

TO THE HONOURABLE
THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PARLIAMENT BUILDINGS
OTTAWA, CANADA

IN THE MATTER OF CERTAIN
RESTRICTIVE MEASURES AFFECTING
THE RE-ENTRY AND IMMIGRATION TO CANADA OF
PERSONS OF JAPANESE ANCESTRY

NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION
61 COLLEGE STREET TORONTO, ONTARIO

JUNE, 1951

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To the Honourable Walter E. Harris,
Minister of Citizenship and Immigration,
Parliament Buildings, Ottawa, Canada.

This submission is made by the National Japanese Canadian Citizens Association and its component chapter organizations in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec. This national body was founded by a conference of representatives of various Japanese Canadian organizations throughout Canada on September 2, 1947. It has as its primary aims the protection of the economic and social welfare of persons of Japanese ancestry in Canada and the development of a truly democratic society wherein fundamental rights and liberties are preserved for all citizens.

The National Japanese Canadian Citizens Association wishes to draw to the attention of the Honourable Minister, the present plight of a number of Japanese Canadian families residing throughout Canada, whose welfare, peace-of-mind and happiness are seriously affected by certain regulations and Federal Orders-in-Council which prohibit the re-entry, and in some other cases, the immigration, to Canada, of close family relatives thereby preventing these families to be reunited.

It is not intended in this submission to dwell on the circumstances under which the Federal Orders-in-Council P.C. 10773 of November 26, 1942 and P.C. 7355 and 7356 of December 15, 1945 were enacted thereby revoking the Canadian citizenship of some natural born and apparently also Naturalized persons of Japanese ancestry and the Canadian domicile of others, nor the exigencies of the late war which has created in the aftermath international and legal bars to separate members of families, nor the experiences of Japanese Canadian families who assumed a great burden of hardship as a consequence of the forced evacuation from homes in British Columbia.

Rather it is the desire of the Association to plead with the utmost emphasis, the cases of the Canadian families of Japanese ancestry whose present day plight, the Association sincerely feels, deserves of the Federal Government its just and most compassionate consideration.

It is the view of the Association, based on the opinion of their Counsel, that in the case of persons who were voluntarily repatriated to Japan at the time of P.C. 7355 and 7356 that the latter order

was not effective in depriving these persons of their status as Naturalized Canadian Nationals or British subject as they were not "deported". These persons are therefore entitled as of right to return to Canada although at present debarred by the rulings of the Department. We ask that these cases be cleared up by a review of the facts and the law and request that Counsel for the Association be permitted to make representations to you on this point.

(In support of this statement, the written opinion of the Association's counsel, Mr. Andrew Brewin, K.C., is attached as Appendix "A".)

The Association submits in summary outline form in the following category headings of "Entry" and "Immigration" to Canada, examples of the type of cases the Association has on file wherein individuals and Japanese Canadian families are so adversely affected.

ENTRY TO CANADA

Through the force of Order-in-Council P.C. 10773 of November 26, 1942, approximately 20 natural born Canadians of Japanese ancestry were deprived of their Canadian citizenship at the time when they were of minor age and were compelled to accompany their parents to Japan under a Wartime Exchange Agreement.

(In support and illustration of this statement the detailed cases of Misses Ariga and Tabata (cases #1 and #2) are given together with the text of the Order in question in Appendix "B". The additional case #3 of Miss Sano is included as it is affected by this Order.)

Through the assumed force of Orders-in-Council P.C. 7355 and 7356 of December 15, 1945, the immediate members of Japanese Canadian families are debarred from re-entry to Canada. Although as has been pointed out we submit that the Orders have not such legal effect. The following cases on file are cited:

Case #4. Mr. and Mrs. Shishido were repatriated to Japan under the Canadian Government repatriation scheme. Mr. Shishido

is a Canadian Army World War I veteran. Mr. and Mrs. Shishido are debarred from re-entry to Canada and cannot rejoin their four children.

Case #5. Mrs. Tanaka returned to Japan under the Canadian Government repatriation scheme in order to visit her children with whom she and her husband were separated during the intervening period of hostilities. She is presently unable to rejoin her husband in Canada.

Case #6. Mr. and Mrs. Shin went to Japan under the Government repatriation scheme. Mr. Shin is a Japanese National. Mrs. Shin was born in Canada. A child was subsequently born in Japan. The Shin family are unable to return to Canada. Mrs. Ebisuzaki, a natural born Canadian and resident in Canada, sister of Mrs. Shin, is the sponsor.

Case #7. Mrs. Omoto, a Naturalized Canadian citizen, returned to Japan under the Canadian Government repatriation scheme. She is presently unable to return to Canada to rejoin her husband who is a Canadian Army World War I veteran.

Case #8. (Loss of Canadian domicile) Mrs. Ozamoto, a Japanese National, visited Japan in 1934 and subsequently lost her Canadian domiciliary status. She is presently unable to rejoin her son in Canada.

(In support and illustration of these statements the details on the cases cited are given together with the text of the Orders in question in Appendix "C".)

By virtue of present Government policy natural born Canadians of Japanese ancestry who were compelled to serve in the Japanese Armed Forces are presently debarred from re-entry to Canada and are unable to rejoin their families. The following cases on file are cited:

Case #9. Mr. Hikichi, natural born Canadian, visited Japan in 1928 for purposes of study. Subsequently during the period of hostilities he was compelled to serve in the Japanese Armed Forces. He is presently unable to rejoin his parents in Canada.

Case #10. Mr. Sakai, a natural born Canadian, visited Japan with his mother in 1940. Subsequently during the period of hostilities he was compelled to serve in the Japanese Armed Forces. He is presently unable to rejoin his brother in Canada. (In support and illustration of these statements the details on the cases cited are given in Appendix "D".)

IMMIGRATION TO CANADA

Through the force of present immigration regulations Japanese nationals are debarred from admission to Canada as immigrants. The following cases on file are cited wherein these regulations work hardship on Japanese Canadian families.

Case #11. Mrs. Nasu, while visiting her parents in Japan in 1926, gave birth to a son who was placed in the care of his grandparents. Mrs. Nasu subsequently rejoined her husband in Canada. Mr. and Mrs. Nasu are presently unable to call their son to Canada due to immigration restrictions.

Case #12. Mrs. Mori, a natural born Canadian citizen presently deemed admissible to Canada, visited Japan with her husband, a Japanese National, in 1940. A daughter was born to her in Japan. Subsequently Mrs. Mori's husband passed away. Due to present immigration restrictions Mrs. Mori, who wishes to rejoin her brother in Canada, is unable to bring her 7 year old daughter to Canada.

Case #13. Mr. Murakami, a naturalized Canadian, presently on a visit to Japan, has married a national of that country. He is unable to bring his wife to Canada due to existing immigration restrictions.

Case #14. Mrs. Omura, a widow and a naturalized Canadian citizen, gave birth to a daughter in 1921 while on a visit to Japan. Mrs. Omura is presently unable to call her daughter, a Japanese National, to Canada to be with her due to present immigration restrictions.

Case #15. Mrs. Takemura, a widow, 56 years of age, is without relatives in Canada. She has formally adopted her niece, a Japanese National living in Japan. As Mrs. Takemura is alone in Canada and getting along in years, she desires to have her adopted niece live with her, but is unable to call her niece to Canada due to existing immigration restrictions. (In support and illustration of these statements the details on the cases cited are given in Appendix "E".)

CONCLUSION

The Association, which has constantly worked for the betterment of the welfare of Japanese Canadians, has also strived to work in unity and in co-operation with other Canadian groups for equal civil rights and liberties for all citizens of Canada irrespective of race, colour, creed, national origin or sex.

The Association has regarded its work as a contribution to the work of the United Nations for the well-being and happiness of future generations.

The Association believes, therefore, that it is of paramount importance to give consideration to the well-being and happiness of the individual. In Article 16 of the United Nations Universal Declaration of Human Rights, to which Canada has subscribed, the following is declared: "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

Canadian citizens of Japanese ancestry have demonstrated by their actions during both time of peace and the period of national crisis of the late war, that they are capable of accepting the full responsibilities of citizenship.

The Association believes that Canada can take this opportunity to demonstrate her sincere desire to observe human rights as well as to proclaim them by granting to Japanese Canadian families

equal treatment as accorded Canadian families of other national origin (such as the German and Italian groups) with respect to entry and immigration to Canada of relatives.

Respectfully submitted,

George Tanaka, Executive Secretary,
National Japanese Canadian Citizens
Association,
61 College Street, Toronto 2, Ontario.

June twenty-seventh, Nineteen hundred and fifty-one.

APPENDIX "A"

CAMERON, WELDON, BREWIN & McCALLUM
Barristers & Solicitors

STERLING TOWER
TORONTO 1, CANADA

June 26, 1951.

Mr. George Tanaka,
National Executive Secretary,
Japanese Canadian Citizens Association,
National Headquarters,
61 College Street,
Toronto 2, Ontario.

Dear Mr. Tanaka:

I have given further consideration to the question which you have raised, as to the right of certain persons to enter Canada. These persons were naturalized Canadian citizens who proceeded to Japan pursuant to or at the time of the passing of P.C. 7355 and 7356, on the 15th of December, 1945.

I understand that when these people applied for readmission to Canada they were informed that by virtue of P.C. 7356 they had lost their status as British Subjects and Canadian Nationals, and were not entitled to enter Canada. In my opinion this ruling is based upon a misunderstanding of the two Orders-in-Council in question. P.C. 7356 provides that "Any person who, being a British subject by naturalization is deported from Canada under the provisions of Order-in-Council P.C. 7355 of 15th December, 1945, shall, as and from the date upon which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national". It also provides that "The Secretary of State shall publish in the Canada Gazette the names of all persons who have ceased to be British subjects or Canadian nationals by virtue of this Order".

The important word in the above provisions is the word "deported". P.C. 7355 contemplates the deportation of certain persons mentioned therein by virtue of orders made by the Minister. Deportation is defined as meaning "removed or sent from Canada pursuant to the authority of this Order". Further, sections 6 and 7 of P.C. 7355 refer to people who proceeded to Japan, having made a request for repatriation without the issue of such an Order.

It seems clear to me that people who fall in this class were not deported, and that no one was deported unless they were required by Order to leave Canada. A person proceeding to Japan without the issue of an Order pursuant to his own request for "repatriation" was not deported.

The contrast between these two classes of persons is made absolutely clear by sections 6 and 7. By any ordinary definition of the word "deported", a person voluntarily going out of the country cannot be said to be deported.

At the time that the constitutionality of these Orders was in issue before the Judicial Committee, counsel representing the Attorney General of Canada made the statement in reply to an express question from Viscount Simon, who was presiding, that no orders for deportation had been made pursuant to P.C. 7355. It is further my understanding that no Orders were subsequently made, and, as you know, both of these Orders-in-Council were duly repealed by the Governor-in-Council in the January following the announcement of the Judicial Committee's decision. It has clearly been my understanding

(over)

that no Orders for deportation were made. It follows therefore, that the individuals who went to Japan at this time, and I do not of course, refer to those who went under previous Orders-in-Council, were not deported and have not, by virtue of their having gone to Japan, lost their status as British subjects and Canadian nationals, and now as Canadian citizens. They are therefore, entitled in my opinion, to return to Canada, and I know of no provision of the Immigration Act or any other Act, which justifies their exclusion.

I understand that at some earlier date a contrary opinion to that expressed herein has been given by some legal authority connected with the Department. In my view any such opinion was probably based upon unawareness of the actual facts.

Yours truly,

F. A. BREWIN

FAB/BW

I have given further consideration to the question which you have raised, as to the right of certain persons to enter Canada. These persons were naturalized Canadian citizens and proceeded to Japan pursuant to an act of the time of the passing of P.C. 7355 and 7356, on the 15th of December, 1942.

I understand that when these people applied for readmission to Canada they were informed that by virtue of P.C. 7356 they had lost their status as British Subjects and Canadian Nationals, and were not entitled to enter Canada. In my opinion this ruling is based upon a misunderstanding of the two Orders-in-Council in question. P.C. 7356 provides that "Any person who, being a British subject by naturalization . . . is deported from Canada under the provisions of Order-in-Council P.C. 7355 of 15th December, 1942, shall, as and from the date upon which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national." It also provides that "The Secretary of State shall publish in the Canada Gazette the names of all persons who have ceased to be British subjects or Canadian nationals by virtue of this Order."

The important word in the above provisions is the word "deported". P.C. 7355 contemplates the deportation of certain persons mentioned therein by virtue of orders made by the Minister. Deportation is defined as meaning "removed or sent from Canada pursuant to the authority of this Order". Further, sections 6 and 7 of P.C. 7355 refer to people who proceeded to Japan, having made a request for repatriation without the issue of such an Order.

It seems clear to me that people who fall in this class were not deported, and that no one was deported unless they were required by Order to leave Canada. A person proceeding to Japan without the issue of an Order pursuant to his own request for "repatriation" was not deported.

The contrast between these two classes of persons is made abundantly clear by sections 6 and 7. By any ordinary definition of the word "deported", a person voluntarily going out of the country cannot be said to be deported.

At the time that the constitutionality of these Orders was in issue before the Judicial Committee, counsel representing the Attorney General of Canada made the statement in reply to an express question from Viscount Simon, who was presiding, that no orders for deportation had been made pursuant to P.C. 7355. It is further my understanding that no Orders were duly repatriated, and, as you know, both of these Orders-in-Council were duly repealed by the Governor-in-Council in the January following the announcement of the Judicial Committee's decision. It has clearly been my understanding

(over)

APPENDIX "B"

Order in Council stating that persons repatriated to enemy territory in time of war should not be allowed to retain their status as British Subjects or as Canadian Nationals.

P.C. 10773

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of NOVEMBER, 1942

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Secretary of State, with the concurrence of the Secretary of State for External Affairs, reports that arrangements have been made with the Japanese Government for the repatriation of persons of Japanese race, together with their wives and minor children, from Canada to Japan in exchange for Canadian nationals and other persons repatriated from Japan and Japanese-occupied territory to Canada;

That it is possible that similar arrangements may be made from time to time with the governments of other enemy states; and

That it is undesirable that any persons so repatriated to enemy territory in time of war should be allowed to retain their status as British subjects or as Canadian nationals;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:-

1. (a) Any person who is a British subject by reason of marriage, or by reason of birth or naturalization in Canada, or by reason of the birth or naturalization of his father in Canada, and who makes application for repatriation to any country which at the time of his application is at war with Canada, shall, as from the date of his departure from Canada for repatriation, cease to be a British subject, and any person who is a Canadian national but not a British subject, makes application for repatriation to any country which at the time of the application is at war with Canada, shall, as from the date of his departure from Canada for repatriation, cease to be a Canadian national.

(b) The wife and minor children of any person who ceases to be a British subject by virtue of paragraph (a) of this clause, shall, if they are included in that person's application for repatriation, cease to be British subjects as from date of their departure from Canada.

(c) Notwithstanding the provisions of section 15 of the Naturalization Act, Chapter 138 of the Revised Statutes of Canada, 1927, a minor child of a person who ceases to be a British subject by virtue of paragraph (a) of this clause, shall not cease to be a British subject by reason only that his parent has ceased to be a British subject, unless he is included in his parent's application for repatriation and actually departs from Canada.

(over)

2. (a) Any person who is a British subject by reason of marriage, or by reason of birth or naturalization in Canada, or by reason of the birth or naturalization of his father in Canada, and who makes application for protection to the Protecting Power of a state at war with Canada, or who asserts allegiance to such state, or who makes application for repatriation to such a state but is not so repatriated, may, in the discretion of the Secretary of State, be deprived of his status as a British subject, and any other person who is a Canadian national and who applies for protection or repatriation as aforesaid may, at the discretion of the Secretary of State, be deprived of his status as a Canadian national.

(b) The wife and minor children of a person who is deprived of his status as a British subject, or of his status as a Canadian national, under paragraph (a) of this clause, may, in the discretion of the Secretary of State, be deprived of their status as British subjects.

3. The Secretary of State shall publish in the Canada Gazette the names of all persons who have lost their status as British subjects or as Canadian nationals by virtue of this Order in Council.

Certified to be a true copy.

A. D. P. Heeney,

Clerk of the Privy Council.

(over)

APPENDIX "C"

Order in Council re Deportation of Japanese

P.C. 7355

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS during the course of the war with Japan certain Japanese nationals manifested their sympathy with or support of Japan by making requests for repatriation to Japan and otherwise;

AND WHEREAS other persons of the Japanese race have requested or may request that they be sent to Japan;

AND WHEREAS it is deemed desirable that provisions be made to deport the classes of persons referred to above;

AND WHEREAS it is considered necessary by reason of the war, for the security, defence, peace, order and welfare of Canada, that provision be made accordingly;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Secretary of State for External Affairs, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make and doth hereby make the following Order:-

- O R D E R -

1. In this Order, unless the context otherwise requires:

- (a) "deportation" means the removal pursuant to the authority of this Order of any person from any place in Canada to a place outside of Canada;
- (b) "deported" means removed or sent from Canada pursuant to the authority of this Order;
- (c) "Minister" means the Minister of Labour;
- (d) "request for repatriation" means a written request or statement of desire, to be repatriated or sent to Japan.

2. (1) Every person of sixteen years of age or over, other than a Canadian national, who is a national of Japan resident in Canada and who,

- (a) has, since the date of declaration of war by the Government of Canada against Japan, on December 8th, 1941, made a request for repatriation; or
- (b) has been in detention at any place in virtue of an order made pursuant to the provisions of the Defence of Canada Regulations or of Order in Council P.C. 946, of the 5th day of February, 1943, as amended by P.C. 5637, of the 16th day of August, 1945, and was so detained as at midnight of September 1st, 1945;

may be deported to Japan.

(over)

- (2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to midnight the first day of September, 1945.
- (3) Every natural born British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan; Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for deportation.
- (4) The wife and children under sixteen years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person.

3. Subject to the provisions of Section 2 of this Order, a request for repatriation shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.

4. The Minister may

- (a) make orders for the deportation of any persons subject to deportation;
- (b) take such measures as he deems advisable to provide or arrange for the deportation of such persons, and for their transportation, detention, discipline, feeding, shelter, health or welfare, pending their deportation.
- (c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order;
- (d) subject to the approval of the Governor in Council, employ such officers and other employees as are necessary to assist him in carrying out this Order and fix their remuneration;
- (e) authorize from time to time any person to exercise on his behalf any power vested in him under paragraph (b) of this section.

5. An order for deportation made by the Minister shall be in force and effect from the date of the order.

6. (1) Any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order, shall be entitled, insofar as circumstances at the time permit.

- (a) at or immediately prior to the time of his deportation from Canada, to purchase suitable foreign exchange to the extent of any money in his possession or standing to his credit in Canada or advanced to him by the Minister pursuant to section seven and to take such foreign exchange out of Canada with him;
- (b) to deposit any money in his possession or standing to his credit in Canada with the Custodian of Enemy Property, who shall provide such person with a receipt therefor and purchase foreign exchange therewith, and transfer the same, less transfer charges, to such person whenever reasonably possible following upon his deportation.
- (c) at the time of his deportation to take with him such other personal property belonging to him as may be authorized by the Minister;

and the Foreign Exchange Control Board shall do such things and issue such permits as may be required to implement these provisions.

