

Name of Claimant NAKATANI, Inosuke

Case 277

Custodian File 1448

<u>REAL PROPERTY</u>											
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village		Total	
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount		% of Total	Amount	
<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			
						% of Total	Amount				
<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	
							00 100.00			00	70.00
<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				
				700.00	322.00					322.00	
TOTAL RECOMMENDATION										392.00	

CASE NO: 277

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

May 27, 1948

IN THE MATTER OF THE CLAIM OF
INOSUKE NAKATANI

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 27, 1948

IN THE MATTER OF THE CLAIM OF
INOSUKE NAKATANI

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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I. Nakatani
Direct exam

MR. COBUS: The claim, your honour, of Inosuke Nakatani, which is No. 63 on the original list, and which now becomes Case No. 277.

THE SECRETARY: Case No. 277.

INOSUKE NAKATANI, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. COBUS: Your honour, subject to what I shall have to say later with respect to the claim for realty, I would ask to amend the claim for personal property described as fishing gear. It becomes \$925.20 instead of \$965.00.

THE COMMISSIONER: Yes.

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, I produce to you a statement concerning the fishing gear for which you are claiming. Did you instruct me to prepare this statement for you and is that your signature?

20 A: Yes.

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

A: Yes.

Q: In that statement you have listed four items for which you are claiming and have indicated in the last column an estimated value for each item. Are those estimates your own estimate of what you consider to be a fair market value for each item?

A: Yes.

30 MR. COBUS: I would ask to file the statement concern-

I. Nakatani
In Chief

ing fishing gear, your honour, as the first exhibit.

THE COMMISSIONER: That will be Exhibit No. 1.

(STATEMENT MARKED EXHIBIT NO. 1)

10 MR. COBUS: Referring to the statement, your honour, the four items for which claim is being made are a float, 40 feet by 55 feet, built in 1929. The witness says that the cost of material alone to build the float amounted to \$700.00, and it was built by his own labour and took four months, which he says approximates \$300.00 for labour. The condition of the float when evacuation took place was good, and he estimates the value at the date of evacuation to be \$700.00. There are two net tanks, 8 feet in diameter, five feet deep, which were purchased in 1929 new at a cost of \$50.00. These, he says, were in good condition when evacuation took place, and he values them at that date to be worth \$30.00. Then he claims
20 for two lines, one cork line and one lead line. He itemizes the cost of material which goes into the cork line at \$126.20. This line, he says, was not used and therefore would be worth \$126.20 when evacuation took place. He similarly itemizes the cost of material and labour for the lead line to be \$69.00. It also was not used, and he values it at cost, \$69.00.

30 The float claimed for was moored to a piling in Tax Inlet near the Nelson Brothers float. The net tanks were on the float itself. The

I. Nkatani
In Chief

lines were on Millerd Company's scow and had been there since September, 1941.

The witness says that the values typed on his J.P. form were not values for the above chattels. He says that he could not have understood what was being asked, because such values would be foolish.

10 He built the float himself with the assistance of a friend and knows that the materials cost him \$700.00. The allowance for their labour is very low. Similarly, he says he knows the exact cost of materials in the lines, and the lines he made himself, and repeats that the lines were never used.

20 With respect to the claim for realty, your honour, the situation here is rather peculiar inasmuch as the parcel of land which is described as Lot 29 of Lot 4415, Range 5 Coast District Map 1092 was purchased by the claimant about 1932 at a cost which he instructs me was something like \$930.00. In 1942 the property vested in the Custodian. Would my learned friend produce the Certificate of Encumbrance from his file?

(Handed to Mr. Cobus)

I have what purports to be a Certificate of Encumbrance issued from the Land Registry Office.

THE COMMISSIONER: You are filing that, are you?

30 MR. COBUS: My understanding is that my friend doesn't wish to file it.

I. Nakatani
In Chief

THE COMMISSIONER: All right, you had better read into the record the particulars of it if you are not filing it.

MR. COBUS: Yes, your honour. It is issued from the Land Registry Office, Prince Rupert, and is dated the 2nd day of April, 1943. It describes the property as Lot 29 of Lot 4415, Range 5 Coast District Map 1092. The registered owner is Inosuke Nakatani. It was registered under
10 No. 25288 - I. There appears a certificate vesting the herein-described property in the Custodian, filed under No. 8926, and the certificate was addressed to Iam McPherson, Office of the Custodian, Department of the Secretary of State, Vancouver, B.C.

