

10919

**BUREAU HASTINGS PARK  
OFFICE OF THE CUSTODIAN  
JAPANESE SECTION**

FILE NO. 10919

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

NAME: OHARA, SajiroHOME ADDRESS: Now in Hastings Park, Vanc'r, B. C. REGISTRATION No. 10069SEX: Female AGE: 56 MARRIED? yesOCCUPATION AND EMPLOYER: Fisherman--selfNAME OF WIFE OR HUSBAND: Tsuru 3826 10070 ADDRESS: Hastings Park, Vanc'r, B.C.

NAMES OF LIVING CHILDREN:	<u>Hiroshi (M)</u>	<u>15</u>	ADDRESS:	"	"	"	"
	<u>Mariko (F)</u>	<u>14</u>		"	"	"	"
	<u>Kazuyo (F)</u>	<u>12</u>	ADDRESS:	"	"	"	"
	<u>Iwami (M)</u>	<u>11</u>		"	"	"	"
	<u>Minoru (M)</u>	<u>10</u>	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 20th day of June 1942.

(Signature)

WITNESS:

Wita Wilson

INFORMATION FROM R.C.M.P.

r File No. 10919 Date Aug. 1943.

Full Name OHARA, Sajiro (Dead)  
(Surname in Block Letters)

Registration No. 10069 Male - Female ☒ (check) Age Jan. 1, 1886

Former Address Langes B.C.

Date Evacuated 16/9/42 Naturalized - Canadian-Born - National ☒ (check)

Present Address Dead Dec. 1, 1942  
at Lemon Creek, B.C.

Married - Single ☒ (check) Name of Wife Tammi #10070

Name of Mother Dead Name of Husband -

Name of Father Dead

Names of Children under 16 (See Over)

Requested by C. Girard Registered with Custodian yes  
(Yes or No)

Additional Information Fisherman Owner of  
# 2454 Boat, Naval V010P, 4 tons; 32'

LIABILITY SUMMARY

File 10919

May 1, 1946.

Re: Sajiro OHARA, Reg. No. 10069  
(Deceased)

The only claim appearing on this file is that of the B. C. Security Commission for funeral costs of \$30.00. This claim was settled from funds in the account of the deceased. Sajiro OHARA died at Loma Park, B. C. on December 1, 1942.

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

*G. Matheson*

May 1, 1946

PERSONAL PROPERTY SUMMARY

File No. 10919

May 15, 1946.

Re: Sajiro OHARA, Reg. No. 10069  
(Deceased Dec. 1, 1942)

This man signed a declaration to the Custodian on June 20, 1942 in which he declared that he owned no property in the protected area.

The vessel "S.O.", New Westminster Licence No. 2454, licensed in the name of this man, was so damaged while in custody that she was declared a constructive total loss. OHARA agreed to accept the sum of \$400.00 in full settlement for the loss of his vessel. The sum of \$393.50, being full amount of settlement less \$6.50 deducted to pay the supervision costs of the Japanese Fishing Vessels Disposal Committee, was received in this office and credited to the account of this man. Following his death the sum of \$50.00 was paid to the Dept. of Labour to cover funeral costs. The sum of \$5.00 was paid to Messrs. Locke, Lane, Guild & Sheppard for legal fees in connection with this estate. The balance of \$338.50 is being transferred to the account of his widow, as next of kin and guardian of the five minor children.

The sum of \$11.60 received from the B. C. Security Commission as refund of transportation expenses incurred at the time of evacuation was remitted to the widow on June 29, 1943.

It would appear from information on this file that a house had been built by this man on land owned by Kumanosuke OKANO, File 3281. According to letter received March 6, 1945 from the widow of Sajiro OHARA no lease existed and the estate of this man has no claim in regard to this house.

This file reveals no other property.

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

*J. MacLean*  
May 15, 1946.

