

<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
		145 145		7.25 12.50					Special	155.00 34.25
<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			
925	231.25									231.25
<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										420.50

CASE NO: 402

JAPANESE PROPERTY CLAIMS COMMISSION

Nelson, B.C.

June 18, 1948

IN THE MATTER OF THE CLAIM OF
GEORGE ARTHUR MASAHIDE FUTA

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)

10

Nelson, B.C.

June 18, 1948

IN THE MATTER OF THE CLAIM OF
GEORGE ARTHUR MASAHIDE FUTA

PROCEEDINGS AT HEARING

20 APPEARANCES:

DONALD MACDONALD, Esq.,

appearing for the
Dominion Government

A.E. COBUS, Esq.,

appearing for the
Claimant.

 W.J. STURGEON, Esq.,
Secretary to Nelson
Sub-Commission

MRS. I.C. SMITH, Esq.,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter

30

MR. COBUS: The claim, your honour, of George Arthur Masahide Futa, which is No. 9, I believe, on the Secretary's list, and which becomes Case 402. I call George Futa. This man requires no interpreter, your honour.

GEORGE ARTHUR MASAHIDE FUTA, the Claimant herein, being first duly sworn testified as follows:

10 MR. COBUS: Your honour, the only amendment or change that I would make in the claim as submitted would be a little more detail than the claim shows. The claimant, under "Real Property," 4 (f), shows "My claim of loss sustained: \$500.00." He arrives at that by estimating the value of the property for which he is submitting a claim as being \$645.00 and crediting the Custodian with the sale of the property at \$145.00, which leaves a net realty claim of

20 \$500.00.

THE COMMISSIONER: Well, shall I amend that by making that the net?

MR. COBUS: Perhaps that would do it.

THE COMMISSIONER: Or I could bracket it outside.

MR. COBUS: I would suggest, your honour, if you show the value \$645.00 in the margin it might indicate more clearly the basis of the claim. So that value is \$645.00, the credit is \$145.00. Then, turning to the claim for personal property,

30 this involves two items, two vehicles; one a

Fargo truck for which, under 5 (e) he says his loss claimed is \$525.00. He arrives at that by estimating the value of the Fargo truck at \$650.00 and a credit of \$125.00, which leaves a net claim on the Fargo truck of \$525.00. With respect to the Dodge sedan, his value is \$1000.00 and he credits the Custodian with \$800.00, leaving a net claim on the Dodge of \$200.00. The total claim for realty and personal property becomes \$1225.00 net.

10

THE COMMISSIONER: That is \$500.00 on the real property.

MR. COBUS: Yes, your honour,

THE COMMISSIONER: And \$200.00 on the truck.

MR. COBUS: \$525.00 on the truck, your honour.

THE COMMISSIONER: \$525.00 on the truck, yes.

MR. COBUS: That is the Fargo truck.

THE COMMISSIONER: And the sedan?

MR. COBUS: \$200.00.

20 THE WITNESS: \$200.00, yes.

THE COMMISSIONER: That is \$1225.00, is that right?

MR. COBUS: That is correct, your honour.

DIRECT EXAMINATION BY MR. COBUS:

Q: Now, witness, you were born, I believe in Cranbrook, British Columbia, is that correct?

A: Yes, sir.

Q: And you have spent all of your life there?

A: Yes.

30 Q: You were educated in Cranbrook schools, I take it?

A: Yes, sir.

Q: What grade in school did you attain?

A: Senior matriculation.

Q: Senior matriculation. I produce to you a three page statement or memorandum respecting your claim, and on the third page is a signature, George Futa. Is that your signature?

A: Yes.

10 Q: Did you instruct someone to prepare this statement on your behalf? A: Yes.

Q: Is the information contained therein true to the best of your knowledge and recollection?

A: Yes.

Q: And on page 1 there has been written in an amendment which you have initialled, is that correct? A: Yes, it was the date of the assessment notice.

MR. COBUS: I would ask leave to file the memorandum, your honour, as the first exhibit.

20 (MEMORANDUM MARKED EXHIBIT NO. 1)

MR. COBUS: Q: Witness, did you hold the real property for which you are claiming in your own name?

A: Not exactly; my two brothers were also interested in it, and I believe their names were on the registration.

Q: That is, the title shows yourself and two brothers?

A: Two brothers, yes.

Q: And this claim for the realty you are submitting on behalf of yourself and your two brothers?

30 A: Right.

G.A.M. Futa
In Chief

Q: That is correct? A: Yes.

THE COMMISSIONER: I think we had better have the names of the three of them.

Q: You are acting on behalf of yourself, and what are your brother's names, Mr. Futa?

MR. COBUS: Your honour, I have the certificate of encumbrance that sets out everything. Perhaps that had better be filed.

THE COMMISSIONER: Oh, yes, that will show it.

10 MR. COBUS: The certificate of encumbrance shows, respecting Lot 4 and that part of Lot 5 lying south of a line which bisects the easterly and westerly boundaries of the said Lot, in Block 92, Cranbrook City, Plan 669 the registered owners as George Futa, the witness, Buaye John Futa and Frank Shoje Futa. Perhaps if the certificate of encumbrance is filed on behalf of the Crown it would be as well.

(CERTIFICATE OF ENCUMBRANCE MARKED EXHIBIT
NO. 2)

20

Q: Witness, this property was originally purchased by your father, I understand? A: Yes. As near as I know, it was either my father or my mother.

Q: When was it transferred into the names of yourself and your two brothers?

A: I am not definite on that.

Q: You are not sure of that? A: No.

Q: You were all of age at that time, were you?

30 A: Yes. I believe it was when we came of age, or

even prior to that. It was when we became of age.

I believe it was in 1941. I am not certain, but I believe it was in '41.

Q: Up to that time, who had held this property?

A: Beale and Elwell, a trust company in Cranbrook.

Q: They held it in trust for your father?

A: That is right.

Q: Why was that arrangement made?

10 A: I believe there was some arrangement whereby my father and mother owed Beale and Elwell a sum of money at different times, and in lieu of security and so on, I expect that they looked after the property and collected the rents and so on from it.

Q: And I understand that Beale and Elwell -- is that the name of the company? A: That was the name of the firm.

20 Q: I believe they assisted your father, who was not an educated man, to handle his business affairs, is that correct?

A: That is quite right.

MR. COBUS: If my friend would produce the appraisal, I think it should be filed.

MR. MACDONALD: The land appraisal?

MR. COBUS: Yes.

(Handed to Mr. Cobus)

30 MR. COBUS: I have had produced, your honour, from the Custodian's file what purports to be an appraisal on the property as described in the certificate of encumbrance and signed by J.E.

Kennedy, and dated July 26, 1944, wherein he appraises the land at \$70.00 and the improvements at \$75.00. The only note is to this effect: "This lot has a frame and metal garage in very poor condition. It is situated in the Chinese quarter of the city." That is filed on behalf of the Crown.

(APPRAISAL MARKED EXHIBIT NO. 3)

MR. COBUS: Q: Witness, do you know this Mr. Kennedy?

10 A: Yes, I know him.

Q: Did you know him while you were in Cranbrook?

A: Yes.

THE COMMISSIONER: Q: Is he a regular real estate man in Cranbrook, witness?

A: That I couldn't tell you. I think he has had a lot to do with real estate at different times.

MR. COBUS: His stationery, your honour, shows "John E. Kennedy, trading as East Kootenay Real Estate and Insurance."

20

Q: How old a man was J.E. Kennedy, would you judge?

A: I would say he was a man in his seventies.

Q: A man in his seventies. What had he done formerly?

A: To my knowledge he was connected with the Government of British Columbia, acting as a government agent.

Q: And he was retired, I assume?

A: And as assessor. Yes, I believe he was retired from the government job, but he was, I understand, in the real estate business at the time

30

we left Cranbrook.

Q: I see. A: Now, I am not sure as to when he went into the business or anything.

MR. COBUS: No. Would my friend admit that the assessed value of this property in 1945 was \$655.00.

Q: Is that correct, witness?

