

4303

BUREAU HASTINGS PARK
OFFICE OF THE CUSTODIAN

FILE NO. 4303

JAPANESE SECTION

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATION

NAME: NISHIMURA, Sannosuke,

HOME ADDRESS: 261 Powell St. Vancouver, B.C.

REGISTRATION NUMBER 07673 SEX: Male AGE: 59

OCCUPATION: Restuarant Proprietor.

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Self.

MARRIED? Yes.

NAME OF WIFE OR HUSBAND: Shiroko. 10712

ADDRESS OF WIFE OR HUSBAND: Same as above.

NAMES OF ANY LIVING CHILDREN: Nozomu (M)

✓ Yoshiko (F)

✓ Yuriko (F)

ADDRESS OF CHILDREN: Same as above.

AGE OF CHILDREN: 14 20 18

STATEMENT OF ALL REAL PROPERTY (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION:

2. BUILDINGS AND OTHER IMPROVEMENTS:

3. INSURANCE (Give particulars; state where policies are)

4. TAXES (Amount and where payable)

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed)

6. OCCUPANCY AND LEASES (If vacant so state)

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: 261 Powell St. Dwellinghouse.

2. LANDLORD'S NAME AND ADDRESS: Not known.

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:

Monthly rental \$22.50 paid up to March 1942.

4. STATE WHEREABOUTS OF LEASE:

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid)

None.

6. IF FARM LAND, PARTICULARS OF CROPS SOWN:

None.

7. STATE WHEREABOUTS OF TITLE DOCUMENTS:

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST:

9. IF FARM LAND STATE CROPS SOWN

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR

CLAIM ON ANY SUCH PROPERTY

4. INSURANCE CARRIED ON ABOVE PROPERTY
5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS:
6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom)
7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)
8. BANK ACCOUNTS:
9. LIFE INSURANCE: San Life Assurance Co. Vancouver, \$1,000.00 payable his wife Shiroko Nishimura.
10. INTEREST IN ANY ESTATES OR TRUSTS.
11. SAFETY DEPOSIT BOX:

LIABILITIES:

1. PERSONAL DEBTS:

2. TRADE DEBTS:

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 17th. day of April. 1942.

(Signature) Sanroko Nishimura

I. C. B. B. B. B.
Witness

FOR DEPARTMENTAL USE

INFORMATION FROM R.C.M.P.

Date February 7/44
Aug 14/45

Our File No. 4303

Full Name NISHIMURA Sannosuke
(Surname in Block Letters)

Registration No. 07673

Male - Female
(check)

Age Mar. 19, 1883

Former Address

261. Powell St., City

Date Evacuated

Oct. 20/42

Naturalized - Canadian-Born - National
(check)

Present Address

Fashme, B.C.
40 Love's Mushroom Farm, Scarborough Junction, Ont.

Married - Single
(check)

Name of Wife ^(nee) SAKAI Kioko #02551

Name of Husband -

Name of Mother ^(nee) OMOTO Seki

Name of Father Sikachi (Japan)

Names of Children under 16

(None)

Nozomu July 27/27 #16207

Requested by

Robert Scott

Registered with Custodian

(Yes or No)

Additional Information

Restaurant Proprietor
Married twice first wife refused to come to
Canada (Tama Shige) then married Kioko Sakai.

LIABILITY SUMMARY

File No. 4303

July 30, 1946.

RE: Sannosuke NISHIMURA, Reg. No. 07673

This file reveals no claims against the above. There is a scavenging bill on the file of his wife in the sum of \$1.00 but she has sufficient funds in her own account to cover this bill.

The above summary is certified to be in accordance with the
information on file.
July 30/46
GSS:LMH

W. H. Lyman
G.D. Spain

PERSONAL PROPERTY SUMMARY

File No. 4303

July 30, 1946.

RE: Sannosuke NISHIMURA, Reg. No. 07673

CHATELS:

The above who made his declaration to the Custodian on April 17/42 and was evacuated on Oct. 20/42, declared no chattels, but at his former address at 261 Powell St. ten packages were found bearing his name and the goods contained in these were sold at auction in his name for the net sum of \$10.30. As his wife, Hiroko NISHIMURA, File 10712, had declared the chattels, the proceeds from sale of these goods was transferred to her file on May 13/46.