/TM

SUMMARY TAKEN FROM VESSELS RECORDS

Date: May 20, 1944

Name: OHARA, Sajiro

Reg. No. 10069

File: 10919

Boat File No.: JFVDC 526

Name of Vessel: "S.O." 32'x7'x3' (1927) Easthope 8 HP

Lic. or Reg. No.: New Westminster 2454

Naval No.: V.010P

Owner's Valuation: \$700.00

JFVDC Valuation: None

Custodian Valuation: None

Date of Sale:

Purchaser:

Signature on Sales Papers:

Selling Price:

Paid to JFVDC or Custodian:

Supervision Costs:

Balance due Owner:

Paid to:

Location of Boat at Sale:

Claims Against Canadian Govt.:

This vessel was damaged while in custody, and was condemned. The damaged boat was sold "as is" for the sum of \$10.00, to W.H.F. Wilson.

Sajiro Ohara agreed to accept a price of \$400.00 for his vessel and claim for that amount was approved. Statement of the claim is as follows:

Valuation	400.00
Commission & Survey Costs	6.50
Net Amt. due Claimant	393.50

The sum of \$6.50 was deducted from the proceeds of the sale of the vessel, and the balance of \$3.50 remitted to the Receiver General of Canada.

The claim of \$393.50 was paid to the Custodian on April 5, 1943, and credited to the account of Sajiro Ohara.

This vessel was among those taken to New Westminster.

Additional Information:

*J. Macdonald*  
April 30/1946

*Release and Discharge in regard to Claim sent to Dept of Fisheries, as payment made through that Department.*

*J. Macdonald*  
May 1/46

10919 - 3826

May 15, 1946.

Messrs. Locke, Lane, Guild & Sheppard,  
Barristers and Solicitors,  
703 Rogers Building,  
Vancouver, B. C.

Dear Sirs:      Re: Sajiro OHARA, Reg. #10069, Dec'd-File 10919  
                      Tsuru OHARA (Mrs. Sajiro), #10070 -File 3826

Enclosed herewith please find Custodian cheque in your  
favour in the sum of \$5.00, being fee relative to the above.

Yours truly,

A. G. McArthur,  
Administration Department

AGM/ER  
Enc. 2

*Copy  
original in Regal  
opinion file  
Gill*

703 Rogers Building,  
Vancouver, B.C.

May 11th, 1946.

Office of the Custodian,  
Royal Bank Building,  
675 West Hastings Street,  
Vancouver, B. C.

Attention Mrs. McArthur

Dear Sirs:

Re: Files 10919 and 3826, Sajiro OHARA, Reg.  
No. 10069. Deceased.

The fund herein represents damage to a Japanese vessel when in custody, the Japanese has died leaving a widow and children and no Letters have been taken out. You would be quite justified in paying this claim to the widow due to the fact that the children of the deceased are infants. Our reasons therefor are as follows:

On and after the 16th day of December 1941 the Japanese were prohibited from using the vessels on this Coast and there was a seizure and detention. Now this vessel was seized and injured while in custody, therefore any right of action for such injury is in the Crown, not in the Japanese and the monies realized are the Crown property. Further P.C.6247 has vested the property in the Custodian and if the damage occurred after that date it is merely an additional reason for the Custodian having the right to dispose of the funds as he pleases, that is for the Custodian taking the position that the claim to these monies is vested in the Crown and therefore the monies are Crown property and subject to disposal as the Crown may direct. As the widow is looking after the children then we do not see the necessity of taking out Letters, the monies can be paid to her as representing the next-of-kin.

Yours truly,

LOCKE, LENE, GUILD & SHEPPARD

Per:

FAS/EB

COPY  
Original in  
Legal Opinion  
file 10919

LOCKE, LANE, GUILD & SHEPPARD  
Barristers & Solicitors

703 Rogers Building,  
Vancouver, B. C.

May 11th, 1946.

Office of Custodian,  
Royal Bank Building  
675 West Hastings Street,  
Vancouver, B. C.

Attention Mrs. McArthur

Dear Madam:

Re: Files 10919 and 3826, Sajiyo SHARA, Reg. 10069,  
Deceased.

In reply to your memo of the 6th instant we are of the opinion that the safe principle to follow in the administration of these small estates should be as follows: -

(a) That the estates may be administered informally, that is, without the grant of letters only where the assets in question have vested in the Custodian under the Regulations Respecting Trading with the Enemy, or P.C. 2483.

