

Name of Claimant HIGASHI, Shizuichi

Case 270

Custodian File 4463

<u>REAL PROPERTY</u>										Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Total	Amount	Sale Price		
<u>PERSONAL PROPERTY</u>										
Motor Vehicles		Boats and Boat Gear								
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Recorded Now Missing	45% of amount in next preceding column			
<u>NETS</u>										
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing		Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price	
<u>MISCELLANEOUS CHATTELS</u>										
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
154.25	69.75	20.92	45.29	45.00	20.38	2.00	24	65.30		
TOTAL RECOMMENDATION									65.30	

CASE NO: 270

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

May 25, 1948

IN THE MATTER OF THE CLAIM OF

SHIZUICHI HIGASHI

PROCEEDINGS AT HEARING

IN THE MATTER OF THE "INQUIRIES ACT."

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(HIS HONOUR, JUDGE ERIC P. DAWSON, SUB-COMMISSIONER)

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Grand Forks, B.C.
May 25, 1948

IN THE MATTER OF THE CLAIM OF

SHIZUICHI HIGASHI

PROCEEDINGS AT HEARING

20 APPEARANCES:

HAROLD W. McINNES, Esq.,

appearing for the
Dominion Government.

A.E. COBUS, Esq.,

appearing for the
Claimant.

L.A. DODD, Esq.,

Secretary to Grand
Forks Sub-Commission

MRS. I.C. SMITH,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter.

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MR. COBUS: Your honour, the claim of Shizuichi Higashi, No. 13 on the original list, becomes No. 270.

THE COMMISSIONER: Yes.

SHIZUICHI HIGASHI, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. COBUS: I would ask leave, your honour, to amend
10 the claim, as noted under "Real Estate," 4 (e), sub-section (ii) to read a valuation on the building of \$1500.00, leaving a net claim of \$1300.00 after crediting the Custodian with \$200.00.

THE COMMISSIONER: \$1500.00 on the building, and (iii), "if business, put value on business as going concern" etc., and the following remains, does it?

MR. COBUS: That should be deleted, your honour.

THE COMMISSIONER: That should be deleted.

20 MR. COBUS: There is only a building, for which \$1500.00 is being claimed which was sold for \$200.00 by the Custodian, and the remainder is quite unnecessary now.

THE COMMISSIONER: I have got the \$1500.00. What about the forced sale?

MR. COBUS: That will be deleted.

THE COMMISSIONER: That will be deleted, and the \$307.62 should be -- ?

MR. COBUS: That would become \$200.00.

30 THE COMMISSIONER: That is \$200.00, I see. That

leaves a balance of \$1300.00.

MR. COBUS: That is correct, your honour.

Now as to the personal property which is the subject of the claim, the household furniture under item No. 1 is now valued at \$239.25, and the remaining two items deleted entirely.

MR. McINNES: That is the car.

MR. COBUS: Yes. You see, item 3, dwelling house, garage and woodshed, actually is being repeated
10 there and it shouldn't have been.

THE COMMISSIONER: And is that \$1300.00 and \$239.25?

MR. COBUS: Yes, your honour. I would like to note credit to the Custodian, as we have found it to be, of \$69.75 on the personal chattels, leaving that net claim \$169.50.

THE COMMISSIONER: There is no credit shown here at all at the present time, is there?

MR. COBUS: No, there isn't your honour. We have taken
20 it from the statements. Now that leaves a net claim for chattels, \$169.50.

THE COMMISSIONER: \$169.50.

MR. COBUS: And the total net claim now is \$1469.50.

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, I produce to you a statement concerning the real estate for which you are claiming and which you describe as a house on rented land. Did you instruct Mr. Leckie to prepare this statement, and is that your signature?

30 A: Yes.

S. Higashi
In Chief

Q: And are the statements contained therein true to the best of your knowledge and recollection?

A: Yes.

MR. COBUS: I would ask to file the statement concerning the real estate as the first exhibit, your honour.

(STATEMENT MARKED EXHIBIT NO. 1)

10 MR. COBUS: This claim, your honour, is singular in this respect, that it is a claim for a house erected on the Canadian Collieries (Dunsmuir) Limited land at Union Bay, B.C. The building was used as a dwelling and it had been built about 1933. After evacuation, the eventual disposition of the land was the crediting of a salvage value of the lumber contained in the building, in the amount, I think, in this instance, of \$200.00. In the statement, the claimant describes the house as being 22 feet by 36 feet with a leanto addition of 10 feet by 12 feet.

20 The building contained seven rooms and a bath on one floor. It was of frame finish with shingle sides and built on posts. There was no cellar in the building. It had a shingle roof. The shiplap walls, interior, were papered and the floors were of fir. It was built on the land of the Colliery Company amongst other workmen's residences of a similar type.

