7386

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FILE No. 7386

OFFICE OF THE CUSTODIAN
JAPANESE SECTION
RECEIVED
NOV 19 1946
PERSONAL

OFFICE OF THE CUSTODIAN

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: Katsuo. Minakawa

HOME ADDRESS: Alert Bay. B.C.

REGISTRATION NUMBER 09855 SEX: Male AGE: 46

OCCUPATION: Barber

(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: Dept Mines & Resources Jap project

MARRIED? unmarried

NAME OF WIFE OR HUSBAND:

ADDRESS OF WIFE OR HUSBAND:

NAMES OF ANY LIVING CHILDREN:

ADDRESS OF CHILDREN:

AGE OF CHILDREN:

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

1. LOCATION AND DESCRIPTION: located on foreshore in front David Shaughnessey's property

2. BUILDINGS AND OTHER IMPROVEMENTS:
Building on Float 20×30
4 feet verander all around the house
used as a Barber's Shop.

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

4. TAXES (Amount and where payable) approximate $10.00 payable at Cumberland

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

6. OCCUPANCY AND LEASES (If vacant so state)

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: In my possession

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST:

9. IF FARM LAND STATE CROPS SOWN

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION:

2. LANDLORD'S NAME AND ADDRESS:

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

4. STATE WHEREABOUTS OF LEASE:

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

6. IF FARM LAND, PARTICULARS OF 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:

Empty Float house

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

FORM "JP" FILE No. _____

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: _____

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 16th day of November 1942.

R. Tomoguchi (Signature) K. Kinakawa

Witness

FOR DEPARTMENTAL USE _____

7386

INFORMATION FROM R.C.M.P.

DATE Sept. 23, 1943.

No. 7386.

Name MINAKAWA, Katsuo. (Surname in Block Letters)

Registration No. 09855

Male - Female (Check) ✓

Age May 3rd, 1896.

Former Address Alert Bay, B. C.

Date Evacuated 19/3/1942.

Naturalized - Canadian-Born - National (Check) ✓

Present Address c/o Mr. T. Sasaki (Fruit Rancher), Vernon, B. C.
25/11/1944: c/o Mr. C. W. Morrow (Barrister & Solicitor), Box 232, Vernon, B. C.

Married - Single (Check) ✓

Name of Wife —

Name of Husband —

Name of Mother Mitsu (Japan)

Name of Father MINAKAWA, Saburosuke (in Japan)

Names of Children under 16

Requested by R. G. Bell.

Registered with Custodian Yes. (Yes or No)

Additional Information Barber. Owner of 1 lot (no buildings) at Alert Bay, B. C.

MEMORANDUM

August 9, 1949.

TO: Mr. Good

FROM: E. Robertson

Bai Case No. 189 - Eitaro MIHAKAMA

Vacuum Cleaner:

The above Claimant did not declare the Vacuum Cleaner, for which he is claiming $100.00, on his JP form but in a letter dated November 16, 1942, he informed the Custodian that his Vacuum Cleaner was located at Mr. Kanaguchi's house in Alert Bay. The Custodian, however, did not make a note to the above effect on Mr. Kanaguchi's file (No.1604) which resulted in the Vacuum Cleaner being sold at auction for $51.00 gross and the proceeds credited to Kanaguchi's account.

As all funds have been distributed in connection with Kanaguchi's Estate, I have placed the claim for Vacuum Cleaner under "L.I.N." on the Amended Analysis.

/mm

REAL PROPERTY SUMMARY

File No. 7386.

Catalogue No. 537.

Reg. No. 09855.

Name: Katsuo MINAKAWA.

Address: Alert Bay, B. C.

Legal Description: Lot 2 of Section 53, RUPERT DISTRICT, Plan 4192.

Classification: Vacant land.

Registered in the name of: KATSUO MINAKAWA.

State of Title (No. 128424-I): Clear.

Sold to: FREDERICK THOMAS DALGARNO for $1,000.00 (Cash).

As at: August 2nd, 1944.

Title delivered to new Registered owner by: L.R.O., Victoria (see Nov. 28/44).

Net proceeds ($990.09) released to credit of Katsuo MINAKAWA on: Dec. 19/44.

Completed sales statement to Evacuee sent on: March 17th, 1945.

Chattels: None.

Insurance: None.

Administration: This property consists of a vacant building lot on the water front in the business district of the village of Alert Bay. It was leased, from February 24th, 1944, at $5.00 per month, to F.T. Dalgarno, who became the purchaser, as at August 2nd, 1944.

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

31st December, 1947.

RGB/BM

506 Royal Bank Building,
Vancouver, B.C.

29th April, 1944.

7386 Minekawa

Dr. E.H. Coleman, K.C., C.M.G.,
Under Secretary of State,
West Block,
Ottawa, Ont.

Dear Dr. Coleman,

Re Catalogue No. 537
Alert Bay Property.

With reference to your telephone request for information in regard to the above property the following are the facts briefly outlined

There came under our control a Boat Works formerly operated by Japanese on land rented from a Mr. May. On evacuation our Agent, in conjunction with Mr. May rented the boat works equipment to Mr. Delgarno. Subsequently Mr. Delgarno made us an offer to purchase this equipment but we refused to do so as at that time our policy of liquidation was not fully clarified and we stated that in any case the equipment would need to be advertised and sold by tender or by auction.

On December 7th, 1943, we received the following letter from the Department of Munitions and Supply

"The above gentleman has asked this office to support his application that he be given preference in the purchasing of certain equipment now at Alert Bay and being used by him on a rental basis on boat repairs.

Among other new items recently acquired is a Lathe for the Machine shop, which we recommended to Priorities, to enable him to service boats, etc. being used on essential work in his District. We are well aware of the need for facilities being maintained at Alert Bay and as this man is already established, we would suggest some arrangement be made to insure uninterrupted service to essential needs at that point.

If the above tools are sold by Public Auction it could happen that this equipment would be moved from this area and we know some time might elapse before they can be replaced except from factory items, which are on a high priority. We understand there is some local trouble over this equipment but this does not concern this office, our only interest being to

Dr. E.H. Coleman, K.C., C.M.G.

"keep production of vital War Stores rolling."

In view of this we submitted the facts to the Advisory Committee under Judge Whiteside and they approved of the sale of the equipment and supplies to Mr. Delgarno based on the appraised value before them.

In February Mr. Delgarno advised us that he had been given notice by Mr. May to vacate the land on which he was operating his boat building business and that the only suitable place available in that district was the land in regard to which you are now making enquiries.

Mr. Delgarno was prepared to purchase this land and in view of the fact that we have sold the boat works equipment to him at the request of the Department of Munitions and Supply, in order that the essential operations might be continued, we stated that we were prepared to lease this land to Mr. Delgarno for one year. Mr. Delgarno pointed out that it would be unfortunate if after removing and setting up his equipment on this new site he was later forced to vacate if the property was sold to any other party.

The matter was discussed with Mr. Wright and as we have always tried to give the fullest co operation to any other Government department it was decided that an option to purchase should be included in the lease so that uninterrupted service might be supplied as requested by Munitions and Supply.

The property was placed in the catalogue in order that a competitive price might be established so that this office would be above any criticism in regard to the price to be paid by Mr. Delgarno.

You will note that the letter of the Department of Munitions and Supply refers to some local trouble in which they had no concern and we also have endeavoured to avoid becoming parties to any local disputes. The only knowledge we had of anything in this connection, existed between Mr. May and Mr. Delgarno in regard to prices being charged by Mr. Delgarno and had no relation to the real estate now under consideration.

Mr. Delgarno informed us that it would be necessary for him to get foreshore rights in front of this property and assured us that he could arrange this. We, of course, had no control over the particular matter. We merely wrote to the Department of Lands at Victoria advising them that we were leasing this particular property to Mr. Delgarno for

Dr. E.H. Coleman, K.C., C.M.G.

one year with an option to purchase. The actual clause in the lease reads as follows

"It is understood and agreed between the parties hereto that as if and when the lands herein demised are offered for sale the Lessee is to have the first privilege of purchasing the same at a price to be determined by the Lessor.

Provided that if the Lessee shall not within one week of the time notice has been mailed under registered cover addressed as follows/ Alert Bay Boat Repairs, Alert Bay, B.C., accept such offer, the Lessor shall be at liberty to sell the property to any other person or persons."

I understand that Mr. McPherson will be receiving a letter from you on Monday morning in regard to this matter but I am sending this so that you may have the facts without delay and if your letter calls for any further information Mr. McPherson will attend to same.

Yours very truly,

F. G. Shears,
Director.

FGSPMH

COPY

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

Ottawa, April 29, 1944.

Dear Mr. McPherson,-

I am greatly disturbed over the attached correspondence which I have received from A. W. Neill, M.P. I think there must be some misapprehension as to the situation. Surely we have not entered into a lease of property which is being offered in the catalogue for sale.

Will you be kind enough to look into the matter at once and send me a report by air mail so that I may communicate the explanation to Mr. Neill.

Please return the correspondence with the report.

Yours sincerely,

"E. H. Coleman"

Deputy Custodian.

G. W. McPherson, Esq.,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

AS

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Ottawa, April 29, 1944.

Dear Mr. Neill,-

I have received your letter of the 28th April with its enclosures. This relates to some property at Alert Bay.

Mr. G. W. McPherson of the Custodian's Office here is at present in Vancouver. I am forwarding your letter and its enclosures to him with the request that he obtain and submit a full report. When it is received I will advise you.

All notices relating to the offering of property for sale by public tender by the Custodian contain the traditional and usual clause: "The highest or any tender not necessarily accepted." There has not been a case within my knowledge of any sale of property by the Custodian where the highest tender was rejected and the property sold to a lower tenderer. There have been cases, occasionally, where the highest tender submitted has not reached the amount of the valuation placed upon the property and in some of these cases all the tenders have been rejected and the property retained for subsequent sale at a higher figure.

Furthermore, the procedure is that all tenders submitted are brought to the attention of the Advisory Committee and sales are made on the recommendation of that Committee.

As I have said, I do not know what particular circumstances may prevail in respect to this parcel but as soon as I have heard from Vancouver I will communicate with you again.

Yours sincerely,

A. W. Neill, Esq., M.P.,
House of Commons,
O t t a w a .

E.H. Coleman
Under Secretary of State
and Deputy Custodian.