(b) That in every other instance there should be a formal grant of letters before payment out of the monies. P.C. 1457 precludes a Japanese having the capacity to acquire or to hold land in Canada and we should think that would offer an obstacle to one of the Japanese race obtaining Letters and going on the Register as an Administrator, therefore as a general rule the Official Administrator should be the proper person to take out Letters.

The application of those principles to the particular instances might be illustrated as follows: -

1. Where an estate consists of physical assets within the protected area and the deceased was an evacuee, that is that he was alive and resident within the protected area at the time these Orders-in-Council came into effect, then there would be under P.C. 2483 a vesting in the Custodian. The Custodian has the immunity conferred under the regulations; in such instances where there has been a vesting the Custodian can disburse informally, that is, on such affidavits as he may choose to accept.

2. There may be property inside a protected area but no vesting because the deceased Japanese was not an evacuee. There are the following difficulties in such cases: -

In getting title to lands, that is, assuming that the deceased is a registered owner of lands then as his death has prevented his becoming an evacuee there has been no vesting in the Custodian and under the Provincial law the property would pass to the personal representative, and the personal representative would hold for the devisees or heirs. The most that the Custodian could claim would be to stand in the position of any of the devisees or next-of-kin who were evacuees, but the Registrar has no method of determining the extent of the Custodian's title, and therefore it would be safe only to transfer to the personal representative. We would therefore suggest that where the death has preceded the orders-in-council that Letters be taken out and administration proceed informally.

3. Choses-in-action which were owned by an evacuee are claims against persons who are resident within a protected area. There was a question whether such choses-in-action would vest at all in P.C. 2483, but that would fall within the Departmental direction. If there has been a vesting of such choses-in-action then the Custodian might administer. If no vesting then the personal representative should collect and give a discharge.

4. Owing to the possible difficulties in those of the Japanese Race obtaining Letters or perfecting their titles we would suggest that the Official Administrator be used where an Administrator is required.

5. The case of enemies offers no difficulty because there would be a vesting in the Crown throughout.

Yours truly,

LOCKE, LANE, GUILD & SHEPPARD

Per:

MEMORANDUM

To: Files 10719 and 3024

May 6, 1946.

FROM: Mrs. Redburn

Re: Estate of Mr. Elmer J. Redburn

The above was made a declaration to the Custodian on June 20th, 1943 to the effect that he owned no property of any kind whatsoever in any protected area in British Columbia.

No assets have been made known to the Custodian with the exception of a claim which was filed against the Canadian Government for damage to his Fishing Vessel while in custody. The net was paid to the Custodian on April 9th, 1943 was \$393.50.

Elmer J. Redburn having died at Lorne Creek on December 1, 1942, an Affidavit was forwarded from the Office of the Custodian to the widow which she returned signed in July 1943. On the strength of this Affidavit in the sum of \$20.00 were paid to the Receiver General and the balance forwarded to the widow. This money was returned, however, by the widow with a request that it be credited to her account with the Custodian. It was accordingly so credited and now is held in her account, which also shows a credit of \$207.02, being proceeds from sale of chattels belonging to her.

We wish to know whether it is in order for Estates under \$500.00 to be administered by way of an Affidavit, as in this case, and whether in consideration of the fact that this Affidavit has not been registered and the approval of the Court not having been obtained the Custodian is free to remit the Estate funds to the widow in her own right. I would draw to your attention that there are five minor children (as indicated on the back of the B. C. R. P. Information Sheet at the front of the file) and also that the deceased left an expression of his wish regarding this Estate as set out in what purported to be a Will and its translation, which appears on File 3024 under date of May 29, 1943.

MR/ER



10919; 3526 & 3521.

February 27th, 1945.

Mrs. Toure CHANA,  
Registration No. 10070,  
Laxon Creek,  
Siemon, B. C.

Dear Madam:

Re: Rumuodine CHANO - Reg. No. 10022.

We have not heard from you in reply to our letter of the 6th instant but understood from Mr. Chano that there was no written agreement between himself and your husband regarding the use of the land on which he built his house.