A: I believe you have the figures there.

10 MR. COBUS: Well, I think my friend has the assessment notice in his file.

MR. MACDONALD: I haven't the notice, I have a memorandum: assessment, 1945, land \$580.00, improvements \$75.00.

MR. COBUS: Land \$580.00.

MR. MACDONALD: That totals \$655.00.

MR. COBUS: \$655.00. I thought my recollection was correct.

20 THE COMMISSIONER: Well, Mr. Kennedy agrees as to improvements with the assessment, but he doesn't agree with the value of the land.

MR. COBUS: Not very closely, your honour.

THE COMMISSIONER: His appraisal is \$75.00, and the assessment is \$580.00.

MR. COBUS: Would my learned friend admit that the property was sold on April 2, 1945?

MR. MACDONALD: I don't really know, your honour, when it was sold. Just a minute, I will see if there is anything here. Yes, your honour.

30 MR. COBUS: It was sold for \$145.00, Mr. MacDonald,

that is correct, is it not?

MR. MACDONALD: Yes, that is correct, your honour.

MR. COBUS: Would my learned friend advise to whom the property was sold?

MR. MACDONALD: According to the memorandum I have here, your honour, it was sold to Mr. and Mrs. Paul Shypitka.

MR. COBUS: Q: Witness, do you know John Shypitka?

A: Yes, I would know a John Shypitka.

10 MR. MACDONALD: It is Paul.

MR. COBUS: It is Paul, is it?

Q: Was there a John, also? A: There was a John, also.

Q: Apparently Paul purchased this property for \$145.00. Do you know the person who purchased it? A: I would know him, yes.

THE COMMISSIONER: This was sold to Paul, not to John.

MR. COBUS: To Paul, I am advised.

20 MR. MACDONALD: Paul, yes.

MR. COBUS: Q: Is Mr. Kennedy related to this Paul Shypitka in any way? A: Yes, he is an uncle by marriage.

MR. COBUS: Can my friend advise whether any tenders other than the tender of Paul Shypitka and his wife were received?

MR. MACDONALD: Your honour, according to the memorandum I have here, dated May 3rd of this year, it sets out: "No other offers to purchase
30 were received by the Custodian, although it was

G.A.M. Futa
In Chief

advertised in our catalogue circulated in the Cranbrook District. The property was not rented."

MR. COBUS: It was advertised in what newspaper, Mr. MacDonald?

MR. MACDONALD: Well, all it mentions, your honour, is "in our catalogue." I presume that it was listed with a number of others in the papers, in the catalogue circulated in the Cranbrook district.

10 MR. COBUS: Yes.

THE COMMISSIONER: It is somewhat material if it was advertised in the Cranbrook papers or just in the Vancouver paper.

MR. COBUS: Or the Nelson paper.

THE COMMISSIONER: Or the Nelson paper.

MR. MACDONALD: It says it was circulated in the Cranbrook district.

MR. COBUS: Q: Witness, have you any knowledge of the advertisement that the Custodian issued in the Cranbrook district respecting your real property?

A: No, I have never

seen a circular or anything to that effect.

Q: Well, in Cranbrook, I believe you have a weekly newspaper?

A: Yes.

Q: What is it known as?

A: The Cranbrook

Courier.

Q: It comes out every Friday?

THE COMMISSIONER: Thursday of every week, I think.

Q: Every Thursday it is issued, isn't it?

30 A: Yes, I believe it still is.

G.A.M. Futa
In Chief

MR. COBUS: Well, perhaps my learned friend would undertake to advise us before the hearings in Vancouver of the method of advertising this property in the Cranbrook district. It seems to me that is within the knowledge of the Custodian.

THE COMMISSIONER: Yes. It would be correct, I suppose, to say, if it was advertised in a Vancouver paper, that that paper circulated in Cranbrook.

10

MR. MACDONALD: It could, your honour. Of course, when I read it, I took it that it was in a paper published -- perhaps I was adding a little too much.

THE COMMISSIONER: It doesn't say "published."

MR. MACDONALD: No, it says "circulated."

THE COMMISSIONER: That would apply to a Vancouver paper.

20

MR. MACDONALD: I think the meaning of "catalogue," as your honour will perhaps have seen, is that a list of properties advertised is given in a half a page, giving a very short description, and I think that is what they call the catalogue. It would not be, as the witness says, a circular. The witness understood it was a circular; it wouldn't be that.

THE COMMISSIONER: No. Well, the Crown undertakes to give more information if available as to whether or not the notice was published in a local paper. Would that cover your request, Mr.

30

Cobus?

MR. COBUS: Yes, it would, your honour.

MR. MACDONALD: Well, that will appear on the record, your honour, and I have no doubt that it will be done. There is no copy of it here that I can find.

THE COMMISSIONER: No.

MR. COBUS: I think that will be satisfactory, your honour, if that information is available, the
10 Crown will supply us with it.

Q: Now, witness, at the time that your property was sold, did the Custodian inform you that it was being sold? A: Yes.

Q: That is, your real property. A: Yes.

Q: Did you communicate with the Custodian at any time respecting the sale of this real estate?

A: Yes, I wrote the Custodian protesting the price obtained for the property about that time.

Q: I produce to you a carbon copy of a letter dated
20 April 14, 1945 at Invermere, addressed to the Administration Department of the Office of the Custodian at Vancouver, and the signature "Futa Brothers," appears. Can you identify that carbon copy? A: Yes, I believe I wrote that myself and signed it "per George Futa."

Q: Yes.

MR. COBUS: Perhaps my friend would produce the original of this letter for filing.

30 MR. MACDONALD: I was looking for that. I don't

G.A.M. Futa
In Chief

seem to have it.

THE COMMISSIONER: Q: Futa, what taxes did you pay on this property; what were the yearly taxes?

A: It varied year to year, your honour, from, I'd say \$23.00 to \$30.00.

MR. COBUS: My friend has the notice of assessment for '45. He could advise you, your honour, of the exact amount of the taxes for the year '45.

10 THE COMMISSIONER: What I had in mind was, if the taxes had been very high, it might have been undesirable property to own. It might have some bearing on it.

MR. COBUS: Your honour, if the original is not in the Custodian's file, I would ask leave to file this carbon copy which has been identified by the witness.

(LETTER MARKED EXHIBIT NO. 4)

20 The letter says, in part: "Now we do not protest the sale of this property, but we are protesting the value placed on this property.

The sum of \$145.00 as stated by you is pitifully small in considering the location and improvements on this property. The assessment value of the City of Granbrook is over four times this sum. The doors on the garage cannot be replaced for this amount. We are asking you to reconsider the value again before disposing of this property."

30 THE COMMISSIONER: Is that when he was advised the Custodian proposed to sell the property?

G.A.M. Futa
In Chief

MR. MACDONALD: What is the date of that letter?

MR. COBUS: April 14, 1945. The date of sale has been admitted as April 2, 1945.

Q: Now, witness, I produce to you a carbon copy of a letter dated April 14, 1945, addressed to Mayor A.J. Balment, City of Cranbrook, B.C., and apparently signed by George Futa. Is this a carbon copy of a letter which you sent to Mayor Balment?

10 A: Yes.

Q: Now, I produce to you a letter dated at Cranbrook, April 14, 45, addressed to George Futa, Esq., Invermere, and signed by what appears to be a "J. Balment." Is this a letter you received from the Mayor of Cranbrook? A: Yes.

Q: That is his signature? A: Yes.

Q: And this is a letter in response to the letter which is to be filed which you have identified as a carbon copy of your letter?

20 A: Yes.

MR. COBUS: I would ask leave, your honour, to file the carbon copy of a letter addressed to Mayor Balment in which the witness protests the sale of the property and the value placed on it by the Custodian, and perhaps, the answer, the second letter, should be filed along with that letter as one exhibit.

THE COMMISSIONER: Put the two letters in together, yes, as Exhibit 5, then.