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1944 Apr.29 AM 8:51

HOUSE OF COMMONS
CANADA

UNDER SECRETARY
OF STATE

Ottawa, April 28, 1944.

E. H. Coleman, Esq.,
Custodian of Enemy Property,
Ottawa, Ontario.

Dear Mr. Coleman:

I enclose a letter from Mr. R. R. Bice and one from Mr. J. B. Williams concerning some Japanese property at Alert Bay.

It would seem to justify full enquire. I notice that Mr. Bice says he has been told that it is not necessary for the custodian to accept the highest bid. That doesn't sound very business like. I suggest that the lease of this land should be concelled and the property continued as advertised for sale by tender and that it should be sold, if at all, to the highest bidder.

Yours faithfully,

A. W. Neill.

"A. W. Neill."

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ALERT BAY, B. C.

April 22/44.

Mr. A. W. Neil, M.P.
Ottawa.

Dear Mr. Neil.

I am writing you regarding some Japanese property here. Catalogue No. 537. Lot 2, Map 4192. Custodian File No. 7386.

Last week I made enquiries from the Custodian and he told me that the lot has been leased to Mr. Fred. Delgarno to allow him to pull in a carpenter and welding shop. I pointed out to the Custodian that they were open for bids until June 15/44 and he replied--Yes--but it does not have to be sold to the highest bidder, giving me the impression that once Delgarno was on the property it be preferable to sell it to him at a nominal figure.

There are several people here who would bid on it, but we want to know that things are on the level. The Board of Trade is taking the matter up and you will probably hear from them in a day or so.

Across the road is a piece of foreshore which Delgarno is also trying to get. Protests have gone in to Victoria, and people here generally are opposing Delgarno; because when he had a monopoly on ship repairs on the Jap ways last summer he did not deliver the goods even at the exhorbitant rates he was charging.

I, like nearly all others am opposed to Delgarno coming in here because this is the only clean section of the village that is not cluttered up along the beach with all kinds of shacks. I refer to the section between the cannery and the Indian graveyard. In this section there is at least $50.000 invested by private owners in nice clean houses and stores, and as there is no bad fire risks our insurance rates are low. Delgarno has purchased a discarded bunkhouse(value about $100.00) and has pulled it onto the beach in readiness to pull onto the Jap lot.

My insurance agent has informed me that the lowest rate on a carpenter and wending shop is 7% and that once this shop is established the rate on all surrounding buildings will be increased. It is most unfair to allow such conditions to move in on on decent people.

As far as I can see there is no justification in granting Delgarno a lease on the Jap lot-- in fact I doubt whether the Custodian has the right to do so.

I have just had a talk with the man who took over the shipways after Delgarno was moved out. The ways are owned by Dick May and before the war were rented to the Japs. The Japs left their tools behind and Delgarno was permitted to use them; but when he was moved out he was allowed to purchase the tools, band saw and planer outright. The people moving in were not allowed to bid on them, nor were they advertised in any way. WHY?

Trusting you will cause some enquiry to be made for all concerned.

I remain
Yours respectfully

"R. R. Bice"

R.R. Bice.

AS

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J. B. WILLIAMS
Barrister and Solicitor
Commissioner - Notary Public

Alert Bay, B. C.

April 25th, 1944.

A. W. Neill, Esq., M.P.
House of Commons,
Ottawa, Ontario.

Dear Mr. Neill:

It is some considerable time since I undertook to bother you, and only do so on this occasion because I feel that it is in the interests of the community to do so, and therefore call on you for help, which in the past always has been cheerfully given.

This community was considerably perturbed this past week when it was learned that the Department of Lands at Victoria had granted a lease for a marine ways and ship repair business on a foreshore lot in the center of the business district. It was more than shocked to learn at the same time that the Custodian of enemy property had granted a lease of an upland lot, formerly belonging to a Japanese, Kawaguchi, to the shipyard man for his shipyard, while at the same time advertising for tenders for the lot's purchase.

Already this shipyard man is moving onto the lot an unsightly and wretched building, to be used by him for his business, and which, I am informed, will materially increase the fire risks around here. Protests and a petition are being forwarded to Victoria, but the Minister of Lands states that a lease already has been granted the man, named Dalgarno.

The Minister of Lands also is authority for the statement in a letter to me that "Mr. Dalgarno has been granted a lease from the Official Custodian of enemy property.." How this comes about in view of the present status of his possession is what we would like to find out. Is the advertising for tenders only a formality? And what assurances will a tenderer have that the highest tender will be accepted? If you can help us in this matter I feel that you will have the grateful thanks of the surrounding business men, who already have been informed that there is a possibility of the fire rates going up substantially. The form of tender states that the property will be sold subject to existing leases, if any; also that the highest nor any tender will necessarily be accepted. This seems to be a way out for him, although I venture to suggest that the granting of a lease while the property was actually up for sale was never contemplated.

I understand that Mr. Bice, who has a substantial investment adjoining the proposed ways, has already written you, possibly

pointing out to you that the shipyard will abut on the Dominion Government telegraph office and the premises of the telephone company, on the east, and his own block on the west, in which he has a substantial investment, while his residence is directly across the narrow street.

The catalog number of the tender is 536, and the property is described in the catalog as Lot 2, D.L. 53, Alert Bay, vacant land. Tenders are to be in by noon on the 15th day of June next.

If there is anything else you may require, I will be pleased to furnish it. In the meantime, I desire to thank you in anticipaltion of anything you may do in the matter, and to let me know the results in due course.

I trust you are enjoying good health, and that you will find time to again visit Alert Bay this summer. With very best regards.

Yours sincerely,

"J. B. Williams"

P.S.—I am enclosing a copy of my letter to the Minister of Lands, for your information.

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April 25th, 1944.

Hon. A. Wells Gray,
Minister of Lands,
Victoria, B. C.

Dear Sir: Re: Foreshore Lease, Alert Bay.

I am in receipt of yours of 14th inst. in re use of Lot 1660 for marine ways and boat repair business by Dalgarno; I also note that you state such lease was made in conformity with the Statute, and was approved on March 29th following receipt of a favorable report by an official of the Department, and no valid reason being apparent against its issue.

The granting of a lease of this lot for such purposes in such summary manner as indicated in your letter is surprising in view of the meticulous requirements imposed on those applying for foreshore leases in the ordinary manner. No valid reasons were advanced, I suggest, because no one was aware of the proposal in time to make objections. Already Dalgarno is moving a decrepit shack on to the lot, which will not only be a fire menace but an unsightly object as well, located in the center of the business district, and entirely out of keeping with surrounding buildings, and can only reflect on the indifference of your Department in such matters. This can only result in preventing responsible people from making investments here until positive assurances are forthcoming from responsible authority that such occurrences will not be repeated. Already we have had assurances that a reserve would be placed on this area, but apparently this assurance will be totally ignored.

In the matter of the marine railway and repair business, it has been suggested that the lot in question cannot afford space ample for such an enterprise. As I understand it, the lot is but 40 feet in width, and extends to low water only. Marine ways, to be of any use, I suggest, must necessarily extend to deep water at least. It is now suggested that he may extend his ways beyond the boundaries of his lot? To place such a wreck abutting business premises, especially a public utility such as the Dominion Government telegraph office and telephone premises, strikes one as the height of absurdity to say the least. Having it in the heart of the business district offends one's pride in local endeavor in building up a respectable business community.

The granting by the Custodian of a privilege to Dalgarno to occupy a property belonging to an enemy alien while such

property is actually being advertised for sale by tender, as a matter that will be looked into in another quarter. It suggests that the calling of tenders is but a formal matter only, and the ethics may be flouted at will.

I was personally prepared to make a substantial investment in a modern building should I be successful in securing this lot, but in view of the apparent facility with which outside persons can secure privileges such as the one in question, I will hesitate to do so until such time as I feel that assurances given by Department officials are worth something other than to be flouted at will. I am actuated by my desire to see Alert Bay progress as much as I am for personal reasons, and I trust that you will see the force of my argument, and that it is not yet too late to rectify an obvious mistake by your Department.

Yours truly,

June 26th, 1944

File No. 7386

MEMORANDUM TO: MR. F.G. SHEARS

FROM: MR. K.W. WRIGHT

RE: Foreshore Lease

The following is an extract from a letter from F.T. Dalgarno, Alert Bay Boat Repair, Alert Bay, B.C. dated June 24th, 1944:

> "Would you please inform Mr. Shears that we have finally straightened out the matter of our Foreshore Lease, fronting the above property and have just received the final papers from the Lands Department in Victoria."

K. W: WRIGHT

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TO WHOM IT MAY CONCERN

On December 23rd, 1943, I, PETE MARKUSEN, agreed to assign lot 1521, Commarant Island, Rupert District, to Mr. Frederick Thoma Dalgarno, for the consideration of $250.00, I received $1.00 for an option on this property for 3 months. On January 20th, 1944, I signed the deeds of transfer on lot 1521, in the office of Mr. J. B. Williams (Barrister, Solicitor and Notary Public) Mr. Williams informed me that Mr. Dalgarno would also sign these papers later in the day. On January 24th, 1944, Mr. J. B. Williams told me that Mr. Dalgarno had not signed the transfer papers, as he did not wish to exercize his option, Mr. Williams at the same time told me he had another buyer for lot 1521, Mr. Whyatt Matheson, a person with whom I have been acquainted for some time, who was very anxious to purchase my property. Mr. Matheson made me a cash offer of $225.00, for lot 1521, which I accepted. Mr. Williams then made up the Transfer papers, myself, Mr. Matheson and Mr. Williams signed same. This transfer is dated January 24th, 1944.

As I did not have a chance to contact Mr. Dalgarno after signing the second transfer I was not aware of any complications that had arisen until I returned to Alert Bay at the end of my trapping season, when Mr. Dalgarno informed me of the true circumstances.

Signed . . . "Pete Markusen" . . .
Pete Markusen.

Witness . . . "A. M. Holman" . . .

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Alert Bay, B. C.
May 16th, 1944.

