

Name of Claimant **ATAGI, Hisao**

Case **1330**

Custodian File **4829**

<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
375	93.75									93.75
<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										93.75

CASE NO: 1330.

JAPANESE PROPERTY CLAIMS COMMISSION

Montreal, P.Q.,

June 1st, 1948.

IN THE MATTER OF THE CLAIM OF

HISAO ATAGI.

PROCEEDINGS AT HEARING.

Original.

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).

10

Montreal, P.Q.,
 June 1st, 1948.

IN THE MATTER OF THE CLAIM OF
HISAO ATAGI.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

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

ROGER OUMET, Esq., K.C., appearing for the
 Claimant.

A. WATSON, Esq., Secretary.
 D.J. HANDFORD, Esq., Official Interpreter.
 T.P. HORROBIN, Esq., Official Reporter.

30

H. Atagi,
In Chief,
Discussion.

THE COMMISSIONER: Well, Mr. Ouimet, what would you like to start with this morning?

MR. OUIMET: If it please your Lordship, I would like to start with No. 1 on the calendar which I have prepared, Atagi, Hisao.

THE COMMISSIONER: That is No. 1 on the Montreal list?

MR. OUIMET: Yes, No. 1 on the Montreal list.

HISAO ATAGI, the claimant herein, being first duly sworn, testified as follows:

10

MR. OUIMET: My lord, this is a claim for \$325.00 property loss pursuant to the sale of a 1937 Pontiac car, purchased in 1936, and it was worth \$1200.00 when purchased and estimated at \$700.00 at the date of evacuation, sold for \$375.00, a claim for property loss for \$325.00.

Now, there was a claim of \$1600.00 for a fishing boat on the original claim, but of course that claim doesn't enter within the terms of reference.

20 THE COMMISSIONER: This fishing vessel was one of those sold through the agency of the committee, was it?

MR. OUIMET: Yes, my lord.

MR. HUNTER: March, 1942, my lord.

THE COMMISSIONER: Very well, we will amend the claim by striking out the item for the fishing vessel.

MR. OUIMET: May I now proceed, my lord?

THE COMMISSIONER: Please do.

DIRECT EXAMINATION BY MR. OUIMET:

30 Q Mr. Atagi, you are the claimant in the present case?

H. Atagi,
In Chief.

Would you answer yes or no?

A Yes.

Q Would you look at claim No. 05037 for personal chattels apparently bearing your signature "Atagi, Hisao" and tell me whether you have ever seen this claim before?

A Yes.

Q You have? A: Yes.

Q Is this your signature? A: Yes.

Q Does that claim represent the truth about your own
10 claim for personal chattels of \$325.00?

A Yes.

MR. OUIMET: Would you file this claim as Exhibit 1, is it, or C-1? That is all, my lord.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. HUNTER: It is submitted, my lord, that this motor vehicle was sold for its fair market value. I tender the R.C.M.P. vehicle receipt.

(R.C.M.P. RECEIPT MARKED EXHIBIT NO. 2).

MR. HUNTER: It will be noticed, my lord, that the
20 various typing opposite the printed part appears to be transposed one line lower than it actually is. The condition shows opposite the mileage and so on. It shows the condition, "appears good". It is dated the 9th of March, 1942.

THE COMMISSIONER: Mr. Ouimet, you will appreciate that Government counsel in putting forward his submission is merely stating what line of defence he proposes to take.

MR. OUIMET: Yes, my lord.

30 MR. HUNTER: This vehicle, my lord, was appraised for

H. Atagi,
Discussion.

\$375.00. Incidentally, I think my learned friend is too modest. I don't think it was purchased in 1936, since it is a 1937 Pontiac.

MR. OUIMET: My lord, if it is admitted by the Government counsel that this is a 1937 Pontiac, evidently there must be a misprint in the personal chattels claim. I might ask the claimant for an explanation as to that.

THE COMMISSIONER: It shows on the claim form as 1937.

MR. HUNTER: It shows the approximate date of purchase
10 1936, my lord.

THE COMMISSIONER: Oh yes, that is right.

MR. OUIMET: Might I ask the claimant, Mr. Atagi, to explain it.

