

<u>REAL PROPERTY</u>										Total	
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village				
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Amount Total	Sale Price	Total Award 125% of all Sale Prices: % of Amount Total			
<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				
345	86.25									86.25	
<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										86.25	

CASE NO. 927

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba,

21st September, 1948.

IN THE MATTER OF THE CLAIMS OF

SADANORI KIKUCHI

PROCEEDINGS AT HEARING

IN THE MATTER OF "THE INQUIRIES ACT"
PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

SUB-COMMISSION

B E F O R E

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

Winnipeg, Manitoba,
 21st September, 1948.

IN THE MATTER OF THE CLAIMS OF

SADANORI KIKUCHI

PROCEEDINGS AT HEARING

20

APPEARANCES:

F.M. FERG, Esq., Appearing for the
 Dominion Government.

S.M. CHERNIACK, Esq., Appearing for the
 Claimant.

S. HIRAYAMA, Esq., Official Interpreter.

30 MARK H. PEARCE, Esq., Sr., Official Reporter.

S. Kikuchi,
In Chief.

SADANORI KIKUCHI, the claimant herein, being
first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

MR. CHERNIACK: I would ask leave to amend as to the
Custodian's sale price, it should be shown as \$345.00.

THE COMMISSIONER: It was valued at \$600.00 and sold
for how much?

MR. CHERNIACK: \$345.00 and the loss claimed is therefore
\$255.00.

10 Q I show you a typewritten statement, was this prepared
in accordance with your instructions?

A Yes.

Q And (indicating) is your signature? A Yes.

Q You swear the contents to be true to the best of your
knowledge and recollection? A Yes.

(Statement of Personal Chattels, EXHIBIT 1.)

MR. CHERNIACK: Your honour, I produce the Royal Canadian
Mounted Police receipt from the custody of the claimant,
it is dated March 12, 1942, and refers to this 1937
20 Chevrolet Coach with the same serial number as is shown
on the claim, Exhibit 1, and shows the speedometer
reading as 39,752, shows the condition as good, and
refers to three tires as being good, one tire as having
a broken side wall and the fifth tire as being good
but a wall cut. Have you the appraisal of that, Mr.
Ferg?

MR. FERG: All I have is the extract from the list of
valuations, which was sent by H. A. Davis of the Davis
Drake Motors, Victoria, and it shows Item 22, Chevrolet
30 Coach, repairs required \$154.00, cash value \$395.00,

S. Kikuchi,
In Chief.

with the further notation, owing to the fact that these cars were appraised in the storage garage and unable to make a road test, would recommend that a further \$50.00 be taken off the cash value, that is an extract from the original document which I haven't got, that was taken from the list sent to the Custodian on May 13, 1942.

10 MR. CHERNIACK: Exhibit 1 points out this car was purchased in February 1940, about two years prior to evacuation for \$750.00, but that a year later the car was re-painted and the motor was overhauled at an estimated cost of \$100.00, so that the claimant's investment in the car was a total of \$850.00 and he used it for about two years. He is showing his estimated value at \$600.00. There is mention of a cash value of \$395.00. There is mention of repairs required of \$154.00. It will be for the Appraiser to advise us at the Adjourned Hearing whether he deducted the \$154.00 approximately from what he thought was the fair market value of the vehicle and then showed the cash value of \$395.00, which may be so, I do not know. If that is the case then I think we are entitled to a full explanation of what repairs were required and how he arrived at these repairs in view of the fact that he never road-tested the car. We don't know if he started the motor, all he refers to is, he appraised the car in the storage garage and since he couldn't make a road test he recommended that \$50.00 be deducted. Possibly if there had been a road test he would have added \$50.00, but he took off \$50.00 because the Custodian would not make it possible for

20

30

S. Kikuchi,
In Chief.

Cr. Exam.

him to road test the vehicle.