30

(LETTERS MARKED EXHIBIT NO. 5)

G.A.M. Futa
In Chief

MR. COBUS: The letter signed by A.J. Balment, whom the witness says is the Mayor of Cranbrook, reads as follows:

10 "Dear George: Your letter of April 14th received and note what you say re property owned by you in the city of Cranbrook listed as lots 4 and S $\frac{1}{2}$ 5 is up for sale. I take it from your letter this property is offered for sale at a price of \$145.00 less all expenses which means that you will get possibly less than \$100.00, which I consider is a steal. This property is assessed at \$580.00 for land and \$150.00 for improvements or a total of \$730.00. Do not blame you for protesting against the price of \$145.00 being placed on this property. I certainly believe in a square deal. Yours truly, A.J. Balment."

20 Q: Witness, this building on this land for which you are submitting a claim was, I understand, used as a warehouse and garage?

A: Right.

Q: And that was the only building on the property when you were the owner? A: Yes.

Q: Have you any idea how much it cost to erect that building? A: About \$600.00.

Q: Do you know when it was built?

A: No, I don't know the exact date, but it was --

Q: Roughly. A: Will roughly be all right?

30 Q: Yes. A: Around 1929, '30

G.A.M. Futa
In Chief

or '31, somewhere in that time -- '29, I believe.

Q: And it was a metal building, I take it.

A: It was of frame structure with metal clad walls.

Q: What sort of a roof? A: It had a patent roofing. I imagine it was some Duroid or rubberoid type.

Q: I see. All right.

10 MR. COBUS: Would my learned friend produce the receipts for the two vehicles which the witness surrendered to the British Columbia Provincial Police at Cranbrook?

Q: This was surrendered, not to the Mounties at Cranbrook, but to the B.C. Police?

A: Yes.

Q: Did you get a receipt for the two vehicles, witness? A: Yes.

Q: Do you happen to have those receipts with you?

A: Yes, they are in my letters there.

Q: Oh, you have produced them to me, have you?

20 A: Yes.

Q: I produce to you, then, witness, a receipt signed by William Stark, Constable in charge, Cranbrook City Detachment, dated March 9th, 1942, which shows the receipt by that constable of a Dodge sedan and a Fargo panel delivery, a Majestic Radio, a Brownie camera, and another Brownie camera. Is this the receipt which you received from the B.C. Police?

A: Yes.

30 Q: And you are now claiming with respect to the

G.A.M. Futa
In Chief

Dodge sedan and the Fargo panel delivery, is that correct? A: Yes.

MR. COBUS: I would ask to file the receipt, your honour.

(RECEIPT MARKED EXHIBIT NO. 6)

MR. COBUS: Q: Now, witness, I produce to you a snapshot showing a vehicle. What vehicle is that? A: That was our Fargo panel delivery truck.

10 Q: I see. And I notice on the outside of it is the expression "Futa's Grocery."

A: Yes.

Q: You ran a grocery business, I understand, in Cranbrook? A: At that time, yes.

THE COMMISSIONER: The year doesn't appear?

MR. COBUS: No, it does not. I thought it had it.

THE COMMISSIONER: Q: What year was that Fargo truck, what model?

A: 1936 model, your honour.

20 MR. COBUS: Q: When did you purchase this Fargo truck?

A: I believe it was in '38, late '38 or early '39.

Q: What did you pay for it?

A: Around \$1000.00.

Q: From whom did you purchase it?

A: From Kootenay Motors, Cranbrook.

Q: Was it new -- obviously it couldn't have been new, it was a '36 model.

A: No, It was not a new model. It was not new, but
30 it was a truck that was traded in for a bigger

G.A.M. Futa
In Chief

truck, and somebody had used it for a short time, and traded it in for a larger truck.

Q: And you purchased it at a price which you think was around \$1000.00.

A: Yes. I have no record of it.

Q: And you used it in your grocery business, then, from '38 to '41, or '42, I would imagine?

A: Yes, until March 7th or the 9th, I think.

10 Q: Have you any idea what mileage you had put on this truck? A: Well, I don't know exactly, but I expect it would be around 25,000 miles, somewhere around that.

Q: Did you do all the necessary repairs to the truck whilst you were using it?

A: Yes.

Q: It was an important part of your business?

A: That is right.

Q: I would think so. A: Yes, that is right.

20 Q: And up to the time that you turned it over to the B.C. police, was it in good operation and condition? A: Yes, it was in good running order. We were using it the month they came and seized it. As a matter of fact, we delivered the radio in it when we took it down to the police station.

Q: I see. Do you remember what year you took this snapshot of the Fargo panel delivery?

30 A: No, I don't, I am sorry. I wish I could tell you exactly, but I expect it was in -- my brother

was back from Creston, so it would be late in '39 or '40.

MR. COBUS: Your honour, I would ask leave to file the snapshot of the Fargo delivery as an exhibit.

(PHOTOGRAPH MARKED EXHIBIT NO. 7)

MR. COBUS: Q: Now, I produce to you, witness, another snapshot of an automobile. Will you identify that snapshot? A: Yes, that is a snapshot of myself and the automobile I owned at the time.

10

Q: What automobile? A: My Dodge sedan.

Q: Dodge sedan. That is the Dodge sedan for which you are submitting a claim herein?

A: Yes.

Q: What year did you purchase the Dodge sedan?

A: In November of 1940.

Q: Was it new? A: It was purchased as new from Gordon Dezall.

Q: Did he have a garage in Cranbrook?

20 A: Yes.

Q: How much did you pay for it?

A: I couldn't give you the exact figure, but I would say \$1400.00.

THE COMMISSIONER: Did he say the model of that, Mr. Cobus?

MR. COBUS: I believe it was a 1940 model, purchased in 1940.

Q: Is that correct? A: It was a '40 model purchased in '40.

30 MR. COBUS: I ask leave to file the snapshot of the

G.A.M. Futa
In Chief

Dodge sedan.

Q: That picture was taken in what year?

A: That was taken in November of 1941.

Q: November, 1941? A: Yes.

Q: Do you recall the mileage on your sedan?

A: No, I don't know exactly, but it was roughly around 10,000 miles, more or less; I think it was a little more than 10,000.

Q: Did you keep it in good repair?

10 A: Yes.

Q: Would you consider that it was in good condition, very good condition, excellent condition, when you turned it over?

A: I would say it was.

Q: Well, which? A: I would say it was in excellent condition when I turned it in to the B.C. Police.

MR. MACDONALD: Trying to get a superlative, are you?

MR. COBUS: I would ask to file the photograph as
20 an exhibit with the other one, your honour.

(PHOTOGRAPH MARKED EXHIBIT NO. 7)

Q: Witness, when you were evacuated, if that is the proper term to use in your case, were you ordered out of Cranbrook by any official?

A: Well, we had a notice to the effect that we would have to be prepared to be evacuated within a short time. I have just forgotten the length of time which we were given.

Q: And what did you do?

30 A: Well, we had followed the reports on the progress

G.A.M. Futa
In Chief

at the coast, and we were advised by friends from the coast that they were bound to evacuate us, so we acquired a piece of -- acquired a dwelling house, I should say, in the Windermere district, and we promptly moved to the Windermere district voluntarily when we were notified that we would be evacuated.

Q: How did you travel?

10 A: Well, we hired transportation for our furniture and we hired an automobile and a friend of ours donated an automobile to drive part of the family up there.

Q: Meanwhile, of course, your two vehicles were in the hands of the Custodian.

A: Yes.

Q: Or in the hands of the B.C. Police. Do you remember how much it cost you to move your whole family into the Invermere area?

A: I would say around \$200.00.

20 Q: Did you receive any assistance from the Custodian to make your move to Invermere?

A: Not outside of our own money that was in the hands of the Custodian at the time.

MR. COBUS: I see. I think, your honour, that is all I have. Your witness.

THE COMMISSIONER: Did you want the Crown to produce the date of sale of those automobiles?

MR. COBUS: The appraisal, perhaps, your honour.

THE COMMISSIONER: The appraisals, yes.

30 MR. COBUS: Yes, I think perhaps they should be filed,

the appraisals on the two vehicles. I believe you have a written one, Mr. MacDonald.