Subsequently, your honour, the Custodian relinquished his interest in this property. I believe it was in 1946. I was instructed by the claimant to wire the Land Registry Office at
20 Prince Rupert to ascertain the present registered owner of that parcel of land.

Q: Mr. Nakatani, did you instruct me to wire the Registrar of the Land Registry Office at Prince Rupert concerning the present registered owner of your land on Smith Island? A: Yes.

Q: I show you a telegram addressed to myself. Is that the reply to my wire to the Land Registry Office at Prince Rupert?

MR. McINNES: I think, your honour, my friend can give
30 that evidence himself. You can give that state-

I. Nakatani
In Chief

ment.

THE COMMISSIONER: You can just read the wire into the record.

10 MR. COBUS: Yes, I would like to read the wire into the record. This is what purports to be a telegram addressed to A.E. Cobus, Campbell, Brazier and Company, Grand Forks, B.C., signed by the Deputy Registrar of Titles, A. Thompson and it comes from Prince Rupert, B.C. and is dated May 25, 1948. It reads as follows: "Reply your wire lot twenty nine of lot four thousand four hundred and fifteen range five coast district map ten ninety two registered in name of Inosuke Nakatani subject to a tax sale notice filed by the provincial collector Prince Rupert that property was offered for sale at tax sale held September twenty fourth nineteen forty seven and no bids received."

20 I think I should ask to file this wire as an exhibit, if my friend is agreeable.

MR. McINNES: Yes.

(TELEGRAM MARKED EXHIBIT NO. 2)

30 MR. COBUS: So, your honour, the claimant is in this position: He is the registered owner of land as described on Smith Island near Prince Rupert. There are tax arrears, obviously, on the property. The property has not been sold by the Custodian and I am unable to say at this moment whether this claimant can actually hold land in that area. For that reason, I would ask leave to

call this witness later during this hearing or speak to it in Nelson.

THE COMMISSIONER: Well, the situation is that he now appears to be the registered owner and the Custodian has no interest.

MR. COBUS: As far as the documents would show, that is the situation. But perhaps in the next two weeks I will be advised as to how to proceed.

10 THE COMMISSIONER: There is nothing on record to show whether anything was filed by the Custodian relinquishing the property, or relinquishing his interest in the property?

MR. COBUS: No, your honour. The only information I have on that is, I believe, a note in the Custodian's file. The only information, your honour, appears as a written note at the bottom of a carbon copy of a letter addressed to the Provincial Assessor at Prince Rupert on August 16, 1946, purporting to be signed by F.G. Shears, and the
20 written statement is to this effect: "Vacating certificate filed in R.P. Section. 16/8/46."

I think, inasmuch as the property vested in the Custodian and is currently in the name of the claimant, it would appear that the Custodian did relinquish whatever interest he did have in the property.

THE COMMISSIONER: Yes. The only thing that isn't clear is as to what rights the claimant may have to hold those lands.

30 MR. COBUS: Exactly.

MR. McINNES: Well, if he wanted to sell them.

THE COMMISSIONER: Or whether he could sell them.

MR. McINNES: Supposing he can't sell them and wanted to sell them, I suppose the matter could be easily arranged through the Custodian.

MR. COBUS: The Custodian has no interest at the moment.

10 THE COMMISSIONER: The Custodian has no interest at the moment; he has vacated his interest. Supposing that the claimant wanted to sell them, depending on the Order in Council, there wouldn't be very much reason why he shouldn't sell them. But you wish to get further information on the Order in Council to find out what the situation is.

MR. COBUS: That is right, your honour. I would like to be advised further on it and speak to it at a later date.

20 THE COMMISSIONER: You have no objection, have you, Mr. McInnes to this being spoken to, either here, I suppose, or at subsequent sittings held at Nelson or New Denver? I presume those would be the sittings, would they not, Mr. Cobus?

MR. COBUS: Yes. Very likely at Nelson, but conceivably here.

THE COMMISSIONER: Yes, all right.

MR. COBUS: Your witness.

30 MR. McINNES: Your honour, it will be submitted that the claim does not come within the Terms of Reference as none of the goods claimed for were ever in the control, custody of the Custodian.

