

10411

FORM 147

VALIDITY No. 1484-1

DATE 30 June 1948

FILED BY J. W. G. Hunter

BUREAU POWELL STREET

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

FILE NO. 10411

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

NAME: HASEGAWA Itayo, (Mrs. Otogoro).

HOME ADDRESS: 1003 Commercial Dve., Vancouver, B.C. REGISTRATION No. 06255

SEX: (F). AGE: 39. MARRIED? Yes.

OCCUPATION AND EMPLOYER: Housewife.

NAME OF WIFE OR HUSBAND: Otogoro. ADDRESS: 1003 Commercial Dve.,

Vancouver. B.C.

NAMES OF LIVING CHILDREN: Jun(F) (17). ADDRESS: " " "

Masanobu(M) (8). Susumu(M) (16). ADDRESS: " " "

Setsuko(F) (1month) " " "

Nobuyoshi(M) (6). Yeshiko(F) (8). 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 June. 1942.

WITNESS: [Signature]

(Signature) Itayo Hasegawa

FOR DEPARTMENTAL USE

HOW DO YOU PROPOSE TO PAY THESE OFF?

LIST OF LIABILITIES:

None.

INFORMATION FROM R.C.M.P.

DATE Aug. 9/43

Our File No. 10411

Full Name HASEGAWA, Itayo (Mrs. Otagoro)
(Surname in Block Letters)

Registration No. 06255 Male - Female Age Nov. 6, 1902
(Check)

Former Address 1003 Commercial Dr., City

Date Evacuated Sept. 11/42 Naturalized - Canadian-Born - National
(Check)

Present Address Tashua, B. C.

Married - Single
(Check) Name of Wife _____

Name of Husband Otagoro #04848

Name of Mother _____ Name of Father _____

Names of Children under 16 Henry Susumu (M) Jan. 28/26 Masanobu Dec. 26/33

Hobuyasyi (M) Feb. 8/36 Yoshiko (F) Oct. 29/39

Requested by ECT Registered with Custodian _____
(Yes or No)

Additional Information _____

REFER TO NO.
YOUR FILE NO.

L. S. Turcotte, L.M. B.

Banker and Solicitor
BANK OF NOVA SCOTIA BUILDING
PHONE 4381 P. O. BOX 442
LETHBRIDGE
ALBERTA

March 17th, 1948.

The Custodian,
Royal Bank Building,
VANCOUVER, B. C.

10411

EVACUATION SECTION	
Rec'd	MAR 19 1948
File No.	10411
Ans.	
Referred	<i>Sussex</i>

Dear Sir:-

Re: Itoyo Hasegawa
Registration No. 0G255 06255

I have had an opportunity to review your file with Mrs. Hasegawa.

Although your file does not show any record of an inventory Mrs. Hasegawa says she was visited on one or two occasions by a representative of your office before she left Vancouver. She further states that her furniture was stored in a Lumber Yard at the corner of Hasting Street and Prince Avenue, with a man named Kagetsu. This man apparently owned the Lumber Yard. You will note that Mrs. Hasegawa is claiming \$1000.00 for furniture including a piano, which she values at \$425.00.

No doubt you have a file on Kagetsu. I would appreciate it if you will examine this file and see whether Kagetsu included any of Mrs. Hasegawa's personal property in his inventories.

If he did so and if he is making a claim to the Commission possibly there would be some way in which Mrs. Hasegawa could make a claim for her property. If there is anything of value in the Kagetsu file possibly it should be forwarded to Lethbridge so that it may be available for the hearing here.

Yours very truly,

L. S. TURCOTTE.

LET:EM

Per *[Signature]*

CANADA

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

PHONE PACIFIC 6181

PLEASE REFER TO
FILE NO. 10732/10411

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

March 19th, 1948

L.S. Turcotte, Esq., L.L.B.
Barrister & Solicitor,
Bank of Nova Scotia Building,
Lethbridge, Alta.

EXHIBIT NO. 184 - 2

DATE 30 Mar 1948

FILED BY
L. S. Turcotte

Dear Sir:

Re: - Itoyo Hasegawa
Registration No. 06255

We are in receipt of your letter of the 17th instant in respect to certain furniture of Mrs. Hasegawa said to have been stored in a lumber yard at the corner of Hastings Street and Prince Avenue, with a man named Kagetsu.

We do not locate Hastings Street and Prince Avenue.

If Eikichi Kagetsu is the Kagetsu referred to, we wish to advise that his files do not indicate any chattels belonging to Mrs. Hasegawa. We never had an inventory of chattels of Eikichi Kagetsu, as Carl M. Stewart, Solicitor, Vancouver B.C. handled his affairs as to Real and Personal Property at that time.

