

<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	% of Total	Amount	% of Total
<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										

CASE NO. 1073.

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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Toronto, Ontario,
May 21st, 1948.

IN THE MATTER OF THE CLAIM OF
ASAKICHI KAWANAMI.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

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

F.A. BREWIN, Esq., appearing for the
claimant.

A. WATSON, Esq., Secretary.
MRS. F.L. HANDFORD, Official Interpreter.
T.P. HORROBIN, Esq., Official Reporter.

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Discussion.

MR. BREWIN: If it would suit your Lordship, I might speak to one ~~short~~ matter if Mr. Kawanami is here. This is a case, my lord, which I think in a sense there is good evidence it is outside of the terms of reference.

THE COMMISSIONER: Oh yes. I examined this claim a few days ago. This is the man who was presenting a claim on behalf of his father who had returned to Japan.

MR. BREWIN: I think I should speak to this matter now.
10 It may be if Mr. Kawanami turns up and wants to say something different, he can.

THE COMMISSIONER: What is the number?

MR. BREWIN: It is No. 78, my lord.

THE COMMISSIONER: Will you let me have the claim form, Mr. Secretary, No. 78. I think the claim form will speak for itself.

MR. BREWIN: Yes. I think I can add something to the claim form, my lord.

20 THE COMMISSIONER: I do not know whether you have a copy, but this is the endorsement which is on the original: "Since my father has been repatriated to Japan, and is unable to be present at the hearing, I am making the claim on his behalf."

MR. BREWIN: Yes, my lord. I checked into that and found from the Custodian's file that he did leave at a date prior to the terms of reference, and, therefore, I think it fairly clear that there is no claim that he can make in accordance
30 with the terms of reference. I checked that and

also checked very carefully to see if this didn't represent the clear picture, and if he had assigned any interest in the property to the son, but I confess it did not appear there was any such thing. The reason the claimant wanted the case to be spoken to rather than merely adjourned, and I thought he would be here, is he was on active service himself. He was a service man and he had a letter just before his father left for Japan asking him to look after the property and to make a claim in respect to it and he therefore thought he should do it. Also I think perhaps he wasn't advised of the terms of reference when the claim was made. I advised him of the terms of reference and in my view there was no claim that he could ask your Lordship to consider, and he agreed with that. I suggested he come here, he lives in Hamilton, in order that your Lordship might tell him that is so, and he would feel he had discharged the obligation to his father.

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THE COMMISSIONER: I hope he has not gone to the expense of coming down because it is perfectly clear the claim is filed in the name of the father by the son. On the face of the claim the present address of the claimant is shown as in Japan.

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Now the terms of reference, as counsel are aware, are quite explicit. For the record I will read an extract. I am appointed a Commissioner pursuant to the "Inquiries Act" to inquire into the following claims of persons of the Japanese

Discussion.

race who are resident in Canada at the date of this order. Now the date of the initial order, as I recall it, was July of 1947. So it is perfectly clear that this claimant was resident in Japan at that time and in the circumstances I have no power to entertain the claim.

MR. BREWIN: I told your Lordship that I checked as to whether there was any other proper basis of putting the claim forward and I didn't think there was.

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THE COMMISSIONER: I think it is desirable that the claim be treated as heard. It will be assigned No. 1073 and we have had the benefit of the explanation from Mr. Brewin. I will therefore disallow the claim as presented for the reasons previously given.

(Concluded)

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

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J. P. Horrobin

"T.P. HORROBIN"
Official Reporter.

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IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

2125
Masao

TO: The Commissioner,
Office of the Custodian,
Royal Bank Bldg.,
Vancouver, B.C.

ACKNOWLEDGED
BW

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

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(1) NAME KAWANAMI, Asakichi (RCMP) Reg. No. 08640
(Print) Surname Given Name

(2) Pre-Evacuation Address 4337 Parker Street (Burnaby) Vancouver, B. C.

(3) Present Address Nishikoramura, Inugamigun, Shigaken, Japan.

(4) REAL ESTATE

(a) Street Address (if any) 4337 Parker Street (Burnaby) Vancouver, B. C.
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.) sole owner

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

- (i) Land - - - - - \$2000.00
- (ii) Buildings - - - - - \$1000.00
- (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) - - - - - \$3000.00
- (v) Amount at which Custodian sold property and credited your account - - - \$750.00
- (f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$2250.00

(5) PERSONAL PROPERTY

- (a) Place or places at which property was left by the claimant at date of evacuation
- (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 \$ | _____ |
| 3. | _____ | Estimated Value \$ | _____ |
| 4. | _____ | Estimated Value \$ | _____ |
| 5. | _____ | Estimated Value \$ | _____ |
| 6. | _____ | Estimated Value \$ | _____ |
| 7. | _____ | Estimated Value \$ | _____ |
| 8. | _____ | Estimated Value \$ | _____ |
| 9. | _____ | Estimated Value \$ | _____ |
| 10. | _____ | 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) - - - - - \$ 2250.00

(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 no

Toronto.

Since my father has been repatriated to Japan and is unable to be present I am making the claim on his behalf.

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, Masao Kawanami of Hamilton in the _____ City of the _____ County of Wentworth,

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 Hamilton,)
in the _____ County of Wentworth)
this 10th. day of January,)
A.D. 1948)

Masao Kawanami
A Commissioner &c. *Notary Public*

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.