Q Are you in a position to explain it?

THE COMMISSIONER: I don't think you need worry about it. It shows a 1937 model, and Government counsel says it is so.

MR. OUIMET: My lord, I suggest it is possibly a 1937 model which might have been purchased as could be
20 done in those happy days when one could buy a car for the next year the year previous.

THE COMMISSIONER: That is quite true.

MR. OUIMET: That might be the explanation.

It would seem to me to add value to the car.

THE COMMISSIONER: That is to your advantage.

MR. HUNTER: This vehicle was advertised for sale, my lord.

THE COMMISSIONER: Whose appraisal was it, Mr. Hunter?

MR. HUNTER: I haven't it here, but I am pretty sure it
30 was McDermott Motors.

H. Atagi,
Discussion.
Re-Direct Exam.

THE COMMISSIONER: And the amount it was appraised at?

MR. HUNTER: \$375.00.

MR. OUIMET: What would be the date of the appraisal?

MR. HUNTER: I haven't the date here. It would be dated some time in the summer of 1942 when all the vehicles were inspected.

10

There were five tenders in response to the advertisement, my lord; on the 17th of July, 1942, from Pearson for \$310.00, the 21st of July from Ashmore for \$250.00, the 24th of July from Bowell-McDonald, \$275.00, the same day Nemetz \$330.00, another of the same date from Hazlett for \$375.00. They were all rejected except the last one which was accepted. There are no questions, my lord. It is entirely a question of value.

THE COMMISSIONER: Very good.

RE-DIRECT EXAMINATION BY MR. OUIMET:

20 Q Mr. Atagi, it is suggested by Government counsel that \$375.00 was the fair market value of your car, whereas you estimated it at \$700.00?

A Yes.

Q Would you be able to give briefly to his Lordship your reasons for estimating your car at \$700.00? Did you understand my question?

(Question interpreted).

A It was in good condition.

THE COMMISSIONER: Q: Speak out so I can hear you, will you?

30 A My car was in good condition.

MR. OUIMET: Q: Had you kept it in good condition?

A Yes, sir.

Q Would you remember when you last had it repaired at a garage, if that isn't taxing your memory too much? Take your time.

THE COMMISSIONER: Mr. Ouimet, possibly the claimant would be more comfortable sitting down. He might feel happier.

A We kept our car in good condition.

10 MR. OUIMET: Q: When you say "our car", do you mean it was a family car?

A That was my car.

Q Did you use it for ordinary use as a pleasure car?

A Yes.

Q How many miles had it been driven? Would you remember?

A: 5,000.

Q 5,000 miles?

A: Over 5,000.

Q Over 5,000 miles?

A: Yes.

Q Had you any new equipment like tires and things like that?

20 A: Yes, we bought new tires.

Q You bought new tires when? When would you have bought new tires?

A: In November, 1941.

Q November, 1941?

A: Yes.

Q And how was the upholstery of the car?

A It was in good condition.

Q When you say "good condition", you really mean excellent condition, that it gave you good service?

A Yes.

Q And it is said it was a 1937 model, purchased in 1936?

30 A: Yes.

Q Do I understand you purchased it in 1936 when it was, in effect, a 1937 model?

A Yes.

Q And you paid the amount stated in your claim?

A Yes.

Q And you feel that \$700.00 is not an exaggerated value at the time you had to part with it?

A Yes.

10 THE COMMISSIONER: Q: Now, Mr. Atagi, I notice in the Mounted Police Report, which is Exhibit 2, that the mileage is 30482.

MR. OUIMET: He says it was over 5000, my lord.

THE COMMISSIONER: Yes, but I wish to put the question.

Q Do you agree that that figure of 30,000 miles is approximately correct? If you do not, I wish you could tell me so. You notice the last figure.

MR. OUIMET: 30482.

THE COMMISSIONER: What is his answer?

MR. OUIMET: He said, yes, it is. Might I ask him:

20 Q Did you understand my question to mean that the speedometer read over 5,000 miles when you parted with the car, or that you went over 5,000 miles a year during the time you had the car?

A Yes.

