

Name of Claimant

YOSHIHARA, Kazuaki

Case 982

Custodian File

1231

<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	Total	
						% of Total	Amount		% of Total	Amount
		550		156.75	65.50					222.25
<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			
							% of Total	Amount	% of Total	Amount
TOTAL RECOMMENDATION										222.25

CASE NO: 982

JAPANESE PROPERTY CLAIMS COMMISSION

Fort William, Ontario.

April 26th, 1948.

IN THE MATTER OF THE CLAIM OF

KAZUAKI YOSHIHARA

PROCEEDINGS AT HEARING

CASE NO: 982

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

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

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Fort William, Ontario

26th April, 1948.

IN THE MATTER OF THE CLAIM OFKAZUAKI YOSHIHARAPROCEEDINGS AT HEARING

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APPEARANCES:

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

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

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K. Yoshihara  
Discussion.  
In Chief.

KAZUAKI YOSHIHARA, the claimant herein, being first duly sworn, testified as follows:-

MR. CHERNIACK: I ask leave to amend this my lord and show a value of \$1,200.00. It is a chattel claim only, a fishing boat.

THE COMMISSIONER: Apparently there was a real property claim filed in the first instance, that will go out?

MR. CHERNIACK: I haven't seen it my lord, I didn't file this, I haven't seen the original claim, I think possibly it is just the same claim repeated is it not?

THE COMMISSIONER: The amendment is what?

MR. CHERNIACK: \$1,200.00

THE COMMISSIONER: That is what it shows.

MR. CHERNIACK: What does the credit show my lord?

THE COMMISSIONER: \$475.

MR. CHERNIACK: That is it, it should be \$550.00 and the loss \$650.00

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Mr. Yoshihara, I show you a typewritten statement, was that prepared in accordance with your instructions?

A Yes.

Q Is that your signature? A; Yes.

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

A; Yes, I do.

(PERSONAL PROPERTY STATEMENT  
MARKED EXHIBIT 1.)

Q Mr. Yoshihara, how long did you use this boat from the time you bought it? A; What is that?

Q How many Seasons did you use this boat from the

K. Yoshihara  
In Chief.

time you bought it until you were evacuated?

A; One season.

Q Do you remember what time of the year it was bought? A; It was bought in late 1940 and I used it in 1941.

Q When you purchased it it was used?

A; Yes.

Q And you paid \$1,300.00 for it according to the Exhibit which was filed?

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A; Yes.

Q There is reference in this exhibit that you painted and scraped bottom twice a year and the top painted once a year; when was the last time you did some work on this boat? A; During the Summer.

Q Of what year? A; 1941.

Q And when did you turn the boat over to the Navy?

A; I can't tell you the exact date but sometime in December, about the middle of December.

Q Of 1941? A; Yes.

20

Q May I ask my learned friend if he has any record on file showing the tenders on this or any effort to advertise the property and who bought it?

MR. HUNTER: On my file there is no indication of how many tenders were made. It would have been advertised. It was bought by Joseph Bagunovich on the 8th of December, 1942. It is submitted my lord that this vessel was sold for its fair market value.

THE COMMISSIONER: What was the date of the sale to BOGUNOVICH?

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MR. HUNTER: December 8th, 1942, my lord.

K. Yoshihara  
Discussion  
Cross-Exam.

CROSS EXAMINED BY MR. HUNTER:

Q Is that your signature Mr. Yoshihara?

A; Yes.

Q Was this made out in accordance with your instructions, this J.P. Form?

A; Yes.

Q I will mark that J.P. Form as an Exhibit.

(J.P. FORM MARKED EXHIBIT 2.)

