

| <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 |
|                                      |                                     | 75.00  |                                   | 4.12<br>.00   |  |  |  |                        |                                      | 11.62  |
| <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                 |                                      |        |
|                                      |                                     | 500.   |                                   | 142.50  | 35.20  |  |  |                        | 177.70                               |        |
| <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 | Applica-tion of % ratio to amount in next preceding column     | Sale Price of goods Sold by Tender                             | 12% of Sale Price                      |                        |                                      |        |
|                                      |                                     |  |                                   |   |  |  | % of Total                             | Amount                 |                                      |        |
|                                      |                                     |  | 46%                               | 30.00   | 13.80  |  |  |                        | 13.80                                |        |
| TOTAL RECOMMENDATION                 |                                     |  |                                   |   |  |  |  |                        | 203.12                               |        |



CASE NO: 1350.

JAPANESE PROPERTY CLAIMS COMMISSION

Montreal, P.Q.,

June 3rd, 1948.

IN THE MATTER OF THE CLAIM OF  
MITSUZO NAKAGAWA.

PROCEEDINGS AT HEARING.

Page 3  
5  
8  
/

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 3rd, 1948.

IN THE MATTER OF THE CLAIM OF  
MITSUZO, NAKAGAWA.

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.  
 A.G. VEITCH, Esq., C.S.R., Official Reporter.

30



M. Nakagawa,  
In Chief.

THE SECRETARY: There are two claims filed by this claimant, my lord.

THE COMMISSIONER: They will be dealt with as one.

MITSUZO NAKAGAWA, the claimant herein,  
being first duly sworn, testified  
through the Interpreter as follows:

MR. OUIMET: The first claim consists of one house, and  
f for an estimated value of \$1300.00 less \$300.00  
for which it was sold by the Custodian, the net  
10 claim being \$1000.00 for real estate.

There is a claim for personal property being  
one fishing boat estimated at \$1200.00, some fishing  
gear estimated at \$200.00, some engine tools  
estimated at \$30.00, anchors, manilla rope and  
chain \$75.00, and fishing equipment \$120.00,  
making a grand total of \$1625.00x for fishing boat,  
fishing gear, etc., less \$500.00 for which it was  
sold by the Custodian, leaving a net balance of  
\$1125.00 for that part of the claim.

20 With respect to the third claim, personal  
chattels, a Westinghouse console radio estimated  
at \$59.75, sold for \$10.00, leaving a net of  
\$49.75.

THE COMMISSIONER: I notice the second claim filed by  
Nakagawa is a claim as trustee of the Japanese  
Fishermen's Association of Tofino.

MR. OUIMET: Yes.

THE COMMISSIONER: Consequently I think we had better  
deal with these two claims independently.

30 MR. OUIMET: That is what I would suggest to your Lordship



M. Nakagawa,  
In Chief.

because they are two claims by themselves.

THE COMMISSIONER: We will deal with the personal claim first, alone.

I direct your attention to the statement made in the claim form to the effect that this claimant has only a one-quarter interest, there is a one-half interest apparently in two partners of Japanese birth associated with him who were in Japan at the date of the Order-in-Council, namely  
10 1927 and 1938.

MR. OUIMET: My Lord, I do not see it is mentioned anywhere in the first claim that there is a one-quarter interest. It says "real property"---

THE COMMISSIONER: Under paragraph "B".

MR. OUIMET: No. It says:

"This real property registered under Etsuzo Nakagawa, Yoshijiro Sakaguchi, Noeru Morishita and myself".

Yes; your Lordship is right; I had forgotten  
20 "myself".

"The former two are my brothers and when they left for Japan in 1927 and 1938 respectively they left their interests in the property with me verbally."

It means he really claims three-quarters.

THE COMMISSIONER: He is not able to claim for persons resident in Japan before this Commission, in view of the terms of reference.

MR. OUIMET: That is probably why the first claim was  
30 made in that way; but I presume until your Lord-



M. Nakagawa,  
In Chief.  
Discussion.

ship decides that it does not fall within the terms of reference I may at least ask the claimant for what he is claiming and your Lordship will deal with the claim as in his name.

THE COMMISSIONER: You had better get the evidence before me but on the face of your claim form it appears that he cannot recover except for his own interest.

10 DIRECT EXAMINATION BY MR. OUMET:

Q Mr. Nakagawa, you are a claimant in this case?

A Yes.

Q Would you take communication of a personal chattels claim for \$59.75 less \$10.00 leaving a net balance of \$49.75 for a Westinghouse console radio, bearing your signature, identify the same and file it as Exhibit 1?

A Yes.

(PARTICULARS OF PERSONAL CHATTELS  
MARKED EXHIBIT NO. 1).

20 Q Would you take communication of a personal property claim being for a fishing boat and fishing gear as well as fishing equipment, bearing your signature, together with additional comments at the bottom? I ask you to confirm that this is your signature and that the claim is your claim and file it as Exhibit 2.

A Yes.

MR. OUMET: My lord, may I say that the summary which I gave to your Lordship in the beginning regarding  
30 that should be on the personal property claim.



M. Nakagawa,  
In Chief.

If your Lordship wishes us to amend it, it might be of assistance.

THE COMMISSIONER: I have not the document before me as yet. How is it set up?

MR. OUMET: The details are given but there is no summary.

THE COMMISSIONER: It is sufficient I have it on the claim form.

(PARTICULARS OF PERSONAL PROPERTY, FISHING VESSELS, GEAR & EQUIPMENT, MARKED EXHIBIT 2).

10 MR. OUMET: Thank you.

Q Will you take communication of real estate claim form, bearing your signature for a total sum of \$1300.00 estimated value, less \$300.00 for which it was sold by the Custodian, leaving a net claim of \$1000.00, identify same and file it as Exhibit 3? A: Yes.

(PARTICULARS OF REAL ESTATE, OTHER THAN FARM, MARKED EXHIBIT NO. 3).

20 Q Mr. Nakagawa, who was paying the taxes for that property? A: Until my relatives returned to Japan we were four of us paying it and after their return ---

Q To Japan? A: ---Morishita Noeru (sic) and I paid the taxes; it should be Morishita Umetaro and I paid the taxes.

Q Where is Morishita Umetaro?

MR. HUNTER: I thought these were going to be heard separately.

30 THE COMMISSIONER: We are now dealing with the dwelling house, jointly owned.



M. Nakagawa,  
In Chief.

MR. HUNTER: Oh, I am sorry, my lord.

MR. OUIMET: Yes, my lord?

THE COMMISSIONER: Would you have him answer in response to the questions? He was asked where was such and such a man. He has been making a speech now for some time.

10 MR. OUIMET: Mr. Okuda says that maybe he can try and explain the situation because he has briefed the claimant. I do not know what they were talking about.

THE COMMISSIONER: Is it not accurately stated in the claim form? Who is the gentleman who is going to explain it?

MR. OUIMET: Mr. Okuda.

MR. OKUDA: "Until my two brothers went back to Japan four of us were paying for the taxes on the property but when my two brothers left for Japan I and Mr. Umetaro Morishita were paying the taxes. When Mr. Morishita left for Japan I and Mr. Moeru Morishita, the son of Umetaro, were paying the taxes on the property".