G. W. McPherson, Esq.,
Department of the Secretary of State,
Ottawa.

Dear Sir:-

As per your advice on your recent visit to Alert Bay, I am submitting the following facts relative to my attempt to establish a shipyard and machine shop business, in the Village of Alert Bay, resulting in my application to the Custodian of Alien Enemy property for a lease upon the particular piece of property known as Lot 2, Section 53, Cormorant Island, Rupert Land District, which was owned by a Japanese.

On June 15th, 1942, I arrived in Alert Bay, being a young man, aged 32 years, married, one child; a boat builder and mechanic, of some years experience. I had resided and was employed by a logging Company, at Wells Pass, and upon hearing that a marine ways, and boat repair shop was available at Alert Bay, I immediately made arrangements to lease same. I leased this property from Richard May, an operator of a machine shop, which was adjacent to the property leased to me. I continued in business at this location until October 26th, 1943, and did very well. Owing to difficulties with my landlord, I was unable to handle the amount of business that I was capable of handling, and as a result realised that the condition would eventually become impossible. However, on the last date mentioned I was given oral notice to vacate by the landlord, and I hesitate to set down in writing the troubles and difficulties that I had with my landlord, who is now my competitor, as I feel that they may be considered petty. At any rate, the situation was impossible, and I continued to try and complete work that was on order for customers. The oral notice to vacate was not legal and not being sympathetic towards persons who use highhanded methods I remained upon the premises.

On December 17th, 1943, I was served a written notice to vacate within thirty days. This notice was served by Mr. J. B. Williams, a Barrister and Solicitor, who will appear again later in this letter, witnessed by R. May, the landlord. I remained upon the premises, and on January 17th, 1944, I was again served a notice to vacate, and in default to appear in County Court at Cumberland, B. C. This notice was served by the same two men mentioned above. In fact it was not served upon me but upon my wife. I accepted this service.

I might add that all during this time I was attempting to obtain other property but without result. On November 3rd, 1943, I attempted to purchase a piece of property from one Jim King, a Chinese, with a view of establishing my business but the Chinaman advised me that certain people would make it too tough for him if he sold to me, and I have now learned that the Chinaman knew whereof he spoke, and like a great deal of other people here is afraid of one or two individuals who can make it difficult for, to use the vernacular, the underdog. Again on December 23rd, 1943 I obtained an option for the sum of $1.00 for three months, to purchase a piece of property for a total amount of $250.00, from one Pete Markusen, and I signed the deed of transfer which had already been signed by Pete Markusen, before J. B. Williams, the Barrister previously mentioned, who notaried it before me. Mr. Williams advised me that he would send the transfer to the Dept. of Lands at Victoria, B. C., by the next mail, and I should add at this time that, while in Victoria, effecting the registration of a foreshore lease, I was advised by the Deputy Minister of Lands that no such transfer had ever been received. I would now suggest that you examine the attached letter, and you may draw your own conclusions as to what happened to my application. A few days later, I called at the office of Mr. Williams and offered to pay the balance on the property of Pete Markusen's and he advised me that I had only paid a dollar on the option, and that Pete Markusen had changed his mind and sold the property to another

CONTINUED ON NEXT PAGE.

party. By examining the document attached, you will note that someone lied, and was not ethical in the transfer of property. Unfortunately, there was no other barrister here that I could turn to advise me what I should have done.

On February 4th, 1944, I appeared before Judge Hanna in County Court, in Cumberland, B. C., upon a summons to here cause why I should not vacate the property of Richard May. I might add that Mr. J. B. Williams appeared as Counsel for Mr. May. I had retained a Courtenay Barrister, one Mr. J. Mitchell to appear in my behalf. The result of this hearing was that the order to vacate was illegal, provided by the Wartime Prices and Trade Board Regulations, and the case against me was dismissed.

On February 7th, 1944, I approached the B. C. Packers Ltd., at Vancouver, with a view of purchasing a foreshore that was not in use at Alert Bay, that would be suitable for a business of my kind. The Controller advised me that they intended to use this piece of property themselves, and I was therefore refused.

On February 9th, 1944, while still in Vancouver, I interviewed Mr. Green of the State Department (Custodian of Alien property) relative to the purchase of the piece of property now under lease by me. He instructed me to interview the owner, a Japanese who was at Vernon, in the purchase of this lot. I acted upon his instructions and interviewed the Japanese, and that individual advised that he didn't care who purchased the property, but would not sell unless compelled by the Dominion Govt., to dispose of property owned by him.

I might also add that I arranged for and purchased the machinery owned by Japanese in Alert Bay, and completed that transaction.

I made several other attempts to purchase property that could be used, but was met with the same refusal as set out earlier in this letter. If the details are required I can supply them, but I do realize that it will make a lengthy letter, and will not assist any further in this transaction, unless you do require that information I will not set it down here. I am only trying to supply the most essential that does convey that I have been stopped in every attempt to establish myself.

On February 21st, 1944, Mr. Wickens, the principal of the Indian Residential School at Alert Bay, was approached by my wife and a friend, with a view of obtaining the old mill site property, which is situated on property belonging to the Church of England. He did not have the authority to transact such business and advised me to see a Mr. Hamilton of the Synod Office in Victoria, B. C. I was in Vancouver at this time and my wife wired this information to me, and I immediately left for Victoria. I interviewed Mr. Hamilton on February 22nd, 1944 and he advised me that a lease of this property would be subject to the approval of tenants occupying property adjacent to the old mill site, and that Sunday work would make the lease subject to cancellation. I should add that all business premises operate in Alert Bay on Sundays, and Tuesdays are observed for Sunday. Most ship repair work takes place on Sunday, so that it can be readily seen unless I operated on a Sunday, I would get a very poor share of the business.

While in Victoria, I made inquiry at the office of the Department of Lands as to the lease upon the foreshore of the Japanese property that I now have under lease. I learned then that the lease had been cancelled and as a result was open for application. I then proceeded to Nanaimo and made application for a lease through the proper channels and in due course received same without any question, except by local interests at Alert Bay who immediately placed a notice upon the property advising that a lease was to be applied for. I did nothing about this action and eventually the truth was learned and the notice removed. The lease for this foreshore is still in Victoria and has not been issued to me yet, and I believe that this is probably caused by protest from individuals here who are interested in obtaining the property for their own use, and not for the sake of public interest, as some persons have tried to make out.

CONTINUED ON NEXT PAGE.

The foreshore consists of forty feet frontage, hence my interest in the Japanese property that is now under lease to me. This property is necessary for the erection of carpenter and machine shop.

On February 14th, 1944, a further notice was served upon me to vacate Mr. May's property, and as I wished no more trouble over this, I vacated on March 25th, 1944. It was necessary for me to spread my equipment about town at various places as I had not found a place to instal same. This I might add put me to a great deal of expense and trouble.

On March 29th, 1944, I was notified by telegram that the Dept. of Lands had accepted my application for the lease upon the foreshore, and the lease had been issued, and as a result on April 10th, 1944, I moved my float and machine shop building, which was on a float to the foreshore site, where it has remained up until the present time. I should add that I purchased the building from a logging camp, when my difficulties arose with my landlord with a view of moving it on to a piece of property that I might eventually locate.

There has been, I am advised, complaints that my prices are much too high and that my work is not efficient. This is a question that can quite easily be settled by inquiry through the Wartime Prices and Trade Board (Mr. Howard) at Vancouver, who advised me that my prices and charges were within the range set out by that Board, and in fact could be raised without abusing the charges set by the Board. As to the quality of work done in my shop, I can only state that I have never had any complaints from my customers and the work has been accepted and passed by the San Francisco Board of Underwriters, and I have done a large amount of work for all three of the Armed Services, i.e., Army, Navy and Airforce without ever having received a complaint.

Please find attached a list of expenses and the value of machinery and property held by me. This includes the expense that has been incurred in attempting to establish my business here, and has been more costly because of the unethical attempts that have been made to stop me regardless of the methods used.

I would be pleased if the State Department would give me just and fair consideration in only in the purchase of the Japanese owned piece of property. I do not ask for anything beyond fairness and justice in my application for this transaction. I could go into a great deal of detail of the attempts that have been made to stop me, in my attempt to make an honest living, but I do not wish to harm anyone or deal in personalities. I can prove that those who have tried to obstruct me, have even stooped to complaining to the Police that my premises would be a fire hazard and of a danger to the community as a whole. I am quite sure that every person that you approached relative to my status as a man could, if speaking the truth, say that I have only been honest and frank in my dealings with all decent people, and intend to continue as such. Recently, at a meeting of the local Board of Trade, an attempt was made to have that Board second a motion to have the Minister of Lands refuse my application for the foreshore lease. I might say at this time, that I did not realize that there was quite so many fair minded persons in this little Village. Several members asked that I be called to the meeting and hear what I had to say, and when I explained my position, I was asked to leave. I later learned that the motion put forward was not viewed by any member of the Board with any sympathy and as a result the motion was not passed. The complaint was that the premises would be a fire menace, lower the value of adjacent property, increase the insurance rate, spoil a bathing beach and that the site was the residential area and not for industry. None of the objections are the truth and each was questioned by members of that Board. In the first place there is no beach in a forty foot frontage, covered with heavy and large stones, second, there will be very little increase in insurance rate

CONTINUED ON NEXT PAGE.

over that of an ordinary residence, and there are only a few residences in that particular area, inasmuch as the B. C. Packers property is on both sides of my property except for a few lots. On one side of the property under question is a Hotel and Beer Parlour, on the other a residence owned by the B. C. Packers Ltd., across the road is a drugstore and bakery and next to that is the telegraph office. I have heard of no objections from any of these other business owners except the hotel keeper.

I might add in closing that the press of work has been such that I have not been able to get the buildings as well established as I should like, but expect in due course to have some relief and will enhance the property with, what in my opinion will be presentable buildings.

Thanking you for your consideration, I am,

Yours very truly,

F. T. Dalgarno.

May 19, 1944.

COPY

Travelling expenses incurred	$ 200.00
" " Court case & business	150.00
Legal Expenses	120.00
Towage on building	75.00
Labour used in moving	150.00
Rent of float for building	90.00
Towage on floats return	60.00
Misc. small expenditures incurred	91.00
	$ 936.00

EQUIPMENT OF THE ALERT BAY BOAT REPAIRS, May 19, 1944.

