'd to E. Kagetsu =</i>	1,065.00
Sawaichi Irizawa	50 "	<i>Transf'd to E. Kagetsu =</i>	260.00
Manji Ushizawa	100 "	<i>Transf'd to E. Kagetsu =</i>	<u>530.00</u>
			26,000.00

Breakdown of Kagetsu & Company amount \$2,655
equivalent to \$4.42 per share

E.Kagetsu	530 shares		2,345.00
Tomekichi Maikawa	70 "	<i>[Signature]</i>	<u>310.00</u>
			2,655.00

TOTAL OF EIKICHI KAGETSU'S SHARE AS ABOVE

Block 195 personally owned	18,000.00
Proportion of Deep Bay Co personally owned	7,750.00
Deep Bay shareholdings	20,425.00
Kagetsu & Co owned by Kagetsu.p	<u>2,345.00</u>

Total proportion of award payable to E. Kagetsu	\$48,520.00
----------------------------------------------------	-------------

16700
LL/EAM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 27, 1954.

Dear Sir,

I acknowledge receipt of your letter of the
19th instant.

Matters referred to in this letter are
receiving attention and a further communication will be
forwarded to you in due course.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

12787
LL/EMM

Victoria Building,
70 Connor Street,
Ottawa 4, Ontario.

May 3, 1954.

Dear Sir,

Reference is made to a property, formerly owned by Eikichi Kagetsu, situated in North Vancouver and described as Lots 1 to 13 inclusive and Lots 18 to 21 inclusive, Block 3. This file discloses that these lots were sold to Lymour Saw Mills Co. Limited for the sum of \$12,000.00.

The purchaser gave a cheque for \$2,250.00 as a cash payment and the balance of \$9,750.00 was secured by a mortgage between the Lymour Saw Mills Co. Limited and E. Kagetsu.

According to our records on May 2, 1946, we collected the following amounts:

\$1,000.00 Principal
\$ 490.17 Interest.

Mr. Kagetsu is anxious to know why we have failed to collect the remaining balance of the principal together with interest.

I would appreciate receiving any comments you care to make regarding this matter.

Yours very truly,

L. Legault,
Administrative Officer.

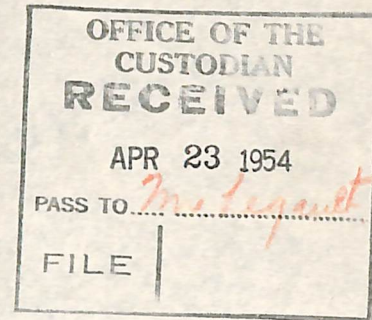
Mr. F. G. Shears,
4615 West 9th Avenue,
VANCOUVER,
British Columbia.

8 Mountview Avenue,
Toronto, Ont.
April 22, 1954.

The Office of the Custodian,
Department of the Secretary of State,
7 O'Connor Street,
Ottawa.

Attn: Mr. L. Legault.

Dear Sirs:



This is further to mine of 19th instant.

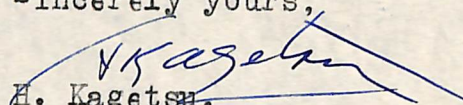
I have finally found the information which I sought regarding Ushizawa's shares. The Registrar of Companies, Victoria, B.C. confirms that the records show 100 shares being transferred from Ushizawa to Mrs. E. Kagetsu (Toyo Kagetsu) about the end of 1941. I have also found a letter addressed to Mr. G.W. McPherson, dated March 1942 from P.S. Ross & Sons. You no doubt have in your files the original of this letter, which amply corroborates the transfer. The same letter also verifies that 97 shares were issued by the Company to E. Kagetsu on January 2, 1931, which the records in Victoria will clearly show. With the documents already sent in and Stuart's share certificate enclosed, we are of the opinion that the division of Deep Bay Logging assets should be as follows:-

Eikichi Kagetsu	4,500 shares	✓
Kagetsu & Co.Ltd.	500	"
	<u>5,000</u>	"

Now, as for Tomekichi MAIKAWA, who died last year, if further evidence is required, it appears that one will have to communicate with his heir or executor. Maikawa was in Toronto just prior to his death at which time he promised to write to your office, assigning all his interests in the Kagetsu Company to Eikichi Kagetsu. Maikawa was a Naturalized Canadian of long standing. That assignment should be at Ottawa if the assignor kept his promise. 70 out of 600 shares is involved, as you know. Would I be correct in assuming that the \$25 per share already distributed has been turned over to Maikawa or to his estate?

I am hoping that your office will now appreciate that the above are the type of things which have prevented my quick action.

Sincerely yours,


H. Kagetsu.

INCORPORATED IN THE PROVINCE OF BRITISH COLUMBIA

NUMBER

SHARES

1

DEEP BAY LOGGING COMPANY LIMITED

Capital Stock - \$50,000.00

This Certifies That -----CARL M. STEWART-----
of 4583 West 1st Avenue, Vancouver, British Columbia is the registered holder
of -----ONE----- Shares, fully paid up
and non-assessable numbered ---1--- to ----- inclusive, in the Capital Stock of
-----DEEP BAY LOGGING COMPANY LIMITED-----
subject to the Memorandum and Articles of Association of the Company transferable only on the
books of this Company by endorsement hereon and surrender of this Certificate.

In Witness Whereof the said Company has caused this Certificate to be signed by its duly authorized
officers and to be sealed with its Corporate seal at VANCOUVER this 16th
day of December A.D. 19 37.

SECRETARY-TREASURER

PRESIDENT

SHARES

\$10.00

PACH

CERTIFICATE

FOR

SHARES

OF THE

Capital Stock

ISSUED TO

DATED

I, _____ of _____
in consideration of the sum of _____
Dollars paid to me by _____
of _____ (hereinafter called the
said Transferee), do hereby transfer to the said Transferee the
Shares numbered _____
to _____ inclusive, in the undertaking called

to hold unto the said Transferee, _____
executors, administrators and assigns, subject to the several
conditions on which I held the same at the time of the
execution hereof, and I, the said Transferee, do hereby agree
to take the said shares subject to the conditions aforesaid.

As Witness our hands the _____ day of _____
A. D. 19____

TRANSFEROR _____

WITNESS TO THE SIGNATURE OF TRANSFEROR

TRANSFEE _____

WITNESS TO THE SIGNATURE OF TRANSFEE

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR, WITHOUT
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATEVER.

Number 13

INCORPORATED UNDER THE COMPANIES ACT OF BRITISH COLUMBIA
AND AMENDING ACTS

Shares 100

DEEP BAY LOGGING COMPANY LIMITED

Capital \$50,000 - 5000 shares \$10.00 each.

This Certifies that M. USHIZAWA

of Vancouver, B.C. is the registered holder of ONE HUNDRED
Shares, fully paid up and non-assessable, numbered 4004 to 4103 inclusive, in the
above-named Company, subject to the Memorandum and Articles of Association thereof. transferable only
on the books of this Company upon surrender of this Certificate properly
endorsed.

Given under the Common Seal of the said Company at Vancouver

British Columbia, this 2nd day of January A.D. 1931

E. Kagitsu
SECRETARY.

Samamook
PRESIDENT.

TRANSFER



I, _____ of _____
in consideration of the sum of _____ Dollars
paid to me by _____ of _____
(hereinafter called the Transferee), do hereby transfer to the Transferee the _____
Shares numbered _____ to _____ inclusive, in the undertaking called

to hold the same unto the Transferee, _____ executors, administrators and assigns, subject to
the several conditions on which I held the same immediately before the execution hereof, and I, the
Transferee, do hereby agree to take the said Shares subject to the conditions aforesaid.

AS WITNESS our hands this fifth day of September A.D. 1923

Transferor M. Ushijawa

Transferee Mrs. T. Kagetani

WITNESS

E. Kagetani
2867 W 37 Ave

Registered

8 Mountview Avenue,
Toronto, Ont.
April 19, 1954.

Office of the Custodian,
Department of the Secretary of State,
7 O'Connor Street,
Ottawa.

Attn: Mr. L. Legault.

Dear Sirs:

OFFICE OF THE CUSTODIAN RECEIVED	
APR 22 1954	
PASS TO.....	
FILE	

Thank you for contents of yours of 15th instant.

Frankly, I am experiencing difficulty in finding conclusive proof of Ushizawa's transfer of shares to E. Kagetsu. Consequently, it may result that the latter cannot have the benefit of those shares. If such be the stand of your office I am afraid some sort of settlement will have to be made with regard to the following:-

- (1) Since the Commissioner's recommendations are for awards to the rightful owners at the time of sale we will have to agree as to the splitting of compensations for:
- a) equipment sales
 - b) cut-over lands
 - c) timber
 - d) felled & bucked logs.

I think that we will agree that there were at Fanny Bay essentially four major blocks of timber, namely, 504, 566, 274 & 617, of which the former three belonged to E. Kagetsu. With the aid of Smith's map or any other map it can be easily established that all the felled and bucked logs belonged to E. Kagetsu, as further attested by his regular collection of stumpage dues from the Deep Bay Logging. In addition to the said blocks there is one other, namely, 198, completely logged over early in the 30's. Thus roughly half the immature timber and three-quarters of the standing timber would belong to E. Kagetsu.

(2) Having established sums due to Deep Bay Logging, one will have to pay its creditors. The joint account just received shows a balance due to E. Kagetsu in an amount in excess of \$1,000. That sum will have to be increased for credits overlooked. For example, I have a document of conveyance which will prove that Block 274 was definitely E. Kagetsu's. Further, the latter has not been credited by Deep Bay Logging for felled and bucked logs which was appraised by Smith at \$4,500.00. And lastly, the 1945 entry on the joint account appears to be strictly arbitrary and ultra-conservative, both for the timber and equipment, not mention-

ing the complete overlooking of the value of immature timber.

In good faith, I am enclosing said document for Block 274.

See D.B. and 2007/44
Now, with regard to your revised account of Deep Bay Logging, I notice that all debit entries from December 28, 1942 to May 24, 1944 inclusive have been reversed with three credit entries, namely, \$2,500.00, \$998.02, and \$1,588.05. This of course is correct as the charges reappear under May 1946. However, the speeder sold to Lake Logging Company, is a credit which I fail to find elsewhere. Hence, it appears that the account should be credited with \$2,500.00. ✓

no
no
The revised account is very much appreciated as it provides me with better-break-downs. It is of course essentially the same as the other. Payment of \$5,336.95 was paid to Workmen's Compensation Board when in fact all the workmen had been laid-off. Do you suppose there would be any chance of the Board making a refund? Also right-of-way rentals were paid when such were not used. And, \$2,115.00 was paid to the Forest Branch for penalty re slash burning a matter habitually attended to during May. Evacuation made this impossible so that would not the Forest Branch excuse the slash and refund the penalty? These were encountered during the Custodian management so that it would be very much appreciated if you would be so good as to make efforts to recover some of these losses. ✓

See above letter May 1946
My letter of April 12 discussed mortgage receipts not collected resulting in a loss of \$8,750. Also in excess of \$20,000.00 for service charges re care and liquidation. Will you please advise if any reimbursement to the claimant is possible for such losses? The Deep Bay Logging Capital Stock initially worth \$50,000.00 is still shown to be worthless in your revised account, which merely confirms the magnitude of the various losses and charges, which please take due note. ✓

no contact on this
A cumulative sum of close to \$3,000.00 has been turned over to C.M. Stewart to whom E. Kagetsu had been making private settlements. It will be impossible to recover this loss. ✓

With no offense intended, it appears clear that your office pursues an unsound policy of paying all bills received whether or not strictly payable. On the other hand little effort is made to collect bills due, e.g. Lynmour Sawmill account. I suggest a revision of regulations is indicated, for benefit of future accounts.

May I hear from you soon?

Yours sincerely,

H. Kagetsu
H. Kagetsu

• This Indenture, made this twentieth day of September

in the year of Our Lord one thousand nine hundred and thirty seven

Between the ESQUIMALT AND NANAIMO RAILWAY COMPANY, hereinafter called "the Company," of the one part, and Eikichi Kagetsu, Lumberman, 335 Princess Street, Vancouver, B.C.

hereinafter called "the Purchaser" of the other part,

Witnesseth, that in consideration of the sum of Ten thousand three hundred and sixty seven dollars (\$10,367.00)

of lawful money of Canada paid by the Purchaser to the Company, the receipt whereof the Company doth hereby acknowledge, the Company doth hereby, subject always to all and singular the reservations, exceptions, provisos, conditions and provisions hereinafter referred to or hereinafter contained and set forth, Grant and Convey unto the Purchaser his heirs and assigns

All that parcel or tract of land situate, lying and being in the district of Newcastle Vancouver Island, in the Province of British Columbia, and more particularly known, numbered and described as Block two hundred and seventy four Newcastle

District aforesaid,

as described in Schedule attached hereto, and said to contain four hundred and fifty three acres, more or less, and more particularly shown upon the plan or tracing hereunto annexed and thereon colored red, **To have and To hold** the said land unto and to the use of the Purchaser his heirs and assigns forever, subject nevertheless and always to the reservations, limitations, provisos and conditions expressed and contained in the original grant thereof from and by the Crown, and to all and singular the reservations, exceptions, provisos, conditions and provisions hereinafter contained and set forth, that is to say:—

Saving and Reserving and there is hereby reserved to the Company, its successors and assigns, out of the grant and conveyance hereby made all coal, oil and fire-clay, and all mines and minerals already found and existing or which may be found to exist within, upon or under the said land, together with the full, free and absolute right, liberty, privilege, power and authority for all time to come, by its and their officers, contractors, agents, servants, and workmen to enter into and upon the said land to search, examine and prospect for coal, oil and fire-clay, mines and minerals as aforesaid, with such full liberty of ingress, egress and regress for all time to come as may reasonably be required for all or any such purposes, and the full, free and absolute right, liberty, privilege, power and authority for all time to come by its and their officers, contractors, agents, servants and workmen as aforesaid to enter into and upon the said land, and to mine, bore, dig, win, get and carry away all the coal, oil and fire-clay, and all minerals in, upon and under the same, whether in mines, veins, pits, beds, basins or deposits or in admixture of formations, or otherwise howsoever existing, and to sink, drive, make and use mines, tunnels, open cuts, shafts, drifts, adits, courses, wells, flumes, pipes, pipe lines and water courses, and erect and set up, maintain and operate buildings, tanks, power houses, erections, fire, electrical and other engines and machinery, and such other works and appliances as may be requisite or necessary for generating power, and to open, construct, maintain and use railways, tramways, pipe lines, roads and ways, in, upon and under and over the said land, or any part or parts thereof for the purpose of conveniently working, mining, boring, digging, winning, getting and carrying away the said coal, oil, and fire-clay, mines and minerals, with such full liberty of ingress, egress and regress for all time to come, in, over and upon the said land, as may reasonably be required for all or any such purposes.

And Saving and Reserving Also and there is hereby reserved to the Company, its successors and assigns, out of the grant and conveyance hereby made, the right, full power and absolute authority at any time or times hereafter to take, resume, acquire, and use out of and being part of the said land, such parts of the said land as may be necessary or expedient for all or any of the purposes aforesaid, upon payment of reasonable compensation therefor (the amount of which in the event of same not being mutually agreed upon shall, upon the application of any or either of the parties interested therein, be summarily fixed and determined by the Judge of the County Court usually exercising jurisdiction in the District within which the said land is situate, and whose decision as to the amount of such compensation shall be final and conclusive).