Therefore it means two parties were paying for the taxes on the property as such.

MR. OUIMET: Q: I asked the claimant whether or not you have any undertaking in writing as to the paying of taxes and the possession of the property, of the real estate?

THE COMMISSIONER: Before that question is put, may I recall to you, Mr. Ouimet, that no claim can arise except in relation to real property under

30



M. Nakagawa,  
In Chief.

the terms of reference, except by virtue of a sale made by the Custodian which is said to be at a price less than the fair market value.

In view of the fact that the title of this property is registered in four individuals, two of whom have been resident in Japan since 1927 and 1938 respectively, it is inconceivable to me that the Custodian could have dealt with anything but a partial interest because there was nothing vested in him except the partial interest.

10

MR. HUNTER: It was all vested in the Custodian by reason of him being the Custodian of Enemy Property, these being enemy aliens.

THE COMMISSIONER: Yes, but the vesting of the remaining interest would be in him as Custodian of Enemy Property.

MR. HUNTER: Yes, but not under the Orders in Council.

THE COMMISSIONER: Not under the Order in Council with which I am concerned; so that if he sold in this instance the only interest he will have sold, ~~quax~~ ~~tthe~~ Orders in Council with which we are concerned here would be the interest of this claimant namely an undivided one-quarter.

20

MR. OUIMET: I wondered if there had been some undertaking in writing whereby the three former co-proprietors or owners of the real estate had abandoned their titles to this claimant, then he would be the sole owner.

THE COMMISSIONER: Only if the document was a register-able document effective to transfer the title.

30



M. Nakagawa,  
In Chief.

MR. OUIMET: That is what I wished to ask him. If he says "no", then I believe I will not press the claim but the claimant will be satisfied that he told his whole story.

THE COMMISSIONER: Will you put the question in this way: Has he a document of title from the persons resident in Japan of their respective interests?

MR. OUIMET: Will you put that question, Mr. Interpreter?

10 THE WITNESS: No, I have no documents. All that happened was that when they returned to Japan they told me verbally that I could take their interests over.

MR. OUIMET: So factually he was the owner but legally, I take it, he was only the co-owner of an undivided one-quarter.

THE COMMISSIONER: Yes. It is unfortunate from his point of view that the transaction was not effective prior to the departure of these men.

20 MR. OUIMET: May I say that as the property was not sold as a whole, if it is not sold for its fair market value he can claim for one-quarter of the fair market value.

THE COMMISSIONER: I do not think your learned friend would say anything to the contrary.

MR. HUNTER: I think that is reasonable, my lord.

MR. OUIMET: So, the claim should be amended as such.

THE COMMISSIONER: Yes. I will consider it in the terms of an undivided one-quarter interest.

30 MR. OUIMET: I think the record would be more complete if my friend would tender the analysis of the real



M. Nakagawa,  
In Chief.

and personal properties made on the 17th of  
January, 1948, at Vancouver, B.C., by the  
Custodian.

MR. HUNTER: This is a summary drawn up in the  
Custodian's office.

MR. OUIMET: Yes. I will tender it as Exhibit 4.

MR. HUNTER: I file this analysis of the claim in  
respect of real and personal property as Exhibit 4.

10

(ANALYSIS OF CLAIM OF REAL AND PERSONAL  
PROPERTY, MARKED EXHIBIT NO. 4).

MR. OUIMET: Q: About your other property, apart from  
the real estate, I take it it belonged to you and  
to nobody else? A: Yes.

Q You were advised by a friend of yours that your  
fishing boat had been rammed by a watch boat?

A Yes.

Q Did you ever give instructions to the Custodian to  
sell your boat for \$500.00?

A No.

20

Q Would you explain to his Lordship why you did not  
in your original claim to the Custodian include  
your fishing vessel nor your gurdy, nor the  
fishing equipment---

MR. HUNTER: I submit that is immaterial. They were  
not vested in the Custodian at that time.

MR. OUIMET: It so appears in the analysis of claim  
and I thought I could get an answer from the  
witness.

THE COMMISSIONER: Is there any need of it in view  
of the statement?

30 MR. OUIMET: Very well, sir.



M. Nakagawa,  
In Chief.

Q Is there anything else you wish to add concerning your claim for real and personal property?

A No, there is nothing further.

MR. OUIMET: No other questions on this claim, my lord.

THE COMMISSIONER: While you are on your feet, Mr.

Ouimet, what is the situation regarding the other one-quarter undivided interest?

MR. OUIMET: The other one-quarter?

THE COMMISSIONER: There are two one-quarter interests held by the brothers who are now in Japan?

10

MR. OUIMET: Apparently everybody else is in Japan except this gentleman.

THE COMMISSIONER: That is of what I wish to be sure.

Is the other one-quarter interest in Japan?

MR. OUIMET: I would put the question to the witness.

Q Mr. Nakagawa, there were four owners of your real property. How many owners are now in Canada, at the present time?

A: Mr. Morishita's son

and myself.

20 Q Is Mr. Morishita's son an owner of the place, also?

A Yes. He could be called a owner. He and I paid the taxes together.

Q Is Mr. Morishita making a claim, to your knowledge?

A I do not know.

THE COMMISSIONER: Now, may I put a question and see if I can get this matter cleared up?

Q Was the original Morishita interest held by a person who is now in Japan?

A Yes, he is in Japan.

30 Q And he has a son who has paid taxes on his share?



M. Nakagawa,  
In Chief.

Is that the situation?

A Yes, sir.

Q Well, I think that is now clear. There is only a one-quarter interest; so I will consider this claim for the real property in relation to an undivided one-quarter interest on the assumption that the entire property was sold for less than the fair market value.

MR. OUIMET: Yes, my lord.

10 MR. HUNTER: I am not sure that that is correct. The certificate of encumbrance we have shows that there is an undivided three-quarters interest in the names of three people of which the claimant is one. If that is so all he would have is one-third of the three-quarters.

THE COMMISSIONER: It becomes a little more complicated. I think you had better put in your certificate of encumbrance.

MR. HUNTER: Yes.

20 MR. OUIMET: Yes.

MR. HUNTER: I tender a certificate of encumbrance covering the property in question as Exhibit 5.

(CERTIFICATE OF ENCUMBRANCE, VICTORIA, B.C.,  
MARCH 24, 1943, MARKED EXHIBIT NO. 5).

Apparently there was one-quarter in the name of somebody else and then these three ~~one~~-quarters were in the names of three people, but it is an undivided interest in three quarters.

30 MR. OUIMET: May I ask my friend if he has any information as to who owned that unregistered three quarters?



M. Nakagawa,  
In Chief.

MR. HUNTER: I think I can give you that. My friend means the other one-quarter. The other one-quarter is owned by this other gentleman, Noeru Morishita.

MR. OUIMET: So Mr. Noeru Morishita, according to what the witness has told us, is the son of the other Morishita and he is in Canada At the present time; therefore the former answer was not correct.