THE COMMISSIONER: And possibly the dates of sale.

I don't think that has come in. It might have some bearing on the ceiling price, you see.

MR. COBUS: Yes, your honour. I think my friend has the exact dates and the amounts of the sales.

MR. MACDONALD: Your honour, the sales or the appraisals?

10 MR. COBUS: His honour has asked for the date of the sales of the vehicles, and perhaps, at the same time, the amounts.

THE COMMISSIONER: I had in mind, Mr. MacDonald, that the date of sale might have a bearing on the question of there being a ceiling price at that time.

MR. MACDONALD: Yes, your honour. I have here, your honour, receipts showing the date of the sale of the truck and the date of the sale of the car. I also have an appraisal of each, as well
20 as two others that were not sold -- came separately.

MR. COBUS: Well, as a matter of fact, your honour, the telegram shows no indication -- it mentions a Dodge sedan, and I think a Fargo truck, and I imagine in Cranbrook there might be at least two Fargos; it is quite conceivable. I don't think that is an appraisal, Mr. MacDonald.

MR. MACDONALD: Well, I am going to file it, anyway.
30 The receipt, your honour, is respecting a Fargo

truck, \$125.00, and the date of it is December 1st, 1942. Now, whether that is the date of the sale, or not, I wouldn't know.

THE COMMISSIONER: Yes.

MR. COBUS: But my learned friend surely must have that on his file.

MR. MACDONALD: I have another document here regarding the Fargo truck, dated December 1st, 1942.

(Handed to Mr. Cobus)

10 MR. COBUS: This appears to be a copy, your honour.

MR. MACDONALD: No, it is signed. It is signed by somebody.

MR. COBUS: Well, yes, it appears to be signed by "H. Corker."

Q: Do you know a Corker, witness, in Cranbrook?

A: No.

MR. COBUS: I think that is the signature of a Custodian man at the coast. However, the appraised value, according to this memorandum of May 8, 1944, and which can't possibly be right -- the receipt is dated December 1st, 1942 -- although, I am sorry, down below there is a date, December 1st, 1942 -- appraised value \$125.00. That is filed on behalf of the Crown.

(RECEIPT MARKED EXHIBIT NO. 9)

(APPRAISAL MARKED EXHIBIT NO. 10)

MR. COBUS: The receipt for the Dodge sedan, 1940 Dodge sedan, is dated November 11, 1942 -- "Received from Marquis Motors Ltd. Lethbridge the sum of \$800.00."

30

THE COMMISSIONER: \$800.00, yes.

MR. COBUS: Q: Do you know the Marquis Motors Limited,
at Lethbridge at all, witness?

A: Now outside of the advertisements I have seen
in the papers.

Q: I see. They appear to be car dealers, I would
think.

A: Yes.

(RECEIPT MARKED EXHIBIT NO. 11)

10 MR. COBUS: Your honour, Counsel for the Crown has
produced a telegram from Cranbrook B.C. dated
the 6th of November, '42: "Retel Dodge eight
hundred Fargo one twenty five Nash one fifty Ford
one twenty five have offer on Dodge of eight
hundred stop If acceptable can sell immediate-
ly all appraisal at retail." Purportedly sent
by Dezalls Garage.

Q: Is there a Dezalls Garage at Cranbrook, witness?

A: To my knowledge, yes.

20 MR. COBUS: That telegram is filed for whatever it
may be worth.

(TELEGRAM MARKED EXHIBIT NO. 12)

MR. MACDONALD: Your honour, I submit that the real
property was sold at its fair market value, and
that the truck which is claimed, which was the
only article claimed, was sold at its fair
market value.

MR. COBUS: And the Dodge sedan.

30 MR. MACDONALD: I meant the Dodge. And the Dodge
sedan. There were two. It was sold at its fair
market value.

Q: Well, what did you offer to sell it for? It is not a property that you could divide up, is it?

A: Yes.

10 Q: Well, what did you offer to Beale and Elwell that you would sell it for? A: Well, I'll tell you how it came about. A party had bought the rest of the property to the corner from Lot 4, which was 4, 5, and 6. The original property that was owned by ourselves, or rather, by my father, at the time, was 4, 5, and 6. It was subdivided into lots, 4 and the south half of 5, north half of 5, and lot 6, and the north half of 5 and Lot 6 were sold to a party by the name of Mrs. J.R. Walkley who owned a butcher shop there, and there was a store building on this part, the north half of 5 and 6; there was a store building on it. They purchased it for the purpose of a meat market. That was back in, I'd say, 1934 - '35. So I think

20 that we offered them the other half of Lot 5, that is, the south half of Lot 5, in order that they would have two full lots.

Q: Yes. A: And I think we quoted \$300.00 at the time.

Q: For what? A: For the south half of 5 -- yes, the south half of 5.

Q: Well, that would be a very high price for half a lot? There would be no building on it at all? A: No, there was a woodshed, I think, at the back end.

30

- Q: Well, that woodshed would be of no value to anybody purchasing it. A: No, it would be of very little value.
- Q: Now, you are sure that that only included the south half of 5? A: Well, that was the understanding I had at the time, that is what it was supposed to be.
- Q: You didn't make any arrangements yourself?
- A: No, no, nothing was done through me directly.
- 10 Q: Well, when was this; was this before or after you had left Cranbrook? A: I think that was before we left Cranbrook.
- Q: Well, who did the negotiating with Beale and Elwell? A: But, now, I wouldn't swear to it. I don't know. I believe Beale and Elwell did the negotiating, or --
- Q: Yes, but they would have to negotiate with yourself or your brothers. A: Yes.
- Q: Which of the brothers dealt with Beale and Elwell? A: Well, I guess it would be myself that let them know because I was acting for us all all the time.
- 20 Q: Well, now, then, do you know for a fact that you offered to sell the south half of lot 5 through Beale and Elwell for \$300.00?
- A: Yes.
- Q: Do you swear to that? A: Yes, yes; the south half of Lot 5.
- Q: And not Lot 4? A: Not Lot 4.
- 30 Q: Well, according to a letter written by Beale and

Elwell to the Department of the Secretary of State, Custodian's Office, on March 6, 1943, it says: "Re Lot 4 and the south half of Lot 5, Block 92 --" That is the property you are claiming for? A: Yes.

Q: "At the request of George Futa --" Is that yourself? A: That is myself, yes.

10 Q: "-- we submitted this land to Mrs. Walkley for \$350.00; George suggested a price of \$300.00 and to cover commission and deed, release of Declaration of Trust and any other emergency we added \$50.00. Mrs. Walkley owns the property adjoining but is not interested at the present time. This should be a very fair price for the property."

A: I wasn't advised of that.

Q: This is a letter that was written to --

20 A: But there must be a misunderstanding there. It shouldn't have included Lot 4.

Q: Did you list this for sale with Beale and Elwell?

A: No, not in writing that I know of.

Q: Well, how is it that Beale and Elwell had anything to do with the selling of it, then?

30 A: Well, for years, you see -- we are going back to the questions by my counsel -- Beale and Elwell were looking after my properties up until approximately that time, I believe, and they were advising us this way and that way, and often they just took it upon themselves, I expect, to

handle the property to suit themselves, you see.

Q: Well, at this time all of this property was registered in the name of yourself and your two brothers? A: Yes.

Q: Yes. A: Mr. Beale had died just prior to that and I expect that Mrs. Beale was not familiar with the business and she must have had a misunderstanding there, because I can't understand how that could be.

10 Q: Well, who did you speak to?

A: Well, I don't recall speaking to anybody directly, but I imagine it would be Mrs. Beale.

Q: Well, as a matter of fact, you don't remember the circumstances at all, isn't that right?

A: Oh, yes -- well, what circumstances, for instance?

Q: Well, you say that you don't remember speaking to anybody. Now did you write to anybody?

A: Well, according to your report there I must
20 have written to Mrs. Beale or --

MR. COBUS: Well, now, witness, don't --

MR. MACDONALD: Don't start guessing, witness.

MR. COBUS: Don't tell him too much, either. If you know, answer the question.

