

Custodian File

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% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Total	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
PERSONAL PROPERTY										Total
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			
NETS										Total
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 Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price	
MISCELLANEOUS CHATTELS										Total
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										00



M. Goto,  
In Chief.  
Discussion.

MR. CHERNIACK: My lord, the Custodian sent me at some time a file in relation to a claim made in the name of Masayo Goto, with the suggestion it might be taken up here. I would like to do so with your Lordship's permission.

THE COMMISSIONER: Have we the claim form for the other claim that is to be heard in conjunction with it?

MR. HUNTER: My lord, I have a preliminary objection in this case. The claim is made for a piece of property which the claimant doesn't own. Certainly he isn't the registered owner, in any case. Now the property that he is the registered owner of, he hasn't made a claim for. If he wishes to amend the claim for the one he owns, I have no objection. However, I have a strong objection at this point to this claim filed in his name. He has claimed for a person who is in Japan, which under the terms of reference I submit should not be heard.

MR. CHERNIACK: My lord, I intended to bring this up. I was waiting to see whether that form could be obtained. This claim was made in the name of the registered owner. It was mistakenly so made and I want to ask leave to amend it in the name of this claimant.

THE COMMISSIONER: Just one moment. You better let me have the claim form as originally presented in the name of the other man.

MR. CHERNIACK: Yes. I don't know whether that is available. I have a copy which is very brief and I can read it into the record or give it to your Lordship.

D. Goto,  
Discussion.

THE COMMISSIONER: Read it into the record and then pass it up to me. There is a rather serious question here, Mr. Cherniack.

MR. CHERNIACK: I understand so. I might just clear this up at the beginning, my lord. There were two errors made in connection with these claims. One is this claimant about which I wish to speak now, and the other is the fact that he claimed for a property and gave the wrong description and that is in his own name, and is the case which is set down for this morning.

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THE COMMISSIONER: Just let me follow you. You say this man should have claimed in respect of an entirely different property.

MR. CHERNIACK: On the claim that is set down for this morning he claimed for certain property but gave the incorrect description for it.

THE COMMISSIONER: What is the confusion with this resident of Japan?

MR. CHERNIACK: Now this property is one he should have claimed in his name and claimed in the name of the registered owner.

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THE COMMISSIONER: All right, perhaps it will be a little clearer later.

MR. CHERNIACK: I will read this. This is a claim made in the name of Masayo Goto and his pre-evacuation address as stated is "Left for Japan in 1936". The present address is stated as "c/o Toshiaki Goto, 1181 St. Mary's Road, St. Vital." The street address of the property is given as Gibson Road, R.R.1, New Westminster, B.C., and the legal des-

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W. Goto,  
Discussion.

cription is Delta, Lot 73 of Lot 440, Group 2, Map 1133, New Westminster. In the question, "What was your interest in the property?" it is stated, "Sole owner". The value of the land is \$400.00, and nothing for buildings, making a total of \$400.00. The amount at which it was sold is stated as "not known". That is the claim, my lord.

THE COMMISSIONER: Now who swears that claim?

10 MR. CHERNIACK: This claimant, T. Goto. May I proceed with my application?

THE COMMISSIONER: Just let me get this straight, Mr. Cherniack. Oh, I see. This is the claim that this man intended to file in respect of his, is that the situation?

MR. CHERNIACK: My Lord, this is an altogether different property from that which is set out on the list.

THE COMMISSIONER: Is Mr. Hunter ready to go on?

MR. CHERNIACK: This is the one to which he takes objection because the registered owner is in Japan.

20 THE COMMISSIONER: Oh, I see. Then what is the claim that has been filed?

MR. CHERNIACK: That is in connection with the property which belongs to this claimant but there was an error in describing the property -- the legal description. You will note it is very similar to this one. It is Lot 73 instead of Lot 23. That is the only change and that is where the error was made.

30 THE COMMISSIONER: Is Lot 23 registered in the name of Toshiaki, the present claimant?

MR. CHERNIACK: No, my lord, it isn't registered in the name of anybody connected with Goto. It is the wrong description of the property which he actually owned himself., and after we dealt with the first small property, I intended to ask for leave to amend the legal description of the large claim.