If this is correct the Estate of Sajiro CHANA (Deceased) would appear to have no legal equity in the building and it only remains for you to ascertain, or determine with Mr. Chano, the amount he is willing to pay in liquidation of any moral obligation he may acknowledge. If you come to a satisfactory agreement with Mr. Chano we are prepared to remit him the proceeds of the sale of his property to enable him to effect a direct settlement with you.

Yours truly,

S. G. Bell,  
Administration Department.

RM/P.

c.c. to Mr. Rumuodine CHANO,  
Nagath, Alta.

Repl. 6/3/44.  
No Case! No claim.

3281; 1554 & 10919.

February 6th, 1943.

Mr. Rensselaire CHAND,  
Registration No. 10122,  
Wagstaff, Alta.

Dear Sir:

Re: Keichiro HIRANO - Reg. No. 10430.  
Sajiro CHARA -- Reg. No. 10069 (Dec'd.)

On the 4/4/1942 you declared that your above friends owned certain buildings on the land (The Fractional West half of Section 3, Range 2 East, Except the East 25 feet thereof; also all that part of the North 20 feet of Section 3, Range 1 East, lying East of the Public Road as shown on Plan 2143; all in North Division of Salt Spring Island, Cowichan District) of which you are the registered owner.

Our records further show that the land operated by Mr. Hirano covered an area of 5 acres on which he erected a 3-room Dwelling.

Mr. Sajiro CHARA died at Lenton Creek on the 1/12/1942 and in his case, and that of his widow, our records are less complete.

Proceeds from sale of your property having been credited to your account on the 3rd instant, as advised you on that date, it becomes necessary to establish the extent of the other interests involved in order to free the net balance for your own use.

With this end in view we are requesting Mr. Hirano and Mrs. Chara to get in touch with you and we would appreciate your co-operation in establishing with them a mutually satisfactory ratio for the liquidation of whatever their acknowledged equity may be.

Please advise us of the position as soon as possible as it will be necessary for us to obtain and have on record confirmation of the other parties involved.

Yours truly,

R. G. Ball,  
Administration Department.

RGB/T.

10219, 10226 & 10221.

February 6th, 1945.

Mrs. TARA CHANA,  
Registration No. 10070,  
Lemon Creek,  
Sloom, B. C.

Dear Madam:

Re: Ramoncho CHANO - Reg. No. 10123.

The Salt Spring Island property known as "The Fractional West half of Section 3, Range 2 East, EXCEPT the East 25 feet thereof; also all that part of the North 20 feet of Section 3, Range 1 East, lying East of the Public Road as shown on Plan 2143e" all in North Division of Salt Spring Island, COQUILHA DISTRICT has been sold to the Soldier Settlement & Veterans' Land Act.

We are asking the registered owner, Mr. Ramoncho CHANO, to let us know what, if any, interest your late husband may have had in buildings on this land, and we would now ask you to communicate with Mr. Chano with a view to establishing the extent of such interest, if any.

Yours truly,

R. G. Bell,  
Administration Department.

RM/T.

c.c. to Mr. Ramoncho CHANO,  
Hageth, Alta.

10919 & 3826

July 5, 1943.

Mr. H. L. Brown, Office Manager,  
D. C. Security Commission,  
360 Homer Street,  
Vancouver, B. C.

Dear Sir:

Re: Mrs. Taura CHARA, Reg. No. 10070, and  
the Estate of Sajiro CHARA - Deceased

Further to our letter dated June 18th we are sending to you attached our cheque No. 3994 payable to the order of Mrs. Taura Chara and amounting to \$11.60, representing balance remaining in the account of the Estate of Sajiro Chara, deceased. In this connection you may wish to refer to your undated letter received on June 26th with which you enclosed your cheque No. 63583 for the same amount.

Would you please see that the attached cheque reaches Mrs. Taura Chara.

Yours truly,

R. P. Alexander,  
Manager.

HPA:HA  
Enc.

I hereby consent to and approve of the  
Custodian paying to the B. C. Security Commission  
the sum of \$50.00 from the fund to the credit of  
my late husband, Sajiro OHARA, for his funeral  
expenses, and I hereby undertake to apply for letters  
of administration to the Estate of my said husband  
and to administer such Estate in accordance with the  
laws of British Columbia.