And Saving and Reserving Also and there is hereby reserved to the Company, its successors and assigns, out of the grant and conveyance hereby made the right, full power and absolute authority at any time or times hereafter to enter upon the said land to make surveys for any line of railway, canal, ditch, aqueduct, pipe line, reservoir or irrigation works, and to enter upon, take, resume and acquire, keep and use such portions of the said land as may be required for and in connection with any such said railway, canal, ditch, aqueduct, pipe line, reservoir, or irrigation works, including rights of way, for ingress and egress thereto and therefrom over the said land, and also at any time or times hereafter to take, resume, acquire, and use out of and being part of the said land, a strip or strips of land one hundred feet in width, or so much of said strip or strips of land as may be within fifty feet of the said land, to be used as a right-of-way or for other railroad purposes whenever the railroad lines of the Company, or of the Canadian Pacific Railway Company, or either of them, their, or either of their successors and assigns, is or shall hereafter be located over or within fifty feet of the said described land, provided that the said Companies, or either of them, their, or either of their successors and assigns, shall, in addition to paying the actual value of any buildings or improvements on the said land affected thereby, pay for the land so taken or acquired for any such railway, canal, ditch, aqueduct, pipe line, or irrigation work, or for rights-of-way, or other railway purposes as aforesaid, a sum per acre not greater than twenty two ⁸⁹/₁₀₀ th

dollars, being the price per acre paid therefor to the Company by the Purchaser for the said land.

And Saving and Reserving Also and there is hereby reserved to the Company, its successors and assigns, out of the grant and conveyance hereby made, and to any person or persons, municipality or other legally constituted body acting in that behalf by its or their permission and authority, the right, full power and absolute authority to resume and re-possess any part of the said land which it may be deemed necessary to resume and re-possess, for making roads, highways, bridges, towing paths, or other works of public utility and convenience, so as to give access to the lands abutting and adjoining the said land or otherwise, so nevertheless that the land so to be resumed and re-possessed shall not exceed one-twentieth part of the whole of the said land hereby granted and conveyed, and that no such resumption or re-possession shall be made of any land upon which any buildings may have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings.

And the Company doth hereby, for itself, its successors and assigns, covenant with the Purchaser — his — heirs and assigns, that the Company hath power and full right to grant and convey the said land in manner aforesaid, and that it shall be lawful for the Purchaser his — heirs and assigns, to enter upon and hold, occupy and enjoy the said land for his or their — use and benefit, subject always to all and singular the reservations, exceptions, provisos, conditions and provisions aforesaid.

In Witness Whereof the Common Seal of the Company has been hereunto affixed by order of the Board of Directors.

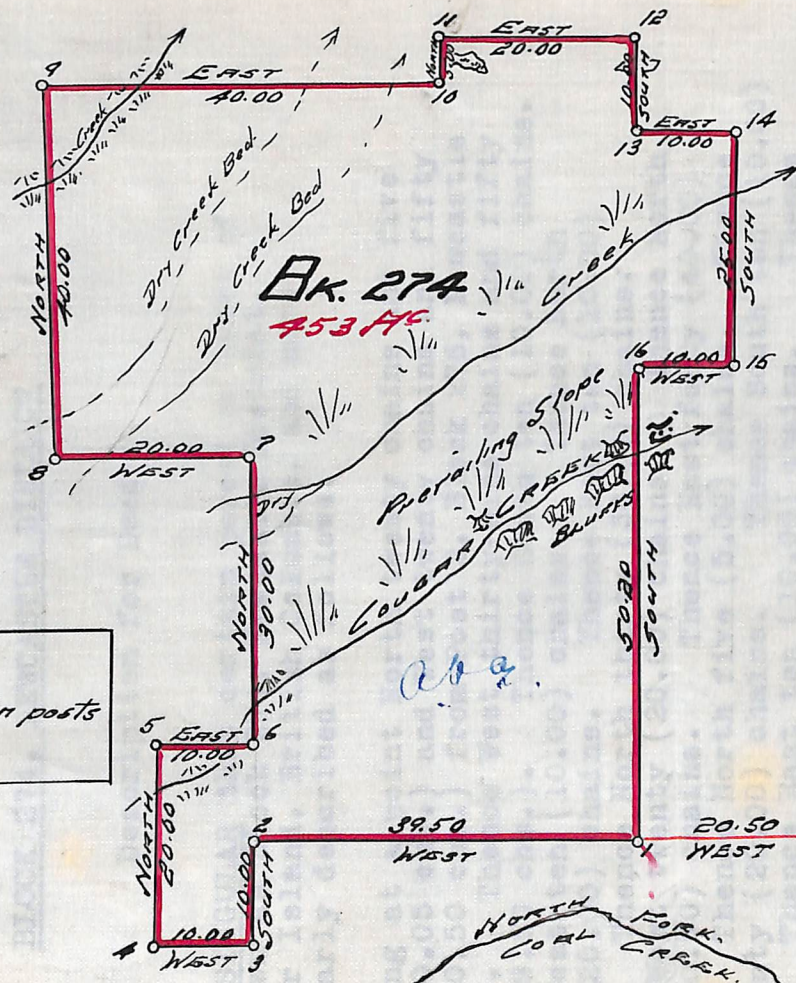
Sealed by order of the Board of Directors made
at a meeting held the Tenth day of June, A.D.
1920.

A. B. Amundson

Secretary.

G. W. Amundson

Vice-President.



PLAN
OF
BLOCK 274
NEWCASTLE DISTRICT
V.I. B.C.

SCALE: 20 CH. = 1. INCH

TIE

RE BK. 276 to Post 1.

Course	Bearing	Dist.
RE BK. 276		0.00
1	N 47° W	2.05
2	N 44° 10' W	3.45
3	N 44° 01' W	2.17
4	N 30° 50' W	2.58
5	N 49° 00' W	3.495
6	N 48° 00' W	2.79
7	N 41° 30' W	3.00
8	N 57° 40' W	2.13
9	N 63° 50' W	1.75
10	N 47° 30' W	2.58
11	N 32° 00' W	1.24
Post 1	N 40° 10' W	1.72

LEGEND

Small Circles indicate wooden posts
O.P. indicates old post.

I, Alfred Hagen, of the City of Victoria, a British Columbia Land Surveyor, make oath and say that I was present at and did personally superintend the survey represented by this plan and that the survey and plan are correct. The said survey was completed on the 11th day of August 1937.

Sworn before me this
30 day of August 1937

Alfred Hagen

A. L. Robertson

Notary Public in & for the Province of British Columbia

GRANTORS: The Esquimalt & Nanaimo Ry. Co.

Burns & Co. Land Agent

Witness: *J. Fanning*

BLOCK 274, NEWCASTLE DISTRICT

Description for Deed

ALL AND SINGULAR that certain parcel or tract of land known as Block 274, Newcastle District, Vancouver Island, British Columbia, and more particularly described as follows:

Commencing at a point North twenty chains and five links (20.05 chs.) and West twenty chains and fifty links (20.50 chs.) from Post 2, Block 276, Newcastle District. Thence West thirty-nine chains and fifty links (39.50 chs.). Thence South ten (10.00) chains. Thence West ten (10.00) chains. Thence North twenty (20.00) chains. Thence East ten (10.00) chains. Thence North thirty (30.00) chains.

Thence West twenty (20.00) chains. Thence North forty (40.00) chains. Thence East forty (40.00) chains. Thence North five (5.00) chains. Thence East twenty (20.00) chains. Thence South ten (10.00) chains. Thence East ten (10.00) chains. Thence South twenty-five (25.00) chains. Thence West ten (10.00) chains. Thence South fifty chains and twenty links (50.20 chs.), more or less, to the point of commencement.

Which said Block 274 is shown outlined in red on attached plan representing a survey completed on the tenth day of August Nineteen hundred and thirty-seven and contains by admeasurement 453 acres, be the same more or less.

ACKNOWLEDGMENT

I hereby Certify that, on the 13th day of October, 1937, in the City of Vancouver, in the Province of British Columbia, Albert Fisher Armstrong personally known to me, appeared before me and acknowledged to me that he is the Secretary of the **Esquimalt and Nanaimo Railway Company**, and that he is the person who subscribed his name to the annexed instrument as Secretary of the said Company, and affixed the seal of the **Esquimalt and Nanaimo Railway Company** to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such Corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

In Testimony Whereof, I have hereunto set my Hand ~~and Seal of Office,~~

at Vancouver in the Province of

British Columbia, this 13th day of

October one thousand nine hundred and thirty-seven

M. J. Brown

A Commissioner for taking affidavits within British Columbia.

— 372 F —

Dated *September 20th* 19*37*

ESQUIMALT AND NANAIMO
RAILWAY COMPANY

TO

Eikichi Kagetsu

CONVEYANCE

16700
LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 15, 1954.

Dear Sir,

I acknowledge receipt of your letter of April 12, 1954, together with enclosures as stated.

I enclose herewith a statement of account re: E. Kagetsu and Deep Bay Logging Co., also an ammended statement regarding the Deep Bay Logging Company. Would you kindly disregard the previous statement enclosed with our letter of April 9, 1954 in connection with this company.

In connection with the statement regarding the Joint Account, you will notice an entry for the sale of Lots 504 - 566, as well as, the sale of certain machinery and equipment.

Would you kindly disregard the entries dated December 18, 1942 regarding the personal account of your father. You will note that on April 11, 1944 there are entries reversing all the debits and credits, dated December 18, 1942.

According to our records Mr. Manji Oshizawa, a Japanese national, was the registered owner of 100 shares Deep Bay Logging Co.

I hope the enclosed statements will clarify certain comments made in your letter of April 12, 1954.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

STATEMENT OF ACCOUNT

E. KAGETSU and DEEP BAY LOGGING COMPANY

Joint Account.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1942</u>				
May 18	Balance on hand		3,608.06	3,608.06
	Stumpage		4,758.78	8,366.84
" 27	Paid to E. Kagetsu	90.00		8,276.84
" 31	Adjustment - E. and N. R.R. Contract		2,667.00	10,943.84
<u>1944</u>				
Dec. 31	Receipts and Disbursements held by C. M. Stewart	624.46		10,319.38
<u>1945</u>				
Mar. 15	Due to E. Kagetsu - Sale of Lots 504 - 566		14,000.00	
	Sale of Donkey Engines and Tractors		9,000.00	33,319.38
<u>1946</u>				
Feb. 9	Purchase of Victory Bonds to E. Kagetsu	30,000.00		3,319.38
	Transferred to Custodian, Ottawa, interest on Victory Bonds for account of E. Kagetsu	450.00		2,869.38
	Paid to E. Kagetsu by A. Simpson for Boom chains	1,000.00		1,869.38
	Collected by C. M. Stewart from Lynnmour Creek Sawmills	632.08		1,237.30
<u>1947</u>				
Nov. 5	Balance due to E. Kagetsu & Co.	1,237.30		Ø
		<u>34,033.84</u>	<u>34,033.84</u>	

File No. 16700.
 Ottawa 4, Ontario.
 April 15, 1954.
 LL/EMM.

STATEMENT OF ACCOUNT

DEEP BAY LOGGING CO.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1942</u>				
May 31	Cash on hand		10.62	10.62
	Note receivable and interest re Bug Creek Logging Co. Ltd.		3,579.04	
	Proceeds of sale of timber and camp buildings		40,000.00	
	Sale of Railroad equipment		14,500.00	
	Sale of Gas Donkeys		9,500.00	
	Sale of Tractors and Compressors		3,500.00	
	Sale of Lines		4,256.13	
	Sale of Blocks		1,679.30	
	Sale of Straps and Speeders		310.50	
	Sale of Falling and Bucking Tools		3,894.94	
	Sale of Pipe		536.00	
	Sale of Boom Chains		633.00	
	Less commission paid on sales	219.77		
	Proceeds of sale of truck		450.00	
	Sale of Pontiac Car		998.02	
	30% dividend to J. Suzuki		345.00	
	Recoveries from Taxes and Insurance		1,527.56	
	Sale of parts of Tractor		100.00	
	Sundries		4.01	
	Interest on Bonds		787.50	
Dec. 28	P. S. Ross & Sons - Fees for conduction affairs of company	305.00		
<u>1943</u>				
Mar. 11	Proportion of wages due	200.00		
Apr. 9	Proportion of wages due	200.00		
June 4	Paid to W. S. Murray balance of wages - May 31, 1943.	1,107.83		
July 8	Firemans' Insurance on Policy No. L-1227 A.	500.00		
	No. L-1227 B.	120.00		
	SSP-11296	67.95		
t. 1	Wages for June and July	355.64		
'1	Paid to W. S. Murray wages and board all from August 1 to October 31 - less certain deductions	455.49		
	Wages for October and November paid to Charles Morrison	250.77		
	Paid to M. Brown fees and expenses for looking after company property	51.40		
<u>1944</u>				
Feb. 2	Received from Lake Logging Company - payment of Speeder		2,500.00	
" 10	Tax deduction from payroll to January 31, 1944	521.87		
	Wages to Charles Morrison from December, 1943 to January, 1944	251.64		
" 17	Lease - Rental Right-of-Way due September, 1943	250.00		
Mar. 2	Paid to Imperial Oil Company Limited - supply of oil to company	10.35		
" 23	Transferred from E. Kagetsu's personal account		998.02	
Apr. 10	To King's Printer - payment account	5.00		
	Empress Garage - payment account	18.75		
	Imperial Oil	1.84		

85,216.34

STATEMENT OF ACCOUNT

DEEP BAY LOGGING CO.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1944</u>				
Apr. 10	British Columbia Telephone Company	12.05		
	J. H. Robertson	5.20		
	Royston Motor Co.	15.29		
	Charles Morrison wages	253.50		
	Receiver General of Canada	106.50		
May 6	British Columbia Telephone Company (2 months)	20.00		
" 24	Received from P. S. Ross & Sons to cover disbursements made from account		1,588.05	
Aug. 9	To Registrar, Victoria, British Columbia	1.00		
Oct. 20	Travelling expenses re Company affairs to K. W. Wright	15.35		
	Received from P. S. Ross & Sons to cover two previous accounts		16.35	
Nov. 2	Sale of rural mail box		2.97	
	Balance of funds to P. S. Ross & Sons	2.97		86,391.85
<u>1945</u>				
May 29	Received from P. S. Ross & Sons to cover cost of administration of company - \$1,600.00; \$2,400.00 and \$79.21		4,079.21	
" 30	Paid to P. S. Ross & Sons for supervising affairs of company			
	July, 1942 to February, 1944	1,600.00		
	March, 1944 to March, 1945	2,400.00		
	Plus expenses	79.21		
<u>1946</u>				
May 18	Watchman's wages	7,085.14		
	Telephone accounts	457.20		
	Car and Truck storage	130.09		
	Right-of-ways-rentals	2,021.00		
	Foreshore rentals	170.00		
	Taxes	3,213.36		
	Fire Insurance	1,438.40		
	Auditor's Fees	25.00		
	Receipts and disbursements from C. M. Stewart for E. Kagetsu	624.46		
	Workmens' Compensation Board	5,336.95		
	Forest Branch - Penalty re Slash Burning on Blocks 274 - 504 and 566	2,115.00		
	Taxes re Forest protection	372.24		
	To A. R. William Machinery Co.	337.40		
	Income Tax	2,034.93		
	E.N.N. Railway balance on Timber	6,194.55		
	Expense for handling material	1,000.80		
	Appraisals	550.00		
	Advertising	284.41		
	Repairs	51.21		
	Gas and Oil	62.89		
	Exchange	31.89		
	Controller's Fees	4,384.21		
	Unemployment Insurance	63.81		
	Paid to C. M. Stewart - Fees	1,250.00		
	Paid to Locke, Lane, Gukld & Sheppard - Legal fees and disbursements in connection with Deep Bay Logging Co. Ltd.	831.28		
	Purchase of Victory Bonds on behalf of E. Kagetsu	30,000.00		
	Kagetsu & Co.	9,314.34		

