

Name of Claimant

NISHIMURA, Sannosuke

Case 1067

Custodian File

4303

<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	80% of all Sale Prices		Sale Price	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			
<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 CHATELS</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	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
246.35	107.60	32.28	43.74%	424.65	185.74					218.02
TOTAL RECOMMENDATION										218.02



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CASE NO: 1067

JAPANESE PROPERTY CLAIMS COMMISSION

Toronto, Ontario,

May 20, 1948.

IN THE MATTER OF THE CLAIM OF

SANNOSUKE NISHIMURA

PROCEEDINGS AT HEARING.

Original



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

3  
4 JAPANESE PROPERTY CLAIMS COMMISSION

5  
6 B E F O R E  
7 (THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).  
8

9  
10 Toronto, Ontario,

11 May 20, 1948.  
12

13  
14  
15 IN THE MATTER OF THE CLAIM OF  
16 SANNOSUKE NISHIMURA

17  
18 PROCEEDINGS AT HEARING.  
19

20 APPEARANCES:

21 J.W.G. HUNTER, Esq., appearing for the  
22 Dominion Government.

23 R.A. BEST, Esq., appearing for the  
24 Claimant.

25  
26 A. WATSON, Secretary.

27 D.J. HANDFORD, Esq., Official Interpreter.

28 A.G. VEITCH, Esq., C.S.R., Official Reporter.  
29  
30



S. Nishimura  
In- Chief.

1 MR. BEST: This is a straight chattel claim although  
2 I think originally last fall it was entered as a  
3 claim for a business.

4 THE COMMISSIONER: I understand you are abandoning  
5 your claim of \$3,800 for good-will?

6 MR. BEST: That is correct, my lord, and substituting  
7 therefor a claim for the restaurant chattels  
8 which were left there only.

9 THE COMMISSIONER: I see. Just let me know what  
10 that is. Is it something more than the ---

11 MR. BEST: The total claim now is \$597.06.

12 With your lordship's permission I think I  
13 will just have the claimant identify his sig-  
14 nature and his daughter, who speaks English,  
15 and who, I think, is much more familiar with the  
16 facts than the claimant, perhaps can testify.

17 THE COMMISSIONER: Very well.

18 \_\_\_\_\_  
19 SANNOSUKE NISHIMURA, the Claimant herein, being  
20 first duly sworn, testified through  
the Interpreter as follows:

21 DIRECT EXAMINATION BY MR. BEST:

22 Q. Mrs. Nishimura, is that your signature?

23 A. Yes.

24 Q. And was that form prepared upon your instructions?

25 A. Yes.

26 --- (PARTICULARS OF PERSONAL CHATTELS,  
27 MARKED EXHIBIT NO. 1)

28 \_\_\_\_\_

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1                    YOSHIKO NISHIMURA, being first duly sworn,  
2                    testified as follows:

3                    DIRECT EXAMINATION BY MR. BEST:

4                    Q.    Miss Nishimura, I understand you are a daughter  
5                    of the previous witness?                    A. Yes..

6                    Q.    The claimant in this case?                    A. Yes.

7                    Q.    And I understand the basis of your father's  
8                    claim is certain goods and chattels which he  
9                    used to conduct a restaurant business at 261  
10                    Powell Street in Vancouver?

11                    A.    That is right.

12                    Q.    Is that correct?                    A. Yes.

13                    Q.    And you were present when this personal chattels  
14                    claim form was prepared?

15                    A.    Yes, I was.

16                    Q.    And it was largely on your instructions that the  
17                    items and valuations there were put down?

18                    A.    Yes.

19                    Q.    Would you tell us where these chattels were left?

20                    A.    Well, right in the premises, in the store.

21                    Q.    At 261 Powell Street?                    A. Yes.

22                    Q.    I see. That was at the time of your evacuation?

23                    A.    Yes.

24                    Q.    You all went together?                    A. Yes.

25                    Q.    And did you give a list of these chattels to the  
26                    Custodian's officer?

27                    A.    No, I did not. The reason is like we thought  
28                    they were to be returned to us later one, so we  
29                    just left it there packed in the boxes.

30                    Q.    I see. This now then is the full extent of your  
                         claim?                    A. Yes.

                         Q.    These chattels?                    A. Yes.



1 MR. BEST: I believe that is all, my lord, except  
2 perhaps for one further question.

3 Q. According to your claim the camera was reported  
4 stolen by the R.C.M.P. That is, it was taken,  
5 of course, with other cameras?