THE COMMISSIONER: It wasn't built by the claimant, was it?

30 MR. COBUS: It was built by the claimant, yes, your

S. Higashi
In Chief

honour.

10 He shows that the cost of the house, which was made by mostly hired labour, partly his own labour, and the cost of materials amounted to \$1200.00. Then, in 1941, just a year before evacuation, he put on a new shingle roof and new shingles on about half of the exterior walls. New walls and floors were put in the kitchen, which was ten feet by fourteen feet, and the walls were painted. He also renewed about half of the foundation posts and he estimates the cost of that improvement at \$600.00. A bathroom and leanto, built in 1939, ten feet by twelve feet, he says cost approximately \$375.00. He estimates the value of the building as a building to be \$1500.00. He indicates that repairs were made from time to time as required.

Has my learned friend an appraisal on this building in his file?

20 THE. COMMISSIONER: I take it, Mr. Cobus, there was never any lease or title that he had to the land.

MR. McINNES: He paid ground rent of \$1.00 a month, I think.

MR. COBUS: Yes. We are not able at this hearing, your honour, to adduce very much evidence with respect to the title, the type of agreement, if there was such an agreement, and we are submitting the claim, of course, subject to whatever evidence is forthcoming later on.

30 Perhaps there is no appraisal on the file

S. Higashi
In Chief

as my friend has it now, but would my learned friend undertake to have produced before the hearings in Vancouver any appraisals if such were made?

MR. McINNES: Yes, your honour, I will do that.

THE COMMISSIONER: All right. That is, you undertake to file any appraisals which may be available; you don't know whether you have them or not.

10 MR. McINNES: That is what I say. If there are any available, I undertake they will be produced.

MR. COBUS: Continuing with the statement, your honour: The claimant says that the house was in good shape when they were evacuated and he explains that he was an employee of the Canadian Collieries (Dunsmuir) Limited right up to the time of his evacuation in April 1942 and had been so employed for 36 consecutive years, that he had occupied the house for which he is now claiming,
20 built on the company's land, for about fifteen years, and had paid \$1.50 per month ground rent for two or three years. Previous to that time it had been 50¢ per month. Before evacuation he paid six months' ground rent in advance from April, 1942. He adds that he was asked before leaving whether he wanted to sell this house -- that is, the question was asked by the company's carpenter. No price was mentioned, he says, but he told him that he would sell if he got a fair
30 price. He indicates, however, that he never

heard any more until he was informed that the company had taken over his house at a salvage price of \$200.00. He thinks that his house was worth at least \$1500.00 when taken over by the Custodian.

Q: Now, witness, I produce to you a statement concerning the personal chattels for which you are claiming. Did you instruct Mr. Leckie to prepare this statement and is that your signature?

10 A: Yes.

Q: Are the statements contained therein true to the best of your knowledge and recollection?

A: Yes.

MR. COBUS: I would ask to file the statement concerning personal chattels as the next exhibit, your honour.

(STATEMENT MARKED EXHIBIT NO. 2)

MR. COBUS: Referring to the personal chattels statement, your honour, the items are listed in the statement itself, and the total value claimed for those items is shown to be \$239.25. I think my learned friend will find that the articles for which claim is being made were all declared.

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THE COMMISSIONER: That would be in the J.P. form.

MR. COBUS: In the J.P. form, your honour. The goods were left in the witness' house at Union Bay on the Canadian Collieries (Dunsmuir) Limited property, and the only comment he makes with respect to the chattels is that the articles claimed are all included amongst articles de-

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S. Higashi
In Chief

clared by him in April, 1942, and that he has allowed depreciation on all the articles claimed.

10 Your honour, in several cases heretofore, we have on occasion filed the Analysis of Personal Property Claim with certain markings of our own and certain recapitulations of our claim thereon. Usually we ask that a certified copy of the Analysis Form be made for not only the Commissioner but for the file of the Custodian. If my friend wishes to hand over the remaining two analyses, I would submit the Analysis of Personal Property Claim and ask that it be filed as the next exhibit.

THE SECRETARY: Is this to be marked or is Mr. McInnes'?

MR. COBUS: This will be marked and the others will be made a true copy.

(ANALYSIS MARKED EXHIBIT NO. 3)

MR. COBUS: Your witness.

20 MR. McINNES: If it please your honour, with reference to the claim for real estate, or the building, I should say, it will be submitted, in the first place, that this building was on property owned by the collieries and the claimant having left there and the ground rent ceased, that the building was sold back to the collieries, the only people it could be sold to, for its -- if I might use the term -- fair market value, at least, the highest value that was available.