MR. FERG: It is submitted that this car was sold at fair market value and I also wish to submit that the ceiling price being in force that in any event, consistent with the condition of the car, that all the claimant may recover would be the ceiling price prevailing on this type of car at the time sold. I will put in the record of the Custodian's dealing with this car, which was as follows: "The car was
10 advertised for sale by tender in July 1942, tenders to be received up to July 25, 1942. No bids were received in response to this advertising. The car was sold on the 22nd October, 1942, to Masters Motor Company Limited, 815 View Street, Victoria, after an offer being received from them for that amount.

CROSS EXAMINATION BY MR. FERG:

Q This car was a second-hand car when you purchased it?

A Yes.

20 Q And how far did you drive the car after purchasing it?

A About 18,000 miles.

Q In other words, you drove the car 18,000 miles yourself?

A Yes.

Q What did you pay for the car when you purchased it?

A \$750.00.

Q Was that a cash deal? A Yes, a cash deal.

Q There was no trade-in? A No.

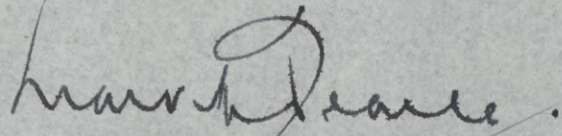
Q Had the speedometer been working all the time as far as you know? A The speedometer was in good

condition.

S. Kikuchi,
Cr. Exam.

- Q Who did you buy the car from? A I bought it from a Japanese by the name Umetsu.
- Q How did you pay for it? A All cash.
- Q No cheque? A No, cash.
- Q Did you get a receipt for your money?
- A Yes, I obtained a receipt but after evacuation it got misplaced.
- Q And you haven't the receipt now? A No.
- Q Now, the Appraiser says that the car required about \$195.00 repairs, or \$145.00 repairs; would you know what type of repairs the car required?
- 10 A When I was evacuated there was no need of any repairs, it was in good condition.
- Q When the car was seized by the Royal Canadian Mounted Police do you remember whether it went straight into storage?
- A I do not know, I had to go to the Road Camp and I had somebody else deliver it to the Mounted Police.
- Q Do you know where they delivered it to the Mounted Police? A I think some place in Victoria.
- 20 Q That would be a definite specified place?
- A I had to go to the Road Camp and I couldn't deliver it myself and on that account I asked somebody else to deliver it and I do not know what the arrangements were.
- Q Did you ever see the car after it was taken in charge by the Mounted Police? A I couldn't see it because I went to the Road Camp.
- Q Have you ever seen it since? A No, I cannot see it because I went to the Road Camp.

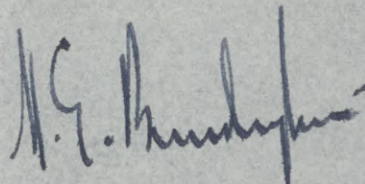
Certified to be a true and accurate transcript.



MARK H. PEARCE, Sr.,
OFFICIAL REPORTER.

CERTIFICATE

I, the undersigned Sub-Commissioner hereby certify that the foregoing 5 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)

Case 927

W.P.G.

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.

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

(1) NAME KIKUCHI, Sadanori (RCMP) Reg. No. Do not remember
(Print) Surname Given Name

(2) Pre-Evacuation Address Ranny Bay, B.C.

(3) Present Address 452 Spence Street, Winnipeg.

(4) REAL ESTATE

(a) Street Address (if any) none
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)

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

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

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

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

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

(5) PERSONAL PROPERTY

- (a) Place or places at which property was left by the claimant at date of evacuation Nanaimo
- (b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) n.a.
- (c) How stored or packed at time of evacuation n.a.