(2) Where real or personal property of a person who has been deported to Japan or who, having made a request for repatriation, has proceeded to Japan without the issue of an Order for deportation, has not been sold or otherwise disposed of prior to departure such real and personal property

shall as of the date of deportation of such person, be vested in the Custodian of Enemy Property, who shall sell the same as soon as in his opinion it is reasonably practicable to do so, and in the meantime he may take such measures as he deems proper for the care, maintenance and safeguarding of such property, and the net proceeds realized from such sale, after the deduction of reasonable charges of handling shall be placed to the credit of such person and dealt with as provided in paragraph (b) of sub-section (1) of this section.

7. (1) The Minister may at or immediately prior to the time of departure advance to or for a person who is being deported to Japan or who, having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, an amount in suitable foreign exchange equivalent to the following:

- (a) Where such person is sixteen years of age or over and does not possess at least two hundred dollars, the difference between the amount he possesses and two hundred dollars which shall be paid to such person;
- (b) Where such person has one or more dependents under sixteen years of age and does not possess at least two hundred dollars together with a further amount computed on the basis of fifty dollars for each such dependent, the difference between the amount he possesses and the total of two hundred dollars and the amount so computed, to be paid to such person.

(2) Any amount advanced as provided for in subsection (1) of this section shall be recoverable from the person to whom it is paid, from any money to the credit of such person with the Custodian of Enemy Property.

8. (1) The Minister may make arrangements with any department or agency of the Government of Canada to assist him in carrying out the provisions of this Order.

(2) The Department of National Defence shall provide any military guard personnel which may be required in carrying out the provisions of this Order.

(3) The Commissioner of the Royal Canadian Mounted Police shall give all assistance which may be required of him by the Minister in the carrying out of the provisions of this Order.

9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody.

10. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties with respect to any order made pursuant to the provisions of this Order shall be guilty of an offence against this Order.

11. Any person who contravenes or omits to comply with any of the provisions of this Order or any order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

12. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Order and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

(over)

GENERAL

13. The costs involved in the administration of this Order shall be paid from the amounts allotted from the war appropriation to the Department of Labour for Japanese administration.

A. D. P. Heeney,

Clerk of the Privy Council.

Order in Council revoking naturalization
of persons deported in pursuance of Order
in Council P.C. 7355, 15th December, 1945.

P.C. 7356

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 7355 of 15th December, 1945, provision is made for the deportation of persons who, during the course of the war, have requested to be removed or sent to any enemy country or otherwise manifested their sympathy with or support of the enemy powers and have by such actions shown themselves to be unfit for permanent residence in Canada;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State (concurred in by the Secretary of State for External Affairs) and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

1. Any person who, being a British subject by naturalization under the Naturalization Act, Chapter 138, R.S.C. 1927, is deported from Canada under the provisions of Order in Council P.C. 7355 of 15th December, 1945, shall, as and from the date upon which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national.
2. The Secretary of State shall publish in the Canada Gazette the names of all persons who have ceased to be British subjects or Canadian nationals by virtue of this Order.

A. D. P. Heeney,

Clerk of the Privy Council.

(over)

CLAIM NO. 36 - Sadajiro ASARI

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

The claim is made in respect of the Motor Screw Vessel "GLENDALE V" B.H.P. 51.5 ft. long, breadth to outside of plank 14.3 ft. depth from top of deck to bottom of keel 8.6 ft., gross tonnage 33.82 tons, registered tonnage 26.78 tons.

The claimant alleges that the vessel was built in July 1940 at a cost of \$18,000. H. Bell Irving & Co. Ltd. assisted the claimant to finance construction, and hold a mortgage dated June 4th 1940 charged upon the vessel for the sum of \$8000.

The claimant claims the difference between the value of boat and equipment at \$18,000. and the selling price paid to the claimant of \$14,647., that is to say \$3353.

The claimant further claims for charter hire from January 14th 1942 to August 26th 1942, at \$21.00 per day, \$4725.00.

The vessel was "requisitioned for naval service" by the Director of Marine Services on a bare boat basis. "The terms of charter hire will be determined later." Vide telegram, Director Marine Services to claimant dated January 14th 1942 (Exhibit 2 in Claim No. 36)

The vessel is shewn to have been in the custody of the Director of Marine Services or the Department of Munitions and Supply continuously from the date of requisition to August 26th 1942, when it was sold to the Department of Munitions and Supply.

In my opinion the evidence of the claimant and the documents filed on the Inquiry establish that a contract was made, whereby the Director of Marine Services agreed

to pay an undetermined sum as charter hire.

Charter hire was not determined at any time. I therefore conclude from the terms of the requisition order that the Director of Marine Services must be taken to have agreed to pay a reasonable charter hire for the period during which the vessel is shown to have been kept in his possession.

The claimant has sworn that the charter rate paid for this vessel prior to the date of its requisition was \$21.00 per day. In the absence of other evidence I conclude that the claimant has established prima facie the right to recover for charter hire the sum of \$4725.00.

The documents filed on the Inquiry, including letters and telegrams by K. Kimura representing the Japanese Fishing Vessels Disposal Committee, which are marked as Exhibits 4, 5, 6, 7 and 8 in Claim No. 36, show that Kimura informed the claimant that the Department of Munitions and Supply had fixed the selling price on the basis of the value of the vessel at the date it was requisitioned for charter, i.e. January 1942 - "if you are not satisfied with this price you must go to the Exchequer Court in Ottawa and await their decision." In Exhibit 8 Kimura refers to the fact that C. Nakamura, the owner of three vessels, had no alternative but to accept the Department's offer for his vessels and "had to concede to the offer".

I conclude from examination of this correspondence that the claimant accepted the proposed price unwillingly notwithstanding his belief that the fair market value of the vessel was the cost of the same to himself 18 months prior to the requisition. There is nothing on the material

before me to indicate that he was a free agent in the making of this sale. In the absence of other evidence, I consider that the claimant has established prima facie that the fair market value of the vessel at the date of sale was \$18,000.00, or \$3353.00 in excess of the price paid to him.

"H. I. Bird"

H. I. BIRD

Commissioner.

CLAIM NO. 43 - Ukichi NITSUI

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

This claim is made in respect of the Motor Vessel "SILVER SPRING" and the equipment thereon.

The vessel was requisitioned for hire on a bare boat basis for service with the R.C.A.F. "terms of charter hire to be determined later" by telegram April 11th 1942 from the Director of Marine Services to the claimant at Ucluelet, B.C. (vide Exhibit 1 Claim No. 43).

On June 5th 1942, W. G. Stickney, Esquire, Secretary of the Advisory Board on requisitioning, wrote to the claimant advising that a hearing of the Board would be held June 10th 1942. There is no evidence before me to show that the charter hire of the vessel was determined, If it was determined, the claimant was not advised of the rate fixed. He has testified that the charter rate was \$10.00 per day.

The vessel appears to have been sold by the claimant to the Director of Marine Services as at July 31st 1942, and will therefore have been held under charter for a period of 91 days. I conclude from consideration of the claimant's evidence and the documents filed before me that a contract was made for charter of this vessel at a reasonable rate which I conclude on the evidence was \$10.00 per day. I consider that the claimant has established prima facie liability on the part of the Director of Marine Services for charter hire in the sum of \$910.00.

This vessel is shewn to have been appraised in April 1942 at the sum of \$3750.00 by an appraiser appointed for the purpose by the Japanese Fishing Vessels Disposal Committee. Apart from a memorandum filed by Counsel for

the Government to the effect that the appraisal at this price was made, there is no other material before me to support it. The claimant alleges that the vessel had a fair market value at the date of sale of \$4000.00.

I consider that the claimant has established prima facie a liability by the Director of Marine Services on the sale of the vessel in the sum of \$250.00.

The claimant further alleges that there was delivered to the Navy, upon surrender of his vessel, equipment to the value of \$392.97 (vide Exhibit 9, Claim No. 43). It does not appear that compensation was paid to him for such equipment. I consider that the claimant has established prima facie a liability on the part of the Government of \$392.97 in respect of this equipment.

The total prima facie liability established - \$1552.97.

"H. I. Bird"

H. I. BIRD

Commissioner.

April 4th 1950.

SPECIAL REPORT

CLAIM NO. 142 - Zennosuke INOUE

This claim was made in respect of an 80 acre parcel of farm land situate in the Municipality of Surrey. It was sold by the Custodian to the Director, Veterans Land Act, the selling price being based upon an appraisal made by the Soldiers Settlement Board valuers at \$3980.00.

Upon the presentation of the claim at Vernon, B.C., it appeared that the claimant was a Canadian Veteran of the 1914-18 war, who served for approximately 2 years in the 52nd Battalion C.E.F., and was wounded on the Somme. Upon his discharge from the Army, he took up the farm which is the subject of this claim, under the provisions of the Soldiers Settlement Act, developed the property, and lived thereon for more than 20 years until he was evacuated as a person of Japanese origin in the Spring of 1942.

I immediately reported these circumstances to the Minister of Veterans Affairs. Investigation by his Department established the fact that the farm had not been re-sold by the D.V.L.A., and as a result the farm was restored to the claimant, who is now in occupation.

Counsel for the claimant now informs me that the property suffered abnormal depreciation in the period of 7 years during which it was held by the D.V.L.A. He therefore requests that compensation be paid to the claimant.

The extent of the depreciation is estimated by Fred M. Clement, former Dean of Agriculture at the University of British Columbia, at from \$2000.00 to \$2500.00. I make no comment upon the report which is attached hereto, other than to say that Dean Clement has made many examinations of farm lands, the subject of claims which have been considered on this Inquiry. He testified in regard to many of these claims. I have found the information furnished by him most reliable

and helpful in determining fair market value at the date of sale by the Custodian.

I conclude from Dean Clement's report that the claimant has suffered substantial loss in respect to the farm property, as a result of his evacuation.

H. I. BIRD

Commissioner.

CLAIM NO. 211 - Kunitatsu SAIMOTO

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

This claim is made in respect to a 60 h.p. Diesel powered fishing vessel used as a fish packer, gross tonnage 39.01 tons, net tonnage 26.53 tons. The value of the vessel when requisitioned by the Director of Marine Services in February 1942 was estimated by the claimant at \$10,000.00 (vide Exhibit 14, Claim No. 211). The vessel is said by the claimant to have been requisitioned for charter by the Department of Munitions and Supply about February 15th 1942. His evidence is verified to some extent by a letter from W. G. Stickney, Secretary of the Advisory Board on requisitioning, under date of April 30th 1942 (vide Exhibit 9, Claim No. 211), as well as a letter from the Commanding Officer Auxiliary Vessels, H.M.C.S. "GIVENCHY" to A. E. McMaster, Japanese Fishing Vessels Disposal Committee, under date of 19th May 1942 (vide Exhibit 10).

The vessel was appraised upon instructions of the J.F.V.D.C. at \$8750.00 at the time when the same was requisitioned for charter, and subsequently was requisitioned for purchase by the same Department about August 1st 1942.

The vessel consequently was held by the Director, of Munitions and Supply, under charter for 168 days. The claimant testified that his boat was normally chartered prior to evacuation at \$32.00 per day, bare boat. Counsel for the claimant has suggested that a reasonable

charter rate would have been \$15.00 per day, or a total of \$2520.00, from which sum he concedes that a depreciation allowance of 5% might properly be deducted, leaving a balance of \$2318.65.

In the absence of any documentary evidence to establish the fact of charter on a bare boat basis, it is not possible for me to reach any firm conclusion as to what understanding existed between the Department of Munitions and Supply and the claimant. If it appeared that there was a charter on a bare boat basis, I consider that the sum claimed by the claimant for the period under charter, i.e. \$2318.65, is fair and reasonable.

The claimant further seeks to recover gear which is shewn to have been missing from the vessel at the time when she was requisitioned for purchase. An inventory of this lost gear, verified by the Commanding Officer, Auxiliary Vessels, is found in Exhibits 10 and 11, Claim No. 211.

Counsel seeks to recover on the basis of the overall recommendation made in the general investigation 45% of the claim value of this gear, i.e. \$80.82. I consider that the loss of this gear is established on the material filed as Exhibit 10, and under the circumstances that the claim of \$80.82 is fair and reasonable.

H. I. BIRD

Commissioner.

April 4th 1950.

CLAIM NO. 491 - Denjiro OKABE.

Special compensation is sought by this claimant in respect of a parcel of land held by him under lease dated April 1st 1941, for a term of 8 years (vide Exhibit 12).

It appears from the testimony of the claimant that he had cultivated this property and had planted thereon 5000 rhubarb roots at a cost of \$1625.00.

It does not appear that the leasehold was sold or otherwise dealt with by the Custodian, the lease having terminated in consequence of the claimant's evacuation.

Fred M. Clement, formerly Dean of Agriculture, University of British Columbia, has reported that the plantation had a value of \$400.00 for the unexpired portion of the term.

Since it has not been shewn that the claimant's interest was sold by the Custodian, I have held that the claim does not fall within the terms of reference. However, on Counsel's request, I have stated that I would report the situation to the Governor-General in Council, since it is apparent that, due to the evacuation, the claimant has suffered a substantial loss.

In view of Dean Clement's evidence, it is not possible to say that the loss is greater than the sum of \$400.00, although the claimant's evidence would make it appear that he had a capital investment of not less than \$1600.00 in the property.

Since the claim is not one open for consideration, I refrain from any recommendation.

H. I. BIRD

Commissioner.

CLAIM NO. 341 - Nobukichi TAKAI

A claim was not filed by this claimant, due to the fact that he had been advised by his Counsel that his claim did not fall within the terms of reference. However, the claimant appeared before His Honour Judge Dawson, Sub-Commissioner, at Grand Forks.

It appears that the claimant and his family were required to vacate his premises at Egmont, B.C., an isolated fishing community on the Coast of British Columbia, on 24 hours notice. The transcript of his evidence, particularly at page 5, shows that he valued his general store, stock-in-trade, household goods and fish buying float at \$5000.00, and 2 floats at \$1200.00, totalling \$6200.00. In view of the fact that he was required to vacate on such short notice, and his belief that the property would be raided by neighboring Indians if left alone, he effected a sale to Queen Charlotte Fisheries Ltd. of all his property situate at Egmont, for the sum of \$2000.00. The Custodian has no information whatever in regard to this matter. Consequently, there is no material before me other than the statement of the claimant.

I have directed Counsel for the claimant to endeavor to obtain some information by letter from Queen Charlotte Fisheries Ltd., with a view to incorporating that letter in this report.

"H. I. BIRD"

Commissioner

DOMINION OF CANADA

IN THE MATTER of an Investigation under ORDER-IN-COUNCIL
P.C. No. 1810 dated the eighteenth day of April 1947 as amended by Order-
in-Council P.C. No. 3737 dated the seventeenth day of September 1947 as
amended by Order-in-Council P.C. No. 242 dated the twenty second day of
January 1948, appointing a Commissioner to investigate inter alia matters
of and pertaining to claims of persons of the Japanese race and of
corporations of which the majority of the shares were formerly owned by
such persons that they suffered loss by reason of the sale of their property
by the Custodian of Enemy Property, or by reason of the loss, destruction
or theft of their property, pursuant to the Inquiries Act, being Chapter 99
of the Revised Statutes of Canada 1927 and Amendments thereto.
GEORGE THE SIXTH by the Grace of God, of Great Britain, Ireland and the
British Dominions beyond the Seas, King, Defender of the Faith,
TO:

G R E E T I N G

WE COMMAND you to attend before the undersigned Commissioner
at The Court House, Georgia Street, in the City of Vancouver in the Province
of British Columbia
on day the day of 194
at the hour of o'clock in the noon, and so on from day to
day until your presence is no longer required, to give evidence in the above
matter, and that you do bring with you at the time and place aforesaid and
produce before the undersigned all or any papers, documents, vouchers, records,
minutes, books or things in your custody or under your control in any way
relating to the said matters under investigation.

WITNESS the Honourable Mr. Justice Henry Irvine Bird, our
Commissioner herein, this day of A.D.
in the twelfth year of Our Reign.

Commissioner.

IN the Matter of the Application of the Board
of Water Supply of the City of New York, Respondent,
to Acquire Real Estate. *COA*

EZRA EMPT et al., Appellants 277 NY 452

RIPPEY, J. The extent, nature of the estate to be acquired, and the occasion of taking private property for public use rest in the discretion of the Legislature (Matter of City of New York, 190 N.Y. 350) within the limitations established by article I, sections 6 and 7, of the State Constitution (People v. Adirondack Ry. Co., 160 N.Y. 225; affd., 176 U.S. 335), although the right of eminent domain is an inherent attribute of sovereignty (Heyward v. Mayor, 7 N.Y. 314). The power may be delegated to a municipal corporation (People ex rel. Burhans v. City of New York, 198 N.Y. 439). Such power was delegated by the Legislature by chapter 724 of the Laws of 1905, as amended, to the City of New York for the purposes of the construction of the Lackawack Dam and of the Delaware Aqueduct and appurtenances in the vicinity of Lackawack. Acting under the authority thus given, the city of New York filed a real property map in Ulster County Clerk's office on July 24, 1936, of what is known as "Delaware Section No. 6," which included therein the property of Ezra Empt and wife described as parcel No. 1254, and took the property for the purposes specified in such act on November 16, 1936. In condemnation proceedings, the commissioners made an award to the owners which was confirmed by the Special Term but set aside by the Appellate Division as matter of law on the ground that incompetent testimony as to value was received and considered by the commissioners in fixing the amount of the award. The sole question certified for our consideration is whether it was "reversible error for the commission to receive and consider evidence as to the market value of the parcel as of October, 1930." We think that question involves a determination of no question of fact and may be answered without passing beyond the limits of our jurisdiction as established by law.

It is asserted by the city that the acceptance and consideration of evidence of market value as of the nearest earlier date when the property had a market value within the legal meaning of that expression will establish a new rule by which compensation for property taken by power of eminent domain may be measured and will destroy time-tested standards of measurement. If such were the

only evidence considered by the commissioners and it constituted the sole basis for making an award there would be force to respondent's contention, but such is not the situation in the case at bar.