10 THE COMMISSIONER: Apparently the Morishita family were a little more careful of their transfer of title than the claimant's family.

MR. HUNTER: That is an inference because the net proceeds were credited to four people jointly of which this chap Noeru Morishita was one and I presume that they must have a certificate of title for him which has not been put in this file because he is not a claimant or they would not have made such a credit. In all cases the certificate of encumbrance ---

20 MR. OUIMET: On July 4, 1946, the present claimant was informed by the Custodian that there had been credits made to four people of whom one was Noeru Morishita for an undivided one-quarter interest in the land; so I really do not know but that we are complicating matters too much by saying that there would be another man not identified whose title is not registered on the property and who, yet, might be considered by my friend as being the owner of another one-  
30 quarter.



MR. HUNTER: The only thing which bothers me is, as I am sure you do, we wish to have this tried once, not twice.

10 THE COMMISSIONER: Yes. Let us just look at this certificate of encumbrance which is now marked Exhibit No. 5. I point out that it is a certificate of encumbrance of an undivided three-quarter interest in this property. That undivided three-quarters is held by three men, Etsuzo Nakagawa, Mitsuzo Nakagawa and Yoshijiro Sakaguchi; so it appears to me that each of those men would have an undivided one-third of three-quarters.

MR. HUNTER: Yes; which would be an undivided one-quarter.

THE COMMISSIONER: Or, would it be? They own three-quarters. Yes, that is right. He would have an undivided one-quarter. It was becoming so complicated I think all of us were becoming confused. It is clear that this man has one-quarter.

20 MR. HUNTER: Yes. Perhaps I have not made myself clear. I would not like it to be found that this man is claiming for a quarter and find before a sub-Commissioner that another claim for one-quarter is coming up in respect of this man, Noeru.

THE COMMISSIONER: He has a right to; he has a clearly registered one-quarter interest.

MR. HUNTER: I grant you he has a right to. Is there not some way of having it dealt with now on behalf of this other chap?

30 THE COMMISSIONER: It would be very much better if we



could find some way.

MR. Interpreter, would you ask the witness whether he is aware of the present residence of Noeru Morishita?

THE WITNESS: He is in Toronto. I do not know the address.

THE COMMISSIONER: Get your Toronto list and see if Morishita has filed a claim, Mr. Secretary. I will recess at this point and afford counsel an opportunity of resting after this debate.

10

(PROCEEDINGS RESUMED AFTER SHORT RECESS)

MITSUZO NAKAGAWA, resumed the stand:

THE COMMISSIONER: I find, gentlemen, that Noeru Morishita has filed a claim, No. 155, on the Toronto list, to be heard before the sub-Commission. I take it that his real property claim relates to the one-quarter interest in the property when we are discussing any claim now made.

20 MR. OUIMET: Yes, my lord.

THE COMMISSIONER: And I would suggest that Mr. Ouimet should communicate with Toronto counsel after he receives the transcript <sup>in respect</sup> of this claim and ask that they obtain the approval of Noeru to the Court accepting the proof which has been adduced before me today and in that way we will avoid the necessity of the sub-Commission hearing the real property claim again.

MR. OUIMET: There might be something else involved.

30

I see the amount of the claim for Noeru seems to be



M. Nakagawa,  
Discussion.

a little higher than one-quarter of the claim we have now, so he may have some personal chattels for which we cannot answer.

THE COMMISSIONER: Of course if he has personal chattels that proof would have to be adduced independently of anything done here today. That to which I refer is his one-quarter interest in this piece of property.

10 MR. OUIMET: Might I then add, in order to complete the record, the letter received by Mr. Nakagawa from the Department of the Secretary of State on July 4, 1946, mentioning the different one-quarter interests of the different parties signed by Mr. Bell, Mr. R.G. Bell, Administration Department.

THE COMMISSIONER: This is a letter from the Custodian?

MR. OUIMET: Yes, my lord.

(LETTER, CUSTODIAN TO CLAIMANT, JULY 4, 1946,  
MARKED EXHIBIT NO. 6).

There is another question I would like to ask the claimant.

20 Q You say you had two brothers? A: Yes.

Q Would you give their names to the Commissioner?

A Etsuzo Nakagawa and Sakaguchi Yoshijiuro.

THE COMMISSIONER: Those two men are shown as having--

MR. OUIMET: They are brothers.

THE COMMISSIONER: Yes ---undivided interests along with the claimant under Exhibit 5 filed here.

30 MR. OUIMET: But I wanted him to clarify the fact to see that one of the brothers goes under the name of Nakagawa and the other one apparently used a different family name of Sakaguchi, but



M. Nakagawa,  
Discussion.

still he is his brother.

THE COMMISSIONER: I see.

---

MR. HUNTER: It is submitted, my lord, that the real property was sold for its fair market value, that the fishing vessel was sold for its fair market value, that the fishing gear or boat equipment was sold for its fair market value.

10 It is submitted further that insofar as certain of that ~~mat~~ gear or fishing gear is concerned it was not declared and not found. I do not place too much reliance on the fact that it was not declared, my lord, in view of the fact that the boat was turned over to the Navy and was not vested in the Custodian until later, but, as your Lordship is aware, a committee was later set up under Order in Council to deal with losses to fishing boats and if this equipment were part of the boat it should have been compensated for under that

20 Order in Council where a large ~~sum~~ of money was set up, the boats surveyed, appraised, and recommendations made.

THE COMMISSIONER: It might be desirable that the claimant should make a claim now for such gear.

MR. OUIMET: He is making it.

THE COMMISSIONER: Yes, but I have no such jurisdiction to entertain a claim against that special fund, and for that reason I suggest to you, Mr. Ouimet, that you might consider the claimant's right to

30 present a claim against this special fund rather



than to present that claim here because it is possible that I might have no jurisdiction to entertain that phase of the claim. Is that clear to you?

MR. OUIMET: Yes. But I was under the impression once the claim had not been properly compensated for and once the vessel and the gear --- we have to take it for granted that it has been taken over by the Custodian, was vested in the Custodian, then it should be compensated for by the Custodian.

10

THE COMMISSIONER: I think you would be safer to consider the other feature of it because here is the situation. This vessel, as I understand it, while in the custody of the Navy and before the Custodian had anything to do with it, suffered damage. Now, in respect of such damage to that vessel, and many others, a special fund was set up by Order in Council to compensate the owners of the vessels and it may well be that you will have a claim against that fund for such loss of gear rather than a claim against the Custodian, with which I have not authority to deal.

20

I am not making any pronouncement but it does appear to me that you might be safer to take that feature into consideration.

MR. OUIMET: That would be only for fishing gear, not for the boat.

THE COMMISSIONER: It might also be for the damage done to the vessel.

30 MR. OUIMET: I take it that the claimant may reserve



M. Nakagawa,  
Discussion.

all of his rights and without prejudice to them also make a further claim once it has been ascertained that he should make a claim against the other fund, but up to now we are in no position to find out whether or not we should go against the other fund.

10 THE COMMISSIONER: Well it is not for me to advise you, but on the face of it it appears to me it might be well if you had some investigation made through the Custodian's office. They will have it on record and they will be able to tell you whether or not any claim was presented against this fund.

