

<u>REAL PROPERTY</u>										Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices	Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount	% of Total	Amount	
<u>PERSONAL PROPERTY</u>										
Motor Vehicles		Boats and Boat Gear								
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Recorded & Now Missing	45% of amount in next preceding column			
		550		156.75						156.75
<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			
TOTAL RECOMMENDATION										156.75

CASE NO: 314

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

June 4, 1948

IN THE MATTER OF THE CLAIM OF
NUINOSUKE OKAWA

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 M.M. COLQUHOUN, SUB-COMMISSIONER)

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Grand Forks, B.C.

June 4, 1948

IN THE MATTER OF THE CLAIM OF
NUINOSUKE OKAWA

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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T. Okawa
In Chief

MR. COBUS: The claim, your honour, of Okawa, Nuinosuke, No. 74 on the Secretary's list. That will become Case No. 314, Mr. Secretary.

THE SECRETARY: That is right.

(MRS) TOKU NUINOSUKE, a witness called on behalf of the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

10 MR. COBUS: I would ask leave, your honour, to amend the claim which is a claim for a boat by amending the value of the boat to read \$2,000 in place of \$4000.00. The radio item is being abandoned, and we are crediting the Custodian with \$550.00, leaving a net claim of \$1450.00.

MR. McINNES: \$550.00, did you say?

MR. COBUS: That is correct.

DIRECT EXAMINATION BY MR. COBUS:

20 Q: Witness, I produce to you a claim form which appears to be signed by one N. Okawa. Do you recognize that signature?

A: This is my husband's name.

Q: You are representing your husband and giving evidence on his behalf, are you?

A: Yes.

Q: Of your own knowledge, are you familiar with the facts relating to the vessel which is the subject matter of the claim? A: Yes.

30 Q: I produce to you a statement concerning the vessel. Did you instruct Mr. Leckie to prepare this

T. Okawa
In Chief

statement and is that your signature?

A: Yes, this is my signature.

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

A: Yes.

THE INTERPRETER: She wanted to know how much was claimed.

MR. COBUS: But the answer to the question was yes, I take it.

10 THE INTERPRETER: Yes.

MR. COBUS: I ask to file the statement as an exhibit.

(STATEMENT MARKED EXHIBIT NO. 1)

Q: Witness, is your husband a great war veteran?

A: Yes.

Q: How long did he serve, I presume in the Canadian Forces? A: About three years.

Q: Did he go overseas in the Great War?

A: He was in the front line.

20 THE COMMISSIONER: Is that the First War or the last one?

MR. COBUS: The First Great War, your honour.

Referring to the statement filed as Exhibit 1, your honour, the vessel for which claim is being made is known as the "Point Ose," a trolling vessel which was purchased in 1927; that is, it was built for the claimant in 1927. The price paid was \$7500.00 and that included the hull and a Vivian gas engine. The usual maintenance work of scraping and copper painting was done annually, and the condition of the vessel was

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T. Okawa
In Chief

good when turned over to the Navy in 1941. The claimant estimates the value of the vessel to be \$2000.00.

10 In 1939 the claimant installed a new Nip-path Engine, 35 H.P., which was a diesel engine which cost him \$1500.00. He points out that his vessel, being a trolling vessel, was equipped with special gear for trolling. The witness says that she is representing her husband as to the claim and that she is familiar with the facts relating to the vessel. In December of 1941 her husband dismantled the engine and took the parts to one Bill Wagner, a marine engine repair man in Vancouver, for overhauling the engine, and apparently the parts which he took were the injector valves. But these he sent to the Custodian later so that the engine was complete when the Custodian sold the vessel. Her husband, she says, wrote a letter to the

20 Custodian in February, 1943 agreeing to take \$350.00 for the hull alone, and, under stress of financial circumstances, he agreed to this price of \$350.00. The Custodian sold the vessel for \$550.00 which was much below what the witness considers to be a fair market value. She thinks it would be worth at least \$2000.00 at that time.

30 Would my learned friend produce the letter referred to in the statement from the claimant to the Custodian dated February 1st, 1943?

MR. McINNES: Yes.

MR. COBUS: Q: Witness, I produce to you, from the Custodian's file, a letter dated February 1st, 1943 at Greenwood, B.C. and addressed to the office of the Custodian and appearing to have been signed by Nuinosuke Okawa, Registration Number 03228. Do you recognize that signature?

A: This is not my husband's signature.

10 Q: Well, was the letter written on the instructions of your husband?

A: She doesn't think that it was necessary for him to write this letter.

Q : Well, would you just ask her this: Did her husband have this letter written?

A: My husband can't read nor write so if it had been sent, it must have been written for him.

Q: But she doesn't know? A: I talked the matter over with my husband to sell the boat, but I don't remember sending that letter.

20 MR. COBUS: Your honour, this letter should be filed, your honour, for whatever it is worth, I think. She refers to the letter in her statement.

THE COMMISSIONER: Well, it having been referred to, you had better file it.

MR. COBUS: I file it on behalf of the Crown.

(LETTER MARKED EXHIBIT NO. 2)

Q: Witness, at the time your husband appeared to agree to sell something for \$350.00, were you and your family in rather straitened circumstances?

