

Name of Claimant

HIRAOKA, Masao

Case 897

Custodian File

1793

<u>REAL PROPERTY</u>										
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village		Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:	
						% of Total	Amount		% of Total	Amount
<u>PERSONAL PROPERTY</u>										
Motor Vehicles		Boats and Boat Gear								
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Recorded Now Missing		45% of amount in next preceding column		
						% of Total	Amount			
<u>NETS</u>										
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing			Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price
<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										-----

CASE NO: 897

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba.

September 13th, 1948.

IN THE MATTER OF THE CLAIM OF

MASAO HIRAOKA

PROCEEDINGS AT HEARING

Original.

CASE NO: 897

IN THE MATTER OF THE "INQUIRIES ACT"

PART I. REVISED STATUTES OF CANADA 1927, CHAPTER 99JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

B E F O R E

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(THE HONOURABLE MR. JUSTICE A.G. BUCKINGHAM, SUB-COMMISSIONER)

Winnipeg, Manitoba.

September 13th, 1948.

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IN THE MATTER OF THE CLAIM OFMASAO HIRAOKAPROCEEDINGS AT HEARINGAPPEARANCES:

F.M.FERG, Esq.,	Appearing for the Dominion Government.
S.M.CHERNIAK, Esq.,	Appearing for the Claimant.

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G.N.R.Upton, Esq., Official Interpreter.

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MARK H. PEARCE, Esq., Official Reporter.

M. Hiraoka
In Chief.

MASAO HIRAOKA, the Claimant herein being
first duly sworn, deposed as follows:-

DIRECT EXAMINATION BY MR. CHERNIAK:

Q Mr. Hiraoka, I show you a typewritten statement relating to your boat Tzaartocs, was this prepared in accordance with your instructions?

A Yes.

Q And is that your signature?

A Yes.

10 Q Does this statement contain the truth to the best of your knowledge and recollection?

A Yes.

MR. CHERNIAK: I tender this as Exhibit 1, Your Honour.

(PERSONAL PROPERTY STATEMENT, EXHIBIT 1.)

20 MR. FERG: Your Honour, I think maybe I should intervene just here in connection with this case. The position I am taking on behalf of the Custodian is that this boat was sold by the Japanese Fishing Vessel Disposal Committee prior to the vesting order of July 20th which vested all vessels, then undisposed of, in the hands of the Vessel Disposal Committee and they then came into the hands of the Custodian as of August 1st. This boat was actually sold prior to the vesting. The boat was sold in June, 1942 by the Committee and the document was signed by the authorities giving the purchaser physical possession of the boat and the document enabled the purchaser to register it but, apparently, it happened that

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M. Hiraoka
In Chief.

10 the Fishing Vessel Disposal Committee forwarded to the Claimant a form of transfer which he refused to sign and, consequently, the actual title to the boat wasn't given until after the 1st of August. After the 1st of August the Custodian had the power to sell without the signature of the claimant and so the deal was then completed. We take the position that the Custodian was not responsible for the sale of the boat or the purchase price except to account to the Claimant for the monies that came into the Custodian's hands after the 1st of August. In that connection I wish to make the submission that this evidence is given or taken subject to our objections.

20 MR. CHERNIAK: Your Honour, we are not going to argue this out before you this afternoon. I am sure this point has been fully taken up before, before the Commissioner on similar facts although I haven't argued it out with my learned friend. The Japanese Fishing Disposal Committee never had the legal right to sell any of the possessions that they had taken over. They never had the right to sell a boat, although they had the right to attempt to sell the boat and to attempt to get the owner of the boat to agree to the sale. After it was found that certain of the boat owners refused to accept the terms which the Fishing Vessel Disposal Committee got for them, then it was found that these boats were lying around,

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M.Hiraoka.
In Chief.