10 Q I notice in your statement of personal property it says "32' gas boat, "Mount Frederick", in custody R.C. Navy, New Westminster, B.S., say \$800. The appraiser for the Japanese Vessel Disposal Committee appraised it in the Spring of 1942 and he says "The name of the Vessel is 'Mt. Frederick', 32' x 7.5' x 3.5' (1923) Vivian 15 HP (1938), License or Registration number Victoria 2278; Naval No. None; Owner's Valuation: \$1,500.00; J.F.V.D.C. Valuation \$920.00 Survey #614 NW - See below; Custodian valuation: \$400.00; Date of Sale, December 8th, 1942; purchaser: Joseph Bogunovich -" and further down in the notes of the appraiser it says "Appraisal made in Spring of 1942, Troller, Mount Frederick, 18 years; Dimensions; 32' x 7.5' x 3.5'; Engine V.15 (4 years old) Condition; Good; Value, 1942 - \$800.00 (Valuation marked up 15% to \$920.00 for suggested negotiating price."

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THE COMMISSIONER: Who made the appraisal?

30 MR. HUNTER: It doesn't show it from this note my lord, it just says Troller, Mount Frederick, 18 years, Dimensions: 32' x 7.5' x 3.5' Engine: V. 15 (14 years old; Condition: Good; The custodian, when he took

K. Yoshihara  
Cross-Exam.

10 it over he had it appraised by John Gould, Marine  
Surveyor and Appraiser, Vancouver B.C., as of  
August, 1942; Name, "Mt. Frederick"; Official No.  
Vic. 2278; Type, Troller; Owner Kazuaki Yoshihara;  
Dimensions, L. 32 ft. B. 7.5 ft. D, 3.5 ft. Engine  
Gasoline, Vivian; Horsepower, 15 B.H.P.; Fuel,  
Gasoline; Tank Capacity, 30 Gallons; pumps, on deck;  
Lighting, oil; Anchors, none; Chains, none; Compass,  
none; Stove, none; Fire Extinguishers, none; valuation,  
Four Hundred dollars; Estimated Market Value, Four  
hundred and fifty dollars." I might say his explanation  
of that - I asked Mr. Gould why he shows two different  
figures and he stated that where there is a fishing  
Season about to start the boat has an immediate sale  
value, more than it would have a few months later  
and when he says 'Estimated Market Value, four hundred  
and fifty dollars, he means if you sold it right away  
you should get \$450.00 for it. They got \$550.00. I  
will put that in as an Exhibit.

20 (APPRAISERS REPORT MARKED EXHIBIT 3)

I think it is just a question of value. There is  
a discrepancy of the valuation in the Spring, that is  
the larger one, and the lower one later on in August.

THE COMMISSIONER: And the sale was made in December,  
1942?

MR. HUNTER: Yes, my lord.

THE COMMISSIONER: Is there anything in your file to sug-  
gest the possibility of damage having been suffered  
by the boat in the interval?

30 MR. HUNTER: Not in this file although it is generally  
acknowledged that these boats did suffer damage when

K. YOSHIHARA  
Discussion  
Re-Exam.

they were in fresh water. As soon as the Custodian did pick up these boats he had them transferred to salt water. Deterioration might have taken place.

RE-EXAMINED BY MR. CHERNIACK:

Q Mr. Yoshihara, Mr. Hunter has shown you a form which you signed, a J.P. Form wherein there is a statement describing the boat and at the end of it it says 'Say \$800.' Is that your valuation of the boat?

A; I think I gave that figure roughly. I think it was at Hastings Park.

10

THE COMMISSIONER: The document must surely speak for itself Mr. Cherniack, it is over that man's signature.

MR. CHERNIACK: That is quite right my lord, but I think he is entitled to make an explanation if he has one.

THE COMMISSIONER: If he committed himself in April of 1942 to a value of \$800.00, I am not going to be very much impressed by what he says now. You can go ahead and get your explanation if you want to, but that was the time for him to say what the boat was worth and I take it witness that you did say that was your idea of the value at that time?

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THE WITNESS: I don't remember saying \$800.00.

THE COMMISSIONER: That is all thank you Yoshihara. Just a minute, call Yoshihara back for a minute will you Mr. Cherniack (Note; Yoshihara called back to stand).

Q Yoshihara, for how long prior to 1942 had you had to do with fishing vessels?

A; How long?

30

K. Yoshihara  
Re-Exam

Q How long before December of 1942; was that the first year for you in the fishing business?