SPECIFIED ARTICLES:

Two radios and one camera surrendered by the above to the R.C.M.P. were handed over by them to the Custodian on May 29/44. The radios were sold at auction for the net sum of \$78.14 and this sum credited to the account of the above. This represents his entire credit balance with the Custodian.

The camera was stolen from our warehouse and NISHIMURA was advised of this in our letter of Feb. 4/46.

LIFE INSURANCE:

The above declared an insurance policy with the Sun Life Assurance Co. in the sum of \$1000.00. This policy was cashed and a Sun Life cheque in the sum of \$45.39, being payment of all claims under this policy, was sent to this office and we forwarded it to NISHIMURA on March 15/45.

No property interests other than those mentioned above are found on this file.

The above summary is certified to be in accordance with the information on file.

July 30/46

GBS:LBM

G. B. Spain
G.B. Spain

CHATTEL SCHEDULE

File No. 10712

June 4, 1947

Re: Mrs. Hiro NISHIMURA, Reg. No. 92551

Declared June 15/42

A large quantity of restaurant equipment and household effects at 261 Powell St.

Mrs. Nishimura was evacuated on Oct. 3/42.

On Oct. 21/42, Barrett-Lemard & Co. reported that Mrs. Nishimura had disposed of all her goods except 7 cartons of Japanese trays & dishes.

Inventoried

On Oct. 27/42 there were stored at 992 Powell St. 10 boxes & cartons removed from 261 Powell.

On Nov. 19/42, we received from Mrs. Nishimura confirmation that these were all the property she had left in the protected area.

Disposition

Auction, Oct. 25/44

Vases,
Wire Basket
Lamp
3 Gas Plates
Crocker
2 Large Plates
2 Clocks

Sale Price: \$15.10

Abandoned as valueless
Oct. 11/44

2 Home-made Cupboards
2 Home-made Tables
1 Ironing Board
1 Bench
1 Broken Chair
1 Broken Arm-chair
1 Rack
1 Rusty, broken range

The above is certified to be in accordance with information on file.

F. Matheson

F. Matheson.

MEMORANDUM

July 26, 1943

To: File 4303

From: Specified Articles Department

Re: NISHIMURA, Sannosuke - Reg. 07673

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>APPRAISED VALUE</u>
CAMERA	X Zeiss Ikon Bob 510/2, 1:7.7 F-10.5 CM.	\$9.50 (DAMAGED)
RADIO	S Philco Chassis 39-340, Serial No. T-11196.	30.00
	✓ Stromberg Carlson, Chassis 24433, Serial No. 6969. Battery Radio.	20.00

✓ Sold by auction 11/6/44 - Inclosure 21
S. sold by auction 26/9/44
Inclosure 32
X Missing from warehouse 15/3/46

Emackson

(Information supplied by Ins. Co.)

LIFE INSURANCE

Name Nishimura Sannosuke

Tachina B. S.

File No. 4303

Reg. No. *07673*

Company Monarch Life

Agency Vancouver

Policy No. 88018

Premium - \$ 45.30

Payable: Annually, Semi-annually or monthly

Month February Day 5

REMARKS:

Letter sent 8/2/43

(Information supplied by Ins. Co.)

LIFE INSURANCE

Name Mr. Sannosuke Nishimura
Tachikawa Pac.

File No. 4303

Reg. No. 02673

Company Sun Life

Agency Vancouver Agency

Policy No. 668906

Premium - \$ 53.25

Payable: ☒ Annually, ☐ Semi-annually or ☐ monthly

Month March Day 2

REMARKS:

Letter sent 9/9/43

10712

October 27th, 1942.

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

OFFICE OF THE CUSTODIAN
JAPANESE SECTION

RECEIVED
NOV 10 1942

Dear Madam:

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

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

Yours truly,

G. B. Spain,
Protection Department.

EXHIBIT No. 1067-3

DATE 20 May 1948

FILED BY J. J. Kuntz

FTW:BT

Enclosures 2.