6 A. Yes.

7 Q. Have you a letter from them?

8 A. Yes, I have.

9 Q. Did you bring it with you to-day?

10 A. Yes, I did.

11 Q. Perhaps if you have it in your purse we might  
12 put it in as an exhibit.

13 MR. HUNTER: What is the point of this?

14 MR. BEST: They are claiming for a camera.

15 MR. HUNTER: The camera was stolen?

16 MR. BEST: Yes.

17 MR. HUNTER: We admit that.

18 MR. BEST: In that case we do not need the letter,  
19 if it is admitted.

20 THE COMMISSIONER: Government counsel acknowledges  
21 that it was stolen. You do not need to prove it.

22 MR. BEST: That is sufficient.

23

24 MR. HUNTER: It is submitted, my lord, that the  
25 personal property sold by the Custodian was sold  
26 for its fair market value.

27 It is submitted that the claims made for  
28 personal property not sold by the Custodian are  
29 exorbitant.

30 I would tender the analysis of personal



1 property claim as Exhibit No. 2.

2 (ANALYSIS OF PERSONAL PROPERTY CLAIM,  
3 MARKED EXHIBIT NO. 2)

4 MR. HUNTER: Your lordship will notice that that is  
5 not very helpful to us because when the original  
6 claim was filed the only three chattels claimed  
7 for were the radios and the camera.

8 THE COMMISSIONER: Well, that is a situation which  
9 can be remedied later when you open the defence  
10 in Vancouver.

11 MR. HUNTER: Yes, my lord.

12 CROSS-EXAMINATION BY MR. HUNTER:

13 Q. Whose signature is that on that paper?

14 A. That is my mother's.

15 Q. That is your mother's signature? A. Yes.

16 MR. HUNTER: This is an acknowledgment dated October 27,  
17 1942, that the only property which she has left  
18 in the protected area are the ten boxes and  
19 cartons which were located at your former address,  
20 as stated in here.

21 It is the usual form which your lordship may  
22 recall was sent to people to make sure whether  
23 that was all the property they had.

24 THE COMMISSIONER: Yes. I recall it.

25 MR. HUNTER: While this claim is made by Sannosuke  
26 Nishimura, he is your father, I presume?

27 A. He is.

28 Q. Were these chattels now being claimed for his  
29 property or did they belong to your mother?

30 A. Well, it is like it belongs to the family. There



1 was some confusion in saying who claims for it.

2 THE COMMISSIONER: You will have to speak out a  
3 little louder.

4 THE WITNESS: I am sorry.

5 MR. HUNTER: Q. So that it is really joint ownership  
6 but the claim is being made on behalf of the  
7 family by your father through you. Is that it?

8 A. Yes. That is right.

9 Q. So that when your mother acknowledges this, that  
10 acknowledgment covers the family?

11 A. Yes. That is right.

12 MR. HUNTER: I would tender that as Exhibit 3, my lord.

13 THE COMMISSIONER: What is the date of that letter?

14 MR. HUNTER: October 27, 1942.

15 (ACKNOWLEDGMENT OCTOBER 27, 1942, MARKED  
16 EXHIBIT NO. 3)

17 MR. HUNTER: The two radios and the cameras, your  
18 lordship will observe from the analysis, were  
19 handed over by the R.C.M.P. to the Custodian;  
20 the radios were sold and the camera was stolen  
21 from the warehouse.

22 THE COMMISSIONER: Have you any information as to the  
23 price at which the radios were sold?

24 MR. HUNTER: It is shown on the analysis, my lord.

25 THE COMMISSIONER: What about the date of sale?

26 Perhaps there will come some question with  
27 respect to wartime price ceilings.

28 MR. HUNTER: Yes. I am trying to locate that.

29 MR. BEST: There is a note in the remarks column,  
30 September 26, 1944, auction.

THE COMMISSIONER: Yes. That is correct.





Y. Nishimura  
Cross-Exam.  
Discussion.

1 MR. HUNTER: That is for the Phalco console, sold at  
2 992 Powell Street on that date; the Stromberg-  
3 Carlson converter was sold at the same place on  
4 June 14, 1944.

