Name of Claimant MAIKAWA, Tokujiro Case 689

Custodian File 2318

REAL PROPERTY											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% there-of	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	

PERSONAL PROPERTY								
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 & Not Found & Recorded Now Missing	45% of amount in next preceding column	

NETS						
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	

MISCELLANEOUS CHATTELS								
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	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	
95.00	20.25	6.07	46%	27.00	12.42			18.49

TOTAL RECOMMENDATION	18.49

1540

CASE NO: 689.

JAPANESE PROPERTY CLAIMS COMMISSION

Lethbridge, Alberta,

September 20th, 1948.

IN THE MATTER OF THE CLAIM OF

TOKUJIRO MAIKAWA.

PROCEEDINGS AT HEARING.

Original

CASE NO: 689.

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 L.H. STACK, SUB-COMMISSIONER).

10 Lethbridge, Alberta,

September 20th, 1948.

IN THE MATTER OF THE CLAIM OF

TOKUJIRO MAIKAWA.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

G.E.A. RICE, Esq., K.C.,	appearing for the Dominion Government.
W.S. RUSSELL, Esq.,	appearing for the Claimant.

MISS LILLIE THOMAS,	Secretary.
MRS. LUCIE HANDFORD,	Official Interpreter.
S.R. HOWARD, Esq.,	Official Reporter.

30

THE SECRETARY: Case No. 689, Tokujiro Maikawa.

MR. RUSSELL: Your Honour, in the proof of claim certain lumber was claimed by the claimant and it is necessary to drop this phase of Mr. Maikawa's claim and the personal property claim will, therefore, have to be amended downwards to read $101.75.

THE SUB-COMMISSIONER: Yes, all right.

10 TOKUJIRO MAIKAWA, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

DIRECT EXAMINATION BY MR. RUSSELL:

Q Mr. Maikawa, these claims were prepared on your instructions in our office (indicating)?

A Yes.

Q Would you look a copy of these over very carefully?

A Yes, I understand it.

Q That statement is all true and correct?

A Yes, there is no mistake.

20 Q Would you mind just signing these?

A (Witness complies).

MR. RUSSELL: I will put this statement in.

(SUMMARY MARKED EXHIBIT NO. 1).

MR. RUSSELL: Q: A part of your claim has to do with a certain building used for the purpose of constructing boats, is that correct?

A Yes.

Q Now I am showing you a group of four photographs

30 (indicating). Do you recognize the structure shown

in these photographs?

A Yes.

Q And the buildings shown?

A That is taken inside of the shed (indicating).

Q One picture was taken inside and the other three pictures show part of the outside of the building?

A Yes.

Q This is the building for which you are claiming?

A Yes.

10 MR. RUSSELL: I am going to put these four pictures in as one exhibit, sir.

THE SUB-COMMISSIONER: Very well.

(PHOTOGRAPHS MARKED EXHIBIT NO. 2).

MR. RUSSELL: Q: This building was built by yourself?

A Yes, it was built on land owned by someone else.

Q But the building, you say, was your own building?

A Yes, I built it myself.

Q And you paid for the materials?

A Yes.

20 Q And no one else had any interest in this building but yourself? A: No.

Q That is all.

MR. RICE: I am submitting, your Honour, that the chattels were sold for their fair market value.

I am submitting the claim to this boat shop and tool house, there is dispute as to the ownership between the claimant and the person on whose land these buildings were situated, namely C.H. Gillespie and the buildings are still there,

30 and Mr. Gillespie claims the same.

May I see the photographs, please? (Exhibit No. 2 to Mr. Rice). I thought these were photographs of a building. All there is is one photo showing a boat inside of a building. It hardly shows the building.

MR. RUSSELL: Part of the building.

MR. RICE: I am referring to Exhibit 2. I wish to submit, your Honour, as an exhibit an analysis of personal property claim.

10 (ANALYSIS MARKED EXHIBIT NO. 3).

CROSS-EXAMINATION BY MR. RICE:

Q Did you ever rent your boat shed and tool house?

A No.

Q How much could you rent it for? How much could you get a year if you were to rent it?

A Well I haven't given the matter any thought or intention, so that I do not know, I am afraid.

Q I don't think you do, although you have sworn that

20 the rental value was $360.00 a year. You surely are not sincere in that statement, are you?

A Well had I rented the place I would have probably got that amount.

Q That is a $1200.00 place rents for $360.00 a year, is that it?

A Yes.

Q It does? A: Yes.