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

Signed

Hiro Nishimura

Mrs. Sannosuke Hiro Nishimura, Registration No. 02551

Charlottesville

Warehouse..... *992 Powell*.....

Date... *Oct. 11/44*...

FILE NO. *10712*

NAME..... *NISHIMURA S*

ADDRESS..... *261 Powell*

I have examined the undermentioned articles and consider that they have no value.

- 2 Cupboards (HM. N.V)*
- 2 Tables (" " (4))*
- 1 Ironing Board (" " (4))*
- 1 Bench (" " (4))*
- 1 Chair (Broken)*
- 1 Arm Chair (" " (4))*
- 1 Rack (N.V.)*
- 1 Range (Rusty + Broken (N.V.))*

Auctioneer..... *W. H. Thompson*.....

The above mentioned articles have been abandoned

..... *W. H. Wills*

MEMORANDUM

TO: File No. 4303

FROM: Mr. G.B. Spain

January 4, 1943.

CHATELLE

Nishimura declared no personal property,
but we found at this address and in his name:

6 boxes (contents unknown)
4 cartons (" ")

which were moved to Central Storage as per our in-
ventory #140.

GDS:HL

*See file 10712 wife
127-1042
#*

*The above mentioned
chattels are covered
by # 10712
no Vs by name*

MEMORANDUM

File Nos. 4303
10712

April 26th, 1946.

TO: Miss C. Girard

FROM: Mr. G. B. SPAIN

RE: Mr. and Mrs. Sannosuke NISHIMURA

Mr. NISHIMURA, File 4303 declared no chattels. The chattels were declared by his wife, Hiro, File 10712. Will you kindly transfer the proceeds of the auction No. 34 on File 4303 to File 10712.

GBS:LEM

Transferred 13/5/46.

C.G.

no. 4. Spain

NAME NISHIMURA, SannosukeREGISTRATION NO. 07673FILE NO. 4303

The following chattels were sold by public
 auction at 992 Powell Street, Vancouver on October 25, 1944.

6 Vases	\$ 2.25
2 Boxes bud vases	1.60
2 Boxes bud vases	1.00
Wire basket, vase and lamp	0.75
Gas plate	0.50
Gas plate	0.35
Gas plate	0.50
Carton crockery	1.00
2 Large plates	6.00
Clock	0.30
Clock	0.85

Transferred to file
10712, Nishimura, Hiro (Mrs Sannosuke)

May 13, 1946.

Total	(Auctioneer's Fee: \$ 1.51	\$ 15.10
Less Expenses:	(Advertising: 0.35	\$ 4.30
	(M oving: 2.44	
Net Proceeds Credited:		\$ 10.80

Members of Custodian Staff Present.

Mr. Wills

Extracted from Auctioneering List No.

Vancouver 34.

Remarks.

no inventory on file.

ROYAL CANADIAN MOUNTED POLICE

Form 246A

EXHIBIT REPORT

No. **377 (3).**

HEADQUARTERS File No.

SUB-DIV'N and File No. **Vancouver.**

DIVISION and File No.
(Jap Reg. No. **07673**)

DETACHMENT and File No. **C.I.B.**

DATE **May 27th, 1944.**

Re: **Sanosuke NISHIMURA - 261 Powell St., Vancouver, B.C.**
(Name of File)

On **March 10th, 1942.** **D.M. Holaren, Cst.**
(Date) (Member's Name)

Came into possession of the following described goods by

Handed over by owner.

(State Authority from whom seized and place of seizure)

No. OF EXHIBIT	No. OF PACKAGES	CAPACITY OR SIZE	DESCRIPTION OF EXHIBITS
	1	1st	Radio - Philco Chassis 39-340, Serial No. T-11196. (1)
	1	2nd	Radio - Stromberg Carlson, Chassis 24433, Serial No. 6969. (2)
	1		Camera - Zeiss Ikon Bb, Serial No. 51012, 1:7.7 f-10.5 cm. (3)

4303

REMARKS: **Handed over to the Custodian of Alien Property.**

DATE **May 27th, 1944.**

(State briefly disposition)

