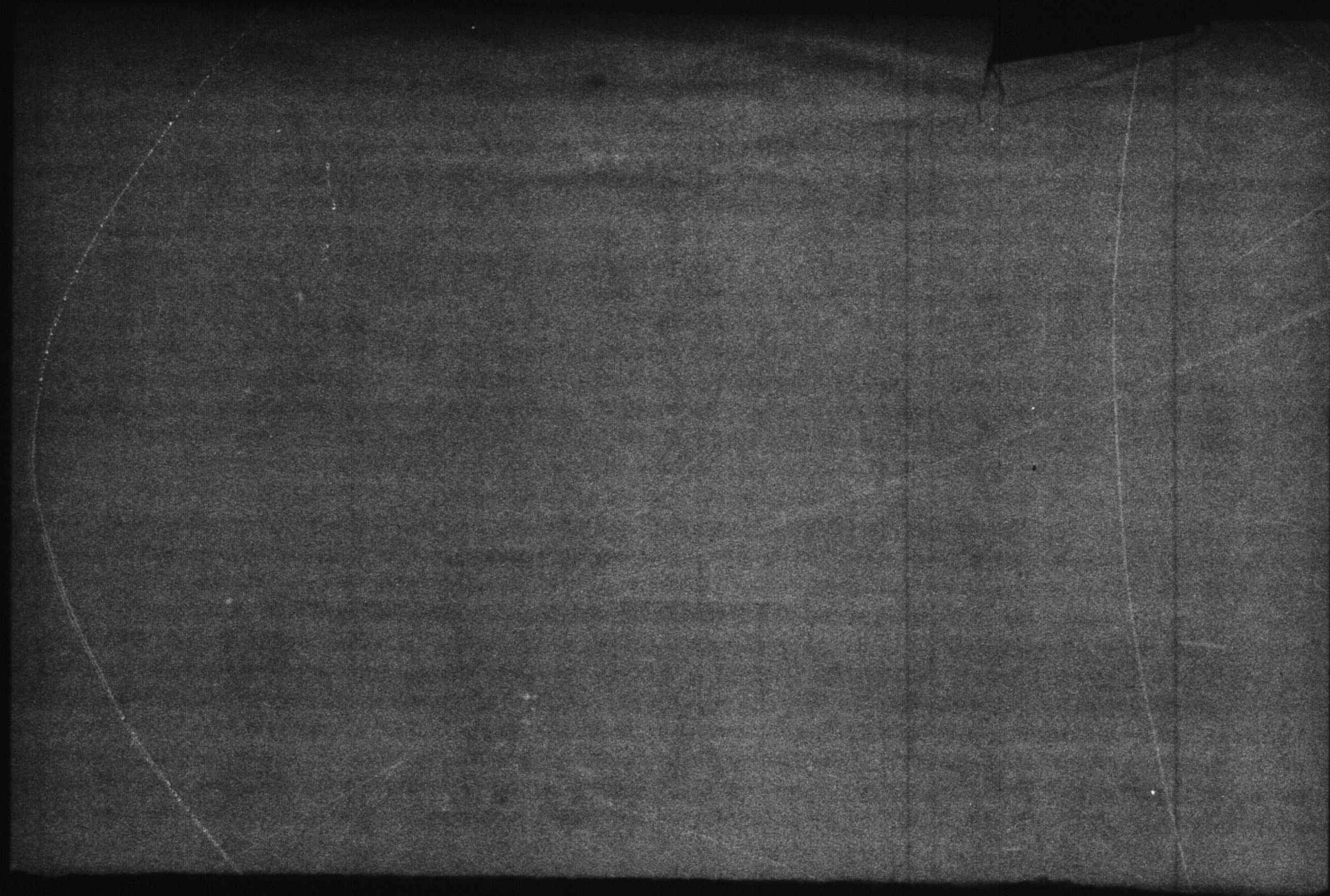


7632

7632

ALL DOCUMENTS SUPPORTING CLAIM NO. 1042 ARE FILED ON  
FILE NO. 7632.







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: NISHIYAMA, YutakaHOME ADDRESS: XXXX R. R. No. 1, New Westminster, B. C.REGISTRATION NUMBER 09469 SEX: Male AGE: 25OCCUPATION: Farmer

(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: SelfMARRIED? NoNAME OF WIFE OR HUSBAND: NoneADDRESS OF WIFE OR HUSBAND: NoneNAMES OF ANY LIVING CHILDREN: NoneEXHIBIT No. 1042-7DATE 13 May 1948

FILED BY

ADDRESS OF CHILDREN: NoneAGE OF CHILDREN: None

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

## 1. LOCATION AND DESCRIPTION:

S. half of N. half of the South East quarter of Sec. 11, Township 4,Save and except the right of way of the Van. Victoria and Eastern Rly. and Navigation Co. As shown on sketch deposited No. 112297, in the district of New Westminster.

## 2. BUILDINGS AND OTHER IMPROVEMENTS:

Three roomed house, frame building, shingle roof, barn, root cellar and packing shed.3. INSURANCE (Give particulars; state where policies are) NoneNone4. TAXES (Amount and where payable) \$59.00 payable to Municipality of Delta. 1941 paid.

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

NoneBrother MITSURU, owns one-third, Brother TATSO, owns one-third.

## 6. OCCUPANCY AND LEASES (If vacant so state)

Self



7. STATE WHEREABOUTS OF TITLE DOCUMENTS.  
Declarant has title. ~~Witness~~  
Brother MITSURU one-third  
Brother TATSU one-third

9. IF FARM LAND STATE CROPS SOWN  
3 acres Raspberries, 2 acres Currants, 21 fruit trees, apples, pears, plum  
24 Italian Prune trees.

#### STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION:

Dwelling house, R. R. No. 1, New Westminster, B. C.

2. LANDLORD'S NAME AND ADDRESS:

Sell

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

None

4. STATE WHEREABOUTS OF LEASE:

None

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

Rented to FRANCIS GELACH, \$350.00 plus taxes for 1942 and

afterwards at \$150.00 plus taxes per annum.

6. IF FARM LAND, PARTICULARS OF CROPS SOWN:

See clause No. 9 above.

#### STATEMENT OF PERSONAL PROPERTY OWNED:

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

Furniture etc., valued at \$300.00 stored in house.

Orchard equipment as per list attached, left in barn for use of

tenant.

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

None

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

CLAIM ON ANY SUCH PROPERTY

None



4. INSURANCE CARRIED ON ABOVE PROPERTY: \_\_\_\_\_  
 None

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF  
 OTHERS: \_\_\_\_\_  
 None

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom) \_\_\_\_\_  
Chevrolet Coach, 1932 model, has been delivered to Fogg Motors,  
New Westminster for sale and when sold they will pay the declarant  
\$205.00.

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)  
15--\$8.00 War Saving Certificates in own possession.

8. BANK ACCOUNTS: \_\_\_\_\_  
 None

9. LIFE INSURANCE: \_\_\_\_\_  
 None

10. INTEREST IN ANY ESTATES OR TRUSTS: \_\_\_\_\_  
 None

11. SAFETY DEPOSIT BOX: \_\_\_\_\_  
 None

#### LIABILITIES:

1. PERSONAL DEBTS: \_\_\_\_\_  
 None

2. TRADE DEBTS: \_\_\_\_\_  
 None

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 21st day of April 1942.

(Signature)

*J. H. Kiyama*

*Ramona*

Witness

FOR DEPARTMENTAL USE



✓ Please file #7632

7632 ✓ Aug. 16/43  
Mar. 2/43

INFORMATION FROM R.C.M.P.

Date

Our File No. 7632

Full Name Yoshizaemon NISHIYAMA  
(Surname in Block Letters)

Registration No. 06447

Male - Female  
(check)

Age Feb. 25, 1872.

Former Address

R.R.#1, New Westminster, B.C.

Date Evacuated

May 5/42.

Naturalized - Canadian-Born - National  
(check)

Present Address

c/o E. Halman, Magrath

Box 86 to c/o Perry Meyer

c/o John Trezly, Magrath, Alta. (Jan. 4/47) A.H.

Married - Single  
(check)

Name of Wife

(SHINMOTO) R.R.# 06449

Name of Husband

Name of Mother

(IKENAGA) Yoshi  
(Deid)

Name of Father

Chichizaemon (Deid)

Names of Children under 16

Fukuyo (F) 17/11/26 15823

Requested by

Nell Donaghy

Registered with Custodian

Yes

(Yes or No)

Additional Information

Farmer



NISHIYAMA, Yutaka, Reg. No. 09469  
Orchard Equipment left in barn for the use of the tenant.

Tractor	\$250.00
Double Plow	175.00
Breaking Plow	100.00
8' Disc	175.00
Harrow	20.00
Cultivator	30.00
Single horse plow	20.00
Horse harness	30.00
Mattocks (2)	5.00
Pick	2.00
PEEN Peavog	2.00
Drain shovel	3.50
Shovel (2)	5.00
Bent shovel (2)	4.00
Spades (3)	5.25
Hole digger	2.50
Hoes (6)	9.00
Pitch forks (5)	7.50
Rakes (5)	8.00
Scoop shovels (2)	4.00
Scythe (3)	12.00
Brush scythe (2)	4.00
Axe (2)	3.00
5' Saw (2)	10.00
7' Saw	5.00
Scale	12.00
Clippers (4)	8.00
Sledge hammer (2)	3.00
Wedge (2)	2.00
Wheelbarrow	8.00
Sprayer (2)	30.00

953.75



REAL ESTATE

Woodfibre, B. C.  
OFFICE OF THE CUSTODIAN  
JAPANESE SECTION

FILE No. 8051

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: NISHIYAMA, Tatsuo

HOME ADDRESS: 1424 Commercial Drive, Vancouver, B. C.

REGISTRATION NUMBER 10186 SEX: Male AGE: 27

OCCUPATION: Laborer and farmer

(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: B. C. Pulp, Woodfibre, B. C.

MARRIED? No

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: 40 acres at RR No. 1 North Oliver Road

Corporation East Delta, near New Westminster, further legal description unknown.

2. BUILDINGS AND OTHER IMPROVEMENTS: 5-room frame dwelling

and barn.

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

None

4. TAXES (Amount and where payable) \$60.00 yearly to Delta Municipality paid to date.

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

None

6. OCCUPANCY AND LEASES (If vacant so state)

Not at present



- at New Westminster
7. STATE WHEREABOUTS OF TITLE DOCUMENTS. brother Yutaka/holds title
8. STATE IF ANY OTHER PERSON HAS ANY INTEREST. brothers Yutaka and Mitsuru have equal interests
9. IF FARM LAND STATE CROPS SOWN 3 acres raspberries, 2 acres black currants, 24 fruit trees mixed.

### STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: Lives in bunkhouse at Woodlbre, B. C.

2. LANDLORD'S NAME AND ADDRESS: B. G. Pulp, Woodlbre, B. C.

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

by arrangement with above company

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:

- 1 Fordson tractor, 1 double furrowed tractor plough, 1 single

- tractor breaking plough, set of harrows, 1 disc, 1 cultivator,

- set of garden tools, garden hose - 200', 1 set of horse harness,

- all stored at RR No. 1 North Oliver Road, New Westminster, B. C.

- 1 1932 Chevrolet Coach and 1940 International Truck in custody

- of police.

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

- 1 brown gelding - about 1999# 1400 lbs. at B.R. No. 1 North

- Oliver Road, New Westminster, B.C.

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

- CLAIM ON ANY SUCH PROPERTY. brothers listed above have equal

interests in above.



FORM 112

4. INSURANCE CARRIED ON ABOVE PROPERTY: None

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF  
OTHERS: None

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom)  
None

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)  
\$110.00 War Savings Certificates in owner's possession

8. BANK ACCOUNTS: None

9. LIFE INSURANCE: None

10. INTEREST IN ANY ESTATES OR TRUSTS: \_\_\_\_\_

11. SAFETY DEPOSIT BOX: \_\_\_\_\_

**LIABILITIES:**

1. PERSONAL DEBTS: None

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 5th day of May 1942.

(Signature) [Signature]

[Signature]  
Witness

FOR DEPARTMENTAL USE

23



7632

OFFICE OF THE CUSTODIAN  
JAPANESE SECTION

To be completed by persons of the Japanese race having no property in any protected area.

NAME: **NISHIYAMA Yoshizaemon**HOME ADDRESS: **R.R.#1 NewWestminster B.C.**REGISTRATION No. **06447**SEX: **Male**AGE: **69**MARRIED? **yes**OCCUPATION AND EMPLOYER: **Farmer self**NAME OF WIFE OR HUSBAND: **Aki**ADDRESS: **R.R.#1 WestMinster B.C.**NAMES OF LIVING CHILDREN: **Fukuyo (F) 15**ADDRESS: **" "**

ADDRESS:

ADDRESS:

I certify that the above information is true and complete and state that I have no property of any kind whatsoever in any protected area in British Columbia.

Dated this **4th** day of **May** 1942

(Signature)

**Y. Nishiyama**

WITNESS:

**A. B. [Signature]**



FOR DEPARTMENTAL USE

HOW DO YOU PROPOSE TO PAY THESE OFF?

LIST OF LIABILITIES

NO. 10



FORM "J"

BUREAU HASTINGS PARK  
OFFICE OF THE CUSTODIAN  
JAPANESE SECTION

FILE NO.

7635c

To be completed by persons of the Japanese race having no property in any protected area.

NAME:

NISHIYAMA, Mitsuru

HOME ADDRESS:

R.R. #1, New Westminster, B.C.

REGISTRATION No. 06465

SEX:

Male

AGE:

23

MARRIED?