- 10 - possession had been turned over to ostensible purchasers but they never had the legal right to these goods. It was then that the Custodian was given the right to sign these transfer papers. Although my learned friend says that the Fishing vessel disposal Committee sold the boat our contention is that they did not because they had no right to do so. All they did was to negotiate a sale. And when he says that the Custodian signed the transfer papers our contention is, is that is what made the sale. Nor does this document give title, all it does is explain to the registrar of licenses the reasons that they did not have the proper transfer of title. That is our contention and I fully believe that it has already been accepted by the Commission. But as long as the evidence goes in I don't think it need be argued out here.
- 20 Q I show you Mr. Hiraoka a letter from the Japanese Fishing Disposal Committee addressed to you, dated August 18th, 1942, do you recognize this letter? I don't remember.
- Q Well, did you give me this letter; is this the letter that you gave me at our last interview?
- A I had this letter in my possession
- Q This is the letter you received from the Japanese Fishing Vessels Disposal Committee?
- A Yes.
- 30 Q This letter says "Dear Sir, Under date of August 6th we advised you of the circumstances relating

M.Hiraoka
In Chief.

to the disposal of fishing vessel "TSAARTOOS"
Licence No. Vic 1514.
for the sum of \$865.00

With this letter we enclosed a standard
Bill of Sale form and a Claim Assignment form,
advising you that on receipt of these documents,
properly executed, the Committee would immediately
remit the net proceeds of the sale of the vessel,
to any address you designated.

10

As the principal work of this Committee has
been completed, it is intended to transfer all the
records and accounts to the Custodian of Enemy
Property. Such transfer will include the net
proceeds of the sale of your vessel, as above,
unless we receive the completed Bill of Sale
prior to such transfer, which will probably be
made at August 31st, 1942.

20

The Committee is of the opinion that if this
transaction is not concluded prior to that time,
and the money is transferred to the Custodian,
there will probably be a long period of delay
before you could recover the amount from the
Custodian funds; and, therefore, we urge you to
execute these documents and forward them by
return mail. Yours very truly" And it is signed
A.E.McMaster, Executive Assistant . Did you
agree to sell your boat after you got that
letter from the Japanese Fishing Vessels Disposal
Committee? A No, I never signed anything.

30

MR. CHERNIAK: I will file that letter as an Exhibit

M. Hiraoka.
In Chief.

Your Honour.

(LETTER, EXHIBIT 2.)

10 MR. CHERNIAK: I file that letter, Your Honour, intentionally so that the methods used by the Japanese Fishing Vessels Disposal Committee in attempting to gain an acceptance or the signature to this transfer, the methods used by the Committee in saying that they would send the money immediately and further saying that it would be a long time before they got their money if they didn't do it that way "there will probably be a long period of delay before you could recover the amount from the Custodian funds; and, therefore, we urge you to execute these documents and forward them by return mail ", well, letters of this nature are the basis of our application to the cabinet to extend the terms of reference.

20 THE COMMISSIONER: That may be your contention, but the point still arises as set up by Mr. Ferg as to whether or not this vessel ever did come into the possession of the Custodian and whether it is therefore under the terms of reference after the 1st of August.

MR. CHERNIAK: I think the document that I will file will answer the question as to whether or not it comes within their scope.

THE COMMISSIONER: Well, the evidence is taken without prejudice and subject to objection.

30 MR. CHERNIAK: I understand that, Your Honour. Your Honour, I produce from the Custodian's file and

M.Hiraoka,
In Chief.

tender as Exhibit 3 and Agreement for Sale of Vessel, dated November 9th, 1942 and signed by G.W.McPherson, authorized Deputy of the Secretary of State and or Custodian. The agreement is in printed form and starts out by saying "Between the Secretary of State of Canada acting in his capacity as Custodian as vested owner of the interest of Masao Hiraoka (hereinafter called the "Vendor" of the first part and Fred N. Barber (Hereinafter called the "Purchaser" of the Second Part." It then sets out "In consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, we agree to the sale and purchase of the vessel hereunder described:

Name of Vessel: "TZAARTOOS"

Port of Registry: Victoria Official Number: 1514

Length: 36' Breadth: 7'6" Depth: 3'8"

Propelling power: Vivian 15 H.P.