Yes B. Spain for Custodian.
(Signature of Recipient or Witness)

CERTIFIED CORRECT
Fell. Jefferson, Reg. # 10559.
(Signature of Member)

S. Louis Matheson From
Sunderland Junction, Ont.
January

EVACUATION SECTION	
Rec'd	FEB 1 1946
File No.	4303
Ans.	Spier

Dear Sir:—

Last year in July before leaving ~~Spier~~
I asked for cash. I have written to R. C. M. P.
in Vancouver, requesting to have my ^{fund} ~~belongings~~ &
sums sent to me here in Sunderland. In return
they have answered me saying that our belongings
were all things removed to the ~~custodian~~.

We have settled out in Sunderland for over
half a year now. ~~As~~ My son & daughter
miss their radio very much, and please send
their belongings to me at the above address.
I am enclosing the numbers & details of the radio.

If our belongings are sold already kindly
remit the money to me at once.

I would also like to know if my other
goods are still being stored in there or not.
If sold, kindly send the money.

R.C.M.P. # 377
Camera missing

Yours sincerely, S. Louis Matheson
Sunderland Junction

1 - Radio - Phone Chain - 39-340

Serial No. T-11196

1 - Radio - Stentor Chain - 24433

Serial No. 1969

1 - General Time Item

Bob = 5/10 12

1 - Letter case

1:77 F = 10.5 C.M.

February 4th, 1946.

Mr. Sannosuke NISHIMURA,
Reg. No. 07673,
c/o Love's Mushroom Farm,
SCARBORO JUNCTION, Ont.

Dear Sir:

We have your letter of the 31st ultimo, in reply to which we would inform you that your radios have been sold at public auction. If you will send the R.C.M.P. receipt for these radios, we will credit the proceeds from sale of same to your account.

In connection with your request for shipment of your camera, we regret to inform you that we are not able to comply with your request as the article required cannot at present be located.

We have taken all reasonable measures for protection of personal goods, involving considerable expense in the employment of caretakers, watchmen and night patrol, but in spite of this a certain amount of breaking-in and vandalism has occurred in our storages from time to time resulting in some items being stolen. It would appear that your camera might have been taken under such circumstances.

Burglary and theft are, of course, circumstances which sometimes happen to the most careful property owners even when the owner is in residence and after taking every precaution against such possibilities.

The police have been made aware of this situation and if the missing article should be recovered you will of course be advised.

Your request and a copy of this letter will remain on our files indicating the facts regarding this matter and be available for review at any future time.

Yours truly,

G. B. Spain
Protection Department

GBS:LEM

No.

Royal Canadian Mounted Police

V. 118

\$ 07673

March 10th 1942

Received from

Mr. Sannoake Nishimura

261 Powell St

Vancouver

1-Radio Philco chassis - 39-340 Serial No

1-Radio Stromberg Carlson

7-11176 V

chassis - 24433 V

Serial - 6969 -

Dollars,

1-Camera Zeiss Ikon

Bob = 510/2 lens

f: 7.7 F=10.5 CM.

Signature

[Signature]
12106

1067
NAME NISHIMURA, Sannosuke

REGISTRATION NO. 07673

FILE NO. 4303

The following chattels were sold by public
auction at 992 Powell St., Vancouver on September 26, 1944.

Philco Console

\$ 85.00

Total	(Auctioneer's Fee: \$ 8.50
	(Advertising: 2.94
Less Expenses:	(Moving: 0.92
	(Storage: 1.00

	\$ 85.00
\$	13.36
\$	<u>71.64</u>

Net Proceeds Credited:

Members of Custodian Staff Present.

Mr. Wills

Extracted from Auctioneering List No.

Vancouver 32.

Remarks

NAME NISHIMURA, Sannosuke

REGISTRATION NO. 07673

FILE NO. 4303

The following chattels were sold by public
auction at 992 Powell, Vancouver, B.C. on June 14, 1944.

Stromberg Carlson convertor

\$ 7.50

Total

\$ 7.50

Less Expenses: (Auctioneer's Fee: \$0.75
(Advertising: 0.17
(Moving: 0.08

\$ 1.00

Net Proceeds Credited:

\$ (6.50) ✓

Members of Custodian Staff Present. Mr. Wills

Extracted from Auctioneering List No. Vancouver 24

Remarks.