5 The ten cartons were removed to storage and  
6 a certain number of the things claimed for were  
7 sold, a certain number of the things were abandoned  
8 although there is no claim for the things  
9 abandoned but there seems to be no relationship  
10 between the amounts and the amounts claimed.  
11 For instance, the three gas plates shown on  
12 Exhibit 1 and valued at \$4 were sold on October 25  
13 1944, for \$1.35; the flower boxes were sold for  
14 \$4.85; then there is a carton of crockery sold  
15 for \$1; two large plates for \$6. That appears  
16 to be all the crockery or chinaware which was  
17 sold, making a total of \$7.

18 Unless the claim is more exorbitant than I  
19 had contemplated there would appear to be too  
20 big a discrepancy there, my lord. The things  
21 which are written off here, as having no value,  
22 are not crockery; they are an old ironing board,  
23 bench, chair, cupboards and that type of thing.  
24 Perhaps later we may be able to find some  
25 additional information but that is about all I  
26 can give at the present time, my lord.

27 THE COMMISSIONER: Very good.

28 MR. HUNTER: These were declared, various things were  
29 declared by the mother. That is, the actual  
30 claimant declared no personal property of any kind.



Y. Nishimura  
Cross-Exam.  
Discussion.

1 THE COMMISSIONER: Yes.

2 MR. HUNTER: The mother in her declaration declared  
3 a number of items but most of the things which  
4 she declared were later disposed of by the  
5 family. We were left with those ten cartons  
6 which the Custodian acknowledges having found.  
7 The trouble with that, again, was the same  
8 trouble as Miss Nishimura has stated, that they  
9 were simply removed to storage. At that time  
10 there was no thought of sale and it was con-  
11 templated that they would be returned after  
12 evacuation so no inventory was taken of the  
13 contents of the cartons.

14 THE COMMISSIONER: Any re-examination, Mr. Best?

15 MR. BEST: No, my lord.

16 THE COMMISSIONER: That is all, Miss Nishimura.

17 \_\_\_\_\_  
18 (PROCEEDINGS ADJOURNED SINE DIE)

19  
20 I hereby certify the foregoing to be a true and  
21 accurate transcript of the proceedings herein.

22

23 "A.G. VEITCH"  
24 Official Reporter.  
25 \_\_\_\_\_  
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Case 1067

DEC 12 1947

**I. 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]

4303

50

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

(1) NAME NISHIMURA SANNOSUKE (RCMP) Reg. No. 07673  
(Print) Surname Given Name

(2) Pre-Evacuation Address 261 Powell St., Vancouver, B.C.

(3) Present Address 29 O'Hara Ave., Toronto, Ontario.

(4) REAL ESTATE  
(a) Street Address (if any) 261 Powell St., Vancouver, B.C.  
City or Municipality, Province

Best

(b) Legal description (lot number, block number, section number, etc.)  
Not available

(c) Type of Real Property (cross out words which do not apply):  
(i) ~~Farm~~  
(ii) Residence Type of business Restaurant 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.)  
Leasehold

(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) - - - - - \$ 3800.00  
(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 - - - \$ 10.80  
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 3789.20

abandoned

(5) PERSONAL PROPERTY  
(a) Place or places at which property was left by the claimant at date of evacuation  
Left with R.C.M.P. Office - Vancouver  
(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")

In no one's care

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

1.	<u>1 radio 1942 Philco - Value \$125.00</u>	Estimated Value \$	_____
2.	<u>1 radio - Mantle Value 25.00</u>	Estimated Value \$	_____
3.	<u>150.00</u>	Estimated Value \$	_____
4.	<u>Sold by Custodian for \$78.34</u>	Estimated Value \$	<u>71.86</u>
5.	<u>1 camera (Zeica)</u>	Estimated Value \$	<u>50.00</u>
6.	_____	Estimated Value \$	_____
7.	_____	Estimated Value \$	_____
8.	_____	Estimated Value \$	_____
9.	_____	Estimated Value \$	_____
10.	_____	Estimated Value \$	_____

TOTAL CLAIM FOR PROPERTY LOSS \$ 121.86 597.06

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) - - - - - \$ 391.06

(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 Yes

Toronto

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 )  
County of York )  
TO WIT: )

I, Sannosuke Nishimura of the City  
of Toronto 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 City )  
of Toronto )  
in the County of York )  
this 8th day of December )  
A.D. 1947. RA Best )

Sannosuke Nishimura  
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.

NISHIMURA, Sannosuke  
(Claimant's Name)

PERSONAL CHATTELS

07673

Reg. No.