The Constitution (Art. I-6) prohibits the taking of private property for public use without just compensation. Just compensation has been measured in cases of this kind by the fair market value of the property taken as of the date of taking (Orgel on Valuation under the Law of Eminent Domain, 16; Matter of Van Etten v. City of New York, 226 N.Y. 483, 489; Brooks-Scanlon Corp. v. United States, 265 U.S. 106, 123). It includes the market value of the premises actually taken and also any damages resulting to the residue, including those which will be sustained by reason of the use to which the portion taken is to be put by those acquiring it (South Buffalo Ry. Co. v. Kirkover, 176 N.Y. 301). Generally speaking, that is still doubtless the general rule, but even that must yield to exceptional circumstances, for "each case necessarily involves different facts and must be considered by itself" (Banner Milling Co. v. State of New York, 240 N.Y. 533, 546). The Legislature has recognized as a matter of public policy this patent fact in enacting section 1083-a of the Civil Practice Act, where the rule is laid down that in cases where there is no market at the date when value should be determined, value must be fixed at "such nearest earlier date as there shall have been any market value thereof," and this court in commenting upon that act and affirming the earlier definition of market value said in Heiman v. Bishop (272 N.Y. 83, at p.86), "Prior to the depression, the method of determining the market value of real property was fairly well established by the decision of the courts. In a general way, the market value of real property is the amount which one desiring but not compelled to purchase will pay under ordinary conditions to a seller who desires but is not compelled to sell." It is further observed in that case "that in the various definitions of market value of real property stated by the courts there appears the words 'under ordinary conditions' or 'under ordinary circumstances' or words of like import. Certainly, during the depression, ordinary conditions have not existed in the real property market. Con-

ditions in that market have been extraordinary and unprecedented." This court laid down the rule in *People ex rel. Amalgamated Properties, Inc. v. Sutton* (274 N.Y. 309, at p.311) that "the effect of the financial depression since 1929, which the referee considered, is also a proper element of present market value," and in *Matter of New York Title & Mortgage Co.* (277 N.Y. 66) we indicated the proper method of fixing the value of mortgages during the period of the depression of which judicial notice must be taken. In all of those later cases this court has indicated, in so far as the questions involved required such indication, the elements that might be taken into consideration in fixing market value as of a definite date.

Indications of the elements that may be considered by the authority fixing value, whether in condemnation cases or in other cases, do not abrogate or destroy the general rule that value must be fixed as of the time when the property was converted or taken. Rules are merely laid down as to the type or character of evidence admissible properly for the consideration of the value-fixing authority in determining the value of property on a particular date.

No hard and fast rule can be laid down that will cover every case or fix in advance the limit of the matters that may be taken into consideration by the commissioners in any particular case. Evidence of such matters, of course, must be relevant. Here, it must be relevant to the question of what constitutes "just compensation" required by the Constitution and "just and equitable compensation which ought justly to be made by the city of New York to the owners or the persons interested in the real estate sought to be acquired or affected," as required by the terms of the act authorizing the taking (Laws of 1905, ch. 724-12) as of the date of taking.

Speaking generally, it may be said that, in condemnation cases, evidence as to the age, location, condition, productiveness or lack thereof, cost and adaptable uses of the property taken or affected by the taking properly has been held relevant to the issue. Evidence of reproduction cost of structures affected less depreciation, improvements made on the property, consequential damage to

portions not appropriated, and the fair market value of the property taken as of the date of appropriation may be relevant, according to the situation in a particular case. There may be many other matters open for consideration by the commissioners. Omission of an attempt to enumerate all is of no consequence here. It would be a difficult and unsatisfactory venture. No single element standing alone is decisive.

In any solution by the commissioners in condemnation proceedings of the question up for determination, there is involved to an appreciable extent a problem of valuation. Neither in the Constitution nor in the act before us is "value" specified in terms as the criterion of just and equitable compensation for the appropriation of real property. Such compensation, however, cannot be less than the "fair market value" of the property taken in terms of cash as of the particular date of taking plus consequential damages to the owner (*South Buffalo Ry. Co. v. Kirkover*, supra; *Smith v. Commonwealth*, 210 Mass. 259, 261). "Fair market value" means neither panic value, auction value, speculative value, ~~speculative value~~, nor a value fixed by depressed or inflated prices. A fair market value is not established by sales where prices offered are so small that only sellers forced to sell will accept them. The mere absence of competitive buyers does not establish lack of a real market. But a market in fact may be established only where there are willing buyers and sellers in substantial numbers. When there is no real market as of a particular date, some indication of the intrinsic economic and commercial value of the property to the owner and of his loss from the appropriation as of that date may be shown by evidence of the "fair market value" of the property, if in substantially the same condition, at the nearest earlier date when there was a fair market. "Fair market value" of property actually taken as of the date of appropriation resides in an estimate and a determination of what is the fair, economic, just and equitable value under normal conditions (*Howell v. State Highway Dept.*, 167 S.C. 217). All elements of value that inhere in the property should be considered (*Heiman v. Bishop*, supra; *Olson v. United States*, 292 U.S. 246, 255, 256).

In the case at bar, evidence was admitted which indicated that appellants' property had no market value on November 16, 1936, and that there was not then and had not been since the fall of 1930 any fair market for real property in the locality where the property in question was situate. The record contains a description of the general financial and economic conditions and market conditions for real estate existing over a period of ten years preceding the date of taking. A witness testified that there had been no substantial change in the physical condition of appellants' property as a whole since the fall of 1930. He gave evidence of its fair market value as of that date. Another witness was permitted to testify as to its fair market value at that time. The award was much lower than the 1930 value fixed by either witness. The city objected to the admission of the testimony of the 1930 value. No error is presented on the record before us in the admission of such evidence. It tended to show what was the intrinsic commercial value of the property as of that date. It was proper for consideration by the commissioners, in connection with the other evidence in the case, on the question as to what was the just and equitable compensation that must be made to the owner under the constitutional mandate and under the statutory requirement (Laws of 1905, ch. 724 - 12) for property taken from him for public use.

The order of the Appellate Division so far as appealed from should be reversed and the order of the Special Term affirmed, with costs in the Appellate Division and in this court. The question certified should be answered in the negative.

Crane, Ch.J., Lehman, O'Brien, Hubbs, Loughran and Finch, J.J., concur.

Ordered accordingly.

January 13, 1951

Mrs. Shimo Kamēda
Port Edward, B. C.

Dear Mrs. Kameda:

Re: Japanese Claims Commission

I have for acknowledgment receipt of your letter of the 8th instant and appreciate receiving your instructions in this matter. There are one or two misconceptions in your letter which I think should be clarified. You state that the Judge established and passed \$3500.00 for the property at Port Essington. However, this is hardly correct. He may have heard your claim at that figure but he did not establish that as the fair market value. With regard to the Port Essington properties that sold, he dealt with them on the same basis as other properties outside Vancouver, that is to say, he gave an award of ten percent on the sale price plus rebate of any charges. However, with regard to the Port Essington properties he recognized the fact that more than any other community in the Province property in this area almost completely lost its value upon evacuation of the Japanese and urged the Government to do more than he was able to recommend dealing with the matter of fair market value.

It is because of this special recommendation of his that there is now some possibility of negotiating with the Custodian for an additional award. However, I am afraid that the additional award will only be a small token amount and will not bring up your total recovery any place near what would have been the fair market value prior to evacuation. We do not wish you to hold your hopes very high as to the recovery. However, a little is better than nothing and the Government is in no way legally obliged to make any further payment. We will do the best for you that we are able.

With regard to the award sheet and Release Form which you have received from the Committee we would

Mrs. Shimo Kameda

- 2 -

January 13, 1951

suggest that you execute the Release Form and forward it to the Committee without delay. We have received a verbal assurance from the Custodian that by executing this Release you will in no way prejudice any additional award which we may be able to negotiate.

Concerning the matter of your Accounts Receivable we can understand that it will be very difficult to collect these accounts at this late date. However, if you are able to give us a list of the better accounts together with details thereof and the present names, addresses and occupations of the debtors we are prepared to make some attempt to try to collect.

Yours truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON

Per

RJM:WD

Expropriation--Expropriation Act, R.S.C. 1927, C. 64 S. 9--
Exchequer Court Act, R.S.C. 1927, C. 34, SS 19(a), 47--Compensation money to be measured by value of the land--Fair market value to be estimated on value for most advantageous use--Evidence of sales of other property useful if property comparable and proper account taken of change in value--Court must value property as a whole--Value to owner is realizable money value--Limited market does not justify departure from valuation on basis of market value--Where property has higher value as a site for other than residential use purposes than for such purposes buildings have no economic value--Award of compensation on basis of generosity erroneous--Owner has no separate claim for damages for disturbance--No claim for additional compensation where value of property for other than residential purpose exceeds value for such purposes by more than owner's loss by disturbance--Owner left in possession not entitled to interest.

HEAD NOTE

Plaintiff expropriated certain property, in the City of Ottawa, on which there was a large private residence. The action is taken to have the amount of the owner's compensation determined by the Court.

HELD:

That the standard for measuring the amount of compensation money to be paid to the owner of expropriated property has been set by section 47 of the Exchequer Court Act as the value of the land at the time when it was taken.

2 That such value is its fair market value estimated on its value for its most advantageous use.

3 That evidence of sales of property near the expropriated property affords an excellent basis for arriving at its market value provided the sales are of property comparable with it, and were made at a time near the date of expropriation, and there has been no change in value in the interval. Evidence of sales made at one time under certain conditions cannot be

similar. The King vs. Halin (1944) S.C.R. 119 followed. Evidence of sales reasonably near the date of expropriation is not without probative value provided proper account is taken of changes in value.

4 That the Court should not estimate the value of the land and buildings separately but must estimate the the market value of the property as a whole The King vs Manuel (1915) 15 Sn C.R. 381 followed.

5 That the value of expropriated property to the owner is not an imaginary value in the mind of the owner or its intrinsic value but its realizable money value and cannot be dissociated from or exceed the price which a possible purchaser would be willing to pay for it. Cedoro Rapids Manufacturing Company, Lacoste (1914) A.C. 569 and Pastoral Finance Association, Limited vs. The Minister (1914) A.C. 1083 followed.

6 That there is no justification in departing from these principles in the case of a property with a large residence on it, such as that of the defendant, because of the limited market for such a property. The King vs. Spencer (1939) En. C.R. 340 disapproved.

7 That where a property on which there is a residence has a higher value as a site for other than residential use purposes than it has for such purposes, the buildings on it, since they are no longer an adequate development of the property or well adopted to the land and its location, having regard to its higher value for other purposes, do not enhance the value of the land or the property as a whole for such other purposes and have no economic value.

8 That the Court has no right to be generous to the former owner of expropriated property. The King vs. Lorivee (1918) 56 Con S.C.R. 376 followed. It is the duty of the Court to be fair and measure to owner's compensation by the standard set by Parliament--the value of the land taken, no less but no more.

9 That the owner of expropriated property has no separate claim for damages for disturbance and where the value

of the property for other than residential use purposes exceeds its value for such purposes by more than the amount of the owner's loss by disturbance of his residential use the owner is not entitled to any additional compensation for such loss. Horn vs. Sutherland Corporation (1941) 2K.B. 26 followed.

10 That where the owner of expropriated property has been left in undisturbed possession of it since the date of its expropriation he is not entitled to any allowance of interest. The King vs. Manuel (1915) 15 En. C. R. 381 followed.

LETTER TO JAPANESE CANADIAN CLAIMANTS
FROM CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

The Co-operative Committee on Japanese Canadians in consultation with the National Japanese Canadian Citizens Association have undertaken to assist Japanese Canadians to present their claims to the Commissioner, The Honourable Mr. Justice Bird, who has been appointed by the Dominion Government to investigate losses caused by the sale at less than fair market value or the loss of real or personal property vested in the Custodian.

The Commissioner has published a notice requiring all claimants to file claims in duplicate verified by statutory declarations sent to the office of the Custodian, Royal Bank Building, Vancouver, B.C., on or before November 30th, 1947.

The Co-operative Committee have printed forms complying with the requirements of the Commissioner and duplicate forms are attached to this letter. These forms should be completed and sent to the above address as soon as possible. We suggest sending them by registered mail. The forms when completed should be taken to a lawyer or Justice of the Peace or other person with authority to take declarations and the statutory declarations should be signed and completed before him. Every effort should be made to put fair and moderate valuations on property lost or sold. Exaggerated claims may prejudice not only the individual claimant but also other claimants. On the other hand in giving estimate of value of land or personal property exact knowledge is not necessary; but fairest and best estimate possible should be made. Where the information required is not known by the claimant, a statement should be written in "information not immediately available." The amount of the loss claimed must be completed. Application may be made to any of the legal firms or lawyers listed below for assistance in completing the forms. After the forms have been filed the Commissioner proposes to visit various centres in each Province in Canada to hear evidence from the claimants. This evidence will be given orally and will consist of evidence given by the claimants themselves and evidence of others who may be able to verify statements as to property left behind and its condition and value. Later, evidence will probably be given in British Columbia as to the values of property.

The Co-operative Committee have arranged in co-operation with the National Japanese Canadian Citizens Association to provide legal assistance to claimants in presenting their evidence and putting forward their case. While claimants are of course entitled to secure whatever legal advice and assistance they see fit it is believed that it will save money and be more efficient if lawyers representing the claimants act in co-operation and under the general guidance of the Co-operative Committee and of the National Japanese Canadian Citizens Association and its affiliated organizations.

A partial list of lawyers representing the Committee is set out below and legal and other expenses such as valuator's fees are to be taken care of by payment of the claimants of a retaining fee of 1% of the lost claim. This payment will be made to the Co-operative Committee or to the National Japanese Canadian Citizens Association to be administered by the former for necessary legal and other expenses. Any proper additional expenses will be paid by the successful claimants proportionately out of monies awarded to them by the Commissioner.

If you wish to avail yourself of the assistance provided by the Committee you are requested to fill in the form addressed to the Co-operative Committee attached hereto and send it out to the person in your Province listed below and if you are not able to send the fee the Committee will still be willing to represent you subject to the advice of the National Japanese Canadian Citizens Association and you should indicate this by putting a check mark in the attached form in the appropriate place. It is essential that this form be sent as soon as possible so that lawyers may be assigned to your case and may secure full information and be able to get in touch with you for consultation before the hearing.

(over)

The claim form addressed to the Co-operative Committee together with the retainer form and 1% legal fee should be sent to your provincial Japanese Canadian Citizens Association or Co-operating Committee as listed below.

NOTE: Make cheques, money orders, payable to Co-operative Committee Claims Fund.

British Columbia: B.C. Japanese Canadian Citizens Association,
Greenwood, B.C.

Alberta: Lethbridge Co-operative Committee,
c/o Mr. W. S. Wallace, Secretary,
Box 629,
Lethbridge, Alberta.
Alberta JCCA chapter to be announced.

Saskatchewan: To be announced.

Manitoba: Manitoba Japanese Canadian Citizens Association,
c/o 504 Talbot Ave.,
Winnipeg, Man.

Ontario: Ontario Japanese Canadian Citizens Association,
84 Gerrard St. East,
Toronto 2, Ont.

Quebec: Quebec Japanese Canadian Citizens Association,
713 Moffat Ave.,
Verdun, Montreal 19, P.Q.

LIST OF LAWYERS REPRESENTING THE CO-OPERATIVE COMMITTEE

British Columbia: Norris & MacLennan, 602 Hastings St. W., Vancouver, B.C.
~~R. J. McMaster, c/o Campbell, Brazier, Fisher & McMaster,
675 Hastings St. W., Vancouver, B.C.~~

Alberta: ✓ W. E. Huckvale, Ritchie & Huckvale, 612 Third Ave. S.,
Lethbridge, Alta.

✓ L. S. Turcotte, Barrister, Lethbridge, Alta.

Saskatchewan: ✓ To be announced.

Manitoba: ✓ S. M. Cherniack, 460 Main St., Winnipeg, Man.

Ontario: ✓ F. A. Brewin, Cameron, Welldon & Brewin, 372 Bay St., Toronto, Ont.

✓ R. A. Best, 15 Toronto St., Toronto, Ont.

Quebec: Roger Ouimet, K.C., 152 Notre Dame, East, Montreal, P.Q.

(over)

LETTER TO JAPANESE CANADIAN CLAIMANTS
FROM CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

The Co-operative Committee on Japanese Canadians in consultation with the National Japanese Canadian Citizens Association have undertaken to assist Japanese Canadians to present their claims to the Commissioner, The Honourable Mr. Justice Bird, who has been appointed by the Dominion Government to investigate losses caused by the sale at less than fair market value or the loss of real or personal property vested in the Custodian.

The Commissioner has published a notice requiring all claimants to file claims in duplicate verified by statutory declarations sent to the office of the Custodian, Royal Bank Building, Vancouver, B.C., on or before November 30th, 1947.

The Co-operative Committee have printed forms complying with the requirements of the Commissioner and duplicate forms are attached to this letter. These forms should be completed and sent to the above address as soon as possible. We suggest sending them by registered mail. The forms when completed should be taken to a lawyer or Justice of the Peace or other person with authority to take declarations and the statutory declarations should be signed and completed before him. Every effort should be made to put fair and moderate valuations on property lost or sold. Exaggerated claims may prejudice not only the individual claimant but also other claimants. On the other hand in giving estimate of value of land or personal property exact knowledge is not necessary; but fairest and best estimate possible should be made. Where the information required is not known by the claimant, a statement should be written in "information not immediately available." The amount of the loss claimed must be completed. Application may be made to any of the legal firms or lawyers listed below for assistance in completing the forms. After the forms have been filed the Commissioner proposes to visit various centres in each Province in Canada to hear evidence from the claimants. This evidence will be given orally and will consist of evidence given by the claimants themselves and evidence of others who may be able to verify statements as to property left behind and its condition and value. Later, evidence will probably be given in British Columbia as to the values of property.

The Co-operative Committee have arranged in co-operation with the National Japanese Canadian Citizens Association to provide legal assistance to claimants in presenting their evidence and putting forward their case. While claimants are of course entitled to secure whatever legal advice and assistance they see fit it is believed that it will save money and be more efficient if lawyers representing the claimants act in co-operation and under the general guidance of the Co-operative Committee and of the National Japanese Canadian Citizens Association and its affiliated organizations.

A partial list of lawyers representing the Committee is set out below and legal and other expenses such as valuator's fees are to be taken care of by payment of the claimants of a retaining fee of 1% of the lost claim. This payment will be made to the Co-operative Committee or to the National Japanese Canadian Citizens Association to be administered by the former for necessary legal and other expenses. Any proper additional expenses will be paid by the successful claimants proportionately out of monies awarded to them by the Commissioner.

If you wish to avail yourself of the assistance provided by the Committee you are requested to fill in the form addressed to the Co-operative Committee attached hereto and send it out to the person in your Province listed below and if you are not able to send the fee the Committee will still be willing to represent you subject to the advice of the National Japanese Canadian Citizens Association and you should indicate this by putting a check mark in the attached form in the appropriate place. It is essential that this form be sent as soon as possible so that lawyers may be assigned to your case and may secure full information and be able to get in touch with you for consultation before the hearing.

(over)

The claim form addressed to the Co-operative Committee together with the retainer form and 1% legal fee should be sent to your provincial Japanese Canadian Citizens Association or Co-operating Committee as listed below.

NOTE: Make cheques, money orders, payable to Co-operative Committee Claims Fund.

British Columbia: B.C. Japanese Canadian Citizens Association,
Greenwood, B.C.

Alberta: Lethbridge Co-operative Committee,
c/o Mr. W. S. Wallace, Secretary,
Box 629,
Lethbridge, Alberta.
Alberta JCCA chapter to be announced.

Saskatchewan: To be announced.

Manitoba: Manitoba Japanese Canadian Citizens Association,
c/o 504 Talbot Ave.,
Winnipeg, Man.

Ontario: Ontario Japanese Canadian Citizens Association,
84 Gerrard St. East,
Toronto 2, Ont.

Quebec: Quebec Japanese Canadian Citizens Association,
713 Moffat Ave.,
Verdun, Montreal 19, P.Q.