No

OCCUPATION AND EMPLOYER:

Farmer, employed by self

ADDRESS:

None

NAME OF WIFE OR HUSBAND:

None

ADDRESS:

None

NAMES OF LIVING CHILDREN:

None

ADDRESS:

ADDRESS:

I certify that the above information is true and complete and state that I have no property of any kind whatsoever in any protected area in British Columbia.

Dated this

4th

day of

May

1942.

(Signature)

*M. Nishiyama*

WITNESS:

*Mary Liddell*



LIST OF LIABILITIES:

HOW DO YOU PROPOSE TO PAY THESE OFF?

FOR DEPARTMENTAL USE

*none*



MEMORANDUM

Claim Files 4588 & 7632,  
7635, 8051

April 14, 1948.

Re: Claims of Yoshizaemon Nishiyama, Registration No. 06447,  
(Executor of the Estate of Yutaka NISHIYAMA, Deceased),  
Tatso NISHIYAMA, Registration No. 10186, and  
Mitsuru NISHIYAMA, Registration No. 06456.

These three claims are identical, each being for one-third of the Real Property registered in the names of Yutaka Nishiyama, Tatso Nishiyama and Mitsuru Nishiyama, together with chattels thereon. Yutaka Nishiyama died on December 30, 1946, and Letters Probate were granted to his father, Yoshizaemon NISHIYAMA, Executor and Sole Heir named in the Will.

One Analysis has, therefore, been prepared to cover these three claims and all material relative to these three claims has been placed on the claim file No. 4588 & 7632, in the name of Yoshizaemon Nishiyama, Executor of the Estate of Yutaka Nishiyama, Deceased.

/AC



Files 4588, 7632, 7635, 8051

Case No. 1042

NISHIYAMA, Yutaka (Dec'd.)  
" , Yoshisemon -Exec.  
" , Mitsuru  
" , Tatsuo

---

Before award can be paid to claimants a debt  
of \$37.84 must be deducted from their account.  
The father, Yoshi,emon is claiming as Executor  
on behalf of his deceased son (1/3 int.)



November 28, 1950.

R.J. McMaster, Esq.,  
Barrister & Solicitor,  
1408 Royal Bank Bldg.,  
Vancouver, B.C.

Dear Sir:

Re: Japanese Property Claims Commission  
Case 1042

We enclose herein Release form covering the above claim, for signature by Yoshisamon NISHIYAMA, Administrator of the Estate of Yutaka NISHIYAMA, Tatsuo NISHIYAMA and Mitsuru NISHIYAMA. Authority to Pay Fees to Co-Operative Committee is also enclosed for signature.

For your information, we have a debit balance in our ledger of \$37.84 due to a wrong credit for chattels, which it will be necessary to deduct when paying this award.

Yours truly,

F.G. Shears,  
Director.

FOS/GH  
Encl.



ANALYSIS OF REAL PROPERTY CLAIM

Files 8051, 7635, 4588

**CLAIMANTS:** Yoshisemon Nishiyama, Executor of the Estate of Yutaka Nishiyama, dec'd  
Tateo Nishiyama  
Mitsuru Nishiyama

**PROPERTY ADDRESS:** 745 Oliver Road, R. R. No. 1, New Westminster, B. C.

**LEGAL DESCRIPTION:** The South Half of the North Half of the South East quarter of Section 11, Township 4, save and except the right of the Vancouver, Victoria and Eastern Railway and Navigation Company as shown on Sketch deposited No. 11229F, Municipality of Delta, D.N.W.

**TITLE:** Registered in the names Mitsuru Nishiyama, Yutaka Nishiyama and Tateo Nishiyama.

<b>CLAIM:</b>	Land and buildings	\$6000.00
	Less amount received	2586.00
		<hr/>
	Loss claimed	\$3414.00

Each claimant is claiming one-third of this amount.

**ENCUMBRANCES:** Custodian Vesting filed No. 24813, dated September 8, 1942.

<b>ASSESSED VALUES:</b>	Land	- \$1744.00
	Improvements	- 500.00
		<hr/>
		\$2244.00

**CLASSIFICATION:** Fruit farm with one storey four room dwelling, barn, store-room shack, bath house and woodshed combined, three root houses, 1 packing shed.

**Rental Arrangements:** Property leased by the Nishiyamas to Francis Gerlack from April 13, 1942, for the duration, consideration being \$550.00 for the first year plus taxes and \$150.00 yearly thereafter plus taxes, water rates, electric light, gas and telephone.

**APPRAISED:** Soldier Settlement Board Farm Appraisal, July 24, 1942, \$2600.00 (no other appraisal)

**SOLD:** With approval of Advisory Committee, to the Director, Veterans' Land Act for \$2586.00 as at January 1, 1943.



V.L.A.

JAN - 7 1948

## THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

TO: The Commissioner,  
Office of the Custodian,  
Royal Bank Bldg.,  
Vancouver, B.C.

12593  
AC 659 P 1980 P 1051  
Sum 27  
See file 7635

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

- (1) NAME NISHIYAMA TATSO (RCMP) Reg. No. 10186  
(Print) Surname Given Name
- (2) Pre-Evacuation Address R. R. #1 North Oliver Rd., New Westminster, B.C.
- (3) Present Address 46 Mercer Street, Toronto, Ontario.
- (4) REAL ESTATE
- (a) Street Address (if any) R.R.#1., 745 North Oliver Rd., East Delta,  
City or Municipality, New Westminster, B.C.
- (b) Legal description (lot number, block number, section number, etc.)  
South half of the north half of the south-east quarter of Section 11  
Township 4, save and except the right of way of Vancouver, Victoria,  
and Eastern Railway and Navigation Company as shown on sketch  
deposited as #11229F - New Westminster.
- (c) Type of Real Property (cross out words which do not apply):  
(i) Farm and  
(ii) Residence Type of business Vegetable and fruit farm  
(iii) ~~Business~~  
(iv) Any other type of property (describe)
- (d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.)  
one-third interest
- (e) Fair market value at date of sale (estimate this to the best of your ability):  
(i) Land - - - - - \$  
(ii) Buildings - - - - - \$  
(iii) If business, put value on business as going concern  
(including land and buildings, tenancies, chattels,  
fixtures, stock-in-trade, goodwill and accounts re-  
ceivable) - - - - - \$  
(iv) Total value (if you cannot give separate values for lands and buildings just  
fill in total value) - - - - - \$ 6000.00  
(v) Amount at which Custodian sold property and credited your account - - - \$ 2586.00  
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 3414.00  
(1/3 of this)
- (5) PERSONAL PROPERTY
- (a) Place or places at which property was left by the claimant at date of evacuation  
745 Oliver Rd., East Delta, New Westminster
- (b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)  
Farm house and buildings
- (c) How stored or packed at time of evacuation Stored in house and barn - Small  
articles packed in boxes.

(over)



(d) In whose care was property left at date of evacuation by the claimant. (This question refers to terms of reference which exclude claims where the property was lost, destroyed or stolen while in the custody, control or management of any person other than the Custodian appointed by the court of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care")

F. Gerlach

(e) Itemized description of personal property which is the subject of the claim:

1. See attached list - Value - \$1478.45	Estimated Value \$
2. Price sold by custodian for - \$600.00	Estimated Value \$
3. Estimated Value \$	Estimated Value \$
4. Estimated Value \$	Estimated Value \$
5. Estimated Value \$	Estimated Value \$
6. Estimated Value \$	Estimated Value \$
7. Estimated Value \$	Estimated Value \$
8. Estimated Value \$	Estimated Value \$
9. Estimated Value \$	Estimated Value \$
10. Estimated Value \$	Estimated Value \$
TOTAL CLAIM FOR PROPERTY LOSS \$ 292.82	

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e))

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

(b) Do you require the services of an interpreter at the hearing? Yes or no

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA

County of York

TO WIT:

Talso Nishiyama

of the City

in the Province of Ontario

DO SOLEMNLY DECLARE THAT:

The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

DECLARED before me at the

City

of Toronto

in the County of York

this 22nd day of December

A.D. 1947.

A Commissioner etc.

N.B.—THIS FORM FULLY COMPLETED AND SWORN BEFORE A COMMISSIONER SHOULD BE MAILED BY REGISTERED MAIL TO THE COMMISSIONER, c/o THE OFFICE OF THE CUSTODIAN, ROYAL BANK BLDG., VANCOUVER, B.C., BEFORE NOVEMBER 30th, 1947. IF YOU CANNOT MAIL IT BEFORE THIS DATE SET OUT BELOW REASONS FOR THE DELAY.



Kitchen range	30.00
2 Sprayers (Dobbins)	7.00
Kitchen sink (cupboards and bins)	
Dining room table and 4 chairs	15.00
3 kitchen chairs (brown)	5.00
10 Window blinds	10.00
6 Curtain rods	1.00
Linoleum Rug	5.00
Dining table and 6 chairs - Buffet (missed out)	40.00
3 piece Chesterfield suite	70.00
3 Seat covers	5.00
2 pictures (framed)	
Window blind	1.00
Wallpaper	2.00
Switch and cord, extension cord, double socket	1.50
Platform scale	10.00
Hoe	1.50
Axe	3.50
5 Gal. Can	
Wheelbarrow	4.00
2 Crosscut saws	12.00
Axe	3.50
Berry Wire (approx. 30')	5.00
11 Bundles shingles	8.00
2 Boxes (shingles, loose shingles, cement)	5.00
24 Jam crates	10.00
9 Rasp. crates	4.00
Horse Harness and bridle	35.00
Fordson Tractor	450.00
Brush hoe	2.00
Post hole digger	1.50
3 Mattocks	4.00
3 Manure forks	2.00
6 Shovels	7.50
Tractor Plow (double)	125.00
Scythe and extra blade	3.00
Potato fork	1.25
Spade	1.00
Frae	2.00
Tractor Plow (single)	75.00
Car Jack	2.00
Auger	1.75
Trunk (empty)	
40# Berry Wire	6.00
Quart Copper oil can	
curly comb	
2 Galv. pails	1.00
60 Bricks	3.00



Axe	1.00
Hand Pruners	3.00
2 Sets Disc Harrows (for Tractor (7' - Double)	65.00
4 Wheeled Trailer (rubber tired)	40.00
Cultivator	25.00
Plow (Horse drawn)	15.00
Potato Hiller	12.00
Bag of Hydrated Lime	
Coulter	
2 Potato Forks	2.00
Rake	1.25
Manure Fork	1.25
Large Quantity Fruit Baskets	
Fish Net	10.00
1 Drag Harrow	12.00
Box (kitchen utensils)	5.00
Mantle Clock	2.50
Carton (20# nails)	1.00
Keg (12# nails)	1.00
Medicine Cabinet	.50
Sideboard	10.00
Box (dishes)	.75
Tin Box (Misc. Articles)	1.00
Roll Tar paper	.75
Brush Hook	2.50
Pair Car Chains	8.00
Linoleum Rug	25.00
2 Wooden frames	1.50
Markle Desk Set (Pen and Pencil)	7.50
Large wicker basket (clothes)	2.00
2 Boxes (sealers and glass jars)	2.50
Mantle Lantern	3.50
Aladdin Lamp	2.50
Gas Lamp	2.00
1 Gal. Vinegar Jug	
22 small tin pails	1.00
200' Lumber	4.00
2 Washboards	1.50
2 Rubber mats	2.00
Heater	10.00
2 Aluminum Pots	.70
Hand Saw (New)	4.00
Small Sickle	1.75
Floor Mop	.50
Gramophone and Records	100.00
Book Ends	.75
Window Frames with glass	15.00
Roll building paper	1.00
2 Pans	1.00
Hammer	1.00
Carton (Misc. Articles)	
1 Bed	30.00



	Copper wash boiler	1.50
	Barrel (pots and misc. articles)	
10	Gal. Stone crock	2.00
	Large Barrel	
	Stove Pipe	2.00
	Tin 10# nails	.50
5	Gal. tin lime sulphur spray	2.00
1	Door	3.00
	Sheet Galvanized iron	4.00
	Lantern	1.00
	Axe and extra handle	1.50
	Hatchet	1.25
	Auger	1.00
2	Cross Cut saws	10.00
	28' $\frac{1}{2}$ " Galvanized Pipe	1.50
	2000' lumber	24.00

TOTAL

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\$1,478.45



File Nos. 4588, 7635, 8051  
Reg. Nos. 09469, 06465, 10186

Tutaka NISHITAMA  
Nitsuru NISHITAMA  
Tatsuo NISHITAMA

<u>Date</u>	<u>Particulars</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
1943 January 1	Credit re sale of property Land Registry Office - Certificate of Encumbrance	\$ 1.00	\$2,608.25	
1945 March 2	Proceeds Auction Sale		48.17 ✓	
April 23	Legal fees re sale of property	15.00		
August 11	Transfer to single account's	2,592.25		
December 17	Freight on machinery	11.25		
1946 January 8	Sale of chattels		133.43 ✓	
	" wheelbarrow		2.50 ✓	
	" tractor, plow & mower		305.00 ✓	
	" duster		5.00 ✓	
	" garden tools		2.55 ✓	
	" h.p. motor		15.00 ✓	
	Advertising	11.20		
	Appraisal	15.00		
April 17	Sale of stove		1.50 ✓	
July 16	" farming mill cultivators		46.00 ✓	
November 1	Transfer to account Aki Nishiyama	521.70		
		<u>\$3,167.40</u>	<u>\$3,167.40</u>	

WTL

Accounting Department  
April 1946, 1948



File No. 4588  
Reg. No. 09469

Yutaka NISHITANI

<u>Date</u>	<u>Particulars</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
1945 August 22	Transfer from joint account		\$ 864.08	
1946 May 10	Cheque to you	120.00		
November 29	Cheques to you 1 @ \$15.00, 4 @ \$5.00, 1 @ \$100.00	135.00		
		80.00		
1947 May 21	Funeral expense	529.08		
	Balance account to father, executor & sole beneficiary			
		\$ 864.08	\$ 864.08	

NTL

Accounting Department  
April 19th, 1948



REAL PROPERTY SUMMARY

**JAPANESE NAMES:** Tatsuo NISHIYAMA Reg. No. 10186 File No. 8051.  
Mitsuru NISHIYAMA " " 06465 " " 7635.  
Yutaka NISHIYAMA " " 09469 " " 4588.