1	32" band saw, roller tables & blades	$ 250.00
1	24" x 6" Crescent 3 side Pony Planer	300.00
	Counter Shafts & Pulleys	55.00
1	300 amp. Lincoln Electric Welder	1400.00
	Oxy. Act. Cutting & Welding Torches & Gauges	98.00
	150 ft. Oxy. Acetylene Hose	45.00
1	Lawson 110 ac-6 volt D.C. Light Plant	205.00
1	10" Logan Screw cutting Lathe	425.00
1	Logan Lathe, Accessories & Tools	200.00
1	12" Delta Wood Lathe & Metal cutting Accessories	212.00
1	10" Power King Mitre Saw	72.00
1	5" Blue Star Jointer	67.00
1	3/8 Black & Decker Drill (electric) & Drill Stand	61.00
1	3/8 Sioux Electric Drill	33.00
1	12 ton Hydraulic Jack	31.00
1	20 " " "	45.00
2	Screw Jacks...24" & 18"	19.50
2	Gilcrest Logging Jacks (1 new)	120.00
4	Crosscut Saws	25.00
1	Power Drag Saw	125.00
	Electric Light extensions	20.00
	Extra Welding Cable	54.00
	Shipwright's & Carpenter's Hand tools	400.00
	Machinists Tools	270.00
	Stock of Bolts & Hardware	300.00
	Lumber (Fir & Cedar)	355.00
	Lumber (Hardwood)	175.00
	Large Spikes	52.00
	Power Winch - 6 cylinder & reconditioned	800.00
	Machine shop 50' x 20' on skids	400.00
	Office equipment	125.00
1	Table Rip Saw	27.00
1	22" Heavy Duty Drill press	200.00
1	Chrysler 52 reconditioned	90.00
1	4200 rev. ½ H.P. Electric Motor	25.00
	Flex-shaft Sander & Emery Wheels	26.00
	Forge & Blower	40.00
	Anvil & Swedge Block	25.00
	Drills for large & small drills	50.00
	½ H.P. heavy duty Electric Motor for Lathe	40.00
1	H.P. " " " " for Drill Press	40.00
	Miscellaneous metal stock	200.00
1	1 Large Bench vise	25.00
1	Air Compressor Tank	300.00
1	Steam Boiler	150.00
1	32 Ft. Work boat with 15 H.P. Easthope Engine	1700.00
7	Cedar Floats (for Dock)	250.00
	Lumber for Carpenter Shop	120.00
	Wheels for Marine Ways	110.90
		$ 10158.40

506 Royal Bank Building,
Vancouver, B.C.

June 10th, 1944

7386-Dalgarno

Dr. E.H. Coleman, K.C.C.M.G.
Under Secretary of State,
Ottawa.

Dear Dr. Coleman,

In accordance with your letter of the 8th inst., I enclose copy of Lease dated 11th March 1944 for one year with two clauses inserted in regard to a privilege of the Lessee to purchase when offered for sale.

An exact copy of the advertisement which appeared in quite a number of newspapers on March 30th, 1944 is to be found on the inside page of the catalogue, of which I am enclosing several copies. Clause 7 of the advertisement refers to properties being sold subject to existing leases. The property in question is listed on page 5 under No. 537.

We have found from experience that parties often make tenders without being aware of any specific lease arrangements which were made either by the Japanese or by ourselves. In such cases where a tender is acceptable, before we ask for the balance of the purchase price, our policy is at that time to clearly advise the tenderer of the existence and terms of the lease so that he is fully aware of same before he proceeds further.

Mr. Neill I take it, feels that we are giving the general public an opportunity to bid on something which it is not our intention to sell to the highest bidder. Until we have advertised and received bids we are not in a position to be aware of its competitive market value. Assuming at this point that as Lessors under the agreement we give the Lessee the privilege of buying at a price"to be determined by us" (which in the normal way would at least be as much as the highest tender) if the Lessee did not exercise h s privilege we would then certainly sell to the highest bidder, so that to take care of every eventuality the course followed seems to be in order.

Judge Whiteside and his committee after a very complete review of all the facts were in agreement with this and an excerpt from from their Minutes reads,-"The Custodian specifically asked for advice and recommendations and the Chairman, Judge Whiteside, stated that he considered the actions taken by the Director of the Office of the Custodian, were entirely justified. The other members of the

Dr. E.H. Coleman, K.C.C.M.G.

Committee also supported the Chairman's views. It was moved by Mayor W. Mott and seconded by Mr. Hal. Menzies "That Mr. F.T. Dalgarno should be permitted the privilege of purchasing this vacant lot at a price to be determined. This price to be the subject of further consideration by the Committee, after tenders received by the 15th June 1944 had been referred to them for consideration."

Had we sold this property to Mr. Dalgarno without advertising, we might then well have been accused by those who have appealed to Mr Neill, of making a private sale and possibly not obtsining a competitive market price.

As previous correspondence indicates, the request which we received from the Department of Munitions and Supply, influenced us in the handling of this particular matter. In addition to presenting this case again to the Committee after tenders have been opened I will advise you of their recommendations before taking any further action.

Yours very truly,

F.G. Shears,
Director

FGS:lm

C
O
P
Y

Ottawa, June 8, 1944

Dear Mr. Shears.-

I have been having a great deal of correspondence with A.W. Neill, Esq., M.P., concerning the Dalgarno lease at Alert Bay. I now have a letter from Mr. Niell asking me to supply him with:

1. A copy of the lease to Mr. Dalgarno, which of course should show the date it was signed, etc.

2. A copy of the advertisement showing the date when this property was advertised for sale and showing where the public were notified that they were asked to bid on property already leased.

In relation to 2, I take it that the reference in the catalogue to the fact that particulars could be obtained from a specific agent was intended to cover the point, but you might send me several copies of the catalogue in which this property is shown.

I shall be glad if you will supply the material by air mail.

Yours sincerely,

Signed:

E.H. Coleman,
Under Secretary of State
And Deputy Custodian

506 Royal Bank Building,
Vancouver, B.C.

7386

30th June, 1944.

G.W. McPherson, Esq.,
Executive Assistant,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. McPherson:

Re: Catalogue No. 537
Alert Bay.

At a meeting held in Judge Whiteside's Chambers on Wednesday June 28th at 2 p.m. the tenders received in connection with the above property were considered.

The appraisal on this and other Alert Bay properties was made by Mr. Wastell, a resident of that district for many years. He is the owner of the Telegraph Cove Mills and is a local Magistrate and Justice of the Peace. His qualifications were entirely satisfactory to the Committee. His comments on the valuation of this property are as follows;

"This lot is in the business portion of the village on the front street. No property similarly situated in the village has sold for over $500.00 per lot. The owner has excavated a portion of the lot about 60 feet wide by 50 feet deep at a cost of approx. $100.00. The real value would not be over $600.00. Should this property be sold and used as at present apparant as a machine shop and boat-building establishment, interested property holders adjacent might place a greater value on it and buy to protect themselves from this hazard but any such inhansed value would cause an assessment increase of all properties in the vicinity which would work a hardship on these property holders. The value as now set is all this property can be expected to bring under conditions here for a very considerable time."

The tenders received were as follows:

$1,000.00 from J.B. Williams
825.00 " Fred Wastell

Mr. Dalgarno, prior to the closing of tenders, enquired from our office whether it would be necessary for him to make any offer and he was

G.E. McPherson, Esq.,

informed that he was not required to do so at that time. This was in line with the motion in the Minutes of the Advisory Committee that the matter of price which Mr. Dalgarno should be asked to pay for this property would be considered by them after the opening of tenders on June 15th. The Committee after due consideration are of the opinion that Mr. Dalgarno should be given the first privilege of purchasing this property for the sum of $1,000.00. It was considered that although the amount might be somewhat in excess of its real value that in view of the matter of competition and other bids which had been received, it would be desirable for Dalgarno to be required to meet the amount of the highest tender received.

For your information Mr. Dalgarno intimated to me prior to the opening of tenders that while his idea of the maximum value of this property would be about $700.00 that he would not have much objection to paying $1,000.00 if he was required to do so.

I have not made any reply to the two parties who have tendered on this property and it would be appreciated if you would advise whether you considered it in order to dispose of this property to Mr. Dalgarno should he be prepared to pay the purchase price suggested by the Advisory Committee.

Yoursvery truly,

F. G. Shears,
Director.

FGS/FMH

EXTRACTS FROM THE MINUTES OF THE ADVISORY COMMITTEE ON RURAL PROPERTIES
Held on Tuesday, 16th May, 1944
In Judge Whiteside's Chambers at 1.30p.m.

File No. 7386 - Alert Bay property and Dalgarno.

Mr. Shears reviewed the sale of certain equipment by Mr. Dalgarno which had been approved by the Committee at their meeting on the 13th January.

Mr. Shears stated that following the normal course of the Custodian's office he had recently leased a vacant lot to Mr. Dalgarno for one year and that a clause had been inserted in the lease that when the property was offered for sale in accordance with the Custodian's policy of liquidation Mr. Dalgarno would be given an option to purchase.

The actual clause in the lease reading as follows:

> "It is understood and agreed between the parties hereto that as if and when the lands herein demised are offered for sale the Lessee is to have the first privilege of purchasing the same at a price to be determined by the Lessor.
>
> Provided that if the Lessee shall not within one week of the time notice has been mailed under registered cover addressed as follows: Alert Bay Boat Repairs, Alert Bay, B.C., accept such an offer, the Lessor shall be at liberty to sell the property to any other person or persons."

Mr. Shears explained that this had been done in view of the interest of the Department of Munitions and Supply had taken in regard to Mr. Dalgarno's operations.

At this point Mr. G.W. McPherson stated that correspondence in regard to this matter had been sent to Mr. A.W. Neill at Ottawa and that Dr. Coleman, the Deputy Custodian, had requested an enquiry into this case.

Mr. McPherson stated that Mr. Shears, the Director of the Vancouver office, and himself had visited Alert Bay and asked to be

permitted to read to the Committee the report of their investigations. This was read and photographs of the Dalgarno building and other Alert Bay properties which had been taken by Mr. McPherson were inspected by the committee. The Chairman suggested that the report be incorporated into the Minutes of the meeting.