THE COMMISSIONER: Q: Have you any recollection at all, witness, of communicating with Mr. Beale or Mr. Elwell in connection with selling a portion of the property? A: Yes, I believe I have.

30 THE COMMISSIONER: I see.

MR. MACDONALD: Q: Now, tell us what your recollection is, then.

A: I can't tell you definitely because there was so much correspondence between Mrs. Beale and myself.

Q: Was it by way of correspondence or by way of interview or what? A: Yes, by both, I expect.

Q: Have you any correspondence on it, then?

10 A: No, I haven't, not with me I don't think I have.

Q: It is rather peculiar that she should set out this in a letter to the Custodian's office, that Mrs. Beale should set this out if it were not correct, is it not? Beale and Elwell were fairly responsible real estate dealers in Cranbrook were they not? A: I expect they were.

Q: You would expect, when she set this out in a letter to the Custodian's office, that it would be right, wouldn't you? 20

A: Well, I maintain there is a discrepancy there some place; whether it was in the correspondence or what, I don't know.

Q: Well, what size would that half lot be?

A: Oh, it would be just a narrow strip, $12\frac{1}{2}$ foot strip, I expect.

Q: Yes. Well, now, \$300.00 for this $12\frac{1}{2}$ foot strip would be a very high price without any improvements on it except an old shed that would likely have to be torn down. 30

A: Yes, It would appear so.

Q: Yes. Well, now, then, don't you think it is more likely that the \$300.00 was for the whole property?

A: No.

Q: Well, she says, she sets out here, the Beale and Elwell firm set out here: "This should be a fair price for the property." You disagree with that?

A: Yes

10 Q: And yet Beale and Elwell had been looking after your properties for a long time?

A: Yes.

Q: They knew values in Cranbrook?

A: Yes, but there is a misunderstanding there. I am quite sure that I said that Mrs. Walkley should have the other half of 5 in order that she could build her full meat market on two lots.

Q: And you set the price on it, you say, at \$300.00?

A: At \$300.00.

20 Q: Now, you are claiming -- what are you claiming now for this property?

MR. COBUS: \$645.00 I believe, your honour.

MR. MACDONALD: Q: You are claiming \$645.00 for Lot 4 and this half of 5?

A: Yes.

Q: And the improvements are all on Lot 4?

A: Four.

30 Q: Well, if half of Lot 5, a strip $12\frac{1}{2}$ feet wide would be worth \$300.00, what would Lot 4 with improvements be worth in your estimation?

G.A.M. Futa
Cross exam

wouldn't know about that.

Q: After you left, were you back in Cranbrook?

A: No. We were not allowed to go back to Cranbrook after we left.

Q: So that any of the dealings you would have in connection with that property after you left would be by letter or by telegram?

A: By letter or telegram, telephone, or her own personal visits to our place.

10 Q: Did she visit your place?

A: Yes, about two or three times, I expect.

Q: But you can't recall the circumstances surrounding this arrangement that you made with Beale and Elwell regarding the sale of this property at \$300.00?

A: Yes, I recall it.

Q: Where was it, at your -- ?

A: I believe it was -- I wish I could just remember that part of it. I recall making the suggestion of selling the property at \$300.00 for a part of it to give Mrs. Walkley half the lot that she already owned.

20

Q: Well, that is not what Beale and Elwell say, so we will leave it at that.

A: That is too far back.

Q: Now, regarding this Dodge car, this 1940 model, which was sold for \$800.00. You know there was a ceiling on cars at that time?

A: A ceiling price -- I don't think I was aware of it.

30

- Q: But you know now there was a ceiling.
- A: I know now there was a ceiling price. Was it at that time or was it later?
- Q: Well, I understand it was at that time. Now as regards the truck, the Fargo truck, the picture that you have filed of that truck was taken about the time you bought it, was it?
- A: No, it was quite a while after we bought the truck.
- 10 Q: You bought it in '38, didn't you?
- A: I'd say it was '38, late '38 or '39.
- Q: Well, according to your statement, you bought it in 1938. A: '38.
- Q: Would that be right? That is what you set out in your claim. A: Yes, I believe that is right.
- Q: And it would be some time after that that you had this picture taken? A: Yes.
- Q: Of the truck. A: Well, I can
- 20 identify the time because my brother's picture is on it and he was driving the truck.
- Q: Now, it wasn't in as good a shape when you left as it was in that picture, was it?
- A: Well, no, there was another year's use out of it after that.
- Q: 1938, you bought it in '38 -- it was '39, '40, and it was in 1942 -- A: About a year after, probably.
- Q: Three years. A: No, my brother
- 30 came back late in '39. That would be '39, '40,

'41 -- two years.

Q: According to the Royal Canadian Mounted Police description of the truck, it is set out that the speedometer mileage read 25,709. Was this speedometer working? A: Yes, it was.

Q: All the time? A: I believe it was. I wasn't the driver, myself.

Q: I see. "Spare tire, one (Poor condition)" is that right? Did you check on this truck before it left? A: No, we didn't have a chance.

Q: No, but I mean yourself; you weren't driving it? A: No, I wasn't driving it. I didn't drive it at the time.

Q: When did you last drive the truck yourself?

A: I don't know.

Q: In fact, you were looking after the store, weren't you? A: That is right.

Q: According to the statement of the Royal Canadian Mounted Police, it sets out, among other things: "This truck is in very poor condition, fenders are smashed, tires in poor shape, and from enquiries made the engine is not in any too good a shape." You wouldn't know anything about that, yourself? A: Yes. I don't believe that is true. I believe it was not as bad as that.

Q: Now, you said that you hadn't driven the truck.

A: Yes, but it was there at our doorstep all the time, and I could see it. I didn't actually

drive the truck, but I paid for the maintenance and repairs and so on.

Q: Well, would you question the -- you are questioning the Mounted Police statement here as to the condition of this truck, is that right?

A: Yes, I believe it is exaggerated.

Q: To what extent -- very much?

10 A: Well, if the fenders were broken or smashed up to that extent, well -- I don't believe they were smashed up; they might have been dilapidated, cracked a little, or something to that effect, but I doubt if they were smashed up because the truck would not have been in use if it was smashed up.

Q: The tires -- you didn't notice those, of course?

A: Yes, there were new tires on the truck when we traded it in, except for the spare; I don't know about the spare.

Q: When you traded it in?

20 A: When we turned it in, I should say, to the police.

Q: Well, it would seem that the police made a very poor guess here, is that it?

A: Yes, I would say that they exaggerated it considerably. I believe what minor repairs might have been required would have been very small.

MR. MACDONALD: I would like to file these reports, your honour.

30 MR. COBUS: Your honour, I feel that I should point out that these reports are neither signed --

they were originally made out in the name of somebody by the name of Toyokuma Sakta at Cranbrook. The trucks were not turned over to the R.C.M.P. unless it was done later by the B.C. Police.

THE COMMISSIONER: Who do they purport to come from, those reports?

MR. MACDONALD: Well, this is a copy of a report, your honour, by H.J. Giles.

10 THE COMMISSIONER: Who is he?

MR. COBUS: It appears to be a regiment at Cranbrook of the Mounted Police.

MR. MACDONALD: A Cranbrook Detachment of the Mounted Police.

THE COMMISSIONER: I suppose they could only be filed subject to being identified.

MR. MACDONALD: It is for your benefit, Mr. Cobus.

THE COMMISSIONER: Well, file it subject to identification, then.

20 MR. MACDONALD: Yes.

(RCMP REPORT MARKED EXHIBIT 13)

(RCMP REPORT MARKED EXHIBIT 14)

MR. MACDONALD: I would also like to file this letter of Beale and Elwell to which I referred, your honour, dated March 6, 1943.

(LETTER MARKED EXHIBIT NO. 15)

MR. COBUS: Those, your honour, of course, are going in subject to proof.

THE COMMISSIONER: Yes, subject to being identified later on.

30

MR. MACDONALD: Yes, your honour. It is all for the claimant's benefit, I presume, that these are filed.