**CATALOGUE NO:** Sold by Special Arrangement, The Director, The Veterans' Land Act.  
BC/659-P. First Offer.

**PROPERTY ADDRESS:** 745 Oliver Road, R. R. 1, New Westminster, B. C.

**LEGAL DESCRIPTION:** The South Half of the North Half of the South East quarter of Section 11, Township 4, save and except the right of the Vancouver, Victoria and Eastern Railway and Navigation Company as shown on Sketch deposited No. 11229F, Municipality of Delta, D. N. W.

**TITLE:** Registered in the names of Mitsuru NISHIYAMA, Yutaka NISHIYAMA and Tatsuo NISHIYAMA.

**ENCUMBRANCES:** None registered. No indication of any unregistered charges.  
Vesting Order filed No. 24813, dated October, 1942.

**ASSESSED VALUES:** Land - \$1744.00 Current Taxes - \$43.96  
Improvements - \$ 500.00 - \$2244.00. Drainage " - \$16.10  
\$59.66

**CLASSIFICATION:** This is a Fruit Farm with an area of 38.75 acres mostly cultivated and planted to the following crops: 3 acres raspberries, 2 acres currants, 21 fruit trees, apples, pears, plums and 34 Italian Prune Trees.  
1 - 1 storey 4 room dwelling, in good condition. 1 barn, 1 store-room shack. Bath house and woodshed combined, in fair condition. 3 root houses, and 1 packing shed of little value.

**HISTORY OF ADMINISTRATION:** Yutaka NISHIYAMA and Mitsuru NISHIYAMA leased this property to Francis Gerlach on 14th April, 1942. Term being for the Duration from 13th April, 1942. Consideration \$550.00 for first year - paid, plus taxes and \$150.00 yearly thereafter on the 15th November and taxes, also rates for water, electric light, gas and telephone. Buildings included.  
Lease was handed to The Director, The Veterans' Land Act.

**SOLD:** To The Director, The Veterans' Land Act for \$2,586.00 as at 1st January, 1943.  
Approval of Advisory Committee - 1st June, 1943.  
Funds released to the credit of Yutaka NISHIYAMA, Mitsuru NISHIYAMA and Tatsuo NISHIYAMA, Joint a/c, on April 17th, 1944, against which were charges for Registration Fees - \$3.00, Legal Fees - \$15.00,



\$15.00,

Page 2.

File Nos. 8051, 7635 & 4588.

Certificate of Encumbrance - \$1.00, leaving a net credit of \$2567.00 from said transaction.

Adjustments as at January 1st, 1943, to the amount of \$25.25, covering unexpired Fire Insurance Premiums, were placed to the Joint a/c of Tataka NISHIYAMA, Mitsuru NISHIYAMA and Tatsuo NISHIYAMA.

The net proceeds of the sale of the property plus unexpired insurance adjustments were divided equally between the three brothers.

The following Fire Insurance Policy:-

Ocean Accident and Guarantee Corp. Ltd., No. 6114390 - \$1,000.00 on the Dwelling and \$500.00 on the barn, was transferred to The Director The Veterans' Land Act, 1st January, 1943.

**OLD CERTIFICATE OF TITLE**

No. 145977-E.

Tataka NISHIYAMA declared on his JP Form, signed 11th April, 1942, that the Title Documents were in his possession. There is nothing on file to show that the Certificate of Title had been asked for by this office, or that it had been deposited in the Land Registry Office, New Westminster.

Certificate of Title No. 168977-E in the name of The Director, The Veterans' Land Act.

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

June 1st, 1946.

*D. A. Cramer*  
D. A. CRAMER.

DAG:JS



PERSONAL PROPERTY SUMMARY

File No. 4588

28th October, 1946.

Re: Yutaka NISHIYAMA - Reg. No. 09469

CHATELS: The above Japanese registered with the Custodian on the 21st April, 1942, and declared at that time chattels valued at \$300.00, which were being stored in the house and also an itemized list of farm tools etc. valued at \$950.00, which were left on the farm for the use of the tenant. The Japanese was evacuated on the 5th May, 1942. On the 12th August, 1942, our fieldmen inspected the property and inventoried the chattels found there, details of which are found on the brother's file, No. 8051, he also having declared ownership to them. Our fieldmen had the tenant acknowledge his responsibility for all the chattels.

In accordance with the policy of liquidation, all saleable furniture that could be found were removed and sold by public auction on the 27th October, 1944, for the net sum of \$48.17, while the farm tools and equipment were moved to the Surrey Berry Growers Hall and advertised for sale by tender. The net sale price derived from them amounted to \$473.53. The proceeds from the sales were credited to the joint account of himself and two brothers and in accordance with their letters of the 12th September and 19th October, 1946, the proceeds were forwarded to their mother, File No. 7631.

A quantity of the chattels were missing and although we contacted and wrote the tenant for restitution, no recovery was made.

SPECIFIED ARTICLES: Although the Japanese declared an automobile, it did not come under the control of the Custodian as it was apparently sold prior to the date for surrender. Details are shown on the attached brown edged summary.

BONDS & INVESTMENTS: The above Japanese declared a number of War Savings Certificates. These however were not brought under control by the Custodian.

This file reveals no other personal property assets.

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

*W.E. Linn*

WEA:HA



PERSONAL PROPERTY SUMMARY

File No. 7635

28th October, 1946.

Re: Mitsuru NISHIYAMA - Reg. No. 06465

CHATELS: The above Japanese declared no personal property assets. His brothers with whom he was a joint owner of real property declared he also had an equity in the chattels on the property.

The chattels were administered and liquidated on file No. 8051 and the net proceeds amounting to \$521.70 derived from all saleable chattels that could be found were credited to their joint account.

A considerable quantity of chattels were missing from the property and although the tenant on the property placed there by the Japanese, signed his responsibility towards them, no success has been made towards making restitution.

In accordance with Y. NISHIYAMA's letter of the 12th September, and T. & M. NISHIYAMA's letter of the 19th October, 1946, the proceeds from the chattels were forwarded to the mother, File No. 7631.

SPECIFIED ARTICLES: This file carries the administration of no specified articles

This file reveals no other personal property assets.

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

WEA:HA

*W. E. Lawson*



PERSONAL PROPERTY SUMMARY

File No. 8051

28th October, 1946.

Re: Tatsuo NISHIYAMA - Reg. No. 10186

**CHATELS:** The above Japanese registered with the Custodian on the 21st April, 1942, and declared at that time, chattels valued at \$300.00 which were being stored in the house and also an itemised list of farm tools etc. valued at \$950.00 which were left on the farm for the use of the tenant. The Japanese was evacuated on the 5th May, 1942. On the 12th August, 1942, our fieldmen inspected the property and inventoried the chattels found there, details of which are found on the file, he also having declared ownership to them. Our fieldmen had the tenant acknowledge his responsibility for all the chattels.

In accordance with the policy of liquidation, all saleable furniture that could be found were removed and sold by public auction on the 27th October, 1944, for the net sum of \$48.17, while the farm tools and equipment were moved to the Surrey Berry Growers Hall and advertised for sale by tender. The net sale price derived from them amounted to \$473.53. The proceeds from the sales were credited to the joint account of himself and two brothers and in accordance with their letters of the 12th September and 19th October, 1946, the proceeds were forwarded to their mother, File No. 7631.

A quantity of the chattels were missing and although we contacted and wrote to the tenant for restitution, no recovery was made.

**LIVE STOCK:** The above Japanese declared a horse. According to our fieldmen the tenant on the property purchased same for \$20.00 prior to Tatsuo NISHIYAMA's evacuation.

**BONDS & INVESTMENTS:** The above Japanese declared a number of War Savings Certificates. These however were not brought under control by the Custodian.

This file reveals no other personal property assets.

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

WEA:HA

*W.E. Cameron*



SPECIFIED ARTICLES SUMMARY

File: 4588

August 29, 1945.

Name: Yataka NISHIYAMA

Reg. No. 09469

Declared: 1 1932 Chevrolet Coach, delivered to Fogg Motors, New Westminster for sale for \$205.00 net.

Although Yataka NISHIYAMA was written on February 17, 1944, asking if payment had been received, no answer has been received in this office. No further action was taken therefore.

On File 8051, Tatsuo NISHIYAMA, a brother, declared a 1940 International truck, and the 1932 Chevrolet Coach (referred to above). As neither vehicle had been surrendered to the police, Tatsuo NISHIYAMA was written, and his reply of March 19, 1945, stated that these had been sold by his brothers prior to his registering with the Custodian, but that as he had registered at Woodfibre, he had no knowledge of the sale when he declared these.

This file reveals no vessels, radios, cameras or fire-arms.

The above summary is in accordance with information on file.

August 29, 1945.

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FIRE INSURANCE SUMMARY

File Nos. 8821, 7635  
and 4382.

Takao NISHIYAMA - Reg. No. 10146  
Shizuko NISHIYAMA - " " 06165  
Masako NISHIYAMA - " " 06166

The above named Japanese declared on their signed JP Forms  
that they carried no Fire Insurance.

However, prior to evacuation they placed a \$1,500.00  
Insurance Policy with the Ocean Accident and Guarantee Corp.  
Ltd., No. 222470, expiring May 2nd, 1945 - Premium \$32.50,  
covering \$1,000.00 on the dwelling and \$500.00 on barn.  
This was transferred to The Director, The Veterans' Land Act  
as of 1st January, 1943, and an unexpired premium amounting  
to \$25.25 was placed to the credit of the Joint s/e of the  
above named Japanese.

This summary is certified  
to be in accordance with  
information on file.

June 3rd, 1946.

*[Signature]*  
R. A. [Name]

WCS:JS



WARRANTY STATEMENT

File Nos. 100, 101  
and 102.

Tolson: 100-101 - Reg. No. 1000  
Belmont: 100-101 - : : 1000  
Ladd: 100-101 - : : 1000

The above named Japanese declared on their signed  
affidavits that they had no Personal or Trade Injuries.

However, John Sampson of 444 E. 1, New York City,  
N.Y., lodged a claim, on May 17th, 1942, for \$10.00 against  
Belmont 100-101 for 1/2 ton of Reg. After considerable  
correspondence this was paid direct to Mr. Sampson on July  
15th, 1944.

There is no evidence of any other claims having been  
filed against any of the above named Japanese.

This summary is certified  
to be in accordance with  
information on file.

June 2nd, 1944.

*W. A. Cramer*  
W. A. CRAMER



LIABILITY SUMMARY

File No. 4583

December 4th, 1945

Re: NISHIYAMA, Yutaka - Reg.No.09469

The above Japanese declared no liabilities and the only one filed against him was one for \$10.50 by D. R. Honeyman. This account was however paid direct according to a letter dated September 14, 1944 from Mr. Honeyman.

This file reveals no other liabilities.

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

Dated: Dec. 4/45  
WRA:EH

*W.E. Harrison*



File No. 7632

CLAIMS DEPARTMENT

June 17th, 1943.

Yoshiyasu NISHIYAMA - Reg. No. 06447

CREDITORS:

1. Kyusuke OIKE..... \$120.00 (Denied) *Debt paid 22-11-43*

NO FURTHER ACTION BY CLAIMS DEPARTMENT.

*ND No a/c  
15-2-44*



4588  
7635  
8031

December 13th, 1949.

Messrs. Mitsugu & Tatsuo NISHIYAMA,  
Reg. Nos. 04465 and 10104,  
Hagareth, Alberta.

Dear Sirs:

Re: Joint account of Tatsuo NISHIYAMA,  
Mitsugu NISHIYAMA and Tatsuo NISHIYAMA.

On October 29, 1946, a cheque in the sum of \$521.70 was remitted to your mother as requested by Tatsuo on September 12, 1946 and confirmed by yourselves on October 19, 1946. The above amount represented the funds derived from the sale of farm machinery and tools, also household effects, and credited to the above joint account.

A recent review of your files and that of Tatsuo reveals that your joint account was credited with the sum of \$37.84 net from the sale of a scraper, lawnmower, duster, 3/4 H.P. Motor, fanning mill, 2 cultivators instead of one, and 2 harnesses instead of one, none of which would appear to have been owned or declared by you. Mr. Tamekichi IMAHASHI's file reveals that the above-mentioned goods belonged to him and we would now ask you to please send to this office a cheque in the amount of \$37.84 for credit to Mr. Imahashi's account. For your convenience a stamped self-addressed envelope is enclosed.

Yours truly,

E. Robertson,  
Office of the Custodian.



November 13, 1963.

Re: **Donald D. BROWN, File No. 67-6 - Case 400**  
**Security of NY State Bond**

Reprints, 25 copies and below \$100.00, 75% off  
 1000, 50% off and 50% - 9999, 25% off (quantity  
 of 1000 or more)

[illegible]

The destruction of these goods would appear to have been caused by the intense heating of all the flame equipment belonging to the Haldimand and Armstrong, and the fact that the Haldimand equipment was assembled on the railroad near the apartment by George Edward Haldimand and later moved to Henry Street, New York City.

A letter has been sent to Illinois and Indiana MEMBERS (State in not enclosed) asking them to return the above-mentioned amount of \$77.44. Will you therefore please credit the account of Donald R. BARNES, 7116 Oak with \$77.44 and debit the Madison Joint account (\$100,709 and 00/100) amount. Hope this debt to be covered when the Madison receive their next from the above mentioned fundings.