7,011.29

STATEMENT OF ACCOUNT

DEE BAY LOGGING CO.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1946</u>				
May 18	Purchase of Victory Bonds re Kagetsu & Co. Ltd. Safekeeping charges	5,000.00 37.90		
June 13	To P. S. Ross & Sons services from April, 1945 to April, 1946	575.33		
<u>1947</u>				
July 21	Sale of wire rope		75.00	1,473.06
Sept. 5	Examination of Fanny Bay operation to Eustace Smith	150.00		
Oct. 3	Paid to J. J. Gibbons re Advertising Equipment	27.68		
<u>1948</u>				
Jan. 8	Paid to P. S. Ross & Sons for services re winding up the affairs of Company to November, 1947	290.25		
Dec. 22	Paid to Mr. Stewart and N. C. Kliman full settlement of account rendered	133.86		
<u>1949</u>				
Jan. 29	Expenses re General Meeting and Filing fees	11.00		860.27
<u>1950</u>				
Jan. 25	Canada Daily News - final distribution to Liquidator		57.29	
<u>1951</u>				
Jan. 16	Proceeds of 2 Steam Donkey Engines - Fanny Bay		200.00	
Feb. 2	To N. C. Kliman - Legal Fees	12.50		
<u>1952</u>				
Mar. 14	To N. C. Kliman - Legal Fees	40.00		
" 25	Final distribution to Creditors of Deep Bay Logging Co. (E. Kagetsu) Kagetsu & Co. Ltd.	472.37 517.69		
June 14	Paid to P. S. Ross & Sons balance of fees for services rendered re Liquidation	75.00		
		<u>96,128.51</u>	<u>96,128.51</u>	Ø

File No. 16700.
Ottawa 4, Ontario.
April 15, 1954.
LL/EMM

STATEMENT OF ACCOUNT

DEEP BAY LOGGING COMPANY LIMITED

Account No. 13524.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1942</u>				
Dec. 28	P. S. Ross & Sons - Fees for conducting affairs of company	305.00 ✓		
<u>1943</u>				
Mar. 11	Proportion of wages due	200.00 ✓		
Apr. 9	Proportion of wages due	200.00 ✓		
June 4	Paid to W. S. Murray balance of wages May 31, 1943	1,107.83 ✓		
July 8	Firemans' Insurance on Policy No. L-1227 A.	500.00 ✓		
	No. L-1227 B.	120.00 ✓		
	No. SSP-11296	67.95 ✓		
Sept. 1	Wages for June and July	355.64 ✓		
Dec. 11	Paid to W. S. Murray wages and board all from August 1 to October 31, less certain deductions	455.49 ✓		
" 20	Wages for October and November paid to Charles Morrison	250.77 ✓		
	Paid to M. Brown fees and expenses for looking after company's property	51.40 ✓		
<u>1944</u>				
Feb. 2	Received from Lake Logging Co. - payment of Speeder		2,500.00 ✓	
" 10	Tax deductions from payroll to January 31, 1944	521.87 ✓		
	Wages to Charles Morrison from December, 1943 to January, 1944	251.64 ✓		
" 17	Lease - Rental Right-of-Way due September, 1943.	250.00 ✓		
Mar. 2	Paid to Imperial Oil Co. Limited supply of oil to company	10.35 ✓		
" 23	Transferred from E. Kagetsu Personal Account		998.02 ✓	
Apr. 10	To King's Printer payment of account	51.00 ✓		
	Empress Garage - payment of account	18.75 ✓		
	Imperial Oil	1.84 ✓		
	British Columbia Telephone Company	12.05 ✓		
	J. H. Robertson	5.20 ✓		
	Royston Motor Company	15.29 ✓		
	Charles Morrison wages	253.50 ✓		
	Receiver General of Canada	106.50 ✓		
May 6	British Columbia Telephone Company (2 months)	20.00 ✓		
" 24	Received from P. S. Ross & Sons to cover disbursements made from account		1,588.05 ✓	
Aug. 9	To Registrar of Victoria, British Columbia	1.00 ✓		
Oct. 20	Travelling expenses re Company's affairs to K. W. Wright	15.35 ✓		
	Received from P. S. Ross & Sons to cover two previous accounts		16.35 ✓	
Nov. 2	Sale of rural mail box		2.97 ✓	
	Balance of funds to P. S. Ross & Sons	2.97 ✓		

STATEMENT OF ACCOUNT

DEEP BAY LOGGING COMPANY LIMITED

Account No. 13524.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.M. CO. A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1945</u>				
May 29	Received from P. S. Ross & Sons to cover cost of administration of Company \$1,600.00; \$1,600.00 and \$79.21		4,079.21 ✓	
" 30	Paid to P. S. Ross & Sons for supervising affairs of company July, 1942 to February, 1944 March, 1944 to March 1945 Plus expenses	1,600.00 ✓ 2,400.00 ✓ 79.21 ✓		
<u>1946</u>				
May 18	Proceeds of liquidation of Deep Bay Logging Company Limited		1,973.39 ✓	
June 13	To P. S. Ross & Sons - services rendered from April, 1945 to April, 1946	✓ 575.33 ✓		1,398.06
<u>1947</u>				
July 21	Sale of wire rope to C. Philp & Co. Ltd.	✓	75.00 ✓	
Sept. 5	Examination of Fanny Bay operation by Eustace Smith	✓ 150.00 ✓		
Oct. 3	Paid to J. J. Gibbons Ltd - re Advertising equipment	✓ 27.68 ✓		1,295.38
<u>1948</u>				
Jan. 8	Paid to P. S. Ross & Sons for services rendered and winding up the affairs of the company to November, 1947	290.25 ✓		
Dec. 22	Paid to Mr. Stewart and N. C. Kilman full settlement of account rendered	133.86 ✓		871.27
<u>1949</u>				
Jan. 29	Expenses of General Meeting and filing fees	11.00 ✓		860.27
<u>1950</u>				
Jan. 25	Canada Daily News - final distribution by liquidator		57.29 ✓	917.56
<u>1951</u>				
Jan. 16	Proceeds of 2 Steam Donkey Engines, Fanny Bay		200.00 ✓	1117.56
Feb. 2	To. N. C. Kilman - Legal fees	12.50 ✓		1005.06

STATEMENT OF ACCOUNT

DEEP BAY LOGGING COMPANY LIMITED

Account No. 13524

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1952</u>				
Mar. 14	To N. C. Kliman -- Legal fees	40.00	✓	
" 25	Final distribution to Creditors of Deep Bay Logging Company (E. Kagetsu) Kagetsu & Company Limited	472.37 517.69	✓ ✓	
June 14	Paid to P. S. Ross & Sons balance of fees for services rendered re liquidation	75.00	✓	
		<u>11,490.28</u>	<u>11,490.28</u>	<u>Ø</u>

File No. 16700.
Ottawa 4, Ontario.
April 8, 1954.
LL/EMM.

8 Mountview Avenue,
Toronto, Ont.
April 12, 1954.

Office of the Custodian,
Department of the Secretary
of State,
Victoria Building,
7 O'Connor Street,
Ottawa.

Attn: Mr. L. Legault.

Dear Sirs:

Thank you for the reproductions of Account No's. 15722, 13524 & 12787. These explain there being no balance remaining.

As for Account No. 12787, there is a Dec. 6/43 entry re Mortgage of \$2,300.00. The entries of Dec. 18/52 showing sizable (\$480) interest payment arouses my curiosity. Will you please explain? Over 20% interest rate is indicated.

Also on same account item of April 5/45, another Mortgage of \$9,750.00. Only one payment towards this has been received. Your Vancouver Office has failed to collect a principal outstanding of \$8,750, not to mention substantial sums for interest.

includes 12,000.00
No doubt from these accounts your office is fully aware that cumulative cost of liquidation has resulted in a loss to my father of over \$20,000.00 almost all of this for service charges, forced upon him.

Will you now be good enough to send me a copy of an account labelled 12787 & 13524, being a mutual account between E. Kagetsu and the Deep Bay Logging Company. On this account I think you will find a substantial sum still owing to E. Kagetsu.

It is almost unbelievable that a firm which has paid substantial income tax, after liquidation of its assets finds itself in the red, with nothing left to distribute to stockholders. Strangely, \$50,000.00 of Capital Stock became less than worthless in the hands of the Custodian. I am of course referring to the Deep Bay Logging Company.

16700
Now, E. Kagetsu, as an individual, privately owned Blocks 566, 504, 274 & 198 in the Fanny Bay Area together with some big pieces of equipment. I find no credit entries for these, on #12787.

Registered

OFFICE OF THE CUSTODIAN RECEIVED	
APR 13 1954	
PASS TO.....	
FILE	

The only conclusion that I can draw is that E. Kagetsu received credit for them from the Deep Bay Logging. If such be the case will you please advise as to the basis for valuation of them. As you know both timber and equipment were sold in bulk so that the value of the parts must have been arbitrary. If my premise is correct, the Deep Bay Logging Company sold property which in fact they did not own at the time.

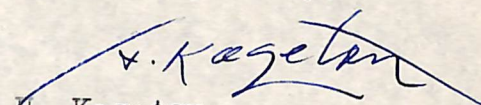
These points naturally concern us a great deal. I have presented them bluntly to avoid verbosity, with no intent to be offensive. Your cooperation will be much appreciated.

Now, to uphold my end, as promised, please find herewith the following:-share certificates initially made out to Tsurutaro Kagetsu, S. Irizawa and S. Kikuchi. Signed affidavits have been obtained from these principals to further substantiate the rights of E. Kagetsu. Will you please acknowledge documents?

I apologize in the delay, but you will notice that my submission to you is not yet complete in the matter of Manji Ushizawa. I would appreciate the particulars as to his specific ownership, as you see it. My father has no doubts about his owning those shares. I believe I can prove him to be correct. I am waiting also for a letter from British Columbia, which may provide what I am looking for.

We gather that you are anxious to close this matter as early as possible. I think that there is no need for me to say that we are in need of funds, so that an early conclusion is very much our concern as well. Please appreciate, however, that it is only natural that we wish to clarify doubtful points before finalizing this matter.

Yours very truly,


E. Kagetsu.

100 shares
Deep Bay

DEER BAY LOGGING COMPANY LIMITED

Cert. No. 15, N/O S. Irizawa for 50 shares

" " 11, N/O T. Kagetsu " 200 "

" " 9, N/O S. Kikuchi " 200 "

Number 15

INCORPORATED UNDER THE COMPANIES ACT OF BRITISH COLUMBIA
AND AMENDING ACTS

Shares 50

DEEP BAY LOGGING COMPANY LIMITED

Capital \$50,000 - 5000 shares \$10.00 each

This Certifies that S. IRIZAWA

of Vancouver, B.C. is the registered holder of FIFTY

Shares, fully paid up and non-assessable, numbered 4204 to 4253 inclusive, in the
above-named Company, subject to the Memorandum and Articles of Association thereof. transferable only
on the books of this Company upon surrender of this Certificate properly
endorsed.

Given under the Common Seal of the said Company at Vancouver

British Columbia, this 2nd day of January A.D. 1931:

E. Kington
SECRETARY.

Manuauwa
PRESIDENT.

TRANSFER



I, of
in consideration of the sum of Dollars
paid to me by of
(hereinafter called the Transferee), do hereby transfer to the Transferee the
Shares numbered to inclusive, in the undertaking called

to hold the same unto the Transferee, executors, administrators and assigns, subject to
the several conditions on which I held the same immediately before the execution hereof, and I, the
Transferee, do hereby agree to take the said Shares subject to the conditions aforesaid.

AS WITNESS our hands this tenth day of October A.D. 1939

Transferor S. Iizawa
Transferee Mrs. T. Kagetani

WITNESS

E. Kagetani

2867 W 37th ave

Feb. 9, 1952

Transferor Mrs. T. Kagetani

Transferee E. Kagetani

Witness E. Kagetani

Number 11

INCORPORATED UNDER THE COMPANIES ACT OF BRITISH COLUMBIA
AND AMENDING ACTS

Shares 200

DEEP BAY LOGGING COMPANY LIMITED

Capital, \$50.000 - 5000 shares \$10.00 each.

This Certifies that T. KAGETSU
of Vancouver, B.C. is the registered holder of 200
Shares, fully paid up and non-assessable, numbered 3704 to 3903 inclusive, in the
above-named Company, subject to the Memorandum and Articles of Association thereof. transferable only
on the books of this Company upon surrender of this Certificate properly
endorsed.

Given under the Common Seal of the said Company at Vancouver
British Columbia, this 2nd day of January A.D. 1931

C. Kagetsu
SECRETARY.

Samuel Moore
PRESIDENT.

TRANSFER

I, _____ of _____
in consideration of the sum of _____ Dollars
paid to me by _____ of _____
(hereinafter called the Transferee), do hereby transfer to the Transferee the _____
Shares numbered _____ to _____ inclusive, in the undertaking called

to hold the same unto the Transferee, _____ executors, administrators and assigns, subject to
the several conditions on which I held the same immediately before the execution hereof, and I, the
Transferee, do hereby agree to take the said Shares subject to the conditions aforesaid.

AS WITNESS our hands this 8th day of September A.D. 1924

Transferor

Transferee

WITNESS

Kawata

Number 9

INCORPORATED UNDER THE COMPANIES ACT OF BRITISH COLUMBIA
AND AMENDING ACTS

Shares 200

DEEP BAY LOGGING COMPANY LIMITED

Capital \$50,000, 5000 shares: \$10.00 each

This Certifies that S. KIKUCHI

of Vancouver, B.C. is the registered holder of TWO HUNDRED
Shares, fully paid up and non-assessable, numbered 3304 to 3503 inclusive, in the
above-named Company, subject to the Memorandum and Articles of Association thereof. transferable only
on the books of this Company upon surrender of this Certificate properly
endorsed.

Given under the Common Seal of the said Company at Vancouver
British Columbia, this 2nd day of January A.D. 1931

G. Kington
SECRETARY.

Vancouver
PRESIDENT.

TRANSFER

I, Sadanori Kikuchi of _____
in consideration of the sum of _____ Dollars
paid to me by _____ of _____
(hereinafter called the Transferee), do hereby transfer to the Transferee the _____
Shares numbered _____ to _____ inclusive, in the undertaking called

to hold the same unto the Transferee, _____ executors, administrators and assigns, subject to
the several conditions on which I held the same immediately before the execution hereof, and I, the
Transferee, do hereby agree to take the said Shares subject to the conditions aforesaid.

AS WITNESS our hands this _____ 7th _____ day of December _____ A.D. 1951

Transferor

Transferee

WITNESS

E. Hagston

16700 Vol. IA
LL/EAM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 5, 1954.

Dear Sir,

Re: E. Kagetsu.

I acknowledge receipt of your letter of
March 29, 1954.

I enclose herewith a statement of Receipts
and Disbursements with reference to your father's personal
account.

Similar statements will be forwarded to you,
in due course, regarding the Deep Bay Logging Co. and Kagetsu
& Co. Ltd.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

STATEMENT OF ACCOUNT

KAGETSU, E.

No. 12787

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1942</u>				
Dec. 18	Rent collected		150.00	
"	"		150.00	
"	"		90.00	
"	"		550.00	
	Mortgage Account Principal	142.50		
	Interest	65.15		
	Commission re Collections	7.50		
	Repairs and Maintenance	179.56		65.23
	Interest	480.06		
" 24	Rent Statement by Carl M. Stewart	250.00		184.77
" 28	Transfer from Car Account. Dodge(552.77)Pontiac(998.02)		1,550.79	1,366.02
<u>1943</u>				
Feb. 8	Certificate of Encumbrance	2.00		
Mar. 8	Transfer of Car Balance		522.20	1,886.22
" 10	3 Certificates of Encumbrance	3.00		
" 24	To Registrar re Release of Conditional Bill of Sale	1.50		
June 23	Registration of Quit Claim Deed and Mortgage on Lots 8, 9 and part of "A" of Lot 10, Reg. Plan No. 9026, Block 1, D. L. 772	16.00		
" 25	Certificate of Encumbrance	1.00		
" 26	Paid to D. A. Cramer fee for registering Parcel "A" of Lot 10, Ref. Plan No. 2096, Block 1, D. L. 772	2.50		
July 3	Paid to City of Vancouver 1943 Taxes	132.96		
"	" " " " " " " "	126.26		1,603.00
" 9	Refund Registering Quit Claim Deed		18.50	1,621.50
Aug. 5	Certificate of Encumbrance	1.00		
" 11	Paid to J. H. Whittome & Co. balance owing on Block 195	16,816.33		
" 12	Received from H. R. McMillan Export Co. Purchase of Block 195, Cowichon Lake District		93,000.00	77,804.17
Sept. 1	Paid to Lake, Lane Guild & Co. for Legal Services	331.40		
" 2	Paid to Eustace Smith service re examining property	297.00		
"	Paid to J. J. Gibbons for advertising for tenders	155.29		
" 24	Water rates for January, June and July to December for 5285 McKenzie Street	16.80		77,003.68
Oct. 8	25% Div. re Claim re Dr. Hori		625.00	
Nov. 8	Appraisal Fee	7.50		
" 16	Received from Norman D. Bischoff re closing adjustment on 5286 McKenzie Street		99.57	77,720.75

STATEMENT OF ACCOUNT

KAGETSU, E.