The Report specifically asked for advice and recommendations from the Committee and the Chairman, Judge Whiteside, stated that he considered the actions taken by Mr. Shears, the Director, were entirely justified on the basis of the information given and the circumstances which existed. The other members of the Committee also supported the Chairman's views and

It was moved by Mayor Mott and

Seconded by Mr. Menzies

That Mr. Dalgarno should be permitted to exercise his option to purchase the property from the Custodian subject to further consideration by the Committee as to the amount which he should be asked to pay for the property after any tenders were received by the 15th June had been referred to them for consideration.

This motion was carried unanimously.

St.George's Hospital.
Alert Bay. B.C.
July 1st. 1944.

Mr H.F.Green.
506 Royal Bank Building.
Vancouver. B.C.

Dear Mr Green.

Regarding the float house mentioned in a previous letter of today. There is a little news that I did not want on the other letter.

We had a fire at Alert Bay the other night and a boat repair shop belonging to an Indian was burned down and with it a boat and also the float house. Everything was burned down to the ground.

Mr King was not in residence, he being away at Port Alice working. Yesterday he was in to see me to see what we could do, and I explained that he took posession of the house when he made the first payment and that therefore the responsibility was entirely his own. I went further and said there was nothing we could do as we were merely agents for the two parties and if he did not take out insurance, that was his misfortune. I made it perfectly clear that there could not possibly be any return of the money as the deal was closed when he took possession.

It is fate I suppose, but the papers came by mail, the same evening as the fire. I had sent them to him for his signature before ~~xxxgxxxxxxxxxxxx~~ sending them to you for Minakawa,s signature.

Please go ahead and get the necessary signature and I will give Mr King his copy in case he can collect from the Indian people where the fire started.

Yours truly,
H. Baxendale
H.Baxendale.

P.S. July 4th we are selling the collection of household goods assembled at Alert Bay.
H.B

7366

August 2, 1944.

Mr. F. T. Dalgarno,
Box 40,
Alert Bay, B. C.

Dear Sir:

Re: Catalogue No. 537
Lot 2/53/4192, Alert Bay

This will acknowledge receipt of your letter of July 30th in which you enclosed your certified cheque for $1,000.00, the full amount of the purchase price for the above property.

We note that you wish this property to be registered in the name of Fredrick Thomas Dalgarno, boat repairer, of Box 40, Alert Bay, B. C., and that you are a British Subject.

The necessary documents will be prepared and forwarded to the Secretary of state at Ottawa, and if our recommendation is acted upon, the documents will be signed and returned.

After the documents have been registered a statement of adjustments of taxes, etc. will be prepared, including registration fees, and forwarded to you.

Yours truly,

F. G. Shears,
Director.

GP:EB

File 7286
Catalogue No. 537
August 12, 1944.

[redacted]

To Mr. Wright

Using Agt. D. A. Gamer

[redacted]

To enclose herewith the following documents in connection with the sale of the above described property.

1. Original Certificate of Remittance.

2. Transcription in duplicate.

3. Deed in duplicate - [redacted]

4. Copy of letter showing to whom sold and price paid for the property.

5. Memorandum from the Administration Department containing valuation, and approval of Military Authities.

Certificate of Indefeasible Title No. [redacted] is in the owner's possession.

[redacted]

D A Gamer

File No. 7386.
Catalogue No. 537.

November 30th, 1944.

MEMORANDUM

TO: Mr. George Peters

FROM: Mr. D. A. Cramer

Estate NIMAKAMI
Lot 2 of Sec. 53, Rupert
District. Plan 4192.

With reference to the above property which was recorded in the Victoria Land Registry Office, dated September 12th, 1944, we attach herewith the following documents in connection therewith.

1. Copy of application number 145931, dated September 7th, 1944, registering the property in the name of the Custodian (Transmission).

2. Copy of application number 145932, dated September 7th, 1944, registering the property in the name of Fredrick Thomas Dalgarno (Deed).

3. Duplicate of Transmission dated August 21st, 1944.

4. Duplicate of Deed dated August 21st, 1944 - Secretary of State to Fredrick Thomas Dalgarno.

NOTE: We have received a letter from the Victoria Land Registry Office, dated November 28th,1944, stating that Title No. 145932, covering the above property, was mailed direct to Fredrick Thomas Dalgarno.

DAC:JB
Attch.

Approved

Float House.

7386.

November 8th, 1944.

Mr. Katsuo MINAKAWA,
Registration No. 09855,
P. O. Box 87,
Vernon, B. C.

Dear Sir:

We are in receipt of a letter from Mr. C. W. Morrow, L.L.B., of Vernon, asking for information regarding the disposition of proceeds from sale of your Float House at Alert Bay.

The following extract of your account gives particulars of all receipts and disbursements to date, and shows a balance of $145.05 standing at your Credit at the present time.

1943				
November	12	1st payment on Float House		$ 20.00
December	17	Cheque in your favour	$ 20.00	
"	20	2nd payment on Float House		$ 25.00
1944				
January	5	H. Baxendale, commission on sale	$ 4.50	
"	21	Telegram to Alert Bay	$ 2.00	
June	3	Rent, Alert Bay property, May/August, 1944		$ 15.00
July	6	Balance of purchase price of Float House		$105.00
August	2	Proceeds from Auction Sale as per attached statement		$ 41.24
"	9	Victoria, Cert. of Encumbrance	$ 1.00	
"	12	Cumberland, taxes in arrears	$ 17.32	
"	28	Cumberland, 1944 taxes	$ 7.87	
September	6	Registrar, Victoria—Registration fees	$ 8.50	
Today		Balance at your Credit	$145.05	

These funds are available to you as required for while it is the policy of this office, in its capacity as trustees, to conserve

Adv. Cal 537
Bal

4.00

141.05

Catalogue No. 537
File No. 7386
Alert Bay, B. C.
2/53/4192

December 18, 1944.

FREDRICK THOMAS DALGARNO
(purchaser)

In account with: The Custodian of Enemy Property

STATEMENT OF ADJUSTMENTS

(As at August 2, 1944)

	DEBIT	CREDIT
Purchase price	$1,000.00	
Cheques received		$1,000.00
Amount of rent collected		
August 2nd to August 23rd - 21/31 x $5.00		3.39
Registration fees on deed - $1,000.00	6.00	
Purchaser's proportion of 1944 taxes - 151/365 x $7.87	3.26	
Balance owing by purchaser		5.87
	$1,009.26	$1,009.26

BALANCE OWING BY PURCHASER $5.87

File No. 7386

CLAIMS DEPARTMENT

August 7th, 1943.

Katsuo MINAKAWA - Reg. No. 09855.

CREDITORS:-

1. McLennan McFeely & Prior Ltd..... $49.50 ? (Pd)
(Beatty Bros. Ltd.)

/ND

4

LIABILITY SUMMARY

File 7305 Katsuo NIMAKAWA Reg. No. 09855.

$49.95 Beatty Bros. Ltd., Vancouver. Letter dated April 20th, 1942. Balance owing on purchase of vacuum cleaner. Cancelled (see 5th and 7th August, 1943).

$ 5.00 Dr. H. NOHIDA, Vancouver. Undated extract (filed behind October 20th, 1943). Cancelled.

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

31st December, 1947.

[illegible]

[illegible]/ab

File 7386 **GENERAL SUMMARY** Reg. No. 09855

Katsuo MINAKAWA

This 46 year old Japanese National Barber from Alert Bay, B.C. signed a Custodian JP declaration form on the 16th November, 1942. He was evacuated on the 19th March, 1942, at which time he was single.

The following is a summary of the contents of Mr. MINAKAWA's file made today:

Real Property: See Real Property Summary, dated 31st December, 1947, for particulars of Alert Bay property (Cat. 537) sold (August 2, 1944) for $1000.00 Cash, net proceeds ($990.09) released to credit of this account on 19th December, 1944.

Personal Property: This evacuee declared ownership of a Float House at Alert Bay, which was sold for $150.00 ($20.00 Cash and balance, $130.00, being received by this office and credited to his account.)

Bills Receivable: None

Bonds, Shares, Etc.: None

Bank Accounts: None

Life Insurance: None

Liabilities: See Liability Summary for particulars of Liabilities

Funds: There is a credit balance of $1,004.28 in this account at the present time.

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

31st December, 1947.

RGB/ms

St. George's Hospital,
Alert Bay, B.C.,
March 6th, 1944.

Mr. H.F. Green,
506 Royal Bank Building.
Vancouver, B.C.

Dear Mr. Green.

Re: Katsuo Minakawa File # 7386. Reg #.09855.

Some time ago I wrote you that the shed and building at Alert Bay was being torn down and that I had to make some other arrangements to store the above man's effects. There was a barber chair, heater, pots and pans, large mirror and a toilet bowl and sink.

These articles were conveyed to a barn here but the man has now informed me he needs the room and has asked me to find other quarters. I have made several enquiries but no one is disposed to have the goods stored on their property. The total value of the whole lot would be only a few dollars. The storage rent if we could get it would soon be higher than the chattels.

I would like to have permission to sell these goods, not for the money that would be realized but rather to eliminate the worry of finding space and the responsibility of some of them going astray.

The few chattels left at the house of Kawaguchi the late owner of the T.K. & H.S. boat works could also be disposed of at the same time. There is nothing left here except garden tools, but these would realize something.

There is no official auctioneer here and it would be very foolish to send one up from Vancouver. If it meets with your permission I could probably get the consent of the local police to sell these without any auctioneer's license. Failing this I could arrange for all items to be placed in one location and sell them privately.

If we got rid of these small items we would have only the real property on our hands. That would be the house of Kawaguchi, the farm of Miyake, and the vacant lot belonging to Minakawa.

Have you any idea what price Minakawa has on the lot at Alert Bay.

Yours truly,

"H. Baxendale"

H. Baxendale.

189 - 3
EXHIBIT No.
21 April 1948
DATE
FILED Claimant on behalf of Crown

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

May 17, 1948

STATEMENT RE SALE OF:

Name: MINAKAWA, Katsuo

Catalogue No:

File No: 7386

Street Address: 537 Alert Bay, B.C.

Reg. #09855

Legal Description: 2/53/4192

Date of Sale and Adjustments ..... August 2nd, 1944 .....