	Rate by Station	to June 30, 1949
1. Garage	4.00	(Garfield receipt 10/7/48)
1. Laundry	2.50	(See 2nd 5/7/49)
1. Barber	2.50	(See 1st receipt June 11/49)
3/4. Haircut	25.00	(Garfield receipt March 27 and Apr. 27/49)
2. Dinner	(miscellaneous figures) 5.00	(Garfield receipt 10/7/48)
1. Laundry 1948	4.00	(Garfield receipt 10/7/48)
1. Gasoline	1.00	(Garfield receipt 10/7/48)
	<u>50.00</u>	

**Administrative Information**

2022 Joint Account, T. R. & Teresa HENNING - Filed APR 2, 2022 and 2021 with  
\$42.00, fees charges \$4.16 - \$46.16 net.

Check Numbered 27482 amount \$6, 696 with this amount.



NAME  
NISHITANI, Tatsuo  
NISHITANI, Mitsuru  
NISHITANI, Tatsuo

REGISTRATION NO.

10186

FILE NO.

8051

The following chattels were sold by public  
auction at Surrey, B.C. on October 27, 1944

X Chesterfield set	\$50.00	✓ specified
X Standard lamp	1.00	F
X 4 Gold frames	5.00	Spec
X 4 Chairs	4.50	F
X Rolling cabinet	1.50	F
X Table set	2.50	F
X Lamp	3.50	F
X Chest	3.00	F
X 2 Boxes, 2 Kags, basket	2.00	F
X Sashes	3.00	open fire (under floor with glass)

Total

(Auctioneer's Fee: \$7.60

\$ 76.00

Less Expenses:

(Advertising: 2.41  
(Moving: 17.82

\$ 27.83

Net Proceeds Credited:

\$ 48.17

Members of Custodian Staff Present. Mr. R.M. Anderson

Extracted from Auctioneering List No. Surrey 7.

Remarks. List in file 8051



MEMORANDUM RE SALE OF CHATTELS

(Apart from Auction Sales)

4588

FILE NO: 8051 (4588)  
7635

NAME: NISHIYAMA, Mitsuru - NISHIYAMA, Tatsuo - NISHIYAMA, Isataka.

DATE ADVERTISED:  
(or other information)

APPRAISER'S NAME: Trapp Motors Ltd.

VALUATION: \$148.25

PURCHASE PRICE: \$148.25

COMMITTEE'S APPROVAL: March 22, 1946

PURCHASER'S FULL NAME: F. Gerlach,

ADDRESS: 327 Unwin Road, Surrey, B.C.

OCCUPATION:

BILL OF SALE REQUIRED:  
(state if purchase  
price already paid or  
arrangements made)

YES

NO

Paid in full.

ENCUMBRANCES, IF ANY:

Nil.

LIST OF CHATTELS SOLD:

Double plow disc \$115.00  
Household effects:  
(odd chinaware, lamp  
table, 2 kitchen chairs) 33.25

✓ specified

F

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\$148.25

Original appraisal on file 8051.







## Farm Appraisal Report

File No. J.L.593

Land Description S $\frac{1}{2}$  of N $\frac{1}{2}$  of SE $\frac{1}{4}$  Sec.11, Tp.4, except Rt. of Way of V.V. & E.  
Rly & Nav. Co. as shown in red on sketch #11229-7. cont'g 3.79 ac.

Bel. of this unit Containing approx. 36.87 Acres

Owner's Name Mitsuru } NISHIYAMA  
Yutaka }  
Tatsuo } Post Office Address R.R.1, New Westminster,  
B.C.

Nearest Rail Point Stn. on G.N. Rly. Distance 3 mls.

**Market Town** **New Westminster & Ladner** **Distance both 9 mls.**

Church (give denomination) United Distance 2 1/2 mls.

Nearest School	East Delta	Distance	2 1/2 mls.
----------------	------------	----------	------------

State how property was identified: L.R.O. Sketch, Map and roads.

**Roads:** State whether property has access to main road, the kind of road and its condition.

Is no. 745 Oliver Road, gravelled 1 mile to Ladner Trunk Rd. hard surfaced.

Is this district a good one? **Yes.**

Employment opportunity Nearby in peat bogs, and in season in area at farming.

Predominating Nationality and religion: British. None predominating.

Describe Fencing and its condition: Bdy 2 wires, R/way fenced. Value \$ inc. in land

Water supply:	Municipal water supply	Value \$inc.in land

## BUILDINGS ON FARM

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE	16 x 16	lumber	8	shgl	3 yrs	blks	good	360.00
Stable	12 x 16	"	10	"	old	"	fair	
Garden addn	16 x 24	"	7	"	"	"	"	
Storage room	16 x 24	"	7	"	"	"	"	70.00
Packhouse	12 x 26	"	7	shks	"	posts	poor	15.00
Packinghouse	12 x 20	"	8	rfg	"	blks	fair	30.00
GRANARY	X							
	X	(1 field shelter, and an old shed are of no value)						
	X							
	X							
	X							

COUNT No. 1042-  
DATE 13 May  
FILED BY 10-11-62

(No electric lights installed, though dom. power line passes the door)

**Total present day value \$ 475.00**

**Total Value Buildings add to farm** **\$ 475.00**

Is dwelling habitable without repairs? **yes** If not what is your approximate estimate of cost to make it habitable?

Describe the basement and chimneys: No basement. Brick chimney from bracket.

No. rooms downstairs? 3      Upstairs? low <sup>unfin.</sup> attic      How finished      shiplap and paper

Are buildings painted? **No** Condition of paint

Distance from nearest bush ..... No bush.

**Note:** Particular care must be taken when examining and reporting on foundations, sills and roofs.



Cultivated Land

ACRES	LEVEL, UNULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
19.3	level	deep peaty loam	clay	Raspberries, currants, beans, oats, potatoes, carrots & beets.	80.00	1544.00
Area which can be cultivated without cost other than for breaking.						
7.5	level	peat mould	clay	partly broken down to productivity.	50.00	375.00
1.9	"	peat	clay	cleared but not cult.	30.00	57.00
Area which can be cultivated after a reasonable amount of clearing timber, stones, drainage, etc.						
8.17	level	peat	clay	clearing, peat burning, and working into production	75.00	163.40
Area Unsuitable for Cultivation.						
CHARACTER OF LAND E. G. HILLY, SWAMPY, ROCKY.				NATURE OF TIMBER IF ANY AND WHETHER MARKETABLE	VALUE OF LAND PER ACRE	

Total value of Land \$ 2139.40

Total added by buildings to value of farm \$ 475.00

Total fruit trees add to value of farm (for use in orchard districts only) \$ 20.00

Total value of farm \$ 2634.40

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:  
Fully occupied. Good tillage. Present lessee is F. Gerlach, who is well equipped to handle this and one other place he leases. Part of existing cult. has been operated for 15 yrs, and more recent land has been chemically fertilized and is in good production at this time. Excellent growth is shown.

State most suitable type of agriculture for farm bearing in mind the district's limitations, if any.  
Mixed, and vegetable. The latter by reason of canneries at Ladner which will take the product. Cane fruits show thrift also.  
Noxious weeds: Some Canada thistles.

Give approximate detail and amount of all annual taxes and names of Taxing Authorities:

Mun. & school \$30.78  
Water rate 12.78  
Drainage 16.10  
\$59.66

Delta Municipality  
Ladner, B.C.

Date: 22nd July, 1942.  
Place: New Westminster, B.C.

I certify that the above report is based on a personal examination of the whole farm made on the 21 day of July 19 42.

Inspector's Signature

"B. C. Wormworth"

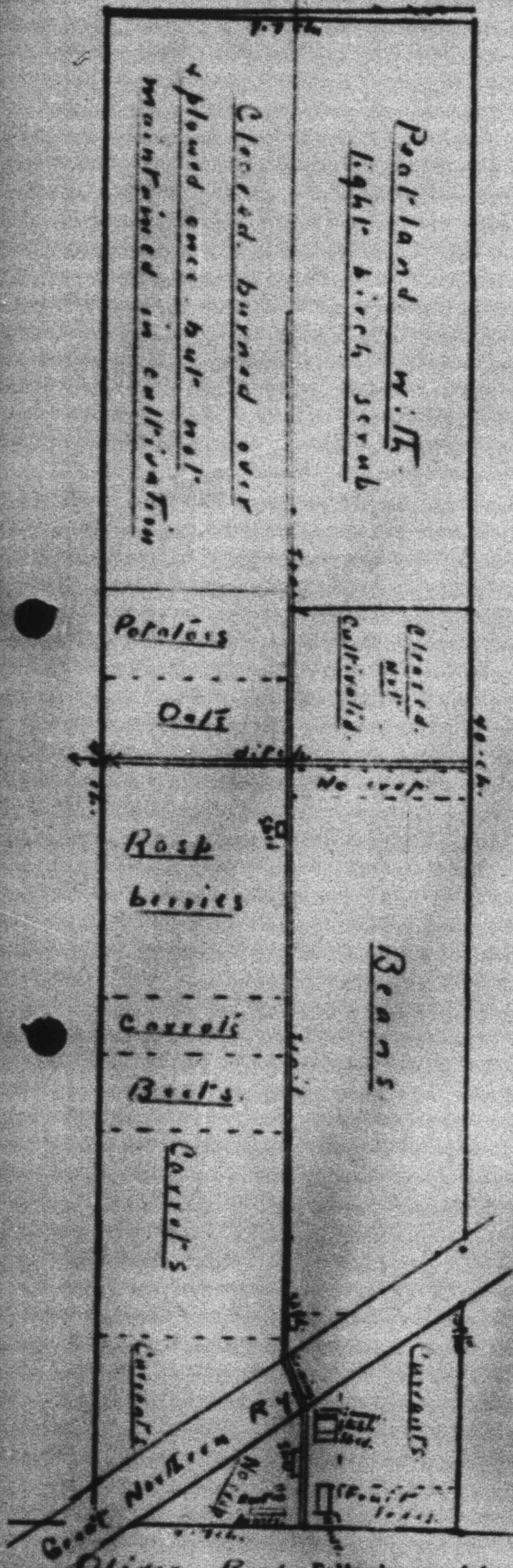
Note: (Use Form 43 (Sheet 2) in connection with this form.)







Diagram of Property



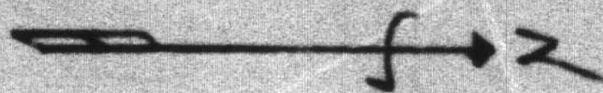
M. Y. + T. Nishiyama.

S $\frac{1}{2}$  of N $\frac{1}{2}$  of SE $\frac{1}{4}$  Sec. 11. Tp 4. Except:

R/way of V. V. + E. Ry + Mo. Co. shown in Red  
on sketch No 1229 F. - 3.79 ac. in sketch.

Bal. approx 36.89 acres.

Scale 4 chains.



Following careful review of this appraisal report, it is my opinion that the present value is \$ 2600

Date 24th July, 1942.

(SIGNED) I. T. Barnet  
District Superintendent.



Attached to 1042 a 2

INTERIM RECEIPT

SOLDIER SETTLEMENT AND VETERANS LAND ACT

Form of Payment      Cash

District  
Office      Vancouver, B.C.

Date Nov. 18, 1943      \$150.00

Received  
From      Mr. Francis Gerlach,

Address      R. R. #4, New Westminster, B. C.

The sum of ONE HUNDRED & FIFTY 000/100 Dollars

On account of Rent for the year 1943 on Yutaka Nishiyama & Mitsuru Nishiyama (J.L.593)

It being understood between the Payer and the Director of Soldier Settlement & Veterans Land Act that neither the acceptance of the above mentioned amount for the issuance of this receipt shall oblige the Director of Soldier Settlement and Veterans Land Act to carry out the purposes for which payment above mentioned is made, his obligation being limited to accounting for, or returning to the payer the amount for which this receipt is given.

If official receipt covering the full amount of this payment is not received by you within fifteen days of this date communicate with the District Superintendent.

PAYER'S COPY

"W. K. Grindlay"

Authorized representative - Soldier Settlement  
& Veterans Land Act.

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

July 12, 1948

*C. J. Hughes*  
*J. H.*



1042 - 3

13 May 1948

F. A. Brewin

THIS INDENTURE made in duplicate the 14th day of April in the year of Our Lord one thousand nine hundred and forty-two

IN PURSUANCE OF THE "SHORT FORM OF LEASES ACT"

Between: Tataka Nishiyama  
Mitsuru Nishiyama  
R. R. No. 1  
New Westminster  
Province of British Columbia

hereinafter called the "Lessor" of the First Part.

And: Francis Gerlach  
R. R. No. 4  
New Westminster  
Province of British Columbia

hereinafter called the "Lessee" of the Second Part:

Witnesseth, the said Lessor doth demise unto the said Lessee, his executors, administrators and assigns, All and Singular that certain parcel or tract of land and premises situate, lying and being in the district of New Westminster, Province of British Columbia, and more particularly known and described as the South half ( $\frac{1}{2}$ ) of the North half ( $\frac{1}{2}$ ) of the South-East Quarter ( $\frac{1}{4}$ ) of Section Eleven (11) Township Four (4) save and except the Right of Way of Vancouver, Victoria and Eastern Railway and Navigation Company, as shown on Sketch No. 11229 N.

Together with all buildings thereupon erected, or hereafter during the term hereby granted to be erected, and also with all ways, paths, passages, waters, water courses, privileges, advantages and appurtenances whatsoever to the said premises belonging or otherwise appertaining.

Including all implements now on the premises.

From the 13th day of April one thousand nine hundred and forty-two. for the term of duration of the war thence ensuing.