For the price or sum of \$865.00 (Eight Hundred and Sixty-five Dollars)

Payable as follows: Cash

Further, the Vendor covenants with the said Fred N. Barber and his assigns, that he has power to transfer, in the manner aforesaid, the premises hereinbefore expressed to be transferred, and that he has no knowledge of any encumbrances and accepts no responsibility for same other than to the amount of the purchase price referred to above." That forms the basis of our contention, Your Honour.

(AGREEMENT FOR SALE OF VESSEL, EXHIBIT 3.)

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M.Hiraoka.

MR. FERG: It is submitted Your Honour that if, assuming that this is a Custodian matter, it is submitted on behalf of the Custodian that the boat in question was sold at its fair market value. In this connection I would like to file a receipt, a copy of a receipt of the Japanese Fishing Vessels Disposal Committee, Vancouver, B.C., dated June 11th, 1942 which reads as follows: "Received from Frederick N. Barber the sum of Eight Hundred and Sixty-five and 00 Dollars on account of sale of vessel TZAARTOOS, VIC 1514", and attached to that receipt is a document on the Japanese Fishing Vessels Disposal Committee letter head, dated June 11th, 1942 and addressed to Custodian of Japanese Fishing Vessels: This will be your authority to release the Fishing Vessel "Tzaartoos" Official No. VIC 1514 to her owner Frederick N. Barber.

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The Receipt on this page should be signed by the new owner and the original retained by you. Duplicate to be returned to this office" and it is signed A.E.McMaster, Japanese Fishing Vessels Disposal Committee and at the bottom is a receipt "Receipt is hereby acknowledged of the fishing vessel "Tzaartoos" official No. VIC 1514 and it is signed F.N.Barber."

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(RECEIPT, EXHIBIT 4.)

MR. FERG: I will file a further document, dated June 11th, 1942 and addressed to The Registrar of Shipping, Vancouver, B.C. "Re Ex-Japanese Fishing

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M.Hiraoka.

Vessel: "TZAARTOOS" VIC 1514

Length: 36' Breadth: 7'6" Depth: 3'8"

Engine: Vivian 15 H.P.

The owner of this vessel, M. Hiraoka declines to sell at a reasonable price. Frederick N. Barber, whose signature, for identification purposes, appears below, has offered to purchase the vessel for the sum of EIGHT HUNDRED AND SIXTY-FIVE AND 00/100 DOLLARS (\$865.00) which sum is considered reasonable and has been accepted as the purchase price by the Committee, and is being held in trust by the Committee, pending completion of Bill of Sale.

10

You are requested to permit the purchaser Frederick N. Barber to operate this boat until the presently licensed owner, M. Hiraoka completes the execution of Bill of Sale, or some other provision has been made.

This letter is issued in duplicate, one copy of which is to be retained in your files, the other to be in the possession of FREDERICK N. BARBER for clearance and navigation purposes" and it is signed 'Yours Faithfully, Japanese Fishing Vessels Disposal Committee, A.E.McMaster, Executive Assistant.

20

(LETTER, EXHIBIT 5.)

MR. FERG: I would also like to file, Your Honour, or I will put on the record Your Honour, a statement from the true copy of excerpt from the note book of the appraiser of the J.F.V.D.C. This book has among its records - - -

30

M.Hiroaka.
Cr-Exam.

MR. CHERNIAK: I assume it will be subject to
the production - - -

MR. FERG: Yes. "Condition good. Damage nil.
Boat, \$950.00, Engine \$800.00, extras \$150.00.
Value new \$1,900.00. Value, 1942 \$750.00.
This boat in fair state of repairs. Boat about
12 years old but has new cabins. The J.F.V.D. C.
suggested negotiating price \$863.00, approximately
15% above the valuation of the appraiser. Mr.
O.W. Phillipson was employed as appraiser by the
J.F.V.D.C.