Canada
Province of Manitoba
To Wit:

In the Matter of

I, SADANORI KIKUCHI,
of the City of Winnipeg,
in the Province of Manitoba, Laborer,
do solemnly declare that :

- 1. I am on this day completing a claim form to be presented to the Japanese Property Losses Claims Commission and my wife, Fujiko Kikuchi is also completing a form.
- 2. My wife and I have neglected to complete this form until this date due to the fact that we have been out of communication with other members of the local Japanese community due to the fact that I suffer from an extremely nervous condition which often keeps me away from work and which confines me to my home during hours when I am away from work; on the few occasions when I had an opportunity to discuss the matter of claims with other Japanese persons, I was informed that because of the fact that my wife and I had accepted the cheques received by us from the Custodian, we were prevented from making a claim.
- 3. My wife manages a 10 room rooming house and looks after our four children and six tenants and this in addition to the necessity of caring for me, confines her to our house for practically all hours.
- 4. Recently and purely accidentally, we learned that the acceptance of these cheques did not prevent us from making a claim.
- 5. I make this Declaration for the purpose of inducing the Commissioner to accept the filing of my wife's and my claims in spite of the fact that the time for filing same has long expired.

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 16th day of August,
A.D. 1948.

S. Kikuchi

[Signature]
A BARRISTER AT LAW ENTITLED TO PRACTISE
A..... IN THE PROVINCE OF MANITOBA.....
in and for the Province of Manitoba

Dated

A.D. 194

Province of Manitoba
Statutory Declaration

THE WILLSON STATIONERY CO., LTD.

CHERNIACK & CHERNIACK

BARRISTERS & SOLICITORS

460 MAIN STREET

WINNIPEG - MANITOBA

KIKUCHI, Sadamori

(Claimant's Name)

PERSONAL CHATELS

00505

Reg. No.

	Description of Major Items (and particularly of goods lost, stolen or destroyed)	<u>Approximate Date Purchase</u>	<u>New or Used When Purchased</u>	<u>Price Paid</u>	<u>Condition when Evacuated</u>	<u>Estimated value at Date of Evacuation</u>
1937	Chevrolet Coach In 1941, repainted car and overhauled motor at a cost of about \$100.00	February, 1940	used	750.00	good sold for -	600.00 <u>345.00</u>
					Loss -	<u>255.00</u>

Description of Storage of Goods:

handed over to R.C.M.P.

General Statement as to Chattels not Described above:

Additional Comments, if any:

EXHIBIT No. 927-1
DATE Sept. 21/48
FILLED BY Claimant

S. Kikuchi
Signature

ROYAL CANADIAN MOUNTED POLICE

Detachment 22.
Seizure No.....
(For use when applicable)

EXHIBIT REPORT

Detachment File No.
Sub-Division File No.
Division File No.
Headquarters File No.

Victoria, B. C.
Detachment Vanc. Island Section.
Sub-Division 5000 E
Division
Date March 12th. 1942. 19

RE:— Tsuneto ASAO (07015) Driver, Fanny Bay, B. C.
Sadanori KIKUCHI Owner, Fanny Bay, B. C.

On March 12th. 1942. 19, I Sgt. Thornthwaite, Cst. Brabant,
Cst. Hardy, R. C. M. Police.
(Member's Name)

Came into possession of the following described goods by:—

Receiving same from the above named Japanese taken under authority of order in Council P. C. 4086

(State briefly authority, etc., whether by Search Warrant, etc.)

No. of Pkgs.	Capacity or size	DESCRIPTION OF CONTENTS (Details to be given in full)
		Scottish Union and National Insurance Co., of Edinburgh. Sutherland Insurance Agency 470 Granville St. Vancouver, B. C. Wt. 2850 No transfer papers.

LICENSE NO. 27-459
MAKE & MODEL Chev. coach 1937 Model 12-11.
SERIAL NO. 7121113748
ENGINE NO. 112121
SPERMETER READING 39752
CONDITION Good

TIRE NUMBERS

L636573-good
L637451- "
L628895- "
L629249- broken side wall
L633715- good wall cut.

EXTRA EQUIPMENT Nil.