Yielding for the first year therefor the rent of Five Hundred and Fifty Dollars and taxes of Lawful money of Canada, payable on the following days and times that is to say:

Payable upon the execution of this lease (the receipt of \$550.00 is hereby acknowledged) and ——— \$150.00 and taxes yearly thereafter payable on the 15th day of November in each and every year during the duration of the war.

Possession to be given to Lessors on first day of January after the end of the war.

Should the Lessors decide to sell said premises and chattels the Lessee to have first option to purchase same.

the first payment to be made on the \_\_\_\_\_ day of \_\_\_\_\_, 194

That the said Lessee covenants with the said Lessor to pay rent, and to pay taxes, and to pay rates for water, electric light, gas and telephone.

And to repair; and to keep up fences; and not to cut down timber;

And the said Lessor may enter and view state of repair, and that the said Lessee will repair according to notice.

And will not assign without leave; and will not sublet without leave.

And that he will leave premises in good repair;

And that he will not carry on any business that shall be deemed a nuisance on the premises. Provide for re-entry by the said Lessor on non-payment of rent, or non-performance of covenants.

Provide for re-entry on seizure or forfeiture of the said term.

The said Lessor covenants with the said Lessee for quiet enjoyment.



And also that if the term hereby granted shall be at any time seized or taken in execution or in attachment by any creditor of the Lessee, or if the Lessee shall make any assignment for the benefit of creditors, or becoming bankrupt or insolvent, shall take the benefit of any act they may be in force for bankrupt or insolvent debtors the then current years rent shall immediately become due and payable and the said term shall immediately become forfeited and void.

And it is hereby declared and agreed that in case the premises hereby demised or any part thereof shall at any time during the term hereby granted be burned or damaged by fire or tempest so as to render the same unfit for the purpose of the Lessee then the rent hereby reserved or a proportionate part thereof according to the nature and extent of the injuries sustained, and all remedies for recovering the same shall be suspended and abated until the said premises shall at the option of the Lessor have been repaired or made fit for the purpose of the Lessee.

Provided always and it is hereby agreed by and between the parties hereto that if the said Lessee shall hold over after the expiration of the term hereby granted and the Lessor shall accept rent, the new tenancy thereby created shall be a tenancy from month to month and not a tenancy from year to year, and shall be subject to the covenants and conditions herein contained so far as the same are applicable to a tenancy from month to month.

Wherever the singular or the masculine are used in this Indenture, the same shall be deemed to include the plural or the feminine, or the body politic or corporate; also the heirs, executors, administrators, successors and assigns of the respective parties hereto and each of them, (where the context or the parties so require.)

In Witness Whereof the said parties have hereunto set their hands and seals the day and the year first above written.

Signed, Sealed and Delivered  
in the presence of

Signature of Witness "S. F. Clark" )  
Street Address 36 - 6 St., )  
City or Town New Westminster )  
Occupation Notary Public )

"Tutaka Nishiyama"  
"M. Nishiyama"  
"Francis Gerlach"

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

July 12, 1948

*[Handwritten Signature]*



File No. 8051  
 Name: Nishiyama, Tatsuo  
 Reg. No.: 10186

August 31, 1942.

INVENTORY OF CHATTELS LEFT AT 745 OLIVER ROAD, EAST DELTA, NEW WESTMINSTER

The following articles are in c/o Mr. F. Gerlach, 327 Unwin Rd., New Westminster, B. C.

In the House

- 1.00 kitchen range
- 1.00 2 sprayers (Dobbins)
- 1.00 kitchen sink (cupboards and bins)
- 4.00 dining table and 4 chairs
- 3 kitchen chairs
- 1 broom
- 1.00 10 window blinds
- 6 curtain rods (on windows)
- 1.00 linoleum rug (poor)

Upstairs

- 7.00 dining table and 6 chairs
- 7.00 3 pc. chesterfield suite
- 3 beds and 2 mattresses
- 1 trunk (locked)
- 3 lge. boxes (nailed)
- 2 paper bags (Christmas dec.)
- 3 seat covers (loose)
- 2 pictures (framed)
- 1.00 window blind
- etc. (cont. rolls wallpaper)
- 1.50 small. switch and cord
- extension cord, double socket

In Bathhouse and Woodshed

- 10.00 platform scale
- 1.00 hoe
- 1.00 axe
- 5 gal. can (1/2 full gas)

In the Barn

- 1.00 wheelbarrow
- 2.00 2 cross cut saws
- 1.00 axe
- 5.00 berry wire (approx. 30#)
- 2.00 11 bdles. shingles
- 2 boxes (cont. shingles)
- quantity of loose shingles
- bag Portland cement
- 24 Jap crates (upstairs)
- 1.00 rasp
- 35.00 2,000 ft. of lumber (milled)

In Machine Shed

- 450.00 Fordson Tractor
- 2.00 brush hoe
- 1.50 post hole digger
- 4.00 3 mattocks
- 2.00 3 manure forks
- 7.50 6 shovels
- 175.00 tractor plow (double)
- 8.00 scythe and extra blade
- 1.25 potato fork
- 1.00 spade (bent)
- 2.00 froe
- 125.00 tractor plow (single)
- 2.00 car jack
- 1.75 auger
- 1.00 trunk (empty)
- 6.00 40# wire (approx)
- quart copper oil can
- 1.00 1/2 gal. shingle stain
- 1.00 curly comb
- 1.00 2 galv. Pails
- 60 bricks
- 1.00 axe
- 3.00 hand pruners

In the Field

- 35.00 2 sets disc harrows (for tractor)
- 40.00 4 wheeled trailer (rubber tired)
- 25.00 cultivator

In the Tool Shed (across track)

- 15.00 plow (horse drawn)
- 12.00 potato hillier
- bag of hydrated lime
- coulter
- 2.00 2 potato forks
- 1.25 rake
- 1.25 manure fork
- 16.00 lge. quantity fruit basket and fish
- net in attic
- 3.00 1 drag harrow
- 2400 2,000 ft. lumber

I hereby certify that the foregoing words are a true copy of the original thereof they purport to be a copy.  
 July 12, 1948



No. 8051

August 31, 1942

Name: Nishiyaga, Tatsuo

Reg. No. 10186

Inventory of Chattels (continued) Address: 745 Oliver Road, New Westminster, B. C.

In Store Room (connected to barn, nailed up)

In Store Room (continued)

5.00 box (cont. kitchen utensils)	10.00 2 heaters
1.00 mantle clock	7.00 2 aluminum pots
1.00 ctn. (cont. 20# nails)	4.00 hand saw (new)
1.00 bag (cont. 12# nails)	1.75 sm. sickle
.50 medicine cabinet	.50 floor mop
- auto drive shaft connection	10.00 gramophone & records
10.00 sideboard	75.00 book ends (wood)
.75 box (cont. few dishes)	15.00 11 window frames (with glass)
1.00 tin box (cont. 6 cans and misc. articles)	1.00 roll building paper
.75 roll tar paper	2 pans (on wall)
.250 brush hook	1.00 hammer
8.00 pair car chains	ctn. (cont. misc. articles)
15.00 linoleum rug, 12' long	3.00 2 beds, and 1 spring
1.50 2 wooden frames	1.50 copper wash boiler
.75 marble desk set (for pen and pencil)	barrel (cont. pots and misc. articles)
1.00 lge. wicker basket (cont. clothes)	2.00 10 gal. stone crock
2.50 2 boxes (cont. sealers and glass jars)	lge. barrel (cont. unknown)
1.50 mantle lantern	2.00 numerous pos. stove pipe
1.50 Aladdin lamp	5.00 tin (cont. 10# nails)
gas lamp (old)	2.00 5 gal. tin line sulphur spray
1 gal. Vinegar jug	5.00 1 door
lge. Jap Plate	1.00 sheet galv. iron
1.00 22 sm. tin pails	
1.00 200' lumber	2 Jap tubs
quantity Jap. books	2 baskets (with handles)
sm. wooden cabinet	1.00 lantern
lge. " box (nailed up)	1.50 axe and extra handle
1.50 2 washboards	1.25 hatchet
1.00 2 rubber mats	1.00 auger
lge tarp.	1.00 2 cross cut saws
	1.50 2 1/2" galv. pipe

In Garage: pulley and hook (old), car wheel, tire pump (no hose), steel Timkin bearing ring

This represents all my chattels remaining in any protected area in British Columbia.

Confirmed: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

Please sign and return one copy to the Custodian.

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

July 12, 1948

*C. MacGibbon*



APPRAISAL SHEET

Files 8051  
7635  
4588

January 22nd, 1946.

Re: Mitsuru NISHIYAMA  
Tatsuo NISHIYAMA  
Yataka NISHIYAMA

Under instructions from the Custodian's Office we have appraised and sold to the tenant, F. Gerlack, 327 Unwin Rd., Surrey the following goods:

Double plow disc	\$115.00
Household effects: (odd chinaware, lamp table, 2 kitchen chairs)	33.25
	148.25
LESS COMMISSION:	14.82
TOTAL:	<u>\$133.43</u>

WJI:DP

TRAPP MOTORS, LTD

*C. W. Trapp*

Submitted to Rural Advisory Committee

and approved. 22/3/46

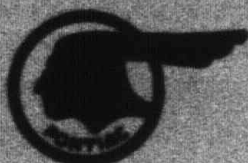
EXHIBIT NO. 1042-8  
DATE 13 May 1948  
FILED BY *W. H. Hunter*



**TRAPP MOTORS LTD.**

AGENTS FOR GOODYEAR TIRES

AUCTIONEERS

PORT OF  
NEW WESTMINSTER, B. C.

February 26th, 1946.

Custodian of Enemy Property,  
675 W. Hastings Street,  
Vancouver, B. C.

Rec'd	
File No.	7636/8051/2588
Ans.	
Initial	A. J. Leano

Dear Sirs:

Re: Yataka Nishiyama.  
Surrey Berry Growers Hall,  
Sandall Road, South Westminister

Under instructions from your office, we have examined the following goods and place the following valuation on them. These goods are in poor condition -- the tractor needs a lot of repairing to put it in working condition, and the cultivators are short several necessary parts.

a	1 Fordson Tractor	\$225.00
B	1 Two Bottom Tractor Plow	75.00
c	1 Cultivator	7.50
c	1 Cultivator	1.50
A	1 1/2 Section Harrow	8.00
P	1 O. H. Plow	7.50
H.	1 Duster	5.00
I	2 Tank Sprayers	8.00
	1 bbl. Sprayer	4.50
	1 Hand Sprayer	1.50
7	1 Wheel Barrow	2.75
J	1 Stove	1.00
O	Tools	1.50
L	Harness	10.00
e	1 Scraper	6.50

\$365.25

G 1 LAWN MOWER

\$45.00

Certified a just and fair appraisal as made  
by us this 26th day of February, 1946.

Yours very truly,  
TRAPP MOTORS LIMITED,

SALES - SERVICE - SATISFACTION

All that the term implies.

*J. H. Trapp*  
Manager.



File No. 789, 801, 40

## Farm Equipment For Sale By Tender

The Secretary of State of Canada acting in his capacity as Custodian under or by virtue of the Revised Regulations Respecting Trading with the Enemy (1943) hereby offers for sale by public tender such interests as are vested in him in the following farm equipment, located at the Surrey Berry Growers Hall, corner of Sandell and Townline Roads, Surrey, B.C.

PARCEL A: 1 Fordson Tractor.

PARCEL B: 1 Tractor (Cockshutt Plow Co.)

PARCEL C: 2 Cultivators.

PARCEL D: 1-2 Section Harrow.

PARCEL E: 1 Scraper.

PARCEL F: 1 Wheelbarrow.

PARCEL G: 1 Lawn Mower.

PARCEL H: 1 Duster.

PARCEL I: 2 Tank Sprayers.

PARCEL J: 1 Drum Heater.

PARCEL K: 1-1/2 h.p. Westinghouse motor on stand.

PARCEL L: Harness for 2 horses.

PARCEL N: 1 Panning Mill.

PARCEL O: Few gardening tools.

PARCEL P: 1 8-inch Walking Plow.

Tenders for individual parcels should be addressed to the undersigned marked "Tender for Farm Equipment" up to noon on the 28th day of February, 1946, and must be accompanied by a certified cheque payable to "The Custodian" for ten per cent (10%) of the amount tendered.

Arrangements for inspection of the above parcels may be made on application to Mr. J. Newman at his store, Corner Sandell & Townline Roads, Surrey, B.C.

These assets are offered for sale without any warranty whatsoever on the part of the Custodian as to quantity, condition or state of repair.

Cheques in respect of unaccepted bids will be returned in due course.

Neither the highest nor any tender will necessarily be accepted.  
DATED at VANCOUVER, B.C., this 31st day of February, 1946.

THE CUSTODIAN

506 Royal Bank Building, 675 West Hastings Street,

VANCOUVER, B.C.

*Also The Public Auctioneer, Feb. 1946*



MEMORANDUM

Files 4588, 8051, 7635

April 14, 1948.

MR. HUNTER:

Re: Claims of Yoshisaemon Nishiyama, Reg. No. 06447,  
(Executor of the Estate of Yutaka Nishiyama, deceased),  
Tatsu NISHIYAMA, Reg. No. 10186, and  
Mitsuru NISHIYAMA, Reg. No. 06456.

The above three claims are identical, each being for one third of the Real Property jointly owned by the three brothers, Yutaka, Tatsu and Mitsuru Nishiyama, together with chattels thereon. This property was a fruit farm at 745 Oliver Road, R. R. No. 1, New Westminster, on which was situated a four-room dwelling. From information obtained from the R.C.M.P. it appears that this farm was operated by their father Yoshisaemon Nishiyama, a Japanese National. Mitsuru, the youngest son, appears to have lived on the farm with his parents; Tatsu, in his J.P. Declaration, gave his address as 1424 Commercial Drive, Vancouver, and his occupation as Labourer and farmer; and Yutaka, according to information supplied by the R.C.M.P. was a Millhand at Woodfibre, B. C.