T. Okawa
In Chief

A: My husband was working for the Commission for \$45.00.

Q: \$45.00 a month? A: A month, and it was not sufficient to keep the family going.

Q: How large a family have you?

A: I had two daughters who were attending the high school and I had to pay \$4.00 each to keep them in school.

MR. COBUS: Your witness.

10 MR. McINNES: Don't you want the valuations.

MR. COBUS: I am sorry, yes, I do.

I have had produced from the Custodian's file, your honour, the survey report of John Gould dated August, 1942 at Vancouver. The estimated market value is shown as \$650.00, the valuation, \$550.00. I file that on behalf of the Crown.

(APPRAISAL MARKED EXHIBIT NO. 3)

20 MR. COBUS: If my learned friend will admit the date of sale was January 7, 1943 and that it was a Custodian sale, and that it was sold for \$550.00.

MR. McINNES: Yes, that is right.

MR. COBUS: Your witness.

MR. McINNES: In this case, your honour, it will be submitted that the vessel was sold for its appraised value or, alternatively, for its fair market value.

30 I would ask that the summary taken from the vessels records, from which my friend has asked for certain admissions, be filed as an exhibit.

T. Okawa
In Chief

(SUMMARY MARKED EXHIBIT NO. 4)

MR. McINNES: That is all.

(Witness to interpreter)

THE COMMISSIONER: Is there anything else you wish to say?

10 THE INTERPRETER: A: She said, could she mention about the difference in the price of \$4000.00 and \$2000.00? She said that when her husband went for the boat the engine was taken off the boat and the boat had already gone out, so at that time he only put in a \$2000.00 claim, but when this J.P. form was written, the engine had been put back in the boat so it was really worth \$4000.00. She is claiming now for \$4000.00.

MR. McINNES: That would be a matter to be referred to her counsel, I think.

MR. COBUS: I would think so.

20 THE COMMISSIONER: I will give you the right to make further amendments if you consider any further amendments advisable or desirable.

MR. COBUS: Thank you, your honour. I did not take the interview myself, so I will speak to the claimant.

THE COMMISSIONER: Very well.

MR. COBUS: Would you tell the witness I will speak to her about this later.

(Interpreter to witness)

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

Discussion

Grand Forks, B.C.

June 8, 1948

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. COBUS: Your honour, further to the case of Nuinosuke, which was heard before we adjourned, No. 314, I am instructed that the claimant does not desire to make any further amendment to the claim save as already stated.

10 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.

M.M. Colquhoun

M.M. Colquhoun
Sub-Commissioner

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Revised - Net Claim \$1450.00
DEC - 2 1947

314

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
N

11253

8700/ks

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

(1) NAME OKAWA Nuinosuke (RCMP) Reg. No. 03228
(Print) Surname Given Name

(2) Pre-Evacuation Address 528 Princess Ave., Vancouver, B.C.

(3) Present Address Box 615, 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 Type of business _____
(iii) Business
(iv) Any other type of property (describe) _____

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

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

(5) PERSONAL PROPERTY
(a) Place or places at which property was left by the claimant at date of evacuation _____
In Custodian's Hands
(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) _____
(c) How stored or packed at time of evacuation _____
Radio--Delivered to R.C.M.P. according to orders

(over)

4 SA

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

In Custodian's Care

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

1.	WEST COAST TROLLER, length 34 ft.,	Estimated Value \$	
2x	beam, 10 ft., Semi Diesel, 16 H.P. Hvy.	Estimated Value \$	
3x	Duty, (Value of gear included)	Estimated Value \$	4000.00
4.		Estimated Value \$	
2x 5x	RADIO, Lafayette	Estimated Value \$	100.00
6.		Estimated Value \$	
7.		Estimated Value \$	
8.		Estimated Value \$	
9.		Estimated Value \$	
10.		Estimated Value \$	

Less amount received from the Custodian \$445.00

TOTAL CLAIM FOR PROPERTY LOSS \$3655.00

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) - - - - - \$3655.00

(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

Greenwood, preferred: Nelson, if necessary

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, Nuinosuke Okawa of Greenwood 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 Nelson in the Province of British Columbia this 18th day of November A.D. 1947.

N. Okawa

[Signature]
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.

η Okawa
 (Claimant's Name)
 per Mrs T Okawa (wife)

PERSONAL PROPERTY
 (Fishing vessels, gear and equipment)

03228
 Reg. No.

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

— n/a —

EXHIBIT No. 314-1
 DATE 4 June 1948
 FILLED BY Claimant

VESSELS SOLD BY CUSTODIAN

NAME	Reg. No.	Type	Date Purchased	New or Used	Price Paid	Maintenance Work	Condition When Evacuated	With whom left	Estimated Value
"Point Ose" 34'7" x 10'3" x 4'6"	153400	Vancouver Trawler	1927	had built in 1927	7500.00	scraped + copper hull + Vumpin annually gas engine	good - navy	Surrendered	2000.00
Improvements to Vessel since date of purchase:		Type	Date	Cost					
Installed new Kippath engine 35 HP		Diesel	1939	1500.00					

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

This vessel was also equipped with special gear for trawling.