LIST OF LAWYERS REPRESENTING THE CO-OPERATIVE COMMITTEE

British Columbia: Norris & MacLennan, 602 Hastings St. W., Vancouver, B.C.
R. J. McMaster, c/o Campbell, Brazier, Fisher & McMaster,
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Alberta: W. E. Huckvale, Ritchie & Huckvale, 612 Third Ave. S.,
Lethbridge, Alta.
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R. A. Best, 15 Toronto St., Toronto, Ont.

Quebec: Roger Ouimet, K.C., 152 Notre Dame, East, Montreal, P.Q.

(over)

RETAINER

I hereby retain the Co-operative Committee on Japanese Canadians which is acting in consultation with the National Japanese Canadian Citizens Association to present my claim to the Custodian and to secure such legal assistance, valuator's reports, and other information as may be necessary and I enclose, herewith, \$..... being 1% of the total claim which I have made as a retaining fee and undertake to pay proportionately out of any monies that I may be awarded by the report of the Commissioner my share of such further legal and valuation and other expenses and disbursements as may be approved by the Co-operative Committee.

N.B.: If your financial circumstances do not enable you to pay this fee, kindly mark an X in the blank space after the following statement:

I wish to retain the Co-operative Committee to act for me, but I am not in a financial position to pay any retaining fee. I am willing that my share of the expenses of presenting my case should be paid out of such monies as I may be awarded by the Commissioner.

.....
Signature

IMPORTANT — make cheques, money orders, payable to **Co-operative Committee Claims Fund**, and send with this retainer form and claim form addressed to the Co-operative Committee to your provincial Japanese Canadian Citizens Association or Co-operating Committee as listed in accompanying letter.

RETAINER

I hereby retain the Co-operative Committee on Japanese Canadians which is acting in consultation with the National Japanese Canadian Citizens Association to present my claim to the Custodian and to secure such legal assistance, valuator's reports, and other information as may be necessary and I enclose, herewith, \$..... being 1% of the total claim which I have made as a retaining fee and undertake to pay proportionately out of any monies that I may be awarded by the report of the Commissioner my share of such further legal and valuation and other expenses and disbursements as may be approved by the Co-operative Committee.

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I wish to retain the Co-operative Committee to act for me, but I am not in a financial position to pay any retaining fee. I am willing that my share of the expenses of presenting my case should be paid out of such monies as I may be awarded by the Commissioner.

.....
Signature

IMPORTANT — make cheques, money orders, payable to **Co-operative Committee Claims Fund**, and send with this retainer form and claim form addressed to the Co-operative Committee to your provincial Japanese Canadian Citizens Association or Co-operating Committee as listed in accompanying letter.

KNOW ALL MEN BY THESE PRESENTS that I,
HATSU SABURO, OIKAWA. of O.K. CENTRE. B.C., in
consideration of the sum of SIX DOLLARS AND FIFTY CENTS
(\$6.50) for each instruction given to Messrs. Campbell,
Brazier, Fisher & McMaster with respect to the matters
hereinafter referred to do hereby remise, release and
forever discharge CAMPBELL, BRAZIER, FISHER & McMASTER,
their respective heirs, executors and administrators of
and from all manner of actions, causes of action, suits,
debts, duties, accounts, bonds, covenants, contracts,
claims and demands whatsoever which against the said
Campbell, Brazier, Fisher & McMaster I ever had, now
have, or which my heirs, executors, administrators and
assigns, or any of them hereafter can, shall or may have
for or by reason of any cause, matter or thing whatsoever
existing up to the present time and more particularly,
but not so as to limit the generality of the foregoing,
of or by reason of any monies paid to Messrs. Campbell,
Brazier, Fisher & McMaster directly, or through the Japanese
Committee at TASHME, British Columbia, upon
instructions on behalf of myself (and _____)
to take Habeas Corpus proceedings, or otherwise with respect
to the threatened deportation of persons of the Japanese
Race by the Government of the Dominion of Canada and I here-
by authorize Messrs. Campbell, Brazier, Fisher & McMaster
to pay the said sum of money to British Columbia Japanese
Canadian Citizens' Association, Greenwood, B. C. to be
remitted to me and release them from liability to see to
the application thereof.

IN WITNESS WHEREOF I have hereunto set my hand and
seal at OKANAGAN CENTRE. B.C. this 5th day of August, 1947.

SIGNED, SEALED AND DELIVERED

In the Presence of:

T. Horinuchi.

H Oikawa

Okanagan Centre, V. 358

OIKAWA, HACHISABURO OKANAGAN CENTRE, B. C. 11888
 Surname Christian name (Address) Reg. No.
May, 1883 Miyagiken, Japan Married
 Date of Birth Place of Birth Married or single

Names, ages and places of birth of wife or husband and children:

Nitsun Oikawa, 62 Iwate-ken, Japan (Wife)
Mitsuo Oikawa 32 Vancouver, B. C. (Son)
Yoshio Oikawa 30 Whonnock, B. C. (Son)
Shizuo Oikawa 28 Whonnock, B. C. (Son)
Yasuo Oikawa 26 Whonnock, B. C. (Son)
Massao Oikawa 24 Whonnock, B. C. (Son)

September 1907 Victoria, B. C. Unknown
 Date of first entry into Canada Port of Entry Place of issue and date of passport
Not returned ----- ----- -----
 If returned to Japan When How long Reasons

 Date of last entry into Canada

Have you ever been imprisoned or fined? Give details: NO

When and where did you sign "Repatriation" form? May, 1945 at Winfield, B. C.

Was it a form presented by the R. C. M. P. Yes

Was any specific pressure put on you to sign? Give details: By whom? NO. But
rumours current at the time led me to believe that there would be comp-
ulsory transfer East of the Rockies. Due to my age and physical con-
dition, I would find it difficult to relocate, consequently, I signed
for repatriation due to fear of a compulsory transfer.

Was anything said about cancelling it? Give details. By whom? No, but I heard
at the time that cancellation was possible at a later date.

Have you ever made a declaration or application other than the "Repatriation" form?

Yes, made application for cancellation of Repatriation Form to the
B. C. Security Commission, Vancouver, B. C.

In the event of the Government of Canada, or any of its officials, agents or servants, carrying out its expressed intention to remove from Canada certain persons of Japanese racial origin, and in the event of me, or any member of my family being involuntarily taken into custody by any person upon the alleged authority of the said Government, or any of its officials, agents or servants or by any constable of the Royal Canadian Mounted Police or any other constable, I hereby instruct R. J. McMaster, Esq., of the firm of Campbell, Brazier, Fisher & McMaster or such person or persons as he may instruct to forthwith issue Habeas Corpus proceedings or such other proceedings as he may deem fit with a view to the prevention of my removal from Canada.

Date: January 30, 1946.

WITNESS: T. Taiji

H. Oikawa

Signature

CLAIM NO. 36 - Sadahiro ASARI

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

The claim is made in respect of the Motor Screw Vessel "GLENDALE V" B.H.P. 51.5 ft. long, breadth to outside of plank 14.3 ft. depth from top of deck to bottom of keel 8.6 ft., gross tonnage 33.82 tons, registered tonnage 26.78 tons.

The claimant alleges that the vessel was built in July 1940 at a cost of \$18,000. H. Bell Irving & Co. Ltd. assisted the claimant to finance construction, and hold a mortgage dated June 4th 1940 charged upon the vessel for the sum of \$8000.

The claimant claims the difference between the value of boat and equipment at \$18,000. and the selling price paid to the claimant of \$14,647., that is to say \$3353.

The claimant further claims for charter hire from January 14th 1942 to August 26th 1942, at \$21.00 per day, \$4725.00.

The vessel was "requisitioned for naval service" by the Director of Marine Services on a bare boat basis. "The terms of charter hire will be determined later." Vide telegram, Director Marine Services to claimant dated January 14th 1942 (Exhibit 2 in Claim No. 36)

The vessel is shewn to have been in the custody of the Director of Marine Services or the Department of Munitions and Supply continuously from the date of requisition to August 26th 1942, when it was sold to the Department of Munitions and Supply.

In my opinion the evidence of the claimant and the documents filed on the Inquiry establish that a contract was made, whereby the Director of Marine Services agreed

to pay an undetermined sum as charter hire.

Charter hire was not determined at any time. I therefore conclude from the terms of the requisition order that the Director of Marine Services must be taken to have agreed to pay a reasonable charter hire for the period during which the vessel is shown to have been kept in his possession.

The claimant has sworn that the charter rate paid for this vessel prior to the date of its requisition was \$21.00 per day. In the absence of other evidence I conclude that the claimant has established prima facie the right to recover for charter hire the sum of \$4725.00.

The documents filed on the Inquiry, including letters and telegrams by K. Kimura representing the Japanese Fishing Vessels Disposal Committee, which are marked as Exhibits 4, 5, 6, 7 and 8 in Claim No. 36, show that Kimura informed the claimant that the Department of Munitions and Supply had fixed the selling price on the basis of the value of the vessel at the date it was requisitioned for charter, i.e. January 1942 - "if you are not satisfied with this price you must go to the Exchequer Court in Ottawa and await their decision." In Exhibit 8 Kimura refers to the fact that C. Nakamura, the owner of three vessels, had no alternative but to accept the Department's offer for his vessels and "had to concede to the offer".

I conclude from examination of this correspondence that the claimant accepted the proposed price unwillingly notwithstanding his belief that the fair market value of the vessel was the cost of the same to himself 18 months prior to the requisition. There is nothing on the material

before me to indicate that he was a free agent in the making of this sale. In the absence of other evidence, I consider that the claimant has established prima facie that the fair market value of the vessel at the date of sale was \$18,000.00, or \$3353.00 in excess of the price paid to him.

"H. I. Bird"

H. I. BIRD

Commissioner.

CLAIM NO. 43 - Ukichi NITSUI

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

This claim is made in respect of the Motor Vessel "SILVER SPRING" and the equipment thereon.

The vessel was requisitioned for hire on a bare boat basis for service with the R.C.A.F. "terms of charter hire to be determined later" by telegram April 11th 1942 from the Director of Marine Services to the claimant at Ucluelet, B.C. (vide Exhibit 1 Claim No. 43).

On June 5th 1942, W. G. Stickney, Esquire, Secretary of the Advisory Board on requisitioning, wrote to the claimant advising that a hearing of the Board would be held June 10th 1942. There is no evidence before me to show that the charter hire of the vessel was determined, If it was determined, the claimant was not advised of the rate fixed. He has testified that the charter rate was \$10.00 per day.

The vessel appears to have been sold by the claimant to the Director of Marine Services as at July 31st 1942, and will therefore have been held under charter for a period of 91 days. I conclude from consideration of the claimant's evidence and the documents filed before me that a contract was made for charter of this vessel at a reasonable rate which I conclude on the evidence was \$10.00 per day. I consider that the claimant has established prima facie liability on the part of the Director of Marine Services for charter hire in the sum of \$910.00.

This vessel is shown to have been appraised in April 1942 at the sum of \$3750.00 by an appraiser appointed for the purpose by the Japanese Fishing Vessels Disposal Committee. Apart from a memorandum filed by Counsel for

the Government to the effect that the appraisal at this price was made, there is no other material before me to support it. The claimant alleges that the vessel had a fair market value at the date of sale of \$4000.00.

I consider that the claimant has established prima facie a liability by the Director of Marine Services on the sale of the vessel in the sum of \$250.00.

The claimant further alleges that there was delivered to the Navy, upon surrender of his vessel, equipment to the value of \$392.97 (vide Exhibit 9, Claim No. 43). It does not appear that compensation was paid to him for such equipment. I consider that the claimant has established prima facie a liability on the part of the Government of \$392.97 in respect of this equipment.

The total prima facie liability established - \$1552.97.

"H. I. Bird"

H. I. BIRD

Commissioner.

April 4th 1950.

CLAIM NO. 211 - Kunimatsu SAIMOTO

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

This claim is made in respect to a 60 h.p. Diesel powered fishing vessel used as a fish packer, gross tonnage 39.01 tons, net tonnage 26.53 tons. The value of the vessel when requisitioned by the Director of Marine Services in February 1942 was estimated by the claimant at \$10,000.00 (vide Exhibit 14, Claim No. 211). The vessel is said by the claimant to have been requisitioned for charter by the Department of Munitions and Supply about February 15th 1942. His evidence is verified to some extent by a letter from W. G. Stickney, Secretary of the Advisory Board on requisitioning, under date of April 30th 1942 (vide Exhibit 9, Claim No. 211), as well as a letter from the Commanding Officer Auxiliary Vessels, H.M.C.S. "GIVENCHY" to A. E. McMaster, Japanese Fishing Vessels Disposal Committee, under date of 19th May 1942 (vide Exhibit 10).

The vessel was appraised upon instructions of the J.F.V.D.C. at \$8750.00 at the time when the same was requisitioned for charter, and subsequently was requisitioned for purchase by the same Department about August 1st 1942.

The vessel consequently was held by the Director, of Munitions and Supply, under charter for 168 days. The claimant testified that his boat was normally chartered prior to evacuation at \$32.00 per day, bare boat. Counsel for the claimant has suggested that a reasonable

charter rate would have been \$15.00 per day, or a total of \$2520.00, from which sum he concedes that a depreciation allowance of 5% might properly be deducted, leaving a balance of \$2318.65.

In the absence of any documentary evidence to establish the fact of charter on a bare boat basis, it is not possible for me to reach any firm conclusion as to what understanding existed between the Department of Munitions and Supply and the claimant. If it appeared that there was a charter on a bare boat basis, I consider that the sum claimed by the claimant for the period under charter, i.e. \$2318.65, is fair and reasonable.

The claimant further seeks to recover gear which is shown to have been missing from the vessel at the time when she was requisitioned for purchase. An inventory of this lost gear, verified by the Commanding Officer, Auxiliary Vessels, is found in Exhibits 10 and 11, Claim No. 211.

Counsel seeks to recover on the basis of the overall recommendation made in the general investigation 45% of the claim value of this gear, i.e. \$80.82. I consider that the loss of this gear is established on the material filed as Exhibit 10, and under the circumstances that the claim of \$80.82 is fair and reasonable.

H. I. BIRD

Commissioner.

April 4th 1950.

SPECIAL REPORT

CLAIM NO. 142 - Zennosuke INOUE

This claim was made in respect of an 80 acre parcel of farm land situate in the Municipality of Surrey. It was sold by the Custodian to the Director, Veterans Land Act, the selling price being based upon an appraisal made by the Soldiers Settlement Board valuers at \$3980.00.

Upon the presentation of the claim at Vernon, B.C., it appeared that the claimant was a Canadian Veteran of the 1914-18 war, who served for approximately 2 years in the 52nd Battalion C.E.F., and was wounded on the Somme. Upon his discharge from the Army, he took up the farm which is the subject of this claim, under the provisions of the Soldiers Settlement Act, developed the property, and lived thereon for more than 20 years until he was evacuated as a person of Japanese origin in the Spring of 1942.

I immediately reported these circumstances to the Minister of Veterans Affairs. Investigation by his Department established the fact that the farm had not been re-sold by the D.V.L.A., and as a result the farm was restored to the claimant, who is now in occupation.

Counsel for the claimant now informs me that the property suffered abnormal depreciation in the period of 7 years during which it was held by the D.V.L.A. He therefore requests that compensation be paid to the claimant.

The extent of the depreciation is estimated by Fred M. Clement, former Dean of Agriculture at the University of British Columbia, at from \$2000.00 to \$2500.00. I make no comment upon the report which is attached hereto, other than to say that Dean Clement has made many examinations of farm lands, the subject of claims which have been considered on this Inquiry. He testified in regard to many of these claims. I have found the information furnished by him most reliable

and helpful in determining fair market value at the date of sale by the Custodian.

I conclude from Dean Clement's report that the claimant has suffered substantial loss in respect to the farm property, as a result of his evacuation.

H. I. BIRD

Commissioner.

CLAIM NO. 491 - Denjiro OKABE.

Special compensation is sought by this claimant in respect of a parcel of land held by him under lease dated April 1st 1941, for a term of 8 years (vide Exhibit 12).

It appears from the testimony of the claimant that he had cultivated this property and had planted thereon 5000 rhubarb roots at a cost of \$1625.00.

It does not appear that the leasehold was sold or otherwise dealt with by the Custodian, the lease having terminated in consequence of the claimant's evacuation.

Fred M. Clement, formerly Dean of Agriculture, University of British Columbia, has reported that the plantation had a value of \$400.00 for the unexpired portion of the term.

Since it has not been shewn that the claimant's interest was sold by the Custodian, I have held that the claim does not fall within the terms of reference. However, on Counsel's request, I have stated that I would report the situation to the Governor-General in Council, since it is apparent that, due to the evacuation, the claimant has suffered a substantial loss.

In view of Dean Clement's evidence, it is not possible to say that the loss is greater than the sum of \$400.00, although the claimant's evidence would make it appear that he had a capital investment of not less than \$1600.00 in the property.

Since the claim is not one open for consideration, I refrain from any recommendation.

H. I. BIRD

Commissioner.

CLAIM NO. 341 - Nobukichi TAKAI

A claim was not filed by this claimant, due to the fact that he had been advised by his Counsel that his claim did not fall within the terms of reference. However, the claimant appeared before His Honour Judge Dawson, Sub-Commissioner, at Grand Forks.

It appears that the claimant and his family were required to vacate his premises at Egmont, B.C., an isolated fishing community on the Coast of British Columbia, on 24 hours notice. The transcript of his evidence, particularly at page 5, shows that he valued his general store, stock-in-trade, household goods and fish buying float at \$5000.00, and 2 floats at \$1200.00, totalling \$6200.00. In view of the fact that he was required to vacate on such short notice, and his belief that the property would be raided by neighboring Indians if left alone, he effected a sale to Queen Charlotte Fisheries Ltd. of all his property situate at Egmont, for the sum of \$2000.00. The Custodian has no information whatever in regard to this matter. Consequently, there is no material before me other than the statement of the claimant.

I have directed Counsel for the claimant to endeavor to obtain some information by letter from Queen Charlotte Fisheries Ltd., with a view to incorporating that letter in this report.

"H. I. BIRD"

Commissioner

PORT ESSINGTON PROPERTIES

Prior to evacuation of persons of the Japanese race from the protected areas of British Columbia, Port Essington was a fishing community situate 25 miles north of Prince Rupert, wherein two of the claimants had lived and carried on business for more than 35 years. Approximately one-third of the population of the settlement were persons of the Japanese race.

Prior to 1940 several large canneries had been established and were carrying on business in the immediate vicinity of this community, the presence of which created employment for the inhabitants. The evidence establishes that commencing in 1940 the population of the community had decreased progressively, due to the removal of certain of the cannery plants, the last of which was removed about 1944. Consequently Port Essington was reduced to the status of a "ghost town" by 1944, when the policy of liquidation of evacuated persons was adopted by the Dominion Government.

The Custodian found it to be practically impossible to find purchasers for real property situate in this community at prices which were in any respect commensurate with assessed values. Sales of real property which were made by the Custodian between 1944 and 1946 are shown to have been made at figures substantially lower than Provincial Government assessments, a situation which, in my opinion, was attributable in part to the changes brought about by the removal of canneries and in part to the evacuation of persons of the Japanese race, who constituted a substantial part of the population.

