Name of Claimant KAWANO, Yoshio Case 964

Custodian File X1 797

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	
			245.00 36.00	196.70	100.39	96.31

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	

TOTAL RECOMMENDATION	96.31

1540

CASE NO: 964.

JAPANESE PROPERTY CLAIMS COMMISSION

Fort William, Ontario,

April 21st, 1948.

IN THE MATTER OF THE CLAIM OF

YOSHIO KAWANO.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 964.

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O RE

(THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).

10 FORT WILLIAM, ONTARIO,

April 21st, 1948.

IN THE MATTER OF THE CLAIM OF

YOSHIO KAWANO.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.G. HUNTER, Esq.,	appearing for the Dominion Government.
S.M. CHERNIACK, Esq.,	appearing for the Claimant.

A. WATSON, Esq.,	Secretary.
D.J. HANDFORD, Esq.,	Official Interpreter.
MARK H. PEARCE, Esq.,	Official Reporter.

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YOSHIO KAWANO, the claimant herein, being first duly sworn, testified as follows:

MR. CHERNIACK: My lord, May I ask leave to amend. The total value of claim, $281.00.

THE COMMISSIONER: Now, what is this, real property?

MR. CHERNIACK: Chattels. I am sorry, my lord, there is no real property claim.

THE COMMISSIONER: $281.00, did you say?

MR. CHERNIACK: Yes, my lord. The selling price is $100.39, and the loss is $180.61. I think perhaps I might make an explanation. This is a substantial cut. The claimant originally set out the cost prices of all nets but we subsequently ascertained that he had only reported those nets for which claims are being made, and we have withdrawn the claim as to the others.

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Mr. Kawano, I show you a typewritten statement. Was this prepared in accordance with your instructions? A: Yes.

Q Is that your signature? A: Yes.

Q Do you swear the contents of this to be true to the best of your knowledge and recollection?

A Yes.

(STATEMENT MARKED EXHIBIT NO. 1).

MR. CHERNIACK: My lord, on behalf of my learned friend I will file his analysis.

(ANALYSIS MARKED EXHIBIT NO. 2).

MR. CHERNIACK: Since I last saw the analysis there has been some addition to it. Possibly I could take a

a moment to note it.

THE COMMISSIONER: Yes.

MR. CHERNIACK: Your Lordship will note that in the analysis, in the first column of the analysis, is set out the contents of the J.P. declaration form and an excerpt of a letter received from the claimant on June 22nd, 1943. The items set out in Exhibit 1, my lord, are all taken from the two statements that are shown on the analysis sheet, and of those items your Lordship will note that the two nets were sold by the Custodian. The corks were sold, the lead was sold, the 4 anchors and the tanks. There is no report on the record as to their disposition.

MR. HUNTER: It is submitted that the personal property was sold for its fair market value. It is submitted that this personal property was left in the custody and control or management of some one other than the Custodian and accordingly only that property which came under the control and custody of the Custodian can be claimed by the terms of reference. I am referring to the cannery.

THE COMMISSIONER: I appreciate that.

CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Kawano, when you left, you left all these items for which you are claiming with the Gulf of Georgia Cannery? A: Yes.

Q Where did you leave them? A: In the warehouse.

Q Who gave you permission to leave them there?

I will put it this way: How did you happen to leave it there? Why would you leave it there?

A We were using that warehouse for about two years.

Q That is you had space in that warehouse where you ordinarily kept your nets, is that it?

A Yes.

Q Had you been used to leaving your nets in that warehouse?

THE COMMISSIONER: You better put it to him and make sure

10 that heunderstands it.

(Interpreter to the witness).

THE INTERPRETER: A: Yes.

MR. HUNTER: Q: When you left I suppose your nets were already in there? A: Yes.

Q What did you have, a little part of that warehouse to keep your personal nets and fishing gear in?

A Yes, everyone had their own space.

Q Did you speak to anybody about leaving your nets there and your fishing gear?

20 A No, I didn't speak especially to anyone, but the company would look after it.

Q Did anybody in the company tell you they would look after these? A: No.

Q You just assumedthat it would be looked after, is that it? A: Yes,I took it that

t the company would look after the nets and I left them there.

Q Did you leave your anchors there and your other fishing gear as well? A: Yes.

30 Q When you left your nets there, had they been blue-

stoned and dried and so forth?

A Yes.

Q They were left folded, I presume, and on the floor, is that it? A: They were hanging up.

Q They were hanging on racks, were they?

A Yes, on blocks.

Q How did you distinguish between the place where you left them and the place other people left theirs? Did they have it marked off on the floor, or what was the method?

AA There was no particular mark, but each person kept his own nets in the same place all the time.

Q It was just a place you knew and everybody kept their nets there, is that the idea?

A There was no mark.

Q What did you do about labelling your property before you left? A: The sockeye nets were marked, but the others had no mark.

Q What about the anchors? A: Those were not marked. They were just left in my section.

Q What about the water tank and the 5-gallon gasoline cans? Werethey marked in any way?

A No, those were also just left in my space.

MR. HUNTER: That is all, thank you.

THE COMMISSIONER: Q: Kawano, was there any representative of the Custodian's office at Steveston before you were evacuated? A: Yes.

Q Did you have any talk with him about how you should leave your chattel property?

A Yes, he made a list of my property at that time.

Y. Kawano,
Discussion.

Q Did you gets any instructions from him as to where you should leave your goods?

A No.

THE COMMISSIONER: Allright, that is all; thank you.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Mark H. Pearce

10 "MARK H. PEARCE"
Official Reporter.