Q You don't own the land on which this building was located?

30 A No, it belonged to Mr. Gillespie.

Q Mr. C.H. Gillespie? A: Yes.

Q And Mr. Gillespie claims the building, does he not?

A No, he has not.

Q He has not claimed the building?

A He hasn't claimed the building. There was no talk about anything like that.

Q He has claimed for the same to the Custodian, whether he has to you or not; do youknow that?

A He has never told me anything of that kind.

10 Q Were the buildings on skids or floats?

A It was just built on the edge of the water but not on floats or skids. It was just built right on the ground.

Q Who owned the land at the time that you built the building? A: Mr. Martin of Vancouver.

Q Mr. Martin, the lawyer?

A Mr. Gillespie bought the land from Mr. Martin about five or six years after I built on it.

20 Q Well who owned the place when you built? Whom did you make the arrangements with about building?

A Mr. Martin owned the land at that time.

Q Is that the Mr. Martin of the law firm of Martin & Shannon?

A Yes, Martin & Shannon.

Q Mr. Wilfred Martin? A: I don't know what his middle name was but it is Martin.

Q And what arrangements did you make with Mr. Martin

30 about building on this land?

A I rented the place for $50.00 a year and at the time the arrangement was made he told me that I could move the buildings any time that I wished to do so.

Q Was that in writing, that arrangement?

A There was an agreement drawn up but I haven't got a copy of it. It was left with Mr. Martin and in any case it is about twenty years ago so that I can't recollect very clearly.

10 Q Yes. You can't recollect very clearly?

A No.

MR. RIGE: With respect to the chattels, your Honour, I would like to point out that the claimant here claimed boat lumber valued at $910.00 and filed a claim in which he swore to that effect, then when he was confronted with evidence on the Custodian's file that he himself had authorized the sale of this boatlumber for $540.00 and it was sold by the Custodian for $540.00, he dropped

20 his claim for the boat lumber. I would also like to point out that practically all the other chattels were sold at auction. There were two items missing, the cook stove and the heater, but a clock that was valued at $10.00 was sold at $9.75, that a bed set that was valued at $30.00 sold at the same auction for fifty cents, and the chest of drawers which was valued at $50.00 sold at $6.50, and chairs that were valued at $7.00 were sold at $3.50, so that the auction was apparently a fair

30 index of what these chattels were worth.

THE SUB-COMMISSIONER: Did you pay any land rent to Mr. Martin?

A Not to Mr. Martin.

Q Or to Mr. Gillespie? A: Yes.

Q How much? A: It was in the same terms as the agreement with Mr. Martin. I paid him $50.00 a year.

THE SUB-COMMISSIONER: Is that all, Mr. Russell?

MR. RUSSELL: That is all, sir.

10 (Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

"S.H. HOWARD": Official Reporter.

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

SUB-COMMISSIONER.

20

30

ACKNOWLEDGED
Case No. 689
NOV 27 1947

72318

Leth

Proof of Claim

IN THE MATTER OF Order-in-Council P.C. 1810, as amended by Order-in-Council P.C. 3737; and

IN THE MATTER OF "THE INQUIRIES ACT" being Chapter 99 of the Revised Statutes of Canada, 1927, and

IN THE MATTER OF a Commission appointed to inquire into and report upon the claims of persons of the Japanese Race under said Orders-in-Council.

1. Name of Claimant in full: Tokujiro Maikawa

   Registration No. 04300

2. Claimant's address at the time of his evacuation from the protected area: c/o Van. Cannery Eburne, B.C.

3. Claimant's present address: Box 528 Taber, Alberta

4. Claim relating to real property:

   (a) Street address of real property:

   (b) Legal description of property:

VIRTUE & RUSSELL, Barristers, Lethbridge.

(c) Type of real property, i.e., farm, residence, commercial, etc., and short description of it:

Boat shop building.
Tool house.

(d) Title or interest held by Claimant in the real property:

Owner.

(e) Fair market value of real property at date of sale:

(I) Land— $

(II) Buildings— $ 1800.00 (1200.00)

(f) Amount of loss alleged to have been sustained by the Claimant under the terms of reference:

$ 1200.00

5. Claims relating to personal property, etc.

(a) Location at which property was left by Claimant at date of evacuation:

c/o Van. Cannery
Eburne, B.C.

(b) Type of premises in which property was left by Claimant and manner in which that property was stored or packed at time of evacuation:

Van.Cannery Warehouse

(c) In whose care was property left by the Claimant at date of evacuation?