THE COMMISSIONER: You can file them, yes.

MR. MACDONALD: I should also like to file here, your honour, a letter from John E. Kennedy to the Director, the Custodian's Office, submitting an offer of \$145.00 for Lot 4 and south half of Lot 5, dated February 27, 1945.

10 THE COMMISSIONER: Yes.

MR. MACDONALD: I am filing that, your honour, to show that this offer was submitted in February and it was sold in April. There was some time which elapsed before it was sold, which would account for the advertising.

(LETTER MARKED EXHIBIT NO. 16)

MR. MACDONALD: No further questions.

THE COMMISSIONER: Have you any questions?

MR. COBUS: No questions, your honour.

20 THE COMMISSIONER: Well, now, Mr. Futa, this matter will be decided at subsequent hearings in Vancouver; that is all we can do at the present time.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

Certified correct and true transcript.

G. Hambleton
G. Hambleton, Official Reporter.

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

402

ACKNOWLEDGED 2 1947

Invermere, B.C.,
November 27th, 1947.

THE HONOURABLE MR. JUSTICE BIRD,
Commissioner,
DEPT. OF THE SECRETARY OF STATE OF CANADA.

11495
Nelson

9

Honourable Sir:
re: Claims of Losses

I hereby make the following claims with regard to evacuation losses sustained by me:

1. Name: George Arthur Masahide FUTA, Reg. #13026.
2. Formerly of CRANBROOK, B.C.
3. Present address: INVERMERE, B.C.

4. REAL PROPERTY:

- (a) Clarke Ave., Cranbrook, B.C.
- (b) Lots 4, S $\frac{1}{2}$ -5, Block 92. Townsite Plan City of Cranbrook.
- (c) Commercial property, parking lot with double garage for storing of delivery truck and car, situated directly across from grocery store and used in conjunction with business.
- (d) We (Futa Bros) were sole owners.
- (e) City's assessment value was \$650.00
- (f) My claim of loss sustained: \$500.00.

Unpaid

Value	625 ⁰⁰
Less	125
	<u>500</u>

As records will show, I, George Futa, have been acting for all three brothers interested in the property.

5. PERSONAL PROPERTY:

- (a) Left at DeZall's Garage, Cranbrook, B.C.
- (b) Modern garage building, with storage accomodations.
- (c) In care of B.C. Provincial Police.
- (d) 1 only 1936 Fargo $\frac{1}{2}$ ton Panel Delivery Truck, fully equipped with spare tire, heater, gold leaf lettering. Value \$650.00 Sold for \$125.00 less charges.

1 only 1940 Dodge Sedan, fully equipped, radio, heater, spare and new heavy duty tires, condition 10,000 miles. Value \$1000.00 Sold for \$800.00 less charges.

(e) Losses claimed:

Fargo Truck	\$525.00
Dodge Sedan	200.00
Total Personal	<u>\$725.00</u>

Value	650
Less	125
	<u>525</u>

Value	1000
Less	500
	<u>500</u>

#200

would prefer to have claims heard at nearest point to Invermere, B.C. No interpreter required.

I, George A.M. Futa, of the Post Office of Invermere in the Province of British Columbia, Do Solemnly Declare the above statements to be true. Declared before me W.H. Cleland, at Invermere in the Province of British Columbia, this 28th day of November 1947.

Unpaid

George Futa

Total Claim	500
	525
	200
	<u>\$1225</u>

16088

MEMORANDUM RE CLAIM OF GEORGE ARTHUR MASAHIKI FUTA
REGISTRATION NO. 13026

before Japanese Property Claims Commission

A. Re Sale of Real Property

1. Property:-

Lot 4 and South half of Lot 5 , Block 92,
Cranbrook City, Plan 669.

2. Location:-

On Clarke Avenue, near intersection of
Van Horne Street approximately two blocks
from Baker Street, main thoroughfare in
Cranbrook. Across Clarke Avenue from Block
"C" on which Grocery Store and business premises
of "Futa Bros." formerly carried on. Above
property used for garage and delivery equipment
storing feed in connection with business prem-
ises.

3. Above property 37½ foot frontage on Clarke Ave.,
and 122 feet depth. Warehouse and garage on prem-
ises 21 x 20 feet with metal sides and roofed with
roofing paper. Double garage doors at both ends.

4. Property assessed by City of Cranbrook at \$640.00
for the land and \$150.00 for the building. Property
classified as being in business district and useful
for warehouse. Since land was sold by Custodian
additional warehouse has been placed thereon and
premises have been used for grain and feed business.

5. When advised that premises were to be sold I protested
to Custodian at value. I also contacted the Mayor
of Cranbrook, B. C. as to value.

6. I understand that valuation was made by a person who
was related to person applying to purchase property.

EXHIBIT NO. 402-1
DATE June 18/48
FILED BY Colburn

B.

Personal Property

1. (a) 1936 Fargo Panel Delivery Truck fully equipped with spare tire, heater, Gold leaf lettering. Purchased for approximately \$1000.00 late in 1938.
(b) 1940 Dodge Sedan, fully equipped with radio, heater, spare tire and new heavy duty tires. Purchased in November, 1940 at approximately \$1,400.00 including registration. To March 1942 had travelled approximately 10,000 miles.
2. Photos of truck and car herewith.
3. Truck and car surrendered on March 9th, 1942 to B. C. Police under Defence of Canada Regulations.
4. I understand that truck and car were left outside Police Station in weather for some time before being transferred to Dezall's Garage, Cranbrook, B. C.
5. Truck and car apparently not sold until January, 1943 when car sales at low ebb.
6. Apart from low value received, administrative expenses of \$30.57 charged against each vehicle.

C.

Claims:

When Cranbrook was placed in the restricted area, I together with my brothers and parents left voluntarily and moved to Invermere where we have managed to eke out a livelihood without any assistance from any Governmental source. Our parents lived in the Fort Steele-Cranbrook district since 1897.

On the claims above we feel that totally inadequate prices were obtained for the real and personal property mentioned above and on November 27, 1947, I filed a claim of loss as follows:

Loss sustained on Real Property \$500.00

Loss sustained on Personal Property \$725.00

in my estimation the above claims are reasonable
and in line with actual values.

George Lutz

EXHIBIT No. _____
DATE June 18/48
FILED BY Crown

CERTIFICATE OF ENCUMBRANCE
LAND REGISTRY OFFICE

Nelson, B. C.

30 minutes none o'clock 19th day of March 1945

I HEREBY CERTIFY that the following is the state of the title to

Lot 4 and that part of Lot 5 lying South of a line which bisects
the easterly and Westerly boundaries of the said Lot, in Block
92, Cranbrook City, Plan 669.

For Certificate of Vesting in Custodian of Alien Property See D.F. 17296.

Registered Owner GEORGE FUTA, BUAYE JOHN FUTA and FRANCK SHOJE FUTA
Indefeasible Title 60248-I

Registered Charges:
None

Application for Registration
None

Receiving Order or authorized Assignment under the "Bankrupsy Act" :
None

Assignment for benefit of Creditors:
None

Judgments:
None

Mechanics' Liens:
None

To Ian Macpherson, Esq.,

"A.W. Idiens
Registrar

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

September 8th 1948

(Handwritten signature)
M. Sealy

JOHN E. KENNEDY
Trading as
EAST KOOTENAY REAL ESTATE
AND INSURANCE

402 - 3

EXHIBIT No. _____

June 18/48

DATE _____

FILED BY Crown

CRANBROOK, B.C. July 26 1944

Appraised

11495

<u>Catalogue</u> <u>No.</u>	<u>Page</u>	<u>Lot No.</u>	<u>Block No.</u>	<u>Plan No.</u>	<u>Plan No.</u>	<u>Land</u>	<u>Impvts.</u>	<u>Fixtures</u>
555	6	4 & S $\frac{1}{2}$ 5	92	669		\$70.00	75.00	Nil

Total \$145.00

This lot has a frame and metal garage in very poor condition
it is situated in the Chinese quarter of the city.

"J.E.Kennedy"

J.E.Kennedy

Appraiser.