DESCRIPTION & CONDITION VERIFIED

T. Asao
Signature of Owner (Driver)
Japanese Registration No. 07015

Handed over to representative of Custodian whose signature in receipt thereof appears hereunder.

H. G. Einton
per. F. Edwards.
March 12th. 1942.

EXHIBIT No. 927-2
DATE Sept. 21/45
FILLED BY Claimant.

DATE:

Cst. J. G. Hardy.
(Signature of Member Submitting Report)

August 31st 1948.

The Custodian,
Department of Secretary of State,
675 W. Hastings St.,
Vancouver, B.C.

Dear Sir,

We have received claims from Fujikio KIKUSHI (No.01819) and Sadanori KIKUSHI (no number quoted), copies of which were forwarded to you. Mr.Hunter, Crown Counsel, is willing that these claims be heard, and we have accordingly forwarded them to the Secretary of the Sub-Commission at Winnipeg, with instructions to add them to his list of claims which are being heard in September.

Please arrange to forward to Mr.Ferg, Crown Counsel, the files covering these claims.

Thanking you in anticipation,

Yours truly,



A. WATSON
Secretary.

AW/W.

August 31st 1948.

K. D. Deans, Esq.,
Court House,
Winnipeg, Man.

Dear Mr. Deans,

We are enclosing herewith two claims
filed by Sadanori KIKUSHI and Fujikio KIKUSHI,
to be heard in Winnipeg during your present Sessions.
Please add these claims to your list and advise
Mr. Cherniack and Mr. Ferg, so that arrangements
may be made for the presentation.

We are asking the Custodian to forward
to Mr. Ferg the files covering these claims.

Yours truly,

W

A. WATSON
Secretary.

Encs.
AW/W.

REID, ALLEN, HUNTER & CAMPBELL
BARRISTERS & SOLICITORS

THOMAS REID
JOHN W. G. HUNTER

JOHN B. ALLEN
ALAN R. CAMPBELL

38 KING STREET WEST
TELEPHONE ELGIN 3141

TORONTO 1

August 27th, 1948.

Airmail.

The Honourable Mr. Justice H.I. Bird,
Court House,
VANCOUVER, British Columbia.

Dear Mr. Justice Bird :

- Re: KIKUSHI - Sadanori
Fujikio

Receipt is acknowledged of your letter of
August 25th, pertaining to the application of the above-
mentioned Japanese.

Provided you are satisfied that their explanation
is an honest one, I can raise no objection to the granting
of their application.

Yours truly,

John W. G. Hunter

JWGH:LMS

Cherniack & Cherniack

BARRISTERS AND SOLICITORS

Phones { 22 877
22 878

J. A. CHERNIACK, B.A., LL.B.
S. M. CHERNIACK, LL.B.

31-460 Main Street
Winnipeg,
Canada

PLEASE REFER
TO FILE NO.

August 17th, 1948.

Mr. Justice H.I. Bird,
Japanese Property Losses Claims Commissioner,
Court House,
VANCOUVER, B.C.

Dear Sir:

We enclose herewith claims in duplicate of Sadanori KIKUCHI and Fujiko KIKUCHI together with a Statutory Declaration in duplicate filed in support of an application for permission to have the claim heard in spite of delay in filing same.

It appears that in discussing the claim with their friends the Kikuchis received the impression that because they accepted payment from the Custodian, they were prevented from making a claim. As soon as they became aware that this was not so, they called at our office in the hope that it was not too late.

We would like to point out that their claim is small and does not impose too much work on the office of the Custodian.

The Sub-Commission hearings commence on the first proximo and will continue for at least three weeks and we are confident that the Custodian's office will have sufficient time to prepare the file and forward it to Government Counsel before the hearings end.

Trusting this application will be favorably considered, we are,

Yours truly,

CHERNIACK & CHERNIACK

S. M. Cherniack
per.

SMC/P
ENCL.