Custodian
Department of the Secretary of State
Vancouver

(d) Itemized and detailed description of the property which is the subject of the claim, and itemized value thereof at the time of sale, loss or destruction:

Boat lumber	$ 910.00
1 Bed set	30.00
Cook Stove	15.00
Heater	10.00
Clock	10.00
7 Chairs	7.00
Chest of drawers	50.00
	~~$122.00~~
	$ 1032.00

910
122
10.75

(e) Amount of loss alleged to have been sustained by Claimant under the terms of reference:

$ 420.14

6. I desire that my claim be heard at the City of Lethbridge in the Province of Alberta.

7. An Interpreter will.....be required.

DATED this 13th day of ~~October~~ November, A.D. 1947.

Samson Sanderson
Witness to Signature of Claimant.

Tokujiro Maikawa
Signature of Claimant.

VIRTUE & RUSSELL, Barristers, Lethbridge.

STATUTORY DECLARATION

I, Tokujiro Maikawa
(Full Name of Claimant)

of Taber, Alberta — laborer
(Present Address) — *(Occupation)*

DO SOLEMNLY DECLARE:

1. I am the above named Claimant.

2. I have a personal and full knowledge of the circumstances and facts relating to the Claim above referred to.

3. The above Claim is true and correct.

4. I have not received any payment upon the above Claim other than the following:

$ 611.86

And I make this declaration conscientiously believing the same to be true, and knowing it is of the same force and effect as if made under oath, and by virtue of The Canada Evidence Act.

DECLARED at Taber

in the Province of Alberta,

this 13 day of November

A.D. 1947.

Tokujiro Maikawa

Samson Sanderson
A Commissioner for Oaths in and for the Province of Alberta.

VIRTUE & RUSSELL, Barristers, Lethbridge.

IN THE MATTER OF Order-in-Council P.C. 1810, as amended by Order-in-Council P.C. 3737; and

IN THE MATTER OF "THE INQUIRIES ACT" being Chapted 99 of the Revised Statutes of Canada, 1927, and

IN THE MATTER OF a Commission appointed to inquire into and report upon the claims of persons of the Japanese Race under said Orders-in-Council.

Proof of Claim

VIRTUE & RUSSELL
Barristers & Solicitors,
Lethbridge, Alberta.

JAPANESE PROPERTY CLAIMS COMMISSION

Claim No. 51

SUMMARY OF EVIDENCE IN SUPPORT OF CLAIM

The Following are Particulars of the Claim:

1. Claimant's Name In Full: Tokujiro MAIKAWA

2. Registration Number: 04300

EXHIBIT No. 689-1
DATE Sept. 20/48
FILLED BY W. S. Purnell

3. Present Address: Box 528, TABER, Alberta.

4. Address Prior To Evacuation: Van Connery, Burns, B.C.

5. LEGAL DESCRIPTION OF PROPERTY: Parcel 1.

(If more than one parcel, list each separately, beginning as Parcel 1, Parcel 2, etc. with following particulars covering each parcel separately on individual sheets)

Claim is being made for buildings constructed on land owned by Mr. Gillespie.
Buildings are located on 100' river frontage outside dyke near Vancouver Cannery, EBURNE, B.C.

(a) Nearest Post Office adjacent to land. Eburne, B.C.

(b) Number of acres: 100' frontage.

(c) When purchased: leased land.

(d) Condition when purchased: Give improvements and values in detail as of date of purchase)

(e) Purchase Price xxxxxxxxxx Rental per year.....$50.00 $

6. IMPROVEMENTS: NIL

(a) Clearing.....acres at $.....per acre $

(b) Fencing $

(d) Drainage) $

(c) Tillage $

(e) Weed Eradication $

(f) Planting $

(g) $

(h) $

Total $ $

Carried Forward $ $ nil

Brought forward $ nil

(i) Buildings:

ITEM	SIZE	YEAR BUILT	MATERIAL COST	LABOR COST	COST (TOTAL)
			$	$	$
Boat shop	30x80	1929	750.00	400.00	1150.00
Tool House	12x22	1934	100.00	80.00	180.00

Total Cost of Buildings 1300.00

Total Cost of Land and All Improvements ..... $ 1300.00

Fair Market Value ..... $ 1,200.00

Sold by Custodian for ..... $ nil

Loss Claimed on Parcel 1 ..... $ 1,200.00

8. Assessment for 1942:

Land ..... $

Improvements .... $

Total ..... $

9. Appraisal or Valuation (by Custodian):

Lands ..... $

Improvements ..... $ -----none

Total $

10. Rental Value per Year: $ 360.00

11. Fire Insurance on Buildings: nil

(List amount on each building):

..... $

..... $

..... $

..... $

12. Documents in Support:

(a) Photographs: four showing buildings in part.