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Case 964

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

XI/797 Toronto

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

(1) NAME KAWANO (Print) Surname YOSHIO Given Name (RCMP) Reg. No. 1223

(2) Pre-Evacuation Address BOX 125, STEVESTON, B.C.

(3) Present Address BOX 195, GERALDTON, ONTARIO

(4) REAL ESTATE

(a) Street Address (if any) _____ 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 fisherman
(iii) Business
(iv) Any other type of property (describe) fishing gears

(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) - $ 1900.00

(v) Amount at which Custodian sold property and credited your account - - $ 129.00

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1771.00

(5) PERSONAL PROPERTY

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

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) warehouse

(c) How stored or packed at time of evacuation hang up in the warehouse

(over)

(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") no one's care

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

1.	nets and lines	Estimated Value $ 1600.00
2.	boats belongings	Estimated Value $ 200.00
3.	transportation, travelling	Estimated Value $
4.	expenses attributed to evacuation	Estimated Value $ 100.00
5.		Estimated Value $ 1900.00
6.	Recd from Custodian	Estimated Value $ 129.00
7.		Estimated Value $
8.	281.	Estimated Value $ 1771.00
9.	100.39	Estimated Value $
10.	180.61	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) - $ 1771.00

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

Toronto ~~Winnipeg~~ (Port Arthur if possible)

(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 ONTARIO)
TO WIT:)

I, YOSHIO KAWANO of the Town of Geraldton in the District of Thunder Bay

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 Town of Geraldton in the District of Thunder Bay, this 22nd day of November, A.D. 1947.

Yoshio Kawano

A Commissioner &c.
Notary Public, Ontario.

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.

Yoshio KAWANO
(Claimant's Name)

PERSONAL PROPERTY
(Fishing Vessels, gear and equipment)

11223
Reg. No.

NETS:

Type		Size	Mesh	Fathoms	Age at Evacuation	Original Value	Estimated value at Evacuation	Sale Price
Sockeye	5/50	5 7/8"	50	150	1 year old	200.00	90.00	32.50
Sockeye	5/50	5 3/8"	50	150	1 years old	150.00	60.00	25.00

VESSELS SOLD BY CUSTODIAN

NAME	Reg. No.	Type	Date Purchased	New or Used	Price Paid	Maintenance Work	Condition When Evacuated	With whom Left	Estimated Value

EXHIBIT No. 964-1
DATE 21 apl 1948
FILED BY
R. M. Ehrenreich

Improvements to Vessel since date of purchase: Type Date Cost

OTHER GEAR:

Description	Date Purchased	New or Used	Price Paid	Condition when Evacuated	Estimated value at date of evacuation	
1,000 Corks (tarred)	Do not know	Given to me by dad.	Do not know.	Fair	$50.00	20.39
300 fathoms lead line	1941	New	$75.00	Good	60.00- 225 fathoms sold	22.50
4 anchors	Do not know	Given to me by dad.	Do not know.	Fair	12.00	
30 Gal. Water tank	1941	New	8.00	Good	6.00	
3 - 5 gal. gasoline cans	Do not know	Given to me by dad.	Do not know.	Fair	3.00	
					281.00	100.39
					100.39	
				LOSS	$180.61	

Arrangements made for storage when evacuated: The above listed items were left in the Cannery Net House at Gulf of Georgia Cannery, Steveston, B.C.

COMMENTS: I have depreciated the values of these items in accordance to use.

Additional Comments, if any:

Y. Kawano
Signature

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No XI 797 EXHIBIT No.

NAME Yoshio KAWANO REG. No. 11223

DATE	INVENTORY	DETAILS OF CLAIM		SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
DECLARATION Apr. 3/42 Interned: ~~EVACUATION~~ May 29/42	TAKEN BY DATE			AUCTION	TENDER &c		
At Canadian Fishing Co. Net House: 3 Fishing Nets Lead Line Cork and Lead Line 100 Lb. of Lead 4 Anchors 30 Gall. Can 3 - 5 Gall. Cans		nets and lines	1600 00		130 39		
		boats' belongings	200 00				
		transportation, travelling expenses attributed to evacuation	100 00				
		Total	1900 00				
		Rec'd from Custodian	129 00				
		Claim for Loss	1771 00				
		Corrected Recap:					
Nets declared in letter of June 22/43 Sockey $5\frac{7}{8}$" x 5 x 50-150 fa. $90. Ditto $5\frac{3}{8}$" x 5 x 50-150 fa. 60. 1000 Corks 50. 300 fathoms lead line 60. 300 fa. cork line 20.		Total	1900 00				
		Rec'd from Custodian	130 39				
		Corrected Claim	1769 61				

LE No XI 797 EXHIBIT No. CASE No.

EG. No. 11223 VENUE

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
	130 39							KAWANO declared owning nets and gear left at Canadian Fishing Co. Net House (JP) - see left hand column of Analysis.
								On June 22/43, at the request of this office he sent in an inventory of nets left at Gulf of Georgia Cannery (see left hand col.)
								Re:.Boat equipment - There is no record on our files that any boat equipment was found by the Custodian in the name of Yoshio KAWANO. Yoshio' brother, Katsumi KAWANO, owned three boats. Katsumi KAWANO has filed a claim (to be heard in Fort William which includes a claim of $700. for loss on miscellaneous boat belongings.)
								Re. Transportation, travelling expenses attributed to evacuation: There is no reference on file to such expenses; the Custodian has no knowledge of these expenses.
								B Muckskill

EXHIBIT No. 964-2
DATE 21 apl 1948
FILED BY
F. W. G. Hunter