10 THE COMMISSIONER: I may be very dull but I do not follow you yet, Mr. Cherniack. Is Lot 23 in respect of the claim filed -- has that anything to do with this claimant at all?

MR. CHERNIACK: No, my lord, the property isn't in that claim. Lot 23 is the wrong description for the property which this claimant owned, and which he owned for some time. The claim is correct, but the description is given wrongly and I am going to ask for leave to amend to give the correct description. This claim for \$400.00 is altogether separate from the other one. This is the wrong legal description. Now I am asking leave, my lord,  
20 to amend the small claim for \$400.00 to read in the name of Toshiaki Goto, who claims the ownership of this property, and claims to the effect that it was given to him, and I would like to ask leave to amend and present this claim subject to our producing a transfer or a quitclaim deed from the registered owner showing that it had been given to him in 1936 or 1937 when his mother left for Japan.

30 THE COMMISSIONER: Now, as I understand you, the title has stood then in the name of Masayo Goto since

1936?

MR. CHERNIACK: And still is, my lord, and we have the title here.

THE COMMISSIONER: You have the certificate of title?

MR. CHERNIACK: Yes, it was given to the claimant.

THE COMMISSIONER: Does this man say he had a conveyance executed by his mother before she left for Japan?

MR. CHERNIACK: No, he didn't have any written transfer at all.

10 THE COMMISSIONER: And has not at this stage?

MR. CHERNIACK: No, my lord.

THE COMMISSIONER: How can you justify a claim being made by him now?

MR. CHERNIACK: My lord, I intend to ask my learned friend to produce evidence to the effect that this claimant notified the Custodian of his ownership in 1943, and it is my contention that although he had no title he could not prove his title as against the registered owner, yet my contention is the Custodian had notice  
20 of his ownership and ignored it.

THE COMMISSIONER: What have you to say, Mr. Hunter?

MR. HUNTER: My submission, my lord, is that under the Land Registry system, that is the Toren system, it is the registered title that counts. The mere fact you give a person notice of some interest in land could not weigh against the registered document; that is, there is no actual notice except registration of a document.

30 THE COMMISSIONER: That is the provision, as I recall it, of the Land Registry Act in British Columbia.

M. Goto,  
Discussion.

MR. CHERNIACK: If I may say so, my learned friend has met at a disadvantage, my lord, because I don't profess to know British Columbia law or the Act, and my submission is if your Lordship could hear this and have argument in Vancouver at the adjourned hearing, it wouldn't take too much time and wouldn't prejudice the claimant by having counsel who cannot argue British Columbia law.

10 THE COMMISSIONER: Under the circumstances, I think you have to come in with your claim properly founded, and obviously as it stands now, the law in British Columbia is this man had no title. The land is registered in the name of another in respect of which he has no conveyance at all. I am against you on that.

MR. CHERNIACK: I don't want to argue it too strenuously, because I am not in a position to do so.

THE COMMISSIONER: That will relate only to the \$400.00 claim.

20 For the record I think we ought to deal with the Masayo Goto claim which is not on the list and which you have spoken to. You can call that Claim 821, Mr. Secretary. This claim in the name of Masayo Goto will be 821. I have heard Mr. Cherniack's application for leave to amend that claim~~s~~ by substituting Toshiaki Goto as claimant, and I deny his application and disallow the claim .

(Concluded)

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

*J. P. Horrobin*  
"T.P. HORROBIN"  
Official Reporter.

base 82

4.00 pd  
821

**FORM FOR CO-OPERATIVE COMMITTEE**

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

This form containing the same material as the form to be sent to the Custodian's office is to be sent to either your National Japanese Canadian Citizens Association provincial chapter organization or the regional Co-operating Committee as listed.