CROSS EXAMINATION BY MR. McINNES:

Q: Mr. Nakatani, did you file a J.P. form?

A: No, I did not.

Q: Isn't that your handwriting? A: No
forms were sent to Prince Rupert. I only saw
the Custodian when I came to Hastings Park.

Q: Well, didn't you sign the form there?

(Interpreter to witness)

10 Q: Never mind that. Here's a form that appears to
bear your signature and it certainly relates to
your property. It relates to your gasboat and
to your float and your net. All I want to know
from you is, did you sign that?

A: Yes.

Q: Well, that's fine. You agree, then, that you
left your float and net tanks with Nelson Brothers
at Prince Rupert? A: I only left
the float with Nelson Brothers, and the others
I left with Francis Millard and Company.

20 Q: You left your float and your net tanks at Nel-
son Brothers? A: Yes.

Q: And you left your line with Francis Millard and
Company, is that correct? A: Yes.

Q: In your J.P. form you have said that the float
and the two net tanks were worth \$100.00. Now
you say that is not right? A: No.

MR. McINNES: May it please your honour, I have in the
Custodian's file letters from Nelson Brothers
and from Francis Millard dealing with these items.

30 THE COMMISSIONER: Yes.

MR. McINNES: I am quite willing to read these letters into the record. I am doing it only for the purpose of giving my friend notice of them, so if you wish them read in, I will; if not, I am advising you of the two letters now.

THE COMMISSIONER: Are you filing them, Mr. McInnes, and leaving it at that, and leaving any explanation for re-examination by Mr. Cobus?

10 MR. McINNES: Well, I am not concerned about the values because of these letters, your honour, indicating that the goods were never left in the possession of either Nelson Brothers or Millerd, and therefore we say, that being the case, they don't come within the Terms of Reference because we never got hold of them.

THE COMMISSIONER: They never came into the possession of the Custodian.

MR. McINNES: No, that is my first submission. I am going further and saying that Nelson and Millerd
20 Brothers say they never had them.

THE COMMISSIONER: Yes, all right.

MR. McINNES: That is all.

RE-DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, when you signed your J.P. form on the 24th day of March, 1942 -- and you appear to have said that you had left one float 45 feet by 27 feet and two net tanks, value for the lot, \$100.00 -- were you assisted by an interpreter?

30 A: Yes, there was a person who could speak Japanese.

Q: And when you put your signature on that form, was this read out to you or translated back to you?

(Interpreter to witness)

THE COMMISSIONER: Mrs. Smith, will you try and tell this witness to just answer his questions simply, without going into a long conversation at the question, and when all we have for an answer is yes or no.

10 MR. COBUS: What was the answer.

THE INTERPRETER: He said nobody read it to him, he was only told to sign.

MR. COBUS: Q: Again on the J.P. form, it reads, "400 fathoms of lead line, 400 fathoms of cork line, value for the lot \$60.00." Can you explain how that amount, \$60.00, was even referred to? A: He says that he doesn't know how the \$60.00 was arrived at.

MR. COBUS: Thank you. I have no further questions,
20 your honour.

MR. McINNES: That is all, thank you.

THE COMMISSIONER: You have no further questions, Mr. McInnes?

MR. McINNES: No, your honour.

THE COMMISSIONER: Those letters will come up when you file your defence.

MR. McINNES: Yes, I merely made reference to them, and my friend has read them, anyway.

MR. COBUS: Yes.

30 THE COMMISSIONER: Very well.

(witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify that the foregoing transcript is a true and accurate report 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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Eric P. Dawson

E.P. Dawson,
Sub-Commissioner

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DEC - 2 1947

277

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

W

1448

g. Jonko

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

(1) NAME NAKATANI, INOSUKE (MR.) (RCMP) Reg. No. 10455
(Print) Surname Given Name

(2) Pre-Evacuation Address PRINCE RUPERT, B.C.

(3) Present Address P.O. Box 333, GRAND FORKS, B.C.

(4) REAL ESTATE
(a) Street Address (if any) P.O. OSLAND, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.) BLOCK 29,
DL 529, 927, 4415 & PORT 926,
PLAN 1092.