Arrangements made for storage when evacuated: the Navy took the boat away to New Westminster in Dec 1941

comment - I am representing my husband as to the claim and am familiar with the facts relating to the vessel. In December of 1941, my husband dismantled the engine and took parts to Bill Wagner, marine engine repair man in Vancouver, for overhaul. This was before delivery to the Navy. I understand he had other parts of the engine (injector valves) which he sent to Canadian later and that the engine was complete when the Custodian sold the vessel. My husband wrote letter to the Custodian on 4 May 1943 agreeing to test 350.00 on hull alone. Under stress of financial circumstances the Custodian sold vessel (complete) for 550.00 which was much below a fair value. It is considered that the boat was worth at least 2000.00 when so sold.

T. Okawa
SIGNATURE

314 - 2
EXHIBIT No. _____
DATE 4 June 1948
FILED BY Crown

Greenwood, B. C.
Feb. 1st, 1943.

Mr. Sullivan,
Specified Article Department,
Office of the Custodian,
Vancouver, B. C.

Dear Sir:-

Re: "Point Ose"

I have duly received yours dated on the 27th ult., I took my engine in to I. Swann, Machine Shop Ltd., foot of Bidwell St., Vancouver, B. C. to repair the Cylinders and piston the other day. The other part of engine was all right, they told me that they will charge me \$120.00 for whole work. When I have received your advise first I thout your offer price \$350.00 for hull only therefore I wrote to you my consent. I have the injector valves (noddles) with me here, if I can get \$350.00 net I will send them freight paid by the Buyer.

Yours truly,

"Nuinosuke Okawa"

Reg. No. 03228
File No. 11253

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

August 27, 1948.

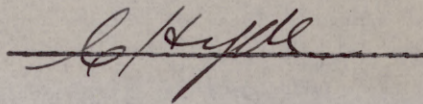

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EXHIBIT No. _____
 DATE 4 June 1948
 FILED BY Crown

JOHN GOULD
 Marine Surveyor and Appraiser
 Vancouver, B.C.

No. 70A.

"Point Ose"

SURVEY REPORT

To whom it may concern:

Name	"Point Ose"		
Official No.	N 4 0 A	Type Troller. & Wet Cod.	Age 1927
Owner	Minosuko Okawa.		
Dimensions	L. 34.7 ft. B. 10.3 ft. D. 4.6 ft.		
Engines	Nippath Diesel.		
Horsepower	35 B.H.P.		
Fuel	Diesel fuel oil.		
Tank Capacity	90 Gallons		
Pumps	2 on deck.		
Lighting	Electric	Drive	Off main engine
Anchors	None.		
Chains	None.	Rope	None.
Compass	None.		
Stoves	None.		
Fire Extinguishers	None.		
Valuation	Five Hundred fifty (\$550.00) dollars.		
Estimated Market Value	Six Hundred fifty (\$650.00) dollars.		
Remarks:	Engine. adrift..not all complete		

August 1942.

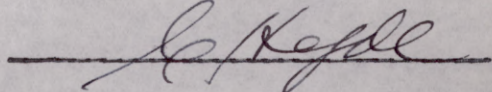
Vancouver, B. C.

"John Gould"

Marine Surveyor

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

August 27, 1948.

 MW

SUMMARY TAKEN FROM VESSELS RECORDS

Date: June 2, 1944

Name: OKAWA, Nuinosuke

Reg. No. 03228

File: 11253

Boat File No.: Custodian Boat 11253

Name of Vessel: "Point Ose" 40' x 10.3' x 4.6' -11 years old, Nippatsu 35 HP. (Information supplied to JFVDC, January, 1942)

Lic. or Reg. No.: Vancouver 153,400- Record of Registered Vessels describes vessel as, 34.7'x10.3'x4.6' built 1927.

Naval No.: None

Owner's Valuation: \$2,000.00 - See JP

JFVDC Valuation: Codfish plugs in hold. Engine undexsirable-Boat very old. 1942 value ? - SURVEY #542.

Custodian Valuation: \$550.00 (John Gould) Aug.1942

Date of Sale: January 7, 1943

Purchaser: John Heal

Signature on Sales Papers: Custodian Sale

Selling Price: \$550.00

Paid to Custodian: 550.00

Supervision Costs: 74.69

68.00 copper-painting & caulking

Balance due Owner: 407.31

Paid to: Credited to account of Nuinosuke OKAWA

Location of Boat at Sale: Coal Harbour (ex New Westminster)

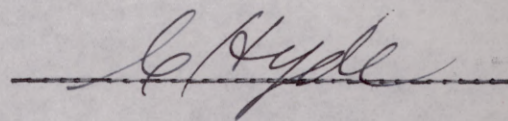
Claims Against Canadian Govt.:

Additional Information: When this vessel was taken over by Custodian the engine was incomplete and dismantled. The missing parts were supplied by Mr. Okawa and by the machine shop to which the parts had been sent prior to the impounding of the boat.

"F. Matheson"

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

August 27, 1948.


_____ *mw*