Sale Price		$ 1000.00
Real Estate Agent's Commission	$	
xxxxxxxxxxxxxxxxxxxxxxxxxxxx		
Charge for Valuation	6.67	
Charge for Advertising	4.00	
Land Registry Office Transmission Fee	2.50	
Encumbrances:		
xxxxxxxxxxxxxxxxxxxxxxxxxxxx Unpaid vendor		
xxxxxxxxxxxxxxxxxxxxxxxxxxxx Mortgagee		
xxxxxxxxxxxxxxxxxxxxxxxxxxxx Arrears of Taxes		
xxxxxxxxxxxxxxxxxxxxxxxxxxxx Other charges		
Adjustments:		
Fire Insurance		
xxxxxxxxxxxxxxxxxxxxxxxxxxxx Taxes		
Water		3.26
xxxxxxxxxxxxxxxxxxxxxxxxxxxx		
	13.17	$ 1003.26
Net Proceeds credited to your account		990.09

Date: .....
March 17th, 1945.

Compiled by: .....
Mr. George Peters

File No. 7386
Reg. No. 09855

Katsuo HIRAKATA

	Date	Particulars	Debit	Credit	Balance
1943	November 12	1st payment on float house	$	$ 20.00	
	December 20	2nd payment on float house		25.00	
		Cheque to you	20.00		
1944	January 21	Telegraph charges	2.00		
	July 6	Balance re sale of float house		105.00	
		Agents' commission	15.00		
		Rent of lot 2, Feb. 24 - July 24 @ $5.00		25.00	
	August 2	Proceeds Auction Sale		41.24	
		Land Registry Office - Certificate of Encumbrance	1.00		
		Arrears of taxes	17.32		
		1944 taxes	7.87		
		Balance rent to date		1.61	
		Credit re Sale of Property		990.09	
	November 29	Cheque to you	100.00		
1945	February 3	Cheque to you	40.00		
			$ 203.19	$1,207.94	
					CR $ 1,004.75

Rec'd
File No. 7386
Ans.
Referred

Telegraph Cove, B. C.
May 29, 1944.

537

Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sirs:

Re: Catalogue No. 537

I herewith tender an offer of $825.00 for the above property, to be registered in the name of Fred Wastell, Lumberman, Alert Bay, B. C. Enclosed please find cheque for $132.00 to cover deposit on Catalogue Nos. 537 and 542.

132 50/FK

Yours truly,

Fred Wastell
per La Pegan

Comm'l

J. B. WILLIAMS
BARRISTER AND SOLICITOR
COMMISSIONER · NOTARY PUBLIC

Rec'd
No. 7386
Filed
Referred

Alert Bay, B.C.

June 3rd, 1944.

537

The Custodian,
506 Royal Bank Building,
675 West Hastings Street,
Vancouver, B. C.

Sir: Re: Lot 2 Section 53, Alert Bay, Cormorant Island—Plan 4192. Catalogue No. 537.

I herewith submit Tender of $1,000.00 for above property, and enclose certified cheque payable to the Secretary of State for 10% of the amount offered.

$100.00

Yours truly,

J B Williams

Assess $500
Market Value $600
Thus is based to
Elegance

C O P Y

Float House

Alert Bay, B.C.
June 17th. 1944.

Agreement of sale. Float-house on beach at Alert Bay. B.C.

I Katsuo Minakawa Registration # 09855 hereby state that I am the owner of the Float-house situated on the beach at Alert Bay. B.C. and do hereby sell to James Charles King, of Alert Bay, B.C. the said Float-house at the price of One Hundred and Fifty Dollars ($150.00).

The said Float-house is clear of all incumbrances.

"Katsuo Minakawa"

Katsuo Minakawa.

Witness.

"H. Baxendale"
"Alert Bay. B.C."

"James Charles King"

James Charles King.

Orig. to
8-11-1944

NAME SUSAKAMA, Katsuso

REGISTRATION NO. 09855 FILE NO. 7386

The following chattels were sold by public auction at Alert Bay, B.C. on July 4, 1944.

Bowls	Kus	$ 0.60
Woodware	"	0.25
Mixing bowls	Kus	0.25
Kettle	"	0.25
Stock pot	"	1.00
Double boiler	"	0.75
Coffee pot	"	0.15
Stock pot (enamel)	"	0.75
" " " small	"	0.15
2 Pails	Kus	0.50
Galvanized tub	Kus	0.15
Enamel pot	"	0.25
Tubs	"	0.25
Coffee pot	"	1.25
Bowls	"	0.25
Cans	"	0.25
Wire	Misc.	0.50
Kettle, fur, wash-board	Kus	0.50
Parts cans paint	Misc	0.50
Baskets	"	0.25
Baskets	"	0.60
Fry pan	Kus	0.25
Shovel	Misc	0.15
Box cleaners	Misc	0.10
Bottle Methyl Hydrate	"	0.50
" " "	"	0.10
Heater & Stove pipe	"	4.00
Cigar box of buttons	Misc	1.60
to be carried forward:		$ 16.10
Less Expenses:		$
Net Proceeds Credited:		$

Members of Custodian Staff Present.

Extracted from Auctioneering List No.

Remarks.

NAME MINAKAWA, Katsuo

REGISTRATION NO. 09855 FILE NO. 7386

The following chattels were sold by public auction at Alert Bay, B.C. on July 4, 1944.

Brought forward:	$	16.10
Totem pole		4.00
Porcelain Toilet Bowl		21.00
Sink & trap		5.00
Barber Chair		11.00

Total			$ 57.10
Less Expenses:	Auctioneer's Fee:	$5.71	
	Advertising:	0.65	
	Moving:	9.50	$ 15.86
Net Proceeds Credited:			$ 41.24

Members of Custodian Staff Present.

Extracted from Auctioneering List No. Alert Bay 1.

Remarks.

COPY

St. George's Hospital.
Alert Bay, B. C.
June 17th, 1944.

Extract from H. Baxendale's letter.

7386
Complete

Mr. H. F. Greene,
506 Royal Bank Building,
Vancouver, B. C.

Dear Mr. Greene:

Mr. Nastell has lived in these parts for about 30 years. He is the owner of Telegraph Cove Mills at Telegraph Cove, B. C., which is about 8 miles from here. He owns about 20 houses in this part of the world and also is a property owner in Vancouver, West Vancouver, New Westminster and also Prince Rupert. He is also the Local Magistrate and Justice of the Peace. I am mentioning all this so that you will have an idea of the calibre of the man making the valuation.

Catalogue 537

KAWAGUCHI or MINIKAWA Lot:

This lot is in the business portion of the village on the front street. No property similarly situated in the village has sold for over $500.00 per lot. The owner has excivated a portion of the lot about 60 feet wide by 50 feet deep at a cost of approx $100.00. The real value would not be over $600.00. Should this property be sold and used as at present appearant as a machine shop and boat-building establishment, interested property holders adjectant might place a greater value on it and buy to protect themselves from this hazard but any such inhanced value would cause an assessment increase of all properties in the vicinity which would work a hardship on these property holders. The value as now set is all this property can be expected to bring under conditions here for a very considerable time.

Zo original
Mr. Nastell's Valuation see Cat 531

G. H. COTTRELL, LIMITED

GENERAL TRANSPORTATION

TORONTO ONTARIO 92 ADELAIDE ST. W. | WATERLOO ONTARIO C.N.R. FREIGHT SHEDS | HANOVER, ONT. | HAMILTON ONTARIO 200 FOREST AVENUE | MONTREAL QUEBEC GUY TOMBS LTD. AGENTS

ESTABLISHED 1901

375 TERMINAL AVENUE
VANCOUVER
CANADA

13 October, 1948

EVACUATION SECTION
Rec'd OCT 14 1948
File No. 7386
Ans.
Referred

Department of the Secretary of State,
Office of the Custodian,
Japanese Evacuation Section,
506 Royal Bank Building,
Hastings and Granville,
VANCOUVER, B.C.

Attention: Mr. C. H. Reed.

Your File 7386

Gentlemen:

This is to advise you that Mr. Minakawa took possession of the office safe which was stored in our Warehouse. This safe was picked up on October 9th.

Yours very truly,

G. H. COTTRELL, LIMITED,

T P Dunlop

TPDunlop:mb

Secretary-Treasurer.

STORAGE · CARTAGE · DISTRIBUTION · POOL CAR OPERATORS · WEIGHERS

P.O. Box 87,
Vernon, B.C.
Dec. 8th, 1947.

Mr. R. G. Bell,
Office of the Custodian,
506 Royal Bank Bldg.,
Vancouver, B.C.

EVACUATION SECTION
DEC 10 1947
Rec'd
File No. 7386
Ans.
Bell

Dear Mr. Bell:-

In reply to your letter of Nov. 22nd, regarding my safe left at Messrs. G. H. Cottrell, I would advise you to dispose it for me if you can sell it at more than $150.00 as I have specified in my claim form. If you have no prospect for immediate disposal, kindly turn it over to some other storage company until you can dispose it and appreciate.

Mr Dunlop
Mea/0231.

Very truly yours,
Katsuo Minakawa
per E. T. O.

now stored at
375 Terminal Ave
(Wed. 17/12/47).

2/1/48: $1000. 28/2

EQUIPMENT OF THE ALERT BAY BOAT REPAIRS, May 19, 1944.