No. 12787

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27689

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
Nov. 17	Cost of Transfer and Assignment re Lots 47 and 48	9.10		
" 18	Paid to P. S. Ross & Son for services rendered March - August 1943 re sale Block 195 Cowichon Lake District	650.00		
Dec. 2	Commission re sale of 5286 McKenzie Street	215.00		
" 6	Purchase price of 5286 McKenzie Street Less Mortgage assumed by Purchaser	2,300.00	4,300.00	78,846.65
<u>1944</u>				
Mar. 11	Metropolitan Life Insurance percentage allowed in consideration of Premiums paid in at the Company's Office		10.92	
" 23	Transferred to Deep Bay Logging Co.'s Account	998.02		77,859.55
April 11	Reversing all Debit entries dated December 18 and 24, 1942 Reversing Credits December 18, 1942	940.00	1,124.77	78,044.32
" 27	Paid to Johnson, Reeve, Watson - Valuation Fee	7.50		
May 16	Paid to Northwest Mortgage Co. additional amount to clear Mortgage	124.50		
June 16	Received from Horne Taylor & Co. refund of rental re sale of 5286 McKenzie Street		42.75	
July 20	Registration Fee re 2867 - 37th Avenue	15.45		
Aug. 9	To The Registrar of Victoria, B. C. - Fees paid	5.00		
" 11	North Vancouver Realty Co. - Fees	5.00		
" 22	Advertising	12.00		
" 25	Pemberton Realty Corp'n - Valuation Fees	5.00		77,912.62
" 29	Paid Receiver General of Canada re Income Tax for 1940 and 1942 Assessment	5,735.79		72,176.83
" 30	To District of North Vancouver 1940-1941 Taxes plus interest	2,524.08		
Sept. 1	City of Vancouver - 1944 Taxes City of Vancouver Water rates - July to December, 1944	129.75 8.20		69,514.80
" 6	Sale of 2867 - W. 37th Avenue		4,341.21	73,856.01
" 9	Paid to Simpson, MacPherson Ltd. Commission re sale of 2867 - W. 37th Avenue	211.25		
Oct. 11	Fees re Services rendered - P. S. Ross & Son	20.00		
" 13	To Royal Bank of Canada for the personal use of Mr. E. Kagetsu	2,000.00		
" 27	Receiver General of Canada purchase of 5 x \$5,000.00 Victory Bonds	25,000.00		
Nov. 7	Payment of claim to Yokohoma Specie Bank	28,191.72		
Dec. 21	To Mr. E. Kagetsu for personal use	256.15		18,176.89

STATEMENT OF ACCOUNT

KAGETSU, E.

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL

OF THE CUSTODIAN

L.-M. CO. A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1945</u>				
Jan. 22	To Metropolitan Life Insurance Company Semi-Annual Premium on Policy No. 58,503	145.65		
" 31	To Registration Fees	8.00		
" 31	Tax arrears for 1944 and interest	53.79		
Feb. 1	Received from Canada Daily News		549.84	18,519.29
" 14	To Metropolitan Life Insurance Semi-Annual Premium Policy No. 58,901.	145.65		
Mar. 1	Registration Fee	6.70		
" 10	To Mr. E. Kagetsu for personal use	5,000.00		13,366.94
" 12	Transferred to Kagetsu & Co. Ltd. - The proceeds of the sale of Dodge Sedan sold to Campbell Motors	552.77		
" 19	Refund to Canada Daily News re overpayment of claim Transferred to Kagetsu & Co. Ltd. - Debt due by Canada Daily News	9.60 240.24		
" 24	Commission re sale of property	3.75		
" 26	Sale of Property		75.00	
April 5	Sale of Lots 1-13 and Lots 18-21, Block D. L., North Vancouver Discharge of Mortgage	9,750.00	12,000.00	
" 7	1942, 1943 and 1944 Taxes on Lots 1, 7, 8, 13, 18 and 21	2,453.75		
" 11	Cost of auction Proceeds of sale of property	70.25	439.30	
" 16	Taxes on Lot 13, 1942 - 1944	233.66		
" 19	Registration Fee re Lots 1-13 inclusive and 18-21 inclusive	34.75		
May 17	Registration Fee re Lots 1-13, 18-21 inclusive Insurance premium on furniture re Policy No. 32499	.50 12.00		12,519.97
" 23	Transferred to Kagetsu & Co. Ltd. Reversing entries dated April 11, 1945	439.30	70.25	
June 8	Adjustment re sale of property Lots 1-13 and 18-21		38.90	
Aug. 4	Certificate of Encumbrance	1.00		
Sept. 11	Paid to E. Kagetsu for personal use	5,000.00		
" 27	Coupons re Dominion of Canada Bonds - 5 x \$112.50		562.50	
Oct. 18	Refund of deposit B. C. Electric Light & Gas		3.00	
" 19	Dividend of 14% re Claim Dr. Hori		350.00	8,104.32

STATEMENT OF ACCOUNT

4.

KAGETSU, E.

No. 12787

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.M. CO.—A27859

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1946</u>				
Jan. 16	Paid to E. Kagetsu for personal use	7,500.00		
Feb. 1	Interest on 7 Victory Loan Bonds		✓ 450.00	
" 11	5 Coupons Victory Bonds (5 x \$75.00)		✓ 375.00	
May 2	Payment agreement for Sale due April 1, 1945 - District of North Vancouver - Principal Interest		✓ 1,000.00 ✓ 490.17	
Aug. 3	Interest one-half year on Dominion of Canada Bonds		✓ 450.00	
" 26	Interest one-half year on Dominion of Canada Bonds (5 x \$75.00)		✓ 375.00	
Nov. 6	Paid to E. Kagetsu for personal use	3,500.00		244.49
<u>1947</u>				
Jan. 30	Telephone to Toronto	2.92		
Feb. 3	One-half year Interest Dominion of Canada Bonds		✓ 450.00	
Mar. 22	One-half year Interest Dominion of Canada Bonds		✓ 375.00	
Aug. 1	One-half year Interest Dominion of Canada Bonds		✓ 450.00	
" 8	One-half year Interest Dominion of Canada Bonds		✓ 375.00	
Sept. 3	Paid to E. Kagetsu for personal use	1,800.00		
Oct. 15	Cost of shipping Bonds to Ottawa	16.65		
" 24	Telephone charges	.57		74.35
<u>1948</u>				
Feb. 2	One-half year Interest on Bonds		✓ 450.00	
" 10	Paid to E. Kagetsu for personal use	3,000.00		
" 13	Distribution of \$20.00 per share (529 shares) of Kagetsu & Co. Ltd.		10,580.00	
Aug. 2	Interest on Dominion of Canada Bonds		450.00	
Oct. 28	Paid to E. Kagetsu for personal use	3,000.00		
Nov. 2	Paid to E. Kagetsu for personal use	5,000.00		554.35
<u>1949</u>				
Jan. 7	Paid to E. Kagetsu for personal use	554.35		Ø
Feb. 1	Interest on Dominion of Canada Bonds		450.00	
" 2	Paid to E. Kagetsu for personal use	450.00		Ø

STATEMENT OF ACCOUNT

5.

KAGETSU, E.

No. 12787

8 Mountview Avenue, Toronto 9, Ontario.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

L.M. CO.—A27659

UNDER CONTROL OF THE CUSTODIAN

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1950</u>				
Jan. 28	Final distribution from Canada Daily News		49.82	
Feb. 4	Paid to E. Kagetsu for personal use	49.82		Ø
Nov. 4	Balance of No. 2 Savings Account of E. Kagetsu with Yokohama Specie Bank		28,191.72	
	Less cost Attorney General, Washington D.C., U.S.A.	19,000.00		8,803.97
	Less cost Custodian Administration Fee	387.75		
" 4	Paid to E. Kagetsu for personal use	8,803.97		Ø
" 8	Distribution of \$5.00 per share (529 shares) Kagetsu & Co. Ltd.		2,645.00	
" 8	Paid to E. Kagetsu for personal use	2,645.00		Ø
<u>1952</u>				
Mar. 25	Partical distribution by C. M. Stewart re 1 share. Claim no beneficial interest.		25.00	
	Final distribution to creditors re Deep Bay Logging Co.		472.37	
	Kagetsu & Co. Ltd. payment of final distribution to shareholders as well as part of a distribution owned by Kagetsu & Co. Ltd.		2,970.30	
			4.07	3,471.74
July 10	Paid to E. Kagetsu Balance of Account	3,471.74		Ø
				Ø

Ottawa,
April 2, 1954.
LL/EM.

TO WHOM THIS MAY CONCERN:

This is to confirm that I, Sadanori KIKUCHI, the undersigned, for consideration received, have transferred all my shares of the Deep Bay Logging Company Limited to Eikichi KAGETSU. Therefore, any monies that were or may be due to me from the above named company, are now payable to Eikichi KAGETSU.



S. Kikuchi
.....
S. Kikuchi.

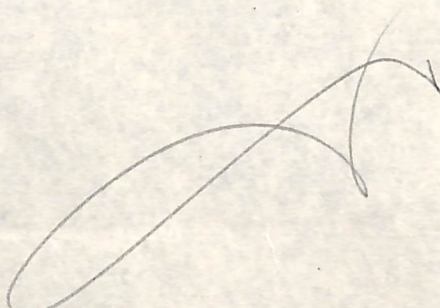
71 Indian Road,
Toronto, Ont.
March 25, 1954.

TO WHOM THIS MAY CONCERN:

This is to confirm that I, Tsurutaro KAGETSU, the undersigned, for consideration received, have transferred all my shares of the Deep Bay Logging Company Limited to Eikichi KAGETSU. Therefore, any monies that were or may be due to me from the above named company, are now payable to Eikichi KAGETSU.

T. Kagetsu
.....
T. Kagetsu

2036 Columbia Street,
VANCOUVER, B.C.
March 25, 1954.



TO WHOM THIS MAY CONCERN:

This is to confirm that I, Sawaichi IRIZAWA, the undersigned, for consideration received, have transfered fifty shares of the Deep Bay Logging Company Limited to Toyo Kagetsu. Therefore, any monies that were or may be due to me from those shares of the above named company are now payable to Toyo Kagetsu or to her assign.

S. Irizawa
.....
S. Irizawa.

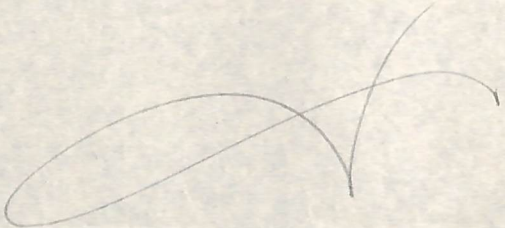
334 Ontario Street,
Toronto, Ont.
March 24, 1954.

TO WHOM THIS MAY CONCERN:

This is to confirm that I, Toyo Kagetsu, the undersigned, for consideration received, have transferred all my shares of the Deep Bay Logging Company Limited to Eikichi KAGETSU. Therefore, any monies that were or may be due to me from the above named company, are now payable to Eikichi KAGETSU.

Toyo Kagetsu
.....
Toyo Kagetsu.

8 Mountview Avenue,
Toronto, Ont.
March 25, 1954.



16700 Vol. I
LL/EMM

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

April 9, 1954.

Dear Sir,

Re: Deep Bay Logging Company Limited
Account No. 13524.

Further to my letter of April 8, 1954,
I enclose herewith a statement of receipts and disburse-
ments with reference to the above named company.

According to this statement, you will
note that the Custodian is not in possession of any funds
belonging to your father.

Reference is made to an entry, dated
October 27, 1944, in connection with E. Kagetsu's account.
The 5 x \$5,000. Dominion of Canada Bonds were forwarded to
your father on October 15, 1947.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

16700
LL/EMM

Victoria Building,
70 Connor Street,
Ottawa 4, Ontario.

April 8, 1954.

Dear Sir,

Reference is made to the first paragraph
of your son's letter of March 19, 1954.

As we are anxious to settle this matter
without further delay, I would appreciate being advised if
you are now in a position to produce the required evidence
showing that you are entitled to the full amount of the
award.

An early reply in this connection will be
greatly appreciated.

Yours very truly,

L. Legault,
Administrative Officer.

Mr. E. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

16700 Vol. IA.
LL/EMM

Victoria Building,
70 Connor Street,
Ottawa 4, Ontario.

April 8, 1954.

Dear Sir,

Re: Kagetsu & Company Limited.

Further to my letter of April 5, 1954, I
enclose herewith a statement of receipts and disbursements
with reference to the above named company.

A similar statement will be forwarded to
you, in due course, regarding the Deep Bay Logging Company.

Yours very truly,

L. Legault,
Administration Board..

Mr. H. Kagetsu,
8 Mountview Avenue,
TORONTO,
Ontario.

*see file 55165
re personnel acct*

STATEMENT OF ACCOUNT

KAGETSU & COMPANY LTD.

Account No. 15722

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1945</u>				
Mar. 13	Proceeds of sale of Dodge Sedan Model "D" Expenses re sale of car	27.23	580.00	552.77
" 19	30% of \$800.80 paid by Canada Daily News on claim		240.24	793.01
Apr. 19	Investigating fees - P. S. Ross & Son	50.00		
May 23	Proceeds of Auction Sale Disbursements re Auction Sale	70.25	439.30	1,232.31
<u>1946</u>				
Jan. 24	Credit balance transferred to P. S. Ross & Son	1,112.06		
May 18	Balance of funds on hand re liquidation of Kagetsu & Co. Ltd.		10,591.17	
Aug. 26	Interest on Dominion of Canada Bonds		75.00	
Nov. 26	Paid to P. S. Ross & Sons for services rendered for April, 1942 to June, 1946	225.00		10,441.17
<u>1947</u>				
Feb. 12	Interest on Dominion of Canada Bonds		75.00	
Aug. 6	Interest on Dominion of Canada Bonds		75.00	
" 8	Proceeds of sale of \$5,000.00 Dominion of Canada Bonds together with interest (5 x \$1,000.00)		5,234.12	
Sept. 29	Payment of claim by J. Kivruazaya		123.86	15,949.15
<u>1948</u>				
Jan. 8	Paid to P. S. Ross & Son for services rendered to wind up the company	100.00		15,849.15
Feb. 12	Distribution of \$20.00 per share to T. Maikawa (70 shares) Paid to C. M. Stewart \$20.00 per share (1 share) Paid to E. Kagetsu \$20.00 per share (529 shares)	1,400.00 20.00 10,580.00		
Dec. 22	Paid to C. M. Stewart and N. C. Kliman in full settlement of account	133.86		3,715.29
<u>1949</u>				
Jan. 29	Expense re General Meeting and filing fees	11.00		3,704.29
Nov. 22	Payment of debt owing to Kagetsu & Co. by Homba Buddhist Temple		2,144.79	5,849.08

STATEMENT OF ACCOUNT

2.

~~KAGETSU & COMPANY LTD.~~

Account No. 15722.

DEPARTMENT OF THE SECRETARY OF STATE—OFFICE OF THE CUSTODIAN

WITH

UNDER CONTROL OF THE CUSTODIAN

L.-M. CO.—A27659

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
<u>1950</u>				
Jan. 28	Final distribution Canada Daily News		39.90	5,888.98
Nov. 8	Distribution of \$5.00 per share of Kagetsu & Co. Ltd. to E. Kagetsu (529 shares x \$5.00) To C. M. Stewart (1 share x \$5.00) To Mr. Maikawa (70 shares x \$5.00)	2,645.00 5.00 350.00		2,888.98
<u>1952</u>				
Mar. 14	Paid to N. C. Kliman legal fees winding up the company	40.00		
" 25	Final distribution to creditors by Deep Bay Logging Co. Transferred to Custodian, Ottawa, for account of T. Maikawa (In Japan) To Mr. E. Kagetsu account (Transferred) To Mr. E. Kagetsu account (Transferred)	392.30 2,970.30 4.07	517.69	Ø

File No. 16706.
Ottawa, Ontario.
April 7, 1954.
LL/EAM.