Signature Iwan Ohara

Date July 6<sup>th</sup> 1943 Witness A. M. Kinsmill

Enc - see July 13/43

# STATUTORY DECLARATION

C.V. 229A

DOMINION OF CANADA

PROVINCE OF

COUNTY OF

IN THE MATTER OF

TO WIT:

I, Tsuru Ohara of Slocan,  
in the County of \_\_\_\_\_ in the Province of British Columbia

DO SOLEMNLY DECLARE:

1. That I am the Wife of the late Sajiro Ohara who died intestate at Lemon Creek on the 1st day of December A.D. 1942 or whose will, a certified copy of which is attached, it is not intended to probate.
2. That at the time of his death he was resident in the Province of British Columbia.
3. That I am ~~the only person~~, (or one of the following persons, as the case may be:)  
Hiroshi #15644 16 years Mariko 14 yrs.  
Kazuyo 13 years Iwami 11 yrs. Minoru 10  
entitled in law to succeed to the property of the said deceased.
4. That the entire assets of the estate of which the said deceased died possessed of or entitled to, other than household effects, amounts to \$ 405.50 made up as follows:  
Cheque for sale of boat \$393.50  
Transportation refund 12.00
5. That I have paid (or shall pay) the following claims against the said estate and verily believe that no other such claims remain unpaid:  
Funeral Expenses \$ 50.00
6. That the assets above set forth are not of sufficient value to warrant obtaining probate of the Will or Letters of Administration.
7. That I attach waivers of claim to all monies payable by the Government of Canada in respect of the said deceased from each of the persons, other than myself, referred to in paragraph 3 above.

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 Lemon Creek  
in the Province of British Columbia

This 2nd day of July 1943

A Notary Public, Justice of the Peace, a  
Commissioner for Taking Oaths in and for  
the Province of B.C.

Tsuru Ohara

Signature.

655 July 5/43.

REC-6 & 10719

June 16, 1943.

D. C. Security Commission,  
Risk Building,  
360 Essex Street,  
Vancouver, B. C.

Attention: Mr. H. L. Brown.

Dear Sirs:

Re: Mrs. Tsuru OHARA

Your letter of May 27th is acknowledged.

Please see the attached letter to Mrs. Ohara, with  
the accompanying consent.

We enclose cheques for \$50.00, payable to the  
D. C. Security Commission, and for \$343.50, payable to Tsuru  
OHARA. Before either using this \$50.00 cheque yourselves or  
handing over the other cheque to Tsuru OHARA, will you please  
be good enough to obtain her witnessed signature to the consent?

Yours truly,

F. H. Russell,  
Administration Department.

FHR:HEB  
Enc.'s

3626 & 10919

June 17, 1943.

Mrs. Tsura GHARA,  
Registration No. 10070,  
Slocom, B. C.

Dear Madam:

The purported Will of your late husband has been received. It is unfortunate that this Will has no value in Canadian Law, as there is only one witness.

Your husband's Estate must be administered in the Courts, as you are entitled to one-third of it, and the remainder belongs to his children.

You may apply for administration yourself, to which in the special circumstances existing here the Custodian gives consent. Formal consent, as may be required by the Courts, will be given on request should this letter be insufficient.

As you are the widow and so are first entitled to administration, we send you a cheque herewith for the amount to your husband's credit, less \$50.00 paid to the B. C. Security Commission for his funeral expenses. Kindly complete and return the attached undertaking to apply for administration and consent to the payment to the B. C. Security Commission of \$50.00 mentioned.

Yours truly,

P. H. Russell,  
Administration Department.

PHR:HDE  
Enc.'s

I hereby consent to and approve of the  
Custodian paying to the B. C. Security Commission  
the sum of \$50.00 from the fund to the credit of  
my late husband, Sajiro OHARA, for his funeral  
expenses, and I hereby undertake to apply for letters  
of administration to the Estate of my said husband  
and to administer such Estate in accordance with the  
laws of British Columbia.

Signature.....

Date.....

Translation

I hereby bequeath all I possess to you  
Tsuru OHARA.

Sgd

November 1942.

Witnessed: Tetsunosuke Yamashita.