As the claim file and Master file of Itoyo Hasegawa have been forwarded to Lethbridge, we are at a loss to know the particulars of the claim or what the Master file shows. However we do not find on the records here that Mrs. Hasegawa stored any furniture as indicated in your letter. The file of her husband Otogoro Hasegawa numbered 10732 shows an attached list of merchandise and chattels, though by whom made is not known, as there is no signature attached to it.

Our representative C. Barrett-Lennard, Chartered Accountant says in his report on Otogoro Hasegawa of October 20, 1943 that "I have kept in contact with the store (at 1003 Commercial Drive, Vancouver, B.C.) almost weekly. I called on September 14th to find the owner and family were evacuated a few days before and failed to advise me as I had requested. They have been evacuated to Tashme, B.C."

On receipt of this report the Custodian wrote to Otogoro Hasegawa and received the following reply as October 26th, 1942:-

"I am in receipt of your letter of the 19th instant regarding payments for my Grocery store.

This is to inform you that the transaction is all finished and no outstanding payments, as the sale was made fully by cash payment.

Trusting that this is the information desired by you".

This is the final letter from Otogoro Hasegawa in respect to his merchandise and effects and was assumed by us to close the whole matter.

No reference whatsoever was made to the storing of any effects as indicated by Mrs. Hasegawa.

Yours truly,

"B. K. Dusenbury"
B.K. Dusenbury,
Office of the Custodian.

BRD/DD
Enc. 1

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

May 1, 1948

A.L.

D. L. Stewart

Otogoro Hasegawa

1003 Commercial Dr.
Vancouver, B.C.

Registration Card No. 04848

2 glass showcases each 6 ft. x 1½ ft. x 3 ft.	\$150.00
1 Refrigerator 5½' x 2¾' x 2'	\$125.00
1 Wooden Showcase 9½' x 2' x 2¾'	\$ 35.00
1 wooden Showcase 6' x 2' x 2 5/6' (counter)	\$ 29.00
1 Scale	\$125.00
Tobacco	\$150.00
Grocery	\$1200.00
Fruits	\$ 50.00
Vegetables	\$ 50.00
Candy and Soft drinks	\$250.00
Stationary	\$150.00
1 Sawdust burner	\$125.00
1 Piano	\$190.00
1 Sewing Machine (electric)	\$199.00
1 Glass shelf	\$ 25.00
1 Typewriter - \$75.00 Paid \$40.00 Balance \$35.00	
1 Cash register	\$200.00
2 Double beds	\$ 85.00

DEC 19 1947

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

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

10411

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

(1) NAME HASEGAWA Itoyo (RCMP) Reg. No. 06252
(Print) Surname Given Name

(2) Pre-Evacuation Address 1003 Commercial Drive, Vancouver, B.C.

(3) Present Address GENERAL DELIVERY, LETHBRIDGE, ALTA

(4) REAL ESTATE

(a) Street Address (if any) 1003 Commercial Drive Vancouver B.C.
City or Municipality Province

(b) Legal description (lot number, block number, section number, etc.)

(c) Type of Real Property (cross out words which do not apply):

- (i) ~~Farm~~
(ii) ~~Residence~~ Type of business Grocery Store
(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.) sole owner of the business but renter of the store.

(e) Fair market value at date of sale (estimate this to the best of your ability):

- (i) Land - - - - - \$
(ii) Buildings - - - - - \$
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - \$
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 4000⁰⁰/₁₀₀₀
(v) Amount at which Custodian sold property and credited your account - - - \$ 200⁰⁰/₁₀₀
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 3800⁰⁰/₁₀₀

(5) PERSONAL PROPERTY

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

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)

(c) How stored or packed at time of evacuation

(over)

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

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

1.	Piano	Estimated Value \$485
2.	Tables & Chairs	Estimated Value \$25
3.	Sawdust Burner	Estimated Value \$150
4.	Gas stove	Estimated Value \$50
5.	4 Beds	Estimated Value \$185
6.	1 large mirror	Estimated Value \$50
7.	1 large bureau	Estimated Value \$50
8.	Oil cloth & carpets	Estimated Value \$75
9.	1 large clock	Estimated Value \$50
10.		Estimated Value \$

TOTAL CLAIM FOR PROPERTY LOSS \$1000

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)) - - - - - \$485

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

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

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

DOMINION OF CANADA
 of
 TO WIT;

1. I, Stacy Hargrave of the City of Alberta in the Province of Alberta 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
Edmonton in the Province of Alberta
 this 16 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.