Claims were filed and investigated on this Inquiry by 4 former residents of the community, to which claims

particular reference is made later. Real properties of 6 other persons of the Japanese race, who did not file claims, were administered by the Custodian, but I am informed by the Custodian that none of the properties of these persons were sold.

The over-all recommendation made in respect of rural properties (vide General Report) has been applied to real property of 3 of the persons who filed claims in respect thereof. Particulars of these claims are now set out.

CLAIM NO. 44 - Mrs. Shino KAMEDA

The claimant was the owner of Lots 7 and 8, of Block 2, D. L. 445, Port Essington Townsite, on which was erected a dwelling and general store which had been operated by the claimant and her deceased husband for 37 years. The original cost of these buildings in 1923 was shown to be \$3500.00 and the cost of repairs and alterations made in 1933 - \$1750.00. The claimant carried a stock-in-trade of \$6000.00 and had operated a profitable business for many years. A photograph of these premises filed on the Inquiry shows a well finished frame building, apparently maintained in a good state of repair.

The Custodian was unable either to find a tenant or a purchaser for these premises. There is evidence that the premises had deteriorated substantially between the time of the claimant's evacuation and 1949 when the Custodian was divested of the property.

The claim made by this claimant in respect of loss sustained on sale of the stock-in-trade of the store and of her personal property was investigated and a recommendation made which is set out in Appendix I to the

General Report. It is apparent that the claimant, who was a person of some substance, suffered material loss as a result of the evacuation policy.

CLAIM NO. 45 - Suekichi HONKAWA

The claimant was the owner of a small dwelling and boat shed, wherein he conducted prior to evacuation a boat repair and boat building business. The buildings were erected in 1928, and were valued by the claimant for the purpose of his claim at \$1500.00, a valuation which on the evidence before me cannot be substantiated.

These premises were appraised in 1944 on instructions of the Custodian at the sum of \$900.00. They were again appraised in 1946 at \$500.00, and were sold in 1946 for \$500.00.

A recommendation has been made for payment to this claimant of the sum of \$53.00 based on the over-all recommendations applied to rural properties. It is my opinion that the selling price of \$500.00 does not fairly represent fair market value in an inhabited community. The loss sustained by this claimant appears to have arisen to a substantial degree as a result of the evacuation policy.

CLAIMS NOS. 694 and 1289 - KISHIMOTO Eiji and Natsuo

This is a joint claim made in respect of Lot 6, Block 3, Port Essington Townsite, owned jointly by the claimants, being a general store and residence. This property was assessed in 1940 at \$2625.00. In 1944 the Provincial Government assessment was reduced to \$1150.00, no doubt in consequence of the changed conditions which had occurred in this community. The property was appraised on instructions of the Custodian

in 1946 and was sold in May 1946 at \$750.00.

It is described as a city lot on which were erected a general store with 2 living rooms above, also a small dwelling at rear. The condition of the buildings is reported to have been good.

The fact that this property was sold at \$400.00 less than the reduced assessed value of 1944 suggests that its fair market value could not be obtained, due to the change in conditions.

CLAIM NO. 1016 - Matsuiro OHASHI

The claim is made in respect of 3 parcels of real property; One, a frame dwelling on Lots 1 and 2, S. 1/2 Block 2, Port Essington Townsite, was valued by the claimant at \$489.75, and was sold in June 1945 for \$175.00. The Appraiser's report has application to this as well as other developed properties in the townsite. He says (Exhibit 6) "The property situation at Port Essington is "very stagnant and from all appearances indications seem to point to continuation of that condition and can under-stand difficulty in even getting offers for property there. "It was thought for a time that as the town was more or "less established and dwellings were available at very low "cost there might be resettlement there, but the canneries "have moved further down the river. Nelson Bros., the last "big one, is at Port Edward. This has a bearing on values ".... as it affects all properties in this district."

A recommendation for payment of \$38.75 to this claimant in respect of the parcel before mentioned has been made, based upon the over-all recommendation relating to rural properties (vide General Report).

Neither of the other parcels could be sold, and undoubtedly will have deteriorated, since neither were occupied for a period of 7 years.

Properties which the Custodian found it impossible to rent or sell, all of which remained unoccupied during the period of 7 years when vested in the Custodian, will no doubt have deteriorated appreciably. I have not been furnished with sufficient information as to the extent of deterioration to permit of any monetary recommendation. I am satisfied from the available material that persons who have made claims in respect of real property situate in Port Essington and which was sold by the Custodian have suffered some loss on the sale, which is attributable in part to the operation of the evacuation policy and in part to the depressed market conditions described by the appraisal report referred to under the head of Claim No. 1016. If it is proposed to pay compensation to these claimants in addition to the sum recommended for payment, i.e. 10% of the sale price, plus \$12.50, I consider that the additional sum should not be greater than 50% of the difference between the assessed value and selling price of each property, this conclusion being based on the assumption that 50% of the loss was attributable to the change in market conditions referred to.

H. I. BIRD

Commissioner.

April 4th 1950.

CLAIM NO. 645 - Zentaro ARIZONO

This claim is made in respect of a fishing boat "HINATA I" which had been left by the claimant at the Suyehiro Boat Works, Cow Bay, near Prince Rupert, sometime prior to December 1941.

The evidence discloses that at the date the claimant first reported to the R.C.M.P. he was temporarily resident in Vancouver. He was not permitted to return to Prince Rupert. Consequently he reported the vessel as having been left at the boat works above mentioned, near Prince Rupert, in his J.P. form made April 9th 1942. It was then his belief that the vessel had been taken into custody of the Navy, in which it now appears that he was wrong.

The Executive Assistant of the Japanese Fishing Vessels Disposal Committee received a report under date of October 29th 1942 from the Canadian Fishing Company, marked as "Exhibit 7" on the Inquiry, to the effect that this vessel had been left at Cow Bay and was "in such shape that it was "not advisable to move it, as we could see very little salvage "had it been taken from where it was beached. Each tide "was going in and out, making the engine and boat quite "useless. This condition was given to Commander Reed's "Department verbally by the writer upon his arrival in "Prince Rupert about the end of April this year."

On the 27th November 1942 a report was made by F. H. Smyley, Extended Defence Officer, to the Commanding Officer H.M.C.S. CHATHAM, Prince Rupert, B.C., to the effect that the claimant's vessel was not taken over by the Navy as "the boat is a complete wreck and the engine has been "removed."

It appears that the wreck was sold by the Custodian for the sum of \$10.00 in June 1943.

It is apparent from the foregoing that the Custodian had no direct responsibility for this vessel until the same was vested in that Department as at August 1st 1942. By that time it had so deteriorated as to be virtually valueless. However, it does appear that the location of the vessel was reported to the Custodian by the claimant in April 1942, and that the latter immediately communicated with the Executive Assistant to the Japanese Fishing Vessels Disposal Committee, resulting in a report made verbally in the same month. The condition of the vessel at that time was no better than as described in the reports mentioned.

In the circumstances I find it impossible to reach any conclusion as to the value of the vessel at the date of the claimant's evacuation, but the only evidence of value indicates that it then had substantially greater value than at the date when it was sold. I consequently have rejected the claim, but at Counsel's request file this report.

H. I. BIRD

Commissioner.

CLAIM NO. 483 - WESTERN CANADA HOP CO-OPERATIVE UNION

This organization of persons of the Japanese race filed a claim in respect of 2 acres of land situate near Mission, B. C., being the North West 1/4 Section 20, Township 17, Block 3, upon which the Union had erected, at a cost of approximately \$7500.00, a drying plant for the drying of hops.

The Custodian was unable to sell the property. Presumably it is now open to the owners to resume possession.

I rejected the claim as one which was not authorized under the terms of reference. However, I have been asked by Counsel for the claimants to report the situation to the Executive Council.

I am advised by the Custodian that this plant was erected in or about the year 1941, and probably cost about \$7000.00. The Custodian received an offer of \$2000.00, which was rejected.

Such material as there is before me supports the conclusion that the claimants suffered a considerable loss in consequence of the carrying out of the evacuation policy. I have no sufficient material before me on which to base any recommendation. Counsel for the claimants proposed, at the time the claim was presented on September 30th 1949, that the claimant should be paid \$4000.00.

"H. I. Bird"

Commissioner.

October 28th 1949.

CLAIMS RELATING TO REAL PROPERTY AT HAKODA BAY, B.C.

A claim was filed by each of the following persons in respect of a dwelling situate on a 5 acre parcel of land on the shore of Hakoda Bay, near Ucluelet, B. C., particulars of which, with assessed values, and the price realized on sale by the Custodian, are as follows:

CLAIM NO.	CLAIMANT	DWELLING	1946 Ass'd. Val.	SALE PRICE
787	YOSHIHARA N.	7 room unfinished	\$1600.00	\$ 623.44
788	YOSHIHARA M.	6 room new	1300.00	506.54
888	OYE, Tsunetaro	5 room built 1924	900.00	350.68
1101	HAKODA, Yutaka	6 room built 1923	1000.00	389.65
1108	NASU, Minoru	7 room built 1941 \$1800.	1850.00	720.85
1339	WATANABE T.	6 room built 1924	1100.00	428.62
1343	MATSUHARA C.		1000.00	389.65
1368	TERASHITA S.	8 room built 1927 Add'ns. 1936, 1941.	1600.00	623.44
			\$10350.00	\$4032.87

These claims had been classified as rural real property at the end of the first year of the Inquiry, and recommendations were proposed to be made in respect thereof on the over-all basis applied to rural real property, i.e., 10% of selling price, plus selling expense charged to the claimants' account by the Custodian. Consequently there was credited to each of these claimants in Appendix I to the General Report the sums to which each claimant had been found entitled on the over-all basis.

After Appendix I had been completed, Counsel for these claimants submitted that these claims should be classified as special cases, in which submission I concurred for the reasons later mentioned.

It follows therefore that the sums credited in Appendix I, shown opposite the claimant's name above, must be deducted from the recommendations now made. I have therefore set out in the concluding paragraph of this report, opposite each claimant's name, the sum so credited in Appendix I, as well as the balance to which he is entitled on the basis of the recommendation now proposed.

The claimants prior to evacuation were fishermen, residents of a remote and isolated fishing community situate on the west coast of Vancouver Island, occupied only by persons of the Japanese race. The dwellings, with the exception of those to which claims Nos. 787 and 788 relate, were built prior to 1930, and were not entirely finished but nevertheless were habitable. The older dwellings appear to have been adequately maintained up to the claimants' evacuation.

The Custodian was unable either to rent or sell these dwellings in the three years following the evacuation of the owners, during which period the settlement was unoccupied.

In October 1945, the entire settlement comprising 60 acres of land on which stood 11 dwellings was sold en bloc to the Department of Indian Affairs for the sum of \$4750.00, the price having been based on appraisals made by two valuers employed by the Custodian and another appraisal made by Soldier Settlement Board valuers.

It is abundantly clear that no market existed in the period under review for any property in this remote settlement. I have no doubt that the Custodian was fortunate to find a purchaser in the Department of Indian Affairs even at a price more than 100% lower than the

aggregate assessed value. However, the price paid on a sale made in these circumstances I think will have been substantially lower than the fair market value of such properties had the settlement then existed as an inhabited community.

In these circumstances the task of determining fair market value as at the date of sale in 1946 presents peculiar difficulties, since the dwellings and land when sold comprised the majority of the habitations in a deserted community, a condition which arose in consequence of the evacuation policy.

The appraisals furnished to the Custodian I find of little value, since it is not possible to determine with any degree of certainty to which dwelling a particular estimate relates. The S.S.B. appraisal on twelve 5 acre parcels and 7 dwellings thereon is shown by Exhibit 127 to have been \$3625.00, but no details of the appraisals were furnished, nor is there any identification of the dwellings appraised. The most reliable estimates of value available to me are those of the Provincial Government assessors made for taxation purposes, pursuant to R.S.B.C. 1948 Cap. 332, Sect. 30, showing an aggregate assessment for 1946 on the 8 parcels and dwellings now under consideration at \$10,350.00, the distribution between the parcels being set out above.

I have therefore approached the problem on the assumption that at the date of sale Hakoda Bay was an inhabited settlement, of which the claimants' properties constituted the major part. On this basis, and not otherwise in my opinion, is it possible to envisage "a purchaser willing but not obliged to buy" property from "an owner willing but not obliged to sell" (vide Appendix III,) or to determine the

sum which "a prudent man in the position of the owner would pay rather than to be ejected from the property "

- Diggon-Hibben v. Regem, 1949 S.C.R. 712.

Therefore I consider that fair market value of these properties may fairly be estimated at 75% of the 1946 assessed value as shown above. The assessed values are depreciated to the extent of 25% since I assume that the assessor's inspection of the premises in this remote district will have been some years before the time of sale. I therefore find that the fair market value of the respective properties is as follows:

	<u>Fair market value</u>	<u>Credit given Appendix I</u>	<u>Recommendation now made.</u>
No. 787 YOSHIHARA N.	\$1200.00	\$ 74.84	\$501.72
788 YOSHIHARA M.	975.00	63.15	405.31
888 OYE T.	675.00	47.56	276.76
1101 HAKODA Y.	750.00	51.46	308.99
1108 NASU M.	1387.50	84.58	582.07
1339 WATANABE T.	825.00	55.36	341.02
1343 MATSUHARA C.	750.00	51.46	308.89
1368 TERASHITA S.	1200.00	74.84	501.72

I THEREFORE RECOMMEND payment to the respective claimants of the difference between the market value so ascertained, less credits given in Appendix I, and the sum realized on sale by the Custodian. In arriving at this estimate, I have taken into account the fact that on the sale made by the Custodian there was deducted from the sum to which the claimant was entitled the equivalent of 3 years taxes on his property, which had accrued subsequent to the claimant's evacuation.

"H. I. BIRD"

Commissioner.

April 4th 1950.

CLAIM NO. 36 - Sadajiro ASARI

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

The claim is made in respect of the Motor Screw Vessel "GLENDALE V" B.H.P. 51.5 ft. long, breadth to outside of plank 14.3 ft. depth from top of deck to bottom of keel 8.6 ft., gross tonnage 33.82 tons, registered tonnage 26.78 tons.

The claimant alleges that the vessel was built in July 1940 at a cost of \$18,000. H. Bell Irving & Co. Ltd. assisted the claimant to finance construction, and hold a mortgage dated June 4th 1940 charged upon the vessel for the sum of \$8000.

The claimant claims the difference between the value of boat and equipment at \$18,000. and the selling price paid to the claimant of \$14,647., that is to say \$3353.

The claimant further claims for charter hire from January 14th 1942 to August 26th 1942, at \$21.00 per day, \$4725.00.

The vessel was "requisitioned for naval service" by the Director of Marine Services on a bare boat basis. "The terms of charter hire will be determined later." Vide telegram, Director Marine Services to claimant dated January 14th 1942 (Exhibit 2 in Claim No. 36)

The vessel is shewn to have been in the custody of the Director of Marine Services or the Department of Munitions and Supply continuously from the date of requisition to August 26th 1942, when it was sold to the Department of Munitions and Supply.

In my opinion the evidence of the claimant and the documents filed on the Inquiry establish that a contract was made, whereby the Director of Marine Services agreed

to pay an undetermined sum as charter hire.

Charter hire was not determined at any time. I therefore conclude from the terms of the requisition order that the Director of Marine Services must be taken to have agreed to pay a reasonable charter hire for the period during which the vessel is shewn to have been kept in his possession.

The claimant has sworn that the charter rate paid for this vessel prior to the date of its requisition was \$21.00 per day. In the absence of other evidence I conclude that the claimant has established prima facie the right to recover for charter hire the sum of \$4725.00.

The documents filed on the Inquiry, including letters and telegrams by K. Kimura representing the Japanese Fishing Vessels Disposal Committee, which are marked as Exhibits 4, 5, 6, 7 and 8 in Claim No. 36, show that Kimura informed the claimant that the Department of Munitions and Supply had fixed the selling price on the basis of the value of the vessel at the date it was requisitioned for charter, i.e. January 1942 - "if you are not satisfied with this price you must go to the Exchequer Court in Ottawa and await their decision." In Exhibit 8 Kimura refers to the fact that C. Nakamura, the owner of three vessels, had no alternative but to accept the Department's offer for his vessels and "had to concede to the offer".

I conclude from examination of this correspondence that the claimant accepted the proposed price unwillingly notwithstanding his belief that the fair market value of the vessel was the cost of the same to himself 18 months prior to the requisition. There is nothing on the material

before me to indicate that he was a free agent in the making of this sale. In the absence of other evidence, I consider that the claimant has established prima facie that the fair market value of the vessel at the date of sale was \$18,000.00, or \$3353.00 in excess of the price paid to him.

"H. I. Bird"

H. I. BIRD

Commissioner.

CLAIM NO. 43 - Ukichi NITSUI

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

This claim is made in respect of the Motor Vessel "SILVER SPRING" and the equipment thereon.

The vessel was requisitioned for hire on a bare boat basis for service with the R.C.A.F. "terms of charter hire to be determined later" by telegram April 11th 1942 from the Director of Marine Services to the claimant at Ucluelet, B.C. (vide Exhibit 1 Claim No. 43).

On June 5th 1942, W. G. Stickney, Esquire, Secretary of the Advisory Board on requisitioning, wrote to the claimant advising that a hearing of the Board would be held June 10th 1942. There is no evidence before me to show that the charter hire of the vessel was determined, If it was determined, the claimant was not advised of the rate fixed. He has testified that the charter rate was \$10.00 per day.

The vessel appears to have been sold by the claimant to the Director of Marine Services as at July 31st 1942, and will therefore have been held under charter for a period of 91 days. I conclude from consideration of the claimant's evidence and the documents filed before me that a contract was made for charter of this vessel at a reasonable rate which I conclude on the evidence was \$10.00 per day. I consider that the claimant has established prima facie liability on the part of the Director of Marine Services for charter hire in the sum of \$910.00.

This vessel is shewn to have been appraised in April 1942 at the sum of \$3750.00 by an appraiser appointed for the purpose by the Japanese Fishing Vessels Disposal Committee. Apart from a memorandum filed by Counsel for

the Government to the effect that the appraisal at this price was made, there is no other material before me to support it. The claimant alleges that the vessel had a fair market value at the date of sale of \$4000.00.

I consider that the claimant has established prima facie a liability by the Director of Marine Services on the sale of the vessel in the sum of \$250.00.

The claimant further alleges that there was delivered to the Navy, upon surrender of his vessel, equipment to the value of \$392.97 (vide Exhibit 9, Claim No. 43). It does not appear that compensation was paid to him for such equipment. I consider that the claimant has established prima facie a liability on the part of the Government of \$392.97 in respect of this equipment.

The total prima facie liability established - \$1552.97.

"H. I. Bird"

H. I. BIRD

Commissioner.

April 4th 1950.

CLAIM NO. 211 - Kunitatsu SAIMOTO

SPECIAL REPORT ON CLAIM RELATING TO A
FISHING VESSEL HELD BY THE COMMISSIONER
TO BE OUTSIDE THE TERMS OF REFERENCE.