10

Q $\frac{1}{4}$ What are you claiming for your boat?

A \$2,000.00

Q You are claiming \$2,000.00?

A Yes.

Q And you claim that is the value of your boat?

A Yes.

Q You offered to sell it for less than that?

A For cash, yes.

20

Q What did you offer to sell it for?

A \$1,600.00

Q And you wrote a letter to the Japanese Fishing
Vessels Disposal Committee on August 11th, 1942
that you would sell the boat for \$1,600.00?

A Yes, but I never wrote to the Fishing Disposal
Committee.

Q I will show you your letter, that is your letter,
is that your writing? A Yes.

Q And that is your signature at the foot of the
letter? A I think it is.

30

M. Hiraoka
Cr-Exam.

Q Well, you know your own writing, tell me, is it?

A My wife's writing.

Q But is that your signature?

A No, not mine.

Q Well, your wife wrote this letter under your instructions? A It is not my wife's writing.

Q Do you know whose writing it is?

A I don't know.

Q Is it your own writing? A No.

10 Q Do you know anything about the letter? Would you read that letter to the witness
(Note) Interpreter reads letter in Japanese to witness.

BY THE WITNESS: I think it was written by my brother-in-law.

MR. FERG:

Q But under your authority, you approved of it?

A Yes.

Q You told him to write that letter?

20 A Yes.

Q And you agree with these contents of it "Dear Sir:- In reference to your letter of the 6th instant, I am sorry to inform you that I do not agree with the price set forth on the Bill of Sale. I think the price I set forth on my boat was two thousand (\$2,000.00) Dollars.

Therefore I will be unable to sign and send you the Bill of Sale on my vessel. However, I will be willing to sell it for Sixteen Hundred (\$1,600.00) dollars.

30

M Hiraoka.
 Cr-Exam.
 Re-Exam.

May I hear from you in the near future, concerning this matter, and thanking you in advance, I am, Very truly yours Masao Hiraoka." You agree with those contents? A Yes.

(LETTER, EXHIBIT 6.)

Q You didn't have any person value the boat for you at the time of evacuation or since?

A No.

MR. FERG: That is all, Your Honour.

10

RE-EXAMINATION BY MR. CHERNIAK:

Q Mr. Hiraoka, you say that you wrote the committee some time ago, in 1943, was it, August 11th, 1942, that you would take \$1,600.00 for it; you are now claiming \$2,000.00 for it?

A Yes.

Q How much do you think is the fair market value of the boat as of the date they sold it in August 1942? A Two thousand dollars.

20

Q And what did you think was the fair market value at the time you wrote the letter when you said you would take \$1,600.00, what did you think then was the fair market value?

A Two thousand dollars.

Q That is what you thought then?

A Yes.

Q Why is it that you said you would take sixteen hundred dollars for it?

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A I needed money badly at that time and also I

M. Hiraoka.
Re-Exam.

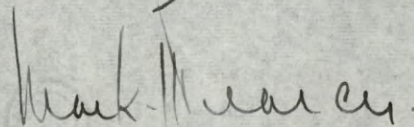
felt if I left the boat tied up without being used it would deteriorate, that is why I told them to sell it for \$1,600.00

MR. CHERNIAK: That is all your Honour.

THE COMMISSIONER: All right, witness.

(PROCEEDINGS ADJOURNED SINE DIE)

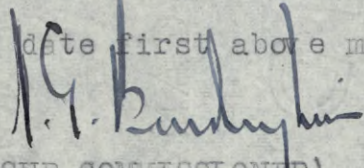
Certified to be a true and accurate transcript.



(MARK H. PEARCE)
OFFICIAL REPORTER

10

I, the undersigned Sub-Commissioner hereby certify that the foregoing 13 pages of typewritten matter contain a true and accurate record of the sub-commission held in the Law Courts Building, Winnipeg, Manitoba, at the time and date first above mentioned.