(c) Type of Real Property (cross out words which do not apply):
(i) ~~Farm~~
(ii) Residence Type of business _____
(iii) ~~Business~~
(iv) Any other type of property (describe) _____

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

(e) Fair market value at date of sale (estimate this to the best of your ability):
(i) Land - - - - - \$ 1130.00 -
(ii) Buildings - - - - - \$ _____
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - \$ _____
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 1130.00
(v) Amount at which Custodian sold property and credited your account - - - \$ _____
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 1130.00

(5) PERSONAL PROPERTY
(a) Place or places at which property was left by the claimant at date of evacuation TAX INLET, B.C.
(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) ON NET FLOAT AT NELSON BROS., TAX INLET, B.C.
(c) How stored or packed at time of evacuation _____

(over)

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

IN NO ONE'S CARE.

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

- | | | | |
|-----|---------------------|--------------------|------------------------------------|
| 1. | <u>FISHING GEAR</u> | Estimated Value \$ | <u>425²⁰
965.00</u> |
| 2. | | Estimated Value \$ | |
| 3. | | Estimated Value \$ | |
| 4. | | Estimated Value \$ | |
| 5. | | Estimated Value \$ | |
| 6. | | Estimated Value \$ | |
| 7. | | Estimated Value \$ | |
| 8. | | Estimated Value \$ | |
| 9. | | Estimated Value \$ | |
| 10. | | Estimated Value \$ | <u>425²⁰</u> |

TOTAL CLAIM FOR PROPERTY LOSS \$ 465.00

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) - - - - - \$ 2095.00

- (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 Yes

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

DOMINION OF CANADA)
of)
TO WIT:)

I, Shusuke Nakatani of the City
of Grand Forks, in the Province of British Columbia.

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

DECLARED before me at the)
of Grand Forks)
in the Province of B.C.)
this 15th day of November)
A.D. 1947 William Beverley)

J Nakatani

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.

NAKATANI, Inosuke
(Claimant's Name)

PERSONAL CHATTELS

Fishing gear

EXHIBIT No. 277-1
DATE 27/5/48
FILLED BY Claimant

10455
Reg. No.

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid	Condition when Evacuated	Estimated value at Date of Evacuation
1 float (net) 40' x 55'	Built in 1929	new	Cost of material \$400.00 own labour 4 months' pay \$300.00 \$700.00	Good	\$700.00
2 net tanks 8' diameter 5' depth	1929	new	\$50.00	Good	30.00
400 fa. gork line	1940	new	Materials \$29.60 50# line @ .37 940 lbs @ .02 \$18.60 \$48.20 Labour 12.00 \$60.20	Not used	126.20
400 fa. lead line	1940	new	Materials 700# lead @ .04 28.40 80# line @ .37 29.60 Labour \$16.00 \$74.00	Not used	69.00
					<u>\$925.20</u>

Description of Storage of Goods:

The float was moored to a piling in
2nd inlet near Nelson Bros. float.
The net tanks were on the float.
The lines were on Millard Co.'s pier and had been there
since Sept. 41.

General Statement as to Chattels not Described above:

as above only

The values typed on my J. P. form were not values
for the above chattels. I could not have understood
what was being asked because such values would be
falsish. I built the float myself with the assistance of
a friend and knew that materials cost
\$400.00. The allowance for our labour is very low.
Similarly I know the cost of materials on the
lines and made them myself. These lines
were never used.

Inosuke Nakatani
SIGNATURE



CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, GENERAL MANAGER - MONTREAL

"The filing time shown in the date line is STANDARD TIME at place of origin. Time of receipt is STANDARD TIME at place of destination."

62 DL collect \$1.26 and \$1.26 inter

Via ^vancouver

^v Prince Rupert BC May 25 48

A E Cobus....

Campbell Brazier and Co
Grand Forks B.C.

Reply your wire lot twenty nine of Lot four thousand
four hundred and fifteen range five coast District map ten ninety
two registered in name of Inosuke Nakatani subject to
a tax sale notice filed by the provincial collector prince
Rupert that property was offered for sale at tax sale
held september twenty fourth nineteen forty seven and no bids
received.

A Thompson...

Dep^uty Registrar of Titles....

11 10 am

252
07
Collect 259

EXHIBIT No. 277-2

DATE 27/5/48

FILLED BY clawson