This claim is made in respect to a 60 h.p. Diesel powered fishing vessel used as a fish packer, gross tonnage 39.01 tons, net tonnage 26.53 tons. The value of the vessel when requisitioned by the Director of Marine Services in February 1942 was estimated by the claimant at \$10,000.00 (vide Exhibit 14, Claim No. 211). The vessel is said by the claimant to have been requisitioned for charter by the Department of Munitions and Supply about February 15th 1942. His evidence is verified to some extent by a letter from W. G. Stickney, Secretary of the Advisory Board on requisitioning, under date of April 30th 1942 (vide Exhibit 9, Claim No. 211), as well as a letter from the Commanding Officer Auxiliary Vessels, H.M.C.S. "GIVENCHY" to A. E. McMaster, Japanese Fishing Vessels Disposal Committee, under date of 19th May 1942 (vide Exhibit 10).

The vessel was appraised upon instructions of the J.F.V.D.C. at \$8750.00 at the time when the same was requisitioned for charter, and subsequently was requisitioned for purchase by the same Department about August 1st 1942.

The vessel consequently was held by the Director, of Munitions and Supply, under charter for 168 days. The claimant testified that his boat was normally chartered prior to evacuation at \$32.00 per day, bare boat. Counsel for the claimant has suggested that a reasonable

charter rate would have been \$15.00 per day, or a total of \$2520.00, from which sum he concedes that a depreciation allowance of 5% might properly be deducted, leaving a balance of \$2318.65.

In the absence of any documentary evidence to establish the fact of charter on a bare boat basis, it is not possible for me to reach any firm conclusion as to what understanding existed between the Department of Munitions and Supply and the claimant. If it appeared that there was a charter on a bare boat basis, I consider that the sum claimed by the claimant for the period under charter, i.e. \$2318.65, is fair and reasonable.

The claimant further seeks to recover gear which is shewn to have been missing from the vessel at the time when she was requisitioned for purchase. An inventory of this lost gear, verified by the Commanding Officer, Auxiliary Vessels, is found in Exhibits 10 and 11, Claim No. 211.

Counsel seeks to recover on the basis of the overall recommendation made in the general investigation 45% of the claim value of this gear, i.e. \$80.82. I consider that the loss of this gear is established on the material filed as Exhibit 10, and under the circumstances that the claim of \$80.82 is fair and reasonable.

H. I. BIRD

Commissioner.

April 4th 1950.

SPECIAL REPORT

CLAIM NO. 142 - Zennosuke INOUE

This claim was made in respect of an 80 acre parcel of farm land situate in the Municipality of Surrey. It was sold by the Custodian to the Director, Veterans Land Act, the selling price being based upon an appraisal made by the Soldiers Settlement Board valuers at \$3980.00.

Upon the presentation of the claim at Vernon, B.C., it appeared that the claimant was a Canadian Veteran of the 1914-18 war, who served for approximately 2 years in the 52nd Battalion C.E.F., and was wounded on the Somme. Upon his discharge from the Army, he took up the farm which is the subject of this claim, under the provisions of the Soldiers Settlement Act, developed the property, and lived thereon for more than 20 years until he was evacuated as a person of Japanese origin in the Spring of 1942.

I immediately reported these circumstances to the Minister of Veterans Affairs. Investigation by his Department established the fact that the farm had not been re-sold by the D.V.L.A., and as a result the farm was restored to the claimant, who is now in occupation.

Counsel for the claimant now informs me that the property suffered abnormal depreciation in the period of 7 years during which it was held by the D.V.L.A. He therefore requests that compensation be paid to the claimant.

The extent of the depreciation is estimated by Fred M. Clement, former Dean of Agriculture at the University of British Columbia, at from \$2000.00 to \$2500.00. I make no comment upon the report which is attached hereto, other than to say that Dean Clement has made many examinations of farm lands, the subject of claims which have been considered on this Inquiry. He testified in regard to many of these claims. I have found the information furnished by him most reliable

and helpful in determining fair market value at the date of sale by the Custodian.

I conclude from Dean Clement's report that the claimant has suffered substantial loss in respect to the farm property, as a result of his evacuation.

H. I. BIRD

Commissioner.

CLAIM NO. 491 - Denjiro OKABE.

Special compensation is sought by this claimant in respect of a parcel of land held by him under lease dated April 1st 1941, for a term of 8 years (vide Exhibit 12).

It appears from the testimony of the claimant that he had cultivated this property and had planted thereon 5000 rhubarb roots at a cost of \$1625.00.

It does not appear that the leasehold was sold or otherwise dealt with by the Custodian, the lease having terminated in consequence of the claimant's evacuation.

Fred M. Clement, formerly Dean of Agriculture, University of British Columbia, has reported that the plantation had a value of \$400.00 for the unexpired portion of the term.

Since it has not been shewn that the claimant's interest was sold by the Custodian, I have held that the claim does not fall within the terms of reference. However, on Counsel's request, I have stated that I would report the situation to the Governor-General in Council, since it is apparent that, due to the evacuation, the claimant has suffered a substantial loss.

In view of Dean Clement's evidence, it is not possible to say that the loss is greater than the sum of \$400.00, although the claimant's evidence would make it appear that he had a capital investment of not less than \$1600.00 in the property.

Since the claim is not one open for consideration, I refrain from any recommendation.

H. I. BIRD

Commissioner.

CLAIM NO. 341 - Nobukichi TAKAI

A claim was not filed by this claimant, due to the fact that he had been advised by his Counsel that his claim did not fall within the terms of reference. However, the claimant appeared before His Honour Judge Dawson, Sub-Commissioner, at Grand Forks.

It appears that the claimant and his family were required to vacate his premises at Egmont, B.C., an isolated fishing community on the Coast of British Columbia, on 24 hours notice. The transcript of his evidence, particularly at page 5, shows that he valued his general store, stock-in-trade, household goods and fish buying float at \$5000.00, and 2 floats at \$1200.00, totalling \$6200.00. In view of the fact that he was required to vacate on such short notice, and his belief that the property would be raided by neighboring Indians if left alone, he effected a sale to Queen Charlotte Fisheries Ltd. of all his property situate at Egmont, for the sum of \$2000.00. The Custodian has no information whatever in regard to this matter. Consequently, there is no material before me other than the statement of the claimant.

I have directed Counsel for the claimant to endeavor to obtain some information by letter from Queen Charlotte Fisheries Ltd., with a view to incorporating that letter in this report.

"H. I. BIRD"

Commissioner

PORT ESSINGTON PROPERTIES

Prior to evacuation of persons of the Japanese race from the protected areas of British Columbia, Port Essington was a fishing community situate 25 miles north of Prince Rupert, wherein two of the claimants had lived and carried on business for more than 35 years. Approximately one-third of the population of the settlement were persons of the Japanese race.

Prior to 1940 several large canneries had been established and were carrying on business in the immediate vicinity of this community, the presence of which created employment for the inhabitants. The evidence establishes that commencing in 1940 the population of the community had decreased progressively, due to the removal of certain of the cannery plants, the last of which was removed about 1944. Consequently Port Essington was reduced to the status of a "ghost town" by 1944, when the policy of liquidation of evacuated persons was adopted by the Dominion Government.

The Custodian found it to be practically impossible to find purchasers for real property situate in this community at prices which were in any respect commensurate with assessed values. Sales of real property which were made by the Custodian between 1944 and 1946 are shewn to have been made at figures substantially lower than Provincial Government assessments, a situation which, in my opinion, was attributable in part to the changes brought about by the removal of canneries and in part to the evacuation of persons of the Japanese race, who constituted a substantial part of the population.

Claims were filed and investigated on this Inquiry by 4 former residents of the community, to which claims

particular reference is made later. Real properties of 6 other persons of the Japanese race, who did not file claims, were administered by the Custodian, but I am informed by the Custodian that none of the properties of these persons were sold.

The over-all recommendation made in respect of rural properties (vide General Report) has been applied to real property of 3 of the persons who filed claims in respect thereof. Particulars of these claims are now set out.

CLAIM NO. 44 - Mrs. Shino KAMEDA

The claimant was the owner of Lots 7 and 8, of Block 2, D. L. 445, Port Essington Townsite, on which was erected a dwelling and general store which had been operated by the claimant and her deceased husband for 37 years. The original cost of these buildings in 1923 was shewn to be \$3500.00 and the cost of repairs and alterations made in 1933 - \$1750.00. The claimant carried a stock-in-trade of \$6000.00 and had operated a profitable business for many years. A photograph of these premises filed on the Inquiry shews a well finished frame building, apparently maintained in a good state of repair.

The Custodian was unable either to find a tenant or a purchaser for these premises. There is evidence that the premises had deteriorated substantially between the time of the claimant's evacuation and 1949 when the Custodian was divested of the property.

The claim made by this claimant in respect of loss sustained on sale of the stock-in-trade of the store and of her personal property was investigated and a recommendation made which is set out in Appendix I to the

General Report. It is apparent that the claimant, who was a person of some substance, suffered material loss as a result of the evacuation policy.

CLAIM NO. 45 - Suekichi HONKAWA

The claimant was the owner of a small dwelling and boat shed, wherein he conducted prior to evacuation a boat repair and boat building business. The buildings were erected in 1928, and were valued by the claimant for the purpose of his claim at \$1500.00, a valuation which on the evidence before me cannot be substantiated.

These premises were appraised in 1944 on instructions of the Custodian at the sum of \$900.00. They were again appraised in 1946 at \$500.00, and were sold in 1946 for \$500.00.

A recommendation has been made for payment to this claimant of the sum of \$53.00 based on the over-all recommendations applied to rural properties. It is my opinion that the selling price of \$500.00 does not fairly represent fair market value in an inhabited community. The loss sustained by this claimant appears to have arisen to a substantial degree as a result of the evacuation policy.

CLAIMS NOS. 694 and 1289 - KISHIMOTO Eiji and Natsuo

This is a joint claim made in respect of Lot 6, Block 3, Port Essington Townsite, owned jointly by the claimants, being a general store and residence.

This property was assessed in 1940 at \$2625.00.

In 1944 the Provincial Government assessment was reduced to \$1150.00, no doubt in consequence of the changed conditions which had occurred in this community,

The property was appraised on instructions of the Custodian

in 1946 and was sold in May 1946 at \$750.00.

It is described as a city lot on which were erected a general store with 2 living rooms above, also a small dwelling at rear. The condition of the buildings is reported to have been good.

The fact that this property was sold at \$400.00 less than the reduced assessed value of 1944 suggests that its fair market value could not be obtained, due to the change in conditions.

CLAIM NO. 1016 - Matsujiro OHASHI

The claim is made in respect of 3 parcels of real property; One, a frame dwelling on Lots 1 and 2, S. 1/2 Block 2, Port Essington Townsite, was valued by the claimant at \$489.75, and was sold in June 1945 for \$175.00. The Appraiser's report has application to this as well as other developed properties in the townsite. He says (Exhibit 6) "The property situation at Port Essington is "very stagnant and from all appearances indications seem to point to continuation of that condition and can understand difficulty in even getting offers for property there. "It was thought for a time that as the town was more or "less established and dwellings were available at very low "cost there might be resettlement there, but the canneries "have moved further down the river. Nelson Bros., the last "big one, is at Port Edward. This has a bearing on values ".... as it affects all properties in this district."

A recommendation for payment of \$38.75 to this claimant in respect of the parcel before mentioned has been made, based upon the over-all recommendation relating to rural properties (vide General Report).

Neither of the other parcels could be sold, and undoubtedly will have deteriorated, since neither were occupied for a period of 7 years.

Properties which the Custodian found it impossible to rent or sell, all of which remained unoccupied during the period of 7 years when vested in the Custodian, will no doubt have deteriorated appreciably. I have not been furnished with sufficient information as to the extent of deterioration to permit of any monetary recommendation. I am satisfied from the available material that persons who have made claims in respect of real property situate in Port Essington and which was sold by the Custodian have suffered some loss on the sale, which is attributable in part to the operation of the evacuation policy and in part to the depressed market conditions described by the appraisal report referred to under the head of Claim No. 1016. If it is proposed to pay compensation to these claimants in addition to the sum recommended for payment, i.e. 10% of the sale price, plus \$12.50, I consider that the additional sum should not be greater than 50% of the difference between the assessed value and selling price of each property, this conclusion being based on the assumption that 50% of the loss was attributable to the change in market conditions referred to.

H. I. BIRD

Commissioner.

April 4th 1950.

SPECIAL REPORT RE 25 FISHING VESSELS SOLD AND DELIVERED
TO PURCHASERS BY J.F.V.D.C. PRIOR TO AUGUST 1ST 1942.

Where it appeared in the court of the Inquiry that a fishing vessel had not been sold by the Custodian I held that the claim in respect thereof did not fall within the terms of reference and that consequently I had not jurisdiction to consider the claim. This ruling affects adversely claims in respect of fishing vessels made by 25 claimants.

All of these latter vessels were sold and delivered to the respective purchasers by authority of the Japanese Fishing Vessels Disposal Committee prior to August 1st 1942. Title to 13 such vessels was made subsequent to August 1st 1942 by Bill of Sale signed by the Custodian, the owners thereof having refused to confirm the sale made by the J.F.V.D.C. 12 of these owners executed Bills of Sale, but now allege that they did so under compulsion exercised by the J.F.V.D.C.

Counsel for the claimants has requested that a special report be made in respect of these vessels, in view of the circumstances surrounding the sales.

In my opinion the following factors require consideration in connection with these claims:

1. All fishing vessels owned by persons of the Japanese race were surrendered to the Navy soon after December 7th 1941, pursuant to Order-in-Council or other Government direction.
2. The surrendered vessels were held in custody of the Navy until sales were affected through the instrumentality of the J.F.V.D.C. set up pursuant to Order-in-Council P.C. 288 of January 13th 1942, or in the case of approximately 200 such vessels until the

same were vested in the Custodian pursuant to Order-in-Council P.C. 6247 of July 20th 1942.

3. The J.F.V.D.C. adopted the following procedure for disposal and re-employment in the fishing industry of surrendered vessels:

(a) All vessels were appraised by a Lloyd's or other competent surveyor;

(b) A negotiating price for each vessel was fixed by adding 15% to the appraised value;

(c) Prospective purchasers were invited to negotiate with the owners for purchase of such vessels through the J.F.V.D.C. on the basis of the negotiating price;

(d) Upon agreement being reached, a Bill of Sale was executed by the owner, the Committee caused the vessel to be delivered, and received the purchase price for the owners account.

4. All such vessels which had not been sold as at August 1st 1942 were vested in the Custodian, pursuant to Order-in-Council P.C. 6247 of July 20th 1942. Thereafter the Custodian arranged for sale of these vessels, without the consent of the claimant, executed Bills of Sale thereof and made delivery of the vessels.

The 25 vessels which are the subject of the claims discussed here in my opinion were not vested in the Custodian, since P. C. 6247 vests in the Custodian "vessels....seized and detained under the authority ofP.C. 9761, which have not been disposed of under the supervision of" the J.F.V.D.C. before August 1st 1942 (vide Para. 1, P.C.6247). I consider that these vessels had been "disposed of" by the Committee prior to August 1st 1942.

I have had occasion to consider many claims by owners of fishing vessels which were vested in and sold by the Custodian. Upon consideration of the material before me on the hearing of those claims, I held that the claimant did not realize fair market value upon sale by the Custodian, due to the fact that there was deducted from the sale price in each instance sums to cover selling charges, repair accounts and other expenses incurred by the Custodian. Sales so made by the Custodian were based on appraisals made by a surveyor appointed by him. The policy of adding 15 per cent. to appraised prices adopted by the J.F.V.D.C. was not applied by the Custodian. In such cases I estimated the fair market value at 28.5 per cent. in excess of the selling price, to compensate for the deductions so made.

Counsel for the claimants in respect of the 25 vessels under consideration has submitted that the ruling applied by me to Custodian sales should be applied to the sales of the 25 vessels.

Appended to this Memorandum is a statement prepared by Counsel containing particulars of the sale of these vessels.

I find that 12 of these vessels were sold by the J.F.V.D.C. at prices equal to or greater than the Committee's negotiating price, i.e. Lloyd's appraisal plus 15 per cent.

The material before me, I think, supports the conclusion that fair market value was realized on the sale of these vessels, namely, - vessels the subject of Claim Nos. 42, 120, 182, 201, 219, 294, 307, 881, 887, 918, 1263 and 701.

Vessels, the subject of Claim No.s 639, 641, 642, 752, 753 and 1293, appear to have been sold at prices greater than the appraised price but less than the negotiating price. I find nothing in the material before me to justify the conclusion that these vessels were not sold at fair market value. It does not appear that any deductions were

made from the selling price of any of the vessels in this group.

The vessels covered by Claim Nos. 358, 897, 1172 and 1188, were sold at the amount of Lloyd's appraisal. There is no material before me to justify the conclusion that fair market value was not realized on these sales.

The vessel covered by Claim No. 262 appears to have been sold at the appraised price, but there was deducted from the selling price repair accounts amounting to \$39.25. I consider that the sum paid to the claimant was \$40.00 less than fair market value.

The vessels covered by Claim No.s 993 and 760 were sold at \$250.00 and \$375.00 respectively, but no material is available in regard to the appraised price of either vessel. Consequently there is no material upon which a conclusion can be reached as to whether or not fair market value was realized. If these claims were open to consideration under the terms of reference, I would hold that the burden of proof was upon the Custodian to establish that fair market value had been realized. In the absence of appraisals or other evidence, it has not been shewn that these prices were equal to fair market value. Consequently I would have added 15 per cent. to the selling price, i.e. \$37.50 and \$56.25 respectively, to achieve fair market value.

H. I. BIRD

Commissioner.

NOTE: Case 760 is Virtue's case.

CLAIM NO. 645 - Zentaro ARIZONO

This claim is made in respect of a fishing boat "HINATA I" which had been left by the claimant at the Suyehiro Boat Works, Cow Bay, near Prince Rupert, sometime prior to December 1941.

The evidence discloses that at the date the claimant first reported to the R.C.M.P. he was temporarily resident in Vancouver. He was not permitted to return to Prince Rupert. Consequently he reported the vessel as having been left at the boat works above mentioned, near Prince Rupert, in his J.P. form made April 9th 1942. It was then his belief that the vessel had been taken into custody of the Navy, in which it now appears that he was wrong.

The Executive Assistant of the Japanese Fishing Vessels Disposal Committee received a report under date of October 29th 1942 from the Canadian Fishing Company, marked as "Exhibit 7" on the Inquiry, to the effect that this vessel had been left at Cow Bay and was "in such shape that it was "not advisable to move it, as we could see very little salvage "had it been taken from where it was beached. Each tide "was going in and out, making the engine and boat quite "useless. This condition was given to Commander Reed's "Department verbally by the writer upon his arrival in "Prince Rupert about the end of April this year."

On the 27th November 1942 a report was made by F. H. Smyley, Extended Defence Officer, to the Commanding Officer H.M.C.S. CHATHAM, Prince Rupert, B.C., to the effect that the claimant's vessel was not taken over by the Navy as "the boat is a complete wreck and the engine has been "removed."

It appears that the wreck was sold by the Custodian for the sum of \$10.00 in June 1943.