		$ 250.00
1	32" band saw, roller tables & blades	300.00
1	24" x 6" Crescent 3 side Pony Planer	55.00
	Counter Shafts & Pulleys	1400.00
1	300 amp. Lincoln Electric Welder	98.00
	Oxy. Act. Cutting & Welding Torches & Gauges	45.00
	150 ft. Oxy. Acetylene Hose	205.00
1	Lawson 110 ac-6 volt D.C. Light Plant	425.00
1	10" Logan Screw cutting Lathe	200.00
1	Logan Lathe, Accessories & Tools	212.00
1	12" Delta Wood Lathe & Metal cutting Accessories	72.00
1	10" Power King Mitre Saw	67.00
1	5" Blue Star Jointer	61.00
1	3/8 Black & Decker Drill (electric) & Drill Stand	33.00
1	3/8 Sioux Electric Drill	31.00
1	12 ton Hydraulic Jack	45.00
1	20 " " "	19.50
2	Screw Jacks...24" & 18"	120.00
2	Gilarest Logging Jacks (1 new)	25.00
4	Crosscut Saws	125.00
1	Power Drag Saw	20.00
	Electric Light extensions	54.00
	Extra Welding Cable	400.00
	Shipwright's & Carpenter's Hand tools	270.00
	Machinists Tools	300.00
	Stock of Bolts & Hardware	355.00
	Lumber (Fir & Cedar)	175.00
	Lumber (Hardwood)	52.00
	Large Spikes	800.00
	Power Winch - 6 cylinder & reconditioned	400.00
	Machine shop 50' x 20' on skids	125.00
	Office equipment	27.00
1	Table Rip Saw	200.00
1	22" Heavy Duty Drill press	90.00
1	Chrysler 52 reconditioned	25.00
1	4200 rev. ½ H.P. Electric Motor	26.00
	Flex-shaft Sander & Emery Wheels	40.00
	Forge & Blower	25.00
	Anvil & Swedge Block	50.00
	Drills for large & small drills	40.00
	½ H.P. heavy duty Electric Motor for Lathe	40.00
1	H.P. " " " " for Drill Press	200.00
	Miscellaneous metal stock	25.00
1	1 Large Bench vise	300.00
1	Air Compressor Tank	150.00
1	Steam Boiler	1700.00
1	32 Ft. Work boat with 15 H.P. Easthope Engine	250.00
7	Cedar Floats (for Dock)	120.00
	Lumber for Carpenter Shop	110.90
	Wheels for Marine Ways	
		$ 10158.40

ENEMY SECTION
Rec'd FEB 29 1944
File No.
Ans'd
Refer'd

MEMORANDUM

File No.: 7386

February 26th, 1944.

To: Mr. Wright

From: Mr. Green

Re: Katsuo MINAKAWA

You will recall that it was agreed the other day between Mr. Shears, yourself, Mr. Bell, and the writer, that the real estate belonging to this Japanese and mentioned below, should be leased to the Alert Bay Boat Repair from February 24th at the rate of $5.00 per month for the period of one year. The Alert Bay Boat Repair are to be given the chance of meeting any tenders received for the purchase of this land when it is offered for sale. This decision was arrived at as Mr. Dalgarno, the manager of the Alert Bay Boat Repair, has to leave the premises he is now occupying at the end of this month and an [redacted] he had secured on the other suitable piece of foreshore had been abrogated. You will recall that we have already, with the approval of the Committee, sold the equipment of the T.K. and H. S. Boat Works to this concern on the request of the Department of Munitions and Supply.

Would you kindly draw a lease accordingly for the following piece of land? Lot 2 of Section 53, Prince Rupert District, Plan 4192.

Mr. Dalgarno is also applying for the lease of the foreshore Lot 1660 being directly across the highway from Lot 2 as above and has requested that we write to the Department of Lands in Victoria advising them that we are leasing Lot 2 to him. I have today done this.

HFG:IF

Catalogue No. 537
File No. 7386
Alert Bay, B. C.
2/53/4192
Certificate of Title No. 145932
MINAKAWA Katsuo

/09855

JAN 8 1945
Rec'd
File No.
Ass.
Referred Peters

Control of property described above title covering which I have received is by me hereby acknowledged and I agree that all adjustments and incidents connected with sale to me of this property have been settled.

Dated at Alert Bay this 2nd day of January 1945.

ALERT BAY BOAT REPAIRS

F. T. Dalgarno

Fredrick Thomas Dalgarno

Return to the Custodian

August 14th, 1944

REAL PROPERTY MEMORANDUM

FILE NO: 7386

NAME: Katsuo MINAKAWA

CATALOGUE NO: 537

RE: Alert Bay, B. C.
Vacant Land

CERTIFICATE OF ENCUMBRANCE:

Description of Property:	Lot 2 of Section 53, Rupert District Plan 4192
Encumbrances:	Nil
Taxes:	1943 taxes of $7.90 unpaid. Arrears amount to $8.23 paid 11/8/44
Vested:	No. 51528
VALUATION BY APPRAISER:	$600.00
AMOUNT OF BID:	$1,000.00
APPROVED BY ADVISORY COMMITTEE:	July 27th, 1944
AMOUNT RECEIVED BY CUSTODIAN:	$1,000.00
NAME OF PURCHASER:	Frederick Thomas Dalgarno

KWW/JF
Attach.

K. W. WRIGHT

Copy for Mrs. Gutcher

Ems

7386

August 2, 1944.

Mr. F. T. Dalgarno,
Box 40,
Alert Bay, B. C.

Dear Sir:

Re: Catalogue No. 537
Lot 2/33/4192, Alert Bay

This will acknowledge receipt of your letter of July 20th in which you enclosed your certified cheque for $1,000.00, the full amount of the purchase price for the above property.

We note that you wish this property to be registered in the name of Fredrick Thomas Dalgarno, boat repairer, of Box 40, Alert Bay, B. C., and that you are a British Subject.

The necessary documents will be prepared and forwarded to the Secretary of state at Ottawa, and if our recommendation is acted upon, the documents will be signed and returned.

After the documents have been registered a statement of adjustments of taxes, etc. will be prepared, including registration fees, and forwarded to you.

Yours truly,

F. G. Shears,
Director.

GP:EB

File No. 7386
Catalogue No. 537

July 31st, 1944.

ENEMY SECTION
Rec'd AUG 12 1944
File No.
Ans'd
Refer'd

MEMORANDUM

TO: Mr. Geo. Peters

FROM: Mr. R. G. Bell

Re: Katsuo MINAKAWA
Registration No. 09855

There is no evidence of any impediment to the transfer of a clear title to this property.

The property is under lease to Alert Bay Boat Repair, the trade name under which F. T. Dalgarno, the lessee, operates. In filing the bid that is now being accepted he is taking up the option to purchase contained in his lease.

RGB/EMG

Date. July. 31st, 1944.

REAL PROPERTY MEMORANDUM

File No. 7386

Name...Katsuo MINAKAWA.....Registration No. 09855...

Re: Catalogue No. 537

Address: Alert Bay, B. C. see plan

Legal Description: Lot 2/53/4192

TITLE AND ENCUMBRANCES.

A. Certificate of Title No. 128424-I Whereabouts: Owner's Hands.

Registered owner: Katsuo MINAKAWA Reg. No. 09855

Property: Lot 2 of Section 53, Rupert District, Plan 4192.

B. Charges.

Registered: None

Vesting: 51528 1st Nov-1943

Unregistered: No evidence of any.

Taxes: (1942) $8.23; (1943) $7.90; (1944) $7.83. arrears paid 11/8/44

Water: Nil

Insurance: Nil

Assessed Value: Land: $500.00 Improvements: Nil

Valuation by Appraiser: $600.00

Amount of Bid: $1,000.00

Approved by Advisory Committee: July 27th, 1944.

Paid as shown in attached letter: $1,000.00 - August 2nd

Name of transferee as attached letter: Fredrick Thomas Dalgarno

ADMINISTRATION.

Tenancy: Monthly tenure (state consideration & whether including or excluding furniture or equipment)

Leasehold: (State period, consideration & unusual clauses and whether including or excluding furniture or equipment)

Leased by Custodian for one year from February 24th, 1944 at $5.00 per month to Alert Bay Boat Repair.

Chattels: Particulars of those stored on the premises.

None

Memorandum compiled by:

.....

R. G. Bell.

Named Agent: H. Baxendale, Alert Bay.

Name of Claimant MINAKAWA, Katsue

Case 189

Custodian File 7386

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
		1000.	100.	.00 12.50							112.50

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 & Not Found & 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	
188.71	96.85	29.05	51.24%	76.50	40.22	Special		51.00 69.27

TOTAL RECOMMENDATION 232.77

1540

7386

November 16th, 1950.

Mr. Katsuo MINAKAWA,
P. O. Box 326,
R. R. 4,
Vernon, B. C.

Dear Sir:

Re: Japanese Property Claims Commission

Case No. 189

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 ... $232.77.

Cheque in your favour is enclosed for $219.31

and we have paid the Co-Operative Committee... $ 13.46

for legal fees as authorized by you.

Yours truly,

F.G. Shears
Director

FGS/je
1 encl.

B R I E F

VERNON
April 21,1948

Notes in Defence

Katsuo MINAKAWA

File No. 7368

Case No. 189

Claims:-

1. Real property, being Lot 2 of Section 53, Rupert District, Plan 4192.

2. Chattels.

Claim 1:-

Claimant's approach to the valuation of the property is not in line with the extract from appraisal marked Exhibit 5, filed by Mr. McTavish. The appraiser thought that the land held some value above its true worth by virtue of the threat of its being turned into a machine shop or boat works. But even when considering this added "nuisance value" the figure he arrives at is nothing like the amount claimed.

Our position would appear to be one of defending the honesty of the appraisal, since it will be seen that the sale price was 200% of the assessment; 166% of the appraisal, but only 33% of the claim. Therefore if it can be shown that either the assessment or the appraisal are indicative of the true value of the property, the claim is greatly out of line.

Re Mr. McMaster's submission that Baxendale was our agent:- It would appear that he was, since he is listed in the catalogue on P.5 as agent for the property. See Exhibit 5.

It is worth noting in passing that the appraisal was made by A.M. Wastell of Alert Bay and the first tender was submitted by Fred Wastell of Alert Bay. If these two men are close relatives, we may have to defend the appraisal.

Mr. McTavish submitted that the real property was sold for its fair market value; that the personal property which was sold was sold for fair market value, that the claim for the personal property not sold is exorbitant.

Claim 2:- **Chattels**

Nothing in the chattel claim was declared on the J.P. form at all. The vacuum cleaner, however, was declared by claimant in letter of Nov. 16, 1942.

Claim for chattels was reduced at hearing to include only the goods inventoried by Baxendale plus the said vacuum cleaner, 6 wheelbarrows, a totem pole and "other tools" (the latter 4 items were not inventoried by Baxendale.)

As to the vacuum cleaner, see note on claim analysis. (Possible agency here despite fact that we sold the machine as the property of another Japanese?)

What became of the mirror and the 6 wheelbarrows is not ascertainable from the file. The mirror was inventoried but was not sold.

FRS/mw

CASE NO: 189

IN THE MATTER OF THE "INQUIRIES ACT"

PART I. REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION.