(b) Deeds

(c) Agreements to Purchase

(d) Leases

(e) Insurance Policies

(f) Correspondence

(g)

(h)

Parcel 2:- (Add additional sheets if necessary)

(Give exactly the same information as in paragraphs 5 to 12 above)

13. SUMMARY OF LOSSES ON REAL PROPERTY:

Parcel 1 ..... $ 1200.00

Parcel 2 ..... $

Parcel 3 ..... $

Parcel 4 ..... $

TOTAL: $ 1200.00

PERSONAL PROPERTY:

ITEM	YEAR PURCHASED	PRICE PAID	VALUE	REMARKS
1 bed set			$30.00	
Cook Stove			15.00	
Heater			10.00	
Clock			10.00	
7 chairs			7.00	
Chest of Drawers			50.00	
		TOTAL	$122.00	

(ADD ADDITIONAL PAGE IF NECESSARY)

(IF CLAIM FOR VESSEL DESCRIBE ON SEPARATE SHEET NUMBERED 6 A)

PAYMENTS RECEIVED FROM CUSTODIAN ON PERSONAL PROPERTY

Item:	Year:	Month:	Amount.
Goods claimed on were sold by Custodian for goss of.....			$20.25

Total: $ 20.25

Total Claim for Personal Property ..... $ 122.00

Deduct Payments from Custodian ..... $ 20.25

Net Loss on Personal Property ..... $ 101.75

I Certify the above to be True and Correct.

Takujiro Morikawa

Witness

Signature of Claimant.

EXHIBIT NO. 689-2
DATE Sept 20/48
FILLED BY W. S. Russell

EXHIBIT No.
DATE
FILLED BY

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 2318 EXHIBIT No. ____

NAME Tokujiro MAIKAWA

REG. No. 04300

DATE	INVENTORY	DETAILS OF CLAIM		SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
DECLARATION Mar. 30/42	TAKEN BY			AUCTION	TENDER &c		
EVACUATION Apr.28/42	DATE						
At Eburne, B.C. In		Boat Lumber	910.00		540.00		
Boat Shop:		1 Bed set	30.00	.50			
Lumber:		Cook stove	15.00				15.00
Cedar Boat Lumber 4000'		Heater	10.00				10.00
$400.00		Clock	10.00	9.75			
Fir 2000', Yellow		7 Chairs	7.00	(5) 3.50			
Cedar 2000' $140 & $120.00		Chest of drawers	50.00	6.50			
Carpenter's tools $200.00							
		TOTAL CLAIM:	1032.00	20.25			
In 4 roomed bungalow:							
4 bed set,		OTHER AUCTION RECEIPTS		12.50			
Sewing machine							
Gramaphone		Boat Shop Building)	1200.00				
Kitchen utensils		Tool House)					
Left over victuals							
Cook stove							
Clock		TOTAL CLAIM	2232.00				
7 Chairs							
Chest of drawers							
Heating stove.							
Total value $350.00							

Lumber for which	$910.00
Household goods for which	$122.00
Building for which	$ 1200.00
	$2232.00

E No. 2318 EXHIBIT No. _____ CASE No. _____

S. No. 04300 VENUE LETHBRIDGE

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANY TIME	ABANDONED	NOT ACCOUNTED FOR THEFT &C	UNSOLD	REMARKS
UCTION	TENDER &c							
	540.00							Price approved by MAIKAWA - see letter Sept. 18/42 and also telegram Aug.22/42.
.50			15.00					
			10.00					
9.75								
) 3.50								
6.50								
20.25								
12.50								
							1200.00	Mr. Gillespie, the owner of the property on which these buildings stand states that it was understood that these buildings became part of the property and he considers that they belong to him.

Lumber for which $910.00 is being claimed sold for $540.00 with the written approval of the claimant
Household goods for which $122.00 is being claimed sold for $ 19.25
Building for which $ 1200.00 is being claimed were built on property belonging to C.H.Gillespie.

$2232.00

EXHIBIT No. 689-3
DATE Sept. 20/48
FILLED BY G. R. A. Rice