30 THE COMMISSIONER: You only had one person in the mar-

ket, in other words.

MR. McINNES: That is correct.

As far as the personal chattels are concerned, it will be submitted that those that came into the custody of the Custodian and were sold were sold for their fair market value, and any that were not so sold or accounted for, the claim of the claimant is exorbitant.

CROSS EXAMINATION BY MR. McINNES:

10 Q: Mr. Higashi, you remember completing your J.P. form at the time of your evacuation? I am producing to you a J.P. form dated the 17th of April, 1942 and bearing the name "M. Higashi." Whose signature is that?

A: This is not his signature, it is his son's.

Q: Well, your son put it there with your consent.

A: Two claims --

Q: This is not a claim, this is a report of what he had left behind when he was evacuated.

20 Q: There were two houses, one was his, and the other was the boy's, and this must be my son's.

Q: This is the man's name; isn't this his?

A: Yes, his name is Shizuichi Higashi, but this is "M. Higashi."

THE COMMISSIONER: Q: What is that reply?

A: It is not his J.P. report.

Q: That is not his J.P. form? A: No.

MR. COBUS: If I might interject -- his list of furniture is appended to it.

30 THE COMMISSIONER: But somebody else must have made out

the claim.

MR. McINNES: That is the question I was asking, if the interpreter will please put that to him.

Q: Was this form made out by your son?

A: I think it is.

Q: Yes. He made this up at your request for you?

A: Although these belonged to us, but one belongs to my son and the other belongs to me, so, I mean, it can't be the same.

10 Q: Well, then, this is not your claim at all?

A: No, it is not.

MR. COBUS: Do you mean "claim," or "J.P. form"?

MR. McINNES: Q: This is not your J.P. form at all, then? A: No.

Q: Well, this is your name up on the top of it, Higashi? A: I don't know

why there is such a mistake.

Q: Is your wife's name Tazu? A: Yes.

Q: Did you at that time, in April, 1942, have two children aged 15 and 9? A: Yes.

20 Q: Did you have a cottage or house on ground lot 303 at the Canadian Collieries? A: I know I was there.

Q: And were your two children's names Shoney and Fusako? A: Yes.

Q: Well, then, that is what I am reading from this J.P. form. I take it, therefore, that this is your form, isn't it? A: I can't understand why my son has put his name there.

30 MR. COBUS: Your honour, the son is present in the

S. Higashi
Discussion
M. Higashi
In Chief

court-room. Perhaps my learned friend would like to call him.

THE COMMISSIONER: The son evidently signed his own name instead of his father's name to it. That seems to be it, doesn't it?

10 MR. COBUS: No. I think perhaps it will more appear that the son did, in fact, make out a J.P. form on his own behalf and that the father, the present claimant, likely made out a J.P. form on his own behalf; at any rate, I would conjecture that at the moment. But there is no such J.P. form in the Custodian's file. The witness has already stated that that is not his signature, but is the signature of his son.

MR. McINNES: Well, I concede that, but all the information herein applies to this man and doesn't apply to his son.

20 MR. COBUS: The witness has already said that he called upon his son to make a J.P. form. Suppose this witness stands down and we call the son to determine what the signature is and recall this witness later.

THE COMMISSIONER: I think we should call the son.

(Witness aside)

MASAKAZU HIGASHI, a witness called on behalf of the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McINNES:

30 Q: I was dealing with a J.P. form when your father was in the witness box. That last witness was

M. Higashi
In Chief

your father, was it not? A: Yes.

Q: Is that your signature that is appended to this J.P. form? A: Yes.

Q: Well, the form, as you can see, purports to be made out on behalf of Higashi, Shizuichi.

A: Well, is that a house or a real home?

Q: It is described here as a five room wooden frame bungalow, bathroom leanto, garage and woodshed on ground lot 303. A: I don't re-

10 member. That is my signature, true enough, but -- I may have been there at that time when Dad was there and I might have just put my signature there to cover him, too. Of course, that might have got mixed up with my shack. I had a two room shack and that was just forgotten about. I did put in a claim for it.

Q: You did put in a claim for it? A: Yes, I did.

Q: How much? A: I just forget how much it was, but I did put in a claim for it.

Q: You have some idea how much it was?

A: It must have been around, say, \$200.00, \$250.00, somewhere in that neighbourhood.

Q: Yes. A: And the Custodian sent me a cheque for about \$50.00, something like that, it was around \$40.00 to \$50.00. Then, when this problem come up, well, I just let the shack go, you see, and I never bothered any more about it.

Q: Well, your father's wife's name is Tazu; that is your mother's name? A: Yes.