Size of lot 37 $\frac{1}{2}$ ' x 123'

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

September 8th 1948

C.M. M. Seaby

EXHIBIT No. 402-4
DATE June 18/48
FI LED BY Colbus

Invermere, B.C.

Apr. 14th 1945.

Administration Dept,
Office of the Custodian,
506 Royal Bank Bldg,
Vancouver, B.C.

Dear Sir,

re file 11495.

We have your letter of the 6th inst with information that our property listed as lots 4 & 5 in Cranbrook is up for sale.

Now we do not protest the sale of this property but we ARE Protesting the value placed on this property. The sum of \$145.00 as stated by you is pitifully small in considering the location and improvements on this property. The assessment value of the City of Cranbrook is over four times this sum. The doors on the garage cannot be replaced for this amount.

We are asking you to reconsider the value again before disposing of this property.

Thanking you for your kind attention, we are,

Yours truly,
Futa Bros.

per.

13026

4 copies G.F.

EXHIBIT No. 402-5
DATE June 18/45
FILED BY Robins

Invermere, B.C.

Apr. 14th 1945.

Mayor A. J. Balment,
City of Cranbrook, B.C.

Dear Mr. Balment,

I am enclosing a copy of a letter I wrote to the Custodian protesting the price at which they propose to sell a piece of our property in Cranbrook,

As I know that you have the best interests of the city and the taxpayers at heart I could not help but bother you with this letter.

Possibly you are powerless to protest for me also but I trust you will understand my writing you.

I realize that this property may be badly run down as we have not been there to care for it but I am sure that the City of Cranbrook would put a higher value on it than \$145.00 less all expenses.

With very best regards from all of us, I am,

Sincerely yours,

George Futa.

Cranbrook, April 14/45

George Futa Esq,
Invermere

Dear George:

Your letter of April 14th received and note what you say re Property owned by you in the city of Cranbrook listed as Lots 4 & 5 is up for sale. I take it from your letter this property is offered for sale at a price of \$145.⁰⁰ less all expenses which means that you will get possibly less than \$100.⁰⁰ Which I consider is a steal.

This property is assessed at \$580.⁰⁰ for Land and \$150.⁰⁰ for Improvements or a total of \$730.⁰⁰

Do not blame you for protesting against the price of \$145.⁰⁰ being placed on this property. I certainly believe in a square deal.

Yours truly

A. Belmont.

Your File No.....

In reply quote File No.....



SUBJECT:

EXHIBIT No. 402-6
DATE June 18/48
FI LED BY Cobus

Cranbrook, B.C.
March 9th, 1942.

Received from George Futa, Cranbrook, B.C.
the following articles which were surrendered
to this office in accordance with the Defense
of Canada Regulations:

- ✓ 1. - Dodge Sedan, Engine #D15C1859, Serial #9670800
equipped with Marconi Radio - B.C. Licence #39-236
- ✓ 1. - Fargo Panel Delivery, Engine #12318960, Serial
#9551079 - B.C. Licence #CE-399
- 1. - Rogers Majestic Radio, Serial #6063 A - 7 tube.
- 1. - Brownie Camera #2A, Box Type, Model C.
- 1. - Brownie Camera, #2 Box Type.

Wm. Stark
(Wm. Stark) Const. i/c,
Cranbrook City Detachment.



402-7



402-8

EXHIBIT No.

June 18/48

DATE.....

FILED BY
Crown

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA
THE CUSTODIAN OF JAPANESE EVACUEE PROPERTY
VANCOUVER OFFICE

Receipt No. 2050

Date Dec 1st 1942

RECEIVED from Gerald Heller Vancouver

the sum of ONE HUNDRED AND TWENTY FIVE $\frac{00}{100}$ Dollars Cash
cheque
money-order

re FUTA George Regn No. 3025 File No. 11495

in payment of Cars

Fargo Truck Cranbrook

\$125 $\frac{00}{100}$

"C.H.Reed" Cashier

For the Custodian of Japanese Evacuee Property

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

September 9th 1948

C. H. Reed

EXHIBIT 402 - 10

DATE June 18/48

FILED BY

~~Crown~~

MEMORANDUM

To: File 11495

May 8, 1944

From: Specified Articles Department

Re: FUTA, George - Reg. 13025

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>APPRAISED VALUE</u>
TRUCK	1936 Fargo Panel No. Misc. License No. (42) CE-399	

Date: December 1, 1942.

Sold to: Gerald Heller

Selling Price: \$125.00.

"K.CORKER"

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

Dated September 9th 1948

G.M. M. Scully

402 - 11
EXHIBIT No. _____
DATE June 18/48
FILED BY Crown

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA
THE CUSTODIAN OF JAPANESE EVACUEE PROPERTY
VANCOUVER OFFICE

Receipt NO. 1821
Date. Nov 11th 1942

RECEIVED from Marquis Motors Ltd Lethbridge
the sum of Eight Hundred ⁰⁰/₁₀₀ ----- Dollars ~~Cash~~
Cheque
Money-Order

re FUTA George Regn No. 13025 File No. 11495

in payment of CARS
1940 Dodge Sedan Cranbrook

⁰⁰/₁₀₀
\$800

"C.H.Reed" Cashier
For the Custodian of Japanese Evacuee property

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

September 9th 1948

C. H. Reed

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	
Night Letter	
Evening and Sunday Messages	
Please mark an X opposite the class of service desired.	

CANADIAN PACIFIC TELEGRAPHS



World Wide Communications

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

CHECK
TIME FILED

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

CRA 286 33 COLLECT

CRANBROOK BC 6 143P

1942 Nov 6 PM 2

DEBIT No. 402 - 12
 DOB
 FILED BY June 18/48
 Crown

MOTOR VEHICLE DEPT CUSTODIANS OFFICE

VANCOUVER BC 687
 RETEL DODGE EIGHT HUNDRED FARGO ONE TWENTY FIVE NASH ONE FIFTY FORD

ONE TWENTY FIVE HAVE OFFER ON DODGE OF EIGHT HUNDRED STOP IF ACCEPTABLE CAN SELL

IMMEDIATELY ALL APPRAISALS AT RETAIL DEZALLS GARAGE

*Dodge - 800 sold
 Fargo - 125 sold
 Nash 150
 Ford 125*

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.
 September 9th 1948

E. M. M. Sealy

ROYAL CANADIAN MOUNTED POLICE

Crown

DIVISION	SUB/DIVISION	DETACHMENT
"E"		CRANBROOK
PROVINCE		DATE
B-C		April 23rd 1942

File George Futa

FILE REFERENCES RE: ~~Toyokuma SAKTA~~ -Cranbrook, B. C.

Headquarters

Sub-Division

Detachment

Cranbrook

P.C.R.

Cranbrook
1-4-42

1. With reference to the above, and further to Memo from Inspr. J. FRIPPS I/C. C.I.B. under date of Vancouver, B. C. 17-4-42, I beg to report as follows.

2. The truck which was seized from George FUTA by the B.C. Police; at Cranbrook, B.C. and which at the present time is in the custody of that force at this point is hereby described as follows.

TRUCK.

Owners Name George FUTA.
 Address 156 Van Horn St. Cranbrook, B.C.
 1936 Fargo Panel Delivery Truck . . . One Half Ton.
 Model F.D.1.
 Radio Nil. Lighter Nil Heater . . One.
 Weight 3225Lbs.
 Speedometer Reading . . . 25-709.
 Spare Tires . . . One. (Poor Condition)
 Tools . . . One Jack.
 Engine No.12318960. . . Serial No.9551079.
 Outstanding Leins Nil.

3. This truck is in very poor condition, Fenders are smashed, Tires in poor shape, and from enquiries made the engine is not in any too good a shape.

No Expense incurred.
Still under Investigation.

SGD. Const.
H.J.Giles, Regt No. 8364
I/C Cranbrook Detachment.