I had misplaced my stamp containing the necessary information to fill out this form and found a post office

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

DEFENCE BRIEF

Lethbridge
30 March 1948

(Mrs.) Itoyo HASEGAWA

File No. 10/11

Case No. 484

PERSONAL PROPERTY CLAIM

Claim

Stock in Trade	\$4000.
Furniture	<u>\$1000.</u>
	<u>\$5000.</u>

Claimant stated on Form J that she had no chattels and none were disclosed to Custodian.

Stock in Trade was sold by claimant by private sale.

Commissioner stated that as there was no sale by Custodian, the sale having been made by herself, the claim could not be considered.

(Trans. Page 8)

BMP/mw

IN THE MATTER OF THE "INQUIRIES ACT"
PART I, REVISED STATUTES OF CANADA 1927, CHAPTER 92.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

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

10
Lethbridge, Alberta,
March 30th, 1948.

IN THE MATTER OF THE CLAIM OF
(MRS.) ITUO HASEGAWA.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

E.W.G. HUNTER, Esq., appearing for the
Dominion Government.

L.B. THROCKE, Esq., appearing for the
Claimant.

A. WATSON, Esq., Secretary.

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

T.P. HERRON, Esq., Official Reporter.

Discussion.
(Mrs.) I. Hasegawa,
In Chief.

10 MR. HUNTER: My lord, in this next claim I have a preliminary objection. First of all she declared no property of any kind and none was found; secondly, that claim was made for loss which she estimates she has suffered by reason of having sold at a sacrifice price in connection with her stocks-in-trade. It is my submission, my lord, that she is outside of the terms of reference and that her claim should not be sustained because of the very fact that she declared no property and gave the Custodian no notice.

THE COMMISSIONER: Now, Mr. Turcotte, I can tell you that previously this same question has arisen where there has been an alleged forced private sale, and I have held in those circumstances that I cannot recognize the claim.

20 MR. TURCOTTE: Yes, my lord. Well, as a matter of fact, I had been given that information, but the position I am in is that I thought that possibly it would be better coming from your Lordship than coming from me.

THE COMMISSIONER: I can quite appreciate your difficulty. Is your claimant here?

MR. TURCOTTE: Yes. I would like to call her and in regard to the chattels I would like to file a statement and amend the claim to read on behalf of Itoko Hasegawa, and on behalf of her husband Otokuro. When I took the claim first, I didn't realize the husband was part owner of the goods.

30 THE COMMISSIONER: Have you the claim form?

Discussion.
Mrs. I. Masugawa,
In Chief.

MR. THROTT: I might call the claimant and have her
sworn.

THE COMMISSIONER: Now, Mr. Hunter, if I may note your
objections; the first is with regard to the chattel
claim on the ground there was no disclosure of any
chattels, is that the situation?

MR. HUNTER: I go a little further, my lord, in that she
declared she had none.

THE COMMISSIONER: Have you the J.P. form?

10 MR. HUNTER: It is the other form which is used where
they are declaring nothing, my lord.

THE COMMISSIONER: Perhaps you would have her identify
her signature and file it.

(MRS. I. MASUGAWA, the claimant herein,
being first duly sworn, testified
through the Interpreter as follows:

MR. HUNTER: Q: Is that your signature, Mrs. Masugawa?
A: Yes.

MR. HUNTER: This is form "J", my lord,

20 THE COMMISSIONER: Then, secondly, to the personal property
claim on the ground that a sale was made by the
claimant herself which she now contends was a
forced sale, as a result of which she suffered
loss.

MR. HUNTER: Yes, my lord.

THE COMMISSIONER: Q: Now, Mrs. Masugawa -- if you would
explain to her, Mr. Interpreter -- Government
counsel has taken two objections to your claim,
first, that you signed this document which is
30 marked Exhibit 1, in which you declared that you

had no chattel property of any kind?

A This was brought to me by the Custodian's representative. I can't speak English and I signed it because I was told that it was the usual form which Japanese people are supposed to sign.

Q Let me see it. Did you furnish any information to the person who approached you or brought you this form in which you gave your address, your age, and so forth?

10 MR. TURCOTE: My lord, if I may interrupt, I have a list of chattels here which apparently was filed with the Custodian under the husband's name by someone. The Custodian says he doesn't know where he got it from, but it was in the husband's file.

THE COMMISSIONER: That puts a little different complexion on it, does it not, Mr. Hunter?

MR. TURCOTE: I was going to produce that.

MR. HUNTER: If the husband is making a claim, we are not prepared to answer any claim now by the husband.
20 There was no suggestion in the application that she was filing on behalf of the husband.

THE COMMISSIONER: Perhaps we had better treat the claimant in her own interest entirely, and if the husband has a claim, we can consider it later.