It is apparent from the foregoing that the Custodian had no direct responsibility for this vessel until the same was vested in that Department as at August 1st 1942. By that time it had so deteriorated as to be virtually valueless. However, it does appear that the location of the vessel was reported to the Custodian by the claimant in April 1942, and that the latter immediately communicated with the Executive Assistant to the Japanese Fishing Vessels Disposal Committee, resulting in a report made verbally in the same month. The condition of the vessel at that time was no better than as described in the reports mentioned.

In the circumstances I find it impossible to reach any conclusion as to the value of the vessel at the date of the claimant's evacuation, but the only evidence of value indicates that it then had substantially greater value than at the date when it was sold. I consequently have rejected the claim, but at Counsel's request file this report.

H. I. BIRD

Commissioner.

CLAIM NO. 483 - WESTERN CANADA HOP CO-OPERATIVE UNION

This organization of persons of the Japanese race filed a claim in respect of 2 acres of land situate near Mission, B. C., being the North West 1/4 Section 20, Township 17, Block 3, upon which the Union had erected, at a cost of approximately \$7500.00, a drying plant for the drying of hops.

The Custodian was unable to sell the property. Presumably it is now open to the owners to resume possession.

I rejected the claim as one which was not authorized under the terms of reference. However, I have been asked by Counsel for the claimants to report the situation to the Executive Council.

I am advised by the Custodian that this plant was erected in or about the year 1941, and probably cost about \$7000.00. The Custodian received an offer of \$2000.00, which was rejected.

Such material as there is before me supports the conclusion that the claimants suffered a considerable loss in consequence of the carrying out of the evacuation policy. I have no sufficient material before me on which to base any recommendation. Counsel for the claimants proposed, at the time the claim was presented on September 30th 1949, that the claimant should be paid \$4000.00.

"H. I. Bird"

Commissioner.

October 28th 1949.

CLAIMS RELATING TO REAL PROPERTY AT HAKODA BAY, B.C.

A claim was filed by each of the following persons in respect of a dwelling situate on a 5 acre parcel of land on the shore of Hakoda Bay, near Ucluelet, B. C., particulars of which, with assessed values, and the price realized on sale by the Custodian, are as follows:

CLAIM NO.	CLAIMANT	DWELLING	1946 Ass'd. Val.	SALE PRICE
787	YOSHIHARA N.	7 room unfinished	\$1600.00	\$ 623.44
788	YOSHIHARA M.	6 room new	1300.00	506.54
888	OYE, Tsunetaro	5 room built 1924	900.00	350.68
1101	HAKODA, Yutaka	6 room built 1923	1000.00	389.65
1108	NASU, Minoru	7 room built 1941 \$1800.	1850.00	720.85
1339	WATANABE T.	6 room built 1924	1100.00	428.62
1343	MATSUHARA C.		1000.00	389.65
1368	TERASHITA S.	8 room built 1927 Add'ns. 1936, 1941.	1600.00	623.44
			\$10350.00	\$4032.87

These claims had been classified as rural real property at the end of the first year of the Inquiry, and recommendations were proposed to be made in respect thereof on the over-all basis applied to rural real property, i.e., 10% of selling price, plus selling exense charged to the claimants' account by the Custodian. Consequently there was credited to each of these claimants in Appendix I to the General Report the sums to which each claimant had been found entitled on the over-all basis.

After Appendix I had been completed, Counsel for these claimants submitted that these claims should be classified as special cases, in which submission I concurred for the reasons later mentioned.

It follows therefore that the sums credited in Appendix I, shown opposite the claimant's name above, must be deducted from the recommendations now made. I have therefore set out in the concluding paragraph of this report, opposite each claimant's name, the sum so credited in Appendix I, as well as the balance to which he is entitled on the basis of the recommendation now proposed.

The claimants prior to evacuation were fishermen, residents of a remote and isolated fishing community situate on the west coast of Vancouver Island, occupied only by persons of the Japanese race. The dwellings, with the exception of those to which claims Nos. 787 and 788 relate, were built prior to 1930, and were not entirely finished but nevertheless were habitable. The older dwellings appear to have been adequately maintained up to the claimants' evacuation.

The Custodian was unable either to rent or sell these dwellings in the three years following the evacuation of the owners, during which period the settlement was unoccupied.

In October 1945, the entire settlement comprising 60 acres of land on which stood 11 dwellings was sold en bloc to the Department of Indian Affairs for the sum of \$4750.00, the price having been based on appraisals made by two valuers employed by the Custodian and another appraisal made by Soldier Settlement Board valuers.

It is abundantly clear that no market existed in the period under review for any property in this remote settlement. I have no doubt that the Custodian was fortunate to find a purchaser in the Department of Indian Affairs even at a price more than 100% lower than the

aggregate assessed value. However, the price paid on a sale made in these circumstances I think will have been substantially lower than the fair market value of such properties had the settlement then existed as an inhabited community.

In these circumstances the task of determining fair market value as at the date of sale in 1946 presents peculiar difficulties, since the dwellings and land when sold comprised the majority of the habitations in a deserted community, a condition which arose in consequence of the evacuation policy.

The appraisals furnished to the Custodian I find of little value, since it is not possible to determine with any degree of certainty to which dwelling a particular estimate relates. The S.S.B. appraisal on twelve 5 acre parcels and 7 dwellings thereon is shewn by Exhibit 127 to have been \$3625.00, but no details of the appraisals were furnished, nor is there any identification of the dwellings appraised. The most reliable estimates of value available to me are those of the Provincial Government assessors made for taxation purposes, pursuant to R.S.B.C. 1948 Cap. 332, Sect. 30, showing an aggregate assessment for 1946 on the 8 parcels and dwellings now under consideration at \$10,350.00, the distribution between the parcels being set out above.

I have therefore approached the problem on the assumption that at the date of sale Hakoda Bay was an inhabited settlement, of which the claimants' properties constituted the major part. On this basis, and not otherwise in my opinion, is it possible to envisage "a purchaser willing but not obliged to buy" property from "an owner willing but not obliged to sell" (vide Appendix III,) or to determine the

sum which "a prudent man in the position of the owner would pay rather than to be ejected from the property " - Diggon-Hibben v. Regem, 1949 S.C.R. 712.

Therefore I consider that fair market value of these properties may fairly be estimated at 75% of the 1946 assessed value as shown above. The assessed values are depreciated to the extent of 25% since I assume that the assessor's inspection of the premises in this remote district will have been some years before the time of sale. I therefore find that the fair market value of the respective properties is as follows:

	<u>Fair market value</u>	<u>Credit given Appendix I</u>	<u>Recommendation now made.</u>
No. 787 YOSHIHARA N.	\$1200.00	\$ 74.84	\$501.72
788 YOSHIHARA M.	975.00	63.15	405.31
888 OYE T.	675.00	47.56	276.76
1101 HAKODA Y.	750.00	51.46	308.99
1108 NASU M.	1387.50	84.58	582.07
1339 WATANABE T.	825.00	55.36	341.02
1343 MATSUHARA C.	750.00	51.46	308.89
1368 TERASHITA S.	1200.00	74.84	501.72

I THEREFORE RECOMMEND payment to the respective claimants of the difference between the market value so ascertained, less credits given in Appendix I, and the sum realized on sale by the Custodian. In arriving at this estimate, I have taken into account the fact that on the sale made by the Custodian there was deducted from the sum to which the claimant was entitled the equivalent of 3 years taxes on his property, which had accrued subsequent to the claimant's evacuation.

"H. I. BIRD"

Commissioner.

April 4th 1950.

LIST OF CLAIMS TO BE HEARD AT VERNON, B.C. BY JUDGE J. R. ARCHIBALD

Represented by	NAME OF CLAIMANT		REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING	CLAIM NO.
				Real	Personal		
	54 Aomoto	Ichiji	13724	2,648.85		21 April/48	183
	31 Araki	Buyemon	04357	2,374.00	146.12	"	184
	314 Araki	Kanzo	09317	1,000.00	160.00	"	185
	23 Anzai	Renji	02141	2,314.49	348.00	"	186
	21 Asano	Teisuke	10592	1,564.45	222.04	"	187
	(Agent for Mrs. Matsuye Asano)						
	55 Fukawa	Shiji	13055	2,821.00	784.20	"	188
	180 Baba	Kohei	07120		2,763.66	22 April/48	189
	78 Kenzaburo	Gondo	01434		1,812.76	"	190
	17 Gondo,	Mrs. Seki	01528	4,321.87		"	191
	13 Hamaura	Kaichiro	06725	1,068.50	575.50	"	192
	50 Higa	Mrs. Kame	06846	7,936.66		"	193
	14 Kawamoto	Sansuke	11188	10,200.00	920.48	"	194
	56 Horiuchi	Takao	02976		477.00	23 April/48	195
	24 Imahashi	Ichiro	12590	1,663.98	1,395.00	"	196
	104 Ishikawa	Tomigoro	02153		1,122.75	"	197
	227 Kitamura	Kichinosuke	12666	3,118.00	510.00	"	198
	56 Kunimoto	Shinkatsu	12925	2,674.02	274.85	"	199
	117 Miyoshi	Miyoshi	05670		293.80	"	200

REPRESENTED BY	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING	CLAIM NO.
			Real	Personal		
184	Isotani	Hachiro	01654	6,150.00 90.00	26th April/48	201
198	Iwata	Mrs. Hisae	06912	450.00 1,670.00	"	202
305	Kasubichi	Mrs. Kazue	01467	2,837.82 372.45	"	203
298	Minakawa	Katsuo	09855	6,269.91 1,593.76	"	204
106	Mochida	Heisaku	10439	17,880.00 215.00	"	205
49	Nagamatsu	Goichiro	14594	4,139.00 22.60	"	206
150	Kawamoto	Masao	10851	513.00 100.00	27th April/48	207
18	Koyama	Toshikazu	11451	1,317.08	"	208
15	Morishita	Norito	12893	4,236.91	"	209
45	Nagamatsu	Tsuruye	14214	2,798.00 500.00	"	210
410	Nakamura	Asakichi	01735	4,590.00	"	211
51	Nakamura	Genzabura	05948	982.00 762.43	"	212

RE - HEARINGS						
32	Araki	Satoshi	06325	865.00	24 April/48	212A
39	Hamanishi	Masayuki	02778	950.00	"	212B
17	Nakada	Yahei	00028	2,284.00	"	212C

LIST OF CLAIMS TO BE HEARD AT VERNON, B.C. BY JUDGE J. R. ARCHIBALD

Represented by	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING	CLAIM NO.
			Real	Personal		
	Aomoto Ichiji	13724	2,648.85		21 April/48	183
	Araki Buyemon	04357	2,374.00	146.12	"	184
	Araki Manzo	09317	1,000.00	160.00	"	185
	Anzai Renji	02141	2,314.49	348.00	"	186
	Asano Teisuke	10592	1,564.45	222.04	"	187
	(Agent for Mrs. Matsuye Asano)					
	Fukawa Shiji	13055	2,821.00	784.20	"	188
	Baba Kohei	07120		2,763.66	22 April/48	189
	Kenzaburo Gondo	01434		1,812.76	"	190
	Gondo, Mrs. Seki	01528	4,321.87		"	191
	Hamaura Kaichiro	06725	1,068.50	575.50	"	192
	Higa Mrs. Kame	06846	7,936.66		"	193
	Kawamoto Sansuke	11188	10,200.00	920.48	"	194
	Horiuchi Takao	02976		477.00	23 April/48	195
	Imahashi Ichiro	12590	1,663.98	1,395.00	"	196
	Ishikawa Tomigoro	02153		1,122.75	"	197
	Kitamura Kichinosuke	12666	3,118.00	510.00	"	198
	Kunimoto Shinkatsu	12925	2,674.02	274.85	"	199
	Mineyoshi	05670		293.80	"	200

REPRESENTED BY	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING	CLAIM NO.
			Real	Personal		
	Isotani Hachiro	01654	6,150.00	90.00	26th April/48	201
	Iwata Mrs. Hisae	06912	450.00	1,670.00	"	202
	Kasubichi Mrs. Kazue	01467	2,837.82	372.45	"	203
	Minakawa Katsuo	09855	6,269.91	1,593.76	"	204
	Mochida Heisaku	10439	17,880.00	215.00	"	205
	Nagamatsu Goichiro	14594	4,139.00	22.60	"	206
	Kawamoto Masao	10851	513.00	100.00	27th April/48	207
	Koyama Toshikazu	11451		1,317.08	"	208
	Morishita Norito	12893	4,236.91		"	209
	Nagamatsu Tsuruye	14214	2,798.00	500.00	"	210
	Nakamura Asakichi	01735	4,590.00		"	211
	Nakamura Genzabura	05948	982.00	762.43	"	212

RE - HEARINGS						
	Araki Satoshi	06325		865.00	24 April/48	212A
	Hamanishi Masayuki	02778		950.00	"	212B
	Nakada Yahei	00028		2,284.00	"	212C

LIST OF CLAIMS TO BE HEARD
BY MR. JUSTICE H.I. BIRD
AT KAMLOOPS B.C.

MONDAY, FEBRUARY 9TH 1948.

Represented by	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM	
			Real	Personal
F. Drewe Pratt	1. YADA Gorozaemon	06093	\$ 8,314.18	\$ 550.00
"	2. YADA Kuniye & Hideo	06758) 06550)	1,400.00	
"	3. ATAGI Kaoru	05071	11,966.14	4,420.85
"	4. NISHI Shigetaro	10483	8,729.16	
"	5. WAKITA Saijiro	04472	2,800.72	
"	6. WAKITA Hajime & Yutaka	15866) 17192)	11,329.30	

TUESDAY, FEBRUARY 10TH 1948.

M	X 597.	INOUE Yasutako	✓	13464	✓	143.98	322.40	X
M	X 628.	KATSUNO Chiaki	✓	14031	(1) ✓	2,652.86	635.55	X
M	X 609.	OIKAWA Mitsuro Norman	✓	13318	(f)	3,907.00	738.20	X
L	X 394	10. SAMESHIMA Naoemon	✓	02040	(0) ✓		570.00	X
L	X 336	11. SHIKAZE Yoshio		13796		560.15		X
L	X 58	12. YAMAGA Yasutaro	✓	14018		2,215.00	428.00	X
R.J. McMaster	13.	Case 22 Lytton B.C.						
(evidence by Affidavit)	307	YASUDA Nami	✓					X
R.J. McMaster	14.	Case 50 Lytton B.C.	✓					X
(Chattel Claim)		KOSAKA Jiro	✓					X

WEDNESDAY, FEBRUARY 11TH 1948.

L	X 376	15. ARAI Yu	✓	14991	✓	1,100.00	✓	40.00	X
M	X 327	16. DOI Tomoaki	✓	03208		1,458.00		1,552.23	X
in later	X 345	17. FUKIKAWA Suyekichi		13326	✓	2,986.00		26.60	X
M	X 293	18. HAYASHI Eichirō & Kazuyo	✓	8819) 7383)	67-4	2,117.25		191.88	X
L	X 120	19. HANEY FRUIT RANCHERS ASSOC'N. (Usō Hirawatari)	✓					1,707.53	X
abandon	X 15	20. HIROWATARI Usō	✓	14036	X			86.00	X

LIST OF CLAIMS TO BE HEARD
BY MR. JUSTICE H.I. BIRD
AT KAMLOOPS, B.C.

THURSDAY, FEBRUARY 12TH 1948.

Represented by	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM	
			Real	Personal
<i>M</i>	21. HIROWATARI	Hideaki 13748	\$ 6,355.00	\$ 600.00 X
<i>over at amusement</i>	22. HORI	Yonezo 05096	1,342.26	152.50 X
<i>L</i>	23. IMADA	Toshio Katsumi Tom	2,922.92	} <i>Same thing</i> X
<i>384</i>	24. IMADA	Toshio 09710 1/3 of (see above claim)	3,200.00	
<i>Mr. W. Engeman</i>	25. RINICHIRO	Yoshihara 14476	18,664.67	X
<i>Mr. W. Engeman</i>	26. NAGAI	Manjiro, 13838 Yoichi 14480 Hidesaburo 13837	63,629.88	O
<i>L</i>	27. IRIZAWA	Shizuka	557.59	X

FRIDAY, FEBRUARY 13TH 1948.

<i>Mr. MacLennan</i>	28. KARIYA	Mrs. Yone 05080	1,550.00	895.00 X
<i>Mr. MacLennan</i>	29. KAWASE	Tadayoshi 03473	23,123.00	698.62 X
<i>Mr. MacLennan</i>	30. TAKAHASHI	Gihyoe 05569	7,500.00	X
<i>Mr. MacLennan</i>	31. "	" "	4,131.39	20,205.59 X
<i>Mr. MacLennan</i>	32. KITAGAWA	George Genzo 10456	690.82	182.50 <i>not ours</i>
<i>Koshi (Yoshio)</i>	<i>(returned - no claim no file)</i>			

Proceedings + Rulings file

✓ 390 - Kobayashi

✓ 97 - Kamachi

LIST OF CLAIMS TO BE HEARD
BY MR. JUSTICE H.I. BIRD
AT KAMLOOPS, B. C.