MR. OUIMET: It seems to me that the master file here ought to contain that information and if it does not, can we not assume that there was no such thing done?

THE COMMISSIONER: Mr. Hunter will be better able to tell you than I.

20 MR. HUNTER: There was a claim, No. 511, from W.J. Griffith, who was the purchaser, for \$35.00. That was the only claim made and that was paid.

THE COMMISSIONER: Yes, but paid to Griffith; it did not benefit this man. Griffith probably got this vessel at a less price because the damage had been done.

MR. HUNTER: That may be so. The theory was that this money would have been paid to the vendor, but apparently in that case it was not.

30 THE COMMISSIONER: There you have enough information, such information as we are collectively able to



M. Nakagawa,  
Discussion.

give you.

MR. OUIMET: Thank you very much, my lord.

MR. HUNTER: Only that property which was vested in the Custodian as of the 1st August, 1942, is within the terms of reference. I wish to make that submission clear.

THE COMMISSIONER: Yes. That is clearly understood.

10 MR. OUIMET: Am I labouring under a misapprehension if I feel that under the terms of reference we cannot assume the property was not vested in the Custodian? It is up to the Custodian to say that it never was vested in him and establish it, the rule being that they were ordinarily vested in him as at a certain date.

THE COMMISSIONER: And this damage occurred prior to that date?

MR. OUIMET: What is the actual date, my lord?

THE COMMISSIONER: Do you have it, Mr. Hunter?

20 MR. HUNTER: No, my lord. All we can give and what we will try and give later is the actual condition in which this boat came into our hands.

THE COMMISSIONER: Yes.

MR. HUNTER: And we submit that the boat coming into our hands in whatever condition it is, we are then responsible for that boat and have to account for it and the equipment which is on it at that time; anything prior to that should have been done under the special Compensation Committee set up.

30 THE COMMISSIONER: I do not know that we are going to



M. Nakagawa,  
Discussion.

accomplish very much by further debate. I have at least given you enough information, Mr. Ouimet, that you may follow it up.

MR. OUIMET: We will follow it up, my lord.

MR. HUNTER: Insofar as the real property is concerned, I have two appraisals; one of H. G. Winter, which is undated, and appraised \$100.00. I would tender that as Exhibit 7.

(APPRAISAL, H.G. WINTER, UNDATED, MARKED EXHIBIT NO. 7).

10 THE COMMISSIONER: That relates to the real property?

MR. HUNTER: Yes, my lord. And, the appraisal of W.E. Bond, dated April 20, 1944, in which he appraises the two buildings. The first one with which we are now dealing he appraises at \$75.00, the other one he appraises at \$200.00.

I would tender that as Exhibit 8.

(APPRAISAL, W.E. BOND, APRIL 20, 1944, MARKED EXHIBIT NO.8).

THE COMMISSIONER: There is only one building which which we are concerned here?

20 MR. HUNTER: There is the other building when we come to it, my lord.

MR. OUIMET: There is another claim.

THE COMMISSIONER: That relates to the next claim; but the appraisal on this building with which we are dealing under this claim is \$75.00?

MR. HUNTER: Yes, my lord. I tender a copy of survey report of O.W. Phillipson, appraiser for the Japanese Fishing Vessels Disposal Committee.

30

"The original is in bound book in Vessel



M. Nakagawa,  
Discussion.

Record Cabinet. Survey No. 395 (New  
Westminster).

Troller 1927 - M.N. 2386.

Condition: Good

Damage: Nil 114 Tofino.

Engine: E. 15 (1937).

Value: 1942 - \$450.00.

Boat: Needs extensive repairs on deck - no  
sales value.

Engine - Value in Engine."

10 And it says:

"The valuation of \$518.00 referred to in  
Vessel Summary is the Suggested Negotiating  
Price placed on the vessel by the Japanese  
Fishing Vessels Disposal Committee. This  
valuation represents the appraised value placed  
on the boat by Mr. Phillipson, plus a 15  
per cent mark-up."

I would tender that as Exhibit 9.

20 (SURVEY REPORT, O.W. PHILLIPSON, UNDATED,  
MARKED EXHIBIT NO. 9).

I tender the appraisal of John Gould, dated  
August, 1942, in which he states that his valuation  
is \$425.00, and the estimated market value, by  
which he means for immediate sale, \$500.00. I  
might point out that at that time he shows there  
were three anchors on the boat.

(APPRAISAL, JOHN GOULD, AUGUST, 1942,  
MARKED EXHIBIT NO. 10).

30 This boat was sold on December 8th, 1942,  
to W.J. Griffith for \$500.00.



M. Nakagawa,  
Discussion.

THE COMMISSIONER: The date, again?

MR. HUNTER: December 8th, 1942.

I tender the analysis of personal property claim marked "A", just referring to this claim.

(ANALYSIS OF PERSONAL PROPERTY CLAIM MARKED EXHIBIT NO. 11).

The radio which was sold on April 5, 1944, in Vancouver, by public auction for \$10.00, is shown as a console, Westinghouse battery, 7-tube, serial No. 005901.

10

CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Nakagawa, is that not correct; this radio was a battery set? A: Yes.

Q Do you know what year it was made, manufactured?

A No, I do not.

Q Well, when you bought it in 1936, was it a used radio, secondhand? A: It was a new machine in 1936.

Q I presume that was the year it was made, or had it been in stock for some years?

20

A I think so.

THE COMMISSIONER: Have you any information as to what the ceiling was in 1944?

MR. HUNTER: It does not show the ceiling, my lord. It would be 8 years old at that time.

THE COMMISSIONER: Yes.

MR. OUMET: Is there anything else you wish to add, Mr. Nakagawa?

THE WITNESS: No, nothing else.

30

(Witness aside)  
(PROCEEDINGS ADJOURNED SINE DIE)  
Certified a true and accurate transcript.

*A.G. Veitch*  
"A.G. VEITCH, C.S.R."  
OFFICIAL REPORTER.



Case 1350.

Montreal

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

File 1440

46

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

(1) NAME NAKAGAWA MITSUZO (RCMP) Reg. No. 12036  
(Print) Surname Given Name

(2) Pre-Evacuation Address TOFINO, B.C.

(3) Present Address MAGENTA BLVD., FARNHAM, QUE.

(4) REAL ESTATE

(a) Street Address (if any) TOFINO, B.C.  
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.) LOT C OF LOT 115, PLAN 3590.  
*This real property registered under ETSUZO NAKAGAWA, YOSHIJIRO SAKAGUCHI, NOERU MORISHITA & MYSELF. The former two are my brothers, and when they left for Japan in 1927 & 1938 respectively, they left their interests in the property with me verbally. The amount under 4(c)iv is the fair market value in aggregate at date of sale.*

(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.) *Strictly speaking I am only owner of 1/4 interest, but as taxes had been paid 50-50 on above by Morishita & myself, therefore I consider I am owner of 1/2 interest.*

(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) - - - - - \$ 1300.00
- (v) Amount at which Custodian sold property and credited your account - - - - - \$ 300.00
- (f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - - - \$ 1000.00

(5) PERSONAL PROPERTY

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

FRASER RIVER NEAR NEW WESTMINSTER, B.C.