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid <u>Approximate Prices</u>	Condition when Evacuated	Estimated value at Date of Evacuation
Big serving plates and bowls, etc.)		All new	\$30.00	All in perfect condition	\$25.00
Smaller plates and dishes etc.	during		50.00		35.00
Serving (individual) trays.	period		147.00		140.00
Utensils and miscellaneous (such as tea-pots, jars, etc.)	between		150.00		100.00
Gas plates (3)	1935-1940		6.00		4.00 - 1 25
Flower vases (about 20)			15.00		12.00
Radios (2) 1942 advanced Philco Console Model mantle receiving set model	1941		182.00		160.00
			60.00	50.00	
Camera (1) (Ziess Ikon)	1939		50.00		45.00
					571.00

*Sold*  
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82 50

*The claimant is claiming on chattels listed in original  
"Form for Co-Operation Committee" and chattels left on the premises of the restaurant business.*

Description of Storage of Goods:

All packed in wooden boxes and 10 cartons left on premises under  
Custodian's care.

EXHIBIT No. 1067-1  
DATE 20 May 1948  
FILED BY R. a. Best.

Summary

Estimated Value -	571.00	
	<u>115.00</u>	686.00
Sold by Custodian		
(radio)	71.64	
(radio)	6.50	
Miscellaneous	<u>10.80</u>	88.94
Claim		\$597.06
		15.00
		50.00
		<u>50.00</u>
		115.00

General Statement as to Chattels not Described above:

Neon sign - - - - - \$35.00  
Linoleum - - - - - 100.00  
Fixtures 10 tables (approximate)

Additional Comments, if any:

The radios and camera were given to the R.C.M.P. The camera was reported stolen by the R.C.M.P.

*Sannosuke Nishimura*  
Signature

# ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No. 4303

EXHIBIT No. \_\_\_\_\_

NAME NISHIMURA, Sannosuke

REG. No. 07673

DATE	INVENTORY	DETAILS OF CLAIM	SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
			AUCTION	TENDER &c		
DECLARATION <u>April 17/42</u> EVACUATION <u>Oct.20/42</u>	TAKEN BY _____ DATE _____					
Only property declared was his life insurance.	RCMP Exhibit Report #377.					
	1 Radio - Philco #T11196 <del>39-340</del>	1 Radio -1942 Philco	125.00	85.00		
	1 Radio Stromberg-Carlson #6969 Echassis 24433	1 Radio Mantle	25.00	7.50		
	1 Camera - Zeiss Ikon Bob, Ser.No.51012, 1:7.7,F-10.5 cm.	1 Camera (Zeica)	50.00			
		<u>200.00</u>	<u>92.50</u>			
		<u>Recap of Claim:</u>				
		\$150.00 sold for \$92.50				
		<u>50.00</u> not accounted for				
		200.00				

FILE No. 4303

EXHIBIT No. \_\_\_\_\_

CASE No. \_\_\_\_\_

REG. No. 07673

VENUE \_\_\_\_\_

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	TENDER &c							
								Auction Sept. 26/44
	85.00							
	7.50							Auction June 14/44
						50.00		Camera missing from Custodian warehouse, March 15/46.
	<u>92.50</u>					50.00		

*Matheson  
March 25/48*

EXHIBIT No. 1067-2  
DATE 20 May 1948  
FILED BY [Signature]

EXHIBIT No 1067 - 3  
DATE 20 May 1948  
FILLED BY J.W.G. Hunter

10712

October 27th, 1942.

Mrs Sannosuke Hiro Nishimura,  
Registration No.02551,  
Tashme, Hope, B. C.

Dear Madam:

We have been advised that the person's effects declared to the Custodian in your registration of June 5th 1942, left at 261 Powell Street, Vancouver, B. C. were disposed of prior to your evacuation.

At your request we have removed to the Custodian Central Storage, 992 Powell Street, Vancouver, ten boxes and cartons which were located at your former address. Should you have no other property remaining in the protected area of British Columbia, will you kindly sign and return to this office the attached copy of this letter in the enclosed envelope.

Yours truly.

G.B.Spain  
Protection Department.

FTW:BT  
Enclosures 2.

The above represents all my property remaining in any protected area of British Columbia.

Signed: "Hiro Nishimura"

Mrs Sannosuke Hiro Nishimura, Registration No.02551

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

July 19th 1948

G.M. M. Scoble