EVACUATION SECTION	
Rec'd	MAY 29 1943
File No.	
Ans.	
Referred	

私の所有財産一切  
を前記譲渡す  
事と證明す

大正四年十月十五日  
大東比叡殿

保護人

小泉 昭

Harouke  
Gomawaka

For Mr. Wilson

From: F. Matheson

April 22, 1943.

MEMORANDUM TO FILE #10919

Hajiro OHARA, Reg. #10069, File 10919, was the owner of M.V. "S.O." 3474, which was declared a constructive total loss and sold, the proceeds of sale going to Receiver General, and the total value of the vessel being paid to the owner by the Dominion Government.

Hajiro OHARA died just after having signed Release papers, and the cheque in payment of his claim was paid in to our Accounting Department on April 1, 1943.

Mrs. Tsuna OHARA, Reg. #100905, File 3826, widow of Hajiro Ohara, has asked for this money, and has been advised to have her husband's will probated (a will in the Japanese language exists), but she apparently is unable to follow out the instructions.

We wrote the Commissioner, B.C. Security Commission, at Elocan, in regard to this on January 29th.

Possibly you know of someone who could assist Mrs. OHARA in getting this matter straightened out.

*F. Matheson*

10,919: \$393.50 (Apr 12)

*Mrs. Tsuna OHARA  
Elocan, B.C.*

# Alpine Lodge Community

CHRISTINA LAKE, B. C.

Rec'd	APR 22 1943
File No.	
Ans.	
Trans.	

Cascade, B.C.,

April 16th, 1943.

Office of the Custodian,  
Fishing Vessels Department,  
Royal Bank Bldg.,  
Vancouver, B.C.

Sirs:-

Attention Miss F. Matheson.

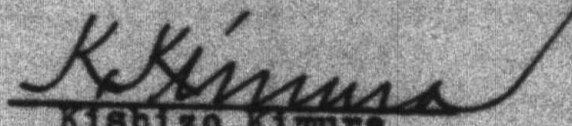
Re: Your File No. "G-95"

I beg to acknowledge with thanks  
your favor of 12th ult., with reference to  
Mrs. Tsuru Ohara recommending her to apply for  
probation of the will of her late husband.

I have written her some time ago  
in the matter and am regret to state that she  
does not seem to understand the procedure as  
she now reports that she will let the matter  
stand as is for the time being.

However, I feel that there is  
nothing that I can do for her from here, and at  
this opportunity I wish to express my gratitude  
to you for all the works that you have done in  
connection with this matter.

Yours faithfully,

  
Kishizo Kimura  
Reg. No. 00232.

10919

March 5, 1943

The B. C. Security Commission,  
355 Burrard Street,  
Vancouver, B. C.

Dear Sir:

Attention Mr. M.L. Brown

Re: OHARA, Saiiro #10069

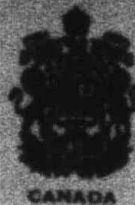
Referring to your letter of February 27th advising us of the death of the above party, we beg to advise that this person in his declaration to us stated that he had no assets. His wife declared that she owned about \$100.00 worth of household equipment which was left at Ganges.

Yours truly,

G. D. Wilson  
Administration Department

GDM/GH

DEPARTMENT OF  
LABOUR



EVACUATION SECTION	
FILED	MAR 1 1943
FILE NO.	10919
FILED	G.M.
REFERENCE	McAlister

BRITISH COLUMBIA SECURITY COMMISSION *McAlister*

355 BURNARD STREET,  
VANCOUVER, B.C.

27th February, 1943.

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

Dear Sir:

Attention Mr. McAlister,  
Claims Department

Re: Saffiro OHARA, #10069, Deceased

We wish to make claim for recovery of the sum of \$50.00, representing the cost of funeral expenses incurred in connection with burial of the above deceased, as paid by this Commission.

For your information, Mr. Ohara died at Lemon Creek December 1st, 1942. His wife, Tsuru Ohara, No. 10070 and several children reside at our Lemon Creek project.

Yours very truly,

BRITISH COLUMBIA SECURITY COMMISSION

*M. L. Brown*  
M. L. Brown,  
Secretary.

/MP

*Accepted  
18th Feb 43*