MR. TURCOTE: My lord, I don't think that the claimant herself has any claim.

THE COMMISSIONER: I do not think she has either, but I want her to understand why she has not.

MR. TURCOTE: I would like, if possible, to present
30 this claim on behalf of the husband. He is sick.

Mrs. I. Hasegawa,
Discussion.

THE COMMISSIONER: Let us deal with that later and we will dispose of the personal claim of the lady, first of all.

Q Ask her, did she give the information that is contained on that form to the person who interviewed her?

A: These particulars which are written down here about my family were given by me to the representative of the Custodian.

10 Q And did you at the same time tell the representative of the Custodian, "That I have no property of any kind whatsoever in any protected area in British Columbia"?

A: I didn't say anything of that nature.

Q Did you tell him that you had any property which you were leaving behind you in the protected area?

A I told him that I did have some property.

Q Was there a person present who could understand the Japanese language and translate this document to you before you signed it?

20 A No, there was not.

Q Then how did this person, AE. McArthur, get the information that is contained on this file as to your age and that you were married and the names of your children?

A: My husband was with me and he explained it.

Q Does your husband speak English?

A He doesn't speak much, my lord.

THE COMMISSIONER: It is not very satisfactory.

30 MR. THORP: Well, my lord, I think the situation is this, that any claim that they have, I think,

Mrs. I. Inagawa,
Discussion.

possibly is a joint claim in that from what she tells me they were working together in the store. Her husband, apparently, is somewhat of an invalid at present. I am not sure whether he was at that time. Possibly it was my mistake when the claim was taken that I didn't go into it more thoroughly with her to find out about her husband, but she came in and made the claim and signed it and I left it at that, and it was only when I started to prepare the forms and received a letter from the Custodian mentioning her husband and sending in this sheet, that it struck me that possibly the claim should be in the husband's name.

Now I might go further and read part of this letter, because this claim isn't very strong in any event. He says (reading).

THE COMMISSIONER: This is a letter from whom?

MR. TURCOTE: From the Custodian's office, from a Mr. Dusenbury.

20 THE COMMISSIONER: From the Custodian's office.

MR. TURCOTE: From the Custodian's office to myself, dated March 19th, 1948. (Reading). I don't know whether there is a Prince Avenue or not.

THE COMMISSIONER: There is a Princess Avenue.

MR. TURCOTE: I think that is what is meant.

(Reading). I thought I should bring that letter to your attention before I went on.

THE COMMISSIONER: It would be as well to file that to make the record complete.

30

(LETTER MARKED EXHIBIT NO. 2).

THE COMMISSIONER: Is it possible that this lady may be able to ascertain from Kagetsu that he did store her furniture or her chattels or filed a claim in respect of it?

MR. TROUTTE: Mr. Shears tells me that Kagetsu apparently made no return to the Custodian of chattels at all. Apparently Mr. Stewart handled his chattels. Am I right in saying they were all sold, or at least something was sold? I was wondering why in that case his chattels wouldn't be taken over?

THE COMMISSIONER: Mr. Kagetsu was a wealthy timber operator who has filed some very large claims which will be heard in Vancouver.

My suggestion to you, and the only suggestion I can make is this, that you explain to the claimant that I have no jurisdiction to entertain the claim that she has filed here, and it is possible that Kagetsu received her property and may have claimed in respect of it and she had better communicate with him. I think the Custodian can probably furnish his address. I know that he is in Toronto, but so far as her claim is concerned, I have no jurisdiction to entertain the claim she has presented at all. I did not want to simply brush it off, I wanted her to have an opportunity to appear here, and state her position for herself, but in the circumstances there is no claim which I can entertain.

MR. TROUTTE: I tried to explain something of that, but I thought it better that she come here.

Mrs. I. Masagawa,
Discussion.

THE COMMISSIONER: Perhaps, Mr. Interpreter, you would
get from the reporter what I have said to counsel
and pass it on to Mrs. Masagawa. It may be of
some help to her. It might be more convenient to
have that done after we adjourn, if the lady
could wait until we adjourn shortly before one
o'clock and the reporter will see that this state-
ment is read to her. I will just add this, Mr.
Reporter, that so far as her claim for the stock-
in-trade in the store is concerned, that, counsel
tells me, was sold by the claimant herself by
private sale and in the circumstances I have no
jurisdiction to entertain such a claim because
the only claim which I may entertain is a claim
for loss arising out of a sale by the Custodian
of a claimant's goods at a price which is said
to be less than the fair market value. Here
there was no sale made by the Custodian, the sale
having been made by herself, and therefore no
claim can be considered.

(Concluded)

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

J. P. Edgerlin
"J. P. EDGERLIN",
Official Reporter.