Copy for the information of

CS/MD

The Chairman, Administration Board.

Ottawa, April 1, 1954.

Dear Mr. Yamauchi,

With reference to your telegram of the 30th ultimo, as Messrs. E. Kagetsu and H. Kagetsu were advised approximately a month ago, the Government has recently re-affirmed its stand that the claims of Japanese-Canadians which were submitted to the Bird Commission are not to be re-examined and that the awards of the Commission are not to be reviewed.

In this connection, I should perhaps quote, for your information, from a letter written on August 3, 1950 by the Prime Minister to Reverend James M. Finlay, Chairman of the Co-operative Committee on Japanese Canadians, as follows:

"In carrying out the recommendations of Mr. Justice Bird we feel we have discharged our obligations both to those most directly affected and to the general public".

Yours sincerely,

J. W. PICKERSGILL

S. P. Yamauchi, Esq.,
Secretary and Treasurer,
British Columbia Japanese Canadian Citizens Association,
825 Granville Street,
Vancouver, B.C.

C
O
P
Y

CANADIAN PACIFIC
TELEGRAPHS

VANCOUVER BC MAR 30 1954

HON J W PICKERSGILL
SECRETARY OF STATE OTTAWA ONT

WISH TO EXPRESS DEEPEST APPRECIATION OF YOUR EXTENDING
INTERVIEW TO EIKICHI KAGETSU FEBRUARY 12TH STOP RES-
PECTFULLY REQUEST FAVOURABLE CONSIDERATION BY YOURSELF
AND COLLEAGUES IN GOVERNMENT IN SETTING UP OF A TRIBUNAL
FOR MATTERS RELATED TO EVACUATION LOSSES BY CANADIAN
RESIDENTS OF JAPANESE ANCESTRY

BRITISH COLUMBIA JAPANESE CANADIAN
CITIZENS ASSOCIATION S P YAMAUCHI
SECRETARY AND TREASURER

1005PM

COPY/MP

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

Ottawa, March 15, 1954.

MEMORANDUM

FOR THE CHAIRMAN, ADMINISTRATION BOARD

Pursuant to our telephone conversation this afternoon, herewith is the original of a letter dated the 12th instant which I have just received (to-day) from Eikichi Kagetsu. As I told you, and as you fully agreed, Mr. Kagetsu, in order to receive payment of the Bird Commission award and the additional amount of \$2587.50 with respect to the expenses of presentation of the claim to the Bird Commission, must sign a final and unconditional release (as the other recipients of awards have done).

Please complete the matter.

"C. Stein"

C. Stein,
Under Secretary of State.

"Per L.T."

8 Mountview Avenue,
Toronto 9, Ontario
March 12th, 1954.

Mr. C. Stein, Q. C.,
Under Secretary of State,
Deputy Custodian,
Department of the Secretary of State,
OTTAWA, Canada

Sir:

With respect to claim No. 1388 this is to comply with the letter, dated February 25th, 1954, from your office, to Mr. C. Osborne.

Whereas a request for extension of the date of reply (March 15, 1954) has been rejected by your Department;

And whereas the reply to a request, to the Minister of Justice to make available a tribunal to assess new evidence, has not yet been received (On March 6 the Secretary of State was advised of such request by the Evacuation Losses Compensation Committee);

And whereas your Department has declared that failure to accept the Government's offer, within the specified time will result in complete withdrawal of all awards, including that recommended by the Bird Commission;

And whereas the volume of timber actually logged has already, far exceeded the volume allowed by the Bird Commission;

I hereby agree to accept, with protest and without any prejudice to this claim, the following:

- (1) The sum of Fifty-two Thousand Two Hundred Thirty-Three and 75/100 dollars (\$52,233.75); being the aggregate of the excess of Mr. Justice Bird's estimates of fair market value over the sale price; and being about 11% of the claim submitted;
- (2) The sum of Two Thousand Five Hundred Eighty-Seven and 50/100 dollars (\$2587.50); being less than 5% of item (1); as an award to defray about 8% of the expenses incurred in preparing my claim and presenting same before the Bird Commission:

(3) Nil for the many thousands of dollars I have had to pay for forced liquidation and control (accounting) costs:

(4) Nil for substantial losses in other forms, monetary and otherwise, through no fault of my own:

The foregoing being the Government's offer of full and final settlement.

Further, this letter is written with the full understanding between the Government and myself that the contents herein will have no bearing whatsoever on my (our) accounts with the Custodian (more specifically known as file Nos. 12787; 13524; 15722; 12787 & 13524) or on any other monies that may already be forthcoming to me from the Government.

I submit this letter, with the greatest of respect to all.

Sincerely yours,

" E. Kagetsu"

Eikichi Kagetsu.

c.c. Mr. John C. Osborne

8 Mountview Avenue,
Toronto, Ont.
March 29, 1954.

Mr. L. Legault,
The Custodian's Office,
Department of the Secretary of State,
7 O'Connor Street,
Ottawa 4, Canada.

OFFICE OF THE CUSTODIAN RECEIVED	
MAR 30 1954	
PASS TO	<i>L. Legault</i>
FILE	

Dear Sir:

Re: Deep Bay Logging etc.

As we agreed we are endeavouring to gather as much evidence as possible to show that Eikichi Kagetsu is entitled to the full amount of the award. Communications to B.C. have delayed matters somewhat but presently we will send our evidence.

Last March 15th we sent a letter to your office to the attention of Mr. Wright, which please note as to contents.

Last March 17th Mr. Wright sent out affidavits of release which we have been withholding pending settlement as to distribution and also in view of the clause pertaining to proceeds of liquidation having been distributed.

With regard to the latter, we await your sending us complete ^{official} reproductions of Files No. 12787, 13524 & 15722, as well as a special file No. 12787-13524, all of which commence from early 1942. We are of the opinion that considerable funds are yet available from these accounts.

We realize that you have been away for some time. Trusting you to be now back, we will be most grateful to have you attend to the foregoing as early as possible.

Sincerely yours,

E. Kagetsu
H. Kagetsu

16700
IA

CANADA

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

~~505 HAYWARD BLVD.~~
~~HASTINGS AND GRANVILLE~~
VANCOUVER, B. C.

4615 West 9th Avenue
Vancouver 8 B.C.
March 19th 1954

K.W.Wright Esq., Q.C.
Chief Counsel
Office of the Custodian,
Ottawa.

Kagetsu & Deep Bay

Dear MR Wright,

I received the copies of recent correspondence you have had concerning the above matter.

I fully agree with Mr Stein in the position he has taken and I think it is essential that the form of Release should be similar to that which has been required from all other claimants, without any reservations.

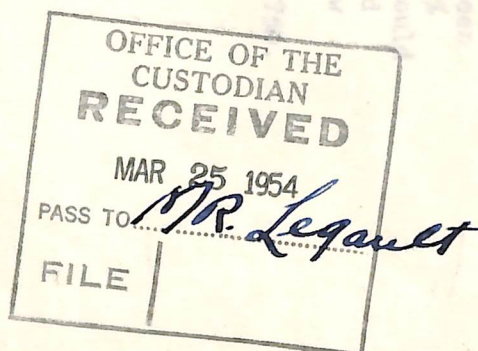
It is conceded that Kagetsu was the owner of some of the assets included in the Deep Bay property. As a matter of fact I am sure that he was given credit in his personal account for Timber Lots 504 and 566 in the amount of \$14,000 and \$9,000 for Gas Donkey & Tractor.

I think it would therefore be in order to take this into consideration when breaking down the award. I suggest that this could be done on the basis I have suggested on the enclosed sheets. The Deep Bay claim was altered, and altered and altered from time to time in a manner that was quite confusing. There was an analysis made of the Deep Bay portion of the claim at the time it was presented; the claim ~~was then~~ for the value of the property was then \$244,000. It got up to \$389,000 before it was through. By comparing the enclosed with my previous figures you will see that there is an advantage to Kagetsu of about a \$1,000, the other shareholders being decreased by this amount. Of course if you accept Kagetsu as the beneficial owner of all the shares the breakdown will not be necessary except ~~insofar~~ in-so-far as what you may consider is the enemy interest.

I trust that you will now be able to complete this matter,

Yours very truly,

F.G. Shears
F.G. Shears



FILE NO.
PLEASE REFER TO
PHONE DIALING 8121

The claim value

The sale price

The award

	<u>Company</u>	<u>Kegetsu</u>	<u>Company</u>	<u>Kegetsu</u>	<u>Company</u>	<u>Kegetsu</u>
Timber	70,350		26,000			
"		16,000		14,000		
Gas Donkey		14,000		6,000		
Tractor		16,000		3,000		
Various assets	127,710		31,434			

	198,060	46,000	57,434	23,000		
Totals	244,060		80,434		33,750	

Kagetsu's personal
claim value is
therefore
19 per cent
of
total claim value

Sale price of Kagetsu's
personal property
is therefore
27 per cent
of
total sale price

Using 23 per cent as
a mean between
19% and 27%
The award would
be divided
as below

26,000 7,750.

33,750

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION
CANADA

ANNOUNCED BY C.
HASTINGS AND COMPANY
206 BAYVIEW BLVD.

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

Eikichi Kagetsu & Deep Bay Logging Company Limited

Amended Breakdown of Commissioner's award of \$51,750.00

E.Kagetsu (Block 195-personally owned	18,000.00 ✓
Deep Bay Company	<u>33,750.00</u> ✓
	51,750.00

Breakdown of Kagetsu's personal proportion of Deep Bay

E.Kagetsu on basis 23 %	7,750.00
Deep Bay Company	<u>26,000.00</u>
	33,750.00 ✓

Breakdown of Deep Bay amount of \$26,000
equivalent to \$5.3 per share

E.Kagetsu	3853 shares	✓ 20,425.00
Kagetsu & Co	500 "	2,655.00
Tsuratoro Kagetsu	200 "	1,065.00
Sadanori Kikuchi	200 "	1,065.00
Sawaichi Irizawa	50 "	260.00
Manji Ushizawa	100 "	<u>530.00</u>
		26,000.00

Breakdown of Kagetsu & Company amount \$2,655
equivalent to \$4.42 per share

E.Kagetsu	530 shares	2,345.00
Tomekichi Maikawa	70 "	<u>310.00</u>
		2,655.00

TOTAL OF EIKICHI KAGETSU'S SHARE AS ABOVE

Block 195 personally owned	18,000.00
Proportion of Deep Bay Co personally owned	7,750.00
Deep Bay shareholdings	20,425.00
Kagetsu & Co owned by Kagetsu.p	<u>2,345.00</u>

Total proportion of award payable to E. Kagetsu	\$48,520.00
----------------------------------------------------	-------------

16700

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

March 25th, 1954.

Attention: Mr. John C. Osborne

Messrs. Gowling, MacTavish, Osborne
& Henderson,
Barristers & Solicitors,
88 Metcalfe Street,
Ottawa 4, Ontario.

Dear Sirs:

Re: E. Kagetsu

I have for acknowledgment your
communication of 19th instant, enclosing copy of
your letter to Mr. E. Kagetsu.

Your cooperation herein is
appreciated.

Yours very truly,

K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KWW/G

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

E. GORDON GOWLING, Q. C., LL. D.
DUNCAN K. MacTAVISH, Q. C.
ROBERT M. FOWLER
JOHN C. OSBORNE
GORDON F. HENDERSON
RONALD C. MERRIAM
ADRIAN T. HEWITT
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE
R. DIGBY VIETS
D. B. MacDOUGALL
PAUL P. HEWITT

COUNSEL

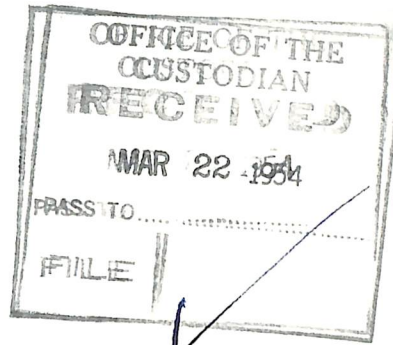
LEONARD W. BROCKINGTON, Q. C., LL. D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA, 4,
CANADA

March 19, 1954.

K. W. Wright, Esq.,
Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.



Dear Mr. Wright,

Thank you very much, indeed, for your letter of March 17.

I have written to Mr. E. Kagetsu in accordance with the
copy enclosed herewith.

Yours very truly,

JCO:BAW
Encl.

John C. Osborne

COPY

GOWLING, MacTAVISH, OSBORNE & HENDERSON

BARRISTERS & SOLICITORS

E. GORDON GOWLING, Q.C.
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JOHN CAMPBELL VIETS
G. PERLEY-ROBERTSON
DAVID WATSON
E. PETER NEWCOMBE

COUNSEL

LEONARD W. BROCKINGTON, Q.C., LL.D.

TELEPHONE 2-1781
CABLE, HERSON

88 METCALFE STREET
OTTAWA 4,
CANADA

March 18, 1954.

E. Kagetsu, Esq.,
8 Mountview Ave.,
Toronto 9, Ontario.

Dear Mr. Kagetsu:

I am enclosing herewith a copy of a letter that I have received from Mr. Wright of the Custodian's Office dated March 17 and I am also enclosing the two copies of the draft of the type of releases that he has sent to me. You will find Mr. Wright's letter self-explanatory and you will particularly note that he has specifically asked that such steps that are necessary to close this matter be taken without delay.

Since you are in direct communication with the Custodian's Office you will, no doubt, wish to respond to Mr. Wright's letter yourself.

Yours very truly,

"John C. Osborne"

JCO:BAW
Encl.

Ottawa, March 17th, 1954.

MEMORANDUM FOR FILE

Re: E. Kagetsu and
Deep Bay Logging Company Limited

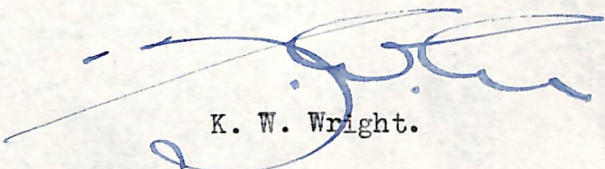
The following is an excerpt from the Minutes of Meeting of the Administration Board Wednesday, March 17th, 1954.

"A memorandum dated March 15th, 1954, together with letter dated March 12th, 1954 from E. Kagetsu to the Deputy Custodian, also letter date March 12th, 1954, from H. Kagetsu, were read.

The Chairman advised that he would forward a letter to Mr. O sborne today as follows:

"I enclose, for your close this matter without delay."

This was approved.



K. W. Wright.

KWW/G

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

March 17th, 1954.

Attention : Mr. Osborne.

Messrs. Gowling, MacTavish, Osborne & Henderson,
Barristers, Solicitors,
88 Metcalfe Street,
Ottawa 4, Ontario.

Dear Sirs:

Re: E. Kagetsu and
Deep Bay Logging Company Limited.

I enclose, for your information, copy of a letter dated 15th instant received from H. Kagetsu.

You are aware that a letter dated 12th instant was sent to the Under Secretary of State By Mr. Kagetsu, wherein he agreed to accept the award herein and \$2,587.50 additional with respect to expenses.

You will recall that during the meeting in my office last Thursday, Mr. Kagetsu undertook to surrender certain duly endorsed certificates of stock and establish that he was entitled to the full amount of the award.

I have received specific instructions from the Deputy Custodian to complete this matter and secure unconditional releases. To this end I enclose two copies of draft of the type of releases we will require to have signed prior to payment. The forms were drawn prior to the meeting referred to and will need to be amended as to stock ownership if the evidence referred to is produced.

Will you be kind enough to take such steps as are necessary to close this matter without delay.

Yours very truly,

K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KWW/G
Encls.