*Vernon list -
Saitaro
Yamashita
late claimant*

THURSDAY, FEBRUARY 12TH 1948

Represented by	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM	
			Real	Personal
	✓ 21. HIROWATARI Hideaki	13748	\$ 6,355.00	\$ 600.00
	✓ 22. HORI Yonezo	05096	1,342.26	152.50
	✓ 23. IMADA Toshio) Katsumi) Tom)		2,922.92	
	✓ 24. IMADA Toshio	09710	1/3 of 3,200.00 (see above claim)	
F.W. Engeman	✓ 25. RINICHIRO Yoshihara	14476	18,664.67	
F.W. Engeman	✓ 26. NAGAI Manjiro) Yoichi) Hidesaburo)	13838) 14480) 13837)	63,629.88	
	✓ 27. IRIZAWA Shizuka		557.59	

FRIDAY, FEBRUARY 13TH 1948

	✓ 28. KARIYA Mrs. Yone	05080	1,550.00	895.00
Mr. MacLennan	✓ 29. KAWASE Tadayoshi	03473	23,123.00	698.62
	30. TAKAHASHI Gihyoe	05569	7,500.00	
	✓ 31. " " "		4,151.39	20,205.59
	32. KITAGAWA George Genzo	10456	690.82	182.50 <i>not our</i>
Mr. McMaster	33. IWASHITA Kesahira		1,239.56	
(Affidavit)	34. KOBAYASHI Takematsu	12731	2,800.00	(No transcript) X
(Case #53 Lytton)				

REJECTED

329 ✓	KARIYA	Yonekazu	04965	\$	\$ 1,023.00	0
135 ✓	KAMACHI	Masao	05510		705.00	0
✓	UYEYAMA	Shigeharu	03145		1,550.00	0
(Transferred to Kamloops from Lytton list)	✓ TASAKA	Judo	10925		4,431.20	X
✓	NODA	Yasuichiro	06269		4,000.00	X
✓	SAKUDA	Sakujiro	11179		1,054.00	X
✓	IKEDA	Torakichi	10244		2,061.50	X

X - ? Mr. Russell if he located C's wife yet -

SUMMARY OF CLAIMS FOR HEARING AT KAMLOOPS MAY 6-21, SUB-COMMISSION

THURSDAY MAY 6th, 1948

FRIDAY MAY 7th, 1948

Case #	Place From	File No.	Case #	Place From	File No.
86	Moose Jaw	3640	115	Forest Grove	1000-
121	Smithers	296-	130	Forest Grove	8554-
122	Smithers	1502-	82	Kamloops	13930-
83	Kamloops	691-	90	Kamloops	1586-
84	Kamloops	691-	91	Kamloops	1586-
85	Kamloops	691-	92	Kamloops	1692-

MONDAY MAY 10th, 1948

TUESDAY MAY 11th, 1948

Case #	Place From	File No.	Case #	Place From	File No.
136	Lillooet	6514-	109	North Bend	11755-
137	Lillooet	6943	105	Kamloops	4667-
112	Grand Forks	5146-	106	Kamloops	1358-
97	Kamloops	2135-	108	Kamloops	6681-
99	Kamloops	6984-	110	Kamloops	5302-
100	Kamloops	7532	111	Kamloops	11979-

WEDNESDAY MAY 12th, 1948

THURSDAY MAY 13th, 1948

Case #	Place From	File No.	Case #	Place From	File No.
98	Spencer's Bridge	689	87	Tappen	5164-
104	Ashcroft	10218-	88	Tappen	5164-
107	Ashcroft	10195	89	Tappen	5164-
116	Ashcroft	10767	95	Tappen	4685-
119	Ashcroft	14582-	113	Kamloops	7528-
123	Ashcroft	5453-	114	Kamloops	4247 4249-
			118	Kamloops	X1/1197-

FRIDAY MAY 14th, 1948

MONDAY MAY 17th, 1948

Case #	Place From	File No.	Case #	Place From	File No.
96	Tappen	15053-	117	Chase	10105-
101	Tappen	5166-	132	Chase	3311-
102	Tappen	5166-	93	Shuswap	1367-
103	Tappen	5337-	126	Kamloops	7524-
124	Kamloops	4971-	127	Kamloops	4632-
125	Kamloops	10156	129	Kamloops	13141-

TUESDAY MAY 18th, 1948

WEDNESDAY MAY 19th, 1948

Case #	Place From	File No.	Case #	Place From	File No.
120	Blind Bay	5457	134	Kamloops	4305-
128	Blind Bay	1293-	135	Kamloops	2030-
94	Pritchard	14369-	137A	Kamloops	
131	Kamloops	14041-			
133	Kamloops	5201-			

THURSDAY MAY 19th, 1948

FRIDAY MAY 20th, 1948

ANY ADJOURNED CASES

REJECTED CLAIMS, ASSIGNED TO KAMLOOPS, TO BE SPOKEN TO BY MR. McMASTER:

329 KARIYA, Yonokazu	Reg. No. 04965	NODA, Yasuichiro	Reg. No. 03289	196-
135 KAMACHI, Masao	" " 05510	SAKUDA, Sakujiro	" " 11279	411-
UYEYAMA, Shigoharu	" " 03145	IKEDA, Torakichi	" " 12244	401-
		TASAKA, Judo	" " 10925	108-

1.

29 April Kobayashi

JAPANESE PROPERTY CLAIMS COMMISSION

Cases 82 to 137.

BEFORE

HIS HONOUR JUDGE J.R. ARCHIBALD, SUB-COMMISSION CHAIRMAN, COMMENCING AT KAMLOOPS, B.C. 6th MAY 1948 AT 10 O'CLOCK FORENOON

Represented by File Case #	NAME OF CLAIMANT	ADDRESS	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING
				Real	Personal	
82	IIMURA Kazuo	Kamloops	12967 -	16,303.21	391.37	7 May 48
83	KOCHI Yoshio	Kamloops	04692 -	2,403.53	930.00	6 May 48
84	KOCHI Yoshio	Kamloops	04692		581.00	6 May 48
85	KOCHI Yoshio	Kamloops	04692		2,000.00	6 May 48
86	KONDO Yojiro	Moose Jaw	03057	900.00	3,000.51	6 May 48
87	KONISHI Kumajiro	Tappen	14263 -		571.44	13 May 48
88	KONISHI Kumajiro	Tappen	14263 -	3,412.67	892.73	13 May 48
89	KONISHI Kumajiro	Tappen	14263 -	857.00		13 May 48
90	KUROYAMA Fumito	Kamloops	12164 -	350.00	1,240.74	7 May 48
91	KUROYAMA Fumito (Att'y for Itaro Terashita)	Kamloops	05541 -	395.25	1,550.00	7 May 48
92	KUROYAMA Mrs. Chieno	Kamloops	07654 -	2,590.00		7 May 48
93	MASE Mrs. Naka	Shuswap	03718 -		1,454.12	17 May 48
94	NINEOKA Tsuguo	Pritchard	04182 -	2,691.00	715.27	18 May 48
95	MINAMINAYE Ryuichi	Tappen	02149 -		1,240.35	13 May 48
96	MINAMINAYE Mrs. Taru	Tappen	02358 -	2,213.50	3,093.30	14 May 48
97	MIYAZAWA Hatsu	Kamloops	06095 -	980.00		10 May 48
98	MIZUGUCHI Denkichiro	Spences Bridge	04359	241.00	956.09	12 May 48
99	SOZO Sozo	Kamloops	04067 -	3,264.00	335.00	10 May 48

2.

Represented by Case #	NAME OF CLAIMANT	ADDRESS	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING
				Real	Personal	
100	NAGANOBU	Charles Tora- Kamloops	0449	7,162.00		10 May 48
		Hishiro				
101	NAGATA	Kumazo Tappen	14264 -	1,100.00	2,530.30	14 May 48
212 102	NAGATA	Kumazo Tappen	14264 -	7,660.00	6,974.15	14 May 48
213 103	NAGATA	John Shiuji Tappen	14222 -		574.31	14 May 48
251 104	NAKASHIMA	Yoshisuke Ashcroft	11387 -	2,941.43		12 May 48
175 105	NAKASHIMADA	Kakutaro Kamloops	02968 -		832.78	11 May 48
142 106	NAKATSUI	Yaichi Kamloops	14676 -	10,218.50	1,509.00	11 May 48
107	NISHI	Sennosuke Ashcroft	08366	1,255.26	4,300.00	12 May 48
174 108	NISHIMURA	Yoshio Kamloops	07547 -		579.53	11 May 48
388 109	OHORI	Genichi North Bend	03292 -	10,500.00		11 May 48
404 110	OIKAWA	Joe Tadashi Kamloops	08355 -	2,495.00		11 May 48
173 111	OMOTO	Tatsuya Kamloops	07809 -		494.09	11 May 48
4 112	OYE	Kazuye Mrs. Grand Forks	04878 -	793.94	617.69	10 May 48
172 113	RYUJIN	Matsujiro Kamloops	04051 -	5,509.00	? 81.71	13 May 48
114	SAITO	Shone & Kamloops	14293 -			
		Tatsuo	14204 -	1,858.00		13 May 48
166 115	SAKAIYE	Takeo Forest Grove	12049 -	600.00	400.00	7 May 48
328 116	SASAKI	Shigetaka Ashcroft	10774	2,791.16	2,251.36	12 May 48
300 117	SAKAKI	Tetsuna Chase	03525 -	4,145.00	416.00	17 May 48
98 118	SHIMOYAMA	Kichinosuke Kamloops	03962 -	2,178.12	2,695.00	13 May 48
119	SOUTH PORT MANN BERRY	Kamloops		600.00	995.00	12 May 48

3. Represented by		NAME OF CLAIMANT		ADDRESS	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING
Case #						Real	Personal	
	120	SUDA	Kikuo	Blind Bay	05489	1,255.00		18 May 48
369	121	SUGA	Sadao	Smithers			751.00	6 May 48
368	122	SUGA	Mrs. Sakaye	Smithers	10476	8,000.00	1,250.00	6 May 48
144	123	TAHARA	Rinzo	Kamloops	13470	3,764.41	1,127.36	12 May 48
140	124	TAKAHASHI	Miss Kotoyo Rosie	Kamloops	13961	3,820.00	238.00	14 May 48
	125	TSUMURA	Albert	Kamloops	12616	313.00		14 May 48
43	126	TSUMURA	Chonosuke	Kamloops	12670	6,450.00	479.00	17 May 48
271	127	UCHIDA	Dr. Matasaburo	Kamloops	03178	10,184.06	1,091.96	17 May 48
439	128	WAKABAYASHI	Chujiro	Blind Bay	06023	334.06		18 May 48
177	129	WAKIDA	Iwamatsu	Kamloops	04487	1,540.00	396.50	17 May 48
363	130	YADA	Genji	Forest Grove	06547	3,600.00		7 May 48
141	131	YAMADA	Shintaro	Kamloops	12918	12,673.53	521.48	18 May 48
335	132	YOSHIDA	Asataro	Chase	00662	6,925.00	194.00	17 May 48
417	133	YOSHIDA	Chiyoki	Kamloops	08764	4,800.68	910.00	18 May 48
137	134	YOSHIDA	Iwataro	Kamloops	07865		1,175.00	19 May 48
440	135	TOKITO	Takao	Kamloops	10133		202.00	19 May 48
307	136	YASUDA	Nami	East Lillooet	01233	3,254.01	87.00	10 May 48
	137	OKINO	Nasichi	East Lillooet	06665		1,485.00	10 May 48
file out. 146	137A	SAITO	Senjuro	Kamloops	04124	1,239.00	215.00	19 May 48

LIST OF CLAIMS TO BE HEARD AT VERNON B.C.

Represented by	NAME OF CLAIMANT		REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING
				Real	Personal	
	389 AMANO	Teiichi	06530	147 1,369.54	\$	
	23 ANZAI	Renji	02141	✓ 2,314.49	348.00	
	64 AOMOTO	Ichiji	13724	✓ 2,648.85		
	297 ARAKAWA	Sukeuemon	11135	146	300.00	
	217 ARAKAWA	Takeo	02597	150 1,191.50	551.49	
	31 ARAKI	Buyemon	04357	✓ 2,374.00	146.12	
	314 ARAKI	Manzo	09317	✓ 1,000.00	160.00	
	349 ASAHINA	Jinichi	07692	176 525.00		
	17 ASANO	Teisuke	10592	✓		
	(Agent for Mrs. Matsuye Asano)			1,564.45	222.04	
	180 BABA	Kohei	07120	✓ 2,763.66	2,763.66	
	55 FUKAWA	Shiji	13055	✓ 2,821.00	784.20	
Tiffin W.R.	FUKUYAMA	Senkichi	04638	1,150.00		
19-381	FURUKAWA	Sadanosuke	04097	151 2,018.00	806.66	
80	FURUYA	Takeo	05815	182		
	(Boat sold Disposal Com.)			400.00	gear	
78	CONDO	Kenzaburo	01434	no nr.	1,812.76	
17	DONDO	Mrs. Seki	01528	no nr.	4,321.87	

Represented by	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING
			Real	Personal	

13	HAMAURA	Kaichiro	06725	1,608.50	575.50
418	HAYASHI	Eikichi	139 02784	999.52	12.00
35	HAYASHI	Kisaku	138 02771	700.00	
50	HIGA	Mrs. Kame	06846	7,936.66	
26	HORIUCHI	Takao	02976		477.00
24	IMAHASHI	Ichiro	12590	1,663.98	1,395.00
29	INOUE	Tomajiro	09180	2,089.68	3,666.70
407	INOUE	Zennosuke	03243	23,126.90	?
104	ISHIKAWA	Tomigoro	02153		1,122.75
184	ISOTANI	Hachiro	01654	6,150.00	90.00
198	IWATA	Mrs. Hisae	06912	450.00	1,670.00
C.W. Morrow	JINNOUCHI	Masuye	09070		5,500.00
305	KASYBUCHI	Mrs. Kazue	01467	2,837.82	372.45
150	KAWAMOTO	Masao	10851	513.00	100.00
14	KAWAMOTO	Sansuke	11188	10,200.00	920.48
36	KITAGAWA	Kozo	04410	43,807.06	?
227	KITAMURA	Kichinosuke	12666	3,118.00	510.00

Represented by	NAME OF CLAIMANT	REG.NO.	AMOUNT OF CLAIM		DATE OF HEARING
			Real	Personal	
	205 KOBARA Chikamori	13605 145	\$ 4,028.00	\$ 350.00	
+ 18	KOYAMA Toshikazu	11451		1,317.08	
+ 50	KUNIMOTO Shinkatsu	12925	2,674.02	274.85	
+ 41	KUROMI Muneyoshi	05670		293.80	
	216 MAIKAWA Bungaro	03146	2,127.50		
+ 298	MINAKAWA Katsuo	09855	6,269.91	1,593.76	
+ 106	MOCHIDA Heisaku	10439	17,880.00	215.00	
	38 MORI Keizo	03367		2,030.93	
	102 MORI Yoshio	06662	5,497.00		
	103 MORI YOSHITAKA	06659	15,778.73	700.00	
R.J. McMaster	423 MORIMOTO Ritsu	05454		226.25	
+ 15	MORISHITA Norito	12893	4,236.91		
+ 49	NAGAMATSU Goichiro	14594	4,139.00	22.60	
+ 45	NAGAMATSU Tsuruye	14214	2,798.00	500.00	
+ 110	NAKAMURA Asakichi	01735	4,590.00		
+ 51	NAKAMURA Genzaburo	05948	982.00	762.43	
261	NAKO Hosho	12891	3,540.00	1,615.00 ?	

Represented by	CLAIMANT	REG.NO.	AMOUNT OF CLAIM		Date of Hearing
			Real	Personal	
<u>48</u>	NATSUMURA	Kamenosuke 06687	\$ 4,937.11	\$ 366.00	
<u>222</u>	NATSUMURA	Kizo 13069	7,932.00	1,500.00	
280	NISHIHATA	Jiro 04395	171 7,738.42		
	"	"	3,746.25	1,812.13	
	"	"	172 1,650.00		
	"	"	5,031.83		
<u>420</u>	NISHIMURA	Jutaro 10156	11,475.52		
Harris & MacLennan <u>426</u>	NISHIMURA	Mitsuo 01606		80.00	
<u>292</u>	NISHIMURA	Mrs. Waka 04778	3,814.16	810.00	
<u>42</u>	NOGAMI	Tomoyuki 06720	153 1,440.00		
<u>20</u>	NOGAMI	Hiroshi 06723	154 738.63		
<u>43</u>	NOGAMI	Sankichi 03557	175 644.05	976.55	
<u>217</u>	NOTE	Kosaburo 12681	1,435.00		
<u>325</u>	OHASHI	Jujiro 13277		5,481.00	
<u>324</u>	OHASHI	Shigeo 13279	167 24,800.48		
<u>40</u>	OIKAWA	Yoshio 10567		458.32	
<u>33</u>	ONODERA	Genjiro 02882	159 232.79		

stand to foot
of Vernon
List
Sub-Comm.

Represented by	NAME OF CLAIMANT	REG.NO.	AMOUNT OF CLAIM		DATE OF HEARING
			Real	Personal	
219	SAIMOTO Kunimatsu	04471	\$ 1,550.00	\$ 4,036.39	
321	SAKAKI Tetsuo	01675	163	2,245.38	2,969.83
339	SAKAMOTO Mamoru	04498	withdraw		875.00
347	SAKAMOTO Bunzo	04746	158		1,084.08
230	SAKURAI Shoichi	05507		930.13	12.00
225	SAKURAI Shojiro	05488		2,538.00	1,475.00
208	SARAYAMA Minoru	06307			1,800.00
273	SASAKI Shigeru	07223	141	1,097.50	
228	SATO Ken	07944	withdraw	2,200.00	
22	SATO Kumakichi	01630	169	901.73	481.00
16	SAWAYAMA Gonzo	14338		8,183.53	323.21
37	SAWAYAMA Mrs. Natsu	14062		810.54	
241	SOGA Soya	09491		1,500.00	
	SUGIURA Matsu	01406		900.00	75.00
Tiffin W.R.	SUGIYAMA Mrs. Chiyo	05161		4,500.00	
"	SUGIYAMA IWAKICHI	05162		10,276.85	?
"	(Burrard Fish Co. Ltd.)				
"	SUGIYAMA Iwakichi	"		25,372.86	9800.94
"	(Canadian Saltery Ltd.)				
"	SUGIYAMA Iwakichi	"		100,000.00	45,132.55
"	(Howe Sound Fisheries Ltd.)				
"	SUGIYAMA Iwakichi	"		2,900.00	

Represented by	NAME OF CLAIMANT	REG.NO.	AMOUNT OF CLAIM		DATE OF HEARING
			Real	Personal	

	TAGASHIRA	Rinkichi	07988	\$36,398.00	\$103,216.90 ?
	115 TAINAKA	Mrs. Masu	08217 181	22,237.18	
	291 TAINAKA	Yonetaro	08216 180	15,612.94	987.00
R.J. McMaster	A-1 TAKAMOTO	Yojiro	10672 /	125,645.04	35,365.00
	504 TAKASHIMA	Toshiharu	06646 144	1,075.53	150.00
	387 TAKEUCHI	Yoso Tomiye	02654 /	2,401.34	272.00
	385 TAMAKI	Komakichi	07076 /		2,000.00
	46 TERAGUCHI	Miss Sakie	04096 /	2,222.26	108.75
	274 TERANISHI	Fujinosuke	04105 /	1,315.50	118.58
	275 TERANISHI	Yoshio	04139 148	900.00	
	272 TOYOFUKU	Atsushi 140	03303	1,807.40	
	403 TSUCHIYA	Hajime	12141	1,800.00	2,000.00
	53 TSUTSUMI	Hiroshi	12950 178	6,972.75	
	52 TSUTSUMI	Mrs. Miyeko	12951 179		520.00
	294 UEGAMA	Imataro Samuel	03236 /	2,025.86	78.75
	276 UJIYE	Mrs. Shikano	12431 /	649.17	241.21

Represented by	NAME OF CLAIMANT	REG. NO.	AMOUNT OF CLAIM		DATE OF HEARING
			Real	Personal	

R. J. McMaster (Mr. Kidston, Administrator)	306 WETANABE	Sumiye	02659	\$ 425.00	\$ 261.00
	364 YAKURA	Yukitoshi	01875	1,078.55	169.94
	44 YAMAMOTO	Mrs. Fujino	13908	3,504.42	1,500.00
	28 YAMAMOTO	Isamu T.	13005	8,833.99	
	22 YAMAMOTO	Sadao	13004	3,642.75	1,340.24
	28 YAMADA	Mrs. Chizue	00983		619.89
	47 YAMAMOTO	Mrs. Yasu	02547	308.70	301.00
	370 YAMAOKA	Saitaro	03766	1,335.84	1,500.00
	"	Mrs. Hatsu	03767		
	323 YASHIKI	Wakamatsu	02639		1,275.00
283 YOSHIDA	Kusumatsu	04135	2,054.09	2,420.00 ?	
52 34 YOSHIDA	Yushichi	13935	3,279.11	179.50	

Mr. W. C. Thomson

UNION TRADING CO. LTD.

19,066.33

REJECTED CLAIMS:	32 ARAKI	Satoshi	06325	865.00	Disposal Committee
	39 HAMANISHI	Masayuki	02778	950.00	" "
	17 NAKADA	Yabei	00028	2,284.00	" "