30

M. Higashi
In Chief

- Q: Your first name is Masakazu, is it?
A: Yes.
Q: Why would you not be shown on here as one of your father's children -- or is that because you are over age? A: Well, I am over age.
Q: He has two children, Shoney and Fusako, is that correct? A: That is correct.
Q: And he did live on lot 303, is that right?
10 A: That is right.
Q: Now this house that we are dealing with here now is valued in this J.P. form at \$800.00. Did you put that in there? A: At \$800.00?
Q: Yes. Would you like to look at it?
A: Well --
Q: You see it there? A: I see it there.
Q: Did you put it there? A: Well, I didn't put it there.
Q: Who do you suggest did? A: Dad probably
20 put it there.
Q: Yes. A: But that was before. You see, it was \$800.00 as it was.
Q: Yes. A: But the year before evacuation there was, say, five or six hundred dollars added to the building in repair work.
Q: What date was your father evacuated?
A: 15th of April.
Q: The record shows he was evacuated on the 24th of April, '42. Do you agree with that?
30 A: Well, that is pretty close to it, anyways.

M. Higashi
In Chief
Cross exam

Q: Now, this J.P. form that we have been discussing at some length here was signed on the 17th of April, a matter of about a week ahead of your evacuation or your father's. A: Is that my father's signature on there?

Q: That is your signature, you told me.

Q: Well, the 17th, that would be about a week before the evacuation.

10 Q: That is right. A: Well, that will be incorrect, because I don't remember signing any papers before evacuation.

Q: You suggest somebody forged your name there?

A: No, they haven't forged it.

Q: Well, then, tell me whether it is your handwriting or not. A: That is my handwriting.

MR. McINNES: That is all.

MR. COBUS: Just a minute, witness.

20 CROSS EXAMINATION BY MR. COBUS:

Q: Witness, did your father ever authorize you to make out a J.P. form respecting the property he was leaving behind on evacuation?

A: Yes, sir. I look after all his belongings and that.

Q: You mean he authorized you to make a J.P. form for him? A: Just a minute -- where was this J.P. form filed?

30 Q: It is dated the 17th of April, 1942, and you have admitted that is your signature. There doesn't

appear to be anything to indicate where the J.P. form was made. The thing is, perhaps, witness, did you, in fact, sign what you thought was a J.P. form on the 17th day of April, 1942? Do you remember signing a J.P. form?

A: 1942? Well, that will be the year we were evacuated.

Q: That is right. Did you sign a J.P. form?

A: I don't remember signing any J.P. form before
10 evacuation.

Q: But you do recognize this as your signature?

A: Yes.

Q: Well, if you did sign a J.P. form, I would suggest that you were signing a J.P. form for yourself, were you not?
A: Yes.

Q: Did you get an opportunity to read over the typed information which is contained in this form, that is, the name Higashi, Shizuichi, this description of buildings and other improvements as
20 a five room wooden frame bungalow; do you recall ever reading that on a J.P. form which you signed?
A: No, I don't.

Q: Is it likely that you signed your name without either having had an opportunity to read what it contained?
A: Well, that is quite possible.

MR. McINNES: Perhaps my friend had better give this evidence from the witness box himself.

MR. COBUS: He is your witness.

Q: Do you know, from your own knowledge, whether
30 your father completed a J.P. form?

A: Well, he probably tried his best to complete his form.

THE COMMISSIONER: Q: You are only guessing when you say that; you don't know whether he did or not. A: No, I don't know.

Q: Well, don't guess, then. A: I don't know whether he completed it or not.

THE COMMISSIONER: Yes.

10 MR. COBUS: Q: Attached to the J.P. form is an inventory of some sort which is headed "Owner, S. Higashi, registered No. 07064." Do you recall that inventory being attached to the J.P. form which you signed? A: No, sir.

THE COMMISSIONER: Is that typed or in handwriting, Mr. Cobus?

MR. COBUS: It is typed, your honour. It describes articles remaining as cookstove, two heaters, four beds, three trunks, one dresser, two chests of drawers, one china cabinet.

20 Q: Are those articles the articles of your father or yourself? A: They are my Dad's.

Q: They are your Dad's. I wish, witness, you would attempt to cast your mind back to April 17, 1942 when you placed your signature on the J.P. form. Do you recall where it was?

A: May I speak to my Dad a minute?

30 Q: I am afraid you will have to give the evidence yourself. Your lived in your own two room shack, I take it, on the property of the colliery

company at Union Bay? A: No, I lived with my Dad, you see, and this shack was on sale and I took over the shack and then there was repairing to do, re-construction, and all that was done, and I just left it at that, and then my sister, she was living in it.

Q: I see. Well, from Union Bay, were you moved to Vancouver, British Columbia? A: Hastings Park.

10 Q: What month was that? A: Well, that will be April, some time in April.

Q: In April. Would you think it was before April the 17th or after April the 17th?