MEMORANDUM

August 11, 1948

Re: Sannosuke NISHIMURA, Reg. No. 07673, File A303

In regard to the 6 boxes and 4 cartons of goods stored for Mrs. Sannosuke Nishimura on October 27, 1942, the original storage list carries a notation to the effect that these had been moved to auction #33, October 11, 1944.

No goods identified as the property of Mrs. Sannosuke Nishimura were sold at the auction of October 11, 1944. The auction at which her goods were sold was #34, October 25, 1944. Custodian file for Mrs. Sannosuke Nishimura is No. 10712.

Custodian File No. 10713 is the file of Mrs. Matsu Nishimura. Goods identified as belonging to Mrs. Matsu Nishimura were sold on October 11, 1944, Auction #33. Among these goods were chinaware, vases, toys, trays, platters, utensils, etc. Mrs. Matsu Nishimura did not declare such items, but did declare articles in which such items could have been packed. For this reason the identification of such items as her property was not questioned at the time of the auction.

However, the similarity in names and file numbers together with the notation on the storage list covering the goods of Mrs. Sannosuke Nishimura gives rise to the thought that an error may have been made, and that some of the goods sold in the name of Mrs. Matsu Nishimura were actually the property of Mrs. Sannosuke Nishimura.

Mrs. Matsu Nishimura, also, has filed claim for loss with the Commission. She has received the proceeds of the sale of the goods sold in her name. If an error was made at the time of auction it cannot be corrected. We do not have proof that an error was made.

G. M. Mason

DEFENCE BRIEF

Toronto
May 20, 1948

Sannosuke NISHIMURA

File No. 4303

Case No. 1067

PERSONAL PROPERTY CLAIMS

See page 2 of Transcript. Claim of \$3800. for goodwill is abandoned, and a claim for chattels only remains.

Claim

\$686.00

Note that according to Mr. Hunter's undertaking and his Lordship's instructions (see p.5) a new Personal Property Analysis has been prepared in accordance with the new information filed and is now in the file.

Mr. Hunter's statement at page 8, line 2 et seq. is important in explaining the Custodian's action in this case.

(a) Goods valued by claimant at
\$296.00.

Sold for
\$107.60

Sold at auction.

Witness: Mr. Wills attended auctions
as Custodian representative.

With regard to the radios the ceiling prices were \$89.00 for the Philco which sold for \$85.00 and \$15.00 for the other set which sold for \$7.50.

(b) Goods valued by claimant at
\$230.00.

Declared and not found.

At this point please refer to Miss Matheson's Memo of August 11, 1948.

No suitable witness ascertainable from available information.

(c) Camera valued by claimant at
\$45.00.

Stolen

This was reported by the R.C.M.P. to the claimant as stolen. Mr. Hunter admits that it was stolen. See p.4.

(d) Good valued by claimant at
\$115.00.

Unable to distribute or
analyse.

See the new Analysis. Some of
these things were abandoned.
See certificate Oct. 11, 1944,
as to those goods abandoned.

Witness: W.G.B. Thompson, Auctioneer,
certified that those goods
had no value.

There is no way of telling what
proportion of the claim the abandoned
goods constitutes.

Some of the goods in this section were
not found. See new Analysis.

<u>Summary of Defence Witnesses</u>	<u>Where required</u>	<u>Summary of documents to file</u>
Mr. Wills	1 (a)	New analysis of
W.G.B. Thompson	1 (d)	personal property claim.

FRS/mw

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IN THE MATTER OF THE "INQUIRIES ACT"

PART I. REVISED STATUTES OF CANADA 1927, CHAPTER 92.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).

Toronto, Ontario,

May 20, 1948.

IN THE MATTER OF THE CLAIM OF

SAHEOSUKE NISHIMURA

PROCEEDINGS AT HEARING.

APPEARANCES:

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

H.A. BEST, Esq., appearing for the
Claimant.

A. WATSON, Secretary.

B.J. HANFORD, Esq., Official Interpreter.