(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 IN CARE OF CUSTODIAN



(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. FISHING BOAT - FUJI, LIC. # M.N. 2836 | Estimated Value \$ | 1200.00 |
| 2. FISHING GEAR - GURDY                  | Estimated Value \$ | 200.00  |
| 3. ENGINE TOOLS                          | Estimated Value \$ | 30.00   |
| 4. ANCHORS, MANILA ROPE & CHAIN          | Estimated Value \$ | 75.00   |
| 5. FISHING EQUIPMENT                     | Estimated Value \$ | 120.00  |
| 6. RADIO                                 | Estimated Value \$ | 59.75   |
| 7. _____                                 | Estimated Value \$ | 1684.75 |
| 8. VESSEL SOLD BY CUSTODIAN \$500.00     | Estimated Value \$ | _____   |
| 9. RADIO ↘ ↘ 10.00                       | Estimated Value \$ | 510.00  |
| 10. _____                                | Estimated Value \$ | _____   |

TOTAL CLAIM FOR PROPERTY LOSS \$ 1174.75

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) - - - - - \$ 2174.75

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

(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 Quebec )  
TO WIT: )

I, Nakagawa Mitsuzo of the town of Fernham in the county of Missisquoi

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 Fernham in the Province of Quebec this 17th day of November A.D. 1947.

*Nakagawa Mitsuzo*

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.



(Claimant's Name)

Reg. No.

| <u>Description of Major Items<br/>(and particularly of goods<br/>lost, stolen or destroyed)</u> | <u>Approximate<br/>Date Purchase</u> | <u>New or Used<br/>When Purchased</u> | <u>Price Paid</u> | <u>Condition when<br/>Evacuated</u> | <u>Estimated value<br/>at Date of Evacuation</u> |
|---|--------------------------------------|---------------------------------------|-------------------|-------------------------------------|--|
| Radio (Westinghouse Console)  | 1936                                 | New                                   | \$119.50          | Good                                | <del>\$57.75</del><br>\$59.75                    |

The claimant is claiming on the chattel listed above valued at \$59.75.

Description of Storage of Goods:

The radio was given to Mr. Sharpe by the claimant who turned it over to the R.C.M.P.

General Statement as to Chattels not Described above:

Summary

Estimated value \$59.75  
 Sold by Custodian 10.00  
 \$49.75

EXHIBIT No. 1350-1  
 DATE 3 June 1948  
 FILED BY J. W. G. Hunter

Additional Comments, if any:

*Nakagawa Mitsuzo*

Signature



NAKAGAWA, Mitsuzo

(Claimant's Name)

**PERSONAL PROPERTY**

(Fishing Vessels, gear and equipment)

12036

Reg. No.

**NETS:**

| Type | Size | Mesh | Fathoms | Age at Evacuation | Original Value | Estimated value at Evacuation |
|------|------|------|---------|-------------------|----------------|-------------------------------|
|------|------|------|---------|-------------------|----------------|-------------------------------|

**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 |
|------|--------------------|--------------|----------------|-------------|--|------------------|--------------------------|----------------|-----------------|
| Fuji | License No. MN2836 | Fishing Boat | 1927           | New         | \$925. engine<br>910. boat<br><u>\$1835.</u> |                  | Good                     | Custodian      | \$1200.         |

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

| Type                    | Date                 | Cost             |
|-------------------------|----------------------|------------------|
| New Engine              | East hope 15-18 H.P. | 1936 \$650.      |
| General repairs to boat | 1927-1940            | \$75.00 per year |

**OTHER GEAR:**

| Description   | Date Purchased | New or Used | Price Paid | Condition when Evacuated | Estimated value at date of evacuation |
|---|----------------|-------------|------------|--------------------------|---------------------------------------|
| Fishing Gear  | 1940           | New         | \$235.00   | Good                     | \$200.00                              |
| Fishing Equipment (engine tools, anchors, manilla rope & chain) | 1927-1940      | "           | 350.00     | "                        | \$225.00                              |

EXHIBIT No. 1350-2  
 DATE 3 June 1948  
 FILED BY R. Ormish.

**Arrangements made for storage when evacuated:**

The ship was taken from Tofino, B.C. to near New Westminister by the claimant and placed in custody of the Custodian.

**Additional Comments, if any:**

The boat was in good condition when placed in the custody of the custodian by the claimant. The claimant was told by a friend that his boat had been damaged on the starboard side by a watch boat which rammed against his boat. The reason the claimant offered his boat for sale at \$800.00 was because he needed the money urgently at the time because his daughter was ill.

*Nakagawa Mitsuzo*  
 Signature



NAKAGAWA, Mitsuzo  
(Claimant's Name)

REAL ESTATE  
(Other than farm)

12036  
Reg. No.

| Type of Premises<br>(e.g. House, Store, etc.) | No. of Rooms | Type of Finish | Use of Premises | Size of Lot                   | When Purchased | Date of Purchase |
|---|--------------|----------------|-----------------|-------------------------------|----------------|------------------|
| House   | 6            | Frame          | Residence       | 100 x 400<br>(1 acre in area) | 1923           |                  |

| Type of Locality | Cost Price  | Improvements made by Claimant                                | Estimated Value    | Date of Sale |  |
|------------------|---|--|--------------------|--------------|--|
| Fishing area     | \$ 150. Land<br>925. Materials<br>425. Labour<br><u>\$1525.</u> | 1938 New roof<br>Water system installed<br>with gravity feed | \$175.00<br>125.00 | \$1300.      |  |

Comments re upkeep of premises:

EXHIBIT NO. 1350-3  
DATE 3 June 1948  
FILED BY R. Onnie

Comments re Appraiser's report not covered above:

Assessment 1942: Land \$100.00  
Improvements 1200.00  
\$1300.00

Claimant's house was in good condition.

The claimant, on leaving the property, boarded it up very securely.

Summary

Estimated Value \$1300.  
Sold by Custodian 300.  
Claim \$1000.

Mitsuzo Nakagawa  
Signature



CLAIM ON REAL AND PERSONAL PROPERTY

EXHIBIT No. 1350-4  
 DATE 3 June 1948 (CLAIM "A")  
 FILED BY J. W. G. Hunter  
 File No. 1440.