A: Oh, I believe it would be -- let's see, now --

Q: Where were you placed in the City of Vancouver?

A: Hastings Park.

Q: Well, at Hastings Park, were not great numbers of these J.P. forms prepared by stenographers of the Custodian? A: I don't believe

20 I signed any forms in Hastings Park.

Q: You don't recall signing any forms there? Do you recall signing any forms at Union Bay?

A: No, I don't.

Q: That is your signature? A: That is my signature but I don't believe I signed any papers in Union Bay.

Q: Did you sign any papers in Vancouver?

A: No, I didn't. I may have in Greenwood.

Q: Were you in Greenwood on the 17th day of April,

30 1942? A: No, I was not.

MR. McINNES: If my friend would produce the J.P. form, your honour, I would ask that it be filed as an exhibit.

(J.P. FORM MARKED EXHIBIT NO. 4)

MR. COBUS: That is all.

THE COMMISSIONER: Just a minute, witness.

Q: Now, witness, you admitted that you signed this form. A: Beg pardon?

Q: You have admitted that you signed this J.P. form.

10 A: Yes, that is my signature.

Q: And do you say you have no recollection of the information? A: No, I haven't.

Q: You have no recollection of having seen these items before? A: I have seen them.

Q: Do you know where you saw them?

A: But I don't remember signing any papers before evacuation.

Q: Well, you said you were accustomed to do business for your father, that is right, isn't it?

20 A: Yes, sir.

Q: Well, this statement of articles remaining, do you remember discussing that with your father or making any statement out of what articles were remaining on the place? A: Yes, I do.

Q: Well, isn't it likely that statement came directly from you? A: Well, you see, my sister may have made the form out.

30 Q: Yes, but isn't it likely that this statement of

the articles, if you were looking after your father's business, would be made out from information given by you; isn't that likely?

A: Well, I don't remember that far back. April 17, well, that will be the year we evacuated.

Q: Yes, but surely you would remember if you discussed with your father the making out of a statement, going into particulars with him as to the items. Do you remember talking it over and getting the items out and discussing it with your father and making out a statement? A: Yes.

10

Q: You do remember. Well, then, I suggest to you this may well be the result of that statement which you went into and made out with your father; what would you say? A: That will be before evacuation.

Q: Before evacuation. A: I still don't remember signing any paper before evacuation.

20

Q: I am not asking whether you signed it now, I am asking whether the information contained in here was information that you made up at the time in conjunction with your father. A: I believe we did make out the statement.

Q: You think you did make out the statement. And do you remember who you gave the information to?

A: No, I don't remember.

Q: You don't remember whether you gave it to anybody who typed it on this sheet? A: No, sir.

30

Q: And you can't enlighten us any more than just that; you can't tell us any more than that as to

how this information got into the hands of somebody who typed it on this sheet?

A: That is about all I can say.

Q: And yet you signed it. You signed this sheet?

A: Well, that looks like my signature.

THE COMMISSIONER: All right.

(Witness aside)

MR. McINNES: I think that is all, your honour.

MR. COBUS: Are you finished with the claimant, Mr.

10 McInnes?

MR. McINNES: Yes, I am, thank you.

THE COMMISSIONER: All right.

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton
G. Hambleton
Official Reporter.

I hereby certify that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

20

Eric P. Dawson
E.P. Dawson,
Sub-Commissioner

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Grand Forks, B.C.

May 26, 1948

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

10 MR. COBUS: Your honour, I would like to speak to the case we finished with yesterday, Case No. 270, the claimant being S. Higashi. I would ask my learned friend to undertake to produce a J.P. form in the name of Masakazu Higashi, the son of the claimant in case 270. I think it is not in his file now, but if there was filed a J.P. form for the son of the claimant, I would ask that that be produced before the hearings in Vancouver.

THE COMMISSIONER: You might elucidate just how the son signed the J.P. form of the father as to whether there may have been some confusion, whether there may have been two J.P. forms, one for the son and one for the father, and they might have got mixed and one signed one and one signed the other.

20 MR. COBUS: That is why I would like them produced.

MR. McINNES: That is Claim No. 270. I haven't got my file here.

THE COMMISSIONER. That will be an undertaking to produce, under Claim 270, any available J.P. form which may have been filed on behalf of Masakazu Higashi, the boy.

MR. McINNES: I will give that undertaking.

THE COMMISSIONER: That is satisfactory to you, Mr. McInnes?

30 MR. McINNES: Yes, your honour.

THE COMMISSIONER: Very well.