A; 1941.

Q 1941 was your first year?

A; Yes.

Q You hadn't been engaged in fishing before that?

A; I didn't own a boat before.

Q- Had you been employed on other vessels before that?

A; Yes.

10

Q Do you know what affect it has on a vessel of that description to be moved from salt water to fresh water and kept in fresh water for any length of time? A; No, I don't know that.

Q You don't know? A; No.

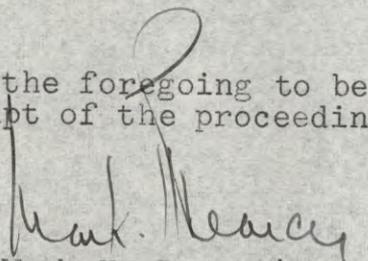
THE COMMISSIONER: That is all, thank you.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

  
(Mark H. Pearce)  
Official Reporter.

base 982

DEC 23 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  
[Signature]

1231

Cust

20th Nov

40

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

(1) NAME YOSHIHARA KAZUAKI (RCMP) Reg. No. 12047  
(Print) Surname Given Name

(2) Pre-Evacuation Address P.O. Box 18 UCLUELET, BC.

(3) Present Address LAHTI LUMBER Co., GERRARDTON, ONT. (TEMP.)

(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 \_\_\_\_\_
- (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	- - - - -	\$	<u>475.31</u>
(f) Loss (This figure is arrived at by deducting item (v) from item (iv))	- - - - -	\$	<u>724.69</u>

~~BOAT SOLD EXPENSES 550.00 74.69~~

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation NEW WESTMINSTER RIVER BANK.

(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")

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

1.	_____	Estimated Value \$	_____
2.	_____	Estimated Value \$	8
3.	FISHING VESSEL	Estimated Value \$	1200.00
4.	Less net amount received	Estimated Value \$	475.37
5.	_____	Estimated Value \$	550.
6.	_____	Estimated Value \$	650.
7.	_____	Estimated Value \$	_____
8.	_____	Estimated Value \$	_____
9.	_____	Estimated Value \$	_____
10.	_____	Estimated Value \$	_____

TOTAL CLAIM FOR PROPERTY LOSS \$ 724.69

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) - - - - - \$ 724.69

(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

Winnipeg - (Fort William if possible)

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, Kazuaki Yoshihara  
of Geraldton

of the Town  
in the Province of Ontario

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 Province of Ontario  
this 18th day of December  
A.D. 1947.

Kazuaki Yoshihara

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.

K. YOSHIHARA  
(Claimant's Name)

**PERSONAL PROPERTY**  
(Fishing Vessels, gear and equipment)

12047  
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>
Moult Frederick	Vic. 2278	Troller	1940	Used	\$1300.00	- painted and scraped bottom twice a year:- top painted once a year.	Good	Navy	\$1200.00

**Improvements to Vessel since date of purchase:**

<u>Type</u>	<u>Date</u>	<u>Cost</u>
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All repairs as required

**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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N/A

**Arrangements made for storage when evacuated:** Turned over to Navy at New Westminster, B.C.

EXHIBIT No. 982-1  
DATE 26 apr 1948  
FILED BY Sm. J. herniack

**Additional Comments, if any:** I bought this vessel late in 1940 and used it only for the 1941 season - I consider that it was at least worth \$1200.00 when sold by the Custodian in December 1942 for \$550.00

K. Yoshihara  
Signature

BUREAU HASTINGS PARK  
OFFICE OF THE CUSTODIAN

JAPANESE SECTION

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATION

NAME: YOSHIHARA Kazuaki

HOME ADDRESS: Ucluelet, B. C.

REGISTRATION NUMBER 12047 SEX: (M) AGE: 22

OCCUPATION: Fisherman.