Claimant: Mitsuzo NAKAGAWA.

| <u>Amount</u>     | <u>On</u>                                       | <u>Jap. Valuation</u> | <u>Ass. Value</u> | <u>Appr. Value</u>                 | <u>Sold for</u> | <u>Remarks</u>   |
|-------------------|---|-----------------------|-------------------|------------------------------------|-----------------|--|
| (1) \$1,000.00    | Real Property (Cat. 883) at Tofino (Storm Bay). | \$1,300.00            | \$1,300.00        | \$100.00 (Bond)<br>\$275.00 (Win.) | \$300.00        | (1) This property (Cat. 883) was one of 5 long, narrow parcels of uncleared land, each of approximately 1 acre, running back from the foreshore at Storm Bay, about one mile from Tofino on the West Coast of Vancouver Island. With one exception the houses here were grouped together on the foreshore, the exception being on higher ground immediately behind the others, possibly placed there for lack of room on the crowded foreshore. The whole group constituted the Japanese fishing village of Storm Bay. |
| <u>\$1,000.00</u> | <u>Amt. of Real Prop. Claim</u>                 |                       |                   |                                    |                 |  |

This parcel of land was registered in the names of 4 people and there is no evidence on file to support claimant's declaration, in his claim, that 2 of the 4 were his brothers, who left their interest to him (verbally) when they returned to Japan in 1927 and 1938. This point is not pressed in his claim but he does consider himself entitled to a  $\frac{1}{2}$ -interest as a result of carrying a half of the total tax burden on the whole property. The very heavy taxes on this property amounted to \$44.20 in 1945 (\$31.20 Provincial; \$13.00 Village). Two appraisals were obtained on this property, the first, by H. G. Winter, of \$100.00, is on the land only, the one house referred to therein, belonging to claimant, being considered as of no sale value in the condition it was in at the time (June/July, 1944); the appraisal by W. F. Bond is on the two buildings only, the one on the beach (belonging to claimant) considered valueless in the first appraisal, is valued at \$75.00, the small bungalow on the hill (belonging to Noeru MORISHITA, File 1600), overlooked in the first appraisal, is valued at \$200.00; if the assessed value of the land is added this second appraisal places the value of the property at \$375.00.

|                   |                                      |            |  |  |  |   |
|-------------------|--------------------------------------|------------|--|--|--|---|
| (2) \$1,200.00    | Fishing Vessel "Fuji"                | \$1,200.00 |  |  |  | (2) JFVDC records show the "Fuji" to have been a Salmon Troller type vessel 34' x 7'6" x 4', built in 1927 and powered with a 15 HP Easthope engine. The survey (No. 395) made for the Committee carries the comment: "Boat needs extensive repairs on deck - no sales value", the value of \$450.00 (plus 15% or \$518.00 - "Suggested Negotiating Price") being in the engine. Custodian surveyor (John Gould) did not comment on the condition of the hull in his survey but the Naval surveyor who accompanied him reported: "The engine is complete. The hull is good." The shortage of equipment certified to by this naval surveyor consisted of: Anchor and line, Compass, Battery and Distributor valued at \$35.20. John Gould's appraisal was \$425.00, his Estimated Market Value (during balance of current active fishing season) was \$500.00. |
| (3) \$ 200.00     | Gurdy (Fishing Equip.)               | \$ 200.00  |  |  |  |   |
| (4) \$ 30.00      | Engine Tools (Boat Equip.)           | \$ 30.00   |  |  |  |   |
| (5) \$ 75.00      | Anchors &c (Boat Equip.)             | \$ 75.00   |  |  |  |   |
| (6) \$ 120.00     | Fishing Equipment                    | \$ 120.00  |  |  |  |   |
| (7) \$ 59.75      | Radio                                | \$ 59.75   |  |  |  |   |
| \$1,684.75        | Personal Property total (gross)      |            |  |  |  |   |
| <u>\$ 510.00</u>  | <u>Acknowledged Custodian Credit</u> |            |  |  |  |   |
| <u>\$1,174.75</u> | <u>Amt. of Pers. Prop. Claim</u>     |            |  |  |  |   |
| <u>\$2,174.75</u> | <u>Total Amount of Claim "A"</u>     |            |  |  |  |   |
|                   | (see over for Claim "B")             |            |  |  |  |   |

In reply to an offer of \$400.00 passed on to owner at Slocan he replied by wire on Oct. 1st, 1942: "...Four hundred dollars for my boat Fuji I refused to sell less than Eight hundred dollars please try best." On the 12th November we passed on another offer, this time of \$420.00, adding: "Boat deteriorating rapidly recommend acceptance," to



Claimant: Mitsuzo NAKAGAWA.

File No. 1440

which owner again replied by wire (Nov. 16th): "Offer too small also surveyors valuation stop at least eight hundred". On the 8th December, 1942, the Custodian accepted an offer of \$500.00 for this vessel, apparently without reference to owner, and on January 11th, 1943, assigned right of recovery of \$35.20 under claim on Navy, to the purchaser.

(3) Mitsuzo NAKAGAWA did not include his fishing vessel, nor this Gurdy, in his "JP" declaration of assets to the Custodian, and his file does not disclose what he did with the latter. It is an essential part of the equipment of a Troller, consisting of a series of spools of non-corrosive metal (usually bronze) connected with an auxiliary shaft from the engine to permit of the winding in of the long lengths of fine wire lines with which trolling is done. Such equipment is an expensive extra and not part of the standard equipment that would go with the boat.

(4) Engine Tools are usually included as part of a power vessel's essential equipment and as such go with the vessel.

(5) Anchors, Manila and Chain also form part of the normal equipment of a boat, their quantity and quality usually being taken into account in an appraisal. However, this was not the case with John Gould's valuation of the Vessel "Fuji" and something in addition to the \$35.20 allowed by the Navy (and assigned to the purchaser), is possibly called for in this case.

(6) No Fishing Equipment was declared to the Custodian and none appears to have come under his care.

(7) A Console 7-tube Battery type Radio set surrendered to the police was turned over to this office and was sold by auction, in Vancouver, for \$10.00, this low price possibly being due in part to the smaller demand for a battery type in the city market.

Vancouver, B. C., 7th January, 1948.

RGB/P.



RECEIVED  
JAN 12 1948  
NAVY  
Vancouver



EXHIBIT No. 1350 - 5  
DATE 3 June 1948  
FILED BY J. W. G. Hunter

CERTIFICATE OF ENCUMBRANCE

LAND REGISTRY OFFICE

Victoria, B. C.

10 a. m. 24th day of March 1943.

I HEREBY CERTIFY that the following is the state of the title to  
an undivided three-fourths interest in Lot "C"  
of Lot 115, Clayoquot District, Plan 3590.

Registered Owner: ETSUZO NAKAGAWA, MITSUZO NAKAGAWA and YOSHIJIRO SAKAGUCHI  
Indefeasible Title No. 79983 - I.

Vested in the Custodian of Enemy Property,  
See D. F. 50061, filed 20th August 1942.

Registered Charges: None

Applications for Registration None

Receiving Order or authorized Assignment under the "Bankruptcy Act": None

Assignment for benefit of Creditors: None

Judgments: None

Mechanics' Liens: None

"R. N. C. Hemberow"

Deputy Registrar.

To The Custodian,  
Japanese Evacuation Section,  
Vancouver, B. C.

AD.

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

August 4, 1948

*J. W. G. Hunter*



DEPARTMENT OF THE SECRETARY OF STATE  
 OFFICE OF THE CUSTODIAN  
 JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131

PLEASE REFER TO

FILE NO. 1440.

Cat. No. 883.

506 ROYAL BANK BLDG.  
 HASTINGS AND GRANVILLE  
 VANCOUVER, B.C.

July 4th, 1946.