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

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

4 THE COMMISSIONER: I understand you are abandoning
5 your claim of \$3,000 for good-will?

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

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

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

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

17 THE COMMISSIONER: Very well.

18
19 SANDORU NISHIMURA, the Claimant herein, being
20 first duly sworn, testified through
21 the Interpreter as follows:

22 DIRECT EXAMINATION BY MR. BEST:

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

24 A. Yes.

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

26 A. Yes.

27 (PARTICULARS OF PERSONAL CHATTELS,
28 MARKED EXHIBIT NO. 1)
29
30

YUKIO NISHIMURA, being first duly sworn,
testified as follows:

DIRECT EXAMINATION BY MR. BENT:

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

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

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

A. That is right.

Q. Is that correct? A. Yes.

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

A. Yes, I was.

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

A. Yes.

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

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

Q. At 261 Powell Street? A. Yes.

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

A. Yes.

Q. You all went together? A. Yes.

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

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

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

Q. These chattels? A. Yes.

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

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

6 A. Yes.

7 Q. Have you a letter from them?

8 A. Yes, I have.

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

10 A. Yes, I did.

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

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

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

15 MR. HUNTER: The camera was stolen?

16 MR. BEST: Yes.

17 MR. HUNTER: We admit that.

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

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

22 MR. BEST: That is sufficient.

23
24 MR. HUNTER: It is submitted, my lord, that the
25 personal property sold by the Custodian was sold
26 for its fair market value.

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

30 I would tender the analysis of personal

property claim as Exhibit No. 2.

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

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

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

MR. HUNTER: Yes, my lord.

CROSS-EXAMINATION BY MR. HUNTER:

Q. Whose signature is that on that paper?

A. That is my mother's.

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

MR. HUNTER: This is an acknowledgment dated October 27, 1943, that the only property which she has left in the protected area are the two boxes and cartons which were located at your former address, as stated in here.

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

THE COMMISSIONER: Yes. I recall it.

MR. HUNTER: While this claim is made by Samuekichi Hishikawa, he is your father, I presume?

A. He is.

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

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

was some confusion in saying who claims for it.

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

THE WITNESS: I am sorry.

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

A. Yes. That is right.

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

A. Yes. That is right.

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

THE COMMISSIONER: What is the date of that letter?

MR. HUNTER: October 27, 1942.

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

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

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

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

THE COMMISSIONER: What about the date of sale?

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

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

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

THE COMMISSIONER: Yes. That is correct.

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

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

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

27 THE COMMISSIONER: Very good.

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

1 THE COMMISSIONER: Yes.

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

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

15 MR. BEST: No, my lord.

16 THE COMMISSIONER: That is all, Miss Nishimura.

17
18 (PROCEEDINGS ADJOURNED SINE DIE)

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

22 *A.G. Verdon*
23 "A.G. VERDON"
24 Official Reporter.
25
26
27
28
29
30

Name of Claimant

NISHIMURA, Sammesuke

Case

1067

Custodian File

4303

REAL PROPERTY											Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village				
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Amount Total	Sale Price	Total Award 125% of all Sale Prices % of Amount Total			
PERSONAL PROPERTY											
Motor Vehicles		Boats and Boat Gear									
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Recorded Now Missing	45% of amount in next preceding column				
NETS											
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing			Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim		Deduct Custodian Sale Price
MISCELLANEOUS CHATTELS											
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price				
246.35	107.60		43.74%	424.65							
		32.28			185.74		214.02				
TOTAL RECOMMENDATION											214.02

4303

December 19, 1950.

Mr. Sannosuke NISHIMURA,
29 Ohara Ave.,
Toronto, Ont.

Dear Sir:

Re: Japanese Property Claims Commission

Case No. 1067

We have received from the Co-Operative Committee
on Japanese Canadians, our form of Release which has been
executed by yourself covering the award recommended under
the above Claims Commission for the sum of ... \$218.02

Cheque in your favour is enclosed for \$218.02
and we have paid the Co-Operative Committee .. Nil
for legal fees as authorized by you.

Yours truly,

F.G. Shears
Director