(SUB-COMMISSIONER)

20

Case 897

w/p

NOV 28 1947

[Signature]

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.

17920

Report from
Custodian's
Office
"Unsubstantiated"

w/p

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

- (1) NAME HIRAOKA, Masao (RCMP) Reg. No. 12131
(Print) Surname Given Name
- (2) Pre-Evacuation Address Bamfield, B. C.
- (3) Present Address Box 19, Oakville, Man.
- (4) REAL ESTATE
 - (a) Street Address (if any) Nil
City or Municipality, Province
 - (b) Legal description (lot number, block number, section number, etc.)
Nil
 - (c) Type of Real Property (cross out words which do not apply):
 - (i) Farm
 - (ii) Residence Type of business
 - (iii) Business
 - (iv) Any other type of property (describe)
 - (d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.)
 - (e) Fair market value at date of sale (estimate this to the best of your ability):
 - (i) Land - - - - - \$ Nil
 - (ii) Buildings - - - - - \$ Nil
 - (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) - - - - - \$ Nil
 - (v) Amount at which Custodian sold property and credited your account - - - \$ Nil
 - (f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ Nil

B/S report by
Custodian

- (5) PERSONAL PROPERTY
 - (a) Place or places at which property was left by the claimant at date of evacuation New Westminster, B. C.
 - (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

(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")

turned over to Fishing Vessel Disposal Committee

(e) Itemized description of personal property which is the subject of the claim:	Sold	Loss
1. Fishing Vessel - TZAARTOOS	Estimated Value \$	
2. Licence No. Vic. 1514	Estimated Value \$	2000.00 865.00
3. Memo Due to evacuation from the Coastal Area I was forced to sell my fishing vessel "TZAARTOOS" at a very low price. I asked for \$2000.00 at the time but it was sold for \$865.00 by the Fishing Vessel's Disposal Committee	Estimated Value \$	1135.00
4. "TZAARTOOS" at a very low price. I asked for \$2000.00 at the time but it was sold for \$865.00	Estimated Value \$	
5. \$2000.00 at the time but it was sold for \$865.00	Estimated Value \$	
6. by the Fishing Vessel's Disposal Committee	Estimated Value \$	
7. _____	Estimated Value \$	
8. _____	Estimated Value \$	
9. _____	Estimated Value \$	
10. _____	Estimated Value \$	

TOTAL CLAIM FOR PROPERTY LOSS \$ 1,135.00

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - - - - - \$1,135.00

(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 Yes

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

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

Masao Hiraoka

This man is in a bush camp in Ontario and could not locate a commissioner. The form was prepared in Winnipeg and forwarded to him for signature. J. G. G. G.

I, Masao HIRAOKA of the Post Office of Oakville in the Province of Manitoba

DO SOLEMNLY DECLARE THAT:

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

DECLARED before me at the City)
of Winnipeg)
in the Province of Manitoba)
this 21st day of November,)

Masao Hiraoka

A.D. 1947. *J. G. G. G.* 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.

HIRAOKA, Masao
(Claimant's Name)

PERSONAL PROPERTY
(Fishing Vessels, gear and equipment)

12131
Reg. No.

NETS:

<u>Type</u>	<u>Size</u>	<u>Mesh</u>	<u>Fathoms</u>	<u>Age at Evacuation</u>	<u>Original Value</u>	<u>Estimated value at Evacuation</u>
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VESSELS SOLD BY CUSTODIAN

<u>NAME</u>	<u>Reg. No.</u>	<u>Type</u>	<u>Date Purchased</u>	<u>New or Used</u>	<u>Price Paid</u>	<u>Maintenance Work</u>	<u>Condition When Evacuated</u>	<u>With whom Left</u>	<u>Estimated Value</u>
Tzaartoos	Victoria B.C. 1514	troller	1931 bought 15 H.P. Vivian <i>base engine and other equipment</i>	new	\$2600.00		good	Navy	2000.00