Mr. Mitsuzo NAKAGAWA,  
 Registration No. 12036,  
 Lemon Creek,  
 Slokan, B. C.

EXHIBIT No. 1350-6  
 DATE 3 June 1948  
 FILED BY R. O. nimeh.

Dear Sir:

Re: Lot "C" of Lot 115, Clayoquot Dist., Plan 3590.

For your information we give below particulars of the distribution of the net proceeds from sale of the Tofino property listed under our Catalogue No. 883, of which you are one of the joint owners.

Balance of Joint Account as per our statement  
 dated 25th March, 1946 \$345.94

File 1600, Noeru MORISHITA, Reg. No. 11864:

|  |                |          |
|--|----------------|----------|
| Undivided one-fourth interest in Land (\$75.23)                                    | \$18.80        |          |
| Proportionate share of proceeds of sale<br>applicable to Morishita House (\$75.24) | \$75.24        |          |
| Net income derived from Morishita House  | <u>\$89.11</u> | \$183.15 |

File 1440, Mitsuzo NAKAGAWA, Reg. No. 12036:

|   |                |          |
|---|----------------|----------|
| Undivided one-fourth interest in Land (\$75.23)                                   | \$18.81        |          |
| Proportionate share of proceeds of sale<br>applicable to Nakagawa House (\$75.23) | \$75.23        |          |
| Net income derived from Nakagawa House  | <u>\$31.13</u> | \$125.17 |

Int. File 933, Etsuzo NAKAGAWA (In Japan):

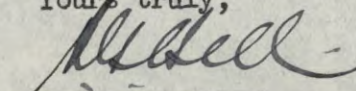
|                                       |                |          |
|---------------------------------------|----------------|----------|
| Undivided one-fourth interest in Land | <u>\$18.81</u> | \$ 18.81 |
|---------------------------------------|----------------|----------|

Int. File 933, Yoshijiro SAKAGUCHI (In Japan):

|                                       |                |          |
|---------------------------------------|----------------|----------|
| Undivided one-fourth interest in Land | <u>\$18.81</u> | \$ 18.81 |
|---------------------------------------|----------------|----------|

\$345.94

Yours truly,



R. G. Bell,

Administration Department.



CANADA  
DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CUSTODIAN

305 ROYAL BANK BLDG  
HASTINGS AND GREENVILLE  
VANCOUVER, B.C.

JAPANESE EVACUATION SECTION

PHONE SALES 8171  
PLEASE REFER TO  
FILE NO. 1440  
Caf. no. 883.

**P.S.:** The above transfers leave no balance in the Joint Account, which has therefore been closed. The transfer of the above sum of \$125.17 to your Personal Account increases the credit balance thereof to \$561.16.

*Handwritten signature*

*[Faint, mostly illegible text, possibly a ledger or account statement]*

*[Handwritten signature]*  
H.D. Bell  
Custodian



1350 - 7

EXHIBIT No. 3 June 1948

DATE  
FILED BY J. W. G. Hunter

Corporation of the Village of Tofino

Catalogue No. 883

Lot C D L 115

Frame House 24' x 30'  
on cedar posts

Doors and Windows gone

1 Sink

Not habitable

Value \$100.00.

"H. G. Winter"

"Another House on Hill - Internee"

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

August 4, 1948

*M. C. McClellan*





1350 - 8

EXHIBIT No.

3 June 1948

DATE

FILED BY

J. W. G. Hunter

Tofino, B. C.  
April 20, 1944.

Appraisal of Property at Storm Bay, Tofino, B. C.

|           |                       |          |
|-----------|-----------------------|----------|
| No. 883 C | 1 dwelling unoccupied | \$ 75.00 |
|           | C 1 dwelling occupied | 200.00   |

No heating or plumbing equipment

"W. E. Bond"

Tofino, B. C.

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

August 4, 1948

*MA*  
*C. McHughan*



GENOA BOND

1350 - 9

EXHIBIT No. ....

3 June 1948

DATE .....

FILED BY J. W. G. Hunter

"File No. 1440"

COPY of Survey Report of Mr. O. W. Phillipson, Appraiser for Japanese Fishing Vessels Disposal Committee. Original is in bound book in Vessel Record Cabinet. Survey No. 395 (New Westminster.)

Troller 1927 - M. N. 2386

Condition: Good

Damage: Nil

114 Tofino

Engine: E. 15 (1937)

Value: 1942 - \$450.00

Boat: Needs extensive repairs on deck - no sales value.

Engine - Value in Engine.

Custodian 1452.

.....

The valuation of \$518.00 referred to in Vessel Summary is the Suggested Negotiating Price placed on the vessel by the Japanese Fishing Vessels Disposal Committee. This valuation represents the appraised value placed on the boat by Mr. Phillipson, plus a 15 per cent mark-up.

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

August 4, 1948

*Mr. C. McHugh*



EXHIBIT No. 3 June 1948  
 DATE  
 FILED BY J. W. G. Hunter

JOHN GOULD

Marine Surveyor and Appraiser

Vancouver, B. C.

No. 46A.

"M. N. 2386"

SURVEY REPORT

To Whom it May Concern:

|                        |  |          |                  |
|------------------------|--|----------|------------------|
| Name                   | "M. N. 2386"                                 |          |                  |
| Official No.           | 114 Tufino                                   | Type     | Troller          |
| Owner                  | Minoru Nasu                                  |          |                  |
| Dimensions             | L. 32 Ft.                                    | B. 7 ft. | D. 3.5 Ft.       |
| Engines                | Gasoline. Vivian                             |          |                  |
| Horsepower             | 15 B. H. P.                                  |          |                  |
| Fuel                   | Gasoline                                     |          |                  |
| Tank Capacity          | 90 Gallons                                   |          |                  |
| Pumps                  | On deck                                      |          |                  |
| Lighting               | Electric                                     | Drive    | Off main engine. |
| Anchors                | Three - 15 lb., 35 lb., 35 lb.               |          |                  |
| Chains                 | None   | Rope     | None             |
| Compass                | None   |          |                  |
| Stoves                 | 1 Stove                                      |          |                  |
| Fire Extinguishers     | None   |          |                  |
| Valuation              | Four Hundred twenty-five (\$425.00) dollars. |          |                  |
| Estimated Market Value | Five Hundred (\$500.00) dollars.             |          |                  |

"John Gould"

Marine Surveyor

August 1942

Vancouver, B. C.