Yutaka Nishiyama declared the household furniture and a list of Orchard equipment left for use of the tenant (see declaration on claim file). Tatsu also declared most of these same chattels. Mitsuru Nishiyama signed a No Property declaration card. (as also did the father).

Before their evacuation, the Real Property was leased by the owners to Francis Gerlack from April 13, 1942, for the duration of the war, consideration being \$550.00 for the first year plus taxes, and \$150.00 yearly thereafter, plus taxes, water rates, gas, light and telephone. A large number of household effects and farm implements and tools were left for the use of the tenant (list signed by Gerlack attached). The property was sold to the V.L.A. as at January 1, 1943 and the lease turned over to them.

A few items of household furniture and effects which were not in use by the tenant were sold at Surrey Auction No. 7 on October 27, 1944. In February 1946 when Gerlack vacated, some of the more valuable items of farm equipment were recovered and appraised by Trapp Motors Ltd. (appraisal on claim file) and advertised for sale by Public Tender (copy of advertisement on claim file) and sold to the highest bidders (bids received on claim file). It appears, however, that a large quantity of goods was not recovered. In a telephone conversation with Mr. W. E. Anderson regarding these goods he stated that the Japanese and his tenant, Gerlack, were believed to have been in direct communication after the evacuation and he believes that a quantity of goods may have been sent to the Nishiyamas by Gerlack. There is nothing on file to substantiate this belief. Mr. Anderson also stated that the Jam crates and raspberry crates and fruit baskets which appeared on the Inventory and on the claim were, in all probability, owned by one of the Co-operatives and reclaimed by them as this is apparently the usual practice.

This claim for chattels appears to be based on an inventory of the goods on the premises taken by Custodian Agent, Moryson, on August 12, 1942, one copy of which, unfortunately, was sent to Tatsu Nishiyama for signature (see attached).

At the request of the three sons, proceeds from sale of chattels were forwarded to their mother, Aki Nishiyama (see letter from Yutaka Nishiyama dated September 12, 1946 and letter dated October 19, 1946, signed "T. Nishiyama" & "M. Nishiyama").



Yutaka Nishiyama died in the New Denver Sanitorium on December 30, 1946. Letters Probate were granted to Yoshisammon Nishiyama, his father, the Executor and sole heir named in the Will, on March 15, 1947. (Certified Copy on Claim File). Total funds to the credit of the deceased in this office, being his one-third share of the proceeds from the sale of the real property, were forwarded to the Executor on May 21, 1947. (Statement of account attached).

*AC*

/AC





DEPARTMENT OF FINANCE.

1402/47

# CERTIFICATE OF DISCHARGE

"SUCCESSION DUTY ACT" (BRITISH COLUMBIA).

(Sections ~~21, 22~~, 48.)

In the Matter of the Estate of YUTAKA JAMES NISHIYAMA, Deceased.

THIS IS TO CERTIFY that the full amount of Succession Duty payable in respect of the property or beneficial interest in property of the above-named deceased herein set forth has been paid or secured and the property or interest is therefore discharged from any further claim to Succession Duty.

The property or interest comprised in this certificate is as follows:—

"Monies in the hands of the Department of the Secretary of State,  
Office of the Custodian, Japanese Evacuation Section,  
506 Royal Bank Bldg., Hastings and Granville Streets, Vancouver, B.C.

\$609.08 "

This certificate is given under the terms and subject to the conditions of section ~~21, 22, 48~~  
48) of the "Succession Duty Act."

/JG Dated at Victoria, this 7th day of May, 19 47.

*W. A. Rowbottom*

Authorized Representative of the Minister of Finance.



NOT VALID UNTIL SIGNED BY  
THE INSPECTOR OR HIS  
AUTHORIZED OFFICER

DOMINION OF CANADA  
**SUCCESSION DUTY ACT**  
CERTIFICATE OF DISCHARGE  
AND CONSENT TO THE TRANSFER OF PROPERTY  
**FOR NON-DUTIABLE ESTATES**

S.D. 9A

FOR USE IN NON-DUTIABLE ESTATES ONLY.

SERIAL No. 75544

DATE March 27th, 1947.

IN THE MATTER OF THE ESTATE OF **Yutaka James Nishiyama,**  
**New Denver, B. C.**

WHO DIED ON **Dec. 30th,** 19**46.**

THIS IS TO CERTIFY:

THAT THE ESTATE OF THE ABOVE PERSON HAS BEEN DETERMINED AS NOT SUBJECT TO DOMINION SUCCESSION DUTIES AND CONSEQUENTLY ALL PROPERTY OF THE DECEASED MAY BE TRANSFERRED BY ANY PERSON HAVING POWER TO MAKE TRANSFERS THEREOF

THE EXECUTOR IS HEREBY AUTHORIZED TO ISSUE AND CERTIFY UNDER HIS OWN HAND COPIES OF THIS CERTIFICATE OF DISCHARGE QUOTING PARTICULARLY THEREIN THE EXACT NAME OF THE ESTATE AS USED ON THE FORM AND ITS SERIAL NUMBER AND THE SAME MAY BE ACCEPTED FOR PURPOSES OF MAKING TRANSFERS BY ANY PERSON HAVING POWER TO MAKE TRANSFERS OF THE PROPERTY STANDING IN THE NAME OF THE DECEASED PERSON.

ISSUED TO

**Yoshizaemon Nishiyama**

IN THE CAPACITY OF

**Executor of the Estate.**

  
COMMISSIONER OF SUCCESSION DUTIES

ISSUED FROM THE OFFICE OF  
THE INSPECTOR OF SUCCESSION DUTIES AT

**Vancouver, B. C.**

  
AN AUTHORIZED OFFICER

THIS CERTIFICATE SHALL NOT DISCHARGE ANY PERSON LIABLE FOR DUTY IN CASE OF FRAUD OR FAILURE TO DISCLOSE MATERIAL FACTS



44N/1947

FORM A.

In the Supreme Court of British Columbia.  
IN PROBATE.

Nelson

Registry.

Be it known that on the 14th day  
of March, in the year of our Lord one thousand nine  
hundred and forty-seven, the last Will and Testament (a copy  
whereof is hereunto annexed) of

Iutsaka James Nishiyama

late of New Denver in the Province of  
British Columbia deceased, who died at  
New Denver aforesaid

on or about the 30th day of December, 1946  
was exhibited, read, and proved before a Judge of the Supreme Court of British  
Columbia, and administration of all the estate which by law devolves to and vests in  
the personal representative of the said deceased was granted to

Ioshizemon Nishiyama

the sole Executor in the said Will named,

Given under the Seal of the said Court, this 15th day  
of March, A.D. 1947.

*W. J. Stinson*  
District Registrar.

Extracted by C. B. Garland, K. C.

Solicitor.

Estate sworn under	\$ 609.08
Probate Duty	\$ -
Succession Duty	\$ -



THIS IS THE LAST WILL AND TESTAMENT OF ME,  
TUTAKA JAMES NISHIYAMA, OF NEW DENVER, IN THE PROVINCE  
OF BRITISH COLUMBIA, I HEREBY REVOKING ALL FORMER WILLS.

I REVOKE AND RESCIND AND APPOINT ALL THE  
REAL AND PERSONAL ESTATE WHICH I AM SEIZED OR POSSESSED  
OF OR ENTITLED TO OR OVER WHICH I HAVE ANY POWER OF  
APPOINTMENT, TO MY FATHER YOSHIKAZU NISHIYAMA; AND  
APPOINT HIM SOLE EXECUTOR OF MY WILL.

IN WITNESS WHEREOF I HAVE SET MY HAND THIS  
16TH DAY OF DECEMBER, IN THE YEAR OF OUR LORDS, ONE  
THOUSAND NINE HUNDRED AND FORTY SIX.

SIGNED, PUBLISHED AND DECLARED  
by the abovesigned testator as  
and for his last will and tes-  
tament, in the presence of us,  
both present at the same time  
who at his request and in his  
presence have hereunto subscrib-  
ed our names as witnesses.

T J Nishiyama

Name..... L Boyd R E  
Occupation. Matron New Denver Sanitorium.  
Address.... New Denver, B.C.

Name..... Alex D. Trickett.  
Occupation. MERCHANT  
Address.... NEW DENVER, B.C.



4588, 7631, 7632

January 21, 1947.

Messrs. Virtue & Russell,  
Barristers & Solicitors,  
McFarland Building,  
Lethbridge, Alberta.

Dear Sirs:

Re: Yutaka James NISHIYAMA. Deceased.

We have your letter of January 16, advising that you are acting for the representatives of the estate of the above Japanese person.

According to our file on this man, he owned a one-third interest in a parcel of land which was sold, by special arrangement, to the Director, Veterans Land Act, as at January 1, 1943. Cash proceeds from this source remaining in his account at the time of his death on December 30, 1946, were \$604.08. In his declaration to the Custodian on April 21, 1942, this man declared that he held thirteen \$8.00 War Savings Certificates in his own possession. He declared also that he had delivered a 1932 Chevrolet Coach to the Fogg Motor Company, New Westminster, for sale for \$205.00, net. We do not know whether this car was sold according to instructions as no funds from this source have passed through our hands, neither did we bring the War Savings Certificates under our control. No other assets belonging to this man, in the Protected Area of British Columbia, have been brought to the notice of the Custodian.

A Notice of Death, sent to this office by the Department of Labour, indicates that they will probably be submitting an account for funeral expenses which is, usually, in these cases, about \$30.00. Our file indicates no unsettled claims against the deceased.

When an Administrator is appointed, we will be pleased to transfer the funds at credit to him upon presentation of a Certified copy of his Appointment. Before distribution is made to the heirs, we request that we be informed of the names of the beneficiaries in order that we may advise whether we wish the funds payable to them to be transmitted through this office.

Yours truly,

A. G. McArthur,  
Office of the Custodian.

AGM/AC  
(P.S. over page)



P.S. Since writing this letter this account has been credited with \$5.00 being the amount of our cheque dated December 17th returned uncashed. The present credit is therefore \$609.08.

AGM:AH



CANADA

DEPARTMENT OF THE SECRETARY OF STATE  
OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 8121

PLEASE REFER TO

FILE NO.

8051/4588/7635

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

06447

July 5, 1945.

*09469 in new Census*  
Messrs. Tatsuo, Yataka  
& Mitsuru NISHIYAMA,  
Magrath, Alberta.

Dear Sirs:

In accordance with your request of May 29th, we are enclosing herewith a cheque in the amount of \$2,592.25, representing the funds held at this office to your credit as shown on statement sent to you regarding your property sale, less the sum of \$15.00 to cover legal expenses in connection with the conveyance of the land.

A partial liquidation of your chattels has taken place, and full details of same will be supplied upon completion.

Yours truly,

*W.E. Anderson*

W.E. Anderson,  
Administration Department.

WEA/TM  
Enclosure





CANADA

DEPARTMENT OF LABOUR

JAPANESE DIVISION

EVACUATION SECTION	
Rec'd	AUG 21 1945
File No.	
Ans.	
Referred	

360 Homer Street,  
Vancouver, B. C.  
August 17th 1945

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

Attention Mr W.E.Anderson

Dear Sir,

Re: Tatsue NISHIYAMA #10186     *File 8051*  
Yataka NISHIYAMA #09469     *4588*  
Mitsuru NISHIYAMA #06465     *7635*  
Custodian File #8051/4588/7635

We regret having to return the enclosed cheque No.7805 in the amount of \$2,592.25, but in view of the fact that Yataka NISHIYAMA, #09469, is a patient in our New Denver Sanatorium, we shall feel obliged if you will credit his account with his portion of this cheque and hold his funds intact until further advised by us.

Yours truly,

M.L. Brown  
Office Manager.

*864.08*  
*864.08*  
*864.09*  
*2592.25*

MS  
Regd enc



TELEPHONE 408

891 COLUMBIA STREET

NIGHT PHONES  
GARAGE 2872  
SALES 2696



# TRAPP MOTORS LTD.

AGENTS FOR GOODYEAR TIRES  
AUCTIONEERS

PORT OF  
NEW WESTMINSTER, B. C.



March 18th, 1946

*File 7635  
4588*

The Custodian of Enemy Property,  
675 West Hastings St.,  
Vancouver, B. C.

Gentlemen:

Under instructions from your office, we  
have examined and appraised the following goods, property  
of the Yataka Nishiyama Estate.

1 Fordson Tractor	225.00
1 2 Bottom Tractor Plow	75.00
1 Cultivator	7.50
1 Cultivator	1.50
1 2 Section Harrow	8.00
1 O.H. Plow	7.50
1 Duster	5.00
1 2 Tank Sprayer	8.00
1 bbl. sprayer	4.50
1 hand sprayer	1.50
1 wheel barrow	2.75
1 stove	1.00
Tools	1.50
Harness	10.00
1 scraper	6.50
1 lawn mower	2.50
	<u>367.75</u>

*Everything new  
Salv.  
to R. H. H. Co. to  
credit*

The above prices are considered by us to be  
a fair value, taking into consideration their condition which  
is poor.

Yours very truly,

TRAPP MOTORS LIMITED  
Auctioneers & Appraisers

*C. J. H. H. H.*

Auctioneer

CFDP/H

SALES - SERVICE - SATISFACTION

All that the term implies.



4588, 7632

*Registered*

May 21, 1947.

Messrs. Virtue & Russell,  
Barristers, Solicitors and Notaries Public,  
McFarland Building,  
Lethbridge, Alberta.

Dear Sirs:

Re: Estate of Yutaka James NISHIYAMA,  
Deceased - Your File No. 3212.