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton

G. Hambleton
Official Reporter

I hereby certify that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

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E.P. Dawson,
Sub-Commissioner

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DEC - 2 1947

270

IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

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

ACKNOWLEDGED

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L. Zorkin

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

(1) NAME Higashi Shizuichi (RCMP) Reg. No. 07064
(Print) Surname Given Name

(2) Pre-Evacuation Address Union Bay, Vancouver Island, B.C.

(3) Present Address P.O. Box 423 Greenwood, B.C.

(4) REAL ESTATE

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

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

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

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

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

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

(i) Land	-----	\$	-----
(ii) Buildings	-----	\$	<u>2,000.00</u> <i>1500⁰⁰</i>
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable)	-----	\$	<u>1,500.00</u>
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value)	-----	\$	<u>600.00</u>
(v) Amount at which Custodian sold property and credited your account	-----	\$	<u>307.62</u> <i>200</i>
(f) Loss (This figure is arrived at by deducting item (v) from item (iv))	-----	\$	<u>2,592.38</u> <i>1300⁰⁰</i>

(5) PERSONAL PROPERTY

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

Left at my house, Union Bay unpacked because had no time.

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

Left at dwelling house above place.

(c) How stored or packed at time of evacuation Unpacked because forced to leave hr immediately.

(over)

497

(d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care")

Left under Custodian's care.

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

1.	<u>Household furniture</u>	Estimated Value \$	<u>500.00</u>
2.	<u>5-passenger Chevrolet Car</u>	Estimated Value \$	<u>1,200.00</u>
3.	<u>Dwelling house, Garage and Woodshed</u>	Estimated Value \$	<u>2,000.00</u>
4.		Estimated Value \$	
5.		Estimated Value \$	
6.		Estimated Value \$	
7.		Estimated Value \$	
8.		Estimated Value \$	
9.	<u>John Cecil Graham</u>	Estimated Value \$	
10.	<u>CG 75</u>	Estimated Value \$	<u>169.50</u>

239 25

TOTAL CLAIM FOR PROPERTY LOSS \$ 3,500.00

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

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - - - - - \$ 3,500.00

(6) (a) Place at which claimant prefers to be heard.
(Vancouver, Kamloops, Nelson, Lethbridge,
Moose Jaw, Winnipeg, Toronto or Montreal.)

(b) Do you require the services of an interpreter
at the hearing? Yes or no

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

DOMINION OF CANADA)
Province of B. C.)
TO WIT:)

I, Shizuichi Higashi of Greenwood in the City of the Province of British Columbia

DO SOLEMNLY DECLARE THAT:

The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

DECLARED before me at the City)
of Greenwood)
in the Province of B. C.)
this 19th day of November)
A.D. 1947. La Dadd)

S. Higashi

A Commissioner &c.

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

*Notary Public in & for the Province of
British Columbia, Canada.*

S Higashi
(Claimant's Name)

REAL ESTATE
(Other than farm)

EXHIBIT No. 270-1-07064
DATE 25/5/48
Reg. No.

House on rented land

FILLED BY
claimant Built

Type of Premises (e.g. House, Store, etc.)	No. of Rooms	Type of Finish	Use of Premises	Size of Lot	When Purchased	Date of Purchase
House built on Canadian Collier's (Dunsmuir) Ltd. land at Union Bay BC house 10' x 36'	7 rooms and bath	Frame shingle sides on posts - no cellar - shingle floor - (papered) - carpet floors.	dwelling	n/a	about	1933

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale
workmen's residences	① cost of house - mostly hired labour, part own, bought materials - about \$12,000.00		\$1500.00	

Comments re upkeep of premises:

Repairs were
done after
from time to time
as required.

② In late 1941 - put on new shingle
roof and new shingles on about
half of exterior walls - new walls
and floor in kitchen (10 x 14) and
walls painted - also renewed
about 1/2 of foundation posts.

③ Bath room
lean-to built
in 1939 - (10 x 12)
cost app^x 375⁰⁰

Comments re Appraiser's report not covered above:

Estimated cost - \$600.00
(carpentry + materials)

The house was in very good shape when we left -

Comment I was an employee of Canadian (Collier's) Dunsmuir Ltd
right up to the time of my evacuation in Apr 42 and had been
employed for 36 consecutive years. I had occupied the house
for which I am claiming (built on the company's land) for about
15 years and paid \$150 per month ground rent for 2 or 3 years - pre-
paid to that 504 per month. Before evacuating I paid \$ mos ground
rent in advance from Apr 1942 - I was asked before leaving
if I wanted to sell this house by the company's
carpenter. No price was mentioned but I told
him I would sell if I got a fair price. I never heard
any more until I was informed that the company had taken
over my house at a salvage price of \$200.00. I thought my
house was worth at least \$1500 - when later I learned

S Higashi
SIGNATURE

S Higashi
(Claimant's Name)