Q You say yes. 30,000 miles since 1936, until 1942, would be approximately 5000 miles a year. Do I understand that you used that car and drove it only 5000 miles a year approximately as an average? Would you translate that?

30 (Question interpreted).

A Yes, that was my meaning, about 5000 miles a year.

MR. OUIMET: Yes, that is what I thought, my lord.

THE COMMISSIONER: That is all, thank you, Mr. Atagi.

MR. OUIMET: I have no more representations to make as far as that case is concerned, my lord.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

10

T. P. Horrobin

"T.P. HORROBIN"
OFFICIAL REPORTER.

20

30

Case 1330

DFR - 5 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

4829 month

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

(1) NAME ATAGI HISAO (RCMP) Reg. No. 05037
(Print) Surname Given Name

(2) Pre-Evacuation Address CHATHAM + DYKE ST., STEVESTON, B.C.

(3) Present Address 52 FAILLON ST., MONTREAL, PQ.

(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 - - - \$ _____
- (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 _____

(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. *1937 PONTIAC serial no 72611085 sold through Custodian engine W#979 Jan. 1943 \$375.00* Estimated Value \$ ~~700.00~~ *700*
2. _____ Estimated Value \$ _____
3. *22' x 7 1/2' fishing boat with "6.51" 78 H.P. 1942 \$1200.00* Estimated Value \$ ~~1600.00~~
4. _____ Estimated Value \$ _____
5. _____ Estimated Value \$ _____
6. _____ Estimated Value \$ _____
7. _____ Estimated Value \$ _____
8. *sold at* Estimated Value \$ *375*
9. _____ Estimated Value \$ _____
10. _____ Estimated Value \$ ~~325~~

TOTAL CLAIM FOR PROPERTY LOSS \$ *725.00*

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) - - - - - \$ *725.00*

- (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 _____

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)
of)
TO WIT:)

Hisao Atagi

I, *Atagi Hisao*
of *Montreal*

of the *City*
in the *Province of Quebec*

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 *Montreal*)
in the *Province of Quebec*)
this *29th* day of *November*)
A.D. 1947.)

Charles Gauthier
Notary.

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.

ATAGI HISAO (Mr)
(Claimant's Name)

PERSONAL CHATELS

05037
Reg. No.

<u>Description of Major Items (and particularly of goods lost, stolen or destroyed)</u>	<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 Pontiac Serial #726111085 Engine # W16979	1936	New	\$1200.00	Good	\$700.00

The claimant is claiming the chattel listed
above valued at \$700.00

Description of Storage of Goods:

Hastings Park, Vancouver, B.C.

Summary:

Estimated value at Date of Evacuation	\$700.00
Sold by Custodian	<u>375.00</u>
Claim for Property Loss	<u>\$325.00</u>

General Statement as to Chattels not Described above:

Additional Comments, if any:

EXHIBIT NO. 1330-1
DATE 1 June 1948
FILED BY R. Duimet

Hisao Atagi
Signature

1330 - 2
EXHIBIT No. _____
DATE 1 June 1948
FILED BY J. W. G. Hunter

ROYAL CANADIAN MOUNTED POLICE
EXHIBIT REPORT

Detachment Seizure No. 25

REL Hisao Atagi, Chatham & Dyke St., Steveston, B. C.

On Mar. 9, 1942 I, Goodfellow, K. E.,

Came into possession of the following goods by:

LICENSE NO.	(42) 72750	TIRE NUMBERS	5
MAKE & MODEL	Pontiac (37)		
SERIAL NO.	726111085		
ENGINE NO.	W16979		
SPEEDOMETER READING	30482		
CONDITION	Appears Good		

EXTRA EQUIPMENT Heater

DESCRIPTION & CONDITION
VERIFIED Appears Good

"H. Atagi"
Signature of Owner
Japanese Registration No. 05037

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

"E. H. Cruise"

DATE: Mar. 9

"K. E. Goodfellow"
Signature of Member Submitting Report

I hereby certify that the foregoing words are a true copy of the original whereof
they purport to be a copy.
July 28, 1948

E. H. Cruise *K. E. Goodfellow*