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

September 9th 1948

L.M. M. Sealy

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT NO. 402 - 14
DATE June 18/48
FILED BY Crown

DIVISION "E"
PROVINCE B-C
SUB-DIVISION
DETACHMENT CRANBROOK

Date:
April 23rd-1942

File References Re: Toyokuma SAKTA - Cranbrook, B. C.

Headquarters

1. With reference to the above, and further to Memo from Insp J. FRIPPS, I/C, C.I.B. under date of Vancouver, B. C. 17-4-42, I beg to report as follows.

Sub-Division

2. The care, Radios, and Camera, seized from George FUTA, Cranbrook, B.C. by the B.C. Police and which are at present in the custody of that force at Cranbrook, are hereby described as follows:

Detachment

CAR.

Owners name George FUTA.
Address . . . 156 Van Horn St. Cranbrook, B. C.
1940 Dodge Sedan.
Model D.15.
Radio . . . One, lighter . . . Nil. Heater . . . One
Tools . . . One Jack, One Crank.
Speedometer Reading , , , , 13-977.
Upholstery . . . Good.
Spare Tires One, Good Condition.
Engine No. D. 15C-1859. . . Serial No. 9670800.
Outstanding Leins; The Commerical Credit Corporation of Calgary, Alberta, hold a lein against this car for \$82.86, which represents TWO payments which have not been made by FUTA, I am advised by the Local Garage that there is also a small charge of approximately \$1.00, which represents Finance charges.

Cranbrook.

P.C.R.

Cranbrook
1-4-42

RADIOS.

One Rodgers Majestic Radio, 7 tubes, Serial No.6063. A.

R.V.No.

CAMERAS

One Brownie Camera, No.2 A. Box Type, Model C.
One Brownie Camera No. 2.A. Box Type.

3. The General condition of this car appears to be very Good, Tires in good condition. Separate report attached regarding storage charges etc.,

No expense incurred.
Still under investigation.

SGD. Const.
H.J.Giles, Regt No.8364.
I/C Cranbrook Detachment.

Diary Date
Set for

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

September 9th 1948

(Signature)

*Boole + Elwell
were evictions agents
I had also asked for
the rules on various
matters before
evacuation.*

Cranbrook, B. C. March 6th 1943.

*IMPORTANT
SEE PAGE 2*

Department of the Secretary of State,
Japanese Evacuation Section,
Vancouver, B. C.

Dear Sirs:-

File No. 4817 & 11495 Rikuzo K. Futa
and George A. Futa.

We regret that we have not replied to your letter of January 28th, but there have been a number of things crop up in connection with the Futa Block, and we have been in correspondence with George Futa and the Shypitkas.

Regarding the loan made by the Imperial Bank of Canada to George Futa, \$650.00, this was secured by a policy of \$1,000.00, on which the cash surrender value would clear the Bank up. We have just spoken to the manager and he says they are not worrying about the loan as the policy will take care of it & carry itself. George has kept up the premiums so far, also the interest.

Re: Accounts Payable. We received a letter from the Woodland Dairy Ltd., being a copy of the one they sent you on February 6th stating that the Futa's Grocery account was paid in full.

Re: Accounts Receivable. We have today forwarded a statement of collections to February 28th less cost of postage only and requested information as to the charges permitted for collecting. This was really better than we expected and Steve Gauthier and F. Kludash have promised monthly remittances. There are one or two on the list given us who just don't pay bills, but have steady employment. Do you want these people garnisheed? We would, we presume, have to find out whether the accounts are outlawed by age before any such action were taken. We presume that the cash for these account will be forwarded to the Futas after allowing us a collection charge.

Re: Kelly Douglas to Futa. George has again asked for the balance of this account; the deal went through before you took over so, as we understand it, the cheque should have gone direct to him instead of to your Department.

Re: Block "C" We have a terribly cold winter with only a let up of below zero weather for about a week since New Years- for three weeks it never went above zero during the day and to around 40 below at night so that there has been a lot of trouble with frozen plumbing, and this block has suffered. The Shypitkas were supposed to keep sufficient fires to prevent freezing but there seems to have been a misunderstanding there; they understood that everything had been drained but George advises that he distinctly told them to keep fires sufficient to keep the pipes from freezing and never mentioned draining. They also advised us that unless the place were done over it would not be worth their while to continue the lease and obtained estimates for the plumbing and decorating, copy of which we enclose. We wrote to George about the request of decorating and plumbing. You will note that the decorating requested by the Shypitkas amounts to about \$310.00 with the plumbing. We told them there were no funds on hand for such a job. The Shypitkas wrote to George direct and we quote his reply to them "How would it be if you tried to get things done as cheap as possible and just pay us \$20.00 a month for the next six months? That would mean I've allowed you \$240.00 on the rent by the end of August". The Shypitkas stated to us that they could make enough from the little shop to pay \$40.00 a month, which, with the shortage of many goods, we can understand. They have had requestes from prospective tenants for the living quarters but they are not liveable to the white man. George advised that he had intended to have the place done over this year had they been here. Will you please advise if you would consent to the reduction of rent from March 1st to \$20.00 provided the Shpitkas put \$240.00 into repairing the plumbing and decorating. If the Shypitkas give up the place could not be rented without the plumbing expenditure and considerable redecorating. The roof has not been repaired yet and it may be more than a repair job, but until the ice and snow go off the roof it will not be possible to tell what will be needed.

SEE PAGE 2.

Letter March 25/43

, At present the Shypitkas are away and we are not sure when they will be back as the woman in the shop could not tell us, but we would appreciate hearing from you regarding these expenditures and reduction of rental as soon as possible. The present lease only runs to May 31st.

We have not a copy of the J.P. form sent you by the Futas but believe the Chattel mortgage, July 3/25 from Mrs Futa to Julius A. Molleur was shown. George has paid Mr Molleur the interest on this at 10% to January 31, 1943. Whether Mr Molleur has registered the mortgage every three years we do not know. When he called on us for the interest we wrote George and received his reply as follows: "The chattel mortgage is an old personal debt of Mother's. I had plans to liquidate this but our moving has stopped it. Mr Molleur has assured us that the note will stand as it was and he is protected on it. However, I would like to see a reduction of \$100.00 on it this year. I think if we have any luck, we should be able to do this with income from accounts receivable, do you not think so? As for interest on the note, I am enclosing cheque for \$7.50. If he calls please give it to him. I had not sent it to him before now as I had been expecting other correspondence from him. Also he had expressed that he may be visiting us some time."

Re: Lot 4 and the south half of Lot 5, Block 92 At the request of George Futa we submitted this land to Mrs Walkley for \$350.00. George suggested a price of \$300.00 and to cover commission and deed, release of Declaration of Trust and other emergency we added \$50.00. Mrs Walkley owns the property adjoining but is not interested at the present time. This should be a very fair price for the property.

Referring back to Block "C", we do not know what is the right thing to recommend. Should the property become vacant, although it is in the best part of that district in town, it would not really be safe to leave it empty. We recommended that the downstairs only be done over but the tenants said they ^{not} would keep on unless the whole were done. The plumbing estimate is fair but we think the Shypitkas should be willing to cut down some of the expense of the decorating. Apparently they have sufficient cash to pay the costs if George's suggestion meets with your approval, but if it does turn out that the whole roof has to be done they could hardly be expected to stand the whole cost of that as they were to only repair.

Yours very truly,

Beale & Elwell

per "M.F.Beale"
per "M.F.P".

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

September 9th 1948

Wm. S. Seely

EXHIBIT No. ~~202-16~~

DATE ~~June 18/48~~

FILED BY
Crown

JOHN E. KENNEDY
Trading as
East Kootenay Real Estate
and Insurance.

P.O.Box 236

Cranbrook, B.C. February 27th 1945

F.G. Shears Esq.,
Director,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sir,-

Re: Cat. No. 555, Lot 4 & South Half of Lot 5, Blk. 92,
Cranbrook, B. C.

I wish to advise I have a client who will purchase the above property at \$145.00 cash, kindly favor me with the necessary application blanks if you wish this sale to proceed.

Yours truly,

"J.E. Kennedy"
John E. Kennedy.

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

September 9th 1948

M. S. 17