Enclosed is Custodian cheque in the sum of \$529.08, in favour of Yoshisemon Nishiyama, Executor of the Estate of Yutaka James Nishiyama, deceased. This sum represents the total credit balance in the account of the deceased in this office. As you suggested in your letter of April 21, we have today forwarded a cheque for \$80.00 to the Department of Labour to cover funeral expenses of the deceased as shown on their recoverable invoice 7584. We will forward their receipt when it is received.

When administration of the Estate is completed, we would appreciate receiving the usual statement of receipts and disbursements to complete our records.

Yours very truly,

A. G. McArthur,  
Office of the Custodian.

/AC



4588, 7632

May 21, 1947.

Department of Labour,  
Japanese Division,  
360 Homer Street,  
Vancouver, B. C.

Dear Sirs:

Re: Yutaka NISHIYAMA, Deceased,  
Registration No. 09469.

Enclosed is Custodian cheque in the sum of \$80.00  
being payment in full of your claim against the estate of the  
above deceased Japanese for funeral expenses. This payment  
is made at the request of the Solicitors of the Executor of  
the Estate, Yoshisemon Nishiyama.

Kindly acknowledge receipt of this cheque.

Yours very truly,

A. G. McArthur,  
Office of the Custodian.

/AC

Enc. cheque \$80.00



4588, 7631, 7632

January 21, 1947.

Messrs. Virtue & Russell,  
Barristers & Solicitors,  
McFarland Building,  
Lethbridge, Alberta.

Dear Sirs:

Re: Tutsaka James NISHIMURA, Deceased.

We have your letter of January 16, advising that you are acting for the representatives of the estate of the above Japanese person.

According to our file on this man, he owned a one-third interest in a parcel of land which was sold, by special arrangement, to the Director, Veterans Land Act, as at January 1, 1943. Cash proceeds from this source remaining in his account at the time of his death on December 30, 1946, were \$604.08. In his declaration to the Custodian on April 21, 1942, this man declared that he held thirteen \$5.00 War Savings Certificates in his own possession. He declared also that he had delivered a 1932 Chevrolet Coach to the Fogg Motor Company, New Westminster, for sale for \$205.00, net. We do not know whether this car was sold according to instructions as no funds from this source have passed through our hands, neither did we bring the War Savings Certificates under our control. No other assets belonging to this man, in the Protected Area of British Columbia, have been brought to the notice of the Custodian.

A Notice of Death, sent to this office by the Department of Labour, indicates that they will probably be submitting an account for funeral expenses which is, usually, in these cases, about \$80.00. Our file indicates no unsettled claims against the deceased.

When an Administrator is appointed, we will be pleased to transfer the funds at credit to him upon presentation of a Certified copy of his Appointment. Before distribution is made to the heirs, we request that we be informed of the names of the beneficiaries in order that we may advise whether we wish the funds payable to them to be transmitted through this office.

Yours truly,

A. G. McArthur,  
Office of the Custodian.

ACM/AC

(P.S.)

*Letter to Capt. J. L. ... file 4588*



P.S. Since writing this letter this account has been credited with \$5.00 being the amount of our cheque dated December 17th returned uncashed. The present credit is therefore \$609.08.

AGM:AH



Name of Claimant

WIDHIYAMA, Tetsuo

Case 1042

Custodian File

Fukushima

Tetsuo (decd)

Mitsuru 8151, 4388, 7632, 7635.

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		
					1300.96	1300.96			1300.96	
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			
36.30	64.16	19.25	66.4%	432.25	327.24	498.30	39.79		406.33	
TOTAL RECOMMENDATION									1707.34	



February 21, 1951.

Mr. Yoshinason NISHIYAMA,  
46 Mercer St.,  
Toronto, Ontario.

Dear Sir:

Re: Japanese Property Claims Commission  
Case 1042 - Estate of Yutaka NISHIYAMA, Dec'd.,  
Tatsue and Mitsuru NISHIYAMA

We have received through the Co-Operative Committee, completed Release form in the names of the above covering their claim.

We enclose herein cheque in your favour as Administrator of the Estate of Yutaka NISHIYAMA and in favour of Tatsue and Mitsuru NISHIYAMA, made up as follows:

Amount of Award	\$ 1,707.24
Less Legal Fees \$ 98.76	
" Overdraft 37.84	136.60

Amount of cheque .... \$ 1,570.64

Cheque for \$98.76 has today been sent to the Co-Operative Committee.

Yours truly,

F. G. Shears,  
Director.

/GN  
Encl.



Form A, Sheet No. 25-16

Form G

DEFENCE BRIEF

Toronto, Ont.  
May 13, 1948.

Mitsuru NISHIYAMA  
Tatso NISHIYAMA  
and  
Yoshizaemon NISHIYAMA

Files No. 7635, 4588, 8051

Case No. 1042

REAL PROPERTY CLAIM

(All claims shown are Gross)

<u>1. Real Property Claim</u>	<u>Appraised at</u>	<u>Sold for</u>
\$6,000.00	\$2,634.40	\$2586.00

Witnesses: 1. B.C. Wormworth, S.S.B. Appraiser,  
Exhibit No. 2. Appraised buildings  
at \$475.00 whereas claimant claims  
\$2030. Appraised land at \$2139.40  
whereas claimant claims \$4500.

*See also letter dated 12/43 from Culltham & Lathland  
giving valuation for insurance purposes.*

PERSONAL PROPERTY CLAIMS

(All claims shown are Gross)

2. Chattel Claim

\$1,478.45

(a) Goods valued by claimant  
at \$230.95. (Auction)

\$ 76.00

(b) Goods valued by claimant  
at \$861.25. (Auction)

\$498.30

(c) Goods valued by claimant  
at \$59.50.

Sold with Real Property.

Witnesses: 1. C.F.D. Phipps - Appraiser,  
Trapp Motors Ltd.  
Exhibit No. 8 Jan. 22/46  
Mar. 9/46.

2. F.H. Trapp - Appraiser,  
Trapp Motors Ltd.  
Exhibit No. 8 Feb. 26/46.

3. F.G. Shears - Auction sales,  
and sales with Real Property.

(d) Goods valued by claimant  
at \$325.25  
left under the custody,  
control or management of  
Mr. Francis Gerlack, lessee,  
under the terms of a lease  
dated April 14, 1942, Exhibit No. 3,  
or someone other than the Custodian,  
appointed by the owner of the property.

Unaccounted for.

Witness: Mr. Francis Gerlack, Lessee.



Ref. Transcript P.12, line 17.

Apparently, W.J. Iverson called on October 23, 1945, at the claimant's property about his chattels. See copy of letter dated October 24, 1945, from Iverson to the lessee, Gerlach, now in the Claim File.

Witness: W.J. Iverson, Custodian's Agent.

<u>Summary of Defence Witnesses</u>	<u>Where Required</u>	<u>Summary of Documents to be filed.</u>	<u>Witness Proving Same</u>
B. C. Wormworth	1		
C.F.D. Phipps	2 (a)(b) (c)		
F. H. Trapp	2 (a) (b)(c)		
F. G. Shears	2 (a)(b)(c)		
Francis Gerlach	2 (d)		
W. J. Iverson	2 (a)(b)(c)(d)	Letter dated Oct. 24, 1945 from Iverson to Gerlach.	F. G. Shears.

HAC/mw



1 IN THE MATTER OF THE "INQUIRIES ACT"  
2 PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99.  
3

4 JAPANESE PROPERTY CLAIMS COMMISSION  
5

6 B E F O R E

7 (THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).  
8

9  
10 Toronto, Ontario,

11 May 13, 1948.  
12

13 IN THE MATTER OF THE CLAIMS OF

14 MITSURU NISHIYAMA

15 TATSO NISHIYAMA

16 and

17 YOSHIZAEEMON NISHIYAMA  
18

19 PROCEEDINGS AT HEARING.  
20

21 APPEARANCES:

22 J.W.G. HUNTER, Esq.,

appearing for the  
Dominion Government.

23 F.A. BREWIN, Esq.,

appearing for the  
Claimant.

24  
25  
26 A. WATSON, Esq.,

Secretary.

27 MRS. D.J. HANDFORD,

Official Interpreter.

28 A.G. VEITCH, Esq., C.S.R.,

Official Reporter.  
29  
30



1 THE COMMISSIONER: Are these claims being heard  
2 together?

3 MR. BREWIN: Yes, they are; there are three of them.

4 THE COMMISSIONER: Yes.

5 MR. BREWIN: Mr. Tatso Nishiyama will be giving  
6 evidence first.

7 THE COMMISSIONER: We will deal with this matter  
8 as one claim.

9  
10 TATSO NISHIYAMA, the Claimant herein, being  
11 first duly sworn, testified as  
12 follows:

12 DIRECT EXAMINATION BY MR. BREWIN:

13 Q. Mr. Nishiyama, is your brother here? A. Yes.

14 Q. Where is he? A. Right in the  
15 room now.

16 Q. I understand your brother and your father are  
17 the joint owners of the property in respect of  
18 which you are making a claim and that the  
19 property is known as 745 North Oliver Road,  
20 New Westminster. Is that right?

21 A. That is right.

22 Q. Pardon? A. That is right.

23 THE COMMISSIONER: Speak up in order that we may  
24 hear you, please.

25 MR. BREWIN: Perhaps I had better first of all put  
26 in this document.

27 This is a form of real estate with respect  
28 to farm land. Is that your signature?

29 A. Yes. That is my signature.

30 Q. The other signature is whose?



1 A. My brother's.

2 Q. His name is Mitsuru?

A. Yes.

3 Q. He is right here, now?

A. Yes.

4 Q. And your name is what?

A. Tateso Nishiyama.

5 Q. And are the facts set out in this document true?

6 A. Yes. It is true to my knowledge.

7 Q. It is true to your knowledge?

A. Yes.

8 (PARTICULARS OF REAL ESTATE, FARM LAND,  
9 MARKED EXHIBIT NO. 1)

10 MR. BREWIN: Perhaps in this case we had better  
11 establish the title.

12 I have here, I do not know that it will  
13 be necessary to file it, a certificate of title.

14 MR. HUNTER: As far as we understand it the two boys  
15 and the father, who is the heirs of the deceased  
16 son, are the joint owners of this property.

17 THE COMMISSIONER: You are prepared to concede that?

18 MR. HUNTER: Yes, my lord.

19 MR. BREWIN: Very well.

20 Perhaps my friend at this stage would file the  
21 farm appraisal report of the Soldiers Settlement  
22 Board, as Exhibit No. 2.

23 MR. HUNTER: I tender the farm appraisal report of  
24 the Soldiers Settlement Board as Exhibit No. 2.

25 (FARM APPRAISAL REPORT, SOLDIERS SETTLEMENT  
26 BOARD, MARKED EXHIBIT NO. 2)

27 Q. Mr. Nishiyama, one or two things to supplement  
28 the material set out in the form: Did you have  
29 insurance on the property, on the buildings?

30 A. Yes, we did.

Q. I have here a policy expiring May 2, 1945, and  
issued by the Ocean Accident Guaranty Corporation



T. Nishiyama  
In-Chief.

1 Limited, insuring the dwelling and barn for  
2 \$1,500. The insured is described as Utaka  
3 Nishiyama.

4 He was your brother?

5 A. Yes. He is since deceased.

6 Q. Now, when you left the property did you lease  
7 it to anybody at all?

8 A. Yes; to Mr. Francis Gerlach.

9 Q. I have here a copy of a lease dated April 14,  
10 1942, to Francis Gerlach. That covers this  
11 property?

A. Yes.

12 Q. And it says, including all implements now on  
13 the premises - and it is from the 13th day of  
14 April, 1942 - for the duration of the war.  
15 The first year \$550 and taxes?

16 A. Yes.

17 Q. And payable upon the execution of this lease  
18 (the receipt of \$500 is hereby acknowledged)  
19 and \$150 and taxes yearly thereafter payable  
20 on the 15th day of November during the duration  
21 of the war. Is that right?

22 A. Yes.

23 Q. Possession to be given to lessors on 1st day of  
24 January after the end of the war.

25 Should the lessors decide to sell said  
26 premises and chattels the lessee to have first  
27 option to purchase same.

28 I see also attached is an interim receipt,  
29 dated November 18, 1943, in the amount of \$150.

30 "Rent for the year 1943"

and it is on a form of the Soldiers Settlement



1 and Veterans Land Act, signed by Mr. Grindlay.

2 I will file that as Exhibit No. 3.

3 (LEASE AND INTERIM RECEIPT, MARKED EXHIBIT NO. 3)

4 I see it says in the Soldiers Settlement Board  
5 form that the more recent land has been  
6 economically fertilized and is in good production  
7 at this time. Excellent growth is shown. Is  
8 that right?

A. Yes.

9 Q. And it says also in the Soldiers Settlement  
10 farm appraisal report: "The cultivated acreage  
11 here is in good shape and well worked down into  
12 full production." Is that correct?

13 A. Yes, that is correct.

14 Q. Then it says:

15 "The more recent acreage where there are  
16 "now potatoes and oats, have been well  
17 "fertilized by the lessee this year and  
18 "now show just as good growth as the older  
19 "land though still showing peat mold. I  
20 "consider that it is all now in full  
21 "productivity."

22 Would that be correct?

A. Yes.

23 Q. If we may now deal with the claim for personal  
24 chattels, your total claim, of the three of you  
25 together, is for \$678, which is for goods valued  
26 at \$1,478.45, less \$600, price sold by the  
27 Custodian. Is that correct?

28 A. Correct.

29 Q. And the goods in respect of which you are  
30 claiming and the valuations you place on them



1 are shown in column 3 of the analysis of personal  
2 property claim?