In the matter of EIKICHI KAGETSU and of the
DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu and certain shareholders of the DEEP BAY LOGGING COMPANY LIMITED were evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall for the purpose of protecting the interest of the owner or any other person, be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943)

AND WHEREAS the records of the Deep Bay Company Limited show that the shares of the Company were owned by persons of the Japanese race as follows:

EIKICHI KAGETSU	3,853	SHARES
Kagetsu & Co. Ltd	500	"
Tsurataro KAGETSU	200	"
Sadanori KIKUCHI	200	"
Sawaichi IRIZAWA	50	"
Manji USHIZAWA	100	"
	4,903	shares

AND WHEREAS the shares of Kagetsu & Company Limited were owned by persons of the Japanese race as follows,-

Eikichi KAGETSU	530	shares
Tomekichi Maikawa	70	"
	600	shares

AND WHEREAS all the said shares were vested in the Custodian;

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P.S. Ross & Sons, Chartered Accountants, in the City of Vancouver B.C. to supervise the affairs of the Deep Bay Logging Company Limited;

AND WHEREAS the Custodian further appointed Fredericj Field, Chartered Accountant, a representative of P.S. Ross & Sons, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944;

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936, Cap. 42;

AND WHEREAS the Company has been wound up as aforesaid and the proceeds of liquidation of the Company have been distributed to the persons entitled to receive same.

AND WHEREAS certain property belonging to the said Company together with property belonging to Eikichi Kagetsu, was disposed of by the Custodian and/or through the said Liquidator and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the said Company and Eikichi Kagetsu suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act has recommended that the sum of \$51,750 be awarded in respect of such loss

Fifty one thousand seven hundred and fifty dollars.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

AND WHEREAS the Custodian has now paid to

Eikichi KAGETSU	\$47,562.50
Teuratoro KAGETSU	1,376.70
Sandanori KIKUCHI	1,376.70
Sawaichi IRIZAWA	344.20
Manji Ushizawa	688.35
Tomekichi MAIKAWA	\$ 401.55
	<u>\$51,750.00</u>

herein called the Releasors, the amounts set opposite their respective names;

save only that the amounts set opposite the names of Manji USHIZAWA and Tomekichi MAIKAWA HAVE BEEN HELD AS Enemy Funds such persons being residents in Japan at the outbreak of war.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sums so paid by the Custodian the Releasors hereby release Her Majesty the Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal property of the said Company and Eikichi Kagetsu and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasors' property or in respect of any of the matters above recited.

IN WITNESS THEREOF the Releasors have affixed their respective hands and seals this

_____ day of _____ 1954.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

)
)
)
)
)

AFFIDAVIT OF WITNESS

PROVINCE OF _____) IN THE MATTER of a claim of

TO WIT: _____)

of _____

I, _____ of the _____ of _____

DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

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 _____)
this _____ day of _____ A.D. 1954)
)
)
)
)
)

A Commissioner etc.

In the matter of EIKICHI KAGETSU and of the
DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu and certain shareholders of the DEEP BAY LOGGING COMPANY LIMITED were evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall for the purpose of protecting the interest of the owner or any other person, be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943)

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Manji USHIZAWA	100	"
	<u>4,903</u>	shares

AND WHEREAS the shares of Kagetsu & Company Limited were owned by persons of the Japanese race as follows,-

Eikichi KAGETSU	530	shares
Tomekichi Maikawa	70	"
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AND WHEREAS all the said shares were vested in the Custodian;

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P.S. Ross & Sons, Chartered Accountants, in the City of Vancouver B.C. to supervise the affairs of the Deep Bay Logging Company Limited;

AND WHEREAS the Custodian further appointed Fredericj Field, Chartered Accountant, a representative of P.S. Ross & Sons, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944;

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936, Cap. 42;

AND WHEREAS the Company has been wound up as aforesaid and the proceeds of liquidation of the Company have been distributed to the persons entitled to receive same.

AND WHEREAS certain property belonging to the said Company together with property belonging to Eikichi Kagetsu, was disposed of by the Custodian and/or through the said Liquidator and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the said Company and Eikichi Kagetsu suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act has recommended that the sum of \$51,750 be awarded in respect of such loss

Fifty one thousand seven hundred and fifty dollars.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

AND WHEREAS the Custodian has now paid to

Eikichi KAGETSU	\$47,562.50
Teuratoro KAGETSU	1,376.70
Sadanori KIKUCHI	1,376.70
Sawaichi IRIZAWA	344.20
Manji Ushizawa	688.35
Tomekichi MAIKAWA	401.55
	<u>\$51,750.00</u>

herein called the Releasers, the amounts set opposite their ~~NAMES~~ respective names;

save only that the amounts set opposite the names of Manji USHIZAWA nad Tomekichi MAIKAWA HAVE BEEN HELD AS E nemy Funds such persons being residents in Japan at the outbreak of war.

NOW THIS INDENTURE WITNESSETH that in consideratuon of the premises and of the sums so paid by the Custodian the Releasers hereby release Her Majesty The Queen in Right pf Canada and the Custodian from all actions, claims and demands whatsoever in respect of re real and personal property of the said Company and Eikichi Kagetsu and the rents, profits and income thereof respectively, or any part or parts therof or in respect of any act, deed matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, dale or disposal of the Releasers' property or in respect of any of the matters above recited.

IN WITNESS THEREOF the Releasers have affixed their respective hands and seals this

_____ day of _____ 1954.

Notiz. Affidavit of Witness to be typed here

WHEREAS during the war KAGETSU, Eikichi

Reg. No. 00014

now residing at _____

(hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of the Inquiries Act has recommended that the Releasor be awarded the sum of \$483.75

Four hundred and eighty-three dollars and seventy-five cents.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases His Majesty The King in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this

_____ day of _____ 1954.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

)
)
)
)
)

AFFIDAVIT OF WITNESS

PROVINCE OF _____) IN THE MATTER OF a claim of

TO WIT: _____) of _____

I, _____ of the _____ of _____

DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

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 _____)
this _____ day of _____ A.D. 1954)

A Commissioner etc.

WHEREAS during the war KAGETSU, EikichiReg. No. 00014

now residing at _____

(hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of the Inquiries Act has recommended that the Releasor be awarded the sum of \$483.75;

Four hundred and eighty-three dollars and seventy-five cents.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases His Majesty The King in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this

_____ day of _____ 1950.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

)
)
)
)
)

AFFIDAVIT OF WITNESS

PROVINCE OF _____) IN THE MATTER of a claim of

TO WIT: _____)

of _____

I, _____ of the _____ of _____

DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

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 _____

this _____ day of _____ A.D. 1950

A Commissioner etc.

8 Mountview Avenue,
Toronto, Ont.
March 15, 1954.

The Custodian's Office
Department of the Secretary of State
7 O'Conner Street
Ottawa 4, Canada.

Attn: Mr. Wright

Dear Sirs:

OFFICE OF THE CUSTODIAN RECEIVED	
MAR 16 1954	
PASS TO.....	KWW
FILE	

Re: Deep Bay Logging etc.

Mr. Legault's memorandum of March 10th has now been examined by us. As we agreed on March 11th, the best approach both for your office and ourselves seems to be to hold matters in abeyance until we can show that all shares of both Deep Bay Logging Co. and Kagetsu Co. Ltd. are held by Eikichi Kagetsu.

Be that as it may, I wish to draw your attention to the fact that both Ushizawa and Maikawa were not and are not enemy aliens but naturalized Canadian citizens, which no doubt you have means of verifying. Both happened to be residing temporarily in Japan during the war.

Furthermore, please be advised that the standing timber and the logged-over lands were in part the outright property of Eikichi Kagetsu, which if necessary we can prove. It is most regretful that from the very beginning the Custodians made no effort to make this distinction. In short, among the many parcels of timber and land the records now in your office will show that all property at Fanny Bay (Deep Bay) were not held entirely by the Company. Consider for example the stumpage dues the Company was regularly paying to Eikichi Kagetsu. I am afraid the wide gap between your views and ours has often hinged on crucial facts such as the above.

Consequently, you will find that the felled and bucked timber came off of blocks (timber parcels) wholly owned by Eikichi Kagetsu. Some of this timber had been "yarded & swung" so that the "cold-decked piles" may or may not have been on the original blocks.

Some of the costliest of the logging equipment also can be shown to have been the outright property, personally of the claimant. Ledger will show rentals paid to owner to mention but

16700
1A

one source of evidence.

You can see therefore, to apportion the award will be arduous and these complications are being pointed out to you now because we feel both parties might avoid unnecessary work.

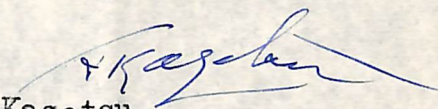
We will proceed then to gather evidence to show that Eikichi Kagetsu should be the recipient to all the awards.

No doubt you have been advised by the Under Secretary of State that the claimant has agreed to accept the Government's offer of settlement, with protest and without prejudice to the case.

A copy of this letter is being sent to our counsel.

With regard to our several standing accounts, Mr. Legault has kindly consented to sending us a complete reproduced statement. We wish therefore to reserve our comments until receipt of the statements.

Sincerely yours,


H. Kagetsu.

c.c. Mr. J.C. Osborne

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

PLEASE REFER TO
OUR FILE.....

Ottawa, March 15, 1954.

MEMORANDUM

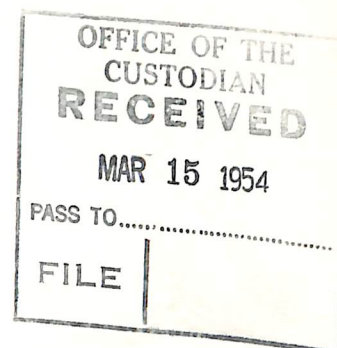
FOR THE CHAIRMAN, ADMINISTRATION BOARD

Pursuant to our telephone conversation this afternoon, herewith is the original of a letter dated the 12th instant which I have just received (to-day) from Eikichi Kagetsu. As I told you, and as you fully agreed, Mr. Kagetsu, in order to receive payment of the Bird Commission award and the additional amount of \$2587.50 with respect to the expenses of presentation of the claim to the Bird Commission, must sign a final and unconditional release (as the other recipients of awards have done).

Please complete the matter.

C. Stein

C. Stein,
Under Secretary of State.

Per L.T.

8 Mountview Avenue,
Toronto 9, Ontario
March 12th, 1954.

Mr. C. Stein, Q. C.,
Under Secretary of State,
Deputy Custodian,
Department of the Secretary of State,
OTTAWA, Canada

Sir:

With respect to claim No. 1388 this is to comply with the letter, dated February 25th, 1954, from your office, to Mr. C. Osborne.

Whereas a request for extension of the date of reply (March 15, 1954) has been rejected by your Department;

And whereas the reply to a request, to the Minister of Justice to make available a tribunal to assess new evidence, has not yet been received (On March 6 ~~of~~ the Secretary of State was advised of such request by the Evacuation Losses Compensation Committee);

And whereas your Department has declared that failure to accept the Government's offer, within the specified time will result in complete withdrawal of all awards, including that recommended by the Bird Commission;

And whereas the volume of timber actually logged has already, far exceeded the volume allowed by the Bird Commission;

I hereby agree to accept, with protest and without any prejudice to this claim, the following:

(1) The sum of Fifty-two Thousand Two Hundred Thirty-Three and 75/100 dollars (\$52,233.75); being the aggregate

of the excess of Mr. Justice Bird's estimates of fair market value over the sale price; and being about 11% of the claim submitted:

(2) The sum of Two Thousand Five Hundred Eighty-Seven and 50/100 dollars (\$2587.50); being less than 5% of item (1); as an award to defray about 8% of the expenses incurred in preparing my claim and presenting same before the Bird Commission:

(3) Nil for the many thousands of dollars I have had to pay for forced liquidation and control (accounting) costs:

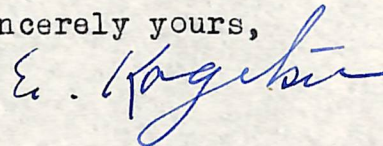
(4) Nil for substantial losses in other forms, monetary and otherwise, through no fault of my own:

The foregoing being the Government's offer of full and final settlement.

Further, this letter is written with the full understanding between the Government and myself that the contents herein will have no bearing whatsoever on my (our) accounts with the Custodians (more specifically known as file Nos. 12787; 13524; 15722; 12787 & 13524) or on any other monies that may already be forthcoming to me from the Government.

I submit this letter, with the greatest of respect to all.

Sincerely yours,



Eikichi Kagetsu.

c.c. Mr. John C. Osborne

March 12, 1954.

FILE NO. 16700 Vol. IA

MEMORANDUM FOR FILE

Re: Deep Bay Logging
E. Kagetsu

The following is an excerpt from the Minutes of Meeting of the Administration Board, Friday, March 12, 1954.

"A letter dated March 1st, 1954 to the Honourable the Secretary of State from H. Kagetsu, Evacuation Losses Compensation Committee also the Minister's reply dated March 4, 1954 were read.

The Chairman reported that he had a lengthy meeting with Mr. Osborne of the firm of Gowling & Company and also Mr. Kagetsu and his son yesterday afternoon.

Mr. Kagetsu pleaded for an extension of time to decide as to whether or not the award of Mr. Justice Bird would be accepted. Honourable Mr. Pickersgill fixed 15th of March as the final date and Mr. Osborne was so advised by letter from the Deputy Custodian.

The Chairman reported that he had rejected the application for extension on the grounds that he had no authority to do so and in any event he was not prepared to make such a recommendation to the Deputy Custodian or the Minister.

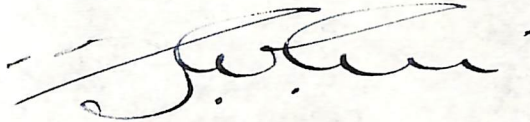
Mr. Legault attended the meeting and explained that he had reviewed numerous files and statements were presented showing how the shares were recorded. Mr. Kagetsu advised that the shares referred to had been purchased by him and that he holds certificates duly endorsed although these are now in the hands of Colonel Norris, solicitor in Vancouver.

Mr. Kagetsu was instructed to surrender the certificates in event of acceptance of the offer.

The Chairman also explained to Mr. Osborne that a cheque would not be handed over until Kagetsu or those entitled, signed our required release forms.

If the amount of \$2,587.50 is to be paid to Colonel Norris or the firm of Messrs. McTavish et al, the Custodian will require adequate written direction to this effect.

The Board approved the foregoing."

A handwritten signature in dark ink, appearing to read 'K. W. Wright', with a long horizontal stroke extending to the left.

K. W. Wright.

KWW/MP

16700

Victoria Building,
7 O'Connor Street,
Ottawa 4, Ontario.

March 11th, 1954.

F. G. Shears, Esq.,
4615 West 9th Avenue,
Vancouver, B.C.

Dear Mr. Shears:

Re: E. Kagetsu
Deep Bay Logging Company Limited.

I am greatly obliged to you for your communication of 1st instant together with enclosures.

As you know the Minister has fixed a dead line for acceptance of the award on or before 15th instant.

Kagetsu and his son, also their Solicitor, Mr. Osborne of Gowling & Company, spent one hour and a half in my office this afternoon. Kagetsu claims to have purchased the shares not recorded in his name, and advises that he holds all the certificates, duly endorsed. Evidently these are in the hands of Colonel Norris, and we have advised that in the event of acceptance of the award these certificates must be produced. They pleaded for an extension beyond Monday and made it quite clear that they are not fully satisfied. These remarks do not apply to Mr. Osborne. They were advised that no extension would be granted and I expect that a letter will come Monday stating that they are willing to accept the offer made by the Minister.

They wanted considerable information about various items in the Vancouver ledger and were eventually convinced that this was outside the problem of acceptance or rejection of the award. Mr. Legault of our office will meet with them upon his return to the City in a couple of weeks and answer any questions that may be raised at that time. There was no opportunity to go into the whole matter today and Mr. Legault is leaving the City tomorrow.

Yours very truly,

K. W. Wright,
Chairman, Administration Board
and Chief Counsel.

KWW/G

Ottawa, March 10, 1954.

MEMORANDUM FOR THE CHAIRMAN,

ADMINISTRATION BOARD AND CHIEF COUNSEL.

Re: Deep Bay Logging Co. Ltd.