PERSONAL CHATTELS

07064
Reg. No.

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid (approx)	Condition when Evacuated	Estimated value at Date of Evacuation
4 steel beds (complete)	② late in 1940	new	90.00	very good	60.00
	② about 1930	new	70.00	fair	20.00
1 kitchen range	late in 1941	new	89.00	good as new	60.00
2 heater stoves	late 1940	used	① 35.00 ② 25.00	good	25.00
1 dresser	about 1934	used	40.00	fair	20.00
1 china cabinet (full glass doors)	gift (1940)	used		good	20.00
2 kitchen chairs	diff times	new	16.00	fair	8.00
Garden tools: 2 shovels; 2 long handle shovels; 2 picks; 1 mattock; 36' galv pipe	"	new	22.50	fair	11.25
					<u>\$239.25</u>

Description of Storage of Goods:

The above goods were left in my house at Union Bay, on Canadian Collierie (Dunsmuir) htd property

General Statement as to Chattels not Described above:

all chattels claimed are listed above

EXHIBIT No 270-2
DATE 25/5/48
FILLED BY Claimant

Additional Comments, if any:

The articles claimed are all included among articles declared by me in Apr 1942. I have allowed for depreciation on all articles claimed

S. Higashi
SIGNATURE

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 4463

EXHIBIT No. _____

NAME HIGASHI, Shizuichi

REG. No. 07064

DATE April 17/42 INVENTORY TAKEN BY _____
 DECLARATION April 24/42 DATE claim
 EVACUATION _____

DETAILS OF CLAIM

SALES

SOLD WITH REAL PROP. DECL. NOT FOUND

AUCTION TENDER &c

In house on ground lot no. 303, Union Bay, B.C.
 1 cookstove 60.00 X
 2 heaters 40.00 X
 4 beds 80.00 X
 3 trunks containing cooking utensils, clothing
 sheep's wool comforters
 1 dresser cont. clothing X
 2 chests of drawers (3 pieces) containing clothing..... 175.00
 1 china cabinet 20.00 X
 1 bath
 1 hot water tank
 1 sink 25.00
 8 chairs & 8 chairs X
 2 tables 14.00
 2 wicker boxes containing clothing 60.00
 3 large buckets
 1 gas can 5.00
 garden implements -
 2 shovels
 2 long handle shovels
 2 picks
 1 mattock
 36' galvanized pipe
 7 fruit trees 30.00
\$509.00

1. Household furniture 500.00
 2. 5 passenger Chevrolet car 1000.00
car abandoned

239.25
 69.75
 78.25

RECAP:

1. Goods valued by claimant at \$189.00 in JP Form, sold at Auction for
 1 Range - \$60.00
 1 Heater- 20.00
 1 Bed - 20.00
 1 Dresser- 20.00-This item was included in \$175.00 shown in JP Form. The amount of \$20.00 was assumed as value for purpose of Recap. and was deducted from \$175.00.
 1 China Cabinet-20.00
 Chairs & Table 14.00
 Oil Can (gas) 5.00
 Tools etc. 30.00-Fruit trees & pipe not included in sale at Pipe appears to be missing
\$189.00

Other disposition of Chattels:

2. Goods valued by claimant at...25.00 in JP Form, sold with Real Prop
 1 Bath
 1 Tank
 1 Sink
 7 Fruit Trees
 3. Goods valued by claimant at...20.00 in JP Form - abandoned - no val
 1 Bed
 4. Goods valued by claimant at..255.00 in JP Form - Shipped.
 9 pieces on Oct.30/42. See lettr. Dec.6/42, including: 2 trunks and contents
 2 beds
 2 chests of drawers and contents
 2 boxes and contents
 1 box of books.
 2 pieces on November 27, 1944, including: 1 trunk and contents
 1 box and contents
 2 pieces in August 1942, including: 1 box containing canned and preserved food.
 1 small box kitchen utensils
 5 bottles of soy sauce.
 5. Goods valued by claimant at ..20.00 in JP Form - reported missing.
 1 Heater

TOTAL-\$509.00

Total claim

239.25

credit Custodian sales as against

1 heater — 7.00
 Tools — 2.00
 Range — 39.00
 1 bed complete 12.00
 { 4 old chairs 5.00
 { 4 chairs 1.25
 cabinet — 5.00
 brown dresser — 30.00

credit

69.75

net claim

\$169.50

69.75

SALES	SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
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69.75
78.25

X

Mr. Higashi sold his car privately before Evacuation. He did not declare owning a car and no record of same appears on the file covering his affairs, in our Office.

\$189.00 in JP Form, sold at Auction for \$78.25.