Improvements to Vessel since date of purchase:

<u>Type</u>	<u>Date</u>	<u>Cost</u>
repaired one side of boat, and built new cabin	1933	800.00
Engine - overhauled, rebored cylinders new pistons & new propeller	Nov. 1941	200.00

OTHER GEAR:

<u>Description</u>	<u>Date Purchased</u>	<u>New or Used</u>	<u>Price Paid</u>	<u>Condition when Evacuated</u>	<u>Estimated value at date of evacuation</u>
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Arrangements made for storage when evacuated:

I took the boat to the Navy at New Westminster, B.C. and reported to the Custodian.

Additional Comments, if any: Although the boat was 11 years old at the time of evacuation, I always had it in Al shape in order to fish out in the Pacific Ocean. I believe that the fair market value of this boat at date of sale was at least \$2000.00

EXHIBIT NO. 897-1
DATE Sept. 13/48
FILLED BY Claimant

M. Hiraoka

Signature

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

Committee:

THE HONORABLE MR. JUSTICE SIDNEY SMITH
CHAIRMAN
COMMANDER B. L. JOHNSON, D.S.O., R.C.N.R.
KISHIZO KIMURA

1528 MARINE BUILDING
VANCOUVER, B.C.

August 18, 1942.

A. E. McMASTER, EXECUTIVE ASSISTANT

Mr. Masao Hiraoka,
THREE VALLEY, B.C.

Dear Sir:

Under date of August 6th we advised you of the circumstances relating to the disposal of fishing vessel "TZAARTOOS" Licence No. Vic 1514 for the sum of \$865.00.

With this letter we enclosed a standard Bill of Sale form and a Claim Assignment form, advising you that on receipt of these documents, properly executed, the Committee would immediately remit the net proceeds of the sale of the vessel, to any address you designated.

As the principal work of this Committee has been completed, it is intended to transfer all the records and accounts to the Custodian of Enemy Property. Such transfer will include the net proceeds of the sale of your vessel, as above, unless we receive the completed Bill of Sale prior to such transfer, which will probably be made at August 31st, 1942.

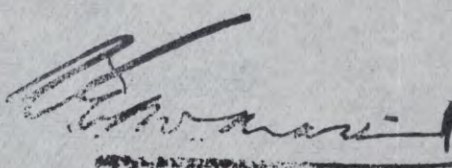
The Committee is of the opinion that if this transaction is not concluded prior to that time, and the money is transferred to the Custodian, there will probably be a long period of delay before you could recover the amount from the Custodian funds; and, therefore, we urge you to execute these documents and forward them by return mail.

Yours very truly,

EXHIBIT NO. 897-2

DATE Sept. 12/48

FILLED BY Clement


A. E. McMaster,
Executive Assistant.

AEM/PH.

ALL COMMUNICATIONS TO BE ADDRESSED TO THE COMMITTEE

Agreement for Sale of Vessel

(Evacuee file # 1793)

BETWEEN:

THE SECRETARY OF STATE OF CANADA ACTING IN HIS CAPACITY
AS CUSTODIAN AS VESTED OWNER OF THE INTEREST OF

Masao HIRAOKA

(hereinafter called the "Vendor")

OF THE FIRST PART

AND

FRED N. BARBER

(hereinafter called the "Purchaser")

OF THE SECOND PART

In consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, we agree to the sale and purchase of the vessel hereunder described:

Name of Vessel: "TZAARTOOS"

Port of Registry: Victoria

Official Number: 1514

Length: 36'

Breadth: 7'6"

Depth: 3'8"

Propelling power: Vivian 15 H. P.

For the price or sum of \$865.00 (Eight Hundred and Sixty-five Dollars)

Payable as follows: Cash

FURTHER, the Vendor covenants with the said

Fred N. Barber

and his assigns,

that he has power to transfer, in the manner aforesaid, the premises hereinbefore expressed to be transferred, and that he has no knowledge of any encumbrances and accepts no responsibility for same other than to the amount of the purchase price referred to above.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals

this 9th day of November, A. D. 1942.