"I therefore recommend payment to the claimants the sum of \$51,750.00, being the aggregate of the excess of the estimates here made of fair market from the sale price, summarized as follows:

Block 195	\$18,000.00
Deep Bay	7,500.00
Deep Bay felled and bucked	8,000.00
5,500 acres immature timber	8,250.00
40 buildings, Deep Bay	1,000.00
Railway	1,000.00
Logging equipment	8,000.00
	<u>\$51,750.00</u>

To this amount should be added (the sum of \$483.75 being) the aggregate of the overall recommendations in respect of the dwelling and motor car.

March 24, 1950.

H. I. Bird,
Commissioner."

The records of the Deep Bay Logging Co. Ltd. show that the shares of this company were owned by persons of the Japanese race, as follows:

	"A"	"B"
Eikichi KAGETSU	3,853 shares	3,950 shares
KAGETSU & CO. LTD.	500 "	500 "
Tsurataro KAGETSU	200 "	200 "
Sadanori KIKUCHI	200 "	200 "
Sawaichi IRIZAWA	50 "	50 "
Manji USHIZAWA (Enemy)	100 "	100 "
TOTAL NUMBER OF SHARES	<u>4,903</u>	<u>5,000</u>

The records of Kagetsu & Co. Ltd. show that the shares of this company were also owned by persons of the Japanese race, as follows:

Eikichi KAGETSU	530 shares
Tomekichi MAIKAWA (Enemy)	70 "
TOTAL NUMBER OF SHARES	<u>600</u>

The award of \$51,750.00 is, therefore, payable as follows:

Eikichi KAGETSU (re Block 195 - personally owned) \$18,000.00

"A"

	(Eikichi KAGETSU	3,853 shares	x \$6.8835	\$26,522.30
	(KAGETSU & CO. LTD.	500 "	x \$6.8835	3,441.75
Deep Bay	(Tsurataro KAGETSU	200 "	x \$6.8835	1,376.70
Logging Co.	(Sadanori KIKUCHI	200 "	x \$6.8835	1,376.70
Ltd.	(Sawaichi IRIZAWA	50 "	x \$6.8835	344.20
	(Manji USHIZAWA (enemy)	100 "	x \$6.8835	688.35
	TOTAL NUMBER OF SHARES	4,903	x \$6.8835	<u>\$33,750.00</u>

"B"

	(Eikichi KAGETSU	3,950 shares	x \$6.75	\$26,662.50
	(KAGETSU & CO. LTD.	500 "	x \$6.75	3,375.00
Deep Bay	(Tsurataro KAGETSU	200 "	x \$6.75	1,350.00
Logging Co.	(Sadanori KIKUCHI	200 "	x \$6.75	1,350.00
Ltd.	(Sawaichi IRIZAWA	50 "	x \$6.75	337.50
	(Manji USHIZAWA (enemy)	100 "	x \$6.75	675.00
	TOTAL NUMBER OF SHARES	5,000	x \$6.75	<u>\$33,750.00</u>

The distribution of the amount of \$3,441.75 due to KAGETSU & CO. LTD., according to Item "A", is as follows:

"A"

Eikichi KAGETSU	530 shares	x \$5.7362	\$ 3,040.20
Tomekichi MAIKAWA (enemy)	70 "	x \$5.7362	401.55
TOTAL NUMBER OF SHARES	600	x \$5.7362	<u>\$ 3,441.75</u>

The distribution of the amount of \$3,375.00 due to KAGETSU & CO. LTD., according to Item "B", is as follows:

"B"

Eikichi KAGETSU	530 shares	x \$5.625	\$ 2,981.25
Tomekichi MAIKAWA (enemy)	70 "	x \$5.625	393.75
TOTAL NUMBER OF SHARES	600	x \$5.625	<u>\$ 3,375.00</u>

Hereunder is a breakdown of the share payable to Mr. Eikichi KAGETSU, according to Item "A" -

"A"

Block 195 (personally owned)		\$18,000.00
Deep Bay Logging Co. Ltd.	3,853 shares	x \$6.8835
His interest in KAGETSU & CO. LTD.	530 "	x \$5.7362
		3,040.20
		<u>\$47,562.50</u>

TOTAL

"B"

Hereunder is a breakdown of the share payable to Mr. Eikichi KAGETSU, according to Item "B" -

Block 195 (personally owned)		\$18,000.00
Deep Bay Logging Co. Ltd.	3,950 shares x \$6.75	26,662.50
His interest in KAGETSU & CO. LTD.	530 " x \$5.625	2,981.25
	TOTAL	<u>\$47,643.75</u>

The file of the Deep Bay Logging Co. Ltd. discloses that Mr. Manji USHIZAWA, holding 100 shares of Deep Bay Logging Co. Ltd., is a Japanese national who left for Japan in 1939. Prior to his departure he transferred his share holdings into the name of Mrs. E. Kagetsu. Such transfer was never presented to the company, nor recorded on the company's books.

The file of Kagetsu & Co. Ltd. discloses that Tomekichi MAIKAWA, holder of 70 shares in this company, is a Japanese national residing in Japan.

Since Manji USHIZAWA and Tomekichi MAIKAWA are Japanese nationals, their award is subject to Article 14 of the Peace Treaty with Japan.


L. Legault.

File No.
LL/EMM.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

4615 West 9th Avenue
Vancouver, 8 B.C.
March 1st 1954.

K.W.Wright Esq., Q.C.
Office of the Custodian
Ottawa.

re Kagetsu & Deep Bay Logging Co. Ltd.

Dear Mr Wright,

I received your letter of February 25th and I hope that what I am enclosing will be all that you will require for the purpose of closing out this long delayed matter.

Included in the Deep Bay claim was a block of Timber personally owned by Kagetsu and in regard to which the Commissioner made an award of \$18,000, which forms part of the total of \$51,750. Then of course Kagetsu was the main shareholder of the Deep Bay Coy and he was also the main shareholder of Kagetsu and Company which held shares in Deep Bay. What I have called a breakdown of the Commissioners award is shown on one of the sheets herein and from these three sources we arrive at Kagetsu's own share in the total award.

Enclosed is P.S.Ross's final letter to me dated 25th April 1952. You will note what he says in regard to the issue of shares being 4903 and not 5000. Reference was made to the share capital in the Books, being 4903 shares in the very first letter received from Ross as far back as March 1942. In making a distribution of the award I am therefore using the figure of 4903 shares. You will notice in the breakdown just referred to that the Deep Bay award on the basis of 4903 shares is equivalent to \$6.8835 a share and that Kagetsu's 3853 shares would give him an award of \$26,522.30. Just supposing that we worked on the basis of an issue of 5000 shares the amount of the award per share would be \$6.75 and we would need to figure Kagetsu to be the owner of the 97 shares to which Ross refers or a total for him of 3950 shares rather than 3853. 3950 shares multiplied by \$6.75 would make a total of \$26,662.50. which is \$140-20 more than we are giving him (this difference of course being distributed among the other ~~share~~ shareholders. I just mention this in ~~case~~ case any question arises in the use of 4903 shares and not 5000.

The next thing to have in mind is that Kagetsu & Co held 500 shares in Deep Bay and that E.Kagetsu owned 530 shares in a total issue of 600 shares in Kagetsu & Co. The other 70 shares were owned by Tomekichi Maikawa which is an Enemy account.

I am also treating Manji Ushizawa as an Enemy account. Mrs. Kagetsu may claim to be the owner of these shares. In 1942 P.S.Ross stated "We are advised that the certificate in the name of Manji Ushizawa, who has

OFFICE OF THE
CUSTODIAN
RECEIVED

MAR 8 1954

PASS TO

FILE

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

been a resident of Japan for the past six years, was purchased by Mrs E Kagetsu at the time of Ushizawa's departure for Japan and has never been transferred on the records of the Company. No evidence to prove valuable consideration was produced for our examination." I do not know whether Kagetsu would be able to convince you that these shares were actually bought by his wife in 1936, this would be a matter for you to decide.

I am afraid that I do not know who Tsuratoro Kagetsu is, whether it is Kagetsu's son or is Tsuratoro a feminine name and is it his wife!! The File Number is 6564.

The File Number of Sadanori Kikuchi is 12234 and that of Sawaichi Irizawa is 11800. Manji Ushizawa is Enemy Account 1233 but I doubt if there is much information in this File.

With the above background and the Breakdown sheet, you could now read the draft Release that I have typed and see if it is satisfactory. If Kagetsu does not now know the whereabouts of Kikuchi and Irizawa you might consider making a Release for Kagetsu to sign rather than having the four signatures on the one Release as I have it. Perhaps Kagetsu will tell you he has purchased Kikuchi & Irizawa's shares! Might you consider (apart from what you consider to be Enemy interest) getting a Release from Kagetsu as majority shareholder and as President (I presume he was) for the total award and letting the responsibility lie with him for any distribution to any other shareholders. These two people did not appear in any way during the Hearings.

In addition to the Timber claim there was an award given to Kagetsu (Case 1389) for the sum of \$483.75 I enclose the usual form of Release to cover this matter I think it covers the sale of a house and car.

In so far as the amount you pay to Mr Norris is concerned the endorsement of the cheque or any ordinary form of receipt may be all you will require. From the Custodian's standpoint and the standpoint of your office I think it is very satisfactory that Mr Stein and those to whom he referred the matter have stood their ground in regard to the whole of this claim.

I will of course be interested to know when and how this is brought to a conclusion.

It occurs to me that you might want to incorporate what I have termed the Breakdown, in the Release. I have used the breakdown merely to support the figure payable to Kagetsu, shown in the Release.

Yours very truly,

JG Shears

P. S. ROSS & SONS

CHARTERED ACCOUNTANTS

MONTREAL TORONTO WINNIPEG
CALGARY VANCOUVER
SAINT JOHN, N. B.

411 Royal Bank Building,
Vancouver 2, B. C.
25th April, 1952

Our File 295-168

F. G. Shears, Esq.,
3906 West 12th Avenue,
Vancouver, B. C.

Dear Sir:

re: Deep Bay Logging Company Limited

The records of this company show that 4,903 shares have been issued while the last return filed with the Registrar of Companies in 1939 shows that 5,000 shares have been allotted. The difference of 97 shares is in the account of E. Kagetsu and we have been advised by the Registrar that the return of allotment showed cash to be the consideration for this issue. Since the books do not reflect this issue we have disregarded these shares in showing the names of the company shareholders which are as follows, according to the last return filed but adjusting for the 97 shares in the account of Eikichi Kagetsu.

Eikichi Kagetsu	3,852		
Carl Stewart	<u>1</u>	3,853	3,853
Kagetsu and Co. Ltd.		500	500
Tsuratoro Kagetsu		200	200
Sadanori Kikuchi		200	200
Sawaichi Irizawa		50	50
Manji Ushizawa		<u>100</u>	<u>100</u>
		<u>4,903</u>	<u>4,903</u>

We have been advised that Mrs. E. Kagetsu purchased 100 shares in the name of Manji Ushizawa prior to the latter's departure for Japan. We have no evidence to support this statement and accordingly these shares have been considered as enemy owned, in accordance with a letter from Mr. McPherson dated 4th April, 1942.

For your information in dealing with the shares in Kagetsu and Company Limited, the shareholdings are as follows:

Eikichi Kagetsu	529	
Carl Stewart	<u>1</u>	530
Tomekichi Maikawa		<u>70</u>
		<u>600</u>

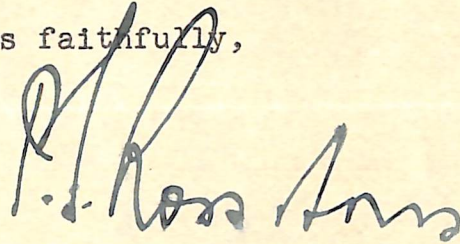
F. G. Shears, Esq.,
Vancouver, B. C.

25th April, 1952

The shares in the name of Mr. Stewart
actually belong to Eikichi Kagetsu.

We trust that the foregoing information
will enable you to complete this file. Please feel free
to use the facilities of our office in this connection.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "R. Ross Smith". The signature is written in a cursive, flowing style. Below the signature, there is a small, short horizontal line.

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

Eikichi Kagetsu & Deep Bay Logging Company Limited

Breakdown of Commissioner's award of \$51,750.00

E. Kagetsu (Block 195-personally owned)	\$18,000.00
Deep Bay Company Ltd.	<u>33,750.00</u>
	\$51,750.00

Breakdown of Deep Bay proportion of \$33,750.00
equivalent to \$6.8835 per share.

E. Kagetsu	3853 shares	\$26,522.30
Kagetsu & Co	500 "	3,441.75
Tsuratoro Kagetsu	200 "	1,376.70
Sadanori Kikuchi	200 "	1,376.70
Sawaichi Irizawa	50 "	344.20
Manji Ushizawa	100 "	<u>688.35</u>
	4903	\$33,750.00

Breakdown of Kagetsu & Co. proportion \$3,441.75
equivalent to \$5.7362 per share

E. Kagetsu	530 shares	\$3,040.20
Tomekichi Maikawa	70 "	<u>401.55</u>
		\$3,441.75

Total of Eikichi Kagetsu's share as above.

Block 195 personally owned	\$18,000.00
Deep Bay shareholdings	26,522.30
Kagetsu & Co interest	<u>3,040.20</u>
	\$47,562.50

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

506 ROYAL BANK BLDG.

HASTINGS AND GRANVILLE

VANCOUVER, B. C.

4615 West 9th Avenue
Vancouver, 8 B.C.
March 1st 1954.

16700
K.W.Wright Esq., Q.C.
Office of the Custodian
Ottawa.

re Kagetsu & Deep Bay Logging Co. Ltd.

Dear Mr Wright,

I received your letter of February 25th and I hope that what I am enclosing will be all that you will require for the purpose of closing out this long delayed matter.

Included in the Deep Bay claim was a block of Timber personally owned by Kagetsu and in regard to which the Commissioner made an award of \$18,000, which forms part of the total of \$51,750. Then of course Kagetsu was the main shareholder of the Deep Bay Coy and he was also the main shareholder of Kagetsu and Company which held shares in Deep Bay. What I have called a breakdown of the Commissioners award is shown on one of the sheets herein and from these three sources we arrive at Kagetsu's own share in the total award.

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OFFICE OF THE
CUSTODIAN
RECEIVED

MAR 18 1954

PASS TO

FILE

*Mr. Legault
Pls speak
to me
about this
today
J 3/5 H*

STATES OF CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

been a resident of Japan for the past six years, was purchased by Mrs E Kagetsu at the time of Ushizawa's departure for Japan and has never been transferred on the records of the Company. No evidence to prove valuable consideration was produced for our examination." I do not know whether Kagetsu would be able to convince you that these shares were actually bought by his wife in 1936, this would be a matter for you to decide.

I am afraid that I do not know who Tsuratoro Kagetsu is, whether it is Kagetsu's son or is Tsuratoro a feminine name and is it his wife!! The File Number is 6564.

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In addition to the Timber claim there was an award given to Kagetsu (Case 1389) for the sum of \$483.75. I enclose the usual form of Release to cover this matter. I think it covers the sale of a house and car.

In so far as the amount you pay to Mr Norris is concerned the endorsement of the cheque or any ordinary form of receipt may be all you will require. From the Custodian's standpoint and the standpoint of your office I think it is very satisfactory that Mr Stein and those to whom he referred the matter have stood their ground in regard to the whole of this claim.

I will of course be interested to know when and how this is brought to a conclusion.

It occurs to me that you might want to incorporate what I have termed the Breakdown, in the Release. I have used the breakdown merely to support the figure payable to Kagetsu, shown in the Release.

Yours very truly,

E. Shears

Kikuchi Kagetsu
Carl Stewart
Tsunekichi Matsumura

529
530
70
600

Block 195 . 18000 -

Deep Bay 33950
51950

Attention: F.G. Shears

F. G. Shears, Esq.,
Vancouver, B. C.

25th April, 1952

The shares in the company
actually belong to Eikichi Kagetsu.