BEFORE

(HIS HONOUR, JUDGE J.R. ARCHIBALD, SUB-COMMISSIONER)

10

Vernon, B.C.

April 21, 1948

IN THE MATTER OF THE CLAIM OF

KATSUO MINAKAWA

PROCEEDINGS AT HEARING.

20 APPEARANCES:

D.S. McTAVISH, Esq., appearing for the Dominion Government.

R.J. McMASTER, Esq., appearing for the Claimant.

T.J. MARRION, Esq., Secretary to Vernon Sub-Commission.

G.N.R. UPTON, Esq., Official Interpreter.

G. HAMBLETON, Esq., Official Reporter.

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MR. McMASTER: Katsuo Minakawa, it is on the second page on the right-hand side, under No. 204.

THE COMMISSIONER: You want that numbered, then, 189?

MR. McMASTER: Yes, your honour.

KATSUO MINAKAWA, the Claimant herein, having first been duly sworn, testified through the official interpreter as follows:

MR. McMASTER: I would apply to amend the claim in this case, your honour, to reduce the value of land and improvements to $3,000.00; the custodian sold it for $1,000.00, making the net claim $2,000.00; and to amend the chattel claim to a total chattel claim of $355.00. There is a credit to the Custodian of $45.15, leaving a net claim of $309.85 on the chattels.

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DIRECT EXAMINATION BY Mr. McMASTER:

Q: Witness, did you instruct Mr. Leckie to prepare this statement with regard to the real property with respect to which you are making a claim?

20 A: Yes.

Q: Would you be good enough to sign it, please?

A: (Witness complies)

Q: Are the contents of that statement true to the best of your knowledge and recollection? A: Yes.

MR. McMASTER: I ask to file that as Exhibit No. 1.

STATEMENT MARKED EXHIBIT No. 1

MR. McMASTER: Referring to Exhibit No. 1, your honour, it is a vacant piece of land at Alert Bay in the business section on the main street next to the Alert Bay Hotel. The claimant states that in 1941 on

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on October 15th, he paid $1,000.00 for the land and that he did certain scraping and levelling and excavating which cost about $650.00. He states that it was his intention, had he not been evacuated, to erect on the site a good class building to be operated as a rooming house. He states in the statement that in the summer of 1941 a Mr. Oki, who operated grocery stores in Vancouver, came to see him at Alert Bay and offered him $4,000.00 for the lot. He says that he knew that he had made a very good buy and the lot had real value, but having already made his plans for development and the erection of the rooming house, he refused to consider the offer. He planned to have two store fronts and a poolroom behind on the main floor of the proposed building. He believes that the property was worth at least $2,000.00 in August 1944 when the Custodian sold it.

Q: Witness, did you instruct Mr. Leckie to prepare this statement with regard to the personal chattels with respect to which you are claiming? A: Yes.

Q: Would you be good enough to sign it, please?

A: (Witness complies)

Q: Are the contents of that statement true to the best of your knowledge and recollection?

A: Yes.

MR. McMASTER: I would ask to file that statement as the next exhibit.

(STATEMENT MARKED EXHIBIT 2)

I would ask my friend if he would be good enough to produce a letter addressed to the Custodian from

one Baxendale dated March 6, 1944?

(Handed to Mr. McMaster)

I produce a letter from the Custodian's file dated March 6, 1944 from Alert Bay, B.C., purporting to be signed by H. Baxendale, addressed to the Custodian's office, Mr. Green, re this claimant, which reads in part as follows:

"Some time ago I wrote you that the shed and building at Alert Bay was being torn down and that I had to make some other arrangements to store the above man's effects. There was a barber chair, heater, pots and pans, large mirror and a toilet bowl and sink."

I think that is the main portion I wish to refer to specifically.

(LETTER MARKED EXHIBIT NO. 3)

Would my friend admit that Baxendale was the agent of the Custodian?

MR. McTAVISH: That is filed on my behalf, is that correct?

MR. McMASTER: That is all right with me. Are you prepared to admit that Baxendale was the agent of the Custodian at Alert Bay?

MR. McTAVISH: I can't answer that; I don't know, your honour.

MR. McMASTER: Does my friend wish me to file the claims analysis?

MR. McTAVISH: Yes.

MR. McMASTER: I file on behalf of the crown the Custodian's analysis of personal property claim as the next exhibit.

I would like to draw attention to the remarks on that, your honour, in the right-hand column with reference to the vacuum cleaner. It states that the vacuum cleaner was not declared on the J.P. form, and a later declaration of its existence, which also shows on here to have been made on November 16, 1942 by a letter from the claimant to the Custodian, in a friend's home was not noted in the latter's file, and the file is file 1604, Tsuruzo Kawaguchi, deceased, with the result that auction proceeds, $51.00 gross of this article were credited to latter's estate which has been distributed.

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Q: Witness, did you know Tsuruzo Kawaguchi?

A: Yes.

Q: And did you leave your vacuum cleaner at his premises?

A: Yes.

Q: And you advised the Custodian of that fact in a letter of November 1942? A: I am not quite certain, but I think I did.

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Q: Well, the Custodian said he did; he doesn't deny it, is that right? A: Yes.

Q: Do you know that Kawaguchi has since died?

A: Yes.

Q: And did you ever receive any monies from Kawaguchi or from any of the persons who shared in his estate from the sale price of this vacuum cleaner?

A: No, I haven't received anything.

MR. McMASTER: With respect to the Custodian's claims analysis, the last exhibit, I would also draw attention to the inventory by Baxendale which is set out

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in that analysis.

(CLAIMS ANALYSIS MARKED EXHIBIT NO. 4)

MR. McMASTER: Your witness.

MR. McTAVISH: It is submitted, your honour, that the real property was sold for its fair market value. It is submitted that the chattels sold were sold for their fair market value. It is submitted that the prices claimed by the claimant for the chattels not sold are exhorbitant. It is further submitted, your honour, that some of the chattels claimed for by the claimant were never disclosed to the Custodian and he had no notice of them.

Is my friend prepared to admit the assessed value of the property?

MR. McMASTER: As at 1944, according to the assessment notice, $500.00.

MR. McTAVISH: That is correct.

Your honour, with regard to appraisal on this property, it was part of a collective appraisal made by A.M. Wastell. Is my friend prepared to allow this extract from the collective appraisals to go in, subject to its later --

MR. McMASTER: For what it is worth.

MR. McTAVISH: For what it is worth, yes. I put that extract in as Exhibit 5, your honour.

(EXTRACT FROM APPRAISAL MARKED EXHIBIT NO. 5)

Now, on this extract, your honour, the property is described as follows: "This lot is in the business portion of the village on the front street. No property similarly situated in the village has sold

for over $500.00 per lot. The owner has excavated a portion of the lot about 60 feet wide by 50 feet deep at a cost of approximately $100.00. The real value would not be over $600.00."

MR. McMASTER: Is my friend not going to read further?

MR. McTAVISH: Does my friend want me to finish it?

MR. McMASTER: Yes.

MR. McTAVISH: "Should this property be sold and used as at present appears, as a machine shop and boat-building establishment, interested property holders adjacent might place a greater value on it and buy to protect themselves from this hazard, but any such enhanced value would cause an assessment increase of all properties in the vicinity which would work a hardship on these property holders. The value as now set is all this property can be expected to bring under conditions here for a very considerable time."

CROSS EXAMINATION BY MR. McTAVISH:

Q: Witness, how many Japanese lived at Alert Bay?

A: At the time of evacuation?

Q: Yes, at the time of evacuation.

A: Just one other family besides myself.

Q: And how many white people lived at Alert Bay at that time? A: I think a little less than one thousand.

Q: Is that in the village itself or in the village and surrounding area? A: Yes, in the neighbourhood.

Q: In the neighbourhood. At any time had a greater num-

ber of Japanese than two families ever lived there?

A: There was another family before.

MR. McTAVISH: Your honour, with regard to the personal property claimed for, the barber chair, for which $100.00 is claimed was sold at auction for $11.00; the totem pole, for which $7.50 is claimed was sold at auction for $4.00; the porcelain toilet bowl, for which $30.00 is claimed was sold at auction for $21.00; the sink and trap, for which $15.00 is claimed, was sold at auction for $5.00; the heater stove and pipe, for which $12.50 is claimed, was sold at auction for $4.00.

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Q: I produce the J.P. form. Would you ask the witness to identify his signature on that?

A: Yes, I signed this.

MR. McTAVISH: Yes. I draw your attention to the J.P. form. In the "Statement of Personal Property Owned" is "Only empty float and house" listed. I file that as Exhibit 6.

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(J.P. FORM MARKED EXHIBIT NO. 6)

MR. McTAVISH: That is all, your honour.

RE-DIRECT EXAMINATION BY Mr. McMASTER:

Q: Witness, was Alert Bay a center for loggers and fishermen who live in and about the inlets at the north end of Vancouver Island?

A: A number of them came from the different areas around Alert Bay.

Q: Does he know what the rooming house facilities in Alert Bay were at the time of his evacuation?

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A: There was no rooming house, but there was a hotel.

Q: Just one hotel? A: There were two hotels.

Q: And when these loggers and fishermen stopped in at Alert Bay, did they usually stay for a day or two, or would they stay for a week or more?

A: The fishermen used to come in on holidays, but the loggers used to come in regularly at all different times.

10 Q: Yes. Now, in the appraisal report, or the extract from an appraisal report that my learned friend has filed, the appraisor stated that it appeared that this property was going to be used as a machine shop and boat-building establishment. When you left Alert Bay, was there anything on the property that would indicate or suggest to any reasonable person that the property was going to be used for those purposes?

A: There was no intention on my part to make any boat-
20 building establishment or machine shop, but there was another man named Kawaguchi who had intentions of that sort, who was a boat builder.

Q: Had intentions to do what?

A: To erect a boat building establishment.

Q: On his property?

A: This man Kawaguchi intended to make a boat-building establishment, but as he was not permitted to do so, I bought it.

Q: That is the man you bought from? A: Yes.

30 Q: And you paid him $1,000.00? A: Yes.

MR. McMASTER: That is all.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify that the foregoing is a true and accurate transcript of the proceedings herein.

Gordon Hambleton

G. Hambleton
Official Reporter.

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I hereby certify that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

"J.R. Archibald"

Sub-Commissioner.

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