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

August 4, 1948

*C. McHugh*



# ANALYSIS OF PERSONAL PROPERTY CLAIM "A"

FILE No. 1440

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

NAME Mitsuzo NAKAGAWA

REG. No. 12036

|  | DATE                       | INVENTORY      | DETAILS OF CLAIM | SALES   |           | SOLD WITH REAL PROP. | DECL. NOT FOUND |
|--|----------------------------|----------------|------------------|---------|-----------|----------------------|-----------------|
|  | DECLARATION <u>20/3/42</u> | TAKEN BY _____ |                  | AUCTION | TENDER &c |                      |                 |
|  | EVACUATION <u>1/9/42</u>   | DATE _____     |                  |         |           |                      |                 |

Kitchen Stove  
Heater Stove  
4 Tables

|                                  |                          |
|----------------------------------|--------------------------|
| Fishing Boat, "Fuji"             | \$1,200.00               |
| Fishing Gear - Gurdy             | 200.00                   |
| Engine Tools                     | 30.00                    |
| Anchors, Manila Rope and Chain   | 75.00                    |
| Fishing Equipment                | 120.00                   |
| Radio                            | <u>59.75</u>             |
| <b>Total:</b>                    | <b>\$1,684.75</b>        |
| Ack. Custodian Credits           | <u>\$ 510.00</u>         |
| <b>Amt. of Pers. Prop. Claim</b> | <b><u>\$1,174.75</u></b> |

\$500.00

\$10.00

Summary of Auction Sale:

|                                   |                       |
|-----------------------------------|-----------------------|
| Gross proceeds Auction Sale:      | \$10.00               |
| Less Charges                      | <u>2.30</u>           |
| <b>Net proceeds Auction Sale:</b> | <b><u>\$ 7.70</u></b> |

Summary of Other Sales:

|                                  |                        |
|----------------------------------|------------------------|
| Gross proceeds Other Sales:      | \$500.00               |
| Less charges                     | <u>67.90</u>           |
| <b>Net proceeds Other Sales:</b> | <b><u>\$432.10</u></b> |

Vancouver, B. C., May 7/48.

RGB/P.

Recapitulation

| <u>Claim</u>      | <u>Disposition</u>                   |
|-------------------|--------------------------------------|
| \$1,200.00        | Sold by Tender for \$500.00          |
| \$ 59.75          | Sold by Auction for \$10.00          |
| \$ 395.00         | No Record any time                   |
| \$ 30.00          | Probably included in sale of F.V.    |
| <b>\$1,684.75</b> | <b>Amt. of Pers. Prop. Claim "A"</b> |



FILE No. 1440

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

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

REG. No. 12036

VENUE Montreal.

| SALES   |           | SOLD WITH REAL PROP. | DECL. NOT FOUND | NO RECORD AT ANYTIME | ABANDONED | NO ACCOUNT, THEFT &c | UNSOLD | REMARKS |
|---------|-----------|----------------------|-----------------|----------------------|-----------|----------------------|--------|---------|
| AUCTION | TENDER &c |                      |                 |                      |           |                      |        |         |

|  |          |  |  |   |  |  |  |   |
|--|----------|--|--|---|--|--|--|---|
|  | \$500.00 |  |  | ✓ |  |  |  | Probably included in sale of F.V. "Fuji". |
|  | \$10.00  |  |  | ✓ |  |  |  |   |
|  | \$10.00  |  |  |   |  |  |  |   |
|  | 2.30     |  |  |   |  |  |  |   |
|  | \$ 7.70  |  |  |   |  |  |  |   |
|  | \$500.00 |  |  |   |  |  |  |   |
|  | 67.90    |  |  |   |  |  |  |   |
|  | \$432.10 |  |  |   |  |  |  |   |

EXHIBIT No. 1350-11  
 DATE 3 June 1948  
 FILED BY J. W. G. Hunter

F.V.  
 A"



Magenta Blvd.,  
Farnham Que.,  
June 5, 1948.

R. Ouimet Esq.,  
152 Notre Dame St. E.,  
Montreal, 1, Que.

Dear Mr. Ouimet:

I herewith wish to inquire about some legal matters regarding the hearing of my case on June 3rd.; it is about my house and property, Lot C of Lot 115, Plan 3590, at Tofino B.C. This property is held by four persons. Two of my brothers Etsuzo Nakagawa and Yoshijiro Sakaguchi are in Japan. At the time of their departure, there was a verbal agreement that their part of property will be given to me. But at the hearing, I thought that the verbal agreement was inadequate. If it is not too late, I can get a written paper within 6 weeks from Japan; that their part of the property was given to me.

Will you please let me know whether I should get the paper or not to help strengthen my claim.

Very truly yours,

*M. Nakagawa*

EXHIBIT NO. <sup>12</sup> 1350-~~13~~  
DATE 9 June 1948  
FILED BY R. Ouimet.



November 13th 1949.

R. Ouimet, Esq., K.C.,  
Messrs. Monet, Ouimet & Lefebvre,  
152 Notre Dame St. E.,  
Montreal, 1.

Dear Mr. Ouimet,

Re Mitsuzo Nakagawa, Case #1350

We thank you for your letter of the  
3rd inst. enclosing letters from Yoshijiro Sakaguchi  
and Etsuzo Nakagawa, in favor of the above claimant.  
We trust these letters will meet the situation.

Yours very truly,

*h*

A. WATSON

Secretary

AW/W.



**DEMERS, MONET, OUIMET, & LEFEBVRE**  
BARRISTERS & SOLICITORS

ANDRÉ DEMERS, K. C.  
FABIO MONET, K. C.  
ROGER OUIMET, K. C.  
PAUL LEFEBVRE, B.A., LL.B.

MARQUETTE 2228-9\*  
LA SAUVEGARDE BUILDING  
152 NOTRE DAME ST., EAST  
SUITE 52-53-54

MONTREAL 1, November 3rd. 1948

Mr. A. Watson,  
Secretary,  
Japanese Property Claims Commission,  
Court House,  
Vancouver,  
B.C.

re: Mitsuzo Nakagawa -

Dear Sir,

Please find enclosed two letters dated  
August 14th. in favour of the abovenamed.

Hoping this is satisfactory, I am,

Yours very truly,

*ack  
N*

*ROGER OUIMET*

ROGER OUIMET

RO/CL

Encl.2



Oura, Hiisakimura,  
Hidakagun, Wakayamaken,  
Honshu, Japan,

*Aug. 14<sup>th</sup>* 1948.

To whom it may concern:

Immediately before I left for Japan in 1940 I released, ceded and transferred all my interests in the property situated on Lot C of Lot 115, Plan 3590, Tofino, B. C. to my brother, Mitsuzo Nakagawa.

This transfer was made for good and valid consideration, whereof quit. Ever since the above date I have ceased to have any right of property an/or interest, reversionary or oterwise in the said property.

I have always been ready to sign any documents or paper covering this transfer.

Signature:

*Yoshijiro Sakaguchi*

Witness:

*Jirokichi Sakaguchi*

Yoshijiro Sakaguchi.



Oura, Hiisakimura,  
Hidakagun, Wakayamaken,  
Honshu, Japan,

*Aug. 14<sup>th</sup>* 1948.

To whom it may concern:

Immediately before I left for Japan in 1929 I released, ceded and transferred all my interests in the property situated on Lot C of Lot 115, Plan 3590, Tofino, B.C. to my brother, Mitsuzo Nakagawa.

This transfer was made for good and valid consideration, whereof quit. Ever since the above date I have ceased to have any right of property an/or interest, reversionary or otherwise in the said property.

I have always been ready to sign any document or paper covering this transfer.

SIGNATURE:

*Etsuzo Nakagawa*

WITNESS:

*Jirokichi Sakaguchi*

Etsuzo Nakagawa.