A. Yes.

3 Q. Is that correct?

A. Correct.

4 MR. BREWIN: And, if I may file that?

5 THE COMMISSIONER: What is the total? \$1,478.45?

6 MR. BREWIN: Yes, my lord, less \$600. The \$600 does  
7 not seem to be quite accurate according to this  
8 form. The claim is the same; it is \$1,478.45.

9 THE COMMISSIONER: The chattels are also set out  
10 with values attached to the claim form?

11 MR. BREWIN: Yes; that is correct.

12 Would you mind filing your copy of that, Mr.  
13 Hunter?

14 MR. HUNTER: I tender the analysis of personal  
15 property claim as Exhibit No. 4.

16 (ANALYSIS OF PERSONAL PROPERTY CLAIM,  
17 MARKED EXHIBIT NO. 4)

18 MR. BREWIN: Now, perhaps I had better put this in  
19 before I go any further.

20 Q. Did you and your brother complete a form setting  
21 out the date of purchase and other material in  
22 regard to some of the major items?

A. Yes.

23 Q. On that list?

A. Yes.

24 Q. Is that your signature?

A. Yes, that

25 is my signature.

26 Q. And your brother's?

A. Yes.

27 Q. And are the facts set out here correct?

28 A. Yes.

29 (PARTICULARS OF PERSONAL PROPERTY, MARKED  
30 EXHIBIT NO. 5)

Q. Was the Custodian informed that these chattels



1 were on your property?

2 A. Yes. We listed them with the Custodian.

3 Q. And what did you do with them when you left  
4 the property?

5 A. Some of the articles were crated and since we  
6 did not have much time they were more or less  
7 put in certain rooms. They were not actually  
8 all nailed up, or anything like that. They  
9 were just stored in the rooms, certain things  
10 upstairs and certain things in the barn. We  
11 packed certain farm implements which were left  
12 outside.

13 Q. We have already put in the lease to a Mr. Gerlach?

14 A. Yes.

15 Q. Which said that he was to lease the implements?

16 A. The farm and implements included.

17 Q. Was he to your knowledge, at least, given any  
18 instructions or was there anything said to him  
19 about the other chattels?

20 A. He was supposed to look after them for us, as  
21 far as I know.

22 Q. As far as you know. Did you make any personal  
23 arrangement?

A. No, I have not.

24 Q. You did not personally?

A. No.

25 Q. If such an arrangement was made it would be made  
26 by whom?

A. My two brothers,

27 Mitsuru and Utaka.

28 Q. We have here the inventory dated August 31, 1942,  
29 of chattels left at 75 Oliver Road and so on.

30 I think they are exactly the same as the



1 chattels which were listed in your claim form  
2 and in the personal chattels analysis. Is that  
3 right? A. Yes.

4 THE COMMISSIONER: I do not think you need that in  
5 the circumstances.

6 MR. BREWIN: No. I just wanted to bring it out for  
7 what it is worth. They were, at any rate,  
8 apparently there on August 31, 1942. Whatever  
9 happened to them afterwards we may have to  
10 inquire about.

11 THE COMMISSIONER: Yes.

12 MR. BREWIN: "The following articles are in the care  
13 of Mr. F. Gerlach, 327 Unwin Road, New West-  
14 minster."

15 THE COMMISSIONER: Has there been a loss here?

16 MR. HUNTER: Yes, my lord. It looks to be very  
17 considerable.

18 THE COMMISSIONER: I think in the circumstances it  
19 might be well for you to file that last document.  
20 It is an inventory taken by the Custodian?

21 MR. BREWIN: Yes; apparently.

22 MR. HUNTER: Is that the 12th August?

23 MR. BREWIN: August 31 is the date which is recited  
24 at the top.

25 MR. HUNTER: This would appear to be a Custodian  
26 inventory, my lord.

27 MR. BREWIN: The figures which are written on it  
28 as follows were not on it when the Custodian  
29 sent it to you?

30 A. No; we put them on.



1 Q. You put them on? A. Yes.

2 {INVENTORY, AUGUST 31, 1942, MARKED EXHIBIT NO.6}

3 Q. I suppose you do not know how long Mr. Gerlach  
4 was on the property?

5 A. No. I do not know to that effect.

6 Q. And I suppose we may also say that if a lot of  
7 these chattels do not appear, were lost or  
8 abandoned, or stolen, you have no knowledge of  
9 the particulars?

10 A. No, I have not.

11 MR. BREWIN: That is all, thank you.

12  
13 MR. HUNTER: It is submitted, my lord, that the real  
14 property was sold for its fair market value.

15 It is submitted that the chattels sold were  
16 sold for their fair market values.

17 It is submitted that claims made for  
18 chattels not sold by the Custodian are exherb-  
19 itant.

20 It is submitted that the chattels were left  
21 under the custody, control or management of some  
22 person other than the Custodian appointed by  
23 the owner, and that accordingly only those  
24 chattels which came under the custody, control  
25 or management of the Custodian are within the  
26 terms of reference.

27 The real property appears to be a question  
28 of value, my lord.

29  
30



CROSS-EXAMINATION BY MR. HUNTER:

Q. I produce a J.P. form. Is that your signature on it?

A. That is my brother's signature.

Q. That is the brother who is here with you?

A. No; he is deceased.

Q. That is your dead brother's signature?

A. Yes.

Q. Did he declare these various chattels and complete this J.P. form on behalf of all of you?

A. Yes.

Q. And the facts given in this are given according to his instructions?

A. Yes.

MR. HUNTER: I put this in, my lord, merely because it does give a list of the equipment left behind and it values the furniture at \$300 at that time.

The equipment shown in the attached list has values opposite it. Some of those values are somewhat different from the values claimed to-day.

The total amount, as shown left on the farm as of that date, according to this J.P. form, is \$1,253.75. It is dated April 21, 1942. I would tender that as Exhibit No. 7.

(J.P. FORM, APRIL 21, 1942, MARKED EXHIBIT NO. 7)

The furniture was removed fairly early in the game and was sold by auction. That accounts for the item shown in the recapitulation, chattels for which the claimant claims \$230.95,



1 sold at auction for \$761.

2 MR. BREWIN: I wonder if my friend could assist me.

3 He said they were taken fairly early. If you  
4 can give us the date it would be helpful.

5 MR. HUNTER: Yes. It was removed in August, 1944,  
6 and sold at public auction. The auction sale  
7 was held at Surrey on October 27, 1944.

8 Eventually instructions were given to  
9 remove all farm equipment and sell it. The  
10 farm equipment was accordingly all sold. At  
11 that time the shortages were discovered. The  
12 tenant, Mr. Gerlach, was still in the premises.  
13 He seemed unable to account for the shortages.  
14 Much of the equipment removed was appraised and  
15 I have a number of appraisals here.

16 THE COMMISSIONER: What am I to conclude from your  
17 statement there, that the Government will contend  
18 that the loss of these missing articles occurred  
19 during the tenancy of Gerlach?

20 MR. HUNTER: Unquestionably, my lord; and while under  
21 his custody, control or management.

22 THE COMMISSIONER: Yes. What was the date of the  
23 auction?

24 MR. HUNTER: October, 1944.

25 THE COMMISSIONER: That is, of the implements?

26 MR. HUNTER: There was no auction.

27 THE COMMISSIONER: Of the removal ---

28 MR. HUNTER: I will have to ---

29 MR. BREWIN: You told us it was of the furniture.

30 THE COMMISSIONER: The furniture was removed in



1 October.

2 MR. HUNTER: I am looking for a letter from Mr.  
3 Gerlach who says that now everything is ready  
4 to be moved. There are so many letters here it  
5 is hard to place my finger on it.

6 This is a letter from the tenant, Mr.  
7 Gerlach, dated October 14, 1945, to the Custodian,  
8 saying:

9 "Kindly be advised that the farm equipment  
10 "is now ready for removal. If you will  
11 "call on Wednesday, October 17, there will  
12 "be some one here at 327 --"

13 I cannot read the name of the road,

14 "---- Road, R.R. 4, New Westminster."

15 I do not know that there is anything which  
16 indicates they called at that date. They  
17 probably did. We will probably call verbal  
18 evidence later.

19 Do you wish that filed or read in?

20 THE COMMISSIONER: I think it is sufficient to have  
21 it read in, which you have already done. All I  
22 want is the date.

23 MR. HUNTER: On January 22 Trapp Motors Limited  
24 appraised the double plough disc at \$115 and  
25 some household effects, odd chinaware and lamp,  
26 table and two kitchen chairs at \$33.25.

27 On February 26 they appraised the truck as  
28 follows:

29 "One Fordson tractor, \$225;

30 "One two bottom tractor plough, \$75;



"One cultivator, \$7.50;

"One cultivator, \$7.50;

"One two-section harrow, \$8;

"One O.H. plough, \$7.50;

"One duster, \$5;

"Two tank sprayers, \$8;

"One bbl. sprayer, \$4.50;

"One hand sprayer, \$1.50;

"One wheelbarrow, \$2.75;

"One stove, \$1;

"Tools, \$1.50;

"Harness, \$10;

"One scraper, \$6.50;

"One lawnmower, \$2.50."

On March 9, 1946, they appraised the three-quarter horsepower electric motor at \$15.

I would tender these appraisals as Exhibit No. 8.

(APPRAISALS, TRAPP MOTORS LIMITED, JANUARY 22, FEBRUARY 26, MARCH 9, 1946, MARKED EXHIBIT NO. 8)

These chattels were advertised for sale in the British Columbian and the Surrey Leader on February 21, 1946.

I tender a copy of the advertisement headed:

"Farm equipment for sale by tender"

showing various parcels and what they contained.

(ADVERTISEMENT, FEBRUARY 21, 1946, MARKED EXHIBIT NO. 9)

I do not think the letter attached to it has any importance. It is merely the Custodian's instructions to J. J. Gibbons to have it



1 published at that time.

2 In response to the advertisement there is  
3 a rather colossal mass of correspondence here  
4 of tenders, acceptances and refusals, and  
5 various items shown there were sold at their  
6 appraised values, or better, as will be seen  
7 from Exhibit 4, the analysis.

8 THE COMMISSIONER: Yes.

9 MR. HUNTER: I do not think there are any questions.

10 The lease speaks for itself.

11 MR. BREWIN: I wonder if my friend has some further  
12 information he can give us. Was a new lease  
13 made to Mr. Gerlach at any time?

14 MR. HUNTER: No. The lease was for the duration  
15 of the war and while that may be void on the  
16 grounds of uncertainty, nevertheless - that is  
17 a legal point.

18 MR. BREWIN: At any rate, no further lease was made?

19 MR. HUNTER: No.

20 THE COMMISSIONER: I take it he remained in possession  
21 by virtue of the lease granted by the claimant.

22 MR. BREWIN: He apparently remained in possession,  
23 at any rate.

24 I see several articles were sold to the  
25 tenant.

26 If my friend has the date of those sales  
27 it may assist.

28 THE COMMISSIONER: That appears from the Trapp  
29 appraisal, which was entered as Exhibit No. 8.  
30 January 22, 1946, the document reads:



1 "Under instructions from the Custodian's  
2 "office we have appraised and sold to the  
3 "tenant ----"

4 so and so.

5 MR. HUNTER: Thank you. That is all.

6 THE COMMISSIONER: Q. You have been authorized by  
7 your father and your brother to appear here  
8 and prove this claim on their behalf, as well  
9 as yourself? Have you?

10 A. Yes.

11 THE COMMISSIONER: I would like the other brother  
12 to stand up.

13 You have just heard the question I asked  
14 your brother. Do you speak English?

15 MR. MITSURU NISHIYAMA: Yes.

16 THE COMMISSIONER: You understand that your brother  
17 is appearing here speaking for yourself as well  
18 as for your father and himself?

19 MR. MITSURU NISHIYAMA: Yes.

20 THE COMMISSIONER: And you are content with that?

21 MR. MITSURU NISHIYAMA: Yes.

22 MR. BREWIN: Do you wish to add any facts about which  
23 your brother has not told us?

24 MR. MITSURU NISHIYAMA: No, I do not think so.  
25

26 MR. BREWIN: I think I would like to ask the brother  
27 just one thing, for what it is worth. Some  
28 legal argument might turn on it.  
29  
30



1 MITSURU NISHIYAMA, being first duly sworn,  
2 testified through the Interpreter  
as follows:

3 DIRECT EXAMINATION BY MR. BREWIN:

4 Q. Mr. Nishiyama, you have heard what your brother  
5 has said? A. Yes, sir.

6 Q. And what he said is correct? A. Yes.

7 Q. Then, there is one further thing about which  
8 I wish to ask you. Apparently a written lease,  
9 a document in writing, was made between yourself  
10 and your brother, and a tenant whose name was  
11 Gerlach. That is right?

12 A. Yes.

13 Q. And I see your signature appears on that  
14 document which has been filed. Were there  
15 instructions given by you to the lawyer who  
16 drew up the document, the lease?

17 A. Yes.

18 Q. And what further arrangements were made with  
19 the tenant, if any, beyond what was set out  
20 in the lease?

21 A. Well, he was supposed to look after what was  
22 on the farm.

23 Q. I see. Was that arrangement made by you  
24 personally?

25 A. Well, no. It is made between my brother and I.

26 Q. Between your brother and yourself?

27 A. When my brother and I were there we made  
28 arrangements with Francis Gerlach.

29 Q. To look after the property? A. Yes.

30 MR. BREWIN: Thank you.



1 THE COMMISSIONER: Are there any questions on cross-  
2 examination?

3 MR. HUNTER: No, my lord.

4 THE COMMISSIONER: That is all, thank you, Mr.  
5 Nishiyama.

6  
7 (PROCEEDINGS ADJOURNED SINE DIE)

8  
9 I hereby certify the foregoing to be a true and  
10 accurate transcript of the proceedings herein.

11 *A.G. Veitch*  
12 "A.G. VEITCH"  
13 Official Reporter.  
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