411 Royal Bank Building,
Vancouver 2, B. C.
25th April, 1952

Our File 295-168

F. G. Shears, Esq.,
3906 West 12th Avenue,
Vancouver, B. C.

Yours faithfully

Dear Sir:

re: Deep Bay Logging Company Limited

The records of this company show that 4,903 shares have been issued while the last return filed with the Registrar of Companies in 1939 shows that 5,000 shares have been allotted. The difference of 97 shares is in the account of E. Kagetsu and we have been advised by the Registrar that the return of allotment showed cash to be the consideration for this issue. Since the books do not reflect this issue we have disregarded these shares in showing the names of the company shareholders which are as follows, according to the last return filed but adjusting for the 97 shares in the account of Eikichi Kagetsu.

Eikichi Kagetsu	3,852		
Carl Stewart	<u>1</u>	3,853	3950
Kagetsu and Co. Ltd.		500	500
Tsuratoro Kagetsu		200	200
Sadanori Kikuchi		200	200
Sawaichi Irizawa		50	50
Manji Ushizawa		100	100
		<u>14,903</u>	<u>5000</u>

We have been advised that Mrs. E. Kagetsu purchased 100 shares in the name of Manji Ushizawa prior to the latter's departure for Japan. We have no evidence to support this statement and accordingly these shares have been considered as enemy owned, in accordance with a letter from Mr. McPherson dated 4th April, 1942.

For your information in dealing with the shares in Kagetsu and Company Limited, the shareholdings are as follows:

Eikichi Kagetsu	529	
Carl Stewart	<u>1</u>	530
Tomekichi Maikawa		<u>70</u>
		600

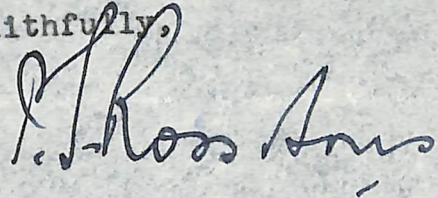
F. G. Shears, Esq.,
Vancouver, B. C.

25th April, 1952

The shares in the name of Mr. Stewart
actually belong to Eikichi Kagetsu.

We trust that the foregoing information
will enable you to complete this file. Please feel free
to use the facilities of our office in this connection.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "J. Ross". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. _____

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

506 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B. C.

Eikichi Kagetsu & Deep Bay Logging Company Limited

Breakdown of Commissioner's award of \$51,750.00

E. Kagetsu (Block 195-personally owned)	\$18,000.00
Deep Bay Company Ltd.	<u>33,750.00</u>
	\$51,750.00

Breakdown of Deep Bay proportion of \$33,750.00
equivalent to \$6.8835 per share.

E. Kagetsu	3853 shares	\$26,522.30
Kagetsu & Co	500 "	3,441.75
Tsuratoro Kagetsu	200 "	1,376.70
Sadanori Kikuchi	200 "	1,376.70
Sawaichi Irizawa	50 "	344.20
Manji Ushizawa	100 "	<u>688.35</u>
	4903	\$33,750.00

Breakdown of Kagetsu & Co. proportion \$3,441.75
equivalent to \$5.7362 per share

E. Kagetsu	530 shares	\$3,040.20
Tomekichi Maikawa	70 "	<u>401.55</u>
		\$3,441.75

Total of Eikichi Kagetsu's share as above.

Block 195 personally owned	\$18,000.00
Deep Bay shareholdings	26,522.30
Kagetsu & Co interest	<u>3,040.20</u>
	\$47,562.50

In the matter of EIKICHI KAGETSU and of the
DEEP BAY LOGGING COMPANY LIMITED

WHEREAS during the war Eikichi Kagetsu and certain shareholders of the DEEP BAY LOGGING COMPANY LIMITED were evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4th 1942, as amended, it was provided that the Secretary of State acting in his capacity as Custodian, may order that all or any property whatsoever, situated in any Protected Area of British Columbia belonging to any person of the Japanese race, shall for the purpose of protecting the interest of the owner or any other person, be vested in the Custodian pursuant to the Revised Regulations Respecting Trading with the Enemy (1943)

AND WHEREAS the records of the Deep Bay Company Limited show that the shares of the Company were owned by persons of the Japanese race as follows:

Eikichi KAGETSU	3,853	SHARES
Kagetsu & Co.Ltd	500	"
Tsurataro KAGETSU	200	"
Sadanori KIKUCHI	200	"
Sawaichi IRIZAWA	50	"
Manji USHIZAWA	100	"
	<u>4,903</u>	shares

AND WHEREAS the shares of Kagetsu & Company Limited were owned by persons of the Japanese race as follows,-

Eikichi KAGETSU	530	shares
Tomekichi Maikawa	70	"
	<u>600</u>	shares

AND WHEREAS all the said shares were vested in the Custodian;

AND WHEREAS pursuant to an Order dated at Ottawa the 22nd day of May, 1942 the Custodian appointed P.S.Ross & Sons, Chartered Accountants, in the City of Vancouver B.C. to supervise the affairs of the Deep Bay Logging Company Limited;

AND WHEREAS the Custodian further appointed Fredericj Field, Chartered Accountant, a representative of P.S.Ross & Sons, as Controller of the said Company, with such powers as are exercisable by a Liquidator, pursuant to an order dated at Ottawa the 28th day of February 1944;

AND WHEREAS by an Order dated at Ottawa the 17th day of August, 1946, the Custodian further required that the Company be wound up and dissolved under the provisions of the Companies Act, R.S.B.C. 1936, Cap. 42;

AND WHEREAS the Company has been wound up as aforesaid and the proceeds of liquidation of the Company have been distributed to the persons entitled to receive same.

AND WHEREAS certain property belonging to the said Company together with property belonging to Eikichi Kagetsu, was disposed of by the Custodian and/or through the said Liquidator and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposals and/or loss, theft or destruction the said Company and Eikichi Kagetsu suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part 1 of the Inquiries Act has recommended that the sum of \$51,750 be awarded in respect of such loss

Fifty one thousand seven hundred and fifty dollars.

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the persons entitled to receive same

AND WHEREAS the Custodian has now paid to

Eikichi KAGETSU	\$47,562.50
Teuratore KAGETSU	1,376.70
Sadanori KIKUCHI	1,376.70
Sawaichi IRIZAWA	344.20
Manji Ushizawa	688.35
Tomekichi MAIKAWA -	401.55
	<u>\$51,750.00</u>

herein called the Releasers, the amounts set opposite their ~~names~~ respective names;

save only that the amounts set opposite the names of ~~Manji UCHIZAWA~~ and Tomekichi MAIKAWA HAVE BEEN HELD AS E nemy Funds such persons being residents in Japan at the outbreak of war.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sums so paid by the Custodian the Releasers hereby release Her Majesty The Queen in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of ~~me~~ real and personal property of the said Company and Eikichi Kagetsu and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, dale or disposal of the Releasers' property or in respect of any of the matters above recited.

IN WITNESS THEREOF the Releasers have affixed their respective hands and seals this

_____ day of _____ 1954.

WHEREAS during the war KAGETSU EikichiReg. No. 00074

now residing at _____

(hereinafter called the Releasor) was evacuated from the Protected Area of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended, it was provided that his property should be vested in and subject to the control of the Custodian as defined in the Regulations Respecting Trading with the Enemy;

AND WHEREAS certain property belonging to the Releasor was disposed of by the Custodian and/or was lost, stolen or destroyed while in the care, custody or control of the Custodian and a claim was made that in respect of such disposal and/or loss, theft or destruction the Releasor suffered pecuniary loss;

AND WHEREAS the Commissioner appointed under Part I of the Inquiries Act has recommended that the Releasor be awarded the sum of \$483.75;

Four hundred and eighty three dollars and seventy five cents

AND WHEREAS the Custodian has been duly authorized to carry out the recommendation of the Commissioner and to pay the aforementioned sum to the Releasor;

AND WHEREAS the Custodian has paid to the Releasor the said sum;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum so paid by the Custodian the Releasor hereby releases His Majesty The King in Right of Canada and the Custodian from all actions, claims and demands whatsoever in respect of real and personal estate of the Releasor and the rents, profits and income thereof respectively, or any part or parts thereof or in respect of any act, deed, matter or thing whatsoever done or omitted to be done by the Custodian in or about the administration, sale or disposal of the Releasor's property or in respect of any of the matters above recited.

IN WITNESS WHEREOF the Releasor has affixed his hand and seal this

_____ day of _____ 1951.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

)
)
)
)
)

AFFIDAVIT OF WITNESS

PROVINCE OF _____) IN THE MATTER of a claim of

TO WIT: _____) _____ of _____

I, _____ of the _____ of _____

DO SOLEMNLY DECLARE:

1. That I was personally present and did see the within release duly signed, sealed and executed by the Releasor therein named.
2. That, of my personal knowledge, the said Releasor is of the full age of twenty-one years and is the person entitled to receive the compensation mentioned in the within release.
3. That I am a subscribing witness to the said release.

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 _____)

this _____ day of _____ A.D. 1951)

A Commissioner etc.

Copy for the information of
The Chairman, Custodian's Office.

OFFICE OF THE CUSTODIAN RECEIVED	
MAR 5 1954	
PASS TO.....	
FILE	

Ottawa, March 4, 1954.

Dear Mr. Kagetsu,

I acknowledge receipt of your letter of the 1st instant.

As I think you already know, the Government has very recently reaffirmed its stand that the claims of Japanese-Canadians which were submitted to the Bird Commission are not to be re-examined and that the awards of the Commission are not to be reviewed. This was stated in the letter which my Deputy wrote under date of the 25th ultimo to Mr. J. C. Osborne, Ottawa Solicitor for Mr. E. Kagetsu, and a copy of which I am told Mr. Osborne sent to Mr. E. Kagetsu. I may add for your information that on the 25th ultimo I myself wrote to the same effect to Mr. A. J. P. Cameron, M.P., and made reference to the letter written on August 3, 1950 by the Prime Minister to Reverend James M. Finlay, Chairman of the Co-operative Committee on Japanese Canadians, in which the Prime Minister stated:

"In carrying out the recommendations of Mr. Justice Bird we feel we have discharged our obligations both to those most directly affected and to the general public".

Yours sincerely,

H. Kagetsu, Esq.,
512 Brookdale Avenue,
Toronto, Ontario.

J. W. PICKERSGILL

512 Brookdale Avenue,
Toronto, Ont.
March 1, 1954.

The Hon. John Pickersgill,
Secretary of State,
OTTAWA, Can.

My dear Mr. Secretary:

We, a citizens' committee of Japanese Canadians in the Toronto Area, are deeply concerned with the inadequate compensations awarded for evacuation losses during the last war; and with the policy of adjustment which entirely precluded appeals.

The Royal Commission proved that property had been liquidated at low prices and contradicted the views of many sincere Canadians. Likewise, we are convinced that, if given the opportunity, many claimants can prove that the Royal Commission also had erred to some degree. We feel that to deny claimants a tribunal for appeals is to deny them a course to justice.

We remain confident of the high integrity and competence of those in authority, but recognize that man is not infallible however worthy may his objectives be.

Our organization most respectfully urge the Government to afford Japanese Canadian evacuees a recourse to review of their cases.

Sincerely yours,

(signed) H. Kagetsu
EVACUATION LOSSES
COMPENSATION COMMITTEE.

Ottawa, March 1st, 1954.

MEMORANDUM FOR FILE

Re: E. Kagetsu and
Deep Bay Logging Company Limited.

The following is an excerpt from the Minutes of Meeting of the Administration Board Monday, March 1st, 1954.

"A copy of communication dated February 25th, 1954, addressed to Mr. J. C. Osborne by the Deputy Custodian; copy of memorandum to the Under Secretary of State by the Secretary of State dated February 25th, 1954; copy of communication dated February 25th, 1954 addressed to Mr. A. J. P. Cameron, M.P., by the Secretary of State, and copy of communication dated August 3rd, 1950, to Reverend James M. Finlay by the Prime Minister, were read, and the information therein noted."

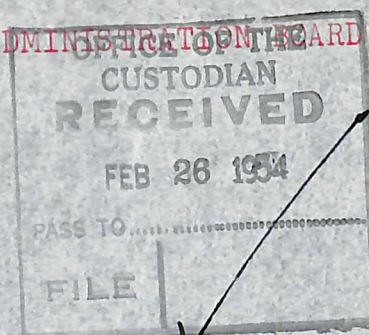

K. W. Wright.

KWW/G

16700

COPY FOR THE CHAIRMAN, ADMINISTRATION BOARD

CS/MD



Ottawa, February 25, 1954.

Dear Mr. Osborne,

Re: Claim of E. Kagetsu with respect
to Deep Bay Logging Co. Ltd.

With reference to the conference held in the office of the Secretary of State on the 12th instant, I am now instructed to advise you that the Government's decision is that these claims, including that of Mr. Kagetsu, are not to be reopened, i.e. the awards of Mr. Justice Bird are not to be reviewed. However, I am instructed to advise you further that the Government has authorized the Secretary of State to extend the offer made by his predecessor to your client of an amount of \$2,587.50 for the expenses of presentation of the claim to the Bird Commission, this in full and final settlement (upon payment also, of course, of the amount of the award itself), provided the offer is accepted within a reasonable time.

You will recall that you and I tentatively agreed that two weeks would be ample time for you to secure and make known to me the answer of your client. I am now authorized by the Secretary of State to give you until Monday, March 15, 1954, to advise me of your client's reply.

Yours sincerely,

C. STEIN

C. Stein,
Under Secretary of State
and Deputy Custodian.

Mr. J. C. Osborne,
Barrister.

THE SECRETARY OF STATE OF CANADA

Ottawa, February 25th, 1954.

MEMORANDUM FOR THE UNDER SECRETARY OF STATE

I attach a copy of a letter I have addressed to A.J.P. Cameron, M.P. and a copy of the letter to Mr. Finlay from the Prime Minister to which reference is made.

I should be glad if you would write to Mr. Osborne and convey to him the decision of the Government to which I have referred and also the further decision that I am authorized to extend the offer made by Mr. Bradley that Mr. Kagetsu's company be offered an award of \$2,587.50 for expenses in addition to the amount of the original award of the Commission, in full and final settlement, if that offer is accepted within a reasonable time. My own view is that we might give them until March 15th to accept the offer, on the understanding that you are able to write Mr. Osborne today or tomorrow.

J.W.P.

Yours sincerely,

(J.A. Pickersgill)

Ottawa, February 25th, 1954.

A.J.P. Cameron, Esq., M.P.,
House of Commons,
Ottawa

Dear Mr. Cameron:

I am returning the copies of Mr. Finlay's letters to the Prime Minister and the "New Canadian" for February 17, 1954.

I am afraid what I said to Mr. Kagetsu was rather exaggerated in the New Canadian. What I said was that I would not open any individual claim but that I was prepared, if asked to do so, to go to my colleagues and ask them if they wished to have all the claims reviewed again, so that all claimants would be treated alike. I added, however, that I would not recommend such a course, that I did not think the Government would consider it favourably and that I felt almost sure the answer I would get would be negative.

I have since taken the matter up with my colleagues and the position they have taken is precisely the position which was taken by the Prime Minister in the letter he addressed to Mr. Finlay on August 3, 1950.

Yours sincerely,

(J.W. Pickersgill)

COPY

OFFICE OF THE PRIME MINISTER OF CANADA

Ottawa, August 3, 1950.

Reverend James M. Finlay,
Chairman,
The Co-operative Committee on
Japanese Canadians,
11 Carlton Street,
Toronto, Ont.

Dear Mr. Finlay:

I duly received your letter of July 14,
with further reference to claims by Japanese
Canadians for property losses.

The government appointed a Royal
Commission to enquire into claims of these persons
and to ascertain what would be fair and just under
all the circumstances to these persons and to the
Canadian public generally. The Commission recommended
that a certain sum of money be paid to the claimants.
The government has concurred in the recommendations
and money has been made available to meet the claims.
In carrying out the recommendations of Mr. Justice Bird
we feel we have discharged our obligations both to
those most directly affected and to the general public.

Yours sincerely,

Louis S. St-Laurent

COPY FOR THE CUSTODIAN'S OFFICE.

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Louis S. St-Laurent