SIGNED, SEALED and DELIVERED

in the presence of:

R. M. Crea

G. W. McPherson
(G. W. McPHERSON)

Authorized Deputy of the Secretary
of State and/or Custodian

EXHIBIT NO. 897-3

DATE Sept. 13/48

FILLED BY Clairmont

Copy

897-4

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

Vancouver, B.C.

June 11th, 1942.

\$865.00

RECEIVED from FREDERICK N. BARBER

the sum of EIGHT HUNDRED AND SIXTY-FIVE AND -- 00 DOLLARS
100
on account of sale of Vessel "TZAARTOOS" VIC. 1514

*ack #22990 - Don. Pk. 6/11
Dep 6/12*

JAPANESE FISHING VESSEL DISPOSAL COMMITTEE

Per

Lf 713 CB 47

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

8th December 1948.

B. Phumma
Jo

EXHIBIT No. 897-4
DATE Sept. 13/48
FILED BY
Crown

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

1528 Marine Building,
Vancouver, B.C.

June 11, 1942.

To Custodian of Japanese Fishing Vessels:

This will be your authority to release the Fishing Vessel
"TZAARTOOS" Official No. VIC 1514 to her owner FREDERICK N. BARBER.

The receipt on this page should be signed by the newowner
and the original retained by you. Duplicate to be returned to this
office.

(Sgd.) J.A. MARTIN

A.E. McMaster

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

Receipt is hereby acknowledged of the Fishing Vessel "TZAARTOOS"
Official No. VIC.1514

(Sgd.) F.N. BARBER

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

8th December 1948.

B. Phummer jld

EXHIBIT 897-5

DATE Sept. 13/48
FILED BY

Crown

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

1528 Marine Building,
Vancouver, B.C.

June 11th 1942.

To The Registrar of Shipping,
Vancouver, B.C.

Sir,

Re Ex-Japanese Fishing Vessel "TZAARTOOS" VIC 1514

Length: 36' Breadth 7' 6" Depth 3' 8"

Engine: Vivian 15 h.p.

The owner of this vessel, M. HIRAOKA declines to sell at a reasonable price.

FREDERICK N. BARBER whose signature, for identification purposes, appears below, has offered to purchase the vessel for the sum of EIGHT HUNDRED AND SIXTY-FIVE AND 00/100 Dollars (\$865.00) which sum is considered reasonable and has been accepted as the purchase price by this Committee and is being held in trust by the Committee, pending completion of Bill of Sale.

You are requested to permit the purchaser, FREDERICK N. BARBER to operate this boat until the presently licensed owner, M. HIRAOKA completes the execution of Bill of Sale, or some other provision has been made.

This letter is issued in duplicate, one copy of which is to be retained in your files, the other to be in the possession of FREDERICK N. BARBER for clearance and navigation purposes.

Yours faithfully,

JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

(Sgd.) J.A. MARTIN

A.E. McMaster, Executive Assistant

Signature of (Sgd.) F.N. BARBER

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

8th December 1948.

B. Plummer *bf*

EXHIBIT 897-6

DATE Sept. 13/48

FILED BY Crown

Griffin Lake,
via Three Valley, B.C.

August 11, 1942.

Japanese Fishing Vessel Disposal Committee,
Vancouver, B.C.

Dear Sir,

In reference to your letter of the 6th instant, I am sorry to inform you that I do not agree with the price set forth on the Bill of Sale. I think the price I set forth on my boat was two thousand (\$2000) dollars.

Therefore I will be unable to sign and send you the Bill of Sale on my vessel. However, I will be willing to sell it for sixteen hundred (\$1600) dollars.

May I hear from you in the near future, concerning this matter and thanking you in advance, I am

Very truly yours,

(Sgd.) NASAO HIRAOKA

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

8th December 1948.

B. P. Himmer *B. P. Himmer*