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Trolling for self, sells through Ucluelet Fisherman's Cooperative

MARRIED? Single

NAME OF WIFE OR HUSBAND: none

ADDRESS OF WIFE OR HUSBAND: none

NAMES OF ANY LIVING CHILDREN: none

EXHIBIT No. 982 - 2  
DATE 26 Apr 1948  
FILED BY J.W.G. Hunter

ADDRESS OF CHILDREN: none

AGE OF CHILDREN: none

STATEMENT OF ALL REAL PROPERTY (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION:

2. BUILDINGS AND OTHER IMPROVEMENTS:

3. INSURANCE (Give particulars; state where policies are)

4. TAXES (Amount and where payable) N

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed)

6. OCCUPANCY AND LEASES (If vacant so state)

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: E

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: N

9. IF FARM LAND STATE CROPS SOWN: O

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: Lives with brother; Ucluelet, B.C.

2. LANDLORD'S NAME AND ADDRESS: Yoshihara, M. Ucluelet, B.C.

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: none

4. STATE WHEREABOUTS OF LEASE: none

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) none

6. IF FARM LAND, PARTICULARS OF CROPS SOWN: none

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

32' gas boat, "Mount Frederick", in custody R. C. Navy, New Westminster, B.C.

say \$800.

1 box tools, in boat.

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS

none

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY

none

4. INSURANCE

5. MORTGAGES

6. MONEY

7. BONDS

8. BANK

9. LIFE

10. INTEREST

11. SAFETY

LIABILITIES

1. PERSONAL

2. TRADE

REMARKS

I, the undersigned, certify that the above is a true and correct statement of the property, fixtures, bonds and liabilities of the above named person.

I certify every description and indirect

Dated this

FOR DEPARTMENT

4. INSURANCE CARRIED ON ABOVE PROPERTY: none

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS: none

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom) none

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts) War savings certificates... 2 x \$10. in owner's possession.

8. BANK ACCOUNTS: Royal Bank of Canada, Main & Hastings Branch, Vancouver, B.C. approx \$200. Bank of Montreal, Main & Hastings, Vancouver, approx \$1000. Pass books in suit case, not produced.  
9. LIFE INSURANCE: none

10. INTEREST IN ANY ESTATES OR TRUSTS none

11. SAFETY DEPOSIT BOX: none

LIABILITIES:

1. PERSONAL DEBTS: none

2. TRADE DEBTS: none

REMARKS: none

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any. (not on original)

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 2nd day of April 1942

(Signature) "K. Yoshihara"

"M. Nicholson"

Witness

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

FOR DEPARTMENTAL USE

June 18, 1948

*Mulanstall*  
6/4

EXHIBIT NO. \_\_\_\_\_  
 DATE 26 April 1948  
 FILED BY J.W.G.Hunter

JOHN GOULD  
 Marine Surveyor and Appraiser.

No.60A.

"Mt. Frederick".

## SURVEY REPORT

To whom it may concern:

Name	"Mt. Frederick".		
Official No.	Vic 2278	Type	Troller
Owner	Kazuaki Yoshihara.		
Dimensions	L. 32 ft. B. 7.5 ft. D. 3.5 ft.		
Engine	Gasoline Vivian;		
Horsepower	15 B.H.P.		
Fuel	Gasoline.		
Tank Capacity	30 Gallons.		
Pumps	On deck.		
Lighting	Oil		
Anchors.	None.		
Chains	None.	Rope	None.
Compass	None.		
Stove	None.		
Fire Extinguishers	None.		
Valuation	Four Hundred (\$400.00) dollars.		
Estimated Market Value	Four Hundred Fifty (\$450.00) dollars.		

August 1942

Vancouver, B. C.

Marine Surveyor.

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

June 18, 1948.

*M. Wanstall*  
 G.H.

March 8th 1948.

Mr. Kazuaki Yoshihara,  
c/o Lahti Lumber Co.,  
Camp #12,  
Geraldton, Ont.

Dear Sir,

We have your letter of Feb. 29th,  
and have requested the Custodian's office to let  
you have the statement you require.

Your claim will be heard at  
Fort William towards the end of April, and you  
will be receiving notice of the exact date  
within a short time.

Yours truly,

A. WATSON  
Per.

VW.

SECRETARY.