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

claim dis allowed

- (1) NAME GOTO MASAYO (RCMP) Reg. No. none  
(Print) Surname Given Name File No 12689
- (2) Pre-Evacuation Address left for Japan in 1936
- (3) Present Address % Toshiaki Goto, 1181 St. Mary's Rd S-Vital
- (4) REAL ESTATE
  - (a) Street Address (if any) Gibson Road RR 1 New Westminster B.C.  
City or Municipality, Province
  - (b) Legal description (lot number, block number, section number, etc.)  
Delta - lot 73 of lot 440, Group 2, Map 1133. New Westminster
  - (c) Type of Real Property (cross out words which do not apply):
    - (i) Farm
    - (ii) ~~Residence~~ Type of business
    - (iii) ~~Business~~
    - (iv) ~~Any other type of property (describe)~~
  - (d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) Sole owner
  - (e) Fair market value at date of sale (estimate this to the best of your ability):
 

(i) Land	\$	<u>400.00</u>
(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)	\$	<u>400.00</u>
(v) Amount at which Custodian sold property and credited your account	\$	<u>not known</u>
  - (f) Loss (This figure is arrived at by deducting item (v) from item (iv)) \$ 400.00
- (5) PERSONAL PROPERTY No claim
  - (a) Place or places at which property was left by the claimant at date of evacuation
  - (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

400.00  
55  
345

(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")

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

- 1. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 2. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 3. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 4. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 5. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 6. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 7. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 8. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 9. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_
- 10. \_\_\_\_\_ Estimated Value \$ \_\_\_\_\_

TOTAL CLAIM FOR PROPERTY LOSS \$ \_\_\_\_\_

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) - - - - - \$ 400.00

(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 No

Winnipeg

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

DOMINION OF CANADA }  
Province of Manitoba }  
TO WIT: }

I, Toshiaki Goto of the Municipality of St. Vital in the Winnipeg, Manitoba

DO SOLEMNLY DECLARE THAT: I am the son and next of kin of Masayo Goto named herein. 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 Winnipeg )  
in the Province of Manitoba )  
this 15th day of November )  
A.D. 1947.

*Toshiaki Goto*  
A BARRISTER AT LAW ENTITLED TO PRACTISE  
IN THE PROVINCE OF MANITOBA. 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.

NOV 28 1947

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  
41298 (B) W/19

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

(1) NAME GOTO MASAYO (RCMP) Reg. No. None  
(Print) Surname Given Name File No. 12689

(2) Pre-Evacuation Address Left for Japan in 1936

(3) Present Address c/o Toshiaki Goto, 1181 St. Mary's Rd., St. Vital

(4) REAL ESTATE

(a) Street Address (if any) Gibson Road RR 1 New Westminster, B.C.  
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)  
Delta -- Lot 73 of Lot 440, Group 2,  
Map 1133, New Westminster

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

- (i) ~~Farm~~
- (ii) ~~Residence~~ Type of business \_\_\_\_\_
- (iii) ~~Business~~
- (iv) ~~Any other type of property~~ (describe) \_\_\_\_\_

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

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

- (i) Land - - - - - \$ 400.00
- (ii) Buildings - - - - - \$ \_\_\_\_\_
- (iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - \$ \_\_\_\_\_
- (iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 400.00
- (v) Amount at which Custodian sold property and credited your account - - - \$ Not Known

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 400.00

(5) PERSONAL PROPERTY No claim

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

(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 \_\_\_\_\_

On short list, it is allowed (minutes)

(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")

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

- |     |       |                    |       |
|-----|-------|--------------------|-------|
| 1.  | ..... | Estimated Value \$ | ..... |
| 2.  | ..... | Estimated Value \$ | ..... |
| 3.  | ..... | Estimated Value \$ | ..... |
| 4.  | ..... | Estimated Value \$ | ..... |
| 5.  | ..... | Estimated Value \$ | ..... |
| 6.  | ..... | Estimated Value \$ | ..... |
| 7.  | ..... | Estimated Value \$ | ..... |
| 8.  | ..... | Estimated Value \$ | ..... |
| 9.  | ..... | Estimated Value \$ | ..... |
| 10. | ..... | Estimated Value \$ | ..... |

TOTAL CLAIM FOR PROPERTY LOSS \$ .....

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) - - - - - \$ 400.-

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

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

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

DOMINION OF CANADA }  
*Prov of Man* }  
 TO WIT: }

I, Toshiaki Goto of St. Vital of the Municipality in the Manitoba

DO SOLEMNLY DECLARE THAT: I am the son and next of kin of Masayoko named herein  
 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 Winnipeg )  
 in the Prov of Manitoba )  
 this 16<sup>th</sup> day of November )  
 A.D. 1947. )

Toshiaki Goto  
 A Commissioner &c.

*[Signature]*