... was included in \$175.00 shown in JP Form. The amount of \$20.00 was added as value for purpose of Recap. and deducted from \$175.00.

... bit trees & pipe not included in sale at Auction. Pipe appears to be missing.

... \$25.00 in JP Form, sold with Real Property (fixtures).

... \$20.00 in JP Form - abandoned - no value.

... \$255.00 in JP Form - Shipped. See letter Dec. 6/42, contents

... drawers and contents, contents, 1944, contents, contents

... including canned and preserved food, kitchen utensils, soy sauce. \$20.00 in JP Form - reported missing.

\$509.00

EX. 270-3
DATE 2/5/48
FILLED BY Claricut

sales as against trustees claimed - (see auction sheet)

7.00
2.00
39.00
17.00
5.00
1.25
5.00
3.00
69.75

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATION

NAME: HIGASHI Shizuichi
HOME ADDRESS: Box 117 Union Bay, B. C.
REGISTRATION NUMBER: 07064 SEX: Male AGE: 54
OCCUPATION: Labourer

EXHIBIT No. 270 - 4
DATE: 25/5/48
FILED BY: Crown

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Canadian Collieries (Dunsmuir) Ltd Union Bay, B. C.

MARRIED? Yes

NAME OF WIFE OR HUSBAND: Tazu

ADDRESS OF WIFE OR HUSBAND: Same address

NAMES OF ANY LIVING CHILDREN: Shoney (M) Fusako (F)

ADDRESS OF CHILDREN: Same address

AGE OF CHILDREN: 15, 9

STATEMENT OF ALL REAL PROPERTY (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION:

Ground Rented from Canadian Collieries (Dunsmuir) Ltd

On Ground Lot 303

2. BUILDINGS AND OTHER IMPROVEMENTS: 5 Room wooden frame bungalow. Bathroom Lean-to: Garage: Wood-shed. Value \$800.

3. INSURANCE (Give particulars; state where policies are) None

4. TAXES (Amount and where payable) None

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed) None

6. OCCUPANCY AND LEASES (If vacant so state) None

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: **None**

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: **None**

9. IF FARM LAND STATE CROPS SOWN: **None**

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: **Ground Lot #303 Union Bay, B.C.**

2. LANDLORD'S NAME AND ADDRESS: **Canadian Collieries (Dunsmuir) Ltd**

Union Bay, B. C.

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:

Ground Rent \$6. semi-annually paid up to 5th Sept 1942

4. STATE WHEREABOUTS OF LEASE: **None**

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid)

None

6. IF FARM LAND, PARTICULARS OF CROPS SOWN: **None**

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

In house on Ground Lot No. 303 Union Bay B.C., Furniture, household effects, clothing, tools etc., as per list attached.

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS: **None**

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY: **None**

4. INSURANCE CARRIED ON ABOVE PROPERTY: None

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS: None

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom) None

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts) \$300 Victory Bonds 1941 In owner's possession \$100 Victory Bonds 1942

8. BANK ACCOUNTS: About \$1250. Royal Bank, Courtney, B. C.

9. LIFE INSURANCE: None

10. INTEREST IN ANY ESTATES OR TRUSTS None

11. SAFETY DEPOSIT BOX: None

LIABILITIES:

1. PERSONAL DEBTS: None

2. TRADE DEBTS: None

3. BUILDINGS AND OTHER IMPROVEMENTS: None

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 17th day of April 1942.

(Signature) "M. Higashi"

"Geo. F. Arab" Witness

FOR DEPARTMENTAL USE I her by certify that the foregoing words are a true copy of the original wher-of they purport to be a copy.

August 17th 1948

M. Scoby

Reg. 07064

OWNER: S. HIGASHI

Ground Lot No.303

	VALUE
5 room House - 36' x 22' x 8'	\$800.00
Bathroom lean-to 10' x 12'	10' x 12'
Garage 12' x 14'	
Wood-shed 10' x 12'	

Articles remaining:

1 cook stove	60.00
2 heaters	40.00
4 beds	80.00
3 trunks containing cooking utensils, clothing & sheeps wool comforters	
1 dresser containing clothing .	
2 chests of drawers (3 pieces) containing clothing	175.00
1 china cabinet	20.00
1 bath - hot water tank - 1 sink	25.00
8 chairs & 2 tables	14.00
2 wicker boxes containing clothing	60.00
3 large buckets, 1 gas can	5.00
garden implements - 2 shovels, 2 long handle shovels, 2 picks, 1 mattock, 36' galvanised pipe	
7 fruit trees	30.00
Total:	<u>\$1309.00</u>

Ground rent on above mentioned
Buildings is paid for six months,
viz. April - October 1942 inclusive.

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